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of America

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, April 30, 2007*

The House met at noon and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 2007.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend J. Cletus Kiley, President, The Faith & Politics Institute, Washington, DC, offered the following prayer:

Loving God, at the beginning of a new day, we ask You for an outpouring of Your spirit. We ask You to bless each of us with that spirit, which is truly strong, loving and wise.

Lord, today we pray especially for strength. For one Member such strength may come as the ability to persevere against hopeless odds. For another it may come as the ability to see light in a world of darkness. For yet another that strength will appear as the ability to give selflessly with no thought of return. And for still another that strength may come as an ability to encourage those around them.

The strength You give is about conviction and courage and compassion. It requires no adversary, nor does it magnify weakness. It simply does what it must without praise or need for acclaim.

May such strength support all our work and may it always reflect You, its divine source. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 761. An act to invest in innovation and education to improve the competitiveness of the United States in the global economy.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 25, 2007, at 3:00 p.m:

That the Senate agreed to Conference Report accompanying the bill H.R. 1591.

Appointments:

Canada-United States Parliamentary Group (2)

Advisory Committee on the Records of Congress (1)

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 1, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1371. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, pursuant to 10 U.S.C. 2466(d)(1); to the Committee on Armed Services.

1372. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, "Merger Decisions 2006," in accordance with Section 18(c)(9) of the Federal Deposit Insurance Act; to the Committee on Financial Services.

1373. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of a report entitled "Emissions of Greenhouse Gases in the United States 2005," pursuant to Public Law 102-486 section 1605(a); to the Committee on Energy and Commerce.

1374. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendment to the Federal Rules of Appellate Procedure that has been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. 110–24); to the Committee on the Judiciary and ordered to be printed.

1375. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendment to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 110–25); to the Committee on the Judiciary and ordered to be printed.

1376. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2074; (H. Doc. No. 110–26); to the Committee on the Judiciary and ordered to be printed.

1377. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 110–27); to the Committee on the Judiciary and ordered to be printed.

1378. A letter from the Secretary, Judicial Conference of the United States, transmitting a copy of a draft bill entitled, "Criminal Judicial Procedure, Administration, and Technical Amendments Act of 2007"; to the Committee on the Judiciary.

1379. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's Ecosystem Restoration Feasibility Study for the Matilija Dam, California; to the Committee on Transportation and Infrastructure.

1380. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a copy of the Comprehensive Everglades Restoration Plan, Picayune Strand Resotartion Project, Collier County, Florida; to the Committee on Transportation and Infrastructure.

1381. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-26241; Directorate Identifier 2006-NM-155-AD; Amendment 39-14938; AD 2007-04-07] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1382. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Corporation Ltd Model 750XL Airplanes [Docket No. FAA-2006-26285; Directorate Identifier 2006-CE-69-AD; Amendment 39-14932; AD 2007-04-01] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1383. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, and -135LR Airplanes; and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2006-25892; Directorate Identifier 2006-NM-120-AD; Amendment 39-14941; AD 2007-04-09] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1384. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2006-25925; Directorate Identifier 2006-NM-167-AD; Amendment 39-14934; AD 2007-04-03] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1385. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2006-25232; Directorate Identifier 2006-NM-106-AD; Amendment 39-14935; AD 2007-04-04] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1386. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No. FAA-2006-26045; Directorate Identifier 2006-NM-145-AD; Amendment 39-14936; ad 2007-04-05] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1387. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-62, DC-8-63, DC-8-62F, and DC-8-63F Airplanes [Docket No. FAA-2006-26084; Directorate Identifier 2006-NM-063-AD; Amendment 39-14937; AD 2007-04-06] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1388. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshaft Engines [Docket No. FAA-2005-22039; Directorate Identifier 2005-NE-33-AD; Amendment 39-14940; AD 2005-17-17R1] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1389. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No. FAA-2006-26356; Directorate Identifier 2006-NM-166-AD; Amendment 39-14963; AD 2007-05-02] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1390. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-6, PC-6-H1, PC-6-H2, PC-6/350, PC-6/350-H1, PC-6/350-H2, PC-6/A, PC-6/A-H1, PC-6/A-H2, PC-6/B-H2, PC-6/B1-H2, PC-6/B2-H2, PC-6/B2-H4, PC-6/C-H2, and PC-6/C1-H2 Airplanes [Docket No. FAA-2006-24093; Directorate Identifier 2006-CE-19-AD; Amendment 39-14683; AD 2006-15-03] (RIN: 2120-AA64) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1391. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Miscellaneous Changes to Commercial Space Transportation Regulations [Docket No. FAA-2005-21234, Amendment Nos. 404-3, 413-8, and 420-2] (RIN: 2120-AI45) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1392. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Safety Approvals [Docket No. FAA-FAA-2005-21332; Amendment Nos. 413-6 and 414-1] (RIN: 2120-AI50) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1393. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Surface Transportation Board Decision Rail Fuel Surcharges (RIN: STB Ex Parte No. 661) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1394. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Alliance, NE. [Docket No. FAA-2006-25945; Airspace Docket No. 06-ACE-15] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1395. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Extended Operations (ETOPS) of Multi-engine Airplanes [Docket No. FAA-2002-6717; Amendment Nos. 1-55, 21-89, 25-120, 33-21, 121-329, 135-108] (RIN: 2120-AI03) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1396. A letter from the Secretary, Federal Maritime Commission, transmitting the 45th Annual Report of the activities of the Commission for fiscal year 2006, which ended September 30, 2006, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

1397. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1—Transfer of Intangibles Offshore/482 Cost Sharing Buy-in Payment Issue Directive #1 (RIN: LMBS Control No: LMSB-04-0307-027) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1398. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price [Notice 2007-38] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1399. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue Research & Experimentation (R&E) Credit Claims Directive #1 (RIN: LMSB Control No: LMSB-04-0307-025) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1400. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest [TD 9316] (RIN: 1545-BG14) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1401. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Super Completed Contracted Method (RIN: LMSB-04-0207-012) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1402. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — April 2007 — received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1403. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Dual Consolidated Loss Regulations [TD 9315] (RIN: 1545-BD10) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1404. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2005 report entitled, "Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act" required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

1405. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, notification for countries listed as approved for funding for the FY 2007 International Military Education and Training (IMET) program; jointly to the Committees on Foreign Affairs and Appropriations.

1406. A letter from the Director, Financial Management and Assurance, Government Accountability Office, transmitting the Office's opinion on the financial statements of the Capitol Preservation Fund for the fiscal Years ended September 30, 2005 and 2004; jointly to the Committees on House Administration and Oversight and Government Reform.

1407. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2006, pursuant to 36 U.S.C. 5706; jointly to the Committees on the Judiciary and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1124. A bill to extend the District of Columbia College Access Act of 1999 (Rept. 110–112). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1592. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; with an amendment (Rept. 110–113). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 1867. A bill to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes; with an amendment (Rept. 110–114). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 1868. A bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes; with an amendment (Rept. 110–115). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KENNEDY (for himself and Ms. ROS-LEHTINEN):

H.R. 2073. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 2074. A bill to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself, Mr. LEWIS of Kentucky, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, Mrs. JONES of Ohio, Mr. RAMSTAD, Mr. BLUMENAUER, Ms. PRYCE of Ohio, Mr. JEFFERSON, Mr. BISHOP of Georgia, and Mr. LUCAS):

H.R. 2075. A bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON (for herself and Mr. WAXMAN):

H.R. 2076. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water; to the Committee on Energy and Commerce.

By Mrs. SCHMIDT (for herself, Mr. CHABOT, Mr. TURNER, Mr. JORDAN, Mr. GILLMOR, Mr. WILSON of Ohio, Mr. HOBSON, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. RYAN of Ohio, and Mr. SPACE):

H.R. 2077. A bill to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building"; to the Committee on Oversight and Government Reform.

By Mrs. SCHMIDT (for herself, Mr. CHABOT, Mr. TURNER, Mr. JORDAN, Mr. GILLMOR, Mr. WILSON of Ohio, Mr. HOBSON, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Ms. SUTTON, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. RYAN of Ohio, and Mr. SPACE):

H.R. 2078. A bill to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer T. 'O.T.' Hawkins Post Office"; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Texas (for himself, Mrs. BIGGERT, Mr. EHLERS, Mr. DOGGETT, Mr. MCCAUL of Texas, and Ms. MCCOLLUM of Minnesota):

H.R. 2079. A bill to reduce the Nation's dependence on foreign sources of oil and reduce carbon emissions by promoting plug-in hybrid electric vehicles and related advanced vehicle technologies; to the Committee on Science and Technology.

By Mr. WYNN (for himself and Ms. WATSON):

H. Con. Res. 134. Concurrent resolution expressing the sense of the Congress that there should be established a Bebe Moore Campbell National Minority Mental Health Awareness Month to enhance public awareness of mental illness, especially within minority communities; to the Committee on Energy and Commerce.

By Mr. BOUSTANY (for himself, Mr. MCKEON, Mr. HOEKSTRA, Mr. CASTLE, and Mr. PORTER):

H. Res. 344. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and Labor.

By Mr. FOSSELLA (for himself, Ms. BORDALLO, Mr. SERRANO, Mr. KUHL of New York, Mr. WOLF, Mr. MCNULTY, Mr. HIGGINS, Mr. HINCHEY, Mr. MCHUGH, and Mrs. MALONEY of New York):

H. Res. 345. A resolution commemorating the 200th anniversary of the Archdiocese of New York; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 174: Ms. WOOLSEY, Mr. ELLISON, Mr. RUSH, and Mr. DAVIS of Illinois.

H.R. 322: Mr. REHBERG, Mr. TERRY, Mr. BISHOP of Utah, Mr. FEENEY, Mr. HASTERT, Mr. JORDAN, Mr. PUTNAM, Mr. KELLER, Mr. ENGLISH of Pennsylvania, Mr. HULSHOF, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, and Mr. MILLER of Florida.

H.R. 634: Mr. EVERETT, Mr. LOEBSACK, and Ms. WOOLSEY.

H.R. 676: Mr. HARE.

H.R. 698: Mr. BURGESS, Mr. LATHAM, Mrs. WILSON of New Mexico, and Mr. BAIRD.

H.R. 811: Mr. AL GREEN of Texas.

H.R. 821: Mr. STARK.

H.R. 881: Mr. WAMP.

H.R. 1028: Mr. DAVIS of Illinois and Mr. PEARCE.

H.R. 1065: Mr. CHANDLER.

H.R. 1108: Mr. BERRY and Mr. THOMPSON of Mississippi.

H.R. 1222: Mrs. LOWEY and Mr. PLATTS.

H.R. 1223: Mrs. LOWEY, Mr. JINDAL, and Mr. LARSON of Connecticut.

H.R. 1246: Mr. ANDREWS.

H.R. 1382: Mr. MCCOTTER.

H.R. 1399: Mr. GALLEGLY and Mr. DAVID DAVIS of Tennessee.

H.R. 1413: Mr. WELDON of Florida.

H.R. 1439: Mr. MCNULTY and Mr. WILSON of South Carolina.

H.R. 1518: Mr. BOUSTANY, Mr. FRANK of Massachusetts, Mr. DELAHUNT, and Mr. DOYLE.

H.R. 1525: Mr. FORBES.

H.R. 1592: Mr. DAVIS of Alabama, Mr. JACKSON of Illinois, Mr. YARMUTH, Ms. CLARKE, Mr. BISHOP of Georgia, Ms. ESHOO, Ms. KAPTUR, Ms. BEAN, Mr. RUSH, Ms. VELÁZQUEZ, Mr. SNYDER, Mr. PERLMUTTER, Mr. JOHNSON of Georgia, Ms. SOLIS, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Mr. GUTIERREZ, Mr. WALSH of New York, Mr. CLEAVER, Mr. PRICE of North Carolina, Mr. GILCHREST, Ms. CASTOR, Mr. PLATTS, Mr. CLAY, Mr. MATHESON, Mr. SARBANES, Mr. NEAL of Massachusetts, Mr. MEEKS of New York, Mrs. MCCARTHY of New York, Mr. AL GREEN of Texas, Mr. OBERSTAR, Ms. HARMAN, Ms. KILPATRICK, and Mr. LANTOS.

H.R. 1653: Ms. ZOE LOFGREN of California, Mr. MARKEY, and Mr. PASTOR.

H.R. 1732: Mr. DOYLE.

H.R. 1867: Mr. LIPINSKI, Mr. UDALL of Colorado, Mr. HALL of Texas, Mr. ROTHMAN, Mr. SMITH of Washington, Mr. HOLT, Ms. SCHAKOWSKY, Mr. MORAN of Virginia, Mr. HONDA, Mr. PRICE of North Carolina, Mr. WU, Ms. WOOLSEY, Mr. CHANDLER, Mr. REICHERT, and Mr. LAMPSON.

H.R. 1868: Mr. HONDA, Mr. UDALL of Colorado, Mr. ROTHMAN, Mr. SMITH of Washington, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. HOLT, Ms. HOOLEY, Ms. WOOLSEY, Mr. CHANDLER, Mr. REICHERT, and Mr. LAMPSON.

H.R. 1929: Mr. PERLMUTTER and Mr. KAGEN.

H.R. 1964: Mr. CAPUANO, Mr. ROTHMAN, and Mr. MURPHY of Connecticut.

H.R. 1971: Mr. STARK.

H.R. 2005: Mrs. EMERSON and Mr. UDALL of New Mexico.

H.R. 2060: Mr. MANZULLO, Mr. PAUL, Ms. CORRINE BROWN of Florida, Mrs. CUBIN, Mr. PRICE of North Carolina, Mr. HILL, and Mr. FORTUÑO.

H.J. Res. 12: Mr. HASTINGS of Washington.

H.J. Res. 23: Mr. BARTLETT of Maryland.

H. Con. Res. 48: Mr. LANTOS.

H. Con. Res. 75: Mr. PAYNE and Mr. JEFFERSON.

H. Res. 137: Mrs. LOWEY.

H. Res. 194: Mr. BISHOP of Georgia and Ms. HIRONO.

H. Res. 213: Ms. SUTTON.

H. Res. 264: Mr. DAVIS of Illinois.

H. Res. 281: Mr. HOLT, Mr. MARSHALL, Mr. GERLACH, and Mr. BURTON of Indiana.

H. Res. 308: Mr. DOYLE, Mr. KUHL of New York, Ms. NORTON, Mrs. EMERSON, Mr. MOORE of Kansas, and Mr. HERGER.

H. Res. 334: Ms. JACKSON-LEE of Texas, Mr. SIRES, Mr. GENE GREEN of Texas, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. BRALEY of Iowa, Ms. BEAN, and Mr. CLEAVER.

SENATE—*Monday, April 30, 2007*

The Senate met at 2:45 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Today, Lord, we come to You offering our gratitude. Thank You for the light of day and the dark of night, for the hills and the sea, for the open roads and the wind on our faces. Thank You for dedicated lawmakers who take seriously their stewardship of influence and affluence, men and women who know that to whom much is given, much is required. Thank You for giving us hands which work, eyes which see, ears which hear, minds which think, memories which remember, and hearts which love. Thank You also that we are preparing ourselves for another greater life, one where all our questions will be answered and all our hopes realized. Lord, make us aware of all of Your gifts.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 30, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 4:15, with Senators allowed to speak therein for up to 10 minutes each. At 4:15 the Senate will begin consideration of the FDA authorization. The chairman and ranking member, Senators KENNEDY and ENZI, have worked very hard to get the bill here. They did great work over the weekend. Two very important issues that would have made this bill much more complex, it appears, have been worked out. I hope that is the case. One deals with drug reimportation; the other deals with biomedicine. We think they have worked that out. Time will tell.

There will be no rollcall votes today. There will be a vote probably prior to the recess tomorrow. If we don't have something on the FDA bill, we have a Federal district court judge we need to vote on and we can get that out of the way.

The FDA legislation is extremely important. It appears we have the opportunity to do some bipartisan work in that regard.

MEASURE PLACED ON THE CALENDAR—H.R. 493

Mr. REID. I understand H.R. 493 is at the desk and is due for a second reading; is that correct?

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

Mr. REID. I object to any further proceedings at this time, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

EMERGENCY SUPPLEMENTAL

Mr. REID. Mr. President, last Thursday a bipartisan majority of the Senate passed H.R. 1591. A conference report is basically what it was. This bill will be sent to the President's desk tomorrow. I have and will continue to encourage the President to set aside his veto threats and sign the bill. Our conference report honors and provides for our courageous men and women in uniform. It addresses emergencies Americans face at home while the war in Iraq rages, and makes our country more secure by charting a new course in Iraq so we can return our focus to the global challenges that lie ahead. This is a good and responsible bill. It will begin the long process of leading us out of a war that has cost so many American lives and so much treasure. It not only represents the will of Congress but also the will of the American people, who call for a new course, and the expertise of the military experts who tell us this war can only be won politically, not militarily, including the commander on the ground there, General Petraeus, who said exactly that, the war cannot be won militarily.

Regrettably, the President declared he would veto this bill even before Congress completed action on it. He has been talking about this for several weeks. As conditions on the ground continue to deteriorate, that position has become increasingly isolated. In the face of this continued deterioration, this Congress stands firm with the American people. We are resolved to do what we can to see if the President will change course. We ask the President to listen to Congress, to the American people, and to his own military experts.

The President requested $91.5 billion for continued military operations in Iraq and Afghanistan. We provided every penny of that request and much more for the military. We provided, in addition, funds for emergencies here at home such as rebuilding the gulf coast, recovering from agricultural disasters, repairing gaps in homeland security, and keeping the children healthy and insured. Most importantly, we provided a way forward to end the war in Iraq responsibly.

The way forward is consistent with what our military leaders are telling us, including General Petraeus, who repeated again last week on several occasions that this war can only be won politically, not militarily. The plan, and the conference report that will be sent to the President tomorrow, immediately transitions the U.S. mission away from policing the civil war, begins a phased redeployment of our combat troops no later than October 1, 2007, with the goal of removing all forces by April 1, 2008, imposes tangible, measurable, and achievable benchmarks on the Iraqi Government, launches the kind of diplomatic, economic, and political offensive the President's strategy lacks, and rebuilds our overburdened military.

Today we renew our call to President Bush. There is still time to listen. There is still time to come to grips with the facts on the streets of Baghdad and throughout Iraq. There is still time to sign this bill and change course in Iraq. In the 4 days since we passed the conference report, new facts have come to light that make our call for a new direction even more urgent.

This past weekend the United States death toll in Iraq for April now is at 104, with all reported deaths not yet known, making it the deadliest month of the year and one of the deadliest of the entire war. That bears repeating. Despite the President's claims of progress, this has been one of the deadliest months of this 4-going-on-5-year war.

Also this weekend the Special Inspector General for Iraq Reconstruction released his quarterly report that paints a dispiriting picture of our $20 billion rebuilding efforts. It was all over the news; today all over America. The report concludes that rebuilding efforts are falling far short of their targets. As a result, after more than 4 years of these efforts, Iraq is "plagued by power outages, inadequate oil production, and shortages of clean water and health care."

The report also tells us that despite spending more than three-quarters of our allocated funds to increase electricity production, Iraq's power grid now produces far less electricity than before the invasion, with Baghdad averaging 6.5 hours of electricity per day, down from almost 24 hours before the war. The report tells us that despite spending nearly 2 billion American dollars, our efforts to provide Iraqis with clean drinking water are falling miserably short. This report tells us oil production, a critical component of any future stable Iraq economy, is still way off target.

President Bush continues to ask for our patience and continues to boast of progress, but this report gives us no reason to believe conditions for the Iraqi people are improving any more than they are for our troops. This morning the Washington Post reported that Iraq's Prime Minister al-Malaki is behind the removal and disruption of the duty of some of the Iraqi Army and police force's top law enforcement officials. Why? The apparent reason for the dismissal is they are doing a good job of combating violent Shiite militias. This has "angered U.S. and Iraqi leaders who say the Shiite-led government is sabotaging the military to achieve sectarian goals."

It is yet another reason for us to seriously question whether the Iraqi Government has the ability or even desire to make the political compromises so essential to ending the conflict.

Finally, this weekend, of all places, the Portland, ME Press Herald published an editorial. This is one of many from around the country. They wrote:

> It is time to bring our troops home from Iraq. This stand represents a shift in the newspaper's editorial position. Until now, we have supported the military mission in Iraq, though at times we have been harshly critical of President Bush in his role as commander in chief. Now, it is our opinion that major U.S. military operations should cease . . .

It seems as though every day new facts emerge that give us ever greater insight into the astonishing disaster unfolding in Iraq. Just 4 days since the Senate passed the supplemental conference report, the four grim new facts I mentioned have emerged, and this is only the latest and not all of the latest.

The President wonders why the American people have lost patience. It is because the news out of Iraq grows worse by the day. When we send the supplemental conference report to President Bush tomorrow, we ask that he take time to reflect on the fact of that veto. We ask him to listen again to the American people. From Maine to California, from Minnesota to Florida, we ask him to listen to the American people and his own military experts. We ask that he finally summon the courage to admit he made mistakes and take the steps we propose to heal the grave wounds caused by this war. This bill gives him a path forward. We ask him to follow it.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUCCESS IN ANBAR PROVINCE

Mr. McCONNELL. Mr. President, my good friend the majority leader neglected to mention the front-page story in the New York Times yesterday about the extraordinary success our troops are having in Anbar Province, the center of much of the al-Qaida activity in Iraq, with Sunni sheikhs, tribal leaders coming together to support, not just verbally but in terms of supplying military personnel, fighters to take on al-Qaida in Anbar Province. It is a piece of good news in admittedly a cloudy picture in Iraq. It is also the case, I am confident, that a majority of Democrats in both the House and Senate believe that funds should be supplied for the troops. That certainly has been the view of the chairman of the Armed Services Committee, CARL LEVIN. Hopefully, we will find a way forward after the bill that regretfully has the surrender date in it tomorrow is sent down to the President and vetoed. Beginning Wednesday, we will be discussing how to go forward. The majority leader and I have had some preliminary discussion about that. Hopefully, we can resolve this matter in the very near future to provide the funding for the troops so General Petraeus's mission, for which we confirmed him 81 to nothing, will have the resources to be completed later this year.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 4:15, with Senators permitted to speak for up to 10 minutes each.

The Senator from Arizona.

IRAQ

Mr. KYL. Mr. President, speaking on the same matters addressed by both the majority and minority leader, I remind our colleagues that last week this body passed by a very narrow margin what amounts to a strategy for defeat in Iraq. This course of action was not a surprise. After all, the majority leader had announced to the world that the war was lost. This, of course, was news to people in Iraq, our soldiers in the field included.

For example, SGT George Turkovich was quoted in the Las Vegas Review-Journal, saying:

> We're not losing this war. Unfortunately, politics has taken a huge role in this war affecting our rules of engagement. This is a guerilla war that we're fighting, and they're going to tie our hands. So it does make it a lot harder for us to fight the enemy, but we're not losing this war.

This is from a 24-year-old a half a world away.

I suspect the announcement that we had lost the war was also a surprise to General Petraeus. Remember, we confirmed him unanimously in this body. We knew what his strategy was. He has testified about it when he came here for his confirmation hearings. In fact, he had written a book about it.

Many in this body, I fear, have forgotten what he said. In a Pentagon briefing, last week, when he returned from the theater to brief us on the status of the conflict, he reminded us:

> [A]s I noted during my confirmation hearing, military action is necessary but not [a] sufficient [condition]. We can provide the Iraqis an opportunity, but they will have to exploit it.

Now, I mention this because the majority leader and others have quoted General Petraeus as saying this war can only be won politically, not militarily. What General Petraeus actually said was: "Military action is necessary but not sufficient." He has pointed out over and over that the political compromises and decisions and agreements that need to be made cannot be made in the context of the violence and instability that exists in Iraq today.

Let me quote him again. He said:

> The situation is, in short, exceedingly challenging, though as I will briefly explain, there has been progress in several areas in recent months despite the sensational attacks by al Qaeda, which have, of course, been significant blows to our effort and which cause psychological damage that is typically even greater than their physical damage.

He said:

> And I again note that we are really just getting started with the new effort.

He concluded by saying:

> Success will take continued commitment, perseverance and sacrifice, all to make possible an opportunity for the all-important Iraqi political actions that are the key to long-term solutions to Iraq's many problems. Because we are operating in new areas and challenging elements in those areas, this effort may get harder before it gets easier.

He predicted this. He said, likely we will have more casualties as we ramp up our efforts because the fighting will be more intense, and that is a necessary precondition to creating the peace and stability which we hope to achieve by this increase in our activity.

So it is mystifying to me those on the other side of the aisle can say we should withdraw now because the war is lost and that the only solution is a political solution, but we are going to pass a bill denying the President and General Petraeus, the State Department, and others much of the economic reconstruction funding we need to achieve the political solution. As the majority leader noted, there is still much to be done in Iraq, other than on the military side of the equation, just getting things up and running there.

But this is the bill sent to the President, after months of delay, including 2 weeks when the other body was in recess. There, of course, was no recess for our troops, nor for the Pentagon, which, according to Secretary Gates, in an April 11 letter to Congress, told of the disruptions already taking place.

Let me describe what some of those disruptions from this lack of funding are: reducing Army quality-of-life initiatives, including routine upgrade of barracks and other facilities; reducing the repair and maintenance of equipment necessary for deployment training; curtailing the training of Army Guard and Reserve units within the United States, reducing their readiness levels.

This may be just the beginning of what is to come if this supplemental funding is further delayed. The National Journal, this morning, reported: "Democrats have set a Memorial Day deadline to send Bush a reconstructed supplemental." Memorial Day—a month away. Why the further delay, when everyone knows the detriment to the training and equipment availability for our troops that has resulted already from the delay in funding? This would be dangerously irresponsible, and the impacts will get only more significant over time.

Here are some of the additional results that will occur: reducing the pace of equipment overhaul work at Army depots, which will likely exacerbate the equipment availability problems facing stateside units; curtailing training rotations for Brigade Combat Teams currently scheduled for overseas deployment. Such a step would likely require the further extension of currently deployed forces until their replacements were judged ready for deployment. The self-fulfilling prophecy that would result from the lack of funding is: Our colleagues on the other side of the aisle say we are going to have our troops have to be in theater a longer period of time. Answer: Yes, if you continue to deny the funding, that is exactly what will happen.

It will also delay the acceleration of additional modularized Army brigades necessary to expand the Army unit rotational pool and reduce the stress on existing units. This must be what GEN Peter Schoomaker, who is the Army Chief of Staff, meant when he stated, the Army "will be forced to take increasingly draconian measures which will impact Army readiness and impose hardships on our Soldiers and their families."

These political delays are keeping much needed lifesaving equipment out of the hands of our troops as well. I supported the amendment offered by the senior Senator from Delaware to add an additional $1.5 billion for the Mine Resistant Ambush Protected vehicles, the so-called MRAPs, which, on top of the $1.83 billion for the services the President requested, would get these vehicles into the field now. As the senior Senator from Delaware said:

> MRAP could reduce the casualties in vehicles due to IED attack by as much as 80 percent.

So why would we further delay the funding to get these vehicles into the hands of our troops? Delaying this all the way to Memorial Day simply means further delays in getting this equipment to the troops.

Meanwhile, though we cannot get this funding to the troops, the majority is feverishly at work adding unrequested, nonemergency spending to the bill—all in an apparent effort to try to cobble together enough votes to actually pass the bill, since the underlying surrender date is so unpopular.

The bill includes over $21 billion in unrequested items—$21 billion. Among them is title V, which provides $3.5 billion in emergency agricultural assistance—things such as $60 million for salmon fisheries. The bill also includes provisions such as—and by the way, neither the Senate nor the House put these provisions in the bill; they were added in the conference committee—such as an extension of the Pharmacy Plus program in Wisconsin. Now, I am on the Finance Committee, and we did not consider this in the Finance Committee. It is, obviously, not an emergency, but, apparently, there were some folks from Wisconsin who could be brought along in support of the vote if this was added to the bill.

These provisions have no place in the bill. They should not return in the final bill after the President has exercised his veto tomorrow and the majority decides to get serious and pass legislation which the President can actually sign.

My recommendation to the President, if they are included, is to veto the bill. The military troops should not be forced to carry the pork of Members on their backs. This bill should be vetoed both because of the surrender date and because of the pork. It is time to end wasteful Washington spending, especially when it is being carried on the backs of our troops in an emergency supplemental bill.

I saw the items: the spinach farms, the peanut storage, the tropical fish, bailouts for sugar beets. Let these provisions go through the normal channels. If they have merit, their sponsors should be able to carry the day and get them supported. If not, then we should not be supporting them anyway. But let's not slow down the money for the troops just in the name of some special parochial earmark.

One thing that has been lost, I would add, in the race to enact this strategy for defeat is the consequences for this premature—this setting a deadline for surrender. Remember, this is the first time ever in the middle of a war we would set a date and say: At this time we will be out of there. The message it sends to the enemy is—well, it is unthinkable. But think about the message it sends to the Iraqis who have fought along our side and to our troops and their families. It would be a nightmare for the Iraqi people were we to leave. As President Bush said:

> [T]o step back now would force a collapse of the Iraqi government, tear the country apart, and result in mass killings on an unimaginable scale.

Do we want to be responsible for that in this body, the mass killings that would result—exactly what we criticized Saddam Hussein for when he was in power? It would not end with an American withdrawal in Iraq, either. As General Anthony Zinni said:

> This is no Vietnam or Somalia or those places where you can walk away. If we just pull out, we will find ourselves back in short order.

Failing in Iraq would set back the entire region. The Brookings Institution—no big supporter of the President, I would add—argues, in their study, that:

> Iraq appears to have many of the conditions most conducive to spillover because there is a high degree of foreign "interest" in Iraq. Ethnic, tribal, and religious troops within Iraq are equally prevalent in neighboring countries and they share many of the same grievances. Iraq has a history of violence with its neighbors, which has fostered

> desires for vengeance and fomented constant clashes. Iraq also possesses resources that its neighbors covet—oil being the most obvious, but important religious shrines also figure in the mix. There is a high degree of commerce and communication between Iraq and its neighbors, and its borders are porous. All of this suggests that spillover from an Iraqi civil war would tend toward the more dangerous end of the spillover spectrum.

We know Iran and Syria are fostering instability in Iraq. Al-Qaida and Hezbollah are both active there as well. Chaos in Iraq could draw in Saudi Arabia, and Saudi officials have threatened "massive intervention to stop Iranian-backed Shiite militias from butchering Iraqi Sunnis." Kurdish succession could well cause Turkish intervention in the region.

Failing in Iraq would be a dramatic setback in the war on terror. Iraq must not be divorced from its context—the struggle between the forces of moderation and extremism in the Muslim world.

Al-Qaida has been in Iraq since before the United States invaded and has dedicated itself to fomenting sectarian violence there. Much of the violence between Shia and Sunni is a result of prodding by al-Qaida, starting primarily with the blowing up of the Golden Mosque in Samarra.

Osama bin Laden himself referred to Iraq—I am quoting him—as the "capital of the Caliphate," arguing that "The most . . . serious issue today for the whole world is this Third World War . . . [that] is raging in [Iraq]." Those are not my words. That is what Osama bin Laden said.

One of the terrorism experts, Peter Bergen, said this:

> [U.S. withdrawal] would fit all too neatly into Osama bin Laden's master narrative about American foreign policy. His theme is that America is a paper tiger that cannot tolerate body bags coming home; to back it up, he cites President Ronald Reagan's 1984 withdrawal of United States troops from Lebanon and President Bill Clinton's decision nearly a decade later to pull troops from Somalia. A unilateral pullout from Iraq would only confirm this analysis of American weakness among his jihadist allies.

Failure in Iraq will encourage further attacks against the United States and provide a base from which to plan and train for attacks.

I must remind my friends, if you are going to push this legislation through, the strategy for defeat, you have a responsibility to tell the American people what the consequences will be and to tell them how you would respond. These are the burdens of being in the majority. These are the burdens of making the difficult decisions we make in this body.

I urge my colleagues to work together to develop a supplemental appropriations bill that President Bush can quickly sign, that will get the funding to our troops and enable us to give the strategy a chance to succeed so that the horrible consequences I have described will not be the result of our actions.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

AMERICA COMPETES ACT

Mr. ALEXANDER. Mr. President, last week, while the media covered Iraq and U.S. attorneys, the Senate spent 3 days debating and passing perhaps the most important piece of legislation of this 2-year session. Almost no one noticed. The America COMPETES Act, which was the name of the legislation, authorized $60 billion over 4 years to, among other things, double spending for physical sciences research, recruit 10,000 new math and science teachers, and retrain 250,000 more, provide grants to researchers, and invest more in high-risk, high-payoff research.

These were recommendations of a National Academy of Sciences task force that had been asked to tell Congress—to tell us—exactly what we needed to do to help America keep its brainpower advantage so we can keep our jobs from going to China and India.

Last year, the Senate—but not the House—enacted task force recommendations to encourage "insourcing brainpower" by giving legal residency to skilled foreign students and researchers. Both Houses extended the research and development tax credit.

The process for this legislation was as exemplary as the substance. Senators and their staffs worked across party lines for 2 years. Senior committee members, chairmen and ranking members, waived jurisdictional prerogatives. The administration participated in extensive homework sessions with Senators and outside experts. The effort was so bipartisan that when the Senate shifted to the Democrats in January, the new majority leader and minority leader introduced the same bill their predecessors had in the last Congress. Seventy Senators cosponsored the legislation. Even though no cloture motion was filed, 9 amendments were voted upon, and 32 more amendments were addressed within 4 days. The final vote was 88 to 8.

Anyone who knows the Senate knows that the final margin masks how difficult passage was. There were concerted efforts to derail the bill by those with different ideas about policy and about spending. Yet this success with competitiveness suggests three lessons for dealing with other issues that are simply too big to be solved by one party alone, such as immigration, to which the majority leader has indicated we will turn in May, such as health insurance, such as energy independence, such as terrorism, and such as Iraq.

These are the three lessons as I see them:

First, most ideas in the Senate fail for lack of the idea. The first step in our success was when Senator JEFF BINGAMAN and I asked the National Academy of Sciences the following question more than 2 years ago:

> What are the top 10 actions, in priority order, that Federal policymakers can take to enhance the science and technology enterprise so that the United States can successfully compete, prosper and be secure in the global community of the 21st century?

The Academy's 21-member task force, headed by former Lockheed Martin chairman and CEO Norm Augustine and including 3 Nobel laureates, gave up their summer, reviewed hundreds of proposals, and presented us with 20 specific recommendations in response to our question. These 20 recommendations, along with the work of the Council on Competitiveness and the President's ideas, gave us something to work with other than pet projects of various Members of Congress.

The second lesson is that bipartisanship is possible, even on complex issues. From the framing of the question to the introduction of the final legislation by the majority and minority leader, every effort was bipartisan. When Senator DOMENICI, for example, went to see President Bush, he invited Senator BINGAMAN, a Democrat, to go, as well as me, a Republican. Staffs worked so closely together that no one could say whether it was a Republican bill or a Democratic bill.

Third, and finally, the last lesson is that, unfortunately, bipartisan success, even on the biggest, most complex issues, has an excellent chance of remaining a secret. Despite the size of the accomplishment, the passage of the 208-page America COMPETES Act was barely noticed by the major media. This is not a complaint, merely an observation. More than ever, the media, outside interest groups, and party structures reward conflict and the taking of irreconcilable positions. There is little reward for reconciling principled positions into legislation.

Here is another example: The work of the bipartisan Iraq Study Group was consigned almost immediately to the shelf as a bookend. Somewhere, there is a letter to President Bush from 10 Senators, 5 from each party, offering to work together with him to help every American have affordable health insurance.

Although there is not much attention paid to this kind of legislative activity, I am convinced the American people and most Senators are hungry for it. I believe the last election was as much about the conduct of business in Washington, DC, as it was about the conduct of the war in Iraq. Americans are tired of what they perceive as Senators playing petty, kindergarten, partisan games while there are big issues that cannot be solved by one party alone. Americans know we need a political solution to Iraq in Washington, DC, as much as we need one in Baghdad.

The irony is that last week's culmination of 2 years of work on the America COMPETES Act demonstrates that the Senate is capable of tackling big, complex issues in a bipartisan way, but that we will have to look beyond the influences of the media, special interest groups, and the political party apparatus for encouragement to do it.

Virtue, as ever, will be its own reward.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator WEBB be recognized following me for a period of 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRAQ FUNDING

Mr. DORGAN. Mr. President, there is a lot of discussion today, and has been in the last week or two, and perhaps there will continue to be discussions about the funding for our troops in Iraq. I think it is important to say that the Congress has passed legislation that will go to the President that actually requests more funding than the President requested for the troops in Iraq. It also establishes a goal of hoping that perhaps we will be able to extract our troops from Iraq in a year. There is not a requirement that American troops be pulled out of Iraq. It establishes a goal. But what I wish to talk about today is the part of the bill that provides a higher level of funding for the troops than the President requested.

It is regrettable that in this country we have gone to war in Iraq and to war in Afghanistan. We have asked very much of our soldiers to go into harm's way—3,300 plus of them have been killed in Iraq—but we have not asked for similar circumstances from the American people. We have not asked for a commitment from the American people. In fact, the very funding the President has requested, once again, as emergency funding is not paid for. The President says: Let's have emergency funding and add it to the debt.

We have not asked the American people to pay for the war. We sent the soldiers to war with the understanding that when they come back, they will inherit the debt and pay for this war. That doesn't make sense to me.

Even more than that, the President says one can contribute to this country by going shopping, going to the mall. So we send soldiers to war, and we go to the mall. Where is the national commitment? Where is it that we have asked the American people to go to war against terrorism, to go to war in Iraq with the American soldiers?

I remind everyone that what we did in the Second World War—and by the way, this war has now lasted longer than the Second World War. But in the Second World War, our country mobilized. There was Rosie the Riveter. There were three shifts at the manufacturing plants. We had our capability humming in this country producing everything we needed for that war. We had rationing. We had factory lights on 24 hours a day.

William Manchester wrote a book, "The Glory and the Dream." He describes what we did. He said this:

> From an initial keel-to-delivery time of over 200 days, Henry Kaiser cut the average work time on a liberty ship to 40 days. In 1944, he was launching a new escort aircraft carrier every week, and they were turning out entire cargo ships in 17 days. During the first 212 days of 1945, they completed 247 cargo ships, better than one a day.

We had this country's productive capacity revved up full speed. When Stalin met with FDR and Churchill in the mid-1940s before the end of the war, he said: Thank God for America's productive capability, America's manufacturing capability.

Here is what they did. Manchester, in "The Glory and the Dream," described this. I want us to think about this just for a moment: From 1941 to 1945, We turned out 296,000 warplanes, 102,000 tanks, 2.4 million trucks, 8,700 warships, and 5,400 cargo ships. America went to war. In the last year of the Second World War, we were producing 4,000 warplanes a month in our factories. Contrast that with what is happening today.

The reason I ask these questions, the reason I come to the floor to ask those questions is because of this picture. This is a picture of something called an MRAP, Mine Resistant Ambush Protected vehicle, which is much safer than the humvee. This version of the MRAP is what the Commandant of the Marine Corps said we need in Iraq, 6,700 of them.

There have been 300 IED attacks in Iraq against this version of the MRAP. Not one death. Let me say that again. There have been 300 attacks by an IED against this vehicle in Iraq; not one death in those attacks.

We have had 3,342 U.S. troops killed in Iraq, 70 percent of them caused by IEDs, improvised explosive devices. The Commandant of the Marine Corps says this vehicle will save three-fourths of the lives that are being lost. Eighty percent of the casualties from IEDs will be saved with this safer vehicle.

Why do I raise this question in the context of what we did in the Second World War? Because we have been producing about 45 of these vehicles a month. At a time when the Commandant of the Marine Corps says we need 6,700 in Iraq to safeguard the soldiers going on patrol in Iraq, with the capability that this vehicle will save three-fourths of the lives that are now being lost, we are producing 45 a month. They say they want 6,700 in Iraq, and the President has requested less than a third of that amount. We wrote money in this appropriations bill, $1.2 billion, to substantially increase the number of MRAP vehicles that must be produced and must be sent to Iraq to save lives.

Let me read, if I might, James Conway, Commandant of the Marine Corps, understanding I am talking about this MRAP:

> The MRAP vehicle has a dramatically better record of preventing fatal and serious injuries from attacks by IEDs. The Commander of Multinational Force West estimates that the use of MRAP could reduce the casualties in vehicles due to IED attacks by as much as 80 percent.

This is from the Commandant of the Marine Corps. Why is it we could produce 4,000 warplanes a month at the end of the Second World War in support of our fighting men and women, and we produce 45 MRAPs a month in this country? Why is it we surge our troops to Iraq but don't surge our production of the MRAP vehicle, just as one example, that would provide dramatic increased protection against the lost of life from IEDs? Why will we not surge this? Why is this less important? I don't understand this at all. We go to war, but it is just the troops, not the country?

There was a story in USA Today, April 19:

> In more than 300 attacks since last year, no Marines have died while riding in the new fortified armored vehicles the Pentagon would like to rush to Iraq, the Marine Commander in Anbar Province said. Attacks on other vehicles cause more than two casualties per attack, including deaths.

IEDs are responsible for 70 percent of the casualties in Iraq. Yet, while this country has sent its soldiers to war, it has not mobilized the country. We do not have third shifts with the lights on 24 hours a day. We don't have Henry Kaiser producing 1 ship a day, 4,000 warplanes a month. In fact, this relates to something else I have talked a lot about on the floor of the Senate. Only two U.S. steel mills are qualified to produce the special armored steel for the Defense Department at this point—two. Both have been acquired by foreign companies in the past year and a half.

Let me say that again: Only two U.S. steel mills are qualified to produce armored steel for the Defense Department. Both have been acquired by foreign companies in the past year and a half. Oregon Steel is now owned by Evraz Group S.A. of Russia. The International Steel Group was acquired by the Dutch conglomerate Arcelor Mittal.

The Defense Department has requested that the armor steel made by both firms be categorized with what is called a "DX" rating for the MRAP program. DX stands for the highest national urgency. Under the 1950 Defense Production Act, any item with a DX rating gets top priority and must be furnished to the U.S. Government in advance of any other customers. Several other items that are critical to the MRAP vehicles—ballistic glass, transmissions, and Mack Truck chasses—are also supposed to receive the DX rating.

I am told Defense officials are in negotiations with both the steel mills I mentioned, that are foreign owned, to make sure there will be enough steel available for the various kits they need for the MRAP vehicle.

The point I want to make is simple: In the Second World War, we had some unbelievably brave soldiers, men and women who went halfway around the world to fight because their country asked them to fight for this country's freedom. But it was more than just soldiers; it was in virtually every manufacturing plant in this country and with virtually every citizen, through rationing, through production, through the capability to produce what the soldiers needed.

Contrast what we did in the Second World War with what we do today. We decide to send the soldiers to Iraq, but we make only a few of the MRAP vehicles that would save so many of those lives that are now being lost to IED explosions. We can't do this. This ought not be acceptable to anybody in this country. If we are going to war, the country needs to go to war with the soldiers. When the President sends us an appropriations request and says, Oh, by the way, the MRAP is a lower priority, we are not going to fund it, we are not going to ask for what the Marine Corps Commandant says is necessary in the field, we will ask for slightly less than a third of that number of vehicles—this Congress fortunately has said no, Mr. President, that is not what we are going to accept. We decided to invest in these vehicles as quickly as we can and move them to Iraq so when soldiers are on patrol and they are hit with an IED, they have better armor and a better opportunity to protect their lives.

There will be a lot of discussion in the coming days about who is right and who is wrong on all the funding issues with respect to Iraq. I want my colleagues to understand a couple of things. First, we have actually increased the funding requested by the President. We have increased the funding for couple of reasons. No. 1, we added funds for safer vehicles that the President did not request enough of will save the lives of troops; No. 2, we had to add funds for military and VA medical care because the President did not request enough money to care for the injured soldiers coming back from Iraq and Afghanistan. We increased the funding for both. We have actually increased the funding for the troops.

I understand there is a disagreement about the language with respect to Iraq. Ours establishes a "goal," not a requirement, a goal, hoping we can extract our soldiers from the middle of a civil war in Iraq within a year. That is a goal. I know the President and others suggest that somehow fully funding the troops and even adding more where it was necessary and establishing such a goal is pulling the rug out from under the troops, but nothing could be further from the truth. What I think injures our troops is to decide we are going to surge the troops but we will not surge the equipment necessary to protect them. That is wrong. This Congress has said it is wrong in the legislation we have passed.

I hope in the coming days and in the coming conflicts, whether it is dealing with Iraq or dealing with the terrorist threat around the world, we will decide in the future never again to send our soldiers in a manner that allows us not to use the full impact, the full capability of the American people to produce that which the soldiers need to do their jobs. That has been the case, regrettably, here.

Early in the Iraq war I received e-mails where people would send me pictures that illustrated what they were trying to do to protect themselves. Their humvees were not armored, so soldiers had welded patches of various kinds of metal to make them stronger. But now we have a new vehicle that can save a dramatic number of lives. The President's budget did not request nearly the money for it that should have been requested. So Congress added to it. I hope this is the first step to do what we should do with America's capacity to say to the soldiers: You have not gone to war alone. This country goes to war with you, with every capability we have to protect you.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I ask the quorum call be rescinded and that I be allowed to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIETNAM

Mr. WEBB. Madam President, today is a day that, for Vietnamese around the world, is as significant as the distinctions we often make between B.C. and A.D. in other cultures. Thirty-two years ago today the Communist forces from North Vietnam finished their conquest of the south and South Vietnam ceased to exist. Ho Chi Minh would like to say the motivation for pursuing this war was independence and freedom. If we were to discuss independence, in the sense of removing foreign involvement, at that moment they were arguably correct. But if we were to discuss true issues of freedom, the aspirations of freedom for millions of people in Vietnam ceased on that day.

Some liked to call the conquest of South Vietnam liberation. For millions of Vietnamese around the world it was the loss of everything, including their country. A million people were sent into reeducation camps, and 240,000 of them stayed in those camps for longer than 4 years, some as long as 18 years; 56,000 died in those reeducation camps; an estimated 1 million people jumped into the sea during some periods, with more than a 50-percent chance of dying, and many of them ended up in this country. We currently have today in this country 2 million people of Vietnamese descent.

I do not want, at this moment, to refight the Vietnam war, nor do I want to dwell too much on the differences between the Vietnam war and the present war. But I have seen people on both sides talk about the Iraq war as if there were some correlation to Vietnam. I want to say that, for those who worry about how we withdrew from Vietnam, there is not a parallel. For those who worry, frankly, how we went into Vietnam, there is not a parallel. There are different continents, different governmental systems, different issues with respect to our national objectives. In Vietnam we assisted an existing government that had been created by international agreement. We fought side by side with an army that itself lost 245,000 soldiers dead on the battlefield. We fought for a very long time with the support of the American people—a reality that is sometimes missed today as we look back on the tragic way the Vietnam war ended. A 1972 Harris poll showed even 8 years after we began our involvement in Vietnam, the American people agreed by a margin of 74 percent to 11 percent that it was important that South Vietnam not fall into the hands of the Communists. We rarely hear those statistics today. We rarely hear that viewpoint.

I stand here as someone who still today supports our national objectives in Vietnam and who was an early warning voice with respect to the strategic inadvisability of going into Iraq. On this special day of remembrance for so many Vietnamese around the world, I wish to give a salute, first, to our Vietnam veterans who fought with such great honor, whose sacrifices are rarely remembered in an affirmative sense. We saw 58,000 Americans die on the battlefields of Vietnam and more than 300,000 wounded; 3 million people served.

I also wish to thank the veterans of the South Vietnamese Army who also are so frequently wrongly portrayed in history. They fought alongside us. Many of them fought very well. As I mentioned earlier, 245,000 of them died in the battlefield and many more went through struggles after the war that are very difficult for Americans to digest. Imagine being in a reeducation camp for 13½ years, where you are allowed to see your family for 15 minutes a year. Imagine not having veterans status, either in Vietnam or in the United States, after having gone through, in some cases, 12 years on a battlefield.

I wish to thank those Vietnamese, the truly forgotten warriors who stood alongside us on the battlefield. I also wish to express my pride and appreciation to the Vietnamese who came to this country and showed us the strength of their culture, showed us what could have happened if South Vietnam had remained free. We now have 2 million Vietnamese Americans living in this country and they have done enormously well.

With respect to the Hanoi Government—I have been dealing with the Hanoi Government since 1991 when I first returned to Vietnam. I have made many trips back to Vietnam in many different capacities. They have made significant strides since those early days when they essentially were a Stalinist system. There is a lot to be proud of in terms of the transformations that have been going on in Vietnam. Vietnam is growing. It is growing economically. We have much work to do. We have much work to do in terms of encouraging that political system to open up, to allow religious freedom, to allow greater political freedom. We are on a pathway where, with the right kind of dialog, I believe that is going to occur.

I think the best legacy for us to have when we look back at that era would be to see Vietnam, the Vietnam of today, as a strategic and commercial partner but also as a vibrant, open society whose Government reflects the strength of the culture itself, a strength that has been demonstrated over and over again by the Vietnamese who have come to this country and who, I am proud to say, are now Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. DURBIN. Madam President, I come to the floor of the Senate today where there is an opportunity for a historic moment. We have passed, despite critics who doubted it, a bill which is being sent to the President tomorrow. This bill is the supplemental appropriations bill for the war in Iraq. It is the seventh supplemental bill the President has asked for. These bills by their nature are supposed to be unexpected appropriations bills for unanticipated disasters and emergencies.

President Bush has decided to fund this war with these so-called emergency appropriations bills. It is hard to argue, in the fifth year of this war, that it is unanticipated that our troops need help. They are going to continue to need help as long as the President keeps them in Iraq and in the fight.

The President has already signaled his punch. We know what he is going to do with this bill. He said he is going to veto this bill. This will be the second veto in the 6 years or more that George W. Bush has served as President. Only twice will he have used his veto pen. The first was to stop a bill for stem cell research, a bill that had passed the House and the Senate with bipartisan support. I will not go through the litany of Republicans and Democrats who supported it. I was one. We sent it to the President urging him to reconsider his position that we ought to cut off medical research if it meant using embryonic stem cells, that it was better to use them for research than to have them discarded, thrown away. Use them for the valuable pursuit of cures for illnesses and diseases so that people suffering from diabetes, Parkinson's and Alzheimer's, spinal cord injury, so many other different diseases, heart disease, for example, that they would have a chance with this research.

The President said, no, used his veto pen for the very first time and stopped that bill to continue to stop Federal funding of that research. I think the President was wrong and I believe others believe that as well.

Now we have a bill that is also about life and death. This is a bill about war. What we have said to the President is: We will give you money to sustain our troops in battle. In fact, we will give you more than you asked for our troops, but we want you to understand, as most Americans do, that we need a plan to bring our troops home.

The idea of funding this war indefinitely and watching it continue day by weary day, month by bloody month, is unacceptable to the majority of Americans, unacceptable to the majority of the Members of the House and Senate.

When we started down this path just a few weeks ago, there were some who doubted that we would be able to find enough Democrats and Republicans to pass an alternative, a timetable for redeployment of our troops. But we did. Despite the fact that there were 50 Democrats and 49 Republicans, that one of the Senators in our ranks voted with the other side of the aisle, we have been able to find at least two Republican Senators who will stand with us for the argument that it is time for American troops to start coming home.

But the President has said he is going to veto this bill. It will be ironic if he vetoes it tomorrow because, you see, tomorrow is the fourth anniversary of the President's announcement that our mission had been accomplished in Iraq, 4 years ago today we were told.

We have had 3,351 killed in Iraq, 3,351 soldiers, marines, sailors, and airmen. I called many of the families who have lost someone, dropped a note to others, attended a few funerals along the way when my schedule allowed. It is a heart-sickening feeling for a father like myself to walk into a funeral of a young man, 19, 20, 21 years of age, to watch parents with the pride, of course, in the service of their son or daughter, but the realization that they are gone, and what it means for the rest of their life. Madam President, 3,351 funerals. Maybe we don't realize that number because this administration has carefully avoided scenes where we would be reminded. They would not allow us to film the return of flag-draped caskets. What an irony that in the United Kingdom the flag-draped caskets have become the center of a national observance, the center of national respect as people pour out to show how much they cared for that fallen soldier. But in America it is kept quiet, but not quiet enough, because we know what is happening. We know what is happening to our country, and we know it has to change.

Madam President, today the former Director of the CIA, George Tenet, has published his book, "At the Center of the Storm." I worked with Mr. Tenet for 4 years as a member of the Senate Intelligence Committee. There were times when I was inspired by his public face and times when I was angry at some of the things he did or said or failed to do. He was, indeed, a public servant, and one with a long career. In the preface to this book, which talks about the war in Iraq in many parts, we have a section which I would like to read into the RECORD. It is an important section for all of us to reflect upon.

George Tenet speaks about the day after 9/11. Imagine, the head of the Central Intelligence Agency. America has been attacked for the first time since the British in the War of 1812. More than 3,000 innocent Americans died. The Nation is in turmoil, fear, and anger over what has occurred, and you are the person responsible for gathering the intelligence to find out who did it and how to stop them from ever doing it again.

He talks about the morning after, Wednesday, September 12, dawned as the first full day of a world gone mad. Nothing would ever be the same: Early that morning, operating on only a few hours' sleep, I headed out of my front door to the armored Ford Expedition that was waiting to carry me to see the President of the United States.

He talks about his journey to the White House early on the morning of Wednesday, September 12. This is the part I think is important to note.

George Tenet writes:

> All this weighed heavily on my mind as I walked beneath the awning that leads to the West Wing and saw Richard Perle exiting the building just as I was about to enter. Perle was one of the godfathers of the neoconservative movement, and at that time he was head of the Defense Policy Board, an independent advisory group to the Secretary of Defense. Ours was little more than a passing acquaintance. As the doors closed behind him, we made eye contact and nodded. I had just reached the door myself when Perle turned to me and said, quote: Iraq has to pay a price for what happened yesterday. They bear responsibility.

Tenet writes:

> I was stunned but said nothing. Eighteen hours earlier, I had scanned passenger manifests from the four hijacked airplanes that showed beyond a doubt that al-Qaida was behind the attacks. Over the months and years to follow, we would carefully examine the potential of collaborative roles for state sponsors. The intelligence, then and now, however, showed no evidence of Iraqi complicity.
>
> At the Secret Service security checkpoint, I looked back at Perle and thought: What the hell is he talking about? Moments later a second thought came to me: Who has Richard Perle been meeting with in the White House so early in the morning on today of all days? I never learned the answer to that question.

That is not a surprising story, although it is stunning because we have heard the same. This administration, hours after the attack of 9/11, decided that Iraq had to be our next target. The Director of the Central Intelligence Agency, a man privy to all of the classified information, said then and now there was no connection. Yet here we are today, 3,351 fallen soldiers, 25,000 or more seriously injured, 8,000 or 9,000 returning as amputees and victims of traumatic brain injury.

Many of us believe it is time for the Iraqis to take responsibility for their own country. We have spent over 500 billion American dollars in Iraq, not just for our military but for the Iraqi people as well. We have given them our most precious treasure, the lives of our soldiers. We have given them from our Treasury freely in an effort to try to give them a chance to rule their own country.

Their dictator, Saddam Hussein, is gone. They have been given free elections and an opportunity to write their own constitution. We have waited patiently as they have failed time and time again to meet their own targets for progress.

April 4, a few weeks ago, Leon Panetta, a former Member of the House of Representatives from California, former Chief of Staff to President Bill Clinton, a member of the Iraq Study Group, wrote an article in the New York Times entitled, "What About Those Other Iraq Deadlines?" Everyone should read this because what Mr. Panetta has done is to lay out all of the deadlines ,which the Iraqis set for themselves, not deadlines we imposed on them but set for themselves, to bring order to their country.

Mr. Panetta shows, time and again, how they have failed. The Iraqis promised to achieve, by the end of 2006 or early 2007, the approval of a provincial election law. So far no progress. Approval of a law to regulate the oil industry and share revenues. While the Council of Ministers has approved a draft, it has yet to be approved by parliament. Approval of the debaathification laws to reintegrate officials of the former regime and Arab nationalists into public life. No progress. Approval of a law to rein in sectarian militias. No progress. By March, the Government promised to hold a referendum on constitutional amendments. No progress.

By May the Prime Minister committed to putting in place the law controlling militias. No progress. The approval of the amnesty agreement. No progress. The completion of all reconciliation efforts. No progress. The Iraqi Government promised to hold provincial elections. No date has been set. The list goes on and on.

The point I would like to make for the record is that while the Iraqis take their sweet time deciding the tough political decisions that they face to have a stable country, our soldiers die.

Tomorrow, the President is likely to veto our suggestion that our soldiers start coming home. What message will that send the Iraqis? It will send the message it is business as usual: Problems in your country? Dial 9–1–1. Order up 20,000 American soldiers. Political difficulties? Take your time. The Americans are standing guard over your country while your civil strife continues. That is the message of President Bush's veto. It is a message which says to the Iraqis: Continue business as usual.

Many of us on a bipartisan basis in the House and Senate think that is exactly the wrong message. If there is anything Prime Minister Maliki should understand it is that the American people and their representatives in Congress have had enough. It is our belief that the Iraqis need to take responsibility for their own future.

I think we understand, as we listen to these missed deadlines, that these are not just shortcomings but symptoms of a reconciliation within Iraq that may not be possible. That is a hard thing to say, but it is a conclusion which we have to at least consider.

There was never an exit strategy for this war, a war which was conceived in the hours after the attack of 9/11, and a war which the former Director of the Central Intelligence Agency cannot link to that tragic event. There was never an exit strategy and without setting benchmarks we have given our issue of national security to an Iraqi Government that cannot get it together.

Prime Minister Maliki has fallen in and out of favor with this White House. Stephen Hadley, the President's adviser on issues of national security, at one time had a memo leaked which suggested he was running out of patience. Then the White House said later, that is not the official position. But it is a reality of what we face today, a reality that suggests that Mr. Maliki may not be up to this job.

If the President does not care for our exit strategy to bring American troops home, what is his exit strategy? Is it to stay there indefinitely? To wait, as he has suggested, for another President, 20 months from now, to take up this challenge? Twenty months? Twenty months of losing more soldiers, twenty months of spending $8 to $10 billion a month rather than spend it in the United States for our own people, for their security and their prosperity?

What would happen if the President's escalation of this war, which has gone through many different names—surge, augmentation, you name it. What it means is 20,000 to 30,000 more soldiers are put in harm's way. What happens if it is successful and secures Baghdad? Does that mean our soldiers can come home? I don't think so. I am afraid in the President's view of things it is just one step in a long series of steps that continue to require the presence of our troops.

Madam President, last week I came to the floor of the Senate for the ninth time recounting my personal experience in the lead-up to the vote on this war. I talked about the fact that I was a member of the Senate Intelligence Committee when this vote came up.

As a member of the Intelligence Committee, we meet in closed session, no access by the press or public. The room is carefully guarded. It is swept to make sure there are no listening devices. People in our Government come in to brief the Intelligence Committee with the most sensitive, delicate, and important intelligence information. It is an understanding of every member of the committee that, unlike other committees, we are not supposed to talk. What we hear in that room is supposed to stay in that room. I am sure there are breaches from time to time, but conscientious Senators do their best to avoid doing so. We understand that many times that nugget of information, as important as it may be, could involve a human life somewhere, someone who has risked their life to tell us something important to keep us safe. We have to take that information just that seriously.

In the lead-up to the war in Iraq, we were given these briefings by members of the Bush administration about why they felt we had to invade. I would sit in that room and listen day after day to hours and hours of testimony. What I heard then has now been declassified, so we can speak of it openly, but at the time, we couldn't. It was classified information, top-secret information, not to be disclosed. As I listened to the administration debating one another about whether there was a potential for nuclear weapons or whether there were weapons of mass destruction, it became obvious to me that even within the administration there were serious doubts about some of the things which were being told to the American people. It troubled me. I said as much on the floor last week and say it again this week.

It was interesting, after having said that, one of the more ultraconservative publications, the Washington Times, has been critical of me for not disclosing classified information. Senator NELSON knows what I am talking about. Had I walked out to the microphones and said: The Bush administration is in a battle within its own ranks as to whether this is true, you can imagine the next morning's headline: "Durbin Discloses Classified Information From the Intelligence Committee." I couldn't do it. None of us could from that committee.

I accept the challenge from these ultraconservative publications and some of their blogs. I think I did the only thing I could do. With my conscience and with my own knowledge, I voted against this war, feeling at the time that it was a mistake for us to go forward. I still feel it was a mistake. Now we to have do something to turn that around. We have to start bringing our soldiers home.

I hope that when the President has a chance to veto this bill or sign it tomorrow, he will stop and think for a moment. If he fails to sign this bill, he will, unfortunately, endanger the lives of American soldiers who are wedded to his failed policy in Iraq. These fine men and women in uniform are the very best in America. They are doing their duty. They didn't write this policy. That was written by the Commander in Chief and those who work for him. They will go into battle as instructed and risk their lives day in and day out. But we know, with 3,351 dead and no end in sight, we have to move forward.

When the President vetoes this bill, if he chooses to make that decision, he will be vetoing billions of dollars for National Guard equipment that we added to his request. He will be vetoing billions of dollars for military hospitals so we don't have the scandal we had at Walter Reed a few weeks ago. He will be vetoing billions of dollars for us to put into veterans hospitals to take care of returning wounded soldiers. He will be vetoing billions of dollars for Hurricane Katrina relief that is long overdue. The President has a chance in signing this bill to not only move us in an orderly manner to bringing American troops home but serving so many other important needs for this country. I hope he won't just instinctively and reflexively veto the bill. I hope he will consider that it is time for change and it is time for a new direction.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I commend my colleague from Illinois for the very cogent and heartfelt plea he has made that this Government function as it should between the three branches and that the appropriations process is one which is joined between the executive branch and the legislative branch. It was never intended to be all one way or not. Yet that is what publicly has been insisted by the White House on this Iraq funding bill. It is expected that the President is going to veto this legislation. Then the question is, Are we going to be able to have a meeting of the minds? Can we have a little bit less partisanship and a lot more, as the Good Book says, come let us reason together? It is my hope that we will see more of that.

EXPANSION OF DRILLING

Mr. NELSON of Florida. Madam President, I rise to speak to the Senate because there is another thing the executive branch of Government has done today; that is, the Secretary of the Interior has announced a vast new expansion of drilling off of the continental United States. The one area proposed for lease sale for oil and gas production and drilling that is acceptable is the area we negotiated in the legislation we passed last year, which is lease sale 181 in the central Gulf of Mexico and part of the eastern Gulf of Mexico. Members will recall that this has been a 6-year struggle, of which this Senator from Florida actually had to engage in a filibuster in 2005 to protect the interests of my State, as well as the interests of the U.S. military, and finally prevailed in that protection in 2006, when we agreed to an area that could be drilled, but it was kept far from the coast of Florida and away from the military testing and training area, which is the largest testing and training area in the world for our military. Why that? Because where we are testing sophisticated new weapons systems and where there is live ordnance involved covering a vast array of space, you simply cannot have oil rigs on the surface of the water below where all of this testing utilizing new ordnance is going on.

So what the Secretary of the Interior has proposed is some exploration in those areas we approved last year, which was approved with this Senator's consent because we protected the financial, economic interests of Florida, keeping the oil drilling away from our precious, sugary, white-sand beaches, which spawn a $52 billion-a-year tourism industry, keeping it away from the bays and estuaries that are so necessary to the ongoing marine life, and at the same time protecting the U.S. military and its interests to have its weapons tested so they are ready to go in case they are needed.

The proposal today also includes other areas off the continental United States; with the concurrence of Virginia, 50 miles off the shore of Virginia. I would think the States of South Carolina and North Carolina ought to have something to say about that. I would think the State of Delaware or the State of New Jersey ought to have something to say about that because the wind and wave action doesn't just keep a potential oil spill right off of Virginia, even if Virginia wanted that drilling 50 miles off of its coast. There is a major tourism industry built on the beauty of those beaches in North Carolina as well as the beaches of Delaware and New Jersey, not to even speak of the beaches of South Carolina.

The other part the Secretary of the Interior is proposing is four different areas off the coast of Alaska. We certainly remember the concerns, which were valid concerns, as a result of the Exxon Valdez disaster decades ago. But my argument against this proposal by the Secretary of the Interior goes far beyond those valid concerns I have just mentioned. It goes to the heart of the matter of national security and protection of the national economy; that is, we have an economy and a defense posture that puts us in the position today of being reliant on foreign oil to the tune of 60 percent of our daily consumption of oil coming from foreign shores in places such as the Persian Gulf region, Nigeria, and Venezuela, three parts of the world that are not necessarily stable and of which Venezuela—you have seen the kind of difficulty we have had with the President of Venezuela, who continues to threaten that he is going to cut off the oil to us and, by the way, that is 12 percent of our daily consumption.

Then someone would say: If that is true, why not drill for more oil?

In the first place, as to this drilling off Alaska, the oil wouldn't be ready for another 10 years. The economic crisis is today. The national security crisis is today. The United States has 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. It doesn't take a mathematical genius to figure out that you can't drill your way out of the problem.

That brings me to the crux of my argument. The present policy of the administration is to drill, drill, drill. We simply have to change that policy. We have to go to alternative fuels. We have to go to increased mileage standards on our vehicles; otherwise, we can never get out of this problem of dependence on foreign oil, all the time making ourselves easily seduced by arguments of drill, drill, drill, with oil companies having record profits and with, of course, the people, our folks, all of us, having to endure $3 a gallon gasoline.

In an ideal world, you could say that you could do both—yes, in an ideal world. But this isn't an ideal world. This is a world in which the policy has always been drill, drill, drill. We have to break that policy. We have to start on things just like this proposal which is another part of the drill strategy of this administration. Only then are we going to protect our national security and only then are we going to protect our national economy by shifting to other fuels and to vehicles of which we easily have the technology now to get 40 miles per gallon on the fleet average instead of 27 miles per gallon on the fleet average.

You can imagine, if we can do that, instead of relying on a plan to drill for more oil that is not going to become available for another 10 years—if we will change the policy right now, which will have an immediate effect, starting tomorrow, on our consumption of oil—then, only then, will America start to move on a path truly toward energy independence.

Madam President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 1082, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Revitalization Act".

TITLE I—PRESCRIPTION DRUG USER FEES

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) Short Title.—This title may be cited as the "Prescription Drug User Fee Amendments of 2007".

(b) References in Title.—Except as otherwise specified, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 102. DRUG FEES.

Section 735 (21 U.S.C. 379g) is amended—

(1) by striking the section designation and all that follows through "For purposes of this subchapter:" and inserting the following:

"SEC. 735. DRUG FEES.

"(a) Purpose.—It is the purpose of this part that the fees authorized under this part be dedicated toward expediting the drug development process, the process for the review of human drug applications, and postmarket drug safety, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

"(b) Reports.—

"(1) Performance Report.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.

"(2) Fiscal Report.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) Public Availability.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

"(c) Reauthorization.—

"(1) Consultation.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) Public Review of Recommendations.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) Transmittal of Recommendations.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(d) Definitions.—For purposes of this part:";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "505(b)(1)," and inserting "505(b), or";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in the matter following subparagraph (B), as so redesignated, by striking "subparagraph (C)" and inserting "subparagraph (B)";

(B) in paragraph (3)(C), by—

(i) striking "the list" and inserting "the list (not including the discontinued section of such list)"; and

(ii) striking "a list" and inserting "a list (not including the discontinued section of such a list)";

(C) in paragraph (4), by inserting before the period at the end the following: "(such as capsules, tablets, and lyophilized products before reconstitution)";

(D) by amending paragraph (6)(F) to read as follows:

"(F) In the case of drugs approved under human drug applications or supplements, postmarket safety activities, including—

"(i) collecting, developing, and reviewing safety information on approved drugs (including adverse event reports);

"(ii) developing and using improved adverse event data collection systems (including information technology systems); and

"(iii) developing and using improved analytical tools to assess potential safety problems (including by accessing external data bases).";

(E) in paragraph (8)—

(i) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(ii) by striking "April 1997" and inserting "October 1996";

(F) by redesignating paragraph (9) as paragraph (10); and

(G) by inserting after paragraph (8) the following:

"(9) The term 'person' includes an affiliate of such person.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) Types of Fees.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2003" and inserting "2008";

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) in the heading, by inserting "OR WITHDRAWN BEFORE FILING" after "REFUND OF FEE IF APPLICATION REFUSED FOR FILING"; and

(ii) by inserting before the period at the end the following: "or withdrawn without a waiver before filing";

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (D) the following:

"(E) FEE FOR APPLICATION PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—An application or supplement that has been refused for filing or that was withdrawn before filing, if filed under protest or resubmitted, shall be subject to the fee under subparagraph (A) (unless an exception under subparagraph (C) or (F) applies or the fee is waived or reduced under subsection (d)), without regard to previous payment of such a fee and the refund of 75 percent of that fee under subparagraph (D)."; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) SPECIAL RULES FOR COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS.—

"(i) IN GENERAL.—Except as provided in clause (ii), each person who is named as the applicant in an approved human drug application for a compounded positron emission tomography drug shall be subject under subparagraph (A) to one-quarter of an annual establishment fee with respect to each such establishment identified in the application as producing compounded positron emission tomography drugs under the approved application.

"(ii) EXCEPTION FROM ANNUAL ESTABLISHMENT FEE.—Each person who is named as the applicant in an application described in clause (i) shall not be assessed an annual establishment fee for a fiscal year if the person certifies to the Secretary, at a time specified by the Secretary and using procedures specified by the Secretary, that—

"(I) the person is a not-for-profit medical center that has only 1 establishment for the production of compounded positron emission tomography drugs; and

"(II) at least 95 percent of the total number of doses of each compounded positron emission tomography drug produced by such establishment during such fiscal year will be used within the medical center.".

(b) FEE REVENUE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), fees under subsection (a) shall be established to generate the following revenue amounts, in each fiscal year beginning with fiscal year 2008 and continuing through fiscal year 2012: $392,783,000, plus an adjustment for workload on $354,893,000 of this amount. Such adjustment shall be made in accordance with the workload adjustment provisions in effect for fiscal year 2007, except that instead of commercial investigational new drug applications submitted to the Secretary, all commercial investigational new drug applications with a submission during the previous 12-month period shall be used in the determination. One-third of the revenue amount shall be derived from application fees, one-third from establishment fees, and one-third from product fees.".

(c) ADJUSTMENTS TO FEES.—

(1) INFLATION ADJUSTMENT.—Section 736(c)(1) (21 U.S.C. 379h(c)(1)) is amended—

(A) in the matter preceding subparagraph (A) by striking "The revenues established in subsection (b)" and inserting "Beginning with fiscal year 2009, the revenues established in subsection (b)";

(B) in subparagraph (A) by striking "or" at the end;

(C) in subparagraph (B) by striking the period at the end and inserting ", or,";

(D) by inserting after subparagraph (B) the following:

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions, for the first 5 fiscal years of the previous 6 fiscal years."; and

(E) in the matter following subparagraph (C) (as added by this paragraph), by striking "fiscal year 2003" and inserting "fiscal year 2008".

(2) WORKLOAD ADJUSTMENT.—Section 736(c)(2) (21 U.S.C. 379h(c)(2)) is amended—

(A) in the matter preceding subparagraph (A,) by striking "2004" and inserting "2009";

(B) in the first sentence of subparagraph (A)—

(i) by striking ", commercial investigational new drug applications" and inserting "(adjusted for changes in review activities)"; and

(ii) by inserting before the period at the end ", and the change in the number of commercial investigational new drug applications with a submission during the previous 12-month period (adjusted for changes in review activities)";

(C) in subparagraph (B), by adding at the end the following new sentence: "Further, any adjustment for changes in review activities made in setting fees and fee revenue amounts for fiscal year 2009 may not result in the total workload adjustment being more than 2 percentage points higher than it would be absent the adjustment for changes in review activities."; and

(D) by adding at the end the following:

"(C) The Secretary shall contract with an independent accounting firm to study the adjustment for changes in review activities applied in setting fees for fiscal year 2009 and to make recommendations, if warranted, on future changes in the methodology for calculating the adjustment for changes in review activity. After review of the recommendations by the independent accounting firm, the Secretary shall make appropriate changes to the workload adjustment methodology in setting fees for fiscal years 2010 through 2012. If the study is not conducted, no adjustment for changes in review activities shall be made after fiscal year 2009.".

(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Beginning with fiscal year 2010, the Secretary shall, before making the adjustments under paragraphs (1) and (2), reduce the fee amounts established in subsection (b), if actual costs paid for rent and rent-related expenses are less than $11,721,000. The reductions made under this paragraph, if any, shall not exceed the amounts by which costs fell below $11,721,000, and shall not exceed $11,721,000 in any fiscal year.".

(4) FINAL YEAR ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) in paragraph (4), as redesignated by this subsection—

(i) by striking "2007" each place it appears and inserting "2012"; and

(ii) by striking "2008" and inserting "2013"; and

(B) in paragraph (5), as redesignated by this subsection, by striking "2002" and inserting "2007".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by—

(A) inserting "to a person who is named as the applicant" after "The Secretary shall grant";

(B) inserting "to that person" after "a waiver from or a reduction of one or more fees assessed"; and

(C) striking "finds" and inserting "determines";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) EVALUATION.—For the purpose of determining whether to grant a waiver or reduction of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant and any affiliate of the applicant."; and

(4) in paragraph (4), as redesignated by this subsection, in subparagraph (A), by inserting before the period at the end ", and that does not have a drug product that has been approved under a human drug application and introduced or delivered for introduction into interstate commerce".

(e) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 736(g)(3) (21 U.S.C. 379h(g)(3)) is amended to read as follows:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section such sums as are authorized to be assessed and collected under this section in each of fiscal years 2008 through 2012.".

(2) OFFSET.—Section 736(g)(4) (21 U.S.C. 379h(g)(4)) is amended to read as follows:

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, plus the amount estimated to be collected for fiscal year 2011, exceeds the amount of fees specified in aggregate in appropriation Acts for such fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

(f) CONFORMING AMENDMENTS.—

(1) Section 736(a) (21 U.S.C. 379h(a)), as amended by this section, is amended—

(A) in paragraph (1)(A), by striking "subsection (c)(4)" each place it appears and inserting "subsection (c)(5)";

(B) in paragraph (2), by striking "subsection (c)(4)" and inserting "subsection (c)(5)"; and

(C) in paragraph (3), by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

(2) Section 736A(h)(3), as added by section 104 of this title, is amended by striking "735(3)" and inserting "735(d)(3)".

SEC. 104. AUTHORITY TO ASSESS AND USE PRESCRIPTION DRUG ADVERTISING FEES.

Chapter VII, subchapter C, part 2 (21 U.S.C. 379g et seq.) is amended by adding after section 736 the following new section:

"SEC. 736A. PROGRAM TO ASSESS AND USE FEES FOR THE ADVISORY REVIEW OF PRESCRIPTION DRUG ADVERTISING.

"(a) TYPES OF DIRECT-TO-CONSUMER TELEVISION ADVERTISEMENT REVIEW FEES.—Beginning with fiscal year 2008, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ADVISORY REVIEW FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person that on or after October 1, 2007, submits a proposed direct-to-consumer television advertisement for advisory review by the Secretary prior to its initial public

dissemination shall be subject to a fee established under subsection (c)(3).

"(B) EXCEPTION FOR REQUIRED SUBMISSIONS.—A direct-to-consumer television advertisement that is required to be submitted to the Secretary prior to initial public dissemination shall not be assessed a fee unless the sponsor designates it as a submission for advisory review.

"(C) PAYMENT.—The fee required by subparagraph (A) shall be due not later than October 1 of the fiscal year in which the direct-to-consumer television advertisement shall be submitted to the Secretary for advisory review.

"(D) MODIFICATION OF ADVISORY REVIEW FEE.—

"(i) LATE PAYMENT.—If, on or before November 1 of the fiscal year in which the fees are due, a person has not paid all fees that were due and payable for advisory reviews identified in response to the Federal Register notice described in subsection (c)(3)(A), the fees shall be regarded as late. Such fees shall be due and payable 20 days before any direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review. Notwithstanding any other provision of this section, such fees shall be due and payable for each of those advisory reviews in the amount of 150 percent of the advisory review fee established for that fiscal year pursuant to subsection (c)(3).

"(ii) LATE NOTICE OF SUBMISSION.—If any person submits any direct-to-consumer television advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (c)(3)(A), that person must pay a fee for each of those advisory reviews in the amount of 150 percent of the advisory review fee established for that fiscal year pursuant to subsection (c)(3). Fees under this subparagraph shall be due 20 days before the direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review.

"(E) LIMITS.—

"(i) IN GENERAL.—The payment of a fee under this paragraph for a fiscal year entitles the person that pays the fee to acceptance for advisory review by the Secretary of 1 direct-to-consumer television advertisement and acceptance of 1 resubmission for advisory review of the same advertisement. The advertisement shall be submitted for review in the fiscal year for which the fee was assessed, except that a person may carry over no more than 1 paid advisory review submission to the next fiscal year. Resubmissions may be submitted without regard to the fiscal year of the initial advisory review submission.

"(ii) NO REFUND.—Except as provided by subsection (f), fees paid under this paragraph shall not be refunded.

"(iii) NO WAIVER, EXEMPTION, OR REDUCTION.—The Secretary shall not grant a waiver, exemption, or reduction of any fees due or payable under this section.

"(iv) NON-TRANSFERABILITY.—The right to an advisory review is not transferable, except to a successor in interest.

"(2) OPERATING RESERVE FEE.—

"(A) IN GENERAL.—Each person that, on or after October 1, 2007, is assessed an advisory review fee under paragraph (1) shall be subject to an operating reserve fee established under subsection (d)(2) only in the first fiscal year in which an advisory review fee is assessed.

"(B) PAYMENT.—Except as provided in subparagraph (C), the fee required by subparagraph (A) shall be due not later than October 1 of the first fiscal year in which the person is required to pay an advisory review fee under paragraph (1).

"(C) LATE NOTICE OF SUBMISSION.—If, in the first fiscal year of a person's participation in the Program, that person submits any direct-to-consumer television advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (c)(3)(A), that person must pay an operating reserve fee for each of those advisory reviews equal to the advisory review fee for each submission established under paragraph (1)(D)(ii). Fees required by this subparagraph shall be in addition to the fees required under subparagraph (B), if any. Fees under this subparagraph shall be due 20 days before any direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review.

"(b) ADVISORY REVIEW FEE REVENUE AMOUNTS.—Fees under subsection (a)(1) shall be established to generate revenue amounts of $6,250,000 for each of fiscal years 2008 through 2012, as adjusted pursuant to subsection (c).

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—Beginning with fiscal year 2009, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions, for the first 5 fiscal years of the previous 6 fiscal years.

The adjustment made each fiscal year by this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2008 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—

"(A) IN GENERAL.—Beginning with fiscal year 2009, after the fee revenues established in subsection (b) of this section are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary with respect to the submission of proposed direct-to-consumer television advertisements for advisory review prior to initial broadcast.

"(B) DETERMINATION OF WORKLOAD ADJUSTMENT.—

"(i) IN GENERAL.—The workload adjustment under this paragraph for a fiscal year shall be determined by the Secretary—

"(I) based upon the number of direct-to-consumer television advertisements identified pursuant to paragraph (3)(A) for that fiscal year, excluding allowable previously paid carry over submissions; and

"(II) by multiplying the number of such advertisements projected for that fiscal year that exceeds 150 by $27,600 (adjusted each year beginning with fiscal year 2009 for inflation in accordance with paragraph (1)).

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register, as part of the notice described in paragraph (1), the fee revenues and fees resulting from the adjustment made under this paragraph and the supporting methodologies.

"(C) LIMITATION.—Under no circumstances shall the adjustment made under this paragraph result in fee revenues for a fiscal year that are less than the fee revenues established for the prior fiscal year.

"(3) ANNUAL FEE SETTING.—

"(A) NUMBER OF ADVERTISEMENTS.—The Secretary shall, 120 days before the start of each fiscal year, publish a notice in the Federal Register requesting any person to notify the Secretary within 30 days of the number of direct-to-consumer television advertisements the person intends to submit for advisory review by the Secretary in the next fiscal year. Notification to the Secretary of the number of advertisements a person intends to submit for advisory review prior to initial broadcast shall be a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions on or before October 1 of the fiscal year in which the advertisement is intended to be submitted. A person shall at the same time also notify the Secretary if such person intends to use a paid submission from the previous fiscal year under subsection (a)(1)(E)(i). If such person does not so notify the Secretary, all submissions for advisory review shall be subject to advisory review fees.

"(B) ANNUAL FEE.—The Secretary shall, 60 days before the start of each fiscal year, establish, for the next fiscal year, the direct-to-consumer television advertisement advisory review fee under subsection (a)(1), based on the revenue amounts established under subsection (b), the adjustments provided under this subsection and the number of direct-to-consumer television advertisements identified pursuant to subparagraph (A), excluding allowable previously paid carry over submissions. The annual advisory review fee shall be established by dividing the fee revenue for a fiscal year (as adjusted pursuant to this subsection) by the number of direct-to-consumer television advertisements identified pursuant to subparagraph (A), excluding allowable previously paid carry over submissions.

"(C) FISCAL YEAR 2008 FEE LIMIT.—Notwithstanding subsection (b), the fee established under subparagraph (B) for fiscal year 2008 may not be more than $83,000 per submission for advisory review.

"(D) ANNUAL FEE LIMIT.—Notwithstanding subsection (b), the fee established under subparagraph (B) for a fiscal year after fiscal year 2008 may not be more than 50 percent more than the fee established for the prior fiscal year.

"(E) LIMIT.—The total amount of fees obligated for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the advisory review of prescription drug advertising.

"(d) OPERATING RESERVES.—

"(1) IN GENERAL.—The Secretary shall establish in the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation a Direct-to-Consumer Advisory Review Operating Reserve, of at least $6,250,000 in fiscal year 2008, to continue the Program in the event the fees collected in any subsequent fiscal year pursuant to subsection (c)(3) do not generate the fee revenue amount established for that fiscal year.

"(2) FEE SETTING.—The Secretary shall establish the operating reserve fee under subsection (a)(2)(A) for each person required to pay the fee by multiplying the number of direct-to-consumer television advertisements identified by that person pursuant to subsection (c)(3)(A) by the advisory review fee established pursuant to subsection (c)(3) for that fiscal year. In no case shall the operating reserve fee assessed be less than the operating reserve fee assessed if the person had first participated in the Program in fiscal year 2008.

"(3) USE OF OPERATING RESERVE.—The Secretary may use funds from the reserves under this subsection only to the extent necessary in

any fiscal year to make up the difference between the fee revenue amount established for that fiscal year under subsection (b) and the amount of fees collected for that fiscal year pursuant to subsection (a), or to pay costs of ending the Program if it is terminated pursuant to subsection (f) or if it is not reauthorized after fiscal year 2012.

"(4) REFUND OF OPERATING RESERVES.—Within 120 days of the end of fiscal year 2012, or if the Program is terminated pursuant to subsection (f), the Secretary, after setting aside sufficient operating reserve amounts to terminate the Program, shall refund all amounts remaining in the operating reserve on a pro rata basis to each person that paid an operating reserve fee assessment. In no event shall the refund to any person exceed the total amount of operating reserve fees paid by such person pursuant to subsection (a)(2).

"(e) EFFECT OF FAILURE TO PAY FEES.—Notwithstanding any other law or regulation of the Secretary, a submission for advisory review of a direct-to-consumer television advertisement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person under this section have been paid.

"(f) EFFECT OF INADEQUATE FUNDING OF PROGRAM.—

"(1) FIRST FISCAL YEAR.—If on November 1, 2007, or 120 days after enactment of the Prescription Drug User Fee Amendments of 2007, whichever is later, the Secretary has received less than $11,250,000 in advisory review fees and operating reserve fees combined, the Program shall be terminated and all collected fees shall be refunded.

"(2) SUBSEQUENT FISCAL YEARS.—Beginning in fiscal year 2009, if, on November 1 of a fiscal year, the combination of the operating reserves, annual fee revenues from that fiscal year, and unobligated fee revenues from prior fiscal years is less than $9,000,000, adjusted for inflation (in accordance with subsection (c)(1)), the Program shall be terminated, and the Secretary shall notify all participants, retain any money from the unused advisory review fees and the operating reserves needed to terminate the Program, and refund the remainder of the unused fees and operating reserves. To the extent required to terminate the Program, the Secretary shall first use unobligated advisory review fee revenues from prior fiscal years, then the operating reserves, and then unused advisory review fees from the relevant fiscal year.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the advisory review of prescription drug advertising.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—The fees authorized by this section—

"(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

"(B) shall be available for obligation only if appropriated budget authority continues to support at least the total combined number of full-time equivalent employees in the Food and Drug Administration, Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, and the Center for Biologics Evaluation and Research, Advertising and Promotional Labeling Branch supported in fiscal year 2007.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section not less than $6,250,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012, as adjusted to reflect adjustments in the total fee revenues made under this section, plus amounts collected for the reserve fund under subsection (d).

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'advisory review' means reviewing and providing advisory comments regarding compliance of a proposed advertisement with the requirements of this Act prior to its initial public dissemination.

"(2) The term 'carry over submission' means a submission for an advisory review for which a fee was paid in a fiscal year that is submitted for review in the following fiscal year.

"(3) The term 'direct-to-consumer television advertisement' means an advertisement for a prescription drug product as defined in section 735(3) intended to be displayed on any television channel for less than 2 minutes.

"(4) The term 'person' includes an individual, a partnership, a corporation, and an association, and any affiliate thereof or successor in interest.

"(5) The term 'process for the advisory review of prescription drug advertising' means the activities necessary to review and provide advisory comments on proposed direct-to-consumer television advertisements prior to public dissemination and, to the extent the Secretary has additional staff resources available under the Program that are not necessary for the advisory review of direct-to-consumer television advertisements, the activities necessary to review and provide advisory comments on other proposed advertisements and promotional material prior to public dissemination.

"(6) The term 'Program' means the Program to assess, collect, and use fees for the advisory review of prescription drug advertising established by this section.

"(7) The term 'resources allocated for the process for the advisory review of prescription drug advertising' means the expenses incurred in connection with the process for the advisory review of prescription drug advertising for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees, and to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies;

"(D) collection of fees under this section and accounting for resources allocated for the advisory review of prescription drug advertising; and

"(E) terminating the Program under subsection (f)(2), if necessary.

"(8) The term 'resubmission' means a subsequent submission for advisory review of a direct-to-consumer television advertisement that has been revised in response to the Secretary's comments on an original submission. A resubmission may not introduce significant new concepts or creative themes into the television advertisement.

"(9) The term 'submission for advisory review' means an original submission of a direct-to-consumer television advertisement for which the sponsor voluntarily requests advisory comments before the advertisement is publicly disseminated.

"SEC. 736B. SUNSET.

"This part shall cease to be effective on October 1, 2012, except that subsection (b) of section 736 with respect to reports shall cease to be effective on January 31, 2013.".

SEC. 105. SAVINGS CLAUSE.

Notwithstanding section 509 of the Prescription Drug User Fee Amendments of 2002 (21 U.S.C. 379g note), and notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 106. TECHNICAL AMENDMENT.

Section 739 (21 U.S.C. 379j–11) is amended in the matter preceding paragraph (1), by striking "subchapter" and inserting "part".

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect October 1, 2007.

(b) EXCEPTION.—The amendment made by section 104 of this title shall take effect on the date of enactment of this title.

TITLE II—DRUG SAFETY

SEC. 200. SHORT TITLE.

This title may be cited as the "Enhancing Drug Safety and Innovation Act of 2007".

Subtitle A—Risk Evaluation and Mitigation Strategies

SEC. 201. RISK EVALUATION.

(a) IN GENERAL.—Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(3) RISK IDENTIFICATION AND ASSESSMENT.—

"(A) ROUTINE ACTIVE SAFETY MONITORING.—The Secretary shall facilitate a public-private partnership to–

"(i) implement a routine active monitoring system for postmarket drug safety; and

"(ii) focus postmarket studies under subsection (o)(4)(B) and postapproval clinical trials under subsection (o)(4)(C) more effectively on cases for which reports under paragraph (1) and other safety signal detection is not sufficient to resolve whether there is an elevated risk of a serious adverse event associated with use of a drug.

"(B) PUBLIC-PRIVATE PARTNERSHIP.—The public-private partnership described in subparagraph (A) shall—

"(i) develop a mechanism for the pooling of relevant data from Federal and private electronic health care population databases that—

"(I) includes, in aggregate—

"(aa) at least 25,000,000 patients by January 1, 2009; and

"(bb) at least 100,000,000 patients by January 1, 2012;

"(II) allows access to full-text medical records, where available;

"(III) takes into consideration the need for data completeness, coding, cleansing, and transmission;

"(IV) may, on a temporary or permanent basis, implement systems or products developed by private entities; and

"(V) complies with the requirements of the Health Insurance Portability and Accountability Act of 1996;

"(ii) support the routine and systematic collection and analysis of utilization and safety data from such pooled databases and from the Food and Drug Administration with respect to prescription drugs; and

"(iii) allow for prompt investigation of priority drug safety questions, including—

"(I) unresolved safety questions for drugs or classes of drugs; and

"(II) for a newly-approved drug—

"(aa) safety signals from clinical trials used to approve the drug and from other preapproval trials;

"(bb) rare, serious drug adverse events; and

"(cc) the safety of use in domestic populations not included in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children).

"(C) OTHER APPROACHES.—

"(i) IN GENERAL.—The Secretary shall develop, support, and participate in other approaches, including in other public-private partnerships, to gather and analyze data and information relevant to priority drug safety questions, including—

"(I) approaches that are complimentary to the routine active safety monitoring described in subparagraphs (A) and (B), especially with respect to assessing the safety of use of a drug in domestic populations not included in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children); and

"(II) existing approaches such as the Vaccine Adverse Event Reporting System and the Vaccine Safety Datalink or successor databases.

"(ii) BEST PRACTICES.—With respect to such other approaches, the Secretary shall develop and implement best practices in epidemiology and the use of improved analytic tools.

"(D) PUBLIC PROCESS FOR PRIORITY QUESTIONS.—At least biannually, the Secretary shall seek recommendations from the Drug Safety and Risk Management Advisory Committee (or successor committee) and from other advisory committees, as appropriate, to the Food and Drug Administration on—

"(i) priority drug safety questions; and

"(ii) mechanisms for answering such questions, including through—

"(I) routine active safety monitoring; and

"(II) when such monitoring is not sufficient, postmarket studies under subsection (o)(4)(B) and postapproval clinical trials under subsection (o)(4)(C).

"(E) ANALYSIS OF DRUG SAFETY DATA.—The Secretary shall engage independent private research groups, including through the Centers for Education and Research on Therapeutics provided for under section 905 of the Public Health Service Act, to conduct analyses of data relating to priority drug safety questions.

"(F) USE OF ANALYSES.—The Secretary shall provide the analyses described under subparagraph (E), including the methods and results of such analyses, about a drug to the sponsor or sponsors of such drug.

"(G) PUBLIC AVAILABILITY OF ANALYSES.—The Secretary shall make the analyses described under subparagraph (E), including the methods and results of such analyses, available to the public for review and comment.

"(H) QUALIFIED ENTITIES.—

"(i) IN GENERAL.—The Secretary shall enter into contracts with a sufficient number of qualified entities to develop and provide information to the Secretary in a timely manner.

"(ii) QUALIFICATIONS.—The Secretary shall enter into a contract with an entity under clause (i) only if the Secretary determines that the entity—

"(I) has the research capability and expertise to conduct and complete the activities under this paragraph;

"(II) has in place an information technology infrastructure to support adverse event surveillance data and operational standards to provide security for such data;

"(III) has experience with, and expertise in, the development of drug safety and effectiveness research using electronic population data;

"(IV) has an understanding of drug development and risk/benefit balancing in a clinical setting; and

"(V) has a significant business presence in the United States.

"(I) CONTRACT REQUIREMENTS.—Each contract with a qualified entity shall contain the following requirements:

"(i) ENSURING PRIVACY.—The qualified entity shall provide assurances that the entity will not use the data provided by the Secretary in a manner that violates—

"(I) the Federal regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (concerning the privacy of individually-identifiable beneficiary health information); or

"(II) sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually-identifiable beneficiary health information.

"(ii) COMPONENT OF ANOTHER ORGANIZATION.—If a qualified entity is a component of another organization—

"(I) the qualified entity shall maintain the data related to the activities carried out under this paragraph separate from the other components of the organization and establish appropriate security measures to maintain the confidentiality and privacy of such data; and

"(II) the entity shall not make an unauthorized disclosure of such data to the other components of the organization in breach of such confidentiality and privacy requirement.

"(iii) TERMINATION OR NONRENEWAL.—If a contract under this paragraph is terminated or not renewed, the following requirements shall apply:

"(I) CONFIDENTIALITY AND PRIVACY REGULATIONS.—The entity shall continue to comply with the confidentiality and privacy requirements under this paragraph with respect to all data disclosed to the entity.

"(II) DISPOSITION OF DATA.—The entity shall return to the Secretary all data disclosed to the entity or, if returning the data is not practicable, destroy the data.

"(J) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures (as defined in section 4(5) of the Federal Procurement Policy Act) to enter into contracts under subparagraph (H).

"(K) REVIEW OF CONTRACT IN THE EVENT OF A MERGER OR ACQUISITION.—The Secretary shall review the contract with a qualified entity under this paragraph in the event of a merger or acquisition of the entity in order to ensure that the requirements under this paragraph will continue to be met.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 through 2012.

SEC. 202. RISK EVALUATION AND MITIGATION STRATEGIES.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(o) RISK EVALUATION AND MITIGATION STRATEGY.—

"(1) IN GENERAL.—In the case of any drug subject to subsection (b) or to section 351 of the Public Health Service Act for which a risk evaluation and mitigation strategy is approved as provided for in this subsection, the applicant shall comply with the requirements of such strategy.

"(2) DEFINITIONS.—In this subsection:

"(A) ADVERSE DRUG EXPERIENCE.—The term 'adverse drug experience' means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including—

"(i) an adverse event occurring in the course of the use of the drug in professional practice;

"(ii) an adverse event occurring from an overdose of the drug, whether accidental or intentional;

"(iii) an adverse event occurring from abuse of the drug;

"(iv) an adverse event occurring from withdrawal of the drug; and

"(v) any failure of expected pharmacological action of the drug.

"(B) NEW SAFETY INFORMATION.—The term 'new safety information' with respect to a drug means information about—

"(i) a serious risk or an unexpected serious risk with use of the drug that the Secretary has become aware of since the later of—

"(I) the date of initial approval of the drug under this section or initial licensure of the drug under section 351 of the Public Health Service Act; or

"(II) if applicable, the last assessment of the approved risk evaluation and mitigation strategy for the drug; or

"(ii) the effectiveness of the approved risk evaluation and mitigation strategy for the drug obtained since the later of—

"(I) the approval of such strategy; or

"(II) the last assessment of such strategy.

"(C) SERIOUS ADVERSE DRUG EXPERIENCE.—The term 'serious adverse drug experience' is an adverse drug experience that—

"(i) results in—

"(I) death;

"(II) the placement of the patient at immediate risk of death from the adverse drug experience as it occurred (not including an adverse drug experience that might have caused death had it occurred in a more severe form);

"(III) inpatient hospitalization or prolongation of existing hospitalization;

"(IV) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions; or

"(V) a congenital anomaly or birth defect; or

"(ii) based on appropriate medical judgment, may jeopardize the patient and may require a medical or surgical intervention to prevent an outcome described under clause (i).

"(D) SERIOUS RISK.—The term 'serious risk' means a risk of a serious adverse drug experience.

"(E) SIGNAL OF A SERIOUS RISK.—The term 'signal of a serious risk' means information related to a serious adverse drug experience derived from—

"(i) a clinical trial;

"(ii) adverse event reports under subsection (k)(1);

"(iii) routine active safety monitoring under subsection (k)(3);

"(iv) a postapproval study, including a study under paragraph (4)(B); or

"(v) peer-reviewed biomedical literature.

"(F) UNEXPECTED SERIOUS RISK.—The term 'unexpected serious risk' means a serious adverse drug experience that—

"(i) is not listed in the labeling of a drug; or

"(ii) is symptomatically and pathophysiologically related to an adverse drug

experience listed in the labeling of the drug, but differs from such adverse drug experience because of greater severity, specificity, or prevalence.

"(3) REQUIRED ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—If a risk evaluation and mitigation strategy for a drug is required, such strategy shall include—

"(A) the labeling for the drug for use by health care providers as approved under subsection (c);

"(B) a timetable for submission of assessments of the strategy, that—

"(i) for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act—

"(I) shall be no less frequently than 18 months and 3 years after the drug is initially approved and at a frequency specified in the strategy for subsequent years; and

"(II) may be eliminated after the first 3 years if the Secretary determines that serious risks of the drug have been adequately identified and assessed and are being adequately managed;

"(ii) for a drug other than a drug described under clause (i), shall occur at a frequency determined by the Secretary; and

"(iii) may be increased or reduced in frequency as necessary as provided for in paragraph (7)(B)(v)(VI).

"(4) ADDITIONAL POTENTIAL EVALUATION ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) RISK EVALUATION.—If a risk evaluation and mitigation strategy for a drug is required, such strategy may include 1 or more of the additional evaluation elements described in this paragraph, so long as the Secretary makes the determination required with respect to each additional included element.

"(B) POSTAPPROVAL STUDIES.—If the Secretary determines that the reports under subsection (k)(1) and routine active safety monitoring as available under subsection (k)(3) (including available other approaches under subsection (k)(3)(C)) are not sufficient to—

"(i) assess a signal of a serious risk with use of a drug; or

"(ii) identify unexpected serious risks in a domestic population who use the drug, including a population not included in trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children),

the risk evaluation and mitigation strategy for the drug may require that the applicant conduct an appropriate postapproval study, such as a prospective or retrospective observational study, of the drug (which shall include a timeframe specified by the Secretary for completing the study and reporting the results to the Secretary).

"(C) POSTAPPROVAL CLINICAL TRIALS.—If the Secretary determines that the reports under subsection (k)(1), routine active safety monitoring as available under subsection (k)(3) (including available other approaches under subsection (k)(3)(C)), and a study or studies under subparagraph (B) will likely be inadequate to assess a signal of a serious risk with use of a drug, and there is no effective approved application for the drug under subsection (j) as of the date that the requirement is first imposed, the risk evaluation and mitigation strategy for the drug may require that the applicant conduct an appropriate postapproval clinical trial of the drug (which shall include a timeframe specified by the Secretary for completing the clinical trial and reporting the results to the Secretary) to be included in the clinical trial registry data bank provided for under subsections (i) and (j) of section 402 of the Public Health Service Act.

"(5) ADDITIONAL POTENTIAL COMMUNICATION ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) RISK COMMUNICATION.—If a risk evaluation and mitigation strategy for a drug is required, such strategy may include 1 or more of the additional communication elements described in this paragraph, so long as the Secretary makes the determination required with respect to each additional included element.

"(B) MEDGUIDE; PATIENT PACKAGE INSERT.—The risk evaluation and mitigation strategy for a drug may require that the applicant develop for distribution to each patient when the drug is dispensed either or both of the following:

"(i) A Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations).

"(ii) A patient package insert, if the Secretary determines that such insert may help mitigate a serious risk listed in the labeling of the drug.

"(C) COMMUNICATION PLAN.—If the Secretary determines that a communication plan to health care providers may support implementation of an element of the risk evaluation and mitigation strategy for a drug, such as a labeling change, the strategy may require that the applicant conduct such a plan, which may include—

"(i) sending letters to health care providers;

"(ii) disseminating information about the elements of the strategy to encourage implementation by health care providers of components that apply to such health care providers, or to explain certain safety protocols (such as medical monitoring by periodic laboratory tests); or

"(iii) disseminating information to health care providers through professional societies about any serious risks of the drug and any protocol to assure safe use.

"(D) PREREVIEW.—

"(i) IN GENERAL.—If the Secretary determines that prereview of advertisements is necessary to ensure the inclusion of a true statement in such advertisements of information in brief summary relating to a serious risk listed in the labeling of a drug, the risk evaluation and mitigation strategy for the drug may require that the applicant submit to the Secretary advertisements of the drug for prereview not later than 45 days before dissemination of the advertisement.

"(ii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to be submitted under clause (i).

"(E) SPECIFIC DISCLOSURES.—

"(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and that the existing information may not have identified or allowed for full assessment of all serious risks of using the drug is necessary to protect public health and safety, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

"(F) TEMPORARY MORATORIUM.—To the extent consistent with the Constitution, if the Secretary determines that disclosure under subparagraph (E)(ii) is inadequate to protect public health and safety, and that a prohibition of direct-to-consumer advertisements of the drug for a fixed period after initial approval of the drug, not to exceed 2 years, is necessary to protect public health and safety while additional information about serious risks of the drug is collected using the reports under subsection (k)(1) and the routine active safety monitoring as available under subsection (k)(3) (including available other approaches under subsection (k)(3)(C)), the risk evaluation and mitigation strategy for the drug may require that the applicant not issue or cause to be issued direct-to-consumer advertisements of the drug for such fixed period. In making such determination, the Secretary shall consider—

"(i) the number of patients who may be treated with the drug;

"(ii) the seriousness of the condition for which the drug will be used;

"(iii) the serious risks listed in the labeling of the drug;

"(iv) the extent to which patients have access to other approved drugs in the pharmacological class of the drug and with the same intended use as the drug; and

"(v) the extent to which clinical trials used to approve the drug may not have identified serious risks that might occur among patients expected to be treated with the drug.

"(6) RESTRICTIONS ON DISTRIBUTION OR USE FOR DRUGS WITH KNOWN UNUSUAL, SERIOUS RISKS.—

"(A) IN GENERAL.—When a risk evaluation and mitigation strategy for a drug is required, and considering the adequacy of the labeling of the drug and 1 or more communication elements under paragraph (5) to mitigate a specific serious risk listed in the labeling of the drug, if the Secretary determines that the drug, which has been shown to be effective, can be safely used only if distribution or use of such drug is restricted, the Secretary may require as elements of such strategy such restrictions on distribution or use as are needed to assure safe use of the drug.

"(B) LIMITS ON RESTRICTIONS TO ASSURE ACCESS AND MINIMIZE BURDEN.—Such restrictions under subparagraph (A) shall—

"(i) be commensurate with the specific, serious risk presented by the drug;

"(ii) not be unduly burdensome on patient access to the drug, considering in particular—

"(I) patients with serious or life-threatening diseases or conditions; and

"(II) patients (such as patients in rural areas) who have difficulty accessing health care; and

"(iii) to the extent practicable, so as to minimize the burden on the health care delivery system—

"(I) conform with restrictions on distribution or use for other drugs with similar, serious risks; and

"(II) be designed to be compatible with established distribution, procurement, and dispensing systems for drugs.

"(C) ELEMENTS TO PROTECT PATIENT SAFETY.—The restrictions on distribution or use described under subparagraph (A) shall include 1 or more goals to evaluate or mitigate a specific serious risk listed in the labeling of the drug and, to mitigate such risk, may require that—

"(i) health care providers that prescribe the drug have particular training or experience, or are specially certified;

"(ii) pharmacies, practitioners, or health care settings that dispense the drug are specially certified;

"(iii) the drug be dispensed to patients only in certain health care settings, such as hospitals;

"(iv) the drug be dispensed to patients with evidence or other documentation of safe-use conditions, such as laboratory test results;

"(v) each patient using the drug be subject to certain monitoring; or

"(vi) each patient using the drug be enrolled in a registry.

“(D) IMPLEMENTATION SYSTEM.—The restrictions on distribution or use described under subparagraph (A) that employ elements described in clauses (ii), (iii), or (iv) of subparagraph (C) may include a system through which the applicant is able to take reasonable steps to—

“(i) monitor and evaluate implementation of such elements by health care providers, pharmacists, and other parties in the health care system who are responsible for implementing such elements; and

“(ii) work to improve implementation of such elements by such persons.

“(E) EVALUATION OF RESTRICTIONS.—The Secretary, through the Drug Safety and Risk Management Advisory Committee (or successor committee) of the Food and Drug Administration, shall—

“(i) seek input from patients, physicians, pharmacists, and other health care providers about how restrictions on distribution or use under this paragraph for 1 or more drugs may be standardized so as not to be—

“(I) unduly burdensome on patient access to the drug; and

“(II) to the extent practicable, minimize the burden on the health care delivery system;

“(ii) at least annually, evaluate, for 1 or more drugs, the restrictions on distribution or use of such drug to assess whether the restrictions—

“(I) assure safe use of the drug;

“(II) are not unduly burdensome on patient access to the drug; and

“(III) to the extent practicable, minimize the burden on the health care delivery system; and

“(iii) considering such input and evaluations—

“(I) issue or modify agency guidance about how to implement the requirements of this paragraph; and

“(II) modify restrictions under this paragraph for 1 or more drugs as appropriate.

“(7) SUBMISSION AND REVIEW OF RISK EVALUATION AND MITIGATION STRATEGY.—

“(A) PROPOSED RISK EVALUATION AND MITIGATION STRATEGY.—

“(i) VOLUNTARY PROPOSAL.—An applicant may include a proposed risk evaluation and mitigation strategy for a drug in an application, including in a supplemental application, under subsection (b) or section 351 of the Public Health Service Act for the drug.

“(ii) REQUIRED PROPOSAL.—The applicant shall submit a proposed risk evaluation and mitigation strategy for a drug—

“(I) within a timeframe specified by the Secretary, not to be less than 45 days, when ordered by the Secretary (acting through the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug), if the Secretary determines that new safety information indicates that—

“(aa) the labeling of the drug should be changed; or

“(bb) an element under paragraph (4) or (5) should be included in a strategy for the drug; or

“(II) within 90 days when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that an element under paragraph (6) should be included in a strategy for the drug.

“(iii) CONTENT OF ORDER.—An order under subclauses (I) or (II) of clause (ii) shall describe—

“(I) the new safety information with respect to the drug that warrants the proposal of a risk evaluation and mitigation strategy for the drug; and

“(II) whether and how the labeling of the drug should be changed and what elements under paragraphs (4), (5), or (6) should be included in a strategy for the drug.

“(iv) CONTENT OF PROPOSAL.—A proposed risk evaluation and mitigation strategy—

“(I) shall include a timetable as described under paragraph (3)(B); and

“(II) may also include additional elements as provided for under paragraphs (4), (5), and (6).

“(B) ASSESSMENT AND MODIFICATION OF A RISK EVALUATION AND MITIGATION STRATEGY.—

“(i) VOLUNTARY ASSESSMENTS.—If a risk evaluation and mitigation strategy for a drug is required, the applicant may submit to the Secretary an assessment of, and propose a modification to, such approved strategy for the drug at any time.

“(ii) REQUIRED ASSESSMENTS.—If a risk evaluation and mitigation strategy for a drug is required, the applicant shall submit an assessment of, and may propose a modification to, such approved strategy for the drug—

“(I) when submitting an application, including a supplemental application, for a new indication under subsection (b) or section 351 of the Public Health Service Act;

“(II) when required by the strategy, as provided for in the timetable under paragraph (3)(B);

“(III) within a timeframe specified by the Secretary, not to be less than 45 days, when ordered by the Secretary (acting through the offices described in subparagraph (A)(ii)(I)), if the Secretary determines that new safety information indicates that an element under paragraph (3) or (4) should be modified or added to the strategy;

“(IV) within 90 days when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that an element under paragraph (6) should be modified or added to the strategy; or

“(V) within 15 days when ordered by the Secretary (acting through such offices), if the Secretary determines that there may be a cause for action by the Secretary under subsection (e).

“(iii) CONTENT OF ORDER.—An order under subclauses (III), (IV), or (V) of clause (ii) shall describe—

“(I) the new safety information with respect to the drug that warrants an assessment of the approved risk evaluation and mitigation strategy for the drug; and

“(II) whether and how such strategy should be modified because of such information.

“(iv) ASSESSMENT.—An assessment of the approved risk evaluation and mitigation strategy for a drug shall include—

“(I) a description of new safety information, if any, with respect to the drug;

“(II) whether and how to modify such strategy because of such information;

“(III) with respect to any postapproval study required under paragraph (4)(B) or otherwise undertaken by the applicant to investigate a safety issue, the status of such study, including whether any difficulties completing the study have been encountered;

“(IV) with respect to any postapproval clinical trial required under paragraph (4)(C) or otherwise undertaken by the applicant to investigate a safety issue, the status of such clinical trial, including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to requirements under subsections (i) and (j) of section 402 of the Public Health Service Act; and

“(V) with respect to any goal under paragraph (6) and considering input and evaluations, if applicable, under paragraph (6)(E), an assessment of how well the restrictions on distribution or use are meeting the goal or whether the goal or such restrictions should be modified.

“(v) MODIFICATION.—A modification (whether an enhancement or a reduction) to the approved risk evaluation and mitigation strategy for a drug may include the addition or modification of any element under subparagraph (A) or (B) of paragraph (3) or the addition, modification, or removal of any element under paragraph (4), (5), or (6), such as—

“(I) a labeling change, including the addition of a boxed warning;

“(II) adding a postapproval study or clinical trial requirement;

“(III) modifying a postapproval study or clinical trial requirement (such as a change in trial design due to legitimate difficulties recruiting participants);

“(IV) adding, modifying, or removing a restriction on advertising under subparagraph (D), (E), or (F) of paragraph (5);

“(V) adding, modifying, or removing a restriction on distribution or use under paragraph (6); or

“(VI) modifying the timetable for assessments of the strategy under paragraph (3)(B), including to eliminate assessments.

“(C) REVIEW.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall promptly review the proposed risk evaluation and mitigation strategy for a drug submitted under subparagraph (A), or an assessment of the approved risk evaluation and mitigation strategy for a drug submitted under subparagraph (B).

“(D) DISCUSSION.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall initiate discussions of the proposed risk evaluation and mitigation strategy for a drug submitted under subparagraph (A)(i), or of an assessment of the approved risk evaluation and mitigation strategy for a drug submitted under subparagraph (B), with the applicant to determine a strategy—

“(i) if the proposed strategy or assessment is submitted as part of an application (including a supplemental application) under subparagraph (A)(i) or (B)(ii)(I), by the target date for communication of feedback from the review team to the applicant regarding proposed labeling and postmarketing study commitments, as set forth in the letters described in section 735(a);

“(ii) if the proposed strategy is submitted under subparagraph (A)(ii)(I) or the assessment is submitted under subclause (II) or (III) of subparagraph (B)(ii), not later than 20 days after such submission;

“(iii) if the proposed strategy is submitted under subparagraph (A)(ii)(II) or the assessment is submitted under subparagraph (B)(i) or under subparagraph (B)(ii)(IV), not later than 30 days after such submission; or

“(iv) if the assessment is submitted under subparagraph (B)(ii)(V), not later than 10 days after such submission.

“(E) ACTION.—

“(i) IN GENERAL.—Unless the applicant requests the dispute resolution process as described under subparagraph (F) or (G), the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall approve and include the risk evaluation and mitigation strategy for a drug, or any modification to the strategy (including a timeframe for implementing such modification), with—

“(I) the action letter on the application, if a proposed strategy is submitted under subparagraph (A)(i) or an assessment of the strategy is submitted under subparagraph (B)(ii)(I); or

“(II) an order, which shall be made public, issued not later than 50 days after the date discussions of such proposed strategy or modification begin under subparagraph (D), if a proposed strategy is submitted under subparagraph (A)(ii) or an assessment of the strategy is submitted under subparagraph (B)(i) or under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii).

“(ii) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect

until the Secretary acts, if the Secretary fails to act as provided under clause (i).

"(F) DISPUTE RESOLUTION AT INITIAL APPROVAL.—If a proposed risk evaluation and mitigation strategy is submitted under subparagraph (A)(i) in an application for initial approval of a drug and there is a dispute about the strategy, the applicant shall use the major dispute resolution procedures as set forth in the letters described in section 735(a).

"(G) DISPUTE RESOLUTION IN ALL OTHER CASES.—

"(i) REQUEST FOR REVIEW.—In any case other than a submission under subparagraph (A)(i) in an application for initial approval of a drug if there is a dispute about the strategy, not earlier than 15 days, and not later than 35 days, after discussions under subparagraph (D) have begun, the applicant shall request in writing that the dispute be reviewed by the Drug Safety Oversight Board.

"(ii) SCHEDULING REVIEW.—If the applicant requests review under clause (i), the Secretary—

"(I)(aa) shall schedule the dispute for review at 1 of the next 2 regular meetings of the Drug Safety Oversight Board, whichever meeting date is more practicable; or

"(bb) may convene a special meeting of the Drug Safety Oversight Board to review the matter more promptly, including to meet an action deadline on an application (including a supplemental application);

"(II) shall give advance notice to the public through the Federal Register and on the Internet website of the Food and Drug Administration—

"(aa) that the drug is to be discussed by the Drug Safety Oversight Board; and

"(bb) the date on which the Drug Safety Oversight Board shall discuss such drug; and

"(III) shall apply section 301(j), section 552 of title 5, and section 1905 of title 18, United States Code, to any request for information about such review.

"(iii) AGREEMENT AFTER DISCUSSION OR ADMINISTRATIVE APPEALS.—

"(I) FURTHER DISCUSSION OR ADMINISTRATIVE APPEALS.—A request for review under clause (i) shall not preclude—

"(aa) further discussions to reach agreement on the risk evaluation and mitigation strategy; or

"(bb) the use of administrative appeals within the Food and Drug Administration to reach agreement on the strategy, including the major dispute resolution procedures as set forth in the letters described in section 735(a).

"(II) AGREEMENT TERMINATES DISPUTE RESOLUTION.—At any time before a decision and order is issued under clause (vi), the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) and the applicant may reach an agreement on the risk evaluation and mitigation strategy through further discussion or administrative appeals, terminating the dispute resolution process, and the Secretary shall issue an action letter or order, as appropriate, that describes the strategy.

"(iv) MEETING OF THE BOARD.—At the meeting of the Drug Safety Oversight Board described in clause (ii), the Board shall—

"(I) hear from both parties; and

"(II) review the dispute.

"(v) RECOMMENDATION OF THE BOARD.—Not later than 5 days after such meeting of the Drug Safety Oversight Board, the Board shall provide a written recommendation on resolving the dispute to the Secretary.

"(vi) ACTION BY THE SECRETARY.—

"(I) ACTION LETTER.—With respect to a proposed risk evaluation and mitigation strategy submitted under subparagraph (A)(i) or to an assessment of the strategy submitted under subparagraph (B)(ii)(I), the Secretary shall issue an action letter that resolves the dispute not later than the later of—

"(aa) the action deadline for the action letter on the application; or

"(bb) 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(II) ORDER.—With respect to a proposed risk evaluation and mitigation strategy submitted under subparagraph (A)(ii) or an assessment of the risk evaluation and mitigation strategy under subparagraph (B)(i) or under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii), the Secretary shall issue an order, which (with the recommendation of the Drug Safety Oversight Board) shall be made public, that resolves the dispute not later than 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(vii) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided for under clause (vi).

"(viii) EFFECT ON ACTION DEADLINE.—With respect to the application or supplemental application in which a proposed risk evaluation and mitigation strategy is submitted under subparagraph (A)(i) or in which an assessment of the strategy is submitted under subparagraph (B)(ii)(I), the Secretary shall be considered to have met the action deadline for the action letter on such application if the applicant requests the dispute resolution process described in this subparagraph and if the Secretary—

"(I) has initiated the discussions described under subparagraph (D) by the target date referred to in subparagraph (D)(i); and

"(II) has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under clauses (ii), (v), and (vi), respectively.

"(ix) DISQUALIFICATION.—No individual who is an employee of the Food and Drug Administration and who reviews a drug or who participated in an administrative appeal under clause (iii)(I) with respect to such drug may serve on the Drug Safety Oversight Board at a meeting under clause (iv) to review a dispute about the risk evaluation and mitigation strategy for such drug.

"(x) ADDITIONAL EXPERTISE.—The Drug Safety Oversight Board may add members with relevant expertise from the Food and Drug Administration, including the Office of Pediatrics, the Office of Women's Health, or the Office of Rare Diseases, or from other Federal public health or health care agencies, for a meeting under clause (iv) of the Drug Safety Oversight Board.

"(H) USE OF ADVISORY COMMITTEES.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may convene a meeting of 1 or more advisory committees of the Food and Drug Administration to—

"(i) review a concern about the safety of a drug or class of drugs, including before an assessment of the risk evaluation and mitigation strategy or strategies of such drug or drugs is required to be submitted under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii);

"(ii) review the risk evaluation and mitigation strategy or strategies of a drug or group of drugs; or

"(iii) with the consent of the applicant, review a dispute under subparagraph (G).

"(I) PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—

"(i) IN GENERAL.—When a concern about a serious risk of a drug may be related to the pharmacological class of the drug, the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may defer assessments of the approved risk evaluation and mitigation strategies for such drugs until the Secretary has—

"(I) convened, after appropriate public notice, 1 or more public meetings to consider possible responses to such concern; or

"(II) gathered additional information or data about such concern.

"(ii) PUBLIC MEETINGS.—Such public meetings may include—

"(I) 1 or more meetings of the applicants for such drugs;

"(II) 1 or more meetings of 1 or more advisory committees of the Food and Drug Administration, as provided for under subparagraph (H); or

"(III) 1 or more workshops of scientific experts and other stakeholders.

"(iii) ACTION.—After considering the discussions from any meetings under clause (ii), the Secretary may—

"(I) announce in the Federal Register a planned regulatory action, including a modification to each risk evaluation and mitigation strategy, for drugs in the pharmacological class;

"(II) seek public comment about such action; and

"(III) after seeking such comment, issue an order addressing such regulatory action.

"(J) INTERNATIONAL COORDINATION.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may coordinate the timetable for submission of assessments under paragraph (3)(B), a study under paragraph (4)(B), or a clinical trial under paragraph (4)(C), with efforts to identify and assess the serious risks of such drug by the marketing authorities of other countries whose drug approval and risk management processes the Secretary deems comparable to the drug approval and risk management processes of the United States.

"(K) EFFECT.—Use of the processes described in subparagraphs (I) and (J) shall not delay action on an application or a supplement to an application for a drug.

"(L) NO EFFECT ON LABELING CHANGES THAT DO NOT REQUIRE PREAPPROVAL.—In the case of a labeling change to which section 314.70 of title 21, Code of Federal Regulations (or any successor regulation), applies for which the submission of a supplemental application is not required or for which distribution of the drug involved may commence upon the receipt by the Secretary of a supplemental application for the change, the submission of an assessment of the approved risk evaluation and mitigation strategy for the drug under this subsection is not required.

"(8) DRUG SAFETY OVERSIGHT BOARD.—

"(A) IN GENERAL.—There is established a Drug Safety Oversight Board.

"(B) COMPOSITION; MEETINGS.—The Drug Safety Oversight Board shall—

"(i) be composed of scientists and health care practitioners appointed by the Secretary, each of whom is an employee of the Federal Government;

"(ii) include representatives from offices throughout the Food and Drug Administration (including the offices responsible for post-approval safety of drugs);

"(iii) include at least 1 representative each from the National Institutes of Health, the Department of Health and Human Services (other than the Food and Drug Administration), and the Veterans Health Administration; and

"(iv) meet at least monthly to provide oversight and advice to the Secretary on the management of important drug safety issues.".

SEC. 203. ENFORCEMENT.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(x) If it is a drug subject to an approved risk evaluation and mitigation strategy under section 505(o) and the applicant for such drug fails to—

"(1) make a labeling change required by such strategy after the Secretary has approved such strategy or completed review of, and acted on,

an assessment of such strategy under paragraph (7) of such section; or

"(2) comply with a requirement of such strategy with respect to advertising as provided for under subparagraph (D), (E), or (F) of paragraph (5) of such section.".

(b) Civil Penalties.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(2) by inserting after paragraph (2) the following:

"(3) An applicant (as such term is used in section 505(o)) who knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under such section 505(o) shall be subject to a civil money penalty of not less than $15,000 and not more than $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding.";

(3) in paragraph (2)(C), by striking "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(4) in paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)"; and

(5) in paragraph (6), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (5)".

SEC. 204. REGULATION OF DRUGS THAT ARE BIOLOGICAL PRODUCTS.

Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(D) Risk Evaluation and Mitigation Strategy.—A person that submits an application for a license for a drug under this paragraph may submit to the Secretary as part of the application a proposed risk evaluation and mitigation strategy as described under section 505(o) of the Federal Food, Drug, and Cosmetic Act."; and

(2) in subsection (j), by inserting ", including the requirements under section 505(o) of such Act," after ", and Cosmetic Act".

SEC. 205. NO EFFECT ON WITHDRAWAL OR SUSPENSION OF APPROVAL.

Section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) is amended by adding at the end the following: "The Secretary may withdraw the approval of an application submitted under this section, or suspend the approval of such an application, as provided under this subsection, without first ordering the applicant to submit an assessment of the approved risk evaluation and mitigation strategy for the drug under subsection (o)(7)(B)(ii)(V).".

SEC. 206. DRUGS SUBJECT TO AN ABBREVIATED NEW DRUG APPLICATION.

Section 505(j)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)) is amended by adding at the end the following:

"(E) Risk Evaluation and Mitigation Strategy Requirement.—

"(i) In general.—A drug that is the subject of an abbreviated new drug application under this subsection shall be subject to only the following elements of the approved risk evaluation and mitigation strategy if required under subsection (o) for the applicable listed drug:

"(I) Labeling, as required under subsection (o)(3)(A) for the applicable listed drug.

"(II) A Medication Guide or patient package insert, if required under subsection (o)(5)(B) for the applicable listed drug.

"(III) Prereview of advertising, if required under subsection (o)(5)(D) for the applicable listed drug.

"(IV) Specific disclosures in advertising, if required under subsection (o)(5)(E) for the applicable listed drug.

"(V) A temporary moratorium on direct-to-consumer advertising, if required under subsection (o)(5)(F) for the applicable listed drug.

"(VI) Restrictions on distribution or use, if required under subsection (o)(6) for the applicable listed drug, except that such drug may use a different, comparable aspect of such restrictions on distribution or use as are needed to assure safe use of such drug if —

"(aa) the corresponding aspect of the restrictions on distribution or use for the applicable listed drug is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection; and

"(bb) the applicant certifies that it has sought a license for use of such aspect of the restrictions on distribution or use for the applicable listed drug.

"(ii) Action by Secretary.—For an applicable listed drug for which a drug is approved under this subsection, the Secretary—

"(I) shall undertake any communication plan to health care providers required under section (o)(5)(C) for the applicable listed drug;

"(II) shall conduct, or contract for, any post-approval study required under subsection (o)(4)(B) for the applicable listed drug;

"(III) shall inform the applicant for a drug approved under this subsection if the approved risk evaluation and mitigation strategy for the applicable listed drug is modified; and

"(IV) in order to minimize the burden on the health care delivery system of different restrictions on distribution or use for the drug approved under this subsection and the applicable listed drug, may seek to negotiate a voluntary agreement with the owner of the patent, method, or process for a license under which the applicant for such drug may use an aspect of the restrictions on distribution or use, if required under subsection (o)(6) for the applicable listed drug, that is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection.".

SEC. 207. RESOURCES.

(a) User Fees.—Subparagraph (F) of section 735(d)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(d)(6)), as amended by section 103, is amended—

(1) in clause (ii), by striking "systems); and" and inserting "systems);"

(2) in clause (iii), by striking "bases)." and inserting "bases); and"; and

(3) by adding at the end the following:

"(iv) reviewing, implementing, and ensuring compliance with risk evaluation and mitigation strategies.".

(b) Workload Adjustment.—Subparagraph (A) of section 736(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)(2)), as amended by section 103, is amended in the first sentence by striking "and manufacturing changes submitted to the Secretary, and" and inserting "manufacturing changes, and assessments of risk evaluation and mitigation strategies submitted to the Secretary, uses of dispute resolution under the process for reviewing and assessing risk evaluation and mitigation strategies, and".

(c) Additional Fee Revenues for Drug Safety.—Section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), as amended by section 103, is amended by—

(1) striking the subsection designation and all that follows through ".—Except" and inserting the following:

"(b) Fee Revenue Amounts.—

"(1) In general.—Except"; and

(2) adding at the end the following:

"(2) Additional Fee Revenues for Drug Safety.—

"(A) In general.—Subject to subparagraph (C), in each of fiscal years 2008 through 2012, paragraph (1) shall be applied by substituting the amount determined under subparagraph (B) for '$392,783,000'.

"(B) Amount determined.—For any fiscal year 2008 through 2012, the amount determined under this subparagraph is the sum of—

"(i) $392,783,000; plus

"(ii) the amount equal to—

"(I) $50,000,000; minus

"(II) the amount equal to one-fifth of the amount by which the appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceed the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008'.

"(C) Limitation.—This paragraph shall not apply for any fiscal year if the amount described under subparagraph (B)(ii) is less than 0.".

(d) Strategic Plan for Information Technology.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services (referred to in this title as the "Secretary") shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a strategic plan on information technology that includes—

(1) an assessment of the information technology infrastructure, including systems for data collection, access to data in external health care databases, data mining capabilities, personnel, and personnel training programs, needed by the Food and Drug Administration to—

(A) comply with the requirements of this subtitle (and the amendments made by this subtitle);

(B) achieve interoperability within and among the centers of the Food and Drug Administration and between the Food and Drug Administration and product application sponsors;

(C) utilize electronic health records; and

(D) implement routine active safety monitoring under section 505(k)(3) (including other approaches under subsection (c) of such section) of the Federal Food, Drug, and Cosmetic Act, as added by section 201 of this Act;

(2) an assessment of the extent to which the current information technology assets of the Food and Drug Administration are sufficient to meet the needs assessments under paragraph (1);

(3) a plan for enhancing the information technology assets of the Food and Drug Administration toward meeting the needs assessments under paragraph (1); and

(4) an assessment of additional resources needed to so enhance the information technology assets of the Food and Drug Administration.

SEC. 208. SAFETY LABELING CHANGES.

(a) In General.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

"SEC. 506D. SAFETY LABELING CHANGES.

"(a) New Safety Information.—

"(1) Notification.—The holder of an approved application under section 505 of this Act or a license under section 351 of the Public Health Service Act (referred to in this section as a 'holder') shall promptly notify the Secretary if the holder becomes aware of new safety information that the holder believes should be included in the labeling of the drug. The Secretary

shall promptly notify the holder if the Secretary becomes aware of new safety information that the Secretary believes should be included in the labeling of the drug.

‘‘(2) DISCUSSION REGARDING LABELING CHANGES.—Following notification pursuant to paragraph (1), the Secretary and holder shall initiate discussions of the new safety information in order to reach agreement on whether the labeling for the drug should be modified to reflect the new safety information and, if so, on the contents of such labeling changes.

‘‘(3) SUPPLEMENT.—If the Secretary determines that there is reasonable scientific evidence that an adverse event is associated with use of the drug, the Secretary may request the holder to submit a supplement to an application under section 505 of this Act or to a license under section 351 of the Public Health Service Act (referred to in this section as a ‘supplement’) proposing changes to the approved labeling to reflect the new safety information, including changes to boxed warnings, contraindications, warnings, precautions, or adverse reactions (referred to in this section as a ‘safety labeling change’). If the Secretary determines that no safety labeling change is necessary or appropriate based upon the new safety information, the Secretary shall notify the holder of this determination in writing.

‘‘(b) LABELING SUPPLEMENTS.—

‘‘(1) IN GENERAL.—The holder shall submit a supplement whenever the holder seeks, either at the holder's own initiative or at the request of the Secretary, to make a safety labeling change.

‘‘(2) NONACCELERATED PROCESS.—Unless the accelerated labeling review process described in subsection (c) is initiated, any supplement proposing a safety labeling change shall be reviewed and acted upon by the Secretary not later than 30 days after the date the Secretary receives the supplement. Until the Secretary acts on such a supplement proposing a safety labeling change, the existing approved labeling shall remain in effect and be distributed by the holder without change.

‘‘(3) NEW SAFETY INFORMATION.—Nothing in this section shall prohibit the Secretary from informing health care professionals or the public about new safety information prior to approval of a supplement proposing a safety labeling change.

‘‘(c) ACCELERATED LABELING REVIEW PROCESS.—An accelerated labeling review process shall be available to resolve disagreements in a timely manner between the Secretary and a holder about the need for, or content of, a safety labeling change, as follows:

‘‘(1) REQUEST TO INITIATE ACCELERATED PROCESS.—The accelerated labeling review process shall be initiated upon the written request of either the Secretary or the holder. Such request may be made at any time after the notification described in subsection (a)(1), including during the Secretary's review of a supplement proposing a safety labeling change.

‘‘(2) SCIENTIFIC DISCUSSION AND MEETINGS.—

‘‘(A) IN GENERAL.—Following initiation of the accelerated labeling review process, the Secretary and holder shall immediately initiate discussions to review and assess the new safety information and to reach agreement on whether safety labeling changes are necessary and appropriate and, if so, the content of such safety labeling changes.

‘‘(B) TIME PERIOD.—The discussions under this paragraph shall not extend for more than 45 calendar days after the initiation of the accelerated labeling review process.

‘‘(C) DISPUTE PROCEEDINGS.—If the Secretary and holder do not reach an agreement regarding the safety labeling changes by not later than 25 calendar days after the initiation of the accelerated labeling review process, the dispute automatically shall be referred to the director of the drug evaluation office responsible for the drug under consideration, who shall be required to take an active role in such discussions.

‘‘(3) REQUEST FOR SAFETY LABELING CHANGE AND FAILURE TO AGREE.—If the Secretary and holder fail to reach an agreement on appropriate safety labeling changes by not later than 45 calendar days after the initiation of the accelerated labeling review process—

‘‘(A) on the next calendar day (other than a weekend or Federal holiday) after such period, the Secretary shall—

‘‘(i) request in writing that the holder make any safety labeling change that the Secretary determines to be necessary and appropriate based upon the new safety information; or

‘‘(ii) notify the holder in writing that the Secretary has determined that no safety labeling change is necessary or appropriate; and

‘‘(B) if the Secretary fails to act within the specified time, or if the holder does not agree to make a safety labeling change requested by the Secretary or does not agree with the Secretary's determination that no labeling change is necessary or appropriate, the Secretary (on his own initiative or upon request by the holder) shall refer the matter for expedited review to the Drug Safety Oversight Board.

‘‘(4) ACTION BY THE DRUG SAFETY OVERSIGHT BOARD.—Not later than 45 days after receiving a referral under paragraph (3)(B), the Drug Safety Oversight Board shall—

‘‘(A) review the new safety information;

‘‘(B) review all written material submitted by the Secretary and the holder;

‘‘(C) convene a meeting to hear oral presentations and arguments from the Secretary and holder; and

‘‘(D) make a written recommendation to the Secretary—

‘‘(i) concerning appropriate safety labeling changes, if any; or

‘‘(ii) stating that no safety labeling changes are necessary or appropriate based upon the new safety information.

‘‘(5) CONSIDERATION OF RECOMMENDATIONS.—

‘‘(A) ACTION BY THE SECRETARY.—The Secretary shall consider the recommendation of the Drug Safety Oversight Board made under paragraph (4)(D) and, not later than 20 days after receiving the recommendation—

‘‘(i) issue an order requiring the holder to make any safety labeling change that the Secretary determines to be necessary and appropriate; or

‘‘(ii) if the Secretary determines that no safety labeling change is necessary or appropriate, the Secretary shall notify the holder of this determination in writing.

‘‘(B) FAILURE TO ACT.—If the Secretary fails to act by not later than 20 days after receiving the recommendation of the Drug Safety Oversight Board, the written recommendation of the Drug Safety Oversight Board shall be considered the order of the Secretary under this paragraph.

‘‘(C) NONDELEGATION.—The Secretary's authority under this paragraph shall not be redelegated to an individual below the level of the Director of the Center for Drug Evaluation and Research, or the Director of the Center for Biologics Evaluation and Research, of the Food and Drug Administration.

‘‘(6) MISBRANDING.—If the holder, not later than 10 days after receiving an order under subparagraph (A) or (B) of paragraph (5), does not agree to make a safety labeling change ordered by the Secretary, the Secretary may deem the drug that is the subject of the request to be misbranded.

‘‘(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to change the standards in existence on the date of enactment of this section for determining whether safety labeling changes are necessary or appropriate.’’.

(b) CONFORMING AMENDMENT.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 et seq.), as amended by section 203, is further amended by adding at the end the following:

‘‘(y) If it is a drug and the holder does not agree to make a safety labeling change ordered by the Secretary under section 506D(c) within 10 days after issuance of such an order.’’.

SEC. 209. DRUG LABELING.

(a) ACCESSIBLE REPOSITORY OF DRUG LABELING.—Not later than the effective date of this subtitle, the Secretary, through the Commissioner of Food and Drugs, and the Director of the National Institutes of Health, shall establish a searchable repository of structured, electronic product information, including the approved professional labeling and any required patient labeling of each drug approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) in order to improve patient safety through accessible product information, support initiatives to improve patient care by better management of health care information, and provide standards for drug information. Such repository shall be made publicly accessible on the Internet website of the National Library of Medicine and through a link on the homepage of the Internet website of the Food and Drug Administration.

(b) POSTING UPON APPROVAL.—The Secretary shall post in the repository under subsection (a) the approved professional labeling and any required patient labeling of a drug approved under such section 505 or licensed under such section 351 not later than 21 days after the date the drug is approved, including in a supplemental application with respect to a labeling change.

(c) REPORT.—The Secretary shall report annually to the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of the repository under subsection (a), and on progress in posting structured electronic product information, including posting of information regarding drugs approved prior to the effective date of this subtitle.

(d) MEDICATION GUIDES.—Not later than the effective date of this subtitle, the Secretary, through the Commissioner of Food and Drugs, shall establish on the Internet website for the repository under subsection (a), a link to a list of each drug, whether approved under such section 505 or licensed under such section 351, for which a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations), is required.

SEC. 210. ACTION PACKAGE FOR APPROVAL.

Section 505(l) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(l)) is amended by—

(1) redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(2) striking ‘‘(l) Safety and’’ and inserting ‘‘(l)(1) Safety and’’; and

(3) adding at the end the following:

‘‘(2) ACTION PACKAGE FOR APPROVAL.—

‘‘(A) ACTION PACKAGE.—The Secretary shall publish the action package for approval of an application under subsection (b) or section 351 of the Public Health Service Act on the Internet website of the Food and Drug Administration—

‘‘(i) not later than 30 days after the date of approval of such application for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act; and

"(ii) not later than 30 days after the third request for such action package for approval received under section 552 of title 5, United States Code, for any other drug.

"(B) IMMEDIATE PUBLICATION OF SUMMARY REVIEW.—Notwithstanding subparagraph (A), the Secretary shall publish, on the Internet website of the Food and Drug Administration, the materials described in subparagraph (C)(iv) not later than 48 hours after the date of approval of the drug, except where such materials require redaction by the Secretary.

"(C) CONTENTS.—An action package for approval of an application under subparagraph (A) shall be dated and shall include the following:

"(i) Documents generated by the Food and Drug Administration related to review of the application.

"(ii) Documents pertaining to the format and content of the application generated during drug development.

"(iii) Labeling submitted by the applicant.

"(iv) A summary review that documents conclusions from all reviewing disciplines about the drug, noting any critical issues and disagreements with the applicant and how they were resolved, recommendation for action, and an explanation of any nonconcurrence with review conclusions.

"(v) If applicable, a separate review from a supervisor who does not concur with the summary review.

"(vi) Identification by name of each officer or employee of the Food and Drug Administration who—

"(I) participated in the decision to approve the application; and

"(II) consents to have his or her name included in the package.

"(D) DISAGREEMENTS.—A scientific review of an application is considered the work of the reviewer and shall not be altered by management or the reviewer once final. Disagreements by team leaders, division directors, or office directors with any or all of the major conclusions of a reviewer shall be document in a separate review or in an addendum to the review.

"(E) CONFIDENTIAL INFORMATION.—This paragraph does not authorize the disclosure of any trade secret or confidential commercial or financial information described in section 552(b)(4) of title 5, United States Code, unless the Secretary declares an emergency under section 319 of the Public Health Service Act and such disclosure is necessary to mitigate the effects of such emergency.".

SEC. 211. RISK COMMUNICATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 566. ADVISORY COMMITTEE ON RISK COMMUNICATION.

"(a) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Risk Communication' (referred to in this section as the 'Committee').

"(b) DUTIES OF COMMITTEE.—The Committee shall advise the Commissioner on methods to effectively communicate risks associated with the products regulated by the Food and Drug Administration.

"(c) MEMBERS.—The Secretary shall ensure that the Committee is composed of experts on risk communication, experts on the risks described in subsection (b), and representatives of patient, consumer, and health professional organizations.

"(d) PERMANENCE OF COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the Committee established under this section.".

SEC. 212. REFERRAL TO ADVISORY COMMITTEE.

Section 505 of the Federal Food, Drug, and Cosmetic Act, as amended by this section 202, is further amended by adding at the end the following:

"(p) REFERRAL TO ADVISORY COMMITTEE.—

"(1) IN GENERAL.—Prior to the approval of a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act, the Secretary shall refer such drug to a Food and Drug Administration advisory committee for review at a meeting of such advisory committee.

"(2) EXCEPTION.—Notwithstanding paragraph (1), an advisory committee review of a drug described under such paragraph may occur within 1 year after approval of such a drug if—

"(A) the clinical trial that formed the primary basis of the safety and efficacy determination was halted by a drug safety monitoring board or an Institutional Review Board before its scheduled completion due to early unanticipated therapeutic results; or

"(B) the Secretary determines that it would be beneficial to the public health.".

SEC. 213. RESPONSE TO THE INSTITUTE OF MEDICINE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Secretary shall issue a report responding to the 2006 report of the Institute of Medicine entitled "The Future of Drug Safety—Promoting and Protecting the Health of the Public".

(b) CONTENT OF REPORT.—The report issued by the Secretary under subsection (a) shall include—

(1) an update on the implementation by the Food and Drug Administration of its plan to respond to the Institute of Medicine report described under such subsection; and

(2) an assessment of how the Food and Drug Administration has implemented—

(A) the recommendations described in such Institute of Medicine report; and

(B) the requirement under paragraph (7) of section 505(o) of the Federal Food, Drug, and Cosmetic Act (as added by this title), that the appropriate office responsible for reviewing a drug and the office responsible for postapproval safety with respect to the drug act together to assess, implement, and ensure compliance with the requirements of such section 505(o).

SEC. 214. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this subtitle shall take effect 180 days after the date of enactment of this title.

(2) USER FEES.—The amendments made by subsections (a) through (c) of section 207 shall take effect on October 1, 2007.

(b) DRUGS DEEMED TO HAVE RISK EVALUATION AND MITIGATION STRATEGIES.—

(1) IN GENERAL.—A drug that was approved before the effective date of this subtitle shall be deemed to have an approved risk evaluation and mitigation strategy under section 505(o) of the Federal Food, Drug, and Cosmetic Act (as added by this subtitle) if there are in effect on the effective date of this subtitle restrictions on distribution or use—

(A) required under section 314.520 or section 601.42 of title 21, Code of Federal Regulations; or

(B) otherwise agreed to by the applicant and the Secretary for such drug.

(2) RISK EVALUATION AND MITIGATION STRATEGY.—The approved risk evaluation and mitigation strategy deemed in effect for a drug under paragraph (1) shall consist of the elements described in subparagraphs (A) and (B) of paragraph (3) of such section 505(o) and any other additional elements under paragraphs (4), (5), and (6) in effect for such drug on the effective date of this subtitle.

(3) NOTIFICATION.—Not later than 30 days after the effective date of this subtitle, the Secretary shall notify the applicant for each drug described in paragraph (1)—

(A) that such drug is deemed to have an approved risk evaluation and mitigation strategy pursuant to such paragraph; and

(B) of the date, which, unless a safety issue with the drug arises, shall be no earlier than 6 months after the applicant is so notified, by which the applicant shall submit to the Secretary an assessment of such approved strategy under paragraph (7)(B) of such section 505(o).

(4) ENFORCEMENT ONLY AFTER ASSESSMENT AND REVIEW.—Neither the Secretary nor the Attorney General may seek to enforce a requirement of a risk evaluation and mitigation strategy deemed in effect under paragraph (1) before the Secretary has completed review of, and acted on, the first assessment of such strategy under such section 505(o).

Subtitle B—Reagan-Udall Foundation for the Food and Drug Administration

SEC. 221. THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter I—Reagan-Udall Foundation for the Food and Drug Administration

"SEC. 770. ESTABLISHMENT AND FUNCTIONS OF THE FOUNDATION.

"(a) IN GENERAL.—A nonprofit corporation to be known as the Reagan-Udall Foundation for the Food and Drug Administration (referred to in this subchapter as the 'Foundation') shall be established in accordance with this section. The Foundation shall be headed by an Executive Director, appointed by the members of the Board of Directors under subsection (e). The Foundation shall not be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation is to advance the mission of the Food and Drug Administration to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety.

"(c) DUTIES OF THE FOUNDATION.—The Foundation shall—

"(1) taking into consideration the Critical Path reports and priorities published by the Food and Drug Administration, identify unmet needs in the development, manufacture, and evaluation of the safety and effectiveness, including postapproval, of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics;

"(2) establish goals and priorities in order to meet the unmet needs identified in paragraph (1);

"(3) in consultation with the Secretary, identify existing and proposed Federal intramural and extramural research and development programs relating to the goals and priorities established under paragraph (2), coordinate Foundation activities with such programs, and minimize Foundation duplication of existing efforts;

"(4) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include the Food and Drug Administration, university consortia, public-private partnerships, institutions of higher education, entities described in section 501(c)(3) of the Internal Revenue Code (and exempt from tax under section 501(a) of such Code), and industry, to efficiently and effectively advance the goals and priorities established under paragraph (2);

"(5) recruit meeting participants and hold or sponsor (in whole or in part) meetings as appropriate to further the goals and priorities established under paragraph (2);

“(6) release and publish information and data and, to the extent practicable, license, distribute, and release material, reagents, and techniques to maximize, promote, and coordinate the availability of such material, reagents, and techniques for use by the Food and Drug Administration, nonprofit organizations, and academic and industrial researchers to further the goals and priorities established under paragraph (2);

“(7) ensure that—

“(A) action is taken as necessary to obtain patents for inventions developed by the Foundation or with funds from the Foundation;

“(B) action is taken as necessary to enable the licensing of inventions developed by the Foundation or with funds from the Foundation; and

“(C) executed licenses, memoranda of understanding, material transfer agreements, contracts, and other such instruments, promote, to the maximum extent practicable, the broadest conversion to commercial and noncommercial applications of licensed and patented inventions of the Foundation to further the goals and priorities established under paragraph (2);

“(8) provide objective clinical and scientific information to the Food and Drug Administration and, upon request, to other Federal agencies to assist in agency determinations of how to ensure that regulatory policy accommodates scientific advances and meets the agency's public health mission;

“(9) conduct annual assessments of the unmet needs identified in paragraph (1); and

“(10) carry out such other activities consistent with the purposes of the Foundation as the Board determines appropriate.

“(d) BOARD OF DIRECTORS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—The Foundation shall have a Board of Directors (referred to in this subchapter as the ‘Board’), which shall be composed of ex officio and appointed members in accordance with this subsection. All appointed members of the Board shall be voting members.

“(B) EX OFFICIO MEMBERS.—The ex officio members of the Board shall be the following individuals or their designees:

“(i) The Commissioner.

“(ii) The Director of the National Institutes of Health.

“(iii) The Director of the Centers for Disease Control and Prevention.

“(iv) The Director of the Agency for Healthcare Research and Quality.

“(C) APPOINTED MEMBERS.—

“(i) IN GENERAL.—The ex officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 12 individuals, from a list of candidates to be provided by the National Academy of Sciences. Of such appointed members—

“(I) 4 shall be representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries;

“(II) 3 shall be representatives of academic research organizations;

“(III) 2 shall be representatives of Government agencies, including the Food and Drug Administration and the National Institutes of Health;

“(IV) 2 shall be representatives of patient or consumer advocacy organizations; and

“(V) 1 shall be a representative of health care providers.

“(ii) REQUIREMENT.—The ex officio members shall ensure the Board membership includes individuals with expertise in areas including the sciences of developing, manufacturing, and evaluating the safety and effectiveness of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics.

“(D) INITIAL MEETING.—

“(i) IN GENERAL.—Not later than 30 days after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007, the Secretary shall convene a meeting of the ex officio members of the Board to—

“(I) incorporate the Foundation; and

“(II) appoint the members of the Board in accordance with subparagraph (C).

“(ii) SERVICE OF EX OFFICIO MEMBERS.—Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

“(iii) CHAIR.—The ex officio members of the Board under subparagraph (B) shall designate an appointed member of the Board to serve as the Chair of the Board.

“(2) DUTIES OF BOARD.—The Board shall—

“(A) establish bylaws for the Foundation that—

“(i) are published in the Federal Register and available for public comment;

“(ii) establish policies for the selection of the officers, employees, agents, and contractors of the Foundation;

“(iii) establish policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation, including strict limits on the ability of donors to include stipulations or restrictions on the use of donated funds;

“(iv) establish policies that would subject all employees, fellows, and trainees of the Foundation to the conflict of interest standards under section 208 of title 18, United States Code;

“(v) establish licensing, distribution, and publication policies that support the widest and least restrictive use by the public of information and inventions developed by the Foundation or with Foundation funds to carry out the duties described in paragraphs (6) and (7) of subsection (c), and may include charging cost-based fees for published material produced by the Foundation;

“(vi) specify principles for the review of proposals and awarding of grants and contracts that include peer review and that are consistent with those of the Foundation for the National Institutes of Health, to the extent determined practicable and appropriate by the Board;

“(vii) specify a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation;

“(viii) establish policies for the execution of memoranda of understanding and cooperative agreements between the Foundation and other entities, including the Food and Drug Administration;

“(ix) establish policies for funding training fellowships, whether at the Foundation, academic or scientific institutions, or the Food and Drug Administration, for scientists, doctors, and other professionals who are not employees of regulated industry, to foster greater understanding of and expertise in new scientific tools, diagnostics, manufacturing techniques, and potential barriers to translating basic research into clinical and regulatory practice;

“(x) specify a process for annual Board review of the operations of the Foundation; and

“(xi) establish specific duties of the Executive Director;

“(B) prioritize and provide overall direction to the activities of the Foundation;

“(C) evaluate the performance of the Executive Director; and

“(D) carry out any other necessary activities regarding the functioning of the Foundation.

“(3) TERMS AND VACANCIES.—

“(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

“(B) VACANCY.—Any vacancy in the membership of the Board—

“(i) shall not affect the power of the remaining members to execute the duties of the Board; and

“(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

“(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

“(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

“(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

“(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

“(g) EXECUTIVE DIRECTOR.—

“(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

“(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

“(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

“(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

“(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

“(3) prescribe the manner in which—

“(A) real or personal property of the Foundation is acquired, held, and transferred;

“(B) general operations of the Foundation are to be conducted; and

“(C) the privileges granted to the Board by law are exercised and enjoyed;

“(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

“(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

“(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

“(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

“(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

"(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

"(10) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

"(11) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

"(12) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subchapter.

"(i) ACCEPTANCE OF FUNDS FROM OTHER SOURCES.—The Executive Director may solicit and accept on behalf of the Foundation, any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities, for the purposes of carrying out the duties of the Foundation.

"(j) SERVICE OF FEDERAL EMPLOYEES.—Federal Government employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its functions, so long as such employees do not direct or control Foundation activities.

"(k) DETAIL OF GOVERNMENT EMPLOYEES; FELLOWSHIPS.—

"(1) DETAIL FROM FEDERAL AGENCIES.—Federal Government employees may be detailed from Federal agencies with or without reimbursement to those agencies to the Foundation at any time, and such detail shall be without interruption or loss of civil service status or privilege. Each such employee shall abide by the statutory, regulatory, ethical, and procedural standards applicable to the employees of the agency from which such employee is detailed and those of the Foundation.

"(2) VOLUNTARY SERVICE; ACCEPTANCE OF FEDERAL EMPLOYEES.—

"(A) FOUNDATION.—The Executive Director of the Foundation may accept the services of employees detailed from Federal agencies with or without reimbursement to those agencies.

"(B) FOOD AND DRUG ADMINISTRATION.—The Commissioner may accept the uncompensated services of Foundation fellows or trainees. Such services shall be considered to be undertaking an activity under contract with the Secretary as described in section 708.

"(l) ANNUAL REPORTS.—

"(1) REPORTS TO FOUNDATION.—Any recipient of a grant, contract, fellowship, memorandum of understanding, or cooperative agreement from the Foundation under this section shall submit to the Foundation a report on an annual basis for the duration of such grant, contract, fellowship, memorandum of understanding, or cooperative agreement, that describes the activities carried out under such grant, contract, fellowship, memorandum of understanding, or cooperative agreement.

"(2) REPORT TO CONGRESS AND THE FDA.—Beginning with fiscal year 2009, the Executive Director shall submit to Congress and the Commissioner an annual report that—

"(A) describes the activities of the Foundation and the progress of the Foundation in furthering the goals and priorities established under subsection (c)(2), including the practical impact of the Foundation on regulated product development;

"(B) provides a specific accounting of the source and use of all funds used by the Foundation to carry out such activities; and

"(C) provides information on how the results of Foundation activities could be incorporated into the regulatory and product review activities of the Food and Drug Administration.

"(m) SEPARATION OF FUNDS.—The Executive Director shall ensure that the funds received from the Treasury are held in separate accounts from funds received from entities under subsection (i).

"(n) FUNDING.—From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than $500,000 and not more than $1,250,000, to the Foundation to carry out subsections (a), (b), and (d) through (m).".

(b) OTHER FOUNDATION PROVISIONS.—Chapter VII (21 U.S.C. 371 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

"SEC. 771. LOCATION OF FOUNDATION.

"The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

"SEC. 772. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

"(a) IN GENERAL.—The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 770(l)(2).

"(b) REPORT TO CONGRESS.—Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 770(l)(2) and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

"(c) EXTRAMURAL GRANTS.—The provisions of this subchapter shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007.".

(c) CONFORMING AMENDMENT.—Section 742(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379l(b)) is amended by adding at the end the following: "Any such fellowships and training programs under this section or under section 770(d)(2)(A)(ix) may include provision by such scientists and physicians of services on a voluntary and uncompensated basis, as the Secretary determines appropriate. Such scientists and physicians shall be subject to all legal and ethical requirements otherwise applicable to officers or employees of the Department of Health and Human Services.".

SEC. 222. OFFICE OF THE CHIEF SCIENTIST.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 910. OFFICE OF THE CHIEF SCIENTIST.

"(a) ESTABLISHMENT; APPOINTMENT.—The Secretary shall establish within the Office of the Commissioner an office to be known as the Office of the Chief Scientist. The Secretary shall appoint a Chief Scientist to lead such Office.

"(b) DUTIES OF THE OFFICE.—The Office of the Chief Scientist shall—

"(1) oversee, coordinate, and ensure quality and regulatory focus of the intramural research programs of the Food and Drug Administration;

"(2) track and, to the extent necessary, coordinate intramural research awards made by each center of the Administration or science-based office within the Office of the Commissioner, and ensure that there is no duplication of research efforts supported by the Reagan-Udall Foundation for the Food and Drug Administration;

"(3) develop and advocate for a budget to support intramural research;

"(4) develop a peer review process by which intramural research can be evaluated; and

"(5) identify and solicit intramural research proposals from across the Food and Drug Administration through an advisory board composed of employees of the Administration that shall include—

"(A) representatives of each of the centers and the science-based offices within the Office of the Commissioner; and

"(B) experts on trial design, epidemiology, demographics, pharmacovigilance, basic science, and public health.".

Subtitle C—Clinical Trials

SEC. 231. EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by—

(1) redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) inserting after subsection (i) the following:

"(j) EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.—

"(1) DEFINITIONS; REQUIREMENT.—

"(A) DEFINITIONS.—In this subsection:

"(i) APPLICABLE DEVICE CLINICAL TRIAL.—The term 'applicable device clinical trial' means—

"(I) a prospective study of health outcomes comparing an intervention against a control in human subjects intended to support an application under section 515 or 520(m), or a report under section 510(k), of the Federal Food, Drug, and Cosmetic Act (other than a limited study to gather essential information used to refine the device or design a pivotal trial and that is not intended to determine safety and effectiveness of a device); and

"(II) a pediatric postmarket surveillance as required under section 522 of the Federal Food, Drug, and Cosmetic Act.

"(ii) APPLICABLE DRUG CLINICAL TRIAL.—

"(I) IN GENERAL.—The term 'applicable drug clinical trial' means a controlled clinical investigation, other than a phase I clinical investigation, of a product subject to section 505 of the Federal Food, Drug, and Cosmetic Act or to section 351 of this Act.

"(II) CLINICAL INVESTIGATION.—For purposes of subclause (I), the term 'clinical investigation' has the meaning given that term in section 312.3 of title 21, Code of Federal Regulations.

"(III) PHASE I.—The term 'phase I' has the meaning given that term in section 312.21 of title 21, Code of Federal Regulations.

"(iii) CLINICAL TRIAL INFORMATION.—The term 'clinical trial information' means those data elements that are necessary to complete an entry in the clinical trial registry data bank under paragraph (2).

"(iv) COMPLETION DATE.—The term 'completion date' means, with respect to an applicable drug clinical trial or an applicable device clinical trial, the date on which the last patient enrolled in the clinical trial has completed his or her last medical visit of the clinical trial, whether the clinical trial concluded according to the prespecified protocol plan or was terminated.

"(v) DEVICE.—The term 'device' means a device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act.

"(vi) DRUG.—The term 'drug' means a drug as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act or a biological product as defined in section 351 of this Act.

"(vii) RESPONSIBLE PARTY.—The term 'responsible party', with respect to a clinical trial of a drug or device, means—

"(I) the sponsor of the clinical trial (as defined in section 50.3 of title 21, Code of Federal Regulations (or any successor regulations)) or the principal investigator of such clinical trial if so designated by such sponsor; or

"(II) if no sponsor exists, the grantee, contractor, or awardee for a trial funded by a Federal agency or the principal investigator of such clinical trial if so designated by such grantee, contractor, or awardee.

"(B) REQUIREMENT.—The Secretary shall develop a mechanism by which—

"(i) the responsible party for each applicable drug clinical trial and applicable device clinical trial shall submit the identity and contact information of such responsible party to the Secretary at the time of submission of clinical trial information under paragraph (2); and

"(ii) other Federal agencies may identify the responsible party for an applicable drug clinical trial or applicable device clinical trial.

"(2) EXPANSION OF CLINICAL TRIAL REGISTRY DATA BANK WITH RESPECT TO CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—

"(i) EXPANSION OF DATA BANK.—To enhance patient enrollment and provide a mechanism to track subsequent progress of clinical trials, the Secretary, acting through the Director of NIH, shall expand, in accordance with this subsection, the clinical trials registry of the data bank described under subsection (i)(3)(A) (referred to in this subsection as the 'registry data bank'). The Director of NIH shall ensure that the registry data bank is made publicly available through the Internet.

"(ii) CONTENT.—Not later than 18 months after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, and after notice and comment, the Secretary shall promulgate regulations to expand the registry data bank to require the submission to the registry data bank of clinical trial information for applicable drug clinical trials and applicable device clinical trials that—

"(I) conforms to the International Clinical Trials Registry Platform trial registration data set of the World Health Organization;

"(II) includes the city, State, and zip code for each clinical trial location, or a toll-free number through which such location information may be accessed;

"(III) if the drug is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act, specifies whether or not there is expanded access to the drug under section 561 of the Federal Food, Drug, and Cosmetic Act for those who do not qualify for enrollment in the clinical trial and how to obtain information about such access;

"(IV) requires the inclusion of such other data elements to the registry data bank as appropriate; and

"(V) becomes effective 90 days after issuance of the final rule.

"(B) FORMAT AND STRUCTURE.—

"(i) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the registry data bank by 1 or more of the following criteria:

"(I) The disease or condition being studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

"(II) The treatment being studied in the clinical trial.

"(III) The location of the clinical trial.

"(IV) The age group studied in the clinical trial, including pediatric subpopulations.

"(V) The study phase of the clinical trial.

"(VI) The source of support for the clinical trial, which may be the National Institutes of Health or other Federal agency, a private industry source, or a university or other organization.

"(VII) The recruitment status of the clinical trial.

"(VIII) The National Clinical Trial number or other study identification for the clinical trial.

"(ii) FORMAT.—The Director of the NIH shall ensure that the registry data bank is easily used by the public, and that entries are easily compared.

"(C) DATA SUBMISSION.—The responsible party for an applicable drug clinical trial shall submit to the Director of NIH for inclusion in the registry data bank the clinical trial information described in subparagraph (A)(ii).

"(D) TRUTHFUL CLINICAL TRIAL INFORMATION.—

"(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this paragraph shall not be false or misleading in any particular.

"(ii) EFFECT.—Clause (i) shall not have the effect of requiring clinical trial information with respect to an applicable drug clinical trial or an applicable device clinical trial to include information from any source other than such clinical trial involved.

"(E) CHANGES IN CLINICAL TRIAL STATUS.—

"(i) ENROLLMENT.—The responsible party for an applicable drug clinical trial or an applicable device clinical trial shall update the enrollment status not later than 30 days after the enrollment status of such clinical trial changes.

"(ii) COMPLETION.—The responsible party for an applicable drug clinical trial or applicable device clinical trial shall report to the Director of NIH that such clinical trial is complete not later than 30 days after the completion date of the clinical trial.

"(F) TIMING OF SUBMISSION.—The clinical trial information for an applicable drug clinical trial or an applicable device clinical trial required to be submitted under this paragraph shall be submitted not later than 21 days after the first patient is enrolled in such clinical trial.

"(G) POSTING OF DATA.—

"(i) APPLICABLE DRUG CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable drug clinical trial submitted in accordance with this paragraph is posted publicly within 30 days of such submission.

"(ii) APPLICABLE DEVICE CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable device clinical trial submitted in accordance with this paragraph is posted publicly within 30 days of clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, or approval under section 515 or section 520(m) of such Act, as applicable.

"(H) VOLUNTARY SUBMISSIONS.—A responsible party for a clinical trial that is not an applicable drug clinical trial or an applicable device clinical trial may submit clinical trial information to the registry data bank in accordance with this subsection.

"(3) EXPANSION OF REGISTRY DATA BANK TO INCLUDE RESULTS OF CLINICAL TRIALS.—

"(A) LINKING REGISTRY DATA BANK TO EXISTING RESULTS.—

"(i) IN GENERAL.—Beginning not later than 90 days after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, for those clinical trials that form the primary basis of an efficacy claim or are conducted after the drug involved is approved or after the device involved is cleared or approved, the Secretary shall ensure that the registry data bank includes links to results information for such clinical trial—

"(I) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

"(II) not later than 30 days after such information becomes publicly available, as applicable.

"(ii) REQUIRED INFORMATION.—

"(I) FDA INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

"(aa) If an advisory committee considered at a meeting an applicable drug clinical trial or an applicable device clinical trial, any posted Food and Drug Administration summary document regarding such applicable drug clinical trial or applicable clinical device trial.

"(bb) If an applicable drug clinical trial was conducted under section 505A or 505B of the Federal Food, Drug, and Cosmetic Act, a link to the posted Food and Drug Administration assessment of the results of such trial.

"(cc) Food and Drug Administration public health advisories regarding the drug or device that is the subject of the applicable drug clinical trial or applicable device clinical trial, respectively, if any.

"(dd) For an applicable drug clinical trial, the Food and Drug Administration action package for approval document required under section 505(l)(2) of the Food Drug and Cosmetic Act.

"(ee) For an applicable device clinical trial, in the case of a premarket application, the detailed summary of information respecting the safety and effectiveness of the device required under section 520(h)(1) of the Federal Food, Drug, and Cosmetic Act, or, in the case of a report under section 510(k) of such Act, the section 510(k) summary of the safety and effectiveness data required under section 807.95(d) of title 21, Code of Federal Regulations (or any successor regulations).

"(II) NIH INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

"(aa) Medline citations to any publications regarding each applicable drug clinical trial and applicable device clinical trial.

"(bb) The entry for the drug that is the subject of an applicable drug clinical trial in the National Library of Medicine database of structured product labels, if available.

"(iii) RESULTS FOR EXISTING DATA BANK ENTRIES.—The Secretary may include the links described in clause (ii) for data bank entries for clinical trials submitted to the data bank prior to enactment of the Enhancing Drug Safety and Innovation Act of 2007, as available.

"(B) FEASIBILITY STUDY.—The Director of NIH shall—

"(i) conduct a study to determine the best, validated methods of making the results of clinical trials publicly available after the approval of the drug that is the subject of an applicable drug clinical trial; and

"(ii) not later than 18 months after initiating such study, submit to the Secretary any findings and recommendations of such study.

"(C) NEGOTIATED RULEMAKING.—

"(i) IN GENERAL.—The Secretary shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code, to determine, for applicable drug clinical trials—

"(I) how to ensure quality and validate methods of expanding the registry data bank to include clinical trial results information for trials not within the scope of this Act;

"(II) the clinical trials of which the results information is appropriate for adding to the expanded registry data bank; and

"(III) the appropriate timing of the posting of such results information.

"(ii) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

"(I) any recommendation for a proposed rule—

"(aa) is provided to the Secretary not later than 21 months after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007; and

"(bb) includes an assessment of the benefits and costs of the recommendation; and

"(II) a final rule is promulgated not later than 30 months after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007, taking into account the recommendations under subclause (I) and the results of the feasibility study conducted under subparagraph (B).

"(iii) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established by the Secretary

pursuant to clause (i) shall include members representing—

"(I) the Food and Drug Administration;

"(II) the National Institutes of Health;

"(III) other Federal agencies as the Secretary determines appropriate;

"(IV) patient advocacy and health care provider groups;

"(V) the pharmaceutical industry;

"(VI) contract clinical research organizations;

"(VII) the International Committee of Medical Journal Editors; and

"(VIII) other interested parties, including experts in privacy protection, pediatrics, health information technology, health literacy, communication, clinical trial design and implementation, and health care ethics.

"(iv) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to clause (i) shall establish—

"(I) procedures to determine which clinical trials results information data elements shall be included in the registry data bank, taking into account the needs of different populations of users of the registry data bank;

"(II) a standard format for the submission of clinical trials results to the registry data bank;

"(III) a standard procedure for the submission of clinical trial results information, including the timing of submission and the timing of posting of results information, to the registry data bank, taking into account the possible impacts on publication of manuscripts based on the clinical trial;

"(IV) a standard procedure for the verification of clinical trial results information, including ensuring that free text data elements are non-promotional; and

"(V) an implementation plan for the prompt inclusion of clinical trials results information in the registry data bank.

"(D) CONSIDERATION OF WORLD HEALTH ORGANIZATION DATA SET.—The Secretary shall consider the status of the consensus data elements set for reporting clinical trial results of the World Health Organization when promulgating the regulations under subparagraph (C).

"(E) TRUTHFUL CLINICAL TRIAL INFORMATION.—

"(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this paragraph shall not be false or misleading in any particular.

"(ii) EFFECT.—Clause (i) shall not have the effect of requiring clinical trial information with respect to an applicable drug clinical trial or an applicable device clinical trial to include information from any source other than such clinical trial involved.

"(F) WAIVERS REGARDING CERTAIN CLINICAL TRIAL RESULTS.—The Secretary may waive any applicable requirements of this paragraph for an applicable drug clinical trial or an applicable device clinical trial, upon a written request from the responsible person, if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public interest, consistent with the protection of public health, or in the interest of national security. Not later than 30 days after any part of a waiver is granted, the Secretary shall notify, in writing, the appropriate committees of Congress of the waiver and provide an explanation for why the waiver was granted.

"(4) COORDINATION AND COMPLIANCE.—

"(A) CLINICAL TRIALS SUPPORTED BY GRANTS FROM FEDERAL AGENCIES.—

"(i) IN GENERAL.—No Federal agency may release funds under a research grant to an awardee who has not complied with paragraph (2) for any applicable drug clinical trial or applicable device clinical trial for which such person is the responsible party.

"(ii) GRANTS FROM CERTAIN FEDERAL AGENCIES.—If an applicable drug clinical trial or applicable device clinical trial is funded in whole or in part by a grant from the Food and Drug Administration, National Institutes of Health, the Agency for Healthcare Research and Quality, or the Department of Veterans Affairs, any grant or progress report forms required under such grant shall include a certification that the responsible party has made all required submissions to the Director of NIH under paragraph (2).

"(iii) VERIFICATION BY FEDERAL AGENCIES.—The heads of the agencies referred to in clause (ii), as applicable, shall verify that the clinical trial information for each applicable drug clinical trial or applicable device clinical trial for which a grantee is the responsible party has been submitted under paragraph (2) before releasing any remaining funding for a grant or funding for a future grant to such grantee.

"(iv) NOTICE AND OPPORTUNITY TO REMEDY.—If the head of an agency referred to in clause (ii), as applicable, verifies that a grantee has not submitted clinical trial information as described in clause (iii), such agency head shall provide notice to such grantee of such non-compliance and allow such grantee 30 days to correct such non-compliance and submit the required clinical trial information.

"(v) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

"(I) consult with other agencies that conduct research involving human subjects in accordance with any section of part 46 of title 45, Code of Federal Regulations (or any successor regulations), to determine if any such research is an applicable drug clinical trial or an applicable device clinical trial under paragraph (1); and

"(II) develop with such agencies procedures comparable to those described in clauses (ii), (iii), and (iv) to ensure that clinical trial information for such applicable drug clinical trials and applicable device clinical trial is submitted under paragraph (2).

"(B) CERTIFICATION TO ACCOMPANY DRUG, BIOLOGICAL PRODUCT, AND DEVICE SUBMISSIONS.—At the time of submission of an application under section 505 of the Federal Food, Drug, and Cosmetic Act, section 515 of such Act, section 520(m) of such Act, or section 351 of this Act, or submission of a report under section 510(k) of such Act, such application or submission shall be accompanied by a certification that all applicable requirements of this subsection have been met. Where available, such certification shall include the appropriate National Clinical Trial control numbers.

"(C) VERIFICATION OF SUBMISSION PRIOR TO POSTING.—In the case of clinical trial information that is submitted under paragraph (2), but is not made publicly available pending regulatory approval or clearance, as applicable, the Director of NIH shall respond to inquiries from other Federal agencies and peer-reviewed scientific journals to confirm that such clinical trial information has been submitted but has not yet been posted.

"(5) LIMITATION ON DISCLOSURE OF CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—Nothing in this subsection (or under section 552 of title 5, United States Code) shall require the Secretary to publicly disclose, from any record or source other than the registry data bank expanded under this subsection, information described in subparagraph (B).

"(B) INFORMATION DESCRIBED.—Information described in this subparagraph is—

"(i) information submitted to the Director of NIH under this subsection, or information of the same general nature as (or integrally associated with) the information so submitted; and

"(ii) not otherwise publicly available, including because it is protected from disclosure under section 552 of title 5, United States Code.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(jj)(1) The failure to submit the certification required by section 402(j)(4)(B) of the Public Health Service Act, or knowingly submitting a false certification under such section.

"(2) The submission of clinical trial information under subsection (i) or (j) of section 402 of the Public Health Service Act that is promotional or false or misleading in any particular under paragraph (2) or (3) of such subsection (j).".

(2) CIVIL MONEY PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)), as amended by section 203, is further amended by—

(A) redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) inserting after paragraph (3) the following:

"(d) Any person who violates section 301(jj) shall be subject to a civil monetary penalty of not more than $10,000 for the first violation, and not more than $20,000 for each subsequent violation.";

(C) in paragraph (2)(C), by striking "paragraph (4)(A)" and inserting "paragraph (5)(A)";

(D) in paragraph (5), as so redesignated, by striking "paragraph (1), (2), or (3)" each place it appears and inserting "paragraph (1), (2), (3), or (4)"; and

(E) in paragraph (7), as so redesignated, by striking "paragraph (5)" each place it appears and inserting "paragraph (6)".

(3) NEW DRUGS AND DEVICES.—

(A) INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended in paragraph (4), by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent form a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank pursuant to subsections (i) and (j) of section 402 of the Public Health Service Act.".

(B) NEW DRUG APPLICATIONS.—Section 505(b) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(6) An application submitted under this subsection shall be accompanied by the certification required under section 402(j)(4)(B) of the Public Health Service Act. Such certification shall not be considered an element of such application.".

(C) DEVICE REPORTS UNDER SECTION 510(k).—Section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) is amended by adding at the end the following:

"A notification submitted under this subsection that contains clinical trial data for an applicable device clinical trial (as defined in section 402(j)(1) of the Public Health Service Act) shall be accompanied by the certification required under section 402(j)(4)(B) of such Act. Such certification shall not be considered an element of such notification.".

(D) DEVICE PREMARKET APPROVAL APPLICATION.—Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended—

(i) in subparagraph (F), by striking "; and" and inserting a semicolon;

(ii) by redesignating subparagraph (G) as subparagraph (H); and

(iii) by inserting after subparagraph (F) the following:

"(G) the certification required under section 402(j)(4)(B) of the Public Health Service Act (which shall not be considered an element of such application); and".

(E) HUMANITARIAN DEVICE EXEMPTION.—Section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended in the first sentence in the matter following subparagraph (C), by inserting at the end before the period "and such application shall include the certification required under section 402(j)(4)(B) of the Public Health Service Act (which shall not be considered an element of such application)".

(c) PREEMPTION.—

(1) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect any requirement for the registration of clinical trials or for the inclusion of information relating to the results of clinical trials in a database.

(2) RULE OF CONSTRUCTION.—The fact of submission of clinical trial information, if submitted in compliance with subsection (i) and (j) of section 402 of the Public Health Service Act (as amended by this section), that relates to a use of a drug or device not included in the official labeling of the approved drug or device shall not be construed by the Secretary or in any administrative or judicial proceeding, as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. The availability of clinical trial information through the data bank under such subsections (i) and (j), if submitted in compliance with such subsections, shall not be considered as labeling, adulteration, or misbranding of the drug or device under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) TRANSITION RULE; EFFECTIVE DATE OF FUNDING RESTRICTIONS.—

(1) TRANSITION RULE FOR CLINICAL TRIALS INITIATED PRIOR TO EXPANSION OF REGISTRY DATA BANK.—The responsible party (as defined in paragraph (1) of section 402(j) of the Public Health Service Act (as added by this section)) for an applicable drug clinical trial or applicable device clinical trial (as defined under such paragraph (1)) that is initiated after the date of enactment of this subtitle and before the effective date of the regulations promulgated under paragraph (2) of such section 402(j), shall submit required clinical trial information under such section not later than 120 days after such effective date.

(2) FUNDING RESTRICTIONS.—Subparagraph (A) of paragraph (4) of such section 402(j) shall take effect 210 days after the effective date of the regulations promulgated under paragraph (2) of such section 402(j).

(e) EFFECTIVE DATE.—Beginning 90 days after the date of enactment of this title, the responsible party for an applicable drug clinical trial or an applicable device clinical trial (as that term is defined in such section 402(j)) that is initiated after the date of enactment of this title and before the effective date of the regulations issued under subparagraph (A) of paragraph (2) of such subsection, shall submit clinical trial information under such paragraph (2).

Subtitle D—Conflicts of Interest

SEC. 241. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

"SEC. 712. CONFLICTS OF INTEREST.

"(a) DEFINITIONS.—For purposes of this section:

"(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

"(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

"(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

"(1) RECRUITMENT.—

"(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary shall carry out informational and recruitment activities for purposes of recruiting individuals to serve as advisory committee members. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

"(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

"(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

"(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

"(iii) developing a method through which an entity receiving National Institutes of Health funding can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

"(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

"(c) GRANTING AND DISCLOSURE OF WAIVERS.—

"(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

"(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

"(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

"(4) LIMITATION.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

"(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

"(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

"(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

"(ii) the reasons of the Secretary for such determination, certification, or waiver.

"(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Inspector General of the Department of Health and Human Services, the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the

Food and Drug Administration as academicians or practitioners.

"(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

Subtitle E—Other Drug Safety Provisions

SEC. 251. DATABASE FOR AUTHORIZED GENERIC DRUGS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this title, is further amended by adding at the end the following:

"(q) DATABASE FOR AUTHORIZED GENERIC DRUGS.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—The Commissioner shall—

"(i) not later than 9 months after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, publish a complete list on the Internet website of the Food and Drug Administration of all authorized generic drugs (including drug trade name, brand company manufacturer, and the date the authorized generic drug entered the market); and

"(ii) update the list quarterly to include each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug during the preceding 3-month period.

"(B) NOTIFICATION.—The Commissioner shall notify relevant Federal agencies, including the Centers for Medicare & Medicaid Services and the Federal Trade Commission, any time the Commissioner updates the information described in subparagraph (A).

"(2) INCLUSION.—The Commissioner shall include in the list described in paragraph (1) each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug after January 1, 1999.

"(3) AUTHORIZED GENERIC DRUG.—In this section, the term 'authorized generic drug' means a listed drug (as that term is used in subsection (j)) that—

"(A) has been approved under subsection (c); and

"(B) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.".

SEC. 252. MEDICAL MARIJUANA.

The Secretary shall require that State-legalized medical marijuana be subject to the full regulatory requirements of the Food and Drug Administration, including a risk evaluation and mitigation strategy and all other requirements and penalties of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

TITLE III—MEDICAL DEVICES

SEC. 301. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Medical Device User Fee Amendments of 2007".

(b) REFERENCES.—Except as otherwise specified, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Subtitle A—Device User Fees

SEC. 302. DEVICE FEES.

Section 737 (21 U.S.C. 379i) is amended—

(1) by striking the section designation and all that follows through "For purposes of this subchapter" and inserting the following:

"SEC. 737. DEVICE FEES.

"(a) PURPOSE.—It is the purpose of this part that the fees authorized under this part be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

"(b) REPORTS.—

"(1) PERFORMANCE REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications, supplements, and premarket notifications in the cohort.

"(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

"(c) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of device applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(d) DEFINITIONS.—For purposes of this part:";

(2) by redesignating paragraphs (5), (6), (7), and (8), as paragraphs (7), (8), (9), and (11), respectively;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "or an efficacy supplement," and inserting "an efficacy supplement, or a 30-day notice,"; and

(B) by adding at the end the following:

"(F) The term '30-day notice' means a supplement to an approved premarket application or premarket report under section 515 that is limited to a request to make modifications to manufacturing procedures or methods of manufacture affecting the safety and effectiveness of the device.";

(4) by inserting after paragraph (4) the following:

"(5) The term 'request for classification information' means a request made under section 513(g) for information respecting the class in which a device has been classified or the requirements applicable to a device.

"(6) The term 'annual fee for periodic reporting concerning a class III device' means the fee associated with reports imposed by a premarket application approval order (as described in section 814.82(a)(7) of title 21, Code of Federal Regulations), usually referred to as 'annual reports.'";

(5) in paragraph (9), as redesignated by paragraph (2)—

(A) by striking "April of" and inserting "October of"; and

(B) by striking "April 2002" and inserting "October 2001";

(6) by inserting after paragraph (9), as redesignated by paragraph (2), the following:

"(10) The term 'person' includes an affiliate of such person."; and

(7) by adding at the end the following:

"(12) The term 'establishment subject to a registration fee' means an establishment required to register with the Secretary under section 510 at which any of the following types of activities are conducted:

"(A) MANUFACTURER.—An establishment that makes by any means any article that is a device including an establishment that sterilizes or otherwise makes such article for or on behalf of a specification developer or any other person.

"(B) SINGLE-USE DEVICE REPROCESSOR.—An establishment that performs manufacturing operations on a single-use device.

"(C) SPECIFICATION DEVELOPER.—An establishment that develops specifications for a device that is distributed under the establishment's name but that performs no manufacturing, including establishments that, in addition to developing specifications, arrange for the manufacturing of devices labeled with another establishment's name by a contract manufacturer.

"(13) The term 'establishment registration fee' means a fee assessed under section 738(a)(3) for the registration of an establishment subject to a registration fee.

"(e) SUNSET.—This part shall cease to be effective on October 1, 2012, except that subsection (b) with respect to reports shall cease to be effective January 31, 2013.".

SEC. 303. AUTHORITY TO ASSESS AND USE DEVICE FEES.

Section 738 (21 U.S.C. 379j) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the header, by inserting ", AND ANNUAL FEE FOR PERIODIC REPORTING CONCERNING A CLASS III DEVICE" after "FEE";

(ii) in subparagraph (A)—

(I) in clause (iii), by inserting "75 percent of" after "a fee equal to";

(II) in clause (iv), by striking "21.5" and inserting "15";

(III) in clause (v), by striking "7.2" and inserting "7";

(IV) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(V) by inserting after clause (v) the following:

"(vi) For a 30-day notice, a fee equal to 1.6 percent of the fee that applies under clause (i).";

(VI) in clause (viii), as redesignated by subclause (IV)—

(aa) by striking "1.42" and inserting "1.84"; and

(bb) by striking ", subject to any adjustment under subsection (e)(2)(C)(ii)"; and

(VII) by adding at the end the following:

"(ix) For a request for classification information, a fee equal to 1.35 percent of the fee that applies under clause (i).

"(x) For periodic reporting concerning a class III device, the annual fee shall be equal to 3.5 percent of the fee that applies under clause (i).";

(iii) in subparagraph (C)—

(I) in the first sentence—

(aa) by striking "or"; and

(bb) by striking "except that" and all that follows through the period and inserting ", 30-day notice, request for classification information, or periodic report concerning a class III device."; and

(II) by striking the third sentence; and

(iv) in subparagraph (D)—

(I) in clause (iii), by striking the last two sentences; and

(II) by adding at the end the following:

"(iv) MODULAR APPLICATION WITHDRAWN BEFORE FIRST ACTION.—The Secretary shall refund 75 percent of the application fee paid for a modular application submitted under section 515(c)(4) that is withdrawn before a second module is submitted and before a first action on the first module. If the modular application is withdrawn after a second or subsequent module is submitted but before any first action, the Secretary may return a portion of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of the modules submitted.

"(v) SOLE DISCRETION TO REFUND.—The Secretary shall have sole discretion to refund a fee or portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable."; and

(B) by adding at the end the following:

"(3) ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each establishment subject to a registration fee shall be subject to a fee for each initial or annual registration beginning with its registration for fiscal year 2008.

"(B) EXCEPTION FOR FEDERAL OR STATE GOVERNMENT ESTABLISHMENT.—No fee shall be required under subparagraph (A) for an establishment operated by a Federal or State Government entity unless a device manufactured by the establishment is to be distributed commercially.

"(C) PAYMENT.—The annual establishment registration fee shall be due once each fiscal year, upon the initial registration of the establishment or upon the annual registration under section 510.";

(2) by striking subsection (b) and inserting the following:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), and (e), the fees under subsection (a) shall be based on the following fee amounts:

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Premarket Application	$185,000	$200,725	$217,787	$236,298	$256,384
Establishment Registration Fee	$1,706	$1,851	$2,008	$2,179	$2,364";

(3) in subsection (c)—

(A) in the heading, by striking "Annual Fee Setting" and inserting "ANNUAL FEE SETTING";

(B) in paragraph (1), by striking the second sentence;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

"(2) ADJUSTMENT OF ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—When setting the fees for fiscal year 2010, the Secretary may increase the establishment registration fee specified in subsection (b) only if the Secretary estimates that the number of establishments submitting fees for fiscal year 2009 is less than 12,250. The percent increase shall be the percent by which the estimate of establishments submitting fees in fiscal year 2009 is less than 12,750, but in no case shall the percent increase be more than 8.5 percent over the amount for such fee specified in subsection (b) for fiscal year 2010. If the Secretary makes any adjustment to the establishment registration fee for fiscal year 2010, then the establishment registration fee for fiscal years 2011 and 2012 under subsection (b) shall be adjusted as follows: the fee for fiscal year 2011 shall be equal to the adjusted fee for fiscal year 2010, increased by 8.5 percent, and the fee for fiscal year 2012 shall be equal to the adjusted fee for fiscal year 2011, increased by 8.5 percent.

"(B) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary shall publish any determination with respect to any establishment registration fee adjustment made under subparagraph (A), and the rationale for such determination, in the Federal Register."; and

(E) in paragraph (4)(A), as so redesignated—

(i) by striking "For fiscal years 2006 and 2007, the" and inserting "The"; and

(ii) by striking "of fiscal year 2008" and inserting "of the next fiscal year";

(4) in subsection (d)—

(A) in paragraph (1), by striking ", partners, and parent firms";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", partners, and parent firms";

(ii) in subparagraph (B)—

(I) by striking "An applicant shall" and inserting the following:

"(i) IN GENERAL.—An applicant shall";

(II) by striking "The applicant shall support" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support";

(III) by striking ", partners, and parent firms" both places the term appears;

(IV) by striking "partners, or parent firms, the" and inserting "the";

(V) by striking ", partners, or parent firms, respectively"; and

(VI) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of the following:

"(I) A signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant meets the criteria for a small business.

"(II) A certification, in English, from the national taxing authority of the country in which it is headquartered. Such certification shall provide the applicant's gross receipts and sales for the most recent year, in both the local currency and in United States dollars, the exchange rate used in making this conversion to dollars, and the dates during which these receipts and sales were collected, and it shall bear the official seal of the national taxing authority.

"(III) Identical certifications shall be provided for each of the applicant's affiliates.

"(IV) A statement signed by the head of the applicant or its chief financial officer that it has submitted certifications for all of its affiliates, or that it had no affiliates, whichever is applicable."; and

(iii) in subparagraph (C)—

(I) by striking "reduced rate of" and inserting "reduced rate of—"; and

(II) by striking "38 percent" and all that follows through the period and inserting the following:

"(i) 25 percent of the fee established under such subsection for a premarket application, a premarket report, a supplement, or a periodic report concerning a class III device; and

"(ii) 50 percent of the fee established under such subsection for a 30-day notice or a request for classification information.";

(5) in subsection (e)—

(A) in paragraph (1), by striking "2004" and inserting "2008"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", partners, and parent firms";

(ii) by striking subparagraph (B) and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for the lower fee rate.

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, and a copy of such returns of its affiliates, which show an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant, and each of such affiliates, shall certify that the information provided is a true and accurate copy of the actual tax forms *they submitted to the Internal Revenue Service. If no tax forms are submitted for affiliates, the applicant shall certify that the applicant has no affiliates.*

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of the following:

"(I) A signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant meets the criteria for a small business.

"(II) A certification, in English, from the national taxing authority of the country in which it is headquartered. Such certification shall provide the applicant's gross receipts and sales for the most recent year, in both the local currency and in United States dollars, and the exchange rate used in making such conversion to dollars, and the dates during which such receipts and sales were collected, and it shall bear the official seal of the national taxing authority.

"(III) Identical certifications shall be provided for each of the applicant's affiliates.

"(IV) A statement signed by the head of the applicant or its chief financial officer that it has submitted certifications for all of its affiliates, or that it had no affiliates, whichever is applicable."; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) REDUCED FEES.—For fiscal year 2008 and each subsequent fiscal year, where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 50 percent of the fee that applies under subsection (a)(2)(A)(viii) and as established under subsection (c)(1).";

(6) by striking subsection (f) and inserting the following:

"(f) EFFECT OF FAILURE TO PAY FEES.—

"(1) IN GENERAL.—A premarket application, premarket report, supplement, or premarket notification submission, 30-day notice, request for classification information, or periodic report concerning a class III device submitted by a person subject to fees under paragraphs (2) and (3) of subsection (a) shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

"(2) REGISTRATION INFORMATION.—Registration information submitted by an establishment subject to a registration fee under subsection (a)(3) shall be considered incomplete and shall not be accepted by the Secretary until the registration fee owed for the establishment has been paid. Until the fee is paid and the registration is complete, the establishment shall be deemed to have failed to register in accordance with section 510.";

(7) in subsection (g)—

(A) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE GOALS; TERMINATION OF PROGRAM.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

"(A) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is more than 1 percent less than $205,720,000 multiplied by the adjustment factor applicable to such fiscal year; or

"(B) fees were not assessed under subsection (a) for the previous fiscal year."; and

(B) in paragraph (2), by striking "and premarket notification submissions, and" and inserting "premarket notification submissions, 30-day notices, requests for classification information, periodic reports concerning a class III device, and establishment registrations"; and

(8) in subsection (h), by striking paragraphs (3) and (4) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $48,431,000 for fiscal year 2008;

"(B) $52,547,000 for fiscal year 2009;

"(C) $57,014,000 for fiscal year 2010;

"(D) $61,860,000 for fiscal year 2011; and

"(E) $67,118,000 for fiscal year 2012.

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, added to the amount estimated to be collected for fiscal year 2011 (which estimate shall be based upon the amount of fees received by the Secretary through June 30, 2011), exceeds the amount of fees specified in aggregate in paragraph (3) for such 4 fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

SEC. 304. SAVINGS CLAUSE.

Notwithstanding section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250), and notwithstanding the amendments made by this subtitle, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this subtitle, shall continue to be in effect with respect to premarket applications, premarket reports, premarket notification submissions, and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 305. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the date of the enactment of this subtitle.

Subtitle B—Amendments Regarding Regulation of Medical Devices

SEC. 311. INSPECTIONS BY ACCREDITED PERSONS.

Section 704(g) (21 U.S.C. 374(g)) is amended—

(1) in paragraph (1) by striking "not later than one year after the date of enactment of this subsection, the Secretary" and inserting "The Secretary";

(2) in paragraph (3) by adding at the end the following:

"(F) Such person shall notify the Secretary of any withdrawal, suspension, restriction, or expiration of certificate of conformance with the quality systems standard referred to in paragraph (7) for any manufacturer that such person inspects under this subsection not later than 30 days after such withdrawal, suspension, restriction, or expiration.

"(G) Such person may conduct audits to establish conformance with the quality systems standard referred to in paragraph (7).";

(3) by amending paragraph (6) to read as follows:

"(6) A device establishment is eligible for inspections by persons accredited under paragraph (2) if the following conditions are met:

"(A) With respect to inspections to be conducted by an accredited person—

"(i) the owner or operator of the establishment submits to the Secretary a notice indicating the intent to use such a person to conduct the inspection, and the date on which the inspection is scheduled to begin; and

"(ii) the accredited person whom the establishment selects to conduct the inspection is listed on the Internet site of the Food and Drug Administration referred to in paragraph (4).

"(B) As requested by the Secretary, the establishment or the accredited person identified in the notice under subparagraph (A) provides information concerning the relationship between the establishment and such accredited person.";

(4) in paragraph (7)—

(A) by amending subparagraph (A) to read as follows:

"(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report in a form and manner designated by the Secretary, taking into consideration the goals of international harmonization of quality systems standards. Any official classification of the inspection shall be determined by the Secretary."; and

(B) by adding at the end the following new subparagraph:

"(F) The Secretary shall accept reports of audits assessing conformance with an appropriate quality systems standard set by the International Organization for Standardization (ISO) identified by the Secretary in public notice for the purpose of setting risk-based inspectional priorities.".

SEC. 312. EXTENSION OF AUTHORITY FOR THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523(c) (21 U.S.C. 360m(c)) is amended by striking "2007" and inserting "2012".

SEC. 313. REGISTRATION.

(a) ANNUAL REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES.—Section 510(b) (21 U.S.C. 359(b)) is amended—

(1) by striking "(b) On or before" and inserting "(b)(1) On or before";

(2) in paragraph (1), by striking "or a device or devices"; and

(3) by adding at the end the following new paragraph:

"(2) Between October 1 and December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices shall register with the Secretary his name, places of business, and all such establishments.".

(b) REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 510(i)(1) (21 U.S.C. 359(i)(1)) is amended—

(1) by striking "(1) On or before" and inserting "(1)(A) On or before";

(2) in subparagraph (A)—

(A) by striking "processing of a drug or a device that is imported" and inserting "processing of a drug that is imported";

(B) by striking "or device" each place it appears; and

(3) by adding after such subparagraph (A) the following new subparagraph:

"(B) Between October 1 and December 31 of each year, any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary, register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation.".

SEC. 314. FILING OF LISTS OF DRUGS AND DEVICES MANUFACTURED PREPARED, PROPAGATED AND COMPOUNDED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.

Section 510(j)(2) (21 U.S.C. 360(j)(2) is amended, in the matter preceding subparagraph (A), to read as follows:

"(2) Each person who registers with the Secretary under this section shall report to the Secretary (i) with regard to drugs, once during the month of June of each year and once during the month of December of each year, and (ii) with regard to devices, once each year between October 1 and December 31, the following information:".

SEC. 315. ELECTRONIC REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended to read as follows:

"(p)(1) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug, registrations under subsections (b), (c), (d), and (i) of this section (including the submission of updated information) shall be submitted to the Secretary by electronic means, upon a finding by the Secretary that the electronic receipt of such registrations is feasible, unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.

"(2) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, the registration and listing information required by this section shall be submitted to the Secretary by electronic means, unless the Secretary grants a waiver because electronic registration and listing is not reasonable for the person requesting such waiver.".

TITLE IV—PEDIATRIC MEDICAL PRODUCTS

Subtitle A—Best Pharmaceuticals for Children

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Best Pharmaceuticals for Children Amendments of 2007".

SEC. 402. PEDIATRIC STUDIES OF DRUGS.

(a) In General.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", and, at the discretion of the Secretary, may include preclinical studies";

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) Exception.—The Secretary shall not extend a period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.";

(3) in subsection (c)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) Exception.—The Secretary shall not extend a period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.";

(4) by striking subsection (d) and inserting the following:

"(d) Conduct of Pediatric Studies.—

"(1) Request for studies.—

"(A) In general.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

"(B) Single written request.—A single written request—

"(i) may relate to more than 1 use of a drug; and

"(ii) may include uses that are both approved and unapproved.

"(2) Written request for pediatric studies.—

"(A) Request and response.—

"(i) In general.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

"(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

"(II) indicating that the applicant or holder does not agree to the request and the reasons for declining the request.

"(ii) Disagree with request.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

"(B) Adverse event reports.—An applicant or holder that, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

"(3) Meeting the studies requirement.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(4) Effect of subsection.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.";

(5) by striking subsections (e) and (f) and inserting the following:

"(e) Notice of Determinations on Studies Requirement.—

"(1) In general.—The Secretary shall publish a notice of any determination, made on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

"(2) Identification of certain drugs.—The Secretary shall publish a notice identifying any drug for which, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within 1 year of the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug

shall be published not later than 30 days after the date of the expiration of such 1 year period.

"(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

"(1) INTERNAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall create an internal review committee to review all written requests issued and all reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, in accordance with paragraphs (2) and (3).

"(B) MEMBERS.—The committee under subparagraph (A) shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

"(i) Pediatrics.

"(ii) Biopharmacology.

"(iii) Statistics.

"(iv) Drugs and drug formulations.

"(v) Legal issues.

"(vi) Appropriate expertise pertaining to the pediatric product under review.

"(vii) One or more experts from the Office of Pediatric Therapeutics, including an expert in pediatric ethics.

"(viii) Other individuals as designated by the Secretary.

"(2) REVIEW OF WRITTEN REQUESTS.—All written requests under this section shall be reviewed and approved by the committee established under paragraph (1) prior to being issued.

"(3) REVIEW OF PEDIATRIC STUDIES.—The committee established under paragraph (1) shall review all studies conducted pursuant to this section to determine whether to accept or reject such reports under subsection (d)(3).

"(4) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The committee established under paragraph (1) shall be responsible for tracking and making available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of studies conducted under this section;

"(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under this section;

"(C) the types of studies conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

"(E) the labeling changes made as a result of studies conducted under this section;

"(F) an annual summary of labeling changes made as a result of studies conducted under this section for distribution pursuant to subsection (k)(2); and

"(G) information regarding reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.";

(6) in subsection (g)—

(A) in paragraph (1)—

(i) by striking "(c)(1)(A)(ii)" and inserting "(c)(1)(A)(i)(II)"; and

(ii) by striking "(c)(2)" and inserting "(c)(1)(B)";

(B) in paragraph (2), by striking "(c)(1)(B)" and inserting "(c)(1)(A)(ii)";

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking "LIMITATIONS.—A drug" and inserting "LIMITATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(2), a drug"; and

(E) by adding at the end the following:

"(2) EXCLUSIVITY ADJUSTMENT.—

"(A) ADJUSTMENT.—

"(i) IN GENERAL.—With respect to any drug, if the organization designated under subparagraph (B) notifies the Secretary that the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in any calendar year prior to the time the sponsor or holder agrees to the initial written request pursuant to subsection (d)(2), then each period of market exclusivity deemed or extended under subsection (b) or (c) shall be reduced by 3 months for such drug.

"(ii) DETERMINATION.—The determination under clause (i) of the combined annual gross sales shall be determined—

"(I) taking into account only those sales within the United States; and

"(II) taking into account only the sales of all drugs with the same active moiety of the sponsor or holder and its affiliates.

"(B) DESIGNATION.—The Secretary shall designate an organization other than the Food and Drug Administration to evaluate whether the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in a calendar year as described in subparagraph (A). Prior to designating such organization, the Secretary shall determine that such organization is independent and is qualified to evaluate the sales of pharmaceutical products. The Secretary shall re-evaluate the designation of such organization once every 3 years.

"(C) NOTIFICATION.—Once a year at a time designated by the Secretary, the organization designated under subparagraph (B) shall notify the Food and Drug Administration of all drugs with the same active moiety with combined annual gross sales that exceed $1,000,000,000 during the previous calendar year.";

(7) in subsection (i)—

(A) in the heading, by striking "SUPPLEMENTS" and inserting "CHANGES";

(B) in paragraph (1)—

(i) in the heading, by inserting "APPLICATIONS AND" after "PEDIATRIC";

(ii) by inserting "application or" after "Any";

(iii) by striking "change pursuant to a report on a pediatric study under" and inserting "change as a result of any pediatric study conducted pursuant to"; and

(iv) by inserting "application or" after "to be a priority"; and

(C) in paragraph (2)(A), by—

(i) striking "If the Commissioner" and inserting "If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Commissioner"; and

(ii) striking "an application with" and all that follows through "on appropriate" and inserting "the sponsor and the Commissioner have been unable to reach agreement on appropriate";

(8) by striking subsection (m);

(9) by redesignating subsections (j), (k), (l), and (n), as subsections (k), (m), (o), and (p), respectively;

(10) by inserting after subsection (i) the following:

"(j) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.";

(11) in subsection (k), as redesignated by paragraph (9)—

(A) in paragraph (1)—

(i) by striking "a summary of the medical and" and inserting "the medical, statistical, and"; and

(ii) by striking "for the supplement" and all that follows through the period and inserting "under subsection (b) or (c).";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary shall require that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.";

(12) by inserting after subsection (k), as redesignated by paragraph (9), the following:

"(l) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, during the 1-year period beginning on the date a labeling change is made pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this section in response to such reports.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.";

(13) by inserting after subsection (m), as redesignated by paragraph (9), the following:

"(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

"(1) IN GENERAL.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

"(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B. Prior to making such determination, the Secretary may take not more than 60 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate 1 or more of the pediatric studies of such drug referred to in the sentence preceding this paragraph and fund 1 or more of such studies in their entirety. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer such pediatric

study or studies to the Foundation for the National Institutes of Health for the conduct of such study or studies.

"(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

"(2) PUBLIC NOTICE.—The Secretary shall give the public notice of—

"(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision; and

"(B) any referral under paragraph (1)(B) of a drug for inclusion on the list established under section 409I of the Public Health Service Act.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code."; and

(14) in subsection (p), as redesignated by paragraph (9)—

(A) striking "6-month period" and inserting "3-month or 6-month period";

(B) by striking "subsection (a)" and inserting "subsection (b)"; and

(C) by striking "2007" both places it appears and inserting "2012".

(b) EFFECTIVE DATE.—Except as otherwise provided in the amendments made by subsection (a), such amendments shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of enactment of this subtitle.

SEC. 403. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every 3 years.

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

"(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

"(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.";

(2) in subsection (c)—

(A) in the heading, by striking "CONTRACTS" and inserting "PROPOSED PEDIATRIC STUDY REQUESTS";

(B) by striking paragraphs (4) and (12);

(C) by redesignating paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4);

(D) by inserting before paragraph (2), as redesignated by subparagraph (C), the following:

"(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;

"(B) there is no patent protection or market exclusivity protection for at least 1 form of the drug under the Federal Food, Drug, and Cosmetic Act; and

"(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.";

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by inserting "based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1)" after "issue a written request";

(ii) by striking "in the list described in subsection (a)(1)(A) (except clause (iv))" and inserting "under subsection (a)"; and

(iii) by inserting "and using appropriate formulations for each age group for which the study is requested" before the period at the end;

(F) in paragraph (3), as redesignated by subparagraph (C)—

(i) in the heading, by striking "CONTRACT";

(ii) by striking "paragraph (1)" and inserting "paragraph (2)";

(iii) by striking "or if a referral described in subsection (a)(1)(A)(iv) is made,";

(iv) by striking "for contract proposals" and inserting "for proposals"; and

(v) by inserting "in accordance with subsection (b)" before the period at the end;

(G) in paragraph (4), as redesignated by subparagraph (C)—

(i) by striking "contract"; and

(ii) by striking "paragraph (2)" and inserting "paragraph (3)";

(H) in paragraph (5)—

(i) by striking the heading and inserting "CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS"; and

(ii) by striking "A contract" and all that follows through "is submitted" and inserting "A contract, grant, or other funding may be awarded under this section only if a proposal is submitted";

(I) in paragraph (6)(A)—

(i) by striking "a contract awarded" and inserting "an award"; and

(ii) by inserting ", including a written request if issued" after "with the study"; and

(3) by inserting after subsection (c) the following:

"(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress."

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2008; and

"(B) such sums as are necessary for each of the 4 succeeding fiscal years.

"(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

SEC. 404. REPORTS AND STUDIES.

(a) GAO REPORT.—Not later than January 31, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of the amendments made by this subtitle and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this subtitle and the amendments made by this subtitle, and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)), has increased or decreased as a result of the amendments made by this subtitle;

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this subtitle, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (42 U.S.C. 284m) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

(b) IOM STUDY.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to section 505A of the Federal Food, Drug, and Cosmetic Act. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of

requests made and studies conducted pursuant to such section in order to conduct such study. Such study shall—

(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c) of such section 505A;

(2) review and assess such representative pediatric studies conducted under such subsections (b) and (c) since 1997 and labeling changes made as a result of such studies; and

(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials.

SEC. 405. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) Investment in Tomorrow's Pediatric Researchers.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g–10(2)) is amended by adding before the period at the end the following: ", including pediatric pharmacological research".

(b) Pediatric Research Loan Repayment Program.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288–6(a)(1)) is amended by inserting "including pediatric pharmacological research," after "pediatric research,".

SEC. 406. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking "and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of the is Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)" and inserting "and studies for which the Secretary issues a certification under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(n)(1)(A))".

SEC. 407. CONTINUATION OF OPERATION OF COMMITTEE.

Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following:

"(d) Continuation of Operation of Committee.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.".

SEC. 408. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a and 355c) with respect to the treatment of pediatric cancers."; and

(B) by adding at the end the following:

"(3) Continuation of Operation of Subcommittee.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Subcommittee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007."; and

(2) in subsection (d), by striking "2003" and inserting "2009".

SEC. 409. EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.

(a) In General.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products", 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(b) Limitation.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(1) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(2) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(3) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

Subtitle B—Pediatric Research Improvement

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Pediatric Research Improvement Act".

SEC. 412. PEDIATRIC FORMULATIONS, EXTRAPOLATIONS, AND DEFERRALS.

Section 505B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)) is amended—

(1) in paragraph (4)(C), by adding at the end the following: "An applicant seeking either a partial or full waiver on this ground shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed, and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration";

(2) in paragraph (2)(B), by adding at the end the following:

"(iii) Information on Extrapolation.—A brief documentation of the scientific data supporting the conclusion under clauses (i) and (ii) shall be included in any pertinent reviews for the application under section 505 or section 351 of the Public Health Service Act."; and

(3) by striking paragraph (3) and inserting the following:

"(3) Deferral.—

"(A) In general.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(i) the Secretary finds that—

"(I) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(II) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(III) there is another appropriate reason for deferral; and

"(ii) the applicant submits to the Secretary—

"(I) certification of the grounds for deferring the assessments;

"(II) a description of the planned or ongoing studies;

"(III) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time; and

"(IV) a timeline for the completion of such studies.

"(B) Annual review.—

"(i) In general.—On an annual basis following the approval of a deferral under subparagraph (A), the applicant shall submit to the Secretary the following information:

"(I) Information detailing the progress made in conducting pediatric studies.

"(II) If no progress has been made in conducting such studies, evidence and documentation that such studies will be conducted with due diligence and at the earliest possible time.

"(ii) Public availability.—The information submitted through the annual review under clause (i) shall promptly be made available to the public in an easily accessible manner, including through the website of the Food and Drug Administration.".

SEC. 413. IMPROVING AVAILABILITY OF PEDIATRIC DATA FOR ALREADY MARKETED PRODUCTS.

Section 505B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) In general.—After providing notice in the form of a letter, or a written request under section 505A that was declined by the sponsor or holder, and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the sponsor or holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) and the written request, as appropriate, if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) adequate pediatric labeling could confer a benefit on pediatric patients;

"(B) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; or

"(C) the absence of adequate pediatric labeling could pose a risk to pediatric patients.";

(2) in paragraph (2)(C), by adding at the end the following: "An applicant seeking either a partial or full waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed, and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration."; and

(3) by striking paragraph (3) and inserting the following:

"(3) Effect of subsection.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.".

SEC. 414. SUNSET; REVIEW OF PEDIATRIC ASSESSMENTS; ADVERSE EVENT REPORTING; LABELING CHANGES; AND PEDIATRIC ASSESSMENTS.

Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) redesignating subsection (h) as subsection (j);

(2) in subsection (j), as so redesignated, by striking "505A(n)" and inserting "505A(p)";

(3) by redesignating subsection (f) as subsection (k);

(4) by redesignating subsection (g) as subsection (l); and

(5) by inserting after subsection (e) the following:

"(f) REVIEW OF PEDIATRIC ASSESSMENT REQUESTS, PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—

"(1) REVIEW.—The Secretary shall create an internal committee to review all pediatric assessment requests issued under this section, all pediatric assessments conducted under this section, and all deferral and waiver requests made pursuant to this section. Such internal committee shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

"(A) Pediatrics.

"(B) Biopharmacology.

"(C) Statistics.

"(D) Drugs and drug formulations.

"(E) Pediatric ethics.

"(F) Legal issues.

"(G) Appropriate expertise pertaining to the pediatric product under review.

"(H) 1 or more experts from the Office of Pediatric Therapeutics.

"(I) Other individuals as designated by the Secretary.

"(2) REVIEW OF REQUESTS FOR PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—All written requests for a pediatric assessment issued pursuant to this section and all requests for deferrals and waivers from the requirement to conduct a pediatric assessment under this section shall be reviewed and approved by the committee established under paragraph (1).

"(3) REVIEW OF ASSESSMENTS.—The committee established under paragraph (1) shall review all assessments conducted under this section to determine whether such assessments meet the requirements of this section.

"(4) TRACKING OF ASSESSMENTS AND LABELING CHANGES.—The committee established under paragraph (1) is responsible for tracking and making public in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of assessments conducted under this section;

"(B) the specific drugs and drug uses assessed under this section;

"(C) the types of assessments conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the total number of deferrals requested and granted under this section, and, if granted, the reasons for such deferrals, the timeline for completion, and the number completed and pending by the specified date, as outlined in subsection (a)(3);

"(E) the number of waivers requested and granted under this section, and, if granted, the reasons for the waivers;

"(F) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons any such formulations were not developed;

"(G) the labeling changes made as a result of assessments conducted under this section;

"(H) an annual summary of labeling changes made as a result of assessments conducted under this section for distribution pursuant to subsection (i)(2); and

"(I) an annual summary of the information submitted pursuant to subsection (a)(3)(B).

"(g) LABELING CHANGES.—

"(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENT.—Any supplement to an application under section 505 and section 351 of the Public Health Service Act proposing a labeling change as a result of any pediatric assessments conducted pursuant to this section—

"(A) shall be considered a priority supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If the Commissioner determines that a sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application or supplement, not later than 180 days after the date of the submission of the application or supplement—

"(i) the Commissioner shall request that the sponsor make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor does not agree to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application or supplement to make any labeling changes that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application or supplement to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(3) OTHER LABELING CHANGES.—If the Secretary makes a determination that a pediatric assessment conducted under this section does or does not demonstrate that the drug that is the subject of such assessment is safe and effective, including whether such assessment results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the assessment and a statement of the Secretary's determination.

"(h) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a pediatric assessment under this section, the Secretary shall make available to the public in an easily accessible manner the medical, statistical, and clinical pharmacology reviews of such pediatric assessments and shall post such assessments on the website of the Food and Drug Administration.

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—The Secretary shall require that the sponsors of the assessments that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(H) distribute such information to physicians and other health care providers.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall alter or amend section 301(j) of this Act or section 552 of title 5, United States Code, or section 1905 of title 18, United States Code.

"(i) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR 1.—During the 1-year period beginning on the date a labeling change is made pursuant to subsection (g), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics. In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to such report.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics with all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such report.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.".

SEC. 415. MEANINGFUL THERAPEUTIC BENEFIT.

Section 505B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) by striking "estimates" and inserting "determines"; and

(2) by striking "would" and inserting "could".

SEC. 416. REPORTS.

(a) INSTITUTE OF MEDICINE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, the Secretary shall contract with the Institute of Medicine to conduct a study and report to Congress regarding the pediatric studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) since 1997.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall review and assess—

(A) pediatric studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) since 1997 and labeling changes made as a result of such studies; and

(B) the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, number and type of pediatric adverse events, and ethical issues in pediatric clinical trials.

(3) REPRESENTATIVE SAMPLE.—The Institute of Medicine may devise an appropriate mechanism to review a representative sample of studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) from each review division within the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in order to make the required assessment.

(b) GAO REPORT.—Not later than September 1, 2010, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of this provision and the importance for children, health care providers, parents and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of such section

505B, and possible reasons for the lack of testing; and

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established under such section 505B, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee.

SEC. 417. TECHNICAL CORRECTIONS.

Section 505B(a)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)(2)(B)(ii)) is amended by striking "one" and inserting "1".

Subtitle C—Pediatric Medical Devices

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2007".

SEC. 422. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

"(c) PEDIATRIC SUBPOPULATION.—In this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).".

SEC. 423. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.";

(3) by striking paragraph (6) and inserting the following:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2012.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents."; and

(4) by adding at the end the following:

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.".

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 425, which shall include an evaluation of the number of pediatric medical devices—

(A) that have been or are being studied in children; and

(B) that have been submitted to the Food and Drug Administration for approval, clearance, or review under such section 520(m) (as amended by this Act) and any regulatory actions taken.

(c) Guidance.—Not later than 180 days after the date of enactment of this subtitle, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 424. CONTACT POINT FOR AVAILABLE FUNDING.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (21), by striking "and" after the semicolon at the end;

(2) in paragraph (22), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (22) the following:

"(23) shall designate a contact point or office to help innovators and physicians identify sources of funding available for pediatric medical device development.".

SEC. 425. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) In General.—

(1) Request for proposals.—Not later than 90 days after the date of enactment of this subtitle, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) Determination on grants or contracts.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) Application.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—A nonprofit consortium that receives a grant or contract under this section shall facilitate the development, production, and distribution of pediatric medical devices by—

(1) encouraging innovation and connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentoring and managing pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connecting innovators and physicians to existing Federal and non-Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assessing the scientific and medical merit of proposed pediatric device projects; and

(5) providing assistance and advice as needed on business development, personnel training, prototype development, postmarket needs, and other activities consistent with the purposes of this section.

(d) Coordination.—

(1) National institutes of health.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 424; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) Food and drug administration.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(3) Effectiveness and outcomes.—Each consortium that receives a grant or contract under this section shall annually report to the Secretary of Health and Human Services on—

(A) the effectiveness of activities conducted under subsection (c);

(B) the impact of activities conducted under subsection (c) on pediatric device development; and

(C) the status of pediatric device development that has been facilitated by the consortium.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 426. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) In General.—

(1) Office of pediatric therapeutics.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(2) Plan for pediatric medical device research.—

(A) In general.—Not later than 270 days after the date of enactment of this subtitle, the Office of Pediatric Therapeutics, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(B) Contents.—The plan under subparagraph (A) shall include—

(i) the current status of federally funded pediatric medical device research;

(ii) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(iii) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

(b) Pediatric Advisory Committee.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 427. SURVEILLANCES.

(a) Postmarket Surveillances.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Postmarket Surveillance.—

"(1) In general.—

"(A) Conduct.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer that is a class II or class III device—

"(i) the failure of which would be reasonably likely to have serious adverse health consequences;

"(ii) that is expected to have significant use in pediatric populations; or

"(iii) that is intended to be implanted in the human body for more than 1 year, or a life sustaining or life supporting device used outside a device user facility.

"(B) Condition.—The Secretary may order a postmarket surveillance under subparagraph (A) as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k) only for a device described in subparagraph (A)(ii).

"(2) Rule of construction.—The provisions of paragraph (1) shall have no effect on authorities otherwise provided under the Act or regulations issued under this Act."; and

(2) in subsection (b)—

(A) by striking "(b) Surveillance Approval.—Each" and inserting the following:

"(b) Surveillance Approval.—

"(1) In general.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) Longer surveillances for pediatric devices.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety of the device.".

SEC. 428. SEVERABILITY CLAUSE.

If any provision of this Act, an amendment made this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, this week the Senate has the opportunity to set a new and better direction for the safety of the prescription drugs and medical devices that make such a profound difference in the lives of our people.

Every day, families across America rely on the Food and Drug Administration in ways they barely realize. When they put dinner on the table, they are counting on the FDA to see that the food is free from contamination. They trust the FDA to make sure the drugs they take are safe and effective. From prescription drugs, to pacemakers, to chemotherapy, to the food we eat, the FDA protects the health of hundreds of millions of Americans and monitors products that account for a quarter of the Nation's economy.

The FDA should be the "gold standard" for safety, but its luster has been tarnished in recent years for failure to protect the American people from unsafe drugs. The public was shocked that the arthritis drug Vioxx was able to stay on the market for 5 years, even though it nearly doubled the risk of heart attack and stroke. Antidepressants used by millions were found to increase the risk of suicide in adolescents. Millions of Americans have needlessly been put at risk, and they want action by Congress to reform and strengthen the agency.

We are responding now with bipartisan legislation that is the product of months of work in our committee. I commend my colleague and friend in this effort, Senator ENZI, for his work on this proposal that will improve the way FDA oversees the safety of drugs. Almost half of all Americans take at least one pill a day, so this legislation will make a difference in the lives of every American family. Our proposals were strengthened by our colleague from New Hampshire, Senator GREGG.

Safety is at the core. Our legislation was guided by the recommendations of the impressive report by the Institute of Medicine on the "Future of Drug Safety." Its major recommendations for reform are included in this legislation.

This chart I have in the Chamber gives the major recommendations for the Food and Drug Administration: Build the internal epidemiology and informatics capacity in order to improve the postmarket assessment of drugs, have postclinical trial results in a public database, have regularly analyzed postmarket study results. This aspect about postmarketing surveillance is a key in terms of drug safety. We have included their recommendations. Another is: Give the FDA better enforcement tools. I am going to refer to that in a moment. Another is: Conduct regular evaluation of new drug safety profiles. We have included that. I will expand on that point in a few moments. Another is: Substantially increase drug safety resources available to the FDA. We have also included those.

So those were recommendations from the Institute of Medicine. We have reviewed the same subject matter. We evaluated those very carefully and we have taken the major recommendations in terms of safety and included them in this legislation.

A small number of health systems in America—now referring to postmarketing surveillance and the use of electronic records—effectively links the surveillance of various kinds of prescription drugs to safety databases. These systems—Kaiser Permanente, Mayo Clinic, Veterans' Administration—have the means to examine whether Vioxx and other drugs were being used effectively. They found these drugs were being prescribed inappropriately, and they took steps to curb their overuse. As a result, they approved the use of these medications only for patients who had no other options. Overuse went down and safety improved.

The use of these databases should not be limited to the few health systems that currently use them. FDA should make use of every aspect of modern health care technology to safeguard the public's health. Mark McClellan, the former FDA Commissioner, calls these kinds of systems health IT for drug safety. Our proposal includes his recommendations.

Surveillance is essential, but effective action is needed when a safety problem is detected. Each drug has unique risks and benefits. There can be no one-size-fits-all approach to drug safety. That is why our legislation includes a flexible but effective program for safety. We call it a risk evaluation and management system. It can be tailored to the unique characteristics of each drug. It gives the FDA the authority to act when action is needed to protect public health, but it also contains safeguards to prevent such action from being imposed when there is no reason to do so.

For some drugs, it is essential to require postmarket studies, yet FDA today lacks the basic authority to require such trials to be conducted. FDA can request them but it cannot require them, and has few ways to see they are completed. As a result, companies routinely promise to conduct studies that are never even started, much less completed.

This chart I have in the Chamber shows how, under current law, postmarket studies are not completed. These are the studies that have been requested by the FDA because they are for sound safety reasons. Yet 71 percent of them were not even started. Our legislation says when they are required and recommended by the company, they must move ahead.

In its recent report on drug safety, GAO pointed out the failure of the current system. Its report states:

> In the absence of specific authority, FDA often relies on drug sponsors voluntarily agreeing to conduct such postmarketing studies. But the postmarketing studies that drug sponsors agree to conduct have not consistently been completed. The FDA has little leverage to ensure that the studies are carried out by imposing administrative penalties.

Our legislation solves this problem. It gives the FDA clear authority to require the conduct of the postmarketing studies when there is a public health need to do so, and it gives the FDA the ability to assess fines on those who ignore their responsibilities.

Databases and postmarketing studies help detect problems, but the FDA needs the ability to take other action to protect the public health. Here, too, the current law is inadequate. FDA lacks clear authority to require measures to protect public health. When lives are on the line, doctors are making the critical decisions. But because FDA's authority is so unclear, it must first call the lawyers for their opinion as to whether the agency can act. The Institute of Medicine identified this major weakness of current law and called on Congress to give FDA the authority to require risk management programs when needed to protect health. These programs can be as simple as new information on a drug label or an advisory notice to doctors or as sophisticated as special monitoring of programs for patients who use a particular drug. The legislation does not make the decision about which measures should be taken for which drugs, but it does give the FDA the authority to make the right choice for the public health. This authority has been lacking in the past.

For Vioxx, it took 14 months to change the drug's label to warn doctors and patients of the danger. Because FDA had weak authority, it had to ask the manufacturer to change the label voluntarily, and the manufacturer stalled and stalled. When patients are in danger, FDA should not have to wait to get legal opinions to decide how to protect health. It should be able to act immediately, and our bill gives them that authority.

In many cases, companies have hidden evidence of safety problems. Our bill addresses this abuse by including a public database of all clinical trials and their results. Listen to that: all clinical trials and their results. We protect the trademark aspects of the particular item but require the publication of all clinical trials and their results. A company will no longer be able to hide the results if they do not show what the company wanted.

Some would say any increase in drug safety will inevitably decrease access to needed drugs, but that is a false argument. Consider the situation now.

When the FDA is confronted with a new drug that may impose safety risks, or where additional study may be required, with little expectations that those risks will be mitigated by a voluntary approach—and with no ability to ensure that the studies are going to be conducted—FDA might reasonably conclude the risks of approving the drug are too great and, therefore, not approve it.

Under our legislation, the calculation is reversed. With this bill in place, FDA could allow patients to have access to the drug, secure in the knowledge that effective safety measures were in place. That is not my judgment; it is the judgment of a coalition of advocacy organizations representing over 30 million patients. This coalition, the Alliance for Drug Safety and Access, wrote Congress a letter saying:

> [T]his legislation gives the FDA the ability to continue to study the safety of drugs after approval, flexible enforcement tools necessary to ensure compliance with these new safety protections, and additional funding to support these new activities. Allowing the agency to act on clear safety signals could actually allow the FDA to approve drugs more quickly, knowing it will have the ability to respond on behalf of patients if safety concerns appear postmarket.

That is support from the organization that has been put together that is protecting safety for the consumers. That is the balance our legislation strikes: greater safety, hand in hand with better access.

As our debate continues, I will discuss additional aspects of the legislation, especially its new ideas for accelerating drug development, its renewal of our commitment to safe and effective drugs for children, and its provisions to improve drug science, and increase the transparency of the FDA.

We are also working with our colleagues from Iowa and Kansas, Senator HARKIN and Senator ROBERTS, on ways to refine our provisions on direct-to-consumer advertising, to make certain they are consistent with the Constitution. We are working with Senator DURBIN and other colleagues on the committee on proposals for food safety on pet food. These bipartisan proposals are being readied for floor action shortly. I look forward to further discussions on them.

Our committee will continue to work to improve the ways FDA can monitor and improve food safety. In this new era of life sciences, medical advances will continue to bring immense benefit for our citizens. To fulfil the potential of that bright future, we need not only brilliant researchers to develop the drugs of tomorrow but also strong and vigilant watchdogs for public health to guarantee that new drugs and medical devices are safe and beneficial, and that they actually reach the patients who urgently need them.

Congress has ample power to restore the luster the FDA has lost in recent years. The legislation we are now considering represents a bipartisan consensus on the best way to get the job done.

I want to mention a few additional items. I am quoting now from the FDA's report brief on 2006:

> The Food and Drug Administration's authorities must be clarified and strengthened to empower the agency to take rapid, decisive action when necessary and appropriate. FDA lacks the clear, unambiguous authority needed to enforce sponsor compliance with regulatory requirements and, instead, relies on the process of productive negotiations with the industry.

We have taken that. That is their No. 1 statement.

Included in that we have—this is the IOM committee.

> The committee recommends that the FDA ensure that the FDA has the ability to require postmarketing risk assessment and to monitor and ensure the safe use of drugs.

We have done it.

> These conditions may be imposed both before and after approval of a new drug, a new indication or a new dosage.

We have incorporated those concepts, as well as the identification of some new contraindications or patterns of adverse effects.

It talks about the distribution, conditioned on compliance, with agency-initiated changes and drug labels. We have achieved that. Conditioned on specific warnings, proposal materials, distribution conditioned on a moratorium, on direct consumer advertising. We have at least addressed that.

It also includes distribution of restrictions for special training, if need be, for pharmacists and physicians. It also has distribution conditions on the performance of specific medical procedures. It talks about clinical trials. FDA needs increased enforcement authority, better enforcement tools directed at drug sponsors which should include fines and injunctions and withdrawal of drug approval.

We haven't taken every one of these recommendations—not every one precisely—but we have taken the essence of these recommendations, and we have included those that are as a result of our extensive hearings. I could go on with this, and will later on perhaps, but I won't today. I wish to mention, finally, the various groups.

We mentioned the Alliance for Drug Safety and Access. I will include these letters of support. This is to Senators KENNEDY and ENZI:

> On behalf of the Alliance for Drug Safety and Access, we write today to express our support for the goals of titles I and II of S. 1082, the Food and Drug Administration Revitalization Act.
>
> It will continue the timely access of patients to new therapies and will improve the ability of the Food and Drug Administration to ensure safety of drugs already on the market.
>
> S. 1082 takes a life-cycle approach to the risk-benefit assessment of drugs and biologics—

This is so, though we have not included biologics in this proposal with regard to drugs as endorsed by the Alliance and recommended by the Institute.

> We are pleased that this legislation gives the FDA the ability to continue to study the safety of drugs after approval, flexible enforcement tools necessary to ensure compliance with the new safety protections, and additional funding to support these new activities.

It allows the FDA to approve drugs more quickly, knowing it will have the ability to respond to the patients if safety concerns appear afterwards.

This represents a group of at least 30 different health organizations that have followed this most closely.

We have a letter that has been sent to Senator ENZI and myself, Senator DODD and Senator CLINTON, talking about how this legislation impacts children and giving special recognition, as they should, to our colleagues and friends, Senator DODD, who has been such a leader in this area, and Senator CLINTON as well, who has been so thoughtful in this area.

It points out the Pediatric Medical Device Safety Improvement Act of 2000 provides a comprehensive approach to ensure that children are not left behind in cutting-edge research and revolutionary technologies for medical devices. It talks about swift action and passage.

The American Psychiatric Association talks about how the provisions of this bill will ensure the Food and Drug Administration is equipped with the necessary tools to enhance its consistency, transparency, and accountability in ensuring the safety of drugs post-approval.

The American Psychiatric Association advocates for patient safety and supports further postmarket research of medications to ensure the safety and efficacy of medications used to treat mental illnesses. The letter says:

> We look forward to working with you to rebuild the Administration's reputation and creating a universal drug safety monitoring system that is reliable and dependable.

They indicate their strong support for the legislation.

Again, another letter of support from the American College of Pharmacy, and it talks about the particular emphasis we have placed on improving science knowledge, which improves their decisionmaking regulatory oversight. Science knowledge grows on a daily basis. We know we are in the life science century. We want that agency, the FDA, to have the best in terms of science and science knowledge, and we have included special provisions to enhance that particular effort, and this association has recognized that.

We also have a letter from the Consumers Union, and they talk about their strong support for this legislation. They oppose any weakening amendments of this important legislation. It also has some reference to some of the recent polls which point out that 96 percent of Americans agree that Government should have the power to require warning labels if safety problems are identified, with 80 percent of those strongly agreeing to that authority. Right now the FDA has to negotiate safety warnings.

It also talks about the strong support the American people have for the FDA, which doesn't have the authority to provide studies to be performed once the drug is on the market. The American people are way ahead of us. They also show strong support to make public the clinical trial studies. This bill does that. Sixty-eight percent of the American people strongly agree the drug studies should be made public.

Eighty-four percent of the American people believe advertising for prescription drugs with safety concerns should be prohibited. Then it continues: Three-quarters of consumers agree that drug ads lead to overprescribing, with 38 percent strongly agreeing and 59 percent agreeing that the Government should restrict advertising by pharmaceutical companies altogether. We haven't gone that route, but we have taken safety considerations to heart.

Then the other letters from the Cardiovascular Association that talk about the particular provisions dealing with children, the pediatric provisions in here which are enormously important, and other letters. I ask unanimous consent that the appropriate representative group of letters be printed in the RECORD and the references to some of the editorials from across the country—I am not going to ask that they all be printed, but I will ask that selected ones be printed in the RECORD and that other newspapers be referenced showing strong support.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE ALLIANCE FOR DRUG
SAFETY AND ACCESS,
April 17, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Health, Education, Labor, and Pensions Committee, U.S. Senate, Washington, DC.
Hon. MICHAEL B. ENZI,
Ranking Member, Senate Health, Education, Labor, and Pensions Committee, U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND ENZI: On behalf of the Alliance for Drug Safety and Access (ADSA), we write today to express our support for the goals of Titles I and II of S. 1082, the "Food and Drug Administration Revitalization Act". We appreciate your leadership in introducing this bipartisan legislation, which will both continue the timely access of patients to new therapies and improve the ability of the Food and Drug Administration (FDA) to ensure the safety of drugs already on the market. While we would appreciate the opportunity to continue to work with you on strengthening this legislation as it moves forward, we urge the Committee on Health, Education, Labor and Pensions to report out this legislation for consideration by the full Senate.

ADSA members advocate on behalf of over 31 million patients, including those suffering from HIV/AIDS, Parkinson's disease, spinal cord injuries, paralysis, multiple sclerosis, leukodystrophies, Tourette syndrome, and over 6,000 known rare diseases. Our members also represent over 100,000 providers of care to pediatric patients and individuals with mental illnesses.

S. 1082 takes a life-cycle approach to the risk-benefit assessment of drugs and biologics, as endorsed by ADSA and recommended by the Institute of Medicine. We are pleased that this legislation gives the FDA the ability to continue to study the safety of drugs after approval, flexible enforcement tools necessary to ensure compliance with these new safety protections, and additional funding to support these new activities. Allowing the agency to act on clear safety signals could actually allow the FDA to approve drugs more quickly, knowing it will have the ability to respond on behalf of patients if safety concerns appear post-market.

We know that you share our interest in both speeding life-saving drugs to patients while also strengthening oversight of drugs post-market. And, we believe that with sufficient resources both goals are achievable through the legislation you have authored. ADSA looks forward to working with you toward these goals and toward strengthening provisions of your legislation related to patient access to clinical trial information and the FDA's enforcement authorities.

Thank you again for your leadership on this critical issue and the opportunity to share our views.

AIDS Treatment Action Coalition
American Academy of Pediatrics
American Academy of Child and Adolescent Psychiatry
American Psychiatric Association
Christopher and Dana Reeve Foundation
Elizabeth Glaser Pediatric AIDS Foundation
National Multiple Sclerosis Society
National Organization for Rare Disorders (NORD)
Parkinson's Action Network
Tourette Sydrome Association.

APRIL 17, 2007.

Hon. EDWARD KENNEDY,
U.S. Senate, Washington, DC.
Hon. MICHAEL B. ENZI,
U.S. Senate, Washington, DC.
Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY, ENZI, DODD AND CLINTON: As organizations working to ensure better health care for the nation's children, we write to thank you for your long-standing commitment to children's health and to express our support for legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA) and to improve children's access to safe medical devices. We are very pleased that BPCA and PREA reauthorization language and S. 830, the Pediatric Medical Device Safety and Improvement Act, have been included in the Chairman's mark of S. 1082, the "Food and Drug Administration Revitalization Act," for consideration by the Senate Health, Education, Labor and Pensions Committee tomorrow.

Over the past decade, Congress has enacted bipartisan legislation that has dramatically increased the number of drugs tested and labeled for children. The results from BPCA are extraordinary—over 336 requests have been generated for over 780 pediatric studies, resulting in over 115 new drug labels for children. Sen. Dodd's BPCA reauthorization language strengthens this very successful existing program in several important ways, including ensuring prompt label changes, requiring that all study protocols and results be made public, improving adverse events reporting for children, and identifying and addressing important gaps in treatments for children's diseases. In addition, the BPCA language includes a reasoned approach to address the small percentage of drugs for which the exclusivity provision has far exceeded the incentive it was intended to provide pharmaceutical companies.

S. 993, the Pediatric Research Improvement Act (PRIA), introduced by Sen. Clinton and included in the Chairman's mark, reauthorizes the Pediatric Research Equity Act of 2003 (PREA), which requires drug manufacturers to test their products for use in children. This law ensures that children are not a therapeutic afterthought and has generated impressive and invaluable safety and dosing information for children. Since the 2003 passage of PREA, 55 drugs have new or improved pediatric labeling. These drugs range from treatment of ear infections to the prevention of rejection of organ transplants. S. 993 places children on equal therapeutic footing with adults by creating the presumption that medicines coming onto the market for illnesses and conditions that occur in children will be labeled for pediatric use and be available in formulations (e.g., liquids, chewable tablets) that children can take.

The Pediatric Medical Device Safety and Improvement Act of 2007 provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults, many essential medical devices used extensively by pediatricians are not designed or sized for children. According to pediatricians, the development of new medical devices suitable for children's smaller and growing bodies can lag 5–10 years behind those for adults. S. 830 improves incentives for devices for small markets—while still preserving the ability to ensure the safety of new products once on the market. It provides assistance to innovators, streamlines regulatory processes, and elevates pediatric device issues at the Food and Drug Administration (FDA) and the National Institutes of Health.

Despite our support for the Chairman's mark, we are disappointed that a key provision to make PRIA permanent has been omitted. As this legislation moves to the floor of the Senate, we urge you to restore the permanent authority of the FDA to ensure that children have properly studied medications as a matter of fact, not chance.

We are grateful for your long-standing leadership and commitment to improving the health of our nation's children and look forward to working with you toward swift Committee action and passage of these pediatric therapeutic bills by the full Senate.

Sincerely,
American Academy of Pediatrics.
Elizabeth Glaser Pediatric AIDS Foundation.
AIDS Alliance for Children, Youth & Families.
American Academy of Child and Adolescent Psychiatry.

American Brain Coalition.
American Pediatric Society.
American Psychiatric Association.
American Thoracic Society.
Arthritis Foundation.
Association of Medical School Pediatric Department Chairs.
Children's Cause for Cancer Advocacy.
National Association of Children's Hospitals (N.A.C.H.).
National Organization for Rare Disorders.
National Research Center for Women and Families.
Society for Pediatric Research.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, February 6, 2007.

The American Psychiatric Association (APA) would like to thank Senators Edward Kennedy and Mike Enzi for their introduction of the bipartisan bill, "Enhancing Drug Safety and Innovation Act of 2007" (S.484). The provisions of the bill will help ensure that the Food and Drug Administration is equipped with the necessary tools to enhance its consistency, transparency and accountability in assuring the safety of drugs post approval.

The APA is the national medical specialty society representing more than 37,000 psychiatric physicians nationwide who specialize in the diagnosis and treatment of mental and emotional illnesses and substance use disorders. APA advocates for patient safety and supports further post-market research of medications to ensure the safety and efficacy of medications used to treat mental illnesses.

The APA thanks you again for your dedication and commitment to enhance the nation's drug safety monitoring system. We look forward to working with you to rebuild the Administration's reputation and creating a universal drug safety monitoring system that is reliable and dependable in order for patients to make well informed decisions. As your staffs move forward with further action on legislation, Lizbet Boroughs, Deputy Director, Government Relations for the APA or Chatrane Birbal, Federal Legislative Coordinator may be reached at *lboroughs@psych.org* 703/489–5907 or *cbirbal@psych.org* 703/907–8584 respectively.

Sincerely,

JAMES H. SCULLY, JR., M.D., SC.D.
CEO and Medical Director,
American Psychiatric Association.

CONSUMERS UNION,
Washington, DC, April 26, 2007.

Senator XXXXX,
U.S. Senate,
Washington, DC.

DEAR SENATOR: Consumers Union, the nonprofit, independent publisher of Consumer Reports, urges you to support S. 1082, the Food and Drug Administration Revitalization Act, when it comes to the Senate floor, and oppose any weakening amendments to this important patient-safety legislation.

S. 1082 will save countless lives in the years to come by giving the FDA more funding and flexible tools to ensure the safety of prescription drugs and medical devices in the marketplace. It also will help return public trust in an agency that has been severely damaged by Vioxx, Paxil and other recent drug safety disasters.

There is nothing in this legislation that would slow down the approval of important, life-saving drugs. Rather, it gives the FDA effective authority to ensure safety once drugs come to market by improving the surveillance of post-market adverse events and communicating possible risks to doctors and patients.

Americans are extremely concerned about prescription drug safety and support Congressional action on the issue. A national poll recently conducted by the Consumer Reports National Research Center found that more than 60 percent of Americans agree that the FDA and Congress have failed to adequately protect consumers from harmful prescription drugs. It also found that 84 percent agree the government should "have the authority to take any action necessary" to ensure drug safety.

Please support S. 1082. We also urge you to oppose any attempts to weaken its drug safety sections, such as amendments making it much harder to trigger a quick safety action when there are signs of danger, or blocking the FDA—in very rare cases—from moderating the mass marketing of a new drug which has indications of safety problems. We also hope that as the Senate considers FDA-related legislation, a pro-consumer biogenerics bill can be added, and the FDA's advisory committee conflict-of-interest provisions strengthened.

We know that you share our interest in both speeding life-saving drugs to patients while also strengthening oversight of drugs post-market. We believe that with sufficient resources and authority, both goals are achievable through this legislation.

If you have any questions or concerns as to why the public and the FDA need this legislation, please contact William Vaughan either by phone (202) 462–6262 or by e-mail, *vaugwi@consumer.org.*

Sincerely,

JIM GUEST,
President and CEO, Headquarters Office.

POLL: CONSUMERS SAY GOVT FAILED TO PROTECT THEM FROM DANGEROUS PRESCRIPTION DRUGS; AMERICANS BACK HOST OF DRUG SAFETY REFORMS

WASHINGTON, DC.—As Congress prepares to vote on the most significant prescription drug safety legislation in 45 years, a new Consumer Reports poll finds that the American public strongly backs a host of key safety reforms. Nine out of 10 agree that all clinical drug trial results should be made public, and that the government should have the power to require warning labels and follow-up studies on drugs with safety problems.

In general, the survey found consumers support the government taking whatever steps necessary to ensure the safety of prescription drugs—84 percent agree that the government should "have the authority to take any action necessary" to ensure drug safety, with 50 percent strongly agreeing.

Also, more than 60 percent of Americans agree that the Food and Drug Administration and Congress have failed to adequately protect consumers from harmful prescription drugs.

"The message we're hearing from consumers couldn't be clearer—they want strong laws to ensure our prescription drugs are as safe and effective as possible," said Jim Guest, CEO of Consumers Union, publisher of Consumer Reports.

"Right now drug companies can game the system by touting the positive results from their drug studies, while downplaying information about harmful side effects," Guest added. "Americans are fed up with being kept in the dark about critical health and safety information, and they overwhelmingly want change."

The telephone survey of 1,026 randomly selected adults, conducted March 15–18 by the Consumer Reports National Research Center, asked about reforms that would strengthen the nation's drug safety system. The margin of error is +/−3.1 percent. Among the responses:

96 percent agree that the government should have the power to require warning labels if safety problems are identified—with 80 percent of those "strongly agreeing" to that authority. Right now, the Food and Drug Administration must negotiate safety warning labels with a drug maker.

93 percent agree that the FDA should have the power to order follow-up safety studies, with 65 percent "strongly agreeing" to that authority. Today, the FDA generally does not have the authority to require safety studies be performed once a drug is on the market.

92 percent of Americans agree that pharmaceutical companies should make public the results of all of their clinical trial studies, which reveal a drug's effectiveness as well as possible hazardous side effects. Of those, 68 percent "strongly agreed" that drug studies should be made public.

Such studies are used to get a drug approved and generally are conducted on human subjects. The makers of Vioxx and Paxil had studies that indicated safety problems for years, but failed to release those results to the public. Vioxx eventually was removed from the market after being linked to increased risk of heart attack and stroke; antidepressants in the class of Paxil now carry black-box warnings about increased suicide risk in adolescents and adults under 25.

84 percent agree that advertisements for a prescription drug with safety concerns should be prohibited; with 59 percent "strongly agreeing" to such limits.

"Consumers expect Congress to take their concerns about drug safety seriously, and deliver legislation that will prevent future Vioxx-type disasters," said Bill Vaughan, Consumers Union senior policy analyst.

"Failure to act this year on the strongest possible bill, when more than 80 percent of Americans agree that Congress should do whatever is necessary to ensure drug safety, would equate to gross legislative malpractice," Vaughan added.

The Senate Health Committee is expected to vote Wednesday on a bill that includes important drug safety measures, as well as reauthorizing pharmaceutical industry user fees to support the FDA drug-approval and safety process (S. 1082). The last significant drug safety legislation in 1962 required manufacturers to prove their drugs had some positive effect, but failed to give the FDA power to quickly protect the public when safety questions were raised.

Consumers Union and other patient and safety organizations are working to further strengthen the drug safety legislation to require the public release of all clinical trial data, make safety disputes open to public scrutiny, and raise the profile of drug safety and science in the FDA.

CONFLICT-OF-INTERESTS BETWEEN PHARMA AND FDA ALSO A TOP CONCERN

The survey found that 84 percent of consumers agree that drug companies have too much influence over the government officials who regulate them. More than two-thirds (67 percent) are concerned that much of the FDA's funding comes from the pharmaceutical industry, with more than half—54 percent—"very concerned" about that funding situation.

Congress is expected this summer to reauthorize the Prescription Drug User Fee Act, first passed in 1992 to speed up drug approvals by having the industry help fund the FDA approval process. The original act has been extended twice and is slated to expire this fall unless Congress reauthorizes it. The FDA-industry proposal calls for industry to pay $393 million annually to the FDA, an increase of $87 million over the previous PDUFA agreement. S. 1082 adds additional user fees for safety.

Consumers also were concerned about conflicts of interest on advisory boards that approve drugs for market. Six in 10 disapproved of allowing doctors and scientists with a conflicting financial interest to participate on advisory boards.

More than half of consumers say they currently take a prescription drug, which translates to 121 million adults. A significant number—40 percent—say they had experienced an adverse reaction to a medication.

"Four out of 10 Americans say they've had a bad reaction to a prescription drug, yet the FDA only receives about half a million adverse-event reports a year," Vaughan said. "Clearly, the FDA needs to do a better job fielding consumers" experiences with side effects. "

PRESCRIPTION DRUG ADVERTISING INFLUENCES PRESCRIBING; SHOULD BE LIMITED

Americans are very aware of prescription drug advertising, with nine out of 10 Americans (91 percent) reporting they had seen a drug ad on television or in print, or heard one on radio. More than a quarter of those (26 percent) said they asked for a specific medication they learned about in an ad.

Three-quarters of consumers (75 percent) agreed that drug ads lead to over-prescribing, with 38 percent "strongly agreeing." And 59 percent agreed the government should restrict advertising by pharmaceutical companies, with 26 percent strongly agreeing to such restrictions.

Yet some consumers find drug ads useful in talking to their doctor (63 percent agree, 24 percent strongly agree) and others agreed they help consumers take charge of their health care (54 percent agree, 14 percent strongly agree).

"Consumers are very concerned that advertising drives up the prescription drug use and health-care costs, and they'd like to see restrictions on those ads," Vaughan said.

THE SOCIETY FOR CARDIOVASCULAR
ANGIOGRAPHY AND INTERVENTIONS,
Washington, DC, April 17, 2007.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.
Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, DODD AND CLINTON: I am writing to express our support for your long-standing commitment to children's health and to express our support for your efforts to improve children's access to safe medical devices. We are very pleased that the Pediatric Medical Device Safety and Improvement Act has been included in the Chairman's mark of S. 1082, the "Food and Drug Administration Revitalization Act," for consideration by the Senate Health, Education, Labor and Pensions Committee tomorrow. Your proposal is an important step forward.

The Society for Cardiovascular Angiography and Interventions is a professional association representing over 3,700 invasive and interventional cardiologists. SCAI promotes excellence in cardiac catheterization, angiography, and interventional cardiology through physician education and representation, and quality initiatives to enhance patient care.

Fortunately, cardiovascular disease is far less common in the pediatric population than it is in the adult population. This good fortune does however frequently lead to unique challenges for the pediatric interventional cardiologist who treats these patients. Some of the challenges are clinical and we are more frequently solving those problems, saving children's lives and avoiding the trauma of surgery. Other challenges, and perhaps the most frustrating ones are related to obtaining the safe medical devices necessary to treat these patients. Devices that are available to our colleagues in Europe are not available in America. We support the FDA's efforts to ensure that only safe and effective medical devices are used on patients in our country, but when the entry barriers into the American markets are so high that manufactures refuse to enter—some patients suffer and die needlessly. Required is an appropriate balance between the sometimes mutually exclusive goals of safety and availability.

We are especially pleased that your legislation will require the FDA to issue guidance to institutional review committees (IRCs) on how to appropriately consider the use of the humanitarian device exemption (HDE) at their institution. When HDE devices are not part of an ongoing trial, IRC's (which focus on reviewing the care of patients in trials) are sometimes confused.

We believe that giving the FDA explicit statutory authority to extrapolate from adult to pediatric patients in appropriate situations could help FDA officials expedite their review of some pediatric medical devices.

We applaud the provision that allows companies to make a profit on HDE devices designed for children. This change will encourage the development of more devices by providing an opportunity for profit and also by reducing concerns about audits, specifically those using different assumptions which could determine a profit was made when a manufacturer calculated their financial situation differently. We note that the 4,000 cap is arbitrary and far below the patient limit that is placed on orphan drugs. We believe that more devices will be available to pediatric patients and those with congenital heart disease if that cap is raised. We encourage you to consider such an increase either as a part of this legislation or broader FDA reform legislation.

We look forward to working with you and your staff to support passage of this legislation and thank you once again for your efforts. Our contact person for this effort is Wayne Powell and he may be reached at (202) 375-6341 or wpowell@scai.org.

Sincerely,
GREGORY J. DEHMER, M.D., FSCAI,
President.

HEART RHYTHM SOCIETY,
Washington, DC, April 3, 2007.

Hon. CHRISTOPHER J. DODD,
Chair, Subcommittee on Education and Early Childhood Development,
Senate Committee on Health, Education, Labor and Pensions, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD: I am writing to express the Heart Rhythm Society's support for passage of the Pediatric Medical Device Safety Act of 2007. We greatly appreciate your efforts to expand pediatric patients' access to safe medical devices. Your proposal is an important step forward.

The Heart Rhythm Society is the international leader in science, education and advocacy for cardiac arrhythmia professionals and patients, and the primary information resource on heart rhythm disorders. Our mission is to improve the care of patients by promoting research, education and optimal health care policies and standards. We represent over 4300 specialists in cardiac pacing and electrophysiology.

We believe the Pediatric Medical Device Safety Act of 2007 would help promote needed innovation and focus efforts on defining and then attempting to meet the unique needs of the pediatric population. In our area this would translate into improved medical device treatments for arrhythmias, such as use of pacemakers and Internal Cardioverter Defibrillators (ICDs) tailored to pediatric patients.

Also of great interest to the field of pediatric electrophysiology are the proposed grants for research and the crafting of an agenda for evaluation of "long-term safety and effectiveness of pediatric medical devices." Additional funds could potentially be utilized to create a pediatric version of the ICD Registry™ a database registry which captures implant and outcomes data ICDs used in patients at risk for sudden cardiac arrest. This project would go a long way to achieve the goal outlined in Section 7(b)2, to "assess the impact of growth, development, activity level and other factors on the safety and efficacy of the devices."

We look forward to supporting you and your staff in securing passage of this legislation and we thank you for your efforts to enable the youngest of our patients life-saving access to safe and effective medical devices. Amy Melnick, Vice President, Health Policy will coordinate the Heart Rhythm Society efforts to support this bill. She can be reached at (202) 464-3434 or *amelnick@hrsonline.org.* Please do not hesitate to contact us and thank you for accepting our endorsement.

Sincerely,
DWIGHT REYNOLDS, MD, FHRS,
President,
Heart Rhythm Society.

Washington, DC, April 19, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor, and Pensions.
Hon. MIKE ENZI,
Ranking Member, Senate Committee on Health, Education, Labor, and Pensions.

DEAR CHAIRMAN KENNEDY AND RANKING MEMBER ENZI: On behalf of the American Association of Colleges of Pharmacy (AACP) and our nation's 97 accredited colleges and schools of pharmacy we thank you for your efforts to protect the public's health through the introduction of the "Food and Drug Administration Revitalization Act of 2007." AACP, the national organization representing and supporting colleges and schools of pharmacy and their faculties, is committed to education and scholarship for improving drug therapy.

In particular we appreciate the legislation's provisions that will support the Food and Drug Administration's (FDA) publicly stated need to improve the science knowledge which supports and improves their decision making and regulatory oversight. Science knowledge grows on a daily basis and the academic community, including academic pharmacy, is the best place to look for individuals whose research is creating that new knowledge. Your legislation helps the FDA increase its science knowledge in partnership with academic pharmacy through:

Opportunities to engage in extramural research; Influencing FDA directly through nominations from academic pharmacy to advisory committees, and the Reagan-Udall Foundation Board of Directors; and actively engaging in the multiple opportunities for public comment on the implementation of many of the legislation's provisions.

Your recognition that the academic biomedical research community is a cutting-edge knowledge resource recognizes the important trend of translational research. AACP members are already engaged with the Agency for Healthcare Research and Quality (AHRQ) Centers for Education and Research on Therapeutics (CERTs) program and the DEcIDE Network. This provides the FDA with an excellent network of researchers prepared to analyze drug safety data. Our members are in the initial stages of developing practice-based research networks (PBRN) that can further assist the Committee and the FDA in reaching the goal of improved risk evaluation and mitigation. This broad research capacity extends to medical devices, pediatric care, and manufacturing.

The members of AACP appreciate your commitment to protecting the public's health and stand ready to assist you as your legislation continues the process of congressional action. Please do not hesitate to contact me should you need additional information regarding the role of academic pharmacy in revitalizing the FDA.

Sincerely,

WILLIAM G. LANG IV,
VP Policy and Advocacy.

Mr. KENNEDY. Madam President, we have very solid legislation that is going to make a very important difference—very important difference in protecting the American consumer. We now have in place leadership at the Food and Drug Administration; for 5 of the last 6 years that has not been so. We have in place leadership, and we are going to give that agency the kind of tools necessary for protection the American people are entitled to and to restore the kind of luster that should go with the Food and Drug Administration, which is so important to the health and well-being of American families.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I wish to thank the Senator from Massachusetts, Senator KENNEDY, for his outstanding presentation on what is in the bill.

I rise to speak about S. 1082 as well. It is a comprehensive bill to enhance drug safety and provide key resources to the Food and Drug Administration—the FDA—for the review of new drugs, for the review of medical devices, and to ensure that drugs and devices for children are safe and effective. It has been a long and careful road for this bill.

The Senate Committee on Health, Education, Labor and Pensions embarked on a top-to-bottom review of the FDA's drug safety and approval process over 2 years ago. This bill is the culmination of our review and the input of hundreds of stakeholders. I wish to speak for a few minutes discussing why the drug safety components and the changes that are being made are so critical to restoring the peace of mind to Americans who want to be assured the drugs they purchase to address illnesses and chronic medical conditions can be relied on and trusted.

"Bipartisan" is a word that is kind of thrown around in this Chamber a lot, and sometimes it means that one person from one party joins several people from the other party. For Senator KENNEDY and me, bipartisan means you actually work together to find out what the problem is, what the potential solutions are, and how you can meet those needs. I mentioned it has been a long process—over 2 years—and it is still a work in progress—and we are making progress.

We held hearings on the FDA. A lot of those hearings were held in the heat of the moment, when certain drugs were having problems, and we recognize that is a problem. One of the problems with Congress is we usually see that if it is worth reacting to, it is worth overreacting to. We have always taken a very careful view in our committee to make sure that was not the case.

Other committees held hearings on the FDA, even though the FDA is under the jurisdiction of our committee, and we have no problem with that. We have taken the suggestions we have gotten through those hearings and considered them for this legislation. Then we drew up a list of principles, and we took that to the stakeholders to see what all the people involved thought about the principles we had. Then we did the tough part. We drafted the details. It is easy to sell concepts, but details are tough. Until you have those details put down in writing and have people look at every word that is in them, you can't tell whether you have a bill. But we went through that process. We took it back to the stakeholders. We redrafted. We filed the bill. We had more hearings. This year, we have had more hearings on FDA, and we have had a markup. That is when all the Committee Members are offered a chance to request or suggest amendments to the bill.

We probably had about 50 amendments and we worked on the 12 major categories of amendments. Some of those were worked into the bill as part of the markup. Some of them have been put into the manager's amendment. I mentioned this is a work in progress. We are still looking at some of those, figuring out what is needed and how to get there. I appreciate the cooperation we have had from the Members with their suggestions and the staffs of the Members with their suggestions, because throughout the last weekend, there were hours and hours and hours spent by Senator KENNEDY's staff and my staff and the interested Senators and their staffs to arrive at the best possible solution. We are not there yet. We are close. That is the way we work on bills—a long process with decisions being made up to the last possible moment so that we can have the best possible solution for the people of this country. That is bipartisan.

It was mentioned there have been some hearings on food safety. Recently, there has been some real criticism of the FDA on food safety. We held hearings on food safety. I don't want the people of this country to think it is all bad. In fact, I was amazed that three Federal agencies have to work together on a food problem. The CDC, the Department of Agriculture, and the Food and Drug Administration have to work together because each of them has a role in discovering whether there is a problem. I was amazed to find out that with as few as 50 cases spread out across the whole United States, they can diagnose and determine there is a problem and get products off the market. If you are not amazed with that, you are not paying attention. We have agencies that work together, and they work together in critical times to solve problems for the people of America. They can notice, with a real small sampling—when you consider the millions of people in this country, the millions of people who are being fed every day,—they can recognize a problem with the food supply and get the harmful product off the market. It would be nice if they could prevent that. They are working on that.

But when you consider the number of producers in this country and other countries, they have a tremendous job, and we have to be sure they have the tools to do that job as well. But that is a job that is in addition to the drug approvals. This bill concentrates on the drug approvals.

Vioxx was one of the triggers of these discussions. As we saw with Vioxx, the FDA doesn't have enough tools to deal with newly identified risks when those risks become evident after a drug has been on the market for some time. Most of the FDA's current authority is based on information and plans available at the time of approval. They have a massive job determining if a drug is ready to go to market. What is amazing is that once they have given that approval, their options are very limited. Now, that creates a little bit of a dilemma for them. They don't know everything that will happen with that drug. Yes, it has been through clinical trials. What is a clinical trial? It is a controlled study of people taking the drug, and sometimes people who are not taking the drug—a controlled study. Once that drug is approved, it goes out to the whole market—not controlled people, not people that we know what other drugs they are taking or what other kinds of things they are doing. That can have a different result than under a controlled situation.

The FDA's choice has been to take the information and approve the drug and then monitor the drug, but have relatively few tools after that point. What can be the result of that? The FDA can say let's really be careful before we approve this because we will have expended our toolbox. They have said: If you will give us a bigger toolbox for after the approval, we can approve the drugs quicker. We can have some assurance that because of the controlled study things will be fine. But we won't have to worry quite as much about preapproval because we will have tools after approval—tools for quick recognition of additional problems as it goes out to the major markets.

We need to have that happen if we are going to have safe drugs in this country. We have always relied on that, and we expect that. The FDA, for the most part, has delivered.

So much more needs to be done to clarify the FDA's authority, to give them the bigger toolbox so that FDA can proactively react to additional safety information whenever that safety information is discovered. That is the purpose of this underlying legislation. The FDA does have some authority to manage the risks of drugs—for drugs such as novel cancer therapies approved under subpart H for accelerated approval. Is that faster approval? The FDA has the authority to apply restrictions on distribution and use for those drugs at the time of approval to provide further safeguards against misuse and adverse reactions. However, if such a risk is determined after the drug is on the market, the only option FDA has now is to pull the drug from the market, disrupting patient care.

Some of the people who have that drug are deriving a tremendous benefit from it and are not having the adverse reaction and would feel hurt if it is pulled away from them as the only option that the FDA has. The FDA does not want to disrupt patient care. The FDA just wants to protect patients. Those who need the protection they want to help; those who don't need the protection ought to be able to get the continuing patient care. The option now, I repeat, is to pull the drug from everybody. Then, of course, they can put it back on the market so it can apply those special risk management tools. We have chosen to give the FDA in this bill the authority to impose those restrictions after a drug comes on the market, too, so there is no disruption in patient care.

The bill also makes several key improvements to how patients get their information through advertising and labeling. The changes ensure that patients get access to new and changing information in a timely manner. As Vioxx made clear, FDA has very little authority to require labeling changes postmarket. Those changes are primarily negotiated and they don't have any time limits on the two parties coming to agreement to the labeling change.

Now, we have included provisions that ensure that those discussions between the FDA and a drug manufacturer come to a close, rather than relying on the FDA's "nuclear option," which is pulling the drug from the market. It hurts a lot of patients and disrupts their care.

Imagine a system that gives the FDA, through sound science and remarkable innovation, the tools to get drugs to the market quickly and efficiently, especially when lives are on the line and people need new drugs and therapies. Imagine a system that gives the FDA new authority to take swift, appropriate, and decisive action to ensure patient safety and protect consumers when new information comes to light to expose unexpected risks. We can make this a reality with the passage of this bill.

FDA doesn't have a current mechanism for active, routine surveillance of potential safety problems. Thus, it cannot as readily detect safety problems after a drug has been put on the market—short of a catastrophe. FDA has minimal authority to require additional observational studies or clinical trials after the product is already on the market. FDA cannot even make companies finish studies they have agreed to pursue concerning safety impacts on patients.

Given the current FDA limitations, I strongly felt it was necessary to correct those problems and ensure that FDA has the right tools and toolbox to address drug safety after the drug is on the market. That is why this bill creates the risk evaluation and mitigation strategy, or REMS. The REMS gives FDA a full toolbox of options for dealing with potential safety problems, even if they are discovered after a drug is first marketed. I hope you are noticing a trend.

With this new toolbox, FDA has the ability to identify side effects after the drug is marketed through active surveillance. FDA also has the authority to request a separate study or clinical trial to learn more about a particular potential safety problem. FDA can also obtain timely label changes for the first time under the new REMS system.

How does this all work together? A house cannot be built without a foundation. Routine, active safety monitoring using large linked databases—what I like to call "health IT for drug safety"—is the foundation. Risk evaluation and mitigation strategy, or REMS, is the house.

I thank the Senator from New Hampshire, Mr. GREGG, for all of his work on health IT for drug safety and his emphasis on being able to have the right surveillance and the right triggers to be able to put these things into place at an appropriate time. In designing that house, you can have a small, simple house, or you can have a big fancy house. The size and complexity of your house should match your needs. The REMS is customizable, buildable to address whatever risks are present for the drug in question. The REMS allows you to build an addition for your house if your family grows, for example. You can also move into a smaller home if you find you don't need so much space.

Let's talk about how this would work. Let's say drug A treats high blood pressure, has very few side effects. Therefore, the label and use of routine, active safety monitoring will be enough to manage the risk. Drug A doesn't need a REMS. However, drug B, which also treats high blood pressure, has serious side effects, including occasional liver failure. The label and use of routine, active safety monitoring is not enough to manage the risk. Therefore, drug B needs REMS.

The REMS will include extra warnings on the label, perhaps periodic letters to doctors to remind them of the risks, and require testing and a system to test patients for liver enzyme levels before they are allowed to fill a prescription. As I said, not every drug needs a REMS. However, every drug will need a very active FDA with all of the necessary tools to identify and quickly manage additional risks.

Like everyone else, when I purchase a product for myself, my children, or my grandchildren, I want the assurance that the product is safe and beneficial. This bill gives the FDA the necessary resources and tools so that moms and dads are able to trust that product at the pharmacy counter and know that it is safe and effective.

As I mentioned, this bill is still a work in progress. There are a dozen amendments, several of which have been in the managers' amendment, and several are still being worked on. We do want faster drug approval, but we want assurances that as the whole population becomes a clinical trial, connections can be made quickly to any problems without the need to pull the drug off the market and away from those who could benefit. I will have more to say about other potential things that will not be in this bill that I think would complicate the bill or maybe be adverse to what we are trying to do in the bill, and some of them that have not had enough study yet. I will comment on those as they come up, if they come up.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I appreciate the words of my colleague, the

Senator from Wyoming, Mr. ENZI. S. 1082 is a major piece of legislation that aims to—and will—achieve a profoundly important goal. It will improve the public health.

When it is riskier to take a drug than to skip it, the public health is compromised. When a lifesaving prescription drug or medical device languishes at the FDA because of backlogs in the approval process, the public health is compromised.

When pediatricians are forced to fly by the seat of their pants because there is no data to guide the use of a drug or medical device in children specifically, the public health is compromised.

When FDA has the responsibility but lacks the tools to assess the safety or effectiveness of a new drug or device, the public health is compromised.

S. 1082 tackles each of these problems. It gives FDA more authority and drugmakers a greater incentive to assure the safety of medicines before and after drug approval.

It reauthorizes user fees, an additional source of funding that enables FDA to speed up the approval of new prescription drugs and medical devices.

It reauthorizes financial incentives to encourage drugmakers to test their products for use in children, and it establishes similar incentives for medical device manufacturers.

At the same time, it puts more teeth in FDA's authority to require studies when the health or safety of children is clearly at risk.

S. 1082 creates a new institute charged with developing up-to-date methods of assessing the safety and effectiveness of cutting-edge medical interventions.

You are no doubt going to hear complaints about this bill. Some Members will tell you that it is overly bureaucratic. Coincidentally, that is exactly what the brand-name drug industry says about it.

Nobody can accuse the drugmakers of inconsistency. They consistently place their own self-interest ahead of health care safety, access, and affordability.

The drug industry doesn't want FDA to take additional steps to prevent prescription-drug-related injury or death, although the drug industry is open to being shielded from liability when those tragedies happen. When Members of this body stand up and claim this bill is too bureaucratic, don't buy into it.

This is a carefully crafted bipartisan bill. It is less stringent than consumer groups want and more stringent than the drug industry wants. In other words, it is a compromise—a compromise that will improve the public health. There will be amendments to this bill. As Members on both sides of the aisle review them, I urge them to remember this: Amendments that improve drug safety will benefit consumers and reduce health care costs. Amendments that increase price competition in the prescription drug market will benefit consumers and reduce health care costs. And amendments that weaken this bill or block price competition in the marketplace will benefit—who else—the brand-name drug industry.

The drug industry has more than 3,000 lobbyists here and in the House of Representatives. Last year alone, the drug industry spent more than $150 million lobbying at the Federal level. That is quite a home court advantage. As one might imagine, people who have lost loved ones to unsafe drugs and people who cannot afford to fill their prescriptions don't have quite as deep pockets as the drug industry. Still, this is a drug safety bill, this is a drug access bill, this is not a drug industry bill.

I hope every Member will consider the bill and every amendment in that context because in that context, when we vote on the final bill, if we vote yes, we will be voting to improve the public health.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I was necessarily absent from the Senate at the conclusion of Senator ENZI's remarks. I again thank him for an excellent presentation, with the emphasis on the safety aspects of this legislation.

I think all of us are reassured we are on the right track, not only as a result of the extensive hearings we held but the very extensive review the Institute of Medicine gave, a highly regarded, highly respected agency. During the course of the hearings, we had very good attendance and exchange of the representatives of the Institute of Medicine, and we have worked with them subsequently in terms of the language and refinements.

As we said, we didn't just copy everything, but the essential aspect of the safety provisions in our legislation is, quite frankly, preferable.

I look forward to working closely with Senator ENZI as well on the other areas of public policy in terms of food safety and the follow-on biologics which we are very much involved in as well.

I thank the Senator from Ohio for his comments. We know him for being someone who has spent a great deal of time making sure safe drugs are going to get to people who need them. There are many dimensions to this debate. He has certainly been one whom, over the course of time, on the Health Committee in the House of Representatives, I have had an opportunity to work with on a number of health issues. He has been very active and involved with this issue on our committee and also on making sure we are going to have not only safe drugs but also have access to them.

I will take a moment, because I think it is probably worthwhile in the opening presentation, to go through one of the real safety crises we had with prescription drugs and look at what existing authority was there and then how that could have been handled under that legislation.

People will look through this legislation—it is not all that long, but it is complex. The results are enormously important and very basic and very fundamental. I use Vioxx as a point of illustration, which I think most Americans remember the circumstances where hundreds of thousands of Americans with heart needs were put at risk.

This was really the question—this is the FDA Reauthorization Act—how we could have averted the Vioxx disaster. I think people are beginning to study this legislation, and also our colleagues who are reviewing the record ask about how this legislation can make a difference on a particular drug. This chart is very useful in understanding that point.

Can the FDA quickly detect safety problems with a drug? Vioxx, no. Under our legislation, the answer is yes. Senator ENZI gave an excellent presentation about how that can be done using the most modern technology, using the greatest availability of public and private collections of adverse reactions, and bringing those together within the agency. We know all of that is going to gradually expand in the future, so that agency will have the best of science. They will be able to protect safety. The answer with this legislation is yes.

Can the FDA require label changes to warn of safety problems? The answer with Vioxx was no. They spent 14 months trying to negotiate the issue of the labels. Under our legislation, they would be able to do that.

I mention that as one of the things they will be able to do. They can either take the drug off the market—they have the power to do it. It is not done because you don't want to take the chance that there may be some people in the public, given the health risks, who are justified in taking that particular medication, but for the great mass of people, it might not be. Can we put label changes on? They would be able to do it very quickly.

Are companies stopped from hiding safety problems? This comes back to what both Senator ENZI and I referenced in making public clinical trials. That is enormously important. Senator MIKULSKI has been very involved in the transparency parts of this legislation. I hope those in the Senate who are interested and concerned about the issues of transparency might take a moment and talk with Senator MIKULSKI. Hopefully, she will speak on these issues because she has made a very important contribution.

Part of this transparency is that these clinical trials will be available, to understand the significance of any safety problems, which hasn't been the case, but they will also be available to people who may want to enroll in a clinical trial, who have a particular illness, a particular disease and know there is a particular trial that is going to take place and say: I think I want to enroll in that particular trial because it is taking place. People don't know that now. That is enormously important and valuable to people. Whoever becomes part of a clinical trial and finds out a particular drug can be lifesaving, it is of enormous importance and consequence.

We have the knowledge of the clinical trial in terms of safety but also in terms of the opportunities that are coming up, particularly in this period of life sciences, with these extraordinary breakthroughs we are seeing now—the mapping of the human genome, sequencing of the gene, and I think before long in stem cell research we are going to see incredible possibilities, and people are going to want to become part of clinical trials.

But with regard to responding to this—are companies stopped from hiding safety problems, yes; does FDA have flexible tools to enforce safety decisions—it was expressed very well by Senator ENZI. He was talking about the big toolbox. That is the way we should look at it. There is a variety of tools in that toolbox. He explained that. There are a number of different ways that those who are committed to safety can titrate these different availabilities to ensure safety. Some may require a heavier hand than others. What we want, obviously, is to do enough to provide protection but not enough to discourage use where it is necessary.

Finally, is FDA the gold standard for protecting public health and assuring access? We are strongly committed to making sure it is. We believe that with the safety protections we have put in the bill and also the inclusions, working with the pharmaceutical industry in terms of PDUFA and MDUFA to try to always find ways of expediting the consideration of these lifesaving drugs—that was one of the very important purposes, giving emphasis for research of many of the areas of health that are of such concern to the American people: cancer, cardiovascular issues, Parkinson's disease, Alzheimer's disease, juvenile diabetes disease, the AIDS virus, and many others—we can try to move toward a better relationship between the companies and FDA, in the sense that we can move this process, move more quickly, but do it more safely. That is what we are attempting to do, to ensure, in this life science century, that these breakthrough opportunities are going to be available and also do it in a way that will be safe. This is an example of one of the challenges the country has been facing recently, between the old and the new.

We have tried this afternoon to describe in greater detail the various provisions of the legislation. We have not spent a great deal of time on the provisions which were supported by the Senator from Wyoming and myself with regard to children. Our committee has recognized, through the good work of Senator DODD and Senator CLINTON, the fact that children are not just little grownups; they are children. Many of these substances have different reactions, different impacts in terms of their development. It has taken special kinds of focus and attention to try to be more responsive to those needs. Our committee has done that. As a result, we see strong support from the American Pediatric Society and others for the way we have addressed those issues and modernized provisions to encourage greater research but also to protect the interests of children. We have strong support from the various groups that have spent their lifetime speaking for children.

We will probably have an opportunity to get into some greater detail in discussion of those provisions. As I mentioned briefly in our comments, we have recognized the importance of developing and upgrading the science function in this agency. We think the FDA—at a time we are having breakthroughs in knowledge, in science, in so many areas, we want to make sure the FDA is out there on the cutting edge with respect to these breakthroughs and know where they are going. We have paid particular attention to those as well.

Then the Udall-Reagan Foundation is to try to look longer term at ways in which the agency functions and take a longer look to make recommendations to the private sector and to the public sector about how it can be more effective generally. That kind of idea has not been included in the past. It can very well be enormously valuable and helpful to legislators in the future.

We have tried to get legislation that will provide the protection presently, help and assist breakthrough technologies, and provide a faster track for the American people in the future, but to do it with greater safety protections for all families, and to recognize we are at a time of breakthrough science, which that agency has to have, and there are going to be breakthroughs in different modalities in that agency working in the future. We have tried to build into this an agency that can give us advice so we can be more effective in the future.

I hope we will be able to move ahead. I know we have gone through, in careful detail, the administration's positions over the weekend. We certainly respect those. We have had a good exchange with the administration.

For those who are interested, if they read through the letter they sent to Senator ENZI and myself, and then if they look at the recommendation of the Institute of Medicine, they will find we are much closer to the recommendations of the Institute of Medicine. We may face some amendments in those areas. We look forward to having a good discussion and debate and the opportunity to expand some of the points we have made this evening.

Mr. ENZI. I thank particularly Secretary Leavitt and those people on his staff. We had discussions over the weekend. They had some suggestions for changes. We asked for more detail on those changes. We also asked for them to be prioritized. I was pleased they were delivered within a matter of a very short period of time. That shows people in Government can work together and that they do work on the weekends to get these things done. A lot of people think when we go into recess for a weekend, all work around here stops. But there are dedicated staff who put their best effort into getting together and working together, sometimes in very tense situations and long hours, mostly through the night—last night. Then they have to draft what has actually been decided. It is a very difficult process. We owe them a great deal of credit. I want the American people to know that, too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, we have the legislation before us. We hope those who have an interest and have some ideas, have some amendments, will be in touch with Senator ENZI and ourselves through this late afternoon, early evening, or first thing in the morning. We want to try to address those amendments early in the day, as early as we can. We understand both parties have their lunches and have important matters to discuss, and I am sure this will be among them. But we are ready for any of the amendments, as I underline what Senator ENZI has said. We had great participation in our markup with the members of our committee. As he mentioned as well, we have had enormous involvement of our committee members and many others over the period since the legislation was reported out of our committee until now.

We are still in the process of trying to do business because we think this legislation is so important. We hope those who do have amendments will be in touch with us at the earliest possible time.

MORNING BUSINESS

Mr. KENNEDY. I ask unanimous consent we now go into a period of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

IN RECOGNITION OF CIMARRON-MEMORIAL HIGH SCHOOL

Mr. REID. Mr. President, it is my privilege to congratulate the High Rollers team of Cimarron-Memorial High School in Las Vegas. This team recently won a championship victory at the FIRST Robotics Competition at the Georgia Dome in Atlanta.

The FIRST Robotics Competition, otherwise known as the "Superbowl of Smarts," is designed to inspire young people to pursue opportunities in science and technology careers. The competition challenges teams of high school students and their mentors to construct robots over the course of 6 weeks while adhering to competition guidelines and design specifications.

Founded in 1989 through the vision of inventor Dean Kamen, FIRST is a not-for-profit whose acronym means "For Inspiration and Recognition of Science and Technology." As a result of Mr. Kamen's leadership, FIRST has grown into one of the leading robotics competitions in the entire country. Students from more than 1,300 high schools and 23 countries participated in this year's event.

The High Rollers team from Cimarron paired with a coalition of two high school teams from South Windsor, CT, and Worcester, MA, to win the national championship title with a thrilling 59 to 54 victory in the final round. In honor of their victory, the students will meet with President Bush and attend a congressional reception where they will demonstrate their robots and share their achievements with Members of Congress.

The Cimarron team has a long tradition of success that is reflective of their hard work, dedication, and creativity as well as Cimarron-Memorial High School's strong commitment to academic excellence. They were among the top participants at the FIRST Las Vegas Regional held in March on the campus of the University of Nevada, Las Vegas and were named the Las Vegas regional champions in 2005 and 2006. I know that every Member of the Senate joins me in honoring the extraordinary accomplishments of Cimarron-Memorial High School and its FIRST Robotics National Championship team.

HONORING MARGARET BLACKSHERE

Mr. DURBIN. Mr. President, I rise today to honor Margaret Blackshere, a woman for whom I have great respect and admiration.

Margaret Blackshere has been involved in the labor movement for more than 40 years and remains deeply committed to helping the working families of Illinois. Until February, she served as president of the 1-million-member strong Illinois AFL–CIO, the third-largest state labor body in the country.

Over the years, she has never been afraid to roll up her sleeves and join the picket line or to lead the march.

Margaret always arrived first and left last.

She knows that America's working men and women—those who perform some of the most demanding yet vital tasks in our society—are the real heroes. For her, her service has been a privilege an opportunity to fight for rights she believes should be guaranteed.

Margaret didn't start out to be a labor leader; she began her career as a kindergarten teacher in Madison, IL. She became involved in the labor movement almost by accident, after she and her fellow teachers were repeatedly passed over for raises they had earned. In response, she and her colleagues mobilized to pass a referendum that would raise their wages. It wasn't just about the money. It was about having a voice.

This early effort led to a job with the local Illinois Federation of Teachers affiliate in Madison. Through hard work, Margaret rose to become statewide vice president of the IFT.

In 1993, she was elected secretary-treasurer of the Illinois AFL–CIO. At the time, there were only a handful of female officers in State labor federations, and Margaret stood out as the only female officer from an industrialized State. In 2000, she was elected president of the Illinois AFL–CIO—the first woman to serve as president in the State federation's 102-year history.

Under Margaret Blackshere's leadership, the Illinois AFL–CIO helped lead the fight to raise Illinois' minimum wage—not once but twice.

Margaret also led passionate efforts to guarantee women equal pay for equal work, to expand health care, and to improve Illinois' workers' compensation system.

She has a gift for uniting people from diverse backgrounds, with very different viewpoints, under a common goal. This is no easy task, and one that many politicians regularly attempt but often fail.

Margaret recognized the importance of forming an alliance with the Illinois Manufacturers Association and helped to save and create Illinois manufacturing jobs.

She also helped to establish the Transportation for Illinois Coalition, which included groups as diverse as the Illinois Automobile Asphalt and Pavement Association and the Chicago Transit Authority, to speak with a unified voice for Illinois' transportation funding needs.

As Margaret fought for Illinois' working families, she raised her own family and has two sons and four grandchildren.

She also devotes a great deal of time to charitable organizations. She has served on the boards of a wide variety of institutions, including the Illinois branches of United Way and American Red Cross, Alliance for Retired Americans, Voices for Illinois Children, Unemployment Insurance Advisory Board, and the Federal Reserve Board of Chicago. She also is a board member of the Illinois Women's Institute for Leadership, which helps prepare women with progressive values run for political office.

Over the years, Margaret has received many accolades and awards. In 2000, the Labor Council for Latin Advancement honored her with the Labor Leader Award, and the State of Israel presented her with the Israel Peace Medal. Margaret also received the Protector of Working People Award in 2002 from the Illinois State Crime Commission. Always proud of her Irish heritage, Margaret was delighted to be the Guest of Honor for Chicago's St. Patrick's Day Parade in 2003.

Margaret says that she doesn't really intend to retire—she will still be fighting the same fights but will do so as a volunteer. She believes her future efforts will involve reaching out to workers in countries across the globe.

Mr. President, I would like to congratulate Margaret Blackshere on her retirement and thank her for her efforts to protect working families in Illinois and across the country. I wish her the very best in her future endeavors.

ADDITIONAL STATEMENTS

RECOGNITION OF WES WILKINS

• Mr. BIDEN. Mr. President, today I wish to honor Wes Wilkins, of Middleton, DE, who will on May 2, 2007, receive the Dr. Gary Burch Memorial Award, given annually to the railroad worker who has done the most to improve the safety of railroad passengers. For more than 30 years, Wes has worked on our Nation's railroads. As one of Amtrak's most talented and innovative maintenance of way employees, he helped design the Switch Exchange System and provided input on every operational procedure involved with this new system of switching. The result of his talent helped to ensure reliable and safe train travel on virtually every mile of track between here and Boston, as well as across the Nation. Wes also formed the Production and Construction Safety Committee, whose purpose is to help ensure safe practices throughout Amtrak's Production Unit, which oversees installations. He is known for his countless hours of double- and triple-checking, of traveling to trouble spots, and of helping teach others about safety. His ability to operate almost every piece of maintenance equipment Amtrak uses and his success in instilling safety in the minds of his coworkers make him quite worthy of this award. As someone who rides Amtrak to work, I can testify to the importance rail transportation plays in providing affordable, reliable, safe transportation and I feel safer knowing someone like Wes is working on the front lines. Delaware is home to two of Amtrak's most important maintenance shops, and I congratulate all of the Amtrak employees of Delaware who helped Wes earn this award. Wes should be proud of all he has done to make this possible and I wish him the best as he continues a distinguished career of public service.•

CELEBRATING PURDUE UNIVERSITY LIBRARIES' CENTENNIAL

• Mr. LUGAR. Mr. President, I am pleased today to join my fellow Hoosiers in commemorating Purdue University Libraries' centennial as a Federal Depository Library. Since 1907, the staff of the Purdue University Libraries has worked diligently to provide Hoosiers with access to contemporary and historical information about our Nation and the workings of our Federal Government.

I am hopeful that this signal milestone will serve as a reminder to all Hoosiers of the remarkable resources available at the Purdue University Libraries through the Federal Depository Loan Program. As the Federal Depository Loan Program makes these resources available free of charge, I would encourage Hoosiers to utilize them as they learn and work together.

I am grateful for the important service of the staff at the Purdue University Libraries, and I wish them congratulations on this auspicious occasion.•

HELEN ROBSON WALTON

• Mr. PRYOR. Mr. President, it is with great pleasure that I today I honor the late Helen Robson Walton. Helen touched countless lives within her community, across Arkansas and throughout the world.

Born on December 3, 1919, in Claremore, OK, Helen graduated college in 1941 with a bachelor's degree in finance from the University of Oklahoma School of Business. Two years later she married Sam Walton and they formed a lasting relationship of love, friendship and as business partners. Helen and Sam Walton opened their first retail store, a Ben Franklin "five and dime" in Newport, AR, in 1945.

The daughter of a successful lawyer, banker and rancher, Helen had a natural instinct for good management and played an active role in the family business. She firmly believed in the concept of family partnerships and insisted that their four children—Rob, John, Jim and Alice—were partners of Walton Enterprises. At the time, they were all under the age of 10.

Helen was also admired for her graceful, down-to-earth demeanor. She was active in the First Presbyterian Church in Bentonville and the first woman ever elected to vice chairwoman of the board of trustees for the Presbyterian Church, USA, Foundation.

As a natural leader who recognized the importance of putting others before self, Helen devoted a large portion of her time to the Walton Family Foundation. Under her leadership, the foundation has given generously to numerous Arkansas organizations, including the University of Arkansas, the Walton Arts Center in Fayetteville and Crystal Bridges. Her commitment to education has also touched hundreds of lives in Central America. Since 1985, she personally supervised a $3.6 million scholarship program for Central American students to study at John Brown University in Siloam Springs, University of the Ozarks and Harding University in Searcy. Knowing the vast majority of these students would return home, Helen wanted to provide them with higher educational opportunities so they could later contribute to the well-being and economic development of their local communities.

Her generosity of time, energy and goodwill towards others is an example we all can follow. I join Arkansans in offering my prayers and condolences for the Robson and Walton families during this difficult time.•

HONORING RACHEL R. KLAY

• Mr. THUNE. Mr. President, today I honor a distinguished law enforcement officer for her service and dedication to our Nation. After nearly 24 years, Ms. Rachel R. Klay recently retired as a special agent with the U.S. Secret Service.

Agent Klay was born in Orange City, IA, which, I might add, is just across the border from my home State of South Dakota. After graduating from Northwestern College in Orange City, she then went on to graduate school at Sangamon State University in Springfield, IL.

On September 6, 1983, Rachel was sworn in as a Special Agent with the United States Secret Service and assigned to the Chicago Field Office, where she served with distinction for 4 years. During the course of her career, Agent Klay also served at the Secret Service's Western Protective Division, the Washington Field Office, the Presidential Protective Division, the Liaison Division, and the Investigative Support Division.

From 1999 to 2002, she worked as a Resident Agent in Sioux Falls, SD. She then served in the Secret Service's Liaison Division before retiring earlier this year to take employment at the Federal Reserve Board as a Senior Special Agent.

Over the past decade, I have had the pleasure of getting to know Agent Klay and have had the opportunity to see her in action, both in South Dakota and here in Washington, DC. While always quick with a smile and a friendly demeanor, she also exuded the professionalism, confidence, and courage associated with the tremendous responsibilities she bore as a Special Agent with the Secret Service. Simply put, our country is better, stronger, and safer because of her service.

It is important and fitting that we as Americans recognize the invaluable contribution made every day by law enforcement officers such as Agent Klay. These dedicated professionals put their lives on the line to investigate crimes and protect us and our families. Law enforcement officers such as Agent Klay are the ones who stand guard and preserve our safety. Their tireless efforts, personal sacrifices, and dedication to the rule of law are an example of what is right and good about our country and those who serve it.

It is therefore my honor and privilege to pay tribute today to the distinguished career and record of accomplishment provided by Special Agent Rachel Klay. Through her service, she has added to the reputation of integrity and valor of the United States Secret Service, and in doing so has provided an invaluable service to our Nation. On behalf of South Dakota and a grateful nation, I thank Agent Klay for her service and wish her all the best in this new chapter in her life and career.•

HONORING REV. DR. MARVIN McMICKLE

• Mr. VOINOVICH. Mr. President, I wish to honor and congratulate an outstanding spiritual and community leader from my hometown of Cleveland, OH. This year, the Reverend Dr. Marvin A. McMickle is celebrating 20 years of service as pastor of Antioch Baptist Church, located in the heart of Cleveland's Fairfax neighborhood.

Founded in 1893, Antioch was the second African-American Baptist church established in Cleveland, and for more than a century it has sought to fulfill its mission "to teach the word, provide outreach ministries, worship god, evangelize, and build strong church relationships."

Since its inception, this historical landmark has nurtured leaders who have championed civil rights and equality for the poor, and it has worked to increase awareness on issues of poverty, health care, employment, education, and human rights. Today, under McMickle's leadership, Antioch offers over 70 programs and services to the community, including the Loaves and Fish Program, which serves 220 hot meals weekly, the Fellowship Fund, which provides emergency financial aid for rent, utilities, and food, the Antioch Credit Union, which has assets in excess of $2.5 million, and a Head Start program, which offers early childhood preschool.

In 2002, McMickle and Antioch established the Antioch Development Corporation to expand community outreach. The corporation now operates two signature programs to help expand community outreach, through programs like Agape, which offers HIV/AIDS counseling and testing services, and Project RESPECT, a job training and placement program.

Reverend McMickle is an accomplished author and orator. He has written and delivered countless sermons and has applied his gift for speaking as a professor of homiletics at the Ashland Theological Seminary in Ohio. McMickle has also been a visiting instructor at universities in New York, New Jersey, and Ohio, including Ashland Theological Seminary in Ashland, OH, Case Western Reserve University in Cleveland, and Cleveland State University. He has authored nine books and dozens of articles that regularly appear in professional journals and magazines. He is a contributing editor for The Living Pulpit and a featured writer for the National Baptist Voice, the quarterly journal of the National Baptist Convention USA, Inc. His sermons and essays regularly appear in Preaching magazine and The African American Pulpit.

As a leader in the civil rights movement, Reverend McMickle has served as president of both the Cleveland NAACP and Urban League. And McMickle has also been a leader of numerous government and civic organizations, including the Shaker Heights Board of Education and the Karamu Performing Arts Center.

Over the years, I have worked with Reverend McMickle on various initiatives and issues of concern to our community. He has been particularly instrumental in supporting my efforts as Mayor, Governor, and U.S. Senator to prevent casino gambling from taking root in Ohio, and I thank him for his support on this issue.

Throughout all of his accomplishments, his loving and supportive wife Peggy, has stood by his side. And everyone who knows them would agree that their union is a loving partnership to be admired. Reverend McMickle and Peggy have been married for 31 years and have one son, Aaron, who is a middle school teacher in New York City.

Mr. President. I want to take this opportunity to thank Reverend McMickle for his exceptional community and spiritual leadership. He has done God's work, and our lives are better as a result of having been touched by him. I extend my congratulations to him on 20 years as pastor of Antioch Baptist Church. May God continue to bless him and his family.

Thank you, Mr. President. I yield the floor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1332. An act to improve the access to capital programs of the Small Business Administration, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 30, 2007, she had presented to the President of the United States the following enrolled bill:

S. 521. An act to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1248. An original bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 110–58).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 849. A bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes (Rept. No. 110–59).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER:

S. 1248. An original bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mrs. FEINSTEIN:

S. 1249. A bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Ms. CANTWELL):

S. 1250. A bill to direct the United States Trade Representative to conduct an investigation of the personal exemption allowance that Canada provides for merchandise purchased abroad by Canadian residents, and for other purposes; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mrs. LINCOLN, and Mr. BUNNING):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1252. A bill to amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. AKAKA) (by request):

S. 1253. A bill to establish a fund for the National Park Centennial Challenge, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. FEINGOLD, Mr. SANDERS, Mr. CASEY, and Mr. BAYH):

S. Res. 176. A resolution recognizing April 30, 2007, as "National Healthy Schools Day"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. MARTINEZ, Mr. BINGAMAN, Mr. SALAZAR, Mr. MENENDEZ, and Mrs. BOXER):

S. Res. 177. A resolution designating April 30, 2007, as "Dia de los Ninos: Celebrating Young Americans", and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. KYL, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 14, a bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes.

S. 101

At the request of Mr. STEVENS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 101, a bill to update and reinvigorate universal service provided under the Communications Act of 1934.

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 557

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 624

At the request of Ms. MIKULSKI, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 790

At the request of Mr. LUGAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 974

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 994

At the request of Mr. TESTER, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1010

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1181

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1232

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S.J. RES. 12

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut

(Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 12, a joint resolution providing for the recognition of Jerusalem as the undivided capital of Israel before the United States recognizes a Palestinian state, and for other purposes.

S. RES. 110

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 110, a resolution expressing the sense of the Senate regarding the 30th Anniversary of ASEAN-United States dialogue and relationship.

S. RES. 118

At the request of Mr. LEVIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 155

At the request of Mr. DODD, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 155, a resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1249. A bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to close the U.S. detention facilities at Guantanamo Bay, Cuba.

Guantanamo has become a lightning rod for international condemnation. Both allies and enemies have decried the stories of detainee abuse and the U.S. refusal to acknowledge that the individuals held at Guantanamo are legally entitled to be treated in accord with the Geneva Conventions. In short, the continued use of Guantanamo is causing more damage than benefit in our war on terrorism.

The Supreme Court determined last summer that the Geneva Conventions applies to Guantanamo detainees, and Congress passed the Military Commissions Act in response. There remain court challenges and policy questions as to whether the proceedings at Guantanamo are now legal. What is clear, however, is that, whether legal or not, Guantanamo is harming our national interests.

This is not solely my view.

Secretary of Defense Gates testified recently before the House Defense Appropriations Subcommittee. He said, "I came to this position believing that Guantanamo should be closed. I know that people have expressed that as a wish. The president has expressed it as a wish." The Secretary remarked that Guantanamo has "a taint about it."

According to media accounts, the current and former Secretaries of State, Condoleezza Rice and Colin Powell, share this view.

Unfortunately, these expressions will not necessarily lead to concrete action. On March 23, White House Press Secretary Tony Snow stated that it was unlikely that the Guantanamo detention facility would close during the Bush Presidency.

That is unfortunate, but I think the way forward is now clear. It is time to close the detention facilities at Guantanamo, and it is time for the Congress to act. And so today I am proud to offer legislation to end detention operations at Guantanamo within a year.

Approximately 750 enemy combatants—including individuals believed to be Taliban fighters or al-Qaida irregulars have been sent to Guantanamo since January 11, 2002. Roughly 385 are there today, and it is estimated that only 60 to 80 of them will ever be charged. According to a Pentagon spokesman last month, another 80 detainees remain at Guantanamo despite having been cleared for transfer or release.

This is an untenable situation.

Let me be clear. I have no room in my heart for al-Qaida members or affiliates. I know full well that they would kill innocent Americans given half the chance. But the people in this administration who have made these decisions have never recognized that it is not just for the detainees' sake that we comply with U.S. and international law, it is to our benefit as well.

As Senator MCCAIN and GEN Colin Powell have forcefully argued, we treat individuals in accordance with international law to ensure that Americans captured in battle are treated likewise.

Unfortunately, due to the administration's decision not to apply Article 3 of the Geneva Conventions and to allow new interrogation techniques, there have been abuses. These have been documented, among other places, in the official report by Air Force LTG Randall Schmidt on June 9, 2005.

Ironically, use of these techniques not only turned the tide of world opinion and shocked our consciences, but they are inconsistent with producing accurate intelligence.

The second major result from mistaken administration policies has been our fall from the world's leader in the realm of ideals, not just in power.

The detentions at Guantanamo have been decried, from moral leaders such as Archbishop Desmond Tutu to political leaders like Tony Blair.

Archbishop Tutu said, "I never imagined I would live to see the day when the United States and its satellites would use precisely the same arguments that the apartheid government used for detention without trial. It is disgraceful."

Prime Minister Blair commented that Guantanamo Bay is an "anomaly that at some point has to be brought to an end."

While world leaders and various offices of the United Nations have criticized Guantanamo, terrorists around the world have used it to rally new recruits. Just like the horrible scenes from Abu Ghraib, we have found evidence that the disrespect for Islam and the Koran at Guantanamo has helped breed a new generation of terrorists.

The legislation that I introduce today would close the Guantanamo detention facilities within a year of enactment.

Everyone being held at that time would have to be transitioned to an alternative legal status. There are five major options. Detainees could be transferred to a civilian or military facility in the United States and charged with a violation of U.S. or international law for prosecution in a civilian or military proceeding; transferred to a facility in the United States for continued detention, for individuals judged to be enemy combatants; transferred to any international legal tribunal that may be authorized for this purpose; transferred to their home nation or a third-party government for further processing. This would require that the Government obtain the required assurances that the detainee will not be tortured or otherwise handled in a matter against international law; or for detainees judged to pose no continuing security threat to the United States or our allies, released.

What would this accomplish?

First, and most importantly, it would end the stain on America's reputation and reiterate that we are a nation of laws and justice.

Second, moving trials to the United States, whether under the military commission process or otherwise, would enhance the credibility of those proceedings. As Secretary Gates testified, "no matter how transparent, no matter how open the trials, if they took place at Guantanamo in the international community, they would lack credibility."

Finally, moving detainees to the mainland would ease the logistics of trials and oversight. It would obviate the need for the government to run its own airline business shuttling Members of Congress, lawyers, reporters, and military police to Guantanamo.

Some will argue that closing Guantanamo will damage our security. Let me make clear: I am not for releasing any terrorist, any Taliban fighter, or anyone that we will have to face again on the battlefield.

We have high-security prisons and military brigs around the nation and know how to keep prisoners from harming the local population. In fact, the Justice Department has successfully convicted Sheikh Omar Abdel-Rahman and Ramzi Yousef for their roles in the first World Trade Center bombing. Jose Padilla was held in a naval brig, and is currently awaiting a trial in the United States. Our military and criminal justice systems are up to this task.

Nor is it the case that moving detainees from Guantanamo will hinder our ability to gain intelligence from them. In fact, the majority of detainees are not being interrogated at Guantanamo, and almost none of them have any actionable intelligence left after imprisonment for years.

Finally, I am aware that legislation has been introduced to amend the Military Commissions Act, especially with regard to its habeas corpus provisions. I support these efforts. But legal experts have testified that moving detainees to the United States would have little impact on the Government's ability to prosecute them. The procedures of the Military Commissions Act, or any other court martial or criminal proceeding, do not depend on the location of the trial. Indeed, the Supreme Court has already held that legal process at Guantanamo is subject to U.S. law.

As I said at the beginning of my remarks, it is our responsibility to ensure that the war on terror is being fought in a way that maximizes our ability to prevail. The situation at Guantanamo has impeded our success. It has strained our relations with key allies. It has provided fodder to our detractors. And it has dampened the national support we need to keep fighting our enemies.

After more than 5 years, it is time to close this prison. I urge my colleagues to support this legislation.

I ask that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIRED CLOSURE OF GUANTANAMO BAY DETENTION FACILITY.

(a) Closure of Detention Facility.—Not later than one year after the date of the enactment of this Act—

(1) the President shall close the Department of Defense detention facility at Guantanamo Bay, Cuba; and

(2) all detainees detained at such facility shall be removed from the facility and—

(A) transferred to a military or civilian detention facility in the United States and charged with a violation of United States or international law and tried in an Article III court or military legal proceeding before a regularly-constituted court;

(B) transferred to a military or civilian detention facility in the United States without being charged with a violation of law if the detainee may be held as an enemy combatant or detained pursuant to other legal authority as Congress may authorize;

(C) transferred to an international tribunal operating under the authority of the United Nations with jurisdiction to hold trials of such individuals;

(D) transferred to their country of citizenship or a different country for further legal process, provided that such country provides adequate assurances that the individual will not be subject to torture or cruel, inhuman, or degrading treatment; or

(E) released from any further detention.

(b) Immigration Status.—The transfer of an individual under subsection (a) shall not be considered an entry into the United States for purposes of immigration status.

By Ms. SNOWE (for herself and Ms. Cantwell):

S. 1250. A bill to direct the United States Trade Representative to conduct an investigation of the personal exemption allowance that Canada provides for merchandise purchased abroad by Canadian residents, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to address the urgent need to end Canada's trade-distorting personal customs duty exemption scheme, which severely disadvantages border-area businesses in Maine and across the country.

The U.S.-Canada Free Trade Agreement of 1989 and the subsequent North American Free Trade Agreement, NAFTA, of 1994 were intended to create a level playing field for companies in both countries in terms of cross-border commerce. However, the spirit—if not the letter of these agreements—have been abrogated by Canada's schedule of personal exemptions from customs duties and taxes for returning Canadian residents.

Under this scheme, Canada allows its residents no personal exemption from customs duties on goods purchased during trips abroad lasting less than 24 hours. For trips between 24 and 48 hours, Canadians are exempt from their government's duties and taxes on only the first C$50 of purchases. In contrast, the United States allows its residents to bring $200 of merchandise into the country duty free upon returning from a trip abroad lasting less than 48 hours.

As the U.S. Trade Representative said in its 2007 National Trade Estimate Report on Foreign Trade Barriers, this disparity between the Canadian and U.S. personal duty exemption schedules discourages shopping visits to the United States by Canadian border residents. Understandably, it is therefore a major concern for Maine and other U.S. border-area businesses, which rely on such cross-border commerce for their very livelihoods.

Canada's personal duty exemption scheme has thus produced an unwelcome area of friction in a largely vibrant and friendly cross-border relationship. Moreover, it is inconsistent with Canada's international trade obligations to the United States under Chapter Twelve of the North American Free Trade Agreement. Under that agreement, Canada is obligated to accord to United States service providers, including retail and distribution service providers, treatment no less favorable than that it accords to its own service providers and the service providers of any other country.

When one considers, as Canada's government no doubt has, that foreign travel by Canadian residents lasting less than 48 hours is almost exclusively to the United States, Canada's personal customs duty exemption scheme appears to be a deliberate attempt to favor its own retail establishments at the expense of U.S. merchants just across the border. This scheme thus defeats the very purpose of NAFTA—to foster cross-border commerce unrestrained by protectionist policies.

Despite this inconsistency with NAFTA and frequent requests by U.S. lawmakers and trade officials, Canada has for years refused to change its personal duty exemption scheme. That is why Senator Cantwell and I today introduce a bill that would direct the U.S. Trade Representative to initiate an investigation of Canada's personal duty exemption scheme under the section 301 process of the Trade Act of 1974—the statue setting forth the procedures for identifying and taking action against foreign trade practices which are unjustifiable or burden and restrict U.S. commerce.

The section 301 process exists—like NAFTA itself—to ensure that mutually respectful trade relationships can efficiently handle and amicably survive substantive disagreements over trade rules. We therefore introduce this bill not to embarrass or chastise Canada but to formally initiate the process of bringing this particular disagreement to a principled resolution. I urge our colleagues from border and nonborder States alike to join us seeking that fair outcome.

By Mr. McCONNELL (for himself, Mrs. Lincoln, and Mr. Bunning):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of horses, and for other purposes; to the Committee on Finance.

Mr. McCONNELL. Mr. President, I rise today to introduce the Equine Equity Act of 2007 with my colleague from Arkansas, Mrs. Lincoln, and my colleague from Kentucky, Mr. Bunning.

On this upcoming Saturday, the sporting world turns its attention to my hometown of Louisville for the annual running of the Kentucky Derby. It has been appropriately called "the most exciting 2 minutes in sports," and has given us such great champions as Secretariat, Seattle Slew, and the courageous Barbaro.

The activities surrounding the derby also allow Kentucky to show off one of its signature industries, the horse industry. Long after the pageantry and festivities of derby day, the horse industry remains a vital part of Kentucky's economy and cultural heritage. Horses are Kentucky's largest agricultural product. The horse industry contributes $3.5 billion to Kentucky's economy, and directly employs more than 50,000 Kentuckians.

While many Americans appropriately identify the horse industry as one of Kentucky's signature industries, the industry's economic impact extends well beyond the borders of the Commonwealth. A recent economic impact study by the firm of Deloitte Touche Tohmatsu found that the horse industry contributes approximately $39 billion in direct economic impacts to the U.S. economy each year. The industry sustains 1.4 million full-time equivalent jobs each year, with over 460,000 of those jobs created from direct spending within the industry.

Nearly 2 million Americans own horses, either for racing, showing or recreational purposes. While the popular image of horse owners might focus on Millionaire's Row at Churchill Downs on derby day, the facts tell a different story. Only about one-quarter, 28 percent, of U.S. horse owners have incomes greater than $100,000. More than one in every three, 34 percent, horse owners has an income of less than $50,000.

Like many businesses, outside investments are essential to the operation and growth of the horse industry. Without investors willing to buy and breed horses, it is impossible for the industry to thrive. Unfortunately, there are several unfair, unwise provisions in the tax code that discourage investment in the horse industry.

In an effort to address these concerns, today I introduce the Equine Equity Act with my colleague from Arkansas, Mrs. LINCOLN, and my good friend from Kentucky Mr. BUNNING. The Equine Equity Act includes two key provisions.

First, it will provide capital gains treatment for horses that is equal to other investments. Nearly all capital assets are eligible to receive more favorable capital gains tax treatment once they are held for 12 months. However, horses and cattle must be held for two years to receive capital gains treatment. This legislation would reduce the capital gains holding period for horses from 24 months to 12 months.

Second, it will apply equal depreciation standards for all racehorses. Current law states that racehorses that begin training when older than 24 months of age are depreciated over 3 years, while those horses that begin training before reaching 24 months of age are depreciated over 7 years.

Most horses begin training before they reach 24 months, but their racing careers do not last 7 years. This legislation would reduce the depreciation period for racehorses to 3 years more accurately reflect the racing life of horses.

I appreciate the willingness of my colleagues from Arkansas and Kentucky to join me in introducing this legislation of tremendous importance to our states. I look forward to working with them and our colleagues in the Senate to enact this bipartisan bill into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equine Equity Act of 2007".

SEC. 2. 3-YEAR DEPRECIATION FOR ALL RACE HORSES.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) of the Internal Revenue Code of 1986 (relating to 3-year property) is amended to read as follows:

"(i) any race horse,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of the enactment of this Act.

SEC. 3. REDUCTION OF HOLDING PERIOD TO 12 MONTHS FOR PURPOSES OF DETERMINING WHETHER HORSES ARE SECTION 1231 ASSETS.

(a) IN GENERAL.—Subparagraph (A) of section 1231(b)(3) of the Internal Revenue Code of 1986 (relating to definition of livestock) is amended by striking "and horses".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. AKAKA:

S. 1252. A bill to amend title 10, United States Code, to provide for uniformity in the awarding of disability ratings for wounds or injuries incurred by members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. AKAKA. Mr. President, today I introduce legislation that would reform the Department of Defense Disability Evaluation System. This legislation offers common sense solutions to problems within the Disability Evaluation System that first gained public attention in connection with the stories about the conditions at Walter Reed Army Medical Center. Unfortunately, the problems with the Disability Evaluation System are not limited to the Army but exist throughout the military services.

At an April 12, 2007, Joint Senate Armed Services and Veterans' Affairs Committee Hearing, we received testimony that identified problems with the current system. Examples of the issues identified were the failure to use the VA disability rating schedule in a consistent manner across the military services; the failure to include all, not just the most severe medical conditions that would render a servicemember unfit when making a disability decision; the lack of uniform training for Disability Evaluation System personnel; and the lack of accountability and supervision by DoD over the disability process.

Some have suggested that the solution to the problems within the Disability Evaluation System is to radically change it. Under current DoD practice, a service-specific Physical Evaluation Board, PEB, makes a "fitness" for duty determination. If a servicemember is found to be unfit for continued service, the PEB then makes a disability decision. Instead of seeking ways to ensure that the system functions as intended, some have suggested that the military continue to make "fitness" determinations, but that the Department of Veterans Affairs would be responsible for making disability decisions for servicemembers found to be unfit.

While this may appear to be a reasonable recommendation, I am concerned that if this recommendation is implemented without careful consideration, we might be creating more problems than we can solve.

The VA disability rating system is already stressed with its existing caseload. In this time of armed conflict when there are more injured servicemembers each day, it makes no sense to add more pressure to an already overburdened VA system, especially when there is no indication that VA would do a better job than DoD in making disability ratings. As long as there is consistency in how we determine what percentage of disability a servicemembers receives, it should not matter who makes the rating.

Rather than shifting the focus to VA, I believe our focus should be on solving the problems of fairness and consistency for assigning disability ratings within and across the Services. To that end, the bill I am introducing addresses consistency of disability ratings within DoD, uniform use of the Veterans Affairs rating schedule across the military services, uniform training of Medical Evaluation Board/Physical Evaluation Board personnel, and accountability by DoD to ensure compliance with disability rating regulations and policies.

This legislation is a good first step towards changing the DoD Disability

Evaluation System that needs to be reformed for the benefit of our wounded and seriously injured servicemembers. It will improve DoD-wide disability rating regulations and policies, and ensure consistency as these regulations and policies are applied across the Services.

Mr. President, I urge my colleagues to join me in making these positive changes to the DoD Disability Evaluation System. We owe our injured and disabled servicemembers no less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNIFORMITY IN DISABILITY RATINGS FOR MEMBERS OF THE ARMED FORCES.

(a) UNIFORMITY IN DISABILITY RATINGS.—

(1) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

"§ 1216a. Ratings of disability: uniformity; schedule of ratings to be utilized

"(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations uniform standards for determinations of ratings of disability under this chapter in order to assure that the ratings of disability issued by the military departments for members of the armed forces with a wound or injury of a particular degree of disablement are consistent across the military departments.

"(b) CONSIDERATION OF APPLICABLE MEDICAL CONDITIONS.—The Secretary of Defense shall prescribe in regulations requirements that, in making the determination of a rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions incurred by the member while entitled to basic pay or while absent as described in section 1201(c)(3) of this title that render the member unfit to perform the duties of the member's office, grade, rank, or rating, as determined utilizing the standard schedule for rating disabilities referred to in subsection (c).

"(c) UTILIZATION OF SCHEDULE FOR RATING DISABILITIES OF DEPARTMENT OF VETERANS AFFAIRS.—In order to ensure uniformity in determinations of disability for purposes of this chapter and under the laws administered by the Secretary of Veterans Affairs, each Secretary concerned shall utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims or the United States Court of Appeals for the Federal Circuit, in making any determination of disability for purposes of this chapter. Such Secretary may not modify the schedule, or any interpretation of the schedule, whether by regulation, administrative action, or otherwise, in making any such determination for purposes of this chapter.

"(d) TRAINING OF CERTAIN PERSONNEL.—In order to ensure the compliance of such personnel with the provisions of this section in the making of determinations of ratings of disability of members of the armed forces under this chapter, the Secretary of Defense shall prescribe in regulations uniform requirements for training in the making of such determinations for personnel as follows:

"(1) Physical evaluation board personnel.

"(2) Physicians who serve on medical examination boards.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Ratings of disability: uniformity; schedule of ratings to be utilized.".

(3) CONFORMING AMENDMENT.—Section 1216(a) of such title is amended by adding at the end the following new sentence: "Such regulations shall be consistent with the provisions of section 1216a of this title and the regulations prescribed under that section.".

(b) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by section 1216a of title 10, United States Code (as added by subsection (a)), not later than 180 days after the date of the enactment of this Act.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the actions to be taken by the Secretary to implement the requirements to be prescribed under section 1216a of title 10, United States Code (as so added), and to otherwise ensure that determinations of the ratings of disability of members of the Armed Forces for purposes of chapter 61 of title 10, United States Code, are made in a fair, uniform, and timely manner.

(d) EFFECTIVE DATE.—Except as provided in subsection (b), section 1216a of title 10, United States Code (as so added), shall take effect on the date that is 180 days after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. AKAKA) (by request):

S. 1253. A bill to establish a fund for the National Park Centennial Challenge, and for other purposes: to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on March 9, 2007, the Administration transmitted draft legislation entitled the National Park Centennial Challenge Fund Act," which was referred to the Committee on Energy and Natural Resources. On behalf of Senator AKAKA, the Chairman of the Subcommittee on National Parks, and myself, I am pleased today to introduce the National Park Centennial Challenge Fund Act, by request, as a courtesy to the Administration.

Both Secretary of the Interior Dirk Kempthorne and National Park Service Director Mary Bomar have made clear that the National Park Centennial Initiative is one of the highest priorities of the Department of the Interior. The initiative proposes up to $3 billion in new funds over the next decade, with three components.

The first component of the initiative is the "President's Centennial Commitment," under which the Administration is proposing an additional $100 million per year in new discretionary funds for the National Park Service. The second and third components, which the Administration collectively describes as the "President's Centennial Challenge," would seek to raise up to $100 million each year over a ten-year period from private donations. All donations would be matched with new Federal funding, up to $100 million annually.

The new funding would be used for "signature projects and programs," which the draft legislation defines as "a project or program identified by the Director of the National Park Service as one that will help prepare the national parks for another century of conservation, preservation, and enjoyment."

Mr. President, while I commend the Administration for this effort to secure increased funding for our national parks, I still need to better understand many of the specifics of the proposal, and until then, am reserving judgment on it.

For example, we need to understand whether the initiative will result in significant new funding for our national parks, or whether increases in funding from the initiative will simply be offset by funding reductions in other important areas. I also have questions about whether the philanthropic goals proposed by this legislation are realistic, given the historic levels of private contributions for national parks. In addition, we need to learn more about the type of projects and programs that would be funded under the initiative, and what role Congress should have in establishing funding priorities. Finally, any legislative initiative that proposes $1 billion in new direct spending without an offset will certainly be carefully reviewed.

Secretary Kempthorne and Director Bomar have indicated that they intend to make recommendations to the President later this month on appropriate signature projects and programs as well as goals for the initiative. I look forward to working with both Secretary Kempthorne and Director Bomar on this proposal once those recommendations are complete.

I ask unanimous consent that the text of the bill be printed in the RECORD, along with the transmittal letter from Director Bomar and a section-by-section analysis of the bill prepared by the Department of the Interior.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Centennial Challenge Fund Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) our national parks are icons of America;

(2) the one hundredth anniversary of the National Park System will be in 2016;

(3) it is appropriate for all Americans to help in the efforts to enhance our parks as the country gets ready for this centennial celebration;

(4) the President has proposed a National Park Centennial Initiative that, over ten years, will provide up to $3,000,000,000 to prepare parks for another century of conservation, preservation, and enjoyment; and

(5) a part of that Initiative is the establishment of a Centennial Challenge to encourage individuals, foundations, and the private sector to donate money each year by providing up to $100,000,000 in dedicated Federal funding to match donations for signature projects and programs.

(b) PURPOSE.—It is the purpose of this Act to establish a fund in the Treasury that will be used to finance signature projects and programs to enhance the National Park System as it approaches its centennial in 2016 and to prepare the parks for another century of conservation, preservation, and enjoyment.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHALLENGE FUND.—The term "Challenge Fund" means the National Park Centennial Challenge Fund.

(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.

(3) QUALIFIED DONATION.—The term "qualified donation" means a cash non-Federal donation to the National Park Service that the Director certifies is for a listed signature project or program.

(4) SECRETARY.—The term "Secretary" means Secretary of the Interior.

(5) SIGNATURE PROJECT OR PROGRAM.—The term "signature project or program" means any project or program identified by the Director as one that will help prepare the national parks for another century of conservation, preservation and enjoyment.

SEC. 4. NATIONAL PARK CENTENNIAL CHALLENGE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the National Park Centennial Challenge Fund. The Challenge Fund shall consist of:

(1) Qualified donations transferred from the Donations to the National Park Service account, in accordance with section 6(a).

(2) Amounts appropriated from the general fund of the Treasury, in accordance with section 6(b).

(b) AVAILABILITY.—All amounts deposited in the Challenge Fund shall be available, subject to restrictions in section 6(c), to the Secretary for signature projects and programs under this Act without further appropriation and without fiscal year limitation. No monies shall be available for indirect administrative costs. The expenditure of amounts in the Challenge Fund shall follow Federal procurement and financial laws and standards.

SEC. 5. SIGNATURE PROJECTS AND PROGRAMS.

(a) LIST.—The Secretary, acting through the Director, shall develop a list of signature projects and programs eligible for funding from the Challenge Fund. The list shall be submitted to the President and to the Committees on Appropriations and Energy and Natural Resources in the United States Senate, and to the Committees on Appropriations and Natural Resources in the House of Representatives.

(b) SIGNATURE PROJECTS AND PROGRAMS.—For purposes of this Act, a signature project or program shall be a project or program identified by the Director as one that will help prepare the national parks for another century of conservation, preservation and enjoyment.

(c) UPDATES.—The Secretary, acting through the Director, may, from time to time as the Secretary or Director finds necessary, add any project or program to the list developed pursuant to subsection (a) that the Director believes is a signature project or program. If the Director adds any project or program to the list, the Secretary shall notify the Committees referred to in subsection (a) at the time the project or program is added.

SEC. 6. DONATIONS AND MATCHING FEDERAL FUNDS.

(a) QUALIFIED DONATIONS.—Beginning on October 1, 2007, and ending on September 30, 2017, the Secretary may transfer to the Challenge Fund qualified donations of cash, including cash to liquidate a letter of credit, received by the National Park Service.

(b) MATCHING AMOUNT.—There is hereby appropriated in each fiscal year beginning on October 1, 2007 and ending on September 30, 2017, an amount equal to the qualified donations received and the pledge of donations through letters of credit in the same fiscal year, not to exceed $100,000,000 in any one year. In no case may the matching amount exceed the amount of donations received or pledged in any year. For the purpose of this subsection, the Secretary may consider a donation for any fiscal year to be received when a pledge of a donation for that fiscal year is guaranteed and a valid irrevocable letter of credit is issued for such purposes.

(c) OBLIGATIONS.—The Secretary may not obligate any amounts based on a letter of credit, or amounts to match a letter of credit pursuant to subsection (b), until amounts from that letter of credit are deposited in the Challenge Fund.

(d) SOLICITATION.—Nothing in this Act shall be construed as expanding any authority that exists on the date of its enactment with respect to the ability of the National Park Service and its employees to receive or solicit for donations.

SEC. 7. REPORT TO CONGRESS.

The Secretary shall provide with the submission of the President's budget a list of the signature projects and programs and the status of their funding.

SEC. 8. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act.

UNITED STATES DEPARTMENT
OF THE INTERIOR,
Washington, DC.

Hon. DICK CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is enclosed a draft bill, the proposed "National Park Centennial Challenge Fund Act." We recommend that the draft bill be introduced, referred to the appropriate Committee for consideration, and enacted.

August 25, 2016, will be the one hundredth birthday of the National Park Service (NPS). In 1872, President Grant signed a law to protect Yellowstone, making it America's first national park. By 1916, 40 national parks and monuments existed, but they had no clear or consistent management. On August 25, 1916, President Woodrow Wilson established the NPS to protect and manage these magnificent parks. The challenge facing the NPS as it readies itself for its centennial celebration is to conserve what is timeless while keeping pace with the modern needs and expectations of the American people. During the last five years, the NPS has built a strong foundation of improving parks, with 6,600 park improvements completed or underway. This past August, on the 90th birthday of the NPS, President Bush issued a challenge to prepare national parks for another century of conservation, preservation, and enjoyment.

President Bush stated: "I call on all Americans to help in these efforts and to enhance our parks as we get ready for the National Park Service's centennial celebration. Through continuing cooperation and partnership, our national parks can endure for the next 100 years and beyond."

The President also directed the Secretary of the Interior to develop a formal written directive about the future of national parks. He directed us to establish specific performance goals that, when achieved, will make sure our parks continue to be places where children and families can learn about our nation's great history, enjoy quality time together and have fun outdoors. He asked that we identify signature projects and programs that reflect and highlight these goals that would be undertaken by leveraging philanthropic, partnership, and government investments for the benefit of national parks and their visitors.

The President's FY 2008 budget includes the National Park Centennial Initiative, one of the highest priorities of the Deprtment of the Interior. This Initiative proposes up to $3 billion in new funds for the National Park System over the next ten years. The President's FY 2008 parks budget totals nearly $2.4 billion, the largest budget ever for programs that support parks. It includes the highest increase in parks operation funding ever proposed. It provides for further improvement of our national parks during the next decade leading up to the 2016 centennial celebration. It funds:

The President's Centennial Commitment: This is $100 million a year—one billion dollars over 10 years—for activities to achieve new levels of excellence in our parks. These discretionary funds will be used to hire more seasonal rangers, interpreters, and maintenance workers, repair buildings, improve natural landscapes, and enhance the Junior Ranger Program.

The President's Centennial Challenge: We are challenging individuals, foundations, businesses, and the private sector to contribute at least $100 million annually to support signature programs and projects in our national parks. The enclosed draft bill would allow us to match those contributions with up to $100 million of mandatory funding annually for the next ten years.

The proposed National Park Service Centennial Challenge Fund Act would establish the National Park Service Centennial Challenge Fund (Challenge Fund), which would encourage private donations for signature projects and programs in national parks by matching those donations with Federal funds of up to $100 million a year for a ten year period ending on September 30, 2017. The Fund would be available to the Secretary without further appropriation and with no fiscal year limitations.

A list of signature projects and programs eligible for funding under the Challenge will be included in the Centennial report that the Secretary plans to send to the President in late May 2007. The list will be prepared by the Director of the National Park Service, drawing on ideas generated through listening sessions, public engagement, and the input of Park Service professionals. Additional projects may be added to the list from time to time, as necessary.

The President's Centennial Challenge Fund will not be used to hire NPS permanent staff or for projects outside of park boundaries. Its focus will be on those signature projects an programs that will help prepare the National Park System for another century of conservation, preservation, and enjoyment.

Soliciting for Centennial Challenge donations will be done primarily through the National Park Foundation and local friends' groups. National Park Service employees will be subject to the current fundraising guidelines. The draft bill clearly states its intent is not to expand existing authority in this area. For large donations, the National Park Service will enter into a written agreement with a donor that lays out the terms and conditions for how the funds will be used.

The President has called on all Americans to help in conserving natural resources and improving the condition of our park facilities. It is his hope and the hope of the Department of the Interior that through leveraging philanthropic, partnership, and government investments for the benefit of national parks and their visitors the national parks can endure for the next 100 years and beyond.

The President's budget includes appropriate proposed offsets within the budget of the Department of the Interior that, if enacted, are sufficient to ensure that this proposal complies with Rule XXI, new clause 10, of the House of Representatives.

The Office of Management and Budget has advised that presentation of this proposal to the Congress is in accord with the President's program.

Sincerely,

MARY A. BOMAR,
Director, National Park Service.

THE PROPOSED NATIONAL PARK CENTENNIAL CHALLENGE FUND ACT SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The first section provides for the title of the Act, the National Park Centennial Fund Act.

Section 2. Findings and Purpose. The second section includes findings explaining the need for the National Park Centennial Challenge and the Challenge Fund established under this Act. Subsection (b) sets forth the purpose of the Act, which is to establish a fun in the Treasury that will include private donations, and provide Federal funds to match those donations, for signature projects and programs to enhance the National Park System as it approaches its Centennial celebration in 2016.

Section 3. Definitions. Section 3 defines the terms used in the Act.

Secton 4. National Park Centennial Challenge Fund. This section establishes the National Park Centennial Challenge Fund, the Challenge Fund for short. The Challenge Fund shall consist of amounts for signature projects and programs transferred from the Donations to the National Park Service account and amounts appropriated from the general fund of the Treasury as matching funds.

Subsection (b) provides that all amounts in the Fund are to be available to the Secretary of the Interior without further appropriation and without any fiscal year limitation. This allows the National Park Service (NPS) to receive and match donations for signature projects and programs that may take more than one fiscal year to complete or that may need a certain level of funding before they commence. No funds from this account are to be used for indirect administrative costs. The expenditure of amounts in the Challenge Fund shall follow Federal procurement and financial laws and standards.

Section 5. Signature Projects and Programs. Subsection (a) requires the Secretary, acting through the Director of the NPS, to develop a list of signature projects and programs eligible for funding from the Challenge Fund. That list is to be submitted to the President and to the Senate Committees on Appropriations and Energy and Natural Resources, and the House Committees on Appropriations and Natural Resources. Subsection (b) provides that a signature project or program is a project or program identified by the Director of the NPS as one that will help prepare the NPS for another century of conservation, preservation, and enjoyment. Signature projects and programs will be chosen after listening sessions, public engagement, and the input of NPS employees.

Subsection (c) authorizes the Secretary, acting through the Director, to add projects to the list from time-to-time as they find necessary. It requires notification like that required in subsection (a) for the original list of signature projects and programs.

Section 6. Donations and Matching Funds. Subsection (a) authorizes the Secretary to transfer, to the Challenge Fund qualified donations of cash received by the National Park Service. This includes cash payments to liquidate commitments made under a valid letter of credit.

Subsection (b) appropriates up to $100 million a year in matching funds. The amount of matching funds made available each year would equal the qualified cash donations received in that year, plus the amount of donations pledged in that year under a valid irrevocable letter of credit. For donations pledged under a letter of credit, a match would be provided when the commitment is made and not a second time when the donation is paid. If a letter of credit is withdrawn, then the associated matching funds would be returned to the Treasury. Up to $100 million in matching funds would be available in each year beginning in fiscal year 2008 and going through fiscal year 2017. If all of the $100 million in matching funds is not used in a given year, the remaining balance cannot be used to increase the amount of matching funds in subsequent years. For example, if only $60 million in donations or commitments under a letter of credit are received and are thus eligible for the same amount of matching funds in a fiscal year, that does not mean that matching funds available for the next fiscal year would increase to $140 million.

Subsection (c) specifies that the Secretary may not obligate any amounts based on a letter of credit, or amounts to match a letter of credit pursuant to subsection (b), until the donation promised under a letter of credit is deposited in the Challenge Fund.

Subsection (d) makes it clear that nothing in this Act expands the existing authority of the NPS and its employees with regard to fundraising. NPS employees will still be subject to Director's Order 21, which specifically sets out the guidelines with regard to this matter.

Section 7. Report to Congress. This section requires the Secretary to submit an annual report with the President's budget on the administration of the Centennial Challenge. The report is to include the current list of signature projects and programs and a description of any funding they have received from the Challenge Fund.

Section 8. Regulations. This section authorizes the Secretary to promulgate such regulations as may be necessary to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 176—RECOGNIZING APRIL 30, 2007, AS "NATIONAL HEALTHY SCHOOLS DAY"

Mrs. CLINTON (for herself, Mr. KERRY, Mr. FEINGOLD, Mr. SANDERS, Mr. CASEY, and Mr. BAYH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 176

Whereas over half of schools have problems linked to indoor air quality;

Whereas children are more vulnerable to environmental hazards as they breathe in more air per pound of body weight due to their developing systems;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas poor indoor environmental quality is associated with a wide rage of problems that include poor concentration, respiratory illnesses, learning difficulties, and cancer;

Whereas research suggests that children attending schools in poor condition score 11 percent lower on standardized tests than students who attend schools in good condition;

Whereas an average of 1 out of every 13 school-age children has asthma, the leading cause of school absenteeism, accounting for approximately 14,700,000 missed school days each year;

Whereas 17 separate studies all found positive health impacts from improved indoor air-quality, ranging from 13.5 percent up to 87 percent improvement;

Whereas our Nation's schools spent approximately $8,000,000,000 on energy costs in the last school year, causing officials to make very difficult decisions on cutting back much needed academic programs in efforts to keep the heat and lights on;

Whereas healthy and high performance schools designed to reduce energy and maintenance costs, provide cleaner air, improve lighting, and reduce exposures to toxic substances provide a healthier and safer learning environment for children and improved academic achievement and well-being;

Whereas Congress has demonstrated its interest in this compelling issue by including the Healthy High-Performance Schools Program in the No Child Left Behind Act; and

Whereas our schools have the great responsibility of guiding the future of our children and Nation: Now, therefore, be it

Resolved, That the Senate recognizes April 30, 2007, as "National Healthy Schools Day".

Mrs. CLINTON. Mr. President, today is National Healthy Schools Day. This day was established to build awareness and promote healthy school environments for our children and school personnel.

National Healthy Schools Day has been recognized for the past 5 years thanks to the work of the Healthy Schools Network in New York. Many organizations have worked together over the years to raise awareness to the conditions that many of our children and teachers are subjected to on a daily basis. The ongoing work of these organizations is crucial in fostering the development and wellbeing of our Nation's children.

Each day, parents send their children to school with the assumption that their children will spend the day in a safe environment. Many parents do not realize that their children's classrooms could be the very thing that harms them. Alarmingly, over half of our Nation's schools reported that they had at least one environmental hazard. These pollutants can have serious effects on health, such as respiratory problems, and can even interfere with cognitive functioning. Furthermore, children are more vulnerable to environmental hazards as they proportionally breathe in more air than adults.

It is not surprising then that approximately 1 out of 13 school-age children has asthma, which is responsible for more than 14 million missed school days each year as the poor indoor air quality in these schools exacerbates the effects of asthma. However, a recent study sponsored by the American Lung Association and the American Federation of Teachers estimates that a shift from an unhealthy to a healthy school would result in a 25 percent reduction in cases of asthma among students.

It is imperative that we address these problems. That is why I was the proud sponsor of the Healthy, High-Performance Schools Program in the No Child Left Behind Act (NCLB). By incorporating this legislation into NCLB, Congress acknowledged that environmental factors can be a barrier to academic success.

We must spread awareness of the health and learning effects that result from unhealthy schools and continue to fight on our children's behalf. I commend those across the nation who are using National Healthy Schools Day to do just that.

SENATE RESOLUTION 177—DESIGNATING APRIL 30, 2007, AS "DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS", AND FOR OTHER PURPOSES

Mr. HATCH (for himself, Mr. MARTINEZ, Mr. BINGAMAN, Mr. SALAZAR, Mr. MENENDEZ, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 177

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas it is projected that by the year 2050, 1 in 4 Americans will be of Hispanic descent, and currently approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, 138,000 of whom are Hispanic, and these dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2007, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

Mr. HATCH. Mr. President, I rise today to introduce an important resolution designating the 30th day of April 2007 as "Día de los Niños: Celebrating Young Americans."

Nations throughout the world, and especially within Latin America, celebrate Día de los Niños on the 30th of April, in recognition and celebration of their countries' future—their children. Many American Hispanic families continue the tradition of honoring their children on this day by celebrating Día de los Niños in their homes.

The designation of a day to honor the children of the Nation will help us affirm the significance of family, education, and community. This special recognition of children will provide us with an opportunity to reflect on their futures, articulate their dreams and aspirations, and find comfort and security in the support of their family members and communities. This resolution calls on the American people to join with all children, families, organizations, communities, churches, cities, and states across the Nation to observe the day with appropriate ceremonies and activities. In the past years in my state of Utah, there have been a number of events and special programs for Día de los Niños in schools, libraries, cultural centers, and even hospitals.

Joining me as original cosponsors to this Resolution are MEL MARTINEZ, JEFF BINGAMAN, KEN SALAZAR, ROBERT MENENDEZ, and BARBARA BOXER.

I urge my colleagues to join us in passing this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 982. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 982. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike subparagraphs (D) and (E) of section 402(a)(6).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, May 10, 2007, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to consider the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission; and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to amanda___kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform the Members of the Committee that the Committee will hold a roundtable entitled "SBA Reauthorization: Small Business Loan Programs," on Wednesday, May 2, 2007 at 10 a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Monday, April 30, 2007, at 2 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to examine U.S. sanctions against Iran and the business dealings of American companies, including Halliburton, with Iran.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Monday, April 30, 2007 at 2:30 p.m. for a Hearing entitled, The Federal Government's Role in Empowering Americans to Make Informed Financial Decisions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. I ask unanimous consent that the following members of my staff be granted the privilege of the floor for the remainder of the debate on the Food and Drug Administration Revitalization Act of 2007: Nicky Bassford, David Dorsey, David Noll—and Nancy Hardt, with Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I also request unanimous consent, on behalf of one of my staff members, to have the privilege of the floor during discussion on this important bill. That will be David Schmickel.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 1332

Mr. KENNEDY. Mr. President, I understand that H.R. 1332, has been received from the House and is at the desk, and I would ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes.

Mr. KENNEDY. Mr. President, I now ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR TUESDAY, MAY 1, 2007

Mr. KENNEDY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Tuesday, May 1; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half controlled by the Republicans and the final portion under the control of the majority; that at the close of morning business, the Senate then resume consideration of S. 1082; that the Senate stand in recess from 12:30 p.m. to 2:15 p.m., for the regularly scheduled conference periods.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KENNEDY. If there is no further business today, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:08 p.m., adjourned until Tuesday, May 1, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 30, 2007:

NUCLEAR REGULATORY COMMISSION

KRISTINE L. SVINICKI, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2012, VICE JEFFREY S. MERRIFIELD, TERM EXPIRING.

DEPARTMENT OF STATE

MAURICE S. PARKER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

DEPARTMENT OF JUSTICE

JAMES RUSSELL DEDRICK, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE HARRY SANDLIN MATTICE, JR., RESIGNED.

ESTEBAN SOTO III, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF PUERTO RICO FOR THE TERM OF FOUR YEARS, VICE HERMAN WIRSHING RODRIQUEZ, TERM EXPIRED.

JOE W. STECHER, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE MICHAEL G. HEAVICAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DANIEL J. DARNELL, 0600

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CARROL H. CHANDLER, 9115

EXTENSIONS OF REMARKS

HONORING THE CAREER OF THE HERALD-CITIZEN'S BILL SHUSTER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to congratulate Bill Shuster, publisher of the Cookeville, Tennessee Herald-Citizen, upon the occasion of his retirement after 38 years with the newspaper.

Bill began his newspaper career as a journeyman printer in Nashville, and from there, became the pressman for the Putnam County Herald and the Cookeville Citizen. In 1970, he was named production manager of the two papers the same year they merged to become the Herald-Citizen. Bill became the newspaper's publisher in 1995.

I imagine that, in addition to witnessing the phenomenal growth of Cookeville during his tenure at the newspaper, Bill worked through many changes in technology to get the Herald-Citizen in the racks. Newspaper pages that were literally put together by staff hands are now put together on computer screens. Bill always made sure the Herald-Citizen was cutting edge—designing, building and moving into the plant on Neal Street; implementing computer software and hardware updates; and creating new sections of the newspaper.

While time has brought many changes, one thing that has remained constant is Bill's commitment to a fair story. I could not sum up Bill's work ethic any better than he did when he said, "Early on, I learned that hard work would bring rewards, how to treat people, how to set my moral compass, and that the best course is to put aside personal preferences and go straight to the side of public good."

I know Bill has always been concerned about his community and takes great pride in our Nation. I was always happy, when needed, to provide a flag for the Herald-Citizen facility, where I had the pleasure to celebrate its grand opening with Bill.

Bill, congratulations, again, on your retirement. I hope you enjoy many lazy days of fishing; many games of golf; traveling with your wife, Jan; and the opportunity to spend more time with your grandson, Eli.

RECOGNIZING MATTHEW DONALD MARSH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Donald Marsh, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the years Matthew has been involved with scouting, he has earned 34 merit badges and held numerous leadership positions, serving as Chaplains' Aide, Assistant Patrol Leader twice and Patrol Leader twice. Matthew has earned the 100 Night Camper Award and became a Runner in the Tribe of Mic-O-Say.

Matthew used his organizational and leadership skills to lead a group of boys and adults in restoring the trail erosion barriers at the Camp Fire Boys and Girls Camp Shawnee. He is currently a senior at the University of Missouri—Rolla where he is a student of Computer Science and Electrical Engineering.

Madam Speaker, I proudly ask you to join me in commending Matthew Donald Marsh for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMENDING EVAN APPLEMAN AND JAMES KENNEDY AND OTHER HONOREES IN THE 2007 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS PROGRAM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. BURTON of Indiana. Madam Speaker, I rise tonight to congratulate two outstanding young Hoosiers, Evan Appleman and James Kennedy, for being named Indiana's top honorees in the 2007 Prudential Spirit of Community Awards program; an honor conferred on only one high school student and one middle-level student in each State annual.

Evan Appleman, 18, of Indianapolis, is a senior at Lawrence North High School. Inspired by one of his teachers who once told him that ". . . the greatest problem people have is that they don't understand each other, not out of spite, but often out of ignorance," Evan took it upon himself to produce a series of bilingual television programs for a local cable TV channel as a way to promote greater understanding of the growing Hispanic community in Indianapolis; and to "bridge the gap" between the city's Hispanic and non-Hispanic cultures. The community's reaction has been overwhelmingly positive with many people even commenting that they previously "had no idea so much was going on in the community."

James Kennedy, 12, also of Indianapolis, is a sixth-grader at Creekside Middle School. Born with cerebral palsy, James became involved through his own doctor, Dr. Chuck Dietzen, with the Timmy Foundation; an organization which supports health and education initiatives in developing countries. James' work with the Foundation inspired him to do more than just raise money for a worthy cause. He began speaking at schools and other places about the importance of focusing on what people can do, not what they can't do; about what it's like to have a disability; and about the important work being done by the Timmy Foundation. In addition, James agreed to serve as a "volunteer patient" to help students at the University of Indianapolis learn more about cerebral palsy. I think James myself summed up best why he does what he does. He said, "I feel what I do is important because it helps people understand that even though I wear braces on my legs and use a walker at school, I am just like any other kid with the same feelings and dreams."

I applaud Mr. Appleman and Mr. Kennedy for their willingness to get involved and make their communities better places to live, and for the positive impact I know they have had on the lives of others, both young and old. I also commend the other young people from Indiana who were named Distinguished Finalists for their outstanding volunteer service. They are Sarah Boesing, 17, of New Albany; Kacie Giles, 18, of Lebanon; Savannah Holderman, 17, of Mishawaka; Alison Mansfield, 12, of Fort Wayne; Brittany Oliver, 17, of Lafayette; and, Cory Sprunger, 18, of Berne.

Madam Speaker, the Prudential Spirit of Community Award, was originally created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions to their communities are critically important and highly valued, and to inspire other young people to follow their example. I believe that young volunteers, like Evan and James, Sarah, Kacie, Savannah, Alison, Brittany and Cory truly embody what the Spirit of Community Award is all about. Their actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future. I am proud to represent them in the U.S. House of Representatives, and I look forward to seeing what they accomplish in the future.

I ask my colleagues to join me now in recognizing and honoring all of these outstanding young women and men.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE OUTSTANDING PUBLIC SERVICE OF DEBRA E. FERRONI AND ROBERT CRISS

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend two outstanding public servants who have dedicated themselves to the people of the State of New Jersey through their work with the New Jersey State Law Enforcement Officers Association.

Debbie Ferroni has been working with the Association since 1989 as its Executive Administrator. Jerry Leavy, the Association's President, says that he's not embarrassed to say that though he is the President, it's Debbie that does all the work. In 1994, Debbie was diagnosed with Multiple Sclerosis. Several times during her battle with this debilitating disease, Debbie has had to be hospitalized or homebound. Each time, she has demanded her work be brought to her home and she always showed more concern for the men and women the Association serves than for her own health.

Robert Criss has been a part of the Association since 1991. He retired as a Captain from the Highland Park Police Department in 1999. His first-hand knowledge of the needs of the law enforcement officers the Association serves has made him an invaluable volunteer. And, by all accounts, Bob Criss volunteers "excessive amounts of time" to this work, perhaps most importantly as the Chair of the Youth and Child Identification program.

The New Jersey State Law Enforcement Officers Association will be seventy years old next year. Its members serve the people of New Jersey as Federal, State, county, and municipal law enforcement officers, special police, and auxiliaries. It is the outstanding commitment of people like Debbie Ferroni and Bob Criss that allows the Association to serve these brave officers so well.

As it does each year, this past weekend, the Association honored several of its members for their valor and bravery in the line of duty. I join the Association in the pride they show for these officers and I am proud to honor Debbie and Bob for their sense of duty as well.

RECOGNIZING LOGAN JAMES REED FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Logan James Reed, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and in earning the most prestigious award of Eagle Scout.

Logan has been very active with his troop, participating in many scout activities. Over the years Logan has been involved with scouting, he has earned 31 merit badges and held numerous leadership positions, serving as Assistant Patrol Leader and Patrol Leader. 1Logan has earned the Master Camper Award and became a warrior in the Tribe of Mic-O-Say.

Logan used his leadership skills to lead a group of boys and adults in constructing two pre-fabricated water fountains and benches with a concrete pad that is handicap accessible on the walking trail in Kearney. He is a member of the Northern Hills Baptist Church and attends the Excelsior Springs Area Career Center for the HVAC program.

Madam Speaker, I proudly ask you to join me in commending Logan James Reed for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF NEW MARKETS TAX CREDIT BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise to offer legislation to extend the New Markets Tax Credit program for an additional five years. I am pleased to be joined by Rep. RON LEWIS in offering this bill, along with several other cosponsors.

The New Markets Tax Credit program has proved to be a remarkably successful way to revitalize communities. Current authority for the program, however, is due to expire at the end of next year. It is important that we extend this credit soon and that we provide for a long-term extension.

The credit was first enacted in 2000 as part of the Community Renewal Tax Relief Act. From enactment through fiscal year 2005, the New Markets Tax Credit has generated financing for the construction or rehabilitation of over 43 million square feet of real estate, and has helped to create or retain 72,000 construction jobs and 20,000 full time equivalent jobs in low-income community businesses.

The credit stimulates investment and economic growth in low-income urban neighborhoods and rural communities. Investors receive over seven years a 39 percent Federal tax credit for Qualified Equity Investments, with a 5 percent credit during the first three years and 6 percent during the next four years. These investments are made through vehicles known as Community Development Entities (CDEs), which raises capital from the tax credits and then makes loans to or investments in worthy businesses and projects in low-income areas. These CDEs must be domestic corporations or partnerships with a primary mission of providing investment capital to low-income persons or communities, must provide accountability to the communities or residents, and must be certified by the Treasury Secretary as an eligible entity.

Eligible communities, which include both metropolitan and rural areas, are low-income communities with a high poverty rate or low median family income. In the 2006 extension of this credit, the Treasury Secretary was directed to prescribe regulations ensuring that there was a balance in allocations between metropolitan and nonmetropolitan counties. Further, the Treasury Secretary may also designate targeted populations as low-income communities if certain individuals or an identifiable group of individuals, including an Indian tribe, are low-income persons or lack adequate access to loans or equity investments. Some have recently argued that service-connected disabled veterans are such a group and I encourage the Treasury Secretary to look into this reasonable suggestion.

Finally, the law requires that businesses, in order to be eligible for such investments, show that at least half of the total gross income of the business is derived from active operations in a low-income community, and that a substantial portion of the business property and the services performed by the employees are located in a low-income community.

I believe that all of these rules ensure that the credit is appropriately targeted. A recent GAO report found that the program is very effective at increasing investment in low-income communities. To date, New Markets Tax Credit investments in low-income communities total over $7.7 billion. The tax credit has been used to support a wide variety of community and economic development initiatives including, among others, the financing of charter schools, health care facilities, manufacturing businesses, grocery-anchored retail centers, and numerous other commercial and mixed-use real estate projects.

Now, despite this explanation, some of my colleagues may be wondering how these credits really work. Let me detail one local success story from my Congressional district, and encourage my colleagues to look into projects in their districts as well. Hot Mama's Foods is a Massachusetts-based food company, specializing in salsas, pestos, and other spreads. Recently, the company was able to secure a loan from the Massachusetts Development Finance Agency, a CDE, along with other financing in order to relocate to a USDA-certified food production facility in Springfield, which is in my district. That relocation and expansion meant the company could add an additional 10 jobs to its 50-person workforce and revitalize a neighborhood.

These tax credits work. They help businesses expand and add valuable jobs. The credits need to be extended. I urge my colleagues to join us in sponsoring the New Markets Tax Credit Extension Act of 2007.

RECOGNIZING GRANT RICHARD SAMPSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Grant Richard Sampson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Grant has been very active with his troop, participating in many scout activities. Over the years Grant has been involved with scouting, he has earned 31 merit badges and held numerous leadership positions, serving as Librarian, Troop Guide, Assistant Patrol Leader, and Historian.

For his eagle project, Grant assisted in building two full-size soccer goals for a playground at Line Creek Elementary School. He earned the Arrow of Light and Order of the Arrow awards, and is a Foxman in the Tribe of Mic-O-Say.

Madam Speaker, I proudly ask you to join me in commending Grant Richard Sampson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE OSWEGO STATE MEN'S HOCKEY TEAM UPON WINNING THE 2007 DIVISION III NATIONAL CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. McHUGH. Madam Speaker, I rise today to congratulate the State University of New York at Oswego (Oswego State) Lakers upon winning the 2007 NCAA Division III Men's Ice Hockey National Championship, the first national championship ever won by Oswego State in a team sport.

On March 18, 2007, Oswego State, which is located in my Congressional District, won the Division III National Championship when it defeated the Middlebury Panthers by a score of 4 to 3 at Wessman Arena in Superior, Wisconsin. In that game, Ryan Scott, the Lakers' East Region Second Team All American goalie, set a Division III championship game record with 47 saves and Garren Reisweber scored two goals, including the game-winning goal 12:55 into overtime. Other Lakers who recorded points in the championship game were Trevor Gilligan, Ryan Koresky, Derrell Levy, Mark Lozzi, Brendan McLaughlin, and Peter Magagna.

The Lakers team also included coaches Ed Gosek, Pete Sears, and Glenn Sisman as well as the following players: Tony DiNunzio, Brad Dormiedy, Ryan Ellis, Francois Gagnon, Chris Hyk, Jeffrey Johnstone, Tyler Laws, Tyler Lyon, Kyle McCutcheon, Neil Musselwhite, Mike Novak, Ryan Scott, C.J. Thompson, Rick Varone, Matt Whitehead, Matt Wolf, Ryan Woodward, and Rich Zalewski.

The Lakers completed the 2007 season with a record of 23–3–3. Moreover, their coach, Ed Gosek, an Oswego native and former Lakers player, was named the 2007 Men's Division III Ice Hockey Coach of the Year. Mr. Speaker, it takes a tremendous amount of dedication, hard work, perseverance, and teamwork to win a national championship. Accordingly, I now ask my colleagues to join me in recognizing the entire Lakers hockey team for its very significant accomplishment.

MR. PAUL HAYS—THE HOUSE OF REPRESENTATIVES READING CLERK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. HOYER. Madam Speaker, I would like to take a moment to recognize the service to the House of Representatives of our reading clerk Paul Hays, who after 19 years in that position and 41 years as an employee of this House has announced that he will retire—effective Monday, April 30—and begin a new phase of his life.

The fact is, Madam Speaker, Paul Hays—with his deep, crisp, commanding voice—is perhaps more recognizable to regular viewers of C–SPAN than many of the Members of Congress who are privileged to serve here.

Since 1789, the House has employed reading clerks, who are responsible for reading aloud the text of bills, amendments, motions, messages, special rules and other privileged resolutions, and veto messages.

Our reading clerks almost always have been appointed from the ranks of existing House employees who have extensive prior floor experience.

And, Paul—a graduate of Georgetown University—is no exception.

In fact, Paul was appointed reading clerk in 1988 by my very good friend and a great public servant, the former Republican minority leader Robert Michel of Illinois.

It is no coincidence, Mr. Speaker, that—given his speaking talents—Paul intends to do voice-over work in the future.

Paul, we thank you for your service and wish you well in the future.

GREATER MARYVILLE CHAMBER OF COMMERCE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to congratulate the Greater Maryville Chamber of Commerce on their Centennial Anniversary. On April 23, 1907, the chamber was created when area businessmen came together to improve the economic vitality by promoting businesses and community and enhancing the quality of life in Maryville, Missouri.

The mission of the Greater Maryville Chamber of Commerce is to support advancing agriculture, education, industry, legislation, retail, professional services, recreation, and tourism of the City of Maryville and its surrounding area.

The City of Maryville, organized on February 14, 1845, has become the commercial, educational and entertainment center for the region by hosting such events as fairs, auto shows, and rodeos.

Madam Speaker, I am proud to represent the Greater Maryville Chamber of Commerce and congratulate them on 100 years of service and I look forward to future celebrations.

INTRODUCTION OF NEW MARKETS TAX CREDIT BILL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I am pleased to join my colleague Congressman NEAL in introducing legislation to extend New Markets Tax Credit program for an additional five years through 2013.

Originally authorized in 2000 as part of the bi-partisan Community Renewal Tax Relief Act, the New Markets Tax Credit has been successful in meeting its principal goal—namely, mobilizing capital to economically distressed urban and rural communities.

Reports from the U.S. Department of the Treasury, reveals that interest in the NMTC from the investor market continues to increase at a rapid pace. More than $7.7 billion in new private capital has already been raised from 560 distinct investors. A recent report released by GAO indicates that 88% of investors in New Markets Tax Credit projects would not have made the same investment without the Credit.

In addition to stimulating private investment, the credit is creating jobs and financing business development in low-income communities across the United States. In my home state of Kentucky, the credit has been very active. Seven Kentucky-based community development entities (CDEs) have received credit allocations totaling $153.5 million since 2003. One of these CDEs, Kentucky Highlands Investment Corporation, is using its $22 million allocation to invest in health-related businesses and health care facilities in rural Kentucky. Community Ventures Corporation, also secured $24 million in credits to invest in new and expanding businesses throughout the Commonwealth. These projects have the potential to create new jobs. To date, Community Ventures Corporation has used its credits to raise $24 million in investment that has been deployed in businesses throughout the state and it has a pipeline of qualified businesses seeking more that $121 million in NMTC financing that will have to wait until they can secure additional credits.

I believe the NMTC is a successful program because it brings diverse groups together—public and private sectors, investment banks and community development corporations—to attract private capital and jobs into some of the nation's most impoverished areas.

The NMTC has been successful because of the emphasis it places on community involvement. Private sector investment flows through entities like Kentucky Highlands Investment Corporation and Community Ventures Corporation that are extremely knowledgeable about the communities they serve and are experienced in providing the types of patient, flexible capital which conventional lenders and investors are unable to provide directly in that market.

The NMTC continues to be a catalyst for small business development. It has fostered start-ups, technology firms, manufacturers, neighborhood retail stores, and shopping centers in low-income communities. These investments in turn have created many jobs.

In addition, the NMTC has been used to finance vital community facilities that are often lacking in poor communities—charter schools, community health centers, biotechnology campuses, employment training centers, day care facilities, as well as mixed-use commercial and housing developments. These facilities are essential to help qualified communities grow and thrive.

I am a strong believer in the potential of the New Markets Tax Credit to bring capital to communities that have traditionally been left behind. I was pleased to be one of the leaders of the campaign to extend the Credit in 109th Congress and am proud of our accomplishments during that period of time. I continue to believe that Congress should extend the New Markets Tax Credit for several years, or provide a permanent authorization. Investors, CDE's and businesses need greater certainty in planning and implementing revitalization strategies in economically distressed urban and rural communities.

For this reason, I believe this legislation takes the correct course by authorizing this program for 5 years. I urge my colleagues to join us in co-sponsoring the New Markets Tax Credit Extension Act of 2007.

RECOGNIZING MAXWELL "MAX" WILLIAM ELDON PEPPER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Maxwell "Max" William Eldon Pepper, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Maxwell has been very active with his troop, participating in many scout activities. Over the years Maxwell has been involved with scouting, he has earned 28 merit badges and held numerous leadership positions, serving as Librarian, Assistant Patrol Leader, and Quartermaster. Maxwell is an Ordeal Member in the Order of the Arrow and a Warrior in the Tribe of Mic-O-Say.

Madam Speaker, I proudly ask you to join me in commending Maxwell "Max" William Eldon Pepper for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ON THE INTRODUCTION OF THE "LEAD-FREE DRINKING WATER ACT OF 2007"

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Ms. NORTON. Madam Speaker, Oversight and Government Reform Committee Chairman Henry A. Waxman and I re-introduce the "Lead-Free Drinking Water Act of 2007". This bill today was virtually summoned by the District's lead water crisis in 2004. The national attention our crisis generated for the likely presence of lead in the water supply drew many jurisdictions to do their own investigations, uncovering similar problems. When former Senator James Jeffords, Representative Waxman, and I looked at the 1974 Safe Drinking Water Act (SDWA) and the Lead and Copper Rule, it was clear that even the revision of the Rule in 1991 did not meet standards that should have been adopted at that time. Our bill incorporates what we learned from hearings on the D.C. water crisis and from the state of the current science.

This bill is necessary because at a recent hearing for the Subcommittee on Water Resources, Benjamin H Grumbles, Assistant Administrator for Water in the EPA, promised that new rules on lead and copper in water would be promulgated at the level mandated in this legislation. However, details of the rule have not been shared with the subcommittee, and the rule is not scheduled to be released until the fall of this year. We have heard this same excuse since 2004, illustrating the continuing need for Congress to act. In 2006, as confidence was slowly being restored in our drinking water, the District of Columbia Water and Sewer Authority was cited for violations of SDWA consent order due to a failure in testing procedures. Most especially, recent reports have documented elevated levels of lead in drinking water in five District of Columbia public school water fountains, even though the children are most vulnerable to lead, thus the important reasons for this legislation remain strong after three years. This bill directly addresses the concerns that also vulnerable are pregnant and nursing women and District of Columbia parents have with lead in the water at schools and would lay to rest well-placed anxiety about lead in the drinking water here and nationwide.

The District of Columbia provided us with a virtual case study in why SWDA must be revised again in 2007. Here are some of the most important provisions taken from the D.C. experience:

(1) *Valid Testing.* This bill eliminates the giant loophole that allowed the D.C. Water and Sewer Authority (WASA) to continue testing once it exceeded the 15 parts per billion (Ppb) action level, in order to dilute its findings, reduce the percentage of homes to less than 10%, and thus relieve WASA of the requirement to replace lead service lines. Instead, 10% of lead pipes must be replaced until all are eliminated.

(2) *Total Lead Service Line Replacement.* Instead of replacing only publicly owned lead service lines, this bill requires total replacement, including the portion owned by the homeowner. Our hearings showed that partial replacement can actually increase the amount of lead in drinking water, because the new metal, such as brass or copper, can interact with the remaining lead pipe and accelerate lead leaching into the drinking water.

(3) *Individual Notice From Detection to Correction.* Instead of allowing public notices to be delayed or buried, using generic language deep in a brochure or water bill, as WASA did, our bill requires notice to all customers, individually within 30 days of lead exceedence, stating the scope of testing, results and corrective actions.

(4) *Alternative Water Supply.* Where excessive lead is found, the bill requires that certified water filters be provided to each residence, school and day care facility, a measure that was delayed in the District despite the danger to pregnant women and children under six.

(5) *Testing Water Treatment Chemicals.* The Army Corp of Engineers switched chemicals at the Washington Aqueduct from chlorine to chloramines without conducting a corrosion control test. The evidence is that the new chemical was the likely cause of the spike in lead levels here, but only now are phosphates being tested to counter lead corrosion in the water supply. This bill requires water systems to have corrosion control plans within one year of switching chemical treatment or a finding of excessive lead in the water.

(6) *Lead Free Plumbing.* "Lead free" in this bill is defined as 0.2%, the standard already used in Los Angeles, down from the current 8%. We heard testimony at our hearings that most brass and copper plumbing contains 8% lead.

(7) *Lead Testing In Schools.* This bill requires the repair or replacement of school water coolers found to have excessive lead. Annual testing of water coolers in schools is also required.

The District of Columbia experience has opened the nation's eyes to lead in the water that millions of Americans may be drinking. Our bill will reduce the well-earned fears of residents here and across the country.

LIBERTY HIGH SCHOOL SCIENCE BOWL TEAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 30, 2007

Mr. GRAVES. Madam Speaker, I proudly rise to honor 5 outstanding individuals, Stephanie Hull, Shane Daniel, John Ahlfield, David Klco, and Ammon Sarver, who competed in the 2007 National Science Bowl representing Liberty High School. This is Liberty's third year in a row to make it to the National Finals.

Since 1991, the National Science Bowl, through the sponsorship of the United States Department of Energy has brought together high school students to compete in an academic competition in the fields of chemistry, biology, physics, earth science, mathematics, astronomy, and general science.

Also, I want to recognize the great leadership of the team including Coaches Rosemary Camp and Mary Coogan. It is also important to acknowledge the parents, family, mentors and friends who have helped these students succeed in their academic efforts.

Madam Speaker, I ask you to join me in congratulating the Liberty High School Science Bowl Team on their achievements and wish them the best of luck in their future academic endeavors. It is an honor to represent this team in the United States Congress.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 1, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

9:15 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine United States trade relations with China.
SR–253

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for global health.
SD–124

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Finance
To hold hearings to examine the Medicare prescription drug benefit, focusing on monitoring early experiences.
SD–215

Judiciary
Terrorism, Technology and Homeland Security Subcommittee
To hold hearings to examine strengthening the security of international travel documents, focusing on interrupting terrorist travel.
SD–226

10:30 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings to examine proposed budget estimates for fiscal year 2008 for defense intelligence.
S–407, Capitol

Aging
To hold hearings to examine the Nursing Home Reform Act (Public Law 100-203), focusing on what has been accomplished and what challenges still remain.
SD–628

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the Department of Energy atomic energy defense programs in review of the Defense Authorization Request for Fiscal Year 2008.
SR–232A

4 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the government of the District of Columbia, focusing on federally-funded entities.
SD–192

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine the 2006 Nobel Laureates.
SR–253

MAY 3

9:30 a.m.
Armed Services
To hold hearings to examine the United States Central Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program, with the possibility of a closed session in S–407 following the open session.
SD–106

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Equal Employment Opportunity Commission.
SD–192

Finance
To hold hearings to examine offshore tax evasion, focusing on stashing cash overseas.
SD–215

Homeland Security and Governmental Affairs
To hold hearings to examine the internet as a portal to violent Islamist extremism.
SD–342

Judiciary
Business meeting to consider S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 239, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 1202, to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft, and the nominations of Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit, Roslynn Renee Mauskopf, to be United States District Judge for the Eastern District of New York, Richard Sullivan, to be United States District Judge for the Southern District of New York, and Joseph S. Van Bokkelen, to be United States District Judge for the Northern District of Indiana.
SD–226

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2088 for the Office of the Secretary of the Senate and the Library of Congress.
SD–124

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Housing and Urban Development.
SD–138

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 27, to authorize the implementation of the San Joaquin River Restoration Settlement.
SD–366

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, S. 647, to designate certain land in the State of Oregon as wilderness, S. 1139, to establish the National Landscape Conservation System, H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System, and for other purposes, H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States, S. 205, and H.R. 865, bills to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.
SD–366

Armed Services
SeaPower Subcommittee
To hold closed hearings to examine Navy force structure requirements and programs to meet those requirements in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program; to be immediately followed by an open session in SR–222.
SR–222

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

3 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending Corporate Average Fuel Economy (CAFE) legislation.
SR–253

9:30 p.m.
Indian Affairs
To hold hearings to examine S. 310, a bill to express the policy of the United

States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

SR–485

MAY 4

9:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.

CHOB311

MAY 7

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: Frontiers of Science.

SD–116

MAY 8

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine community integration and recovery, focusing on transforming mental health systems of care.

SD–628

Judiciary

To hold hearings to examine privacy and civil liberties concerns, focusing on the REAL ID Act (Public Law 109–13).

SD–226

MAY 9

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.

SR–328A

Veterans' Affairs

To hold hearings to examine on benefits legislation.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

Consumer Affairs, Insurance, and Automotive Safety Subcommittee

To hold hearings to examine All-Terrain Vehicle (ATV) safety.

SR–253

MAY 10

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

SD–366

10 a.m.

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the effects of climate change and ocean acidification on living marine resoucres.

SR–253

2 p.m.

Judiciary

To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

SD–226

MAY 16

10 a.m.

Veterans' Affairs

To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

SD–562

MAY 17

10 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold hearings to examine rail safety reauthorization.

SR–253

MAY 23

9:30 a.m.

Veterans' Affairs

To hold hearings to examine health legislation.

SD–562

POSTPONEMENTS

MAY 3

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.

SR–253

SENATE—*Tuesday, May 1, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our rock, fortress, and deliverer, we trust You to strengthen us today.

Empower our Senators with humility to listen, wisdom to understand, courage to attempt, and power to obey. May they devote themselves to the honorable, the noble, and the good. Keep them from self-indulgence, mental lethargy, and negative expectations as You guide their hearts and minds in the knowledge of Your love. Purify their ambitions so that they may set their hearts only on that which pleases You. May they find even in problems opportunities to discover Your power.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 1, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Ms. STABENOW. Mr. President, I now ask unanimous consent that when the Senate resumes S. 1082 this morning, it be for debate only until 12:30 p.m., with no amendments in order during that time, with the time equally divided and controlled between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PERFORMANCE OF THE MEDIA

Mr. BENNETT. Mr. President, my theme today has to do with our friends in the media, or the fourth estate as they like to call themselves. There are two items I wish to call to the attention of the Senate and anyone else who might be listening with respect to the performance of the media. The first one is highlighted in an editorial that appeared this morning in the Wall Street Journal entitled "Frist's Vindication."

All of us in this Chamber know Senator FRIST. We know him as a man of integrity, intelligence, and grace. He presided over the Senate as the majority leader for 4 years. He has a long history as a humanitarian, as a scientist, as a skilled doctor who pioneered procedures in the process of heart and lung transplants.

We also know him as the target of media attack for insider trading, and we know groups that are self-anointed as watchdogs of the public consciousness that picked that up and kept the drumbeat alive. Our friends in the media also kept the drumbeat alive saying, over and over again, Dr. Frist was a hypocrite, Dr. Frist engaged in insider trading, Dr. Frist used his position to enrich himself while he was here in the Senate.

Well, the Securities and Exchange Commission was sufficiently aroused by those attacks that they entered into an investigation of Dr. Frist's activities with respect to his stock. That investigation is now closed. I did not realize the investigation was closed because there has been no hue and cry whatsoever in the media. There has been no mention that came to my attention in the media, until I picked up this morning's Wall Street Journal and saw this editorial.

I would like to quote from it. Under the title "Frist's Vindication" and the subhead "So much for that 'insider trading' smear," here is what it says:

> When insider-trading allegations against former Senate Majority Leader Bill Frist surfaced back in 2005, they were splashed on the pages of major newspapers from coast to coast. Now that Dr. Frist has been vindicated, the silence is instructive. Is anybody out there?

It goes on to describe the allegations against Dr. Frist. I shall not repeat them. Basically, it says he used his position in the Senate to get insider information and started selling his stock in HCA in advance of a drop in the stock that occurred because of earnings reports.

The editorial says:

> Thanks in part to his meticulous email archives, Dr. Frist was able to show that he had begun the process of selling his HCA stock in April of 2005, months before he was alleged to have received the inside whispers.

It goes on to discuss the groups that attacked him. Again quoting:

> For years he was harassed by such liberal lobbies as Public Citizen, and Citizens for Responsibility and Ethics in Washington, which alleged conflicts of interest. These groups objected even to those stocks he held in the blind trust he had created to avoid the appearance of a conflict of interest. Yet when he sold those stocks, with a possible eye on higher office, he was pilloried for doing what the ethicists had asked him to do all along.

The editorial indicates that while this absolution is a relief to Dr. Frist, "it's impossible to undo the damage to his political career. Despite flimsy evidence, the media storm cast a shadow over his office, derailing any thought of a Presidential bid this year. The Nashville heart surgeon chose instead to 'take a sabbatical from public life.'"

A great deal was made out of this. The editorial quotes American University professor James Thurber as saying that Dr. Frist "came in like Jimmy Stewart and was leaving like Martha Stewart." That is a great line. That gets headlines. The press loves things of that kind.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Now that it is clear he behaved in an absolutely ethical way—documented everything he did, turned over all of his e-mails—and has been completely cleared, after 18 months of careful examination by the Securities and Exchange Commission, we hear nothing in the press, we hear nothing in the way of an apology from Public Citizen or Citizens for Responsibility and Ethics in Washington. Maybe ethics does not apply to them when it comes to apologizing for smears against legitimate and responsible public servants. Maybe we will now hear that Dr. Thurber has something else to say besides his quick quip about Dr. Frist being the same as Martha Stewart as she went to jail. But I doubt we will hear any of that. I doubt the press will even notice. I doubt there will be a sidebar anywhere.

I am grateful to the Wall Street Journal for pointing this out to us, and I appreciate the opportunity on the floor of the Senate to speak on behalf of a man whom I consider a friend, I think whom all of us consider a responsible Senator, a devoted leader. He deserves better at the hands of the press and those self-appointed leaders of ethics who are quick to criticize but slow to apologize.

Now, Mr. President, the next issue I would like to raise with respect to the media has to do with the hysteria over America's trade deficit with China. I have some charts I would like to put up to show some historical evidence with respect to this issue.

Let's talk about China and the trade deficit and the rise of China. This chart has two lines on it, one in red, which is American exports to China, and one in blue, which is American imports from China.

Let's go back to 1975, before people were all excited about China and how China was destroying us in the age of globalization, how China's cheap labor was taking all of our jobs, and we were flooded with Chinese imports. We notice on the chart there was a gap between American exports to China and American imports from China. No one felt that gap was ready to threaten and destroy the American economy. No one got excited about it. All right.

You go to 1990, and you find that neither line has moved up very much, but the gap remains virtually the same. Now, the Chinese economy started to take off and we started to buy things from them, and at the same time we started to sell things to them. Both lines started moving up. We saw, yes, imports from China were going up, but exports to China were going up. By 2002, 2003, both were up significantly over where they had been in 1975. But the gap remained roughly the same. All right.

Interestingly enough, as we get toward 2005 and so on, there are moments when the gap disappears, when our sales to China were greater than our imports from China. Why would that be? It would be because the improving Chinese economy now has enough money to buy American goods. They want to buy our airplanes. Boeing does well in China. The last time I was in China, I met with the manager of General Motors in China. General Motors was having a very bad year in the United States, but they were having a good year in China. They were making money in China. They were selling Buicks and other automobiles in China.

The red line started to move up, and, as I say, at one point they actually crossed the blue line. OK, the blue line opened up again, not as great as the gap back in 1975, but it began to open up. Once again, we saw the gap closed. Sales to China reached the same level as purchases from China. And then it opened up again. It appears if we want to project from this period on into the future that the pattern of our importing slightly more from China than we sell to China is likely to continue.

I doubt this historic demonstration of facts comports with the way the media is talking about China. They are telling us China is going to overtake us. They are telling us China is going to destroy us. They are telling us China is the nation of the future. We have heard in the media statements about the 20th century being the American century; the 21st century is going to be the Chinese century.

Well, let me put up another chart that I think will demonstrate that might be a little bit premature.

Let's look at the size of the two economies. The size of the economy is measured in gross domestic product. The gross domestic product of the United States in 2000 was $9.8 trillion. The gross domestic product in China in 2000 was $1.2 trillion. This is the beginning of the Chinese century? The Chinese are starting off pretty far behind in this race if they are going to turn the 21st century into the Chinese century. They are at $1.2 trillion and we are at $9.8 trillion. We have sprinted into what the media is calling the Chinese century now for the first 6 years.

Where are we? These statistics are for the first 5 years, the first 5 percent. In that period of time, our annual GDP growth has been 3.2 percent. The Chinese has been 10 percent. Those are the numbers that say they are going to overtake us. Ten percent is clearly better than 3 percent.

I would make this one footnote with respect to the 10 percent. I am a little suspect of these numbers because the Chinese released their annual figures on December 31 of the same year. We don't know our annual figures for months afterwards. Then, when more data comes in, we revise them upward or downward, based on additional information. Somehow they know on New Year's Eve exactly how they have done during the year. If they were a corporation required to report to the SEC, there would be some investigations about the possibility of "cooking the books." I think they make the determination of where they want the number to be and then report it thusly, either too high or too low for whatever their political purposes might be.

So all right, let's take these numbers at their face value. These numbers mean from 2000 to 2005 the Chinese GDP grew from $1.2 trillion to $2.2 trillion, a $1 trillion increase. That is not a slouchy thing to do. That is clearly a tremendously impressive performance—almost doubling a $1 trillion increase. How about the United States. We are just limping along at 3 percent, 3.2 percent, but we went from $9.8 trillion to $12.4 trillion.

In other words, they went up $1 trillion, and we went up $3 trillion. How is that possible if they are growing another 10 percent, and we are only growing at 3 percent? It is because they are starting from a very low base. Those who say the 21st century will be the Chinese century and the Americans are through need to pay attention to what the real numbers are.

If we are going to have a game and we start out the game with one team having almost 10 times as many points as the other, and then add on to that on a percentage basis rather than an absolute basis, we see in terms of the gap between the size of the American GDP and the Chinese GDP the gap is actually widening rather than shrinking. Yes, they can have a higher rate of growth, but their higher rate of growth is on a much lower base. Our growth on a higher base is unprecedented in world history.

My message today is we need to hold the media accountable as well as all of the others. We have had two examples I have highlighted this morning where the media has misled us: the first with respect to one of our respected and beloved colleagues, Dr. Frist, where he was smeared and then when he was vindicated, that fact was ignored. The second has to do with telling us where the world is going. For whatever reasons, there are those who are constantly panicked about China and its impact on the United States who need to pay attention to the reality of the numbers.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

IRAQ

Mr. CORNYN. Mr. President, today is an important yet a sad day for our Nation because it represents the 85th day that our fighting men and women in uniform have been waiting for emergency aid from the Congress. Yet they have been left waiting because of political gamesmanship and political theater in Washington, DC. The latest is reported in the Congressional Quarterly today, an article I have here in my hand—actually the date is April 30, 2007, 10:45 p.m., entitled: "President's Veto Dependent on House Speaker's Signature." The report is that Congresswoman PELOSI wanted time to personally read the emergency supplemental bill and to sign it before sending it to Pennsylvania Avenue. I would have thought that Congresswoman PELOSI and Members of Congress would have read legislation before they voted on it, not afterwards.

Also, in today's edition of The Hill, there is a story that says:

> Congressional leaders today will put an exclamation point on their political showdown with President Bush on Iraq spending, staging a signing event to send their Iraq supplemental bill to the White House.

I don't think this is Congress's finest hour, and I think it is an embarrassment that when our troops are waiting on an emergency spending bill to provide them essential equipment, we are staging signing ceremonies and going through political kabuki theater just to demonstrate on the part of some their disagreement on the present strategy in Baghdad and in Iraq. I think it is inappropriate and irresponsible.

I know one of our colleagues here has talked about, for example, the MRAP vehicles, the so-called Mine Resistant Ambush Prevented V-shaped hull vehicles that are awaiting $3.1 billion in spending in this appropriations bill to get those to the Marines and Army in Iraq, something that has proven, in the hands of the Marines, to be very resistant to the improvised explosive devices. They save lives. That is one example, one concrete example of funding for equipment that is being held up because Congress continues to dither and play political games now 85 days after the President has requested this funding for our troops. The bill that will—after this so-called signing ceremony and after this reading of the bill after it has passed rather than before it was passed exercise—be sent to the President and he will veto it is simply unacceptable. Why? For two reasons.

First of all, because it imposes arbitrary timelines on our generals in Iraq, including GEN David Petraeus, who was confirmed unanimously by the Senate, who was here last week to explain the progress that is being made in places such as Al Anbar Province, west of Iraq, which has been controlled by al-Qaida for some time now, and we are finally starting to see some real, concrete improvements being made there. We are seeing the local sheiks offering troops to supplement Iraqi police officers and the Iraqi Army to fight al-Qaida—the same organization that killed 3,000 Americans on September 11—right in Iraq. That is good news.

We are beginning to see some real security measures going forward. So why we would have Congress tie the hands of General Petraeus and these successful efforts in Al Anbar Province, west of Baghdad, controlled by al-Qaida, and why Congress would want to tie the hands of our military leaders at a time when we are seeing some real improvement there is, frankly, beyond me. Why would we simply give up when we are beginning to see some light at the end of the tunnel?

Then, of course, there is the second matter of providing porkbarrel spending in order to secure the votes of some Members of the House for this bill that they would not support on the merits. It is completely demeaning to our troops and the nobility of their sacrifice, not to mention the sacrifice of the military families who wait anxiously hoping their loved one will return from the fight only to be told that Congress is causing unnecessary delays in this spending—85 days now—putting arbitrary timelines on the troops, making it harder for them to succeed, denying them the equipment necessary for their very safety, while Congress engages in more porkbarrel spending in order to secure a political consensus for this ill-considered piece of legislation.

The bill, on its way to the President after this kabuki theater, substitutes congressional mandates for the considered judgments of our military leaders. This bill assumes and forces the failure of a new strategy, which is only halfway implemented. The new Baghdad security plan to back up Iraqi forces in Baghdad to implement the clear hold-and-build strategy that GEN David Petraeus is the architect of as part of our counterinsurgency measures is only halfway deployed. Only half of the troops that are a part of this so-called surge are on the ground. While we are seeing some progress, we are also seeing some increased violence and, unfortunately, deaths as a result of meeting the enemy in places where previously they were safe and secure because we could not even go into places such as Sadar City, which was controlled by Moqtada al-Sadr, the radical Shiite cleric who has since left to go to Tehran. He has left the country because he is afraid of the American and Iraqi military forces joining together. He has instructed the Shiite militias, one of the major causes of death squads and violence and ethnic cleansing in Iraq, to lay down their arms. What is there not to like about that kind of progress? Yet Congress, thousands of miles away in the safety and comfort of the Senate Chamber and our offices, is undermining the good efforts that are going forward in Iraq.

While no one believes success is assured, we know, in the words of General Petraeus:

> The mission is hard, but it is not hopeless.

The only thing that would make it hopeless is if Congress continues to undermine General Petraeus and our troops who are in harm's way. It boggles my mind that we have that sort of mindset in Washington, DC because of some rabid, antiwar, left-leaning groups that insist we ought to simply tuck our tail and run. They haven't come up with an adequate explanation as to what they think would happen if we were to leave precipitously, as some of them suggest.

I happen to believe that notwithstanding the fact that Darfur, where 400,000 people at last count have died as a result of terrible violence there, would pale compared to the ethnic cleansing and the violence that would follow if America were to betray our Iraqi allies and would leave precipitously. It would also create a regional conflict where Sunni majority nations would come in and try to stave off the Shiites from Iran for helping them and trying to prevent them from killing the Sunni minority there.

The Democratic leadership has not helped the situation in Iraq with their recent pronouncements either. Democratic leadership in recent floor statements has suggested that if the President vetoes this bill, then he will be the one endangering the troops. They further stated they hope the President would realize that with his pen in hand he can honor soldiers, honor his country, and bring an end to this war.

To that I say baloney. That is sheer fantasy that by cutting and running, by neglecting our allies in Iraq, by neglecting the improvements we have been able to make, by recruiting tribal sheiks to help us in fighting al-Qaida, that somehow, by giving up on that, we are going to bring an end to the violence and the death in Iraq. To the contrary, we would create a failed state where al-Qaida, the very same people who hit this country on September 11, 2001, could reorganize, train, and recruit, and export future terrorist attacks to the United States.

I am chilled by comments made a few months ago when I attended a ceremony where the Deputy Secretary of Defense spoke.

He asked rhetorically:

> Do you know why al-Qaida killed 3,000 people on September 11, 2001, in New York and Washington, DC?

Then he answered his own question. He said:

> Because they could not kill 30,000, because they could not kill 3 million.

His point is if they had the kind of biological, chemical, or nuclear weapons they are seeking, they would have killed thousands—perhaps hundreds of thousands more innocent Americans. And they will do that at will if they are provided that sort of weaponry.

So it is sheer naivete on the part of those who say all we need to do is leave and somehow these people will go away. They will not go away and they will visit us here again with deadly results.

With General Petraeus back from Iraq for the first time last week since he assumed command of U.S. forces, and the emergency supplemental, I hope, reaching the President later today, it is appropriate to reflect on the majority leader's statement, where he said we have "lost the war."

Two weeks ago, the Senate Armed Services Committee heard testimony from GEN Barry McCaffrey, a proven combat commander from the first gulf war, and a recognized expert on the tactical, operational, and strategic situation in Iraq. I will quote for a moment from his statement. He said:

> The consequences of failure in Iraq will be a disaster to the American people and our allies if we cannot achieve our objective to create a stable, law-based state at peace with its neighbors. . . . We have 150,000 U.S. troops battling in Iraq and 22,000 fighting bravely in Afghanistan.
>
> These are the finest, most courageous military men and women we have ever fielded in battle. Their commanders—who have almost without exception at company, battalion, and brigade level served multiple combat tours—are the most capable leaders that I have encountered in my many years of watching our Armed Forces with admiration.

He goes on to say:

> Our new leadership team in Iraq—our brilliant new commander, General David Petraeus, and the equally experienced Ambassador Ryan Crocker—are launched on a new approach to use political reconciliation, new methods and equipment to strengthen the Iraqi security forces and enhanced U.S. combat protective power to stabilize the situation. We must give them time and space.

That is exactly what we are trying to do, to provide the basic security General Petraeus said is necessary, but not sufficient, to solve the problem.

I submit our colleagues who have said General Petraeus said there is no military solution in Iraq are not listening to what he is saying, because what he has said is that improving our security situation is necessary but not sufficient. It is not a question of whether we are going to do the security part or the political reconciliation part. One must precede the other. It makes common sense that it is hard to sit down and work out your differences around a conference table in a political debate, or an attempt at reconciliation, if people are driving automobile-borne improvised explosive devices or people are walking into the Parliament in a suicide vest. So security must precede the political reconciliation that we all recognize is so absolutely important. That is what General Petraeus is saying. That is what we have to accomplish.

We have some hopeful signs in Iraq now, for the first time in a long time, as a result of this new strategy that is only about half way implemented. But if we are going to succeed, it won't be because our commanders have had their hands tied by arbitrary deadlines in Washington, DC. It won't be because of the political theater going on here 85 days after the President had requested the emergency spending included in this bill for necessary equipment for our troops.

The leadership should sign this legislation and get it to the President so he can veto it and we can get down to the serious business of providing for our troops.

I yield the floor.

The ACTING PRESIDENT pro tempore. The minority's time has expired.

The Senator from New Jersey is recognized.

IRAQ

Mr. MENENDEZ. Mr. President, 4 years ago today, President Bush landed on the U.S.S. *Abraham Lincoln* in his flight suit. The banner behind him proudly said, "Mission accomplished." President Bush announced to the world, and to the American people, that "major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed."

I can think of almost no greater act of hubris, arrogance, and denial than the declaration of mission accomplished in Iraq 4 years ago. It is truly stunning how false that statement was.

Four years ago today, President Bush declared mission accomplished. Yet, since that time, 3,000 U.S. troops have been killed in Iraq. Over 104 American troops died in April alone, making it the deadliest month since last December.

Four years ago today, President Bush declared mission accomplished. Yet we have now spent over $450 billion on the war in Iraq. This war is costing us almost 10 times what the Bush administration initially said it would.

Four years ago today, President Bush declared mission accomplished. Yet we have now been in Iraq for nearly 50 months, longer than the United States was in World War II.

Four years ago today, President Bush declared mission accomplished. Yet U.S. troop fatalities are up 33 percent since the President's escalation of the war in January.

Four years ago today, President Bush declared mission accomplished. Yet today, Iraqi civilian casualties are estimated to be in the tens or even hundreds of thousands. It is impossible to know how many have been killed in Iraq, but the United Nations estimates that 35,000 civilians have been killed.

Four years ago today, President Bush declared mission accomplished. Yet today oil production in Iraq is still 15 percent lower than it was before the war.

Four years ago today, President Bush declared mission accomplished. Yet Baghdad is only getting 6 hours of electricity a day, significantly less than before the war.

Four years ago today, President Bush declared mission accomplished. Yet the Special Inspector General for Iraq Reconstruction just put out a new report detailing how projects the administration declared a "success" are actually failing and no longer operating.

Frankly, it reminds me of all the other ways we were misled by this administration. Let us remember what this administration told us about this war. Let us remember the Iraq myths. Remember the unfound weapons of mass destruction; remember the missing mobile weapons labs; remember the yellowcake uranium in Africa; remember Saddam's nonexistent vast stockpiles of chemical weapons; remember when Secretary Rumsfeld told us that "we know where the weapons of mass destruction are;" remember the nonexistent link between al-Qaida and Saddam; remember the claims that Iraqi oil and other countries, not the United States taxpayer, would pay for the cost of reconstruction; remember when the administration told us the war would cost only between $50 billion and $60 billion; remember when Paul Wolfowitz said "it seems outlandish" to think we would need several hundred thousand troops in Iraq; and remember when President Bush told us on May 1, 2003, that "major combat operations in Iraq have ended."

This is the same administration that now comes to this Congress and says: Trust us. This is the same administration that says: Trust us, our new escalation plan will work. This is the same administration that tells this Congress and the American people to be patient, to give their "new" plan to escalate the war time to work.

Yet their new plan is more of the same. To quote one of the witnesses who testified before the Senate Foreign Relations Committee:

> This plan is just stay-the-course plus 20,000 troops.

That is what they thought then when the witness testified, but eventually it has been a lot more than 20,000 troops.

Well, the American people and this Congress have run out of patience. This administration has run out of credibility to ask for more time or another chance, when all we are largely doing is staying the course. Frankly, I find it insulting that this administration thinks this Congress would simply go along with their escalation plan without question.

Why should we support President Bush's escalation—a plan with benchmarks but no real consequences? As I have said time and time again, benchmarks without consequences are simply aspirations. We have seen countless misguided plans from this administration, but the Iraqis have never been held accountable.

We were told by the end of 2006 a provincial election law would be approved.

But that benchmark has not been met. We were told that Iraqis would approve a law for de-Baathification. But that benchmark has not been met.

We were told that Iraqis would create a law to help restrain sectarian militias. But that benchmark, too, has not been met.

We were told the Iraqis would establish a law to regulate the oil industry and share revenues, which is one of the critical elements to be able to achieve reconciliation in Iraq, the sharing of the nation's national resources. But that benchmark has not been met.

We were told that, by March, the Iraqi Government was supposed to hold a referendum on constitutional amendments. But that benchmark has not been met.

Time and again, the Iraqi Government has fallen short; and time and again, this administration has looked the other way—basing their plans on the hope that the Iraqis will step up. Continuing this failed policy in Iraq based on the mere hope that things will improve is not good enough. The broken promises must stop.

It also seems to me the President is once again out of touch about our progress on the ground and his escalation plan. The President said last week:

> The direction of the fight is beginning to shift . . . and so far the operation is meeting expectations.

This is very much like "mission accomplished." Yet, last Monday, an attack carried out by a suicide bomber near Baqubah killed 9 soldiers and wounded 20 others. The explosion was one of the deadliest single ground attacks on American forces since the start of the war.

Two weeks ago, five different bombs exploded in Baghdad, killing at least 171 people. These attacks mark the deadliest day in the capital city since the new security plan was implemented 2 months ago.

In fact, almost four coalition soldiers have been killed per day in the past month—the highest rate since January of 2005. As I pointed out before, over 100 soldiers were killed in April, including 9 killed over the weekend, 1 of only 6 times that more than 100 servicemembers were killed in 1 month since the start of the war.

Violence outside of Baghdad is on the rise, with more than twice the number of American troops killed in the past 5 months in Diyala Province than were killed all of last year.

In terms of civilians, over 1,500 Iraqis were killed between February 14 and April 12. That is almost 500 more people than were killed during the previous 2 months.

Frankly, I don't believe the President's escalation plan is working. So I say to the President: The era of blank checks is over and the time of congressional oversight has begun.

The President would largely want us to send him a blank check. We have spent 10 times more than we were told we would spend on this war, and there is no end in sight in terms of lives and national treasure. That is why this Senate and the House sent the President an Iraq spending bill with a responsible timeline for withdrawing our troops from Iraq. I believe the President is making a serious mistake with his plan to veto the bill.

Some on the other side of the aisle like to point out that the President is the Commander in Chief. I remind my friends the Constitution puts the Congress in charge of appropriating funds. The Constitution, in article I, section 8, provides what scholars call the power of the purse, and it says: "The Congress"—the Congress—"shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States." Congress has the power and the right and the obligation to make sure we spend the taxpayers' money wisely.

In a recent editorial, Leon Panetta, a member of the Iraq Study Group, reminded us the President has stated the goal of our involvement is for Iraq to be able to "govern itself, sustain itself, defend itself."

In order for us to get to that point, we need to hold Iraqis accountable for meeting the benchmarks they helped set. The emergency supplemental bill that passed the House and the Senate does just that, by including a plan to redeploy U.S. forces in relation to progress made by the Iraqi Government in achieving security and diplomatic benchmarks.

Leon Panetta also said:

> The worst mistake now would be to provide money for the war without sending the Iraqis any message at all about their responsibility for reforms. Both the President and the Congress at the very least must make the Iraqi Government understand that future financial and military support is going to depend on Baghdad's making substantial progress toward the milestones Prime Minister Nuri al-Maliki has publicly committed to.

The Iraq supplemental sends a strong message to the Iraqis that it is their responsibility to take control of their own country and that our involvement in Iraq is not indefinite.

Vetoing the supplemental sends the message to the Iraqis that they do not have to take responsibility and that our troops will be in Iraq indefinitely. But staying in Iraq isn't in the national interest or national security of the United States.

Our troops are caught in the middle of a civil war they cannot solve. Keeping more troops there will only put them directly in the middle of an Iraqi fight. Keeping our troops there is trying to solve a political problem with a military solution. Staying in Iraq actually keeps the Iraqis from taking responsibility for their actions.

Frankly, what we hear from the other side doesn't make sense. They talk about victory, but what is the definition of "victory"? Is that the victory we have heard is around the corner? They talk about benchmarks for the Iraqis, but they set no consequences.

Four years after the President declared "mission accomplished," 4 years and over 3,000 Americans lives later, 4 years and over $450 billion later, 4 years with no new plan for Iraq, just more of the same, 4 years after the President declared "mission accomplished," I ask: How many more lives must we lose and how much more money must we spend?

I close by asking: When will this administration finally understand that "mission accomplished" was a myth of their own imagination, born of delusion and denial, yet another terrible mistake in a series of tragic errors? When will we finally hear the words "major combat in Iraq has ended" and know they are true?

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Ohio.

Mr. BROWN. Mr. President, 4 years ago today, as Senator MENENDEZ said, the President landed on an aircraft carrier, amid a flurry of pomp and circumstance, and declared, "Mission accomplished."

Since that day, much has happened. Since that day, 3,000 brave American soldiers and marines have died in Iraq. This war has gone on, since that day, longer than World War II. Since that day, the United Nations has estimated that 35,000 Iraqi civilians have been killed. Since that day, U.S. taxpayers have spent $450 billion on the war in Iraq.

To get an understanding of what $450 billion is, if we spent $500 every second of every minute of every hour of every day, it would take 29 years to spend the $450 billion we have spent in Iraq.

Now, 4 years later, our troops in Iraq are stuck in the middle of a civil war. Too many of our brave soldiers do not have the body armor they need, in spite of the imploring of so many of us to the administration to do what they need to do to protect our soldiers. Now thousands of Guard men and women face early and extended redeployment.

Four years later, the will of the people resonates in townhalls and in churches, in back yards and in living rooms across this country. Their message is clear: Mr. President, redeploy our troops out of Iraq.

Up to now, however, the President has refused to hear the calls of millions of Americans. He has refused to listen to voters last fall who demanded a different course in Iraq. He has refused to listen to the Iraq Study Group, which recommended the redeployment of our troops out of Iraq. He has refused to listen to his own generals who have implored him, in many cases, to disengage from this civil war. He has refused to listen to Congress.

The supplemental on its way to the White House echoes what many of us in Congress and military families across this great country have been saying: We need a new direction for Iraq.

We take a backseat to no one in supporting the brave men and women fighting in Iraq. That is why so many of us have pushed this administration, pushed the civilian leadership in the Pentagon and in the White House to equip our soldiers with proper body armor.

We take a backseat to no one in supporting the families of our soldiers overseas. That is why so many of us in this Chamber have pushed to help these support groups that have formed all over the country for soldiers and helping them reintegrate back into their jobs, back with their families and their society when they return home from Iraq.

But more of the same is not a plan for our troops and will not end the war in Iraq. This war has made our country and our world less safe. Congress will continue to fight for our Nation's military by working to see that they have the resources and the support they need and the leadership they deserve.

This legislation fully funds and supports our troops, while establishing conditions that will bring our troops home. It provides desperately needed funding to the Veterans' Administration, something this administration and previous Republican Congresses have woefully underfunded. It provides desperately needed funding to the Veterans' Administration to help care for the hundreds of thousands of new veterans created by this war.

If the President will not take responsibility for his failures in his conduct of this war, then Congress will. If the President will not lead our troops home, then Congress will. We owe it to our soldiers, to our sailors, to our airmen, airwomen, and to our marines, and we owe it to their families.

Instead of threatening a veto, the President should listen to the military leaders, listen to the American people, and work with Congress to change the course in Iraq.

Vetoing this legislation would deny funding our military and our veterans desperately need: $99 billion in emergency Department of Defense spending, more than the President's budget; $3 billion for Mine Resistant Ambush Protected vehicles; $4.8 billion in military construction for BRAC, the Base Closing Commission; and the VA, which has been underfunded by $2 billion in the President's budget, under this bill would get $1.7 billion immediately, more than the President's VA proposal, and will do better in the next budget. It includes $100 million for VA mental health services.

It is absolutely outrageous that this Congress—the House and Senate—and this President send our men and women off to war, not equipping them with the right body armor, not giving them the Mine Resistant Ambush Protected vehicles we know how to build in this country, and then when they return home, not giving tens of thousands of soldiers and marines the health care they deserve.

In addition to what we do to restore that spending and take care of our veterans when they return home, this emergency legislation has over $1 billion for Katrina relief, $13 million for mine safety because of the increase in deaths in mines in places such as Pennsylvania and West Virginia, $625 million for the pandemic flu response, something we absolutely need to be prepared for, and $400 million for energy assistance for the low-income elderly.

Please, Mr. President, before you decide to veto this bill, read this legislation. Don't turn your back on millions of Americans, don't turn your back on your military advisers and the military experts, don't turn your back on our soldiers. Sign this legislation.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I rise today to speak about the issue of Iraq, to call on the President to sign the supplemental appropriations bill, the emergency bill that we will be sending him, and also to pay tribute to 43 young Americans who have been killed in Iraq from my State since January 30, 2007. This brings to 720 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 22 percent of all U.S. deaths in Iraq.

I ask unanimous consent to have printed in the RECORD their names, their ages, the circumstances of their death.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SGT Alejandro Carrillo, 22, died January 30, while conducting combat operations in Al Anbar Province, Iraq. Sergeant Carrillo was assigned to Combat Logistics Battalion 7, Combat Logistics Regiment 1, 1st Marine Logistics Group, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Los Angeles, CA.

CPL Richard O. Quill III, 22, died February 1, from a nonhostile cause in Al Anbar Province, Iraq. Corporal Quill was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

CWO Keith Yoakum, 41, died on February 2, in Taji, Iraq, when his helicopter crashed. Chief Warrant Officer Four Yoakum was assigned to A Company, 1st Battalion, 227th Aviation Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Hemet, CA.

SGM Joseph J. Ellis, 40, died February 7, while conducting combat operations in Al Anbar Province, Iraq. Sergeant Major Ellis was assigned to Battalion Landing Team 2nd Battalion, 4th Marine Regiment, 15th Marine Expeditionary Unit, Special Operations Capable, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT James R. Tijerina, 26, died February 7, when the helicopter he was flying in crashed while supporting combat operations in Al Anbar Province, Iraq. Sergeant Tijerina was assigned to Marine Medium Helicopter Squadron 364, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Travis D. Pfister, 27, died February 7, when the helicopter he was flying in crashed while supporting combat operations in Al Anbar Province, Iraq. Sergeant Pfister was assigned to Marine Medium Helicopter Squadron 364, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

CPT Jennifer J. Harris, 28, died February 7, when the helicopter she was flying in crashed while supporting combat operations in Al Anbar Province, Iraq. She was assigned to Marine Medium Helicopter Squadron 364, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

1LT Jared M. Landaker, 25, died February 7, when the helicopter he was flying in crashed while supporting combat operations in Al Anbar Province, Iraq. First Lieutenant Landaker was assigned to Marine Medium Helicopter Squadron 364, Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Big Bear City, CA.

SGT Robert B. Thrasher, 23, died on February 11, in Baghdad, Iraq, when his dismounted patrol received small arms fire. Sergeant Thrasher was assigned to D Company, 2nd Battalion, 12th Cavalry Regiment, 1st Cavalry Division, Fort Bliss, TX. He was from Folsom, CA.

PVT Clarence T. Spencer, 24, died February 4, in Balad, Iraq, of wounds suffered when his unit came in contact with the enemy using small arms fire in Baqubah, Iraq. Private Spencer was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division, Fort Hood, TX. He was from San Diego, CA.

SP Dennis L. Sellen, Jr., 20, died on February 11, in Umm Qasr, Iraq, of noncombat related injuries. Specialist Sellen was assigned to Headquarters and Headquarters Company, 1st Battalion, 185th Infantry Regiment, Army National Guard, Fresno, CA. He was from Newhall, CA.

SP Ronnie G. Madore Jr., 34, died February 14, in Baqubah, Iraq, when an improvised explosive device detonated near his vehicle. Specialist Madore was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division, Fort Hood, TX. He was from San Diego, CA.

SGT Carl L. Seigart, 32, died February 14, in Baqubah, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Seigart was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade, 1st Cavalry Division, Fort Hood, TX. He was from San Luis Obispo, CA.

LCpl Brian A. Escalante, 25, died February 17, while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Escalante was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SGT Clinton W. Ahlquist, 23, died February 20, while conducting combat operations in Al Anbar Province, Iraq. Sergeant Ahlquist was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Blake H. Howey, 20, died February 18, while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Howey was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Glendora, CA.

SP Louis G. Kim, 19, died on February 20, in Ar Ramadi, Iraq, when he received small arms fire. Specialist Kim was assigned to B Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from West Covina, CA.

PFC Rowan D. Walter, 25, died February 23, of injuries suffered when an improvised explosive device detonated near his vehicle during combat operations in Ramadi, Iraq, on February 22. Private First Class Walter was assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from Winnetka, CA.

SGT Richard A. Soukenka, 30, died on February 27, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Sergeant Soukenka was assigned to the 2nd Brigade Special Troops Battalion, 10th Mountain Division, Fort Drum, NY. He was from Oceanside, CA.

SSG Dustin M. Gould, 28, died March 2, while conducting combat operations in Al Anbar Province, Iraq. Staff Sergeant Gould was assigned to 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Hospitalman Lucas W.A. Emch, 21, died March 2, when an improvised explosive device detonated in his vicinity while conducting combat operations in Al-Anbar Province, Iraq. Hospitalman Emch was a hospital corpsman assigned to 1st Marine Logistics Group, 1st Marine Expeditionary Force, Camp Pendleton, CA.

SP Christopher D. Young, 20, died March 2, in Safwan, Iraq, of wounds sustained when an improvised explosive device detonated near his vehicle. Specialist Young was assigned to Company C, 3rd Battalion, 160th Infantry Regiment, California Army National Guard, San Pedro, CA. He was from Los Angeles, CA.

LCpl Raul S. Bravo, 21, died March 3, while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Bravo was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SSG Christopher R. Webb, 28, died March 7, in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. Staff Sergeant Webb was assigned to the 2nd Battalion, 5th Cavalry Regiment, 1st Brigade, 1st Cavalry Division, Fort Hood, TX. He was from Winchester, CA.

SP Adam J. Rosema, 27, died on March 14, in Balad, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Specialist Rosema was assigned to the 215th Brigade Support Battalion, 1st Cavalry Division, Fort Hood, TX. He was from Pasadena, CA.

SP Stephen M. Kowalczyk, 32, died on March 14, in Muqdadiyah, Iraq, of injuries sustained from small arms fire. Specialist Kowalczyk was assigned to C Troop, 6th Squadron, 9th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from San Diego, CA.

PFC Alberto Garcia, Jr., 23, died on March 13, in Baghdad, Iraq, when a vehicle-borne improvised explosive device detonated near his military vehicle was followed by small arms fire. Private First Class Garcia was assigned to C Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Bakersfield, CA.

LCpl Steven M. Chavez, 20, died March 14, from a nonhostile incident in Al Anbar Province, Iraq. Lance Corporal Chavez was assigned to 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Harry H. Timberman, 20, died March 17, from wounds received while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Timberman was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SGT John E. Allen, 25, died on March 17, in Baghdad, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant Allen was assigned to the 2nd Battalion, 12th Cavalry Regiment, 1st Cavalry Division, Fort Bliss, TX. He was from Palmdale, CA.

SSG Darrell R. Griffin Jr., 36, died on March, 21, in Balad, Iraq, from wounds suffered when his unit came in contact with small arms fire during combat operations. Staff Sergeant Griffin was assigned to the 2nd Battalion, 3rd Infantry Regiment, 3rd Stryker Brigade Combat Team, 2nd Infantry Division, Fort Lewis, WA. He was from Alhambra, CA.

LCpl Daniel R. Olsen, 20, died April 2, while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Olsen was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

SP Curtis R. Spivey, 25, died on April 2, in San Diego, CA, of injuries sustained on September 16, 2006, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Spivey was assigned to B Troop, 1st Squadron, 10th Cavalry Regiment, 4th Infantry Division, Fort Hood, TX. He was from Chula Vista, CA.

PFC Gabriel J. Figueroa, 20, died on April 3, in Baghdad, Iraq, when he received small arms fire while on dismounted patrol. Private First Class Figueroa was assigned to Headquarters and Headquarters Company, 1st Battalion, 8th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Baldwin Park, CA.

PFC James J. Coon, 22, died April 4, in Balad, Iraq, of wounds suffered when in improvised explosive device detonated near his vehicle. Private First Class Coon was assigned to the 1st Battalion, 8th Cavalry Regiment, 2nd Brigade, 1st Cavalry Division, Fort Hood, TX. He was from Walnut Creek, CA.

PFC Walter Freeman Jr., 20, died April 4, in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. Private First Class Freeman was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from Lancaster, CA.

SSG Jesse L. Williams, 25, died April 8 in Balad, Iraq, of wounds suffered from small arms fire while conducting combat operations in Baqubah, Iraq. Staff Sergeant Williams was assigned to the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Santa Rosa, CA.

LCpl Daniel J. Santee, 21, died April 14, from a nonhostile vehicle accident in Al Anbar Province, Iraq. Lance Corporal Santee was assigned to Combat Logistics Regiment 27, 2nd Marine Logistics Group, II Marine Expeditionary Force, Camp Lejeune, NC. He was from Mission Viejo, CA.

1LT Shaun M. Blue, 25, died April 16, while conducting combat operations in Al Anbar Province, Iraq. First Lieutenant Blue was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Jesse D. Delatorre, 29, died April 16, from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Delatorre was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

PFC Steven J. Walberg, 18, died April 15, in Baghdad, Iraq, of wounds sustained from enemy small arms fire. Private First Class Walberg was assigned to the 1st Squadron, 4th Cavalry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, Fort Riley, KS. He was from Paradise, CA.

SGT Mario K. De Leon, 26, died April 16, in Baghdad, Iraq, of wounds sustained from enemy small arms fire. Sergeant De Leon was assigned to the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from San Francisco, CA.

PFC Jason M. Morales, 20, died April 18, in Baghdad, Iraq, of injuries sustained when his unit came in contact with enemy forces using small arms fire. Private First Class Morales was assigned to the 1st Battalion, 28th Infantry Regiment, 4th Brigade Combat Team, 1st Infantry Division, Fort Riley, KS. He was from La Puente, CA.

CPL Michael M. Rojas, 21, died on April 18, in Taji, Iraq, when an improvised explosive device detonated near his military vehicle. Corporal Rojas was assigned to C Battery, 1st Battalion, 37th Field Artillery Regiment, 2nd Infantry Division, Fort Lewis, WA. He was from Fresno, CA.

I would also like to pay tribute to the two soldiers from California who have died while serving our country in Operation Enduring Freedom since January 30.

PFC Kristofer D. S. Thomas, 18, died February 18, in southeastern Afghanistan when the Chinook helicopter he was in crashed. Private First Class Thomas was assigned to the 3rd Battalion, 75th Ranger Regiment, Fort Benning, GA. He was from Roseville, CA.

SP Agustin Gutierrez, 19, died on March 29, in Kabul, Afghanistan, when his military vehicle overturned. Specialist Gutierrez was assigned to the 782nd Brigade Support Battalion, 82nd Airborne Division, Fort Bragg, NC. He was from San Jacinto, CA.

Mrs. BOXER. Mr. President, if you come to my office—I think you have had the opportunity to do so—you will see in front of the entrance at 112 Hart four huge placards with very small print paying tribute to those from California who have died in this conflict. The sadness of all sadness is that we keep having to send these posters back to be printed in yet smaller print because we keep having to add so many to it, and we are actually running out of space. We will have to get special permission from the Architect of the Capitol to place yet another placard in front of our door.

But we will do it regardless because we must put names on this conflict, ages on this conflict, we must pay tribute to those who are being sacrificed, in my opinion, by a President who simply will not change course, for whatever reason, from a failed course.

Anyone who reads the Constitution—I highly recommend it; it is a very readable document; it is a very concise document—will see that when it comes to war, there is a shared responsibility. As a matter of fact, if you read the Constitution, you will see Congress mentioned far more times, far many more times than the President. The President cannot act as if he is king. We already had a king, King George. We have a democracy. This is what the President says our young people are dying for in Iraq. Yet at home he acts as if he is a one-man show when it comes to Iraq.

Mr. President, the American people said no to that this past election. Yet it continues as if there is no Congress, there has been no election, there has been no change of heart by the American people, when, in fact, there has been an enormous change of heart by the American people. That change of heart is reflected in the election, in the composition of this Senate, and you, Mr. President, actually are part of that change, that message that we wanted a change in the leadership. With all of this, it just goes on and on.

Today is the fourth anniversary of the President's speech that major combat operations are over. Four years ago he said that, in a military outfit. Yet, still, in today's paper: April toll is highest of 2007 for U.S. troops. Over 100 killed this month. The Iraqi deaths are far higher.

Three years ago the President said: Major combat operations are over. Today we read: The deadliest month in 2007. As a matter of fact, in the past 3 days—as of yesterday, 3 days prior to that, we had 14 dead. That is about one for almost every person in the President's Cabinet.

What would it be like if 14 people sat around the President's Cabinet table, and every one of them had lost a child? How long would this war last? How long would this war last? But who is paying the price? Who is paying the price? Our military families. They want a change. We want success.

How do you get success? It is by changing course. It is what we sent the President. If you read what we sent the President in this emergency bill—I say to the Presiding Officer, I know you are so aware of it—it is a change in course. We are going to shift, as the Iraq Study Group suggested, from a combat mission to a support mission. We are going to gradually redeploy our troops out of there—not overnight—but sensibly. We are going to leave forces in Iraq to target al-Qaida, which never was in Iraq before this war, and now they are all over it because they want to go after our troops. So we are going to leave troops there in Iraq. That is what the Feingold-Reid-Boxer bill does as well. It says we have to have a mission there to go after al-Qaida when this war is over. We say training the troops is OK. Going after al-Qaida is what we want to do, and we want to have enough troops there for force protection.

So anyone reading this—when the President says it is irresponsible, maybe he has not read it. There is time, Mr. President. You have not gotten this bill yet. Read it again. Look at it. We are changing course in a responsible way, the way the Iraqi Study Group that you praised says we should do. That was a bipartisan group. We all remember it: Secretary Baker, Lee Hamilton, and the others.

Do you know why we have to change course? Because the mission you have given our military cannot be accomplished militarily. The mission now is—and since the mission has changed so many times, we have to go back. The mission now is: Bring stability and democracy to Iraq, and Iraq at peace within its own borders and with its neighbors, and an ally in the war against terror. That is the President's goal. That is a political and diplomatic goal, I say to you, Mr. President. It is not a military goal. The military cannot do that. The military has done everything asked of it, and more.

The first mission: Find the weapons of mass destruction. They went into every nook and cranny of Iraq. There were none. So that mission: done, accomplished.

The President said: Go get Saddam. They did it. That mission: accomplished. That tyrant is gone forever.

He said: Go get his sons because maybe they will get the idea we mean business. The military got his sons, put the pictures on television of their dead bodies. It did not do the job.

What was the next mission? We have to hold elections. The military did a magnificent job. Three elections were actually held, and they have a government. Now, that Government will go on vacation, as I understand it, for 2 months while our troops are dying.

The fact is, the military has done every single thing asked of it. We are now at a point where the only way to win this war is to win it diplomatically, politically. Yet, this President will not change course. His solution is, more military action, a surge, which was supposed to last a few weeks—now we are being told a few months—and our military is paying the price. They are paying the price.

I want to read from this news article today: "April Toll Is Highest of '07 for U.S. Troops":

> On Monday, U.S. troops at Camp Victory, a sprawling base near Baghdad International Airport, reflected on April's deadly toll on their comrades. . . .
>
> "It makes me feel depressed to be in Iraq right now," said [Private Richard] Gonzalez, [22 years old,] who is on his second deployment. "It's a whole lot different than last time."
>
> Now, he said, soldiers at the base must carry weapons. Return addresses on letters from home must be ripped off and burned, so as not to fall into the wrong hands. On his first deployment, eight months passed before his Baghdad base was hit by mortar fire.

This time, incoming fire every single day—4 years after "mission accomplished."

"There's a whole lot more activity," said Spec. Krystal Fowler, 21, of Hampton, Va. She said it "kind of bothers" her to know other troops are taking hits in the field and she can't help.

SPC Natisha Jetter said:

> Our fellow soldiers are out there dying, and we're here. . . .
>
> Gonzales said the deaths made him realize that "there's a war going on out there."
>
> Fowler sighed. It's a war between Iraqis, she said.
>
> "We are just interfering, and letting our soldiers die."
>
> "I'd rather be out there helping people survive," Fowler said. . . .
>
> There was a pause, as the soldiers mulled that.
>
> "It's just terrifying, because you can drive the same road for eight months, and then one day it's over," Gonzalez said.
>
> "Over," Fowler echoed.

I ask, rhetorically, in light of what our troops are feeling, saying—going there for a second deployment, third deployment and more, and the increased number of deaths of our troops, and the horrific things that are happening in Iraq, detailed in the Red Cross report, which I ask unanimous consent to be printed in the RECORD, Mr. President, this International Red Cross report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Civilians Without Protection

THE EVER-WORSENING HUMANITARIAN CRISIS IN IRAQ

The humanitarian situation is steadily worsening and it is affecting, directly or indirectly, all Iraqis.

Protecting Iraq's civilian population must be a priority, and the ICRC urgently calls for better respect for international humanitarian law. It appeals to all those with military or political influence on the ground to act now to ensure that the lives of ordinary Iraqis are spared and protected. This is an obligation under international humanitarian law for both States and non-State actors.

The ICRC aims to ensure that Iraqis receive the aid they need most. It cooperates closely with the Iraqi Red Crescent. However, humanitarian aid is clearly not enough when it comes to addressing the immense needs of Iraqis in the present disastrous security situation.

A CONFLICT THAT SPARES NO ONE

The conflict in Iraq is inflicting immense suffering on the entire population. Civilians bear the brunt of the relentless violence and the extremely poor security conditions that are disrupting the lives and livelihoods of millions. Every day, dozens of people are killed and many more wounded. The plight of Iraqi civilians is a daily reminder of the fact that there has long been a failure to respect their lives and dignity.

Shootings, bombings, abductions, murders, military operations and other forms of violence are forcing thousands of people to flee their homes and seek safety elsewhere in Iraq or in neighbouring countries. The hundreds of thousands of displaced people scattered across Iraq find it particularly difficult to cope with the ongoing crisis, as do the families who generously agree to host them.

Health-care facilities are stretched to the limit as they struggle to cope with mass casualties day-in, day-out. Many sick and injured people do not go to hospital because it's too dangerous, and the patients and medical staff in those facilities are frequently threatened or targeted.

Food shortages have been reported in several areas. According to the Iraqi Red Crescent, malnutrition has increased over the past year. The vastly inadequate water, sewage and electricity infrastructure is presenting a risk to public health.

Unemployment and poverty levels are rising and many families continue to rely on government food distributions to cover their immediate needs. According to government sources, an estimated one third of the population lives in poverty, while over five percent live in extreme poverty.

Much of Iraq's vital infrastructure is in a poor state of repair owing to lack of maintenance and because security constraints have impeded repair work on electrical power grids, water and sanitation systems, medical facilities and other essential facilities.

Power shortages are growing worse throughout the country, including northern areas, owing largely to the failure to carry out maintenance and to increase generation capacity. Fuel shortages affecting power stations and acts of sabotage are further aggravating the crisis. As a result, water-treatment plants, primary health-care centres and hospitals rely mainly on back-up generators, which often break down owing to excess usage or fall victim to the chronic fuel shortages.

The destructive legacy of previous conflicts, from 1980 onwards, and the years of international sanctions imposed on Iraq after its invasion of Kuwait in 1990 are further exacerbating the current crisis.

THE ICRC IN IRAQ

Despite the difficult security situation, the ICRC spares no effort to help the families most in need. It works closely with the Iraqi Red Crescent, which regularly distributes relief provided by the ICRC and collects and delivers Red Cross messages (brief personal messages to relatives made otherwise unreachable by armed conflict).

The ICRC—a strictly humanitarian organization committed to the principles of neutrality, independence and impartiality—strives to monitor and promote respect for international humanitarian law and other legal standards applicable to the current situation in Iraq.

SLIDING TO DISASTER

Since the bombing of the sacred Shiite shrine of Samarra in February 2006 and the subsequent increase in violence, the problem of displacement in Iraq has become particularly acute. Thousands of Iraqis continue to be forced out of their homes owing to military operations, general poor security and the destruction of houses. And the outlook is bleak, particularly in Baghdad and other areas with mixed communities, where the situation is likely to worsen.

Most displaced people have taken refuge with host families, who often struggle to cope with the additional burden on their limited resources. Some have found refuge in camps, public buildings and abandoned military barracks. Where displaced people decide to seek refuge often depends on the presence of relatives or friends and, because of the prevailing sectarian violence, on the religious or ethnic make-up of the host community.

Frequently, both the displaced families and the communities hosting them are badly in need of shelter materials, access to clean water, adequate sanitation, food and other essentials.

The displacement of hundreds of thousands of people places an additional burden on Iraq's basic infrastructure, which is barely sufficient to serve the resident population.

Humanitarian aid is needed by a wide range of particularly vulnerable. civilians, including elderly and disabled people and female-headed households.

MEDICAL CARE UNDER THREAT

Medical professionals are fleeing the country in large numbers following the murder or abduction of colleagues. Hospitals and other key services are desperately short of qualified staff. According to the Iraqi Ministry of Health, more than half the doctors have left the country.

The mass influx of casualties to hospitals following the daily attacks against civilians and other violent incidents is putting the health-care system under tremendous additional strain. Staff and resources are often stretched to the limit.

The failure to observe the special status of medical staff and facilities is a major concern. A hospital director in Baghdad told the ICRC that poor security conditions were preventing staff from providing medical services. And there have been frequent reports of armed men storming hospitals and forcing doctors to give their companions priority treatment at the expense of others in more urgent need.

Road-blocks and check-points sometimes prevent doctors and patients from reaching health-care centres in time. The lack of security also hampers the distribution of medical supplies in many parts of Iraq.

DIRTY AND SCARCE—THE WATER CRISIS

Both the quantity and quality of drinking water in Iraq remain insufficient despite limited improvements in some areas, mainly in the south. Water is often contaminated owing to the poor repair of sewage and water-supply networks and the discharge of untreated sewage into rivers, which are the main source of drinking water. Electricity and fuel shortages and the poor maintenance of infrastructure mean that there is no regular and reliable supply of clean water and that sewage is often not properly disposed of.

TORN APART—THE FATE OF SEPARATED FAMILIES

Tens of thousands of people are currently being detained by the Iraqi authorities and the multinational forces in Iraq. Many families remain without news of relatives who went missing during past conflicts or the current hostilities.

Visiting people detained in connection with the armed conflict in Iraq remains a humanitarian priority for the ICRC. Persons held by the multinational forces or the Kurdish regional government are regularly visited to assess their conditions of detention and treatment.

THE ICRC IN 2006

Over 227,000 people, mostly members of displaced families, received food aid in various parts of Iraq. Over 161,000 people received essential household items.

Some 83,000 people, including members of displaced families, had their water supply ensured through emergency ICRC water and sanitation projects.

In all, over four million people benefited from water and sanitation projects.

Twenty major hospitals in Hilla, Baghdad, Diwaniya, Karbala, Najaf and Tal Afar received medical and surgical supplies for the treatment of wounded patients.

Eight limb-fitting centres in Baghdad, Hilla, Najaf and Basra were supported by the ICRC, as was an Iraqi Red Crescent centre in Mosul. This was in addition to the Arbil centre, which is run entirely by the ICRC. In all, these centres helped nearly 21,000 patients, who received 7,300 artificial and some 460 pairs of crutches.

Twelve hospital emergency wards received new equipment.

Ten hospitals, with a combined capacity to treat some 5,000 inpatients, had their water and sanitation systems repaired.

Sixty-seven primary health-care centres in Anbar, Babel, Baghdad, Diwaniya, Karbala, Salah AI Deen and Wasit governorates had their sanitation facilities repaired or upgraded. They treat an average of over 9,000 patients per day.

More than 32,000 detainees were visited, almost 9,000 of them individually, during 109 visits to 28 places of detention.

Nearly 6,400 detainees held in Camp Bucca and in the Shaiba facility benefited from the ICRC family-visit programme.

Nearly 37,000 Red Cross messages were delivered and over 30,500 collected by the ICRC in conjunction with the Iraqi Red Crescent.

Mrs. BOXER. This report is called "Civilians Without Protection." I will go into it in a minute. But in light of everything that is happening, how on Earth could the President sit in the Oval Office and say: "I am vetoing this bill that is coming to me, and I want to just continue what I am doing"? A military solution is what he is doing, and he is going to continue it.

In light of everything that has gone on, doesn't this President understand it is time for a change? Doesn't he listen to the voters? Doesn't he read these articles? "Send me the bill. I am going to veto it"—very macho like. I do not think it is macho like. I think it is wrong. I do not think it is brave to continue a policy that is failing. I do not think it is courageous not to admit it is time for a change. I do not think it shows strength. I think it is stubborn. I think it is wrong. And, worst of all, our troops are paying the price for this stubbornness. This is not the same as being stubborn in an argument we might have about some small matter. Oh, I think this book is better than this book, and I think this singer is better than this one. This is involving the lives of our soldiers.

Now, this "Civilians Without Protection" report is very tough to read, by the International Red Cross. Let me share some of it with you: the pictures, the headlines, the words.

One section is called "A conflict that spares no one."

In some regions, particularly Baghdad and area, families are often too afraid to leave their homes to go to work or to shop and too afraid to send their children to school because of random violence and the threat of kidnapping for ransom.

This one is very tough to take—very tough to take. It is written by a young humanitarian worker from Baghdad. It is in the Red Cross report.

> Once I was called to an explosion site. There I saw a four-year-old boy sitting beside his mother's body, which had been decapitated by the explosion. He was talking to her, asking her what had happened. He had been taken out shopping by his mom.

How do you sit back and say "status quo"? How? How? Why not welcome a change? Why not welcome the Iraq Study Group? Why not welcome the work that has been done here in 50, 60 different hearings which we have held?

Another part: "Sliding to disaster," in the International Red Cross report. Another part: "Medical care under threat." Another part: "Dirty and scarce—the water crisis." Another part: "Torn apart—The fate of separated families." It goes into the agony. I ask us all to imagine what it would be like to worry about our kids for even 15 minutes, let alone days and months.

This Red Cross report is printed in the RECORD.

Mr. President, also, I ask unanimous consent that the entire article I referred to from the newspaper be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post Foreign Service, Tuesday, May 1, 2007]

APRIL TOLL IS HIGHEST OF '07 FOR U.S. TROOPS

(By Sudarsan Raghavan and Karin Brulliard)

BAGHDAD, April 30.—The deaths of more than 100 American troops in April made it the deadliest month so far this year for U.S. forces in Iraq, underscoring the growing exposure of Americans as thousands of reinforcements arrive for an 11-week-old offensive to tame sectarian violence.

More than 60 Iraqis also were killed or found dead across Iraq on Monday. Casualties among Iraqi civilians and security forces have outstripped those of Americans throughout the war. In March, a total of 2,762 Iraqi civilians and policemen were killed, down 4 percent from the previous month, when 2,864 were killed. Iraq's government has yet to release any monthly totals for April.

Attacks killed a total of nine U.S. troops over the weekend, including five whose deaths were announced Monday. The weekend's fatalities brought the toll for the month to 104 Americans killed, in the sixth most-lethal month for American forces since the U.S.-led invasion four years ago.

Under the new counterinsurgency plan, many U.S. forces have left large, more secure bases to live in small combat outposts and to patrol hostile neighborhoods where the risk of insurgents targeting them has multiplied.

Highlighting the vulnerability of American forces, a series of explosions Monday night rocked Baghdad's Green Zone, the most heavily secured enclave in the capital and home to thousands of U.S. troops, Western diplomats and Iraqi government officials.

"There is a duck-and-cover going on right now," said Lt. Col. Christopher C. Garver, a U.S. military spokesman, before quickly getting off the phone. Later, Garver confirmed there had been an assault on the Green Zone, but it was unclear what had happened. Local Iraqi television stations reported 10 explosions inside the zone. There were no immediate reports of casualties, Garver said.

In eastern Baghdad on Sunday, a roadside bomb killed three U.S. soldiers and an Iraqi interpreter who were on patrol, the military said. Attackers shot dead another soldier in the same section of the capital on Saturday. Meanwhile, a Marine was killed in the Sunni insurgent bastion of Anbar province, west of Baghdad. On Saturday, the military reported four U.S. soldiers had been killed on that day.

Before the deaths announced Monday, 99 U.S. soldiers had been killed during April, according to iCasualties.org, an independent Web site that monitors military deaths. Nearly half have died in and around Baghdad, with the next greatest number of deaths occurring in Anbar and Diyala provinces. In December, 112 U.S. soldiers were killed.

With 11 combat deaths, April also was the deadliest month for British troops in Iraq since the beginning of the war, when 27 soldiers were killed in March 2003. This month's British casualties highlighted the growing tensions in southern Iraq as Shiite groups clash for power and Britain prepares to draw down its forces.

The deaths came as the largest bloc of Sunnis in Iraq's parliament, the Iraqi Accordance Front, threatened to pull out its ministers from the cabinet, saying that it "had lost hope" in having Sunni concerns addressed by the Shiite-led government. The threat prompted President Bush to phone one of Iraq's two vice presidents, Tariq al-Hashimi, a Sunni, in an attempt to defuse the potential political crisis, Hashimi's office said in a statement. A Sunni withdrawal could seriously hamper efforts at national reconciliation and further weaken the government. Only two weeks ago, six cabinet ministers loyal to Shiite cleric Moqtada al-Sadr resigned from the cabinet.

In the province of Diyala, where scores of fighters have fled to escape the Baghdad security offensive, a car bomb exploded near a funeral tent in the town of Khalis, killing 22 and wounding 35, said Lt. Mohammed Hakman of the Diyala police Joint Coordination Center. Police said they expected the toll to rise.

The strike came four days after a suicide attacker detonated a car packed with bombs at a checkpoint in the town, 50 miles north of Baghdad, killing 10 Iraqi soldiers.

Near the Sunni insurgent stronghold of Ramadi, a car bomb exploded at a police checkpoint, killing four policemen and injuring six others, police said. In another attack near Ramadi, a truck exploded near a restaurant, killing four civilians, police said.

In Baghdad, a car bomb exploded in the al-Jihad neighborhood, killing four and wounding another seven, all civilians, while another car bomb detonated in a local market, killing five and wounding nine civilians. In the Shaab neighborhood, mortar shells rained down on a house, killing three and injuring eight, police said.

Meanwhile, police found 13 corpses—all blindfolded, handcuffed and shot in the head—in different parts of the capital.

On Monday, U.S. troops at Camp Victory, a sprawling base near Baghdad International Airport, reflected on April's deadly toll on their comrades.

Sitting at a picnic table outside a recreation center, four soldiers smoked Marlboros under a starry sky. Part of the Headquarters Headquarters Support Company for the 3rd Infantry Division out of Fort Stewart, Ga., they had arrived last month. They were on the base, just "sweeping parking lots and waiting for a sandstorm," as Pfc. Richard Gonzalez, 22, put it.

Still, they said, frequent news of troop deaths made even their mission more frightening.

"It makes me feel depressed to be in Iraq right now," said Gonzalez, who is on his second deployment. "It's a whole lot different than last time."

Now, he said, soldiers at the base must carry weapons. Return addresses on letters from home must be ripped off and burned, so as not to fall into the wrong hands. On his first deployment, eight months passed before his Baghdad base was hit by mortar fire. This time, he said, it seems the Camp Victory intercom announces incoming fire every day.

"There's a whole lot more activity," said Spec. Krystal Fowler, 21, of Hampton, Va. She said it "kind of bothers" her to know other troops are taking hits in the field and she can't help.

Spec. Natisha Jetter, 23, of Charlotte Amalie, St Thomas, in the Virgin Islands, agreed.

"Our fellow soldiers are out there dying, and we're here not doing our job," Jetter said.

Gonzalez said the deaths made him realize that "there's a war going on out there."

Fowler sighed. It's a war between Iraqis, she said.

"We are just interfering, and letting our soldiers die."

"I'd rather be out there helping people survive," Fowler said. "The more of us that are out there, the more chances they have to survive."

There was a pause, as the soldiers mulled that.

"It's just terrifying, because you can drive the same road for eight months, and then one day it's over," Gonzalez said.

"Over," Fowler echoed.

Mrs. BOXER. This President's policies left unchecked have been a disaster. And what does he want? More of the same. He criticizes us for coming up with a new policy, and this new policy will work because it combines a gradual redeployment of troops, a focus on getting al-Qaida, a focus on training the Iraqis, with a focus on diplomacy and a political solution, which is exactly what everyone says we need.

General Petraeus says we must have a political and diplomatic solution. Well, everyone has heard it, but obviously not this President. Mr. President, sign this bill. Have a change of heart. Read the paper today. Read the quote from this humanitarian worker. Read what our troops are saying. Read about it. Reconsider.

Also, Mr. President, take a look at what we have done for our people here at home in this bill. You deride it. You make it sound as though we are spending on things we should not. Why shouldn't we fix Walter Reed? Why shouldn't we fix the Veterans' Administration so when our soldiers come home they get mental health care?

Why shouldn't we invest in better technologies to protect our troops from these horrific land mines, car bombs, et cetera? That is what is in this bill.

Why shouldn't we help our farmers who lost their money because of horrific droughts, horrific frosts? That is what these bills are for, emergencies. On Sunday, we all learned about the horror that happened in Oakland, with a gasoline tanker overturning on a major interstate connecter. It collapsed onto the freeway below. Miracle of miracles: the middle of the night, in the early morning, 3:40 or so a.m. No one killed. Thank you, God. And we pray that the driver survives.

But here is the point: There is money in this bill for emergencies such as that. There is a backlog of these emergency fixes that have had to be done to our freeways. So, Mr. President, there is real beef in this bill for our people, for our veterans, for our fighting men and women. And, most important, we change course. We change course. We don't have a hard-and-fast date to get out, as others have said. We have a goal to get out: in April of 2008.

When I went to Iraq 2 years ago, I met with General Petraeus at length. I watched how he was training the Iraqi soldiers. He was very complimentary. He said they are doing great. I said to him: If they are doing so great, why can't we go home? It is their country. They have to defend their own country. He said: Well, pretty soon they will be able to do it. Clearly, they are not doing it. Clearly, the Iraqis are turning on each other. What is our military to do?

As Thomas Friedman said,

> Our troops are protecting everyone, and yet they are everyone's target.

They are protecting the Sunnis from the Shia. When they are protecting the Shia, the Sunnis get them. That is an irresponsible policy. So what we need to do is get through to this President. I ask all the American people to keep on speaking out, to ask the President in these next couple of hours to sign this bill. We can finally change course. We have been in Iraq longer than World War II. We can't afford this conflict, and that doesn't mean you cut and run. Anyone who says that is what we are saying is wrong. Read the bill. We redeploy out of Iraq, we stay in the region to go after al-Qaida and to train the Iraqi forces.

We can't afford this anymore. Mr. President: Sign the bill.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLICE CHASES

Mr. DORGAN. Mr. President, I would like to talk about a decision by the Supreme Court yesterday that greatly troubles me. Some many years ago, I received a call at 10:31 in the evening that my mother had been killed in a car accident. She was killed in a car accident as a result of a high-speed police chase. My mother was driving home from visiting a friend in the hospital, going 25 or 30 miles an hour on a street in Bismarck, ND. A drunk, on Main Street in Bismarck, ND, was spinning his wheels on his pickup truck, and the police then decided to apprehend him. The drunk driver took flight. Witnesses said he was going 80 to 100 miles an hour on the city streets. Regrettably, that ended in a tragic crash that took the life of my mother.

I have spent many years here in Congress talking about this issue of police chases and training for law enforcement officials, about guidelines—when to chase, when not to chase. I have been joined by a good number of people around this country who have lost loved ones, innocent loved ones who were killed as a result of high-speed police chases. One who came to mind was a former member of law enforcement whose family member was killed when someone with a taillight that was out was to be apprehended by the police, and he took flight and the police chased at very high speeds. The family member of this law enforcement official was killed as a result.

In the middle of working on this, over the years, a county sheriff called me one day. He heard me speak about it. He said: You know, just last week we had a man who was a drunk driver in our community who had two little children in the backseat. The sheriff's department attempted to apprehend that driver, and he took off at a high rate of speed. The sheriff's office decided to discontinue the chase immediately. They got a license number. They discontinued the chase. Three hours later, they arrested the man.

He said: It could have turned out differently. We could have chased that man at 80 to 100 miles an hour, and the end of that chase could have resulted in the death of those children in the backseat of that car. But we didn't do that because we had guidelines and we had training.

The Supreme Court yesterday issued a ruling, regrettably, that I believe will result in more deaths in this country, deaths of innocent bystanders, as a result of high-speed police chases. I think the ruling is a horrible ruling.

Incidentally, the Supreme Court, apparently for the first time in history, put a video on their Web site so people could see the chase which was the subject of the decision in the case they were considering. Let me suggest to the Supreme Court that perhaps they could put some other videos on their Web site. I know high-speed police chases have become a form of television entertainment all too often, but they all too often end in disaster and end with innocent people losing their lives. There are other videos they could perhaps put on their Web site, if the Supreme Court were interested. Among those videos might be the resulting crashes of high-speed police chases in the middle of our cities, at 80 and 100 miles an hour, where innocent bystanders ended up losing their lives.

I understand why the police chase when there is a felony, a bank robbery, a serious crime. I understand that. What I don't understand is this: why chases ensue in these communities because of a broken taillight or a person going 5 miles an hour over the speed limit and a chase ensues. Yes, the responsibility is in the person fleeing the police. Yes, that is the case, I understand that. But that does not give rise, in my judgment, to reason to endanger people on the city streets with chases at 60, 80, or 100 miles an hour. That is not justified.

Law enforcement needs guidelines. They need training to understand what the consequences are—when to chase, when not to chase. Regrettably, I believe the Supreme Court ruling yesterday will result in more high-speed police chases and more deaths of innocent Americans. That is a profound disappointment, not just to me but to many others in this country who have seen the results of these high-speed chases.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

The PRESIDING OFFICER. The time until 12:30 is to be evenly divided between the majority leader and Republican leader and to be used for debate only.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator BOXER from California be recognized for 15 minutes, obviously as the next Democratic speaker following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have come to the floor to talk about the underlying bill that is being considered, a piece of legislation to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions and so on. It may be that there will be an agreement by which I and some others who will offer legislation or an amendment to deal with the issue of prescription drug prices will do that at another time and not on this bill. If that is the case, I am fine with that. I understand there are discussions underway now. I would be perfectly amenable to not offering an amendment on this legislation and instead having an opportunity to offer it at a different time. That amendment is about the reimportation of prescription drugs.

Let me talk just a little about this issue. This is an issue which is getting a gray beard these days because it has been around so long with so many promises to be able to take it up here in the Congress. We have 33 cosponsors on a piece of legislation that would try to break the back of the pricing monopoly that exists with the pharmaceutical industry for prescription drugs in our country. The fact is, the American consumers are charged the highest prices for prescription drugs anywhere in the world. The highest prices for prescription drugs are charged to the American consumer. It is not right. It is not fair. It ought to stop. We do have price controls on prescription drugs in our country; they are just controlled by the pharmaceutical industry. That is why we have the highest prices in the world.

Mr. President, I ask unanimous consent to show a couple of bottles of medicine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, these two bottles of medicine are Lipitor. Lipitor is a very common prescription drug used by many Americans to reduce cholesterol. As you can see, this drug, Lipitor, is made in Ireland, as a matter of fact, and then imported into this country by the pharmaceutical industry. From Ireland it is sent many places, but in this case the bottle in my left hand was sent to Canada, and the bottle in my right hand was sent to the United States. Same bottle, same pill, slightly different color on the front of it. It is an FDA-approved medicine produced in an FDA-approved plant in Ireland and then sent to Canada and the United States.

The difference? No difference—same plastic in the bottle, same medicine inside—except the price. The Canadian pays $1.83 per tablet, and the American pays $3.57—96 percent more. Let me say that again: No difference, same medicine, same bottle, same price, made in the same plant, FDA approved. Difference? The American consumer is told: Guess what, we have a special deal for you, you get to pay 96 percent more for the same medicine.

Is this unusual? No, it is not. I sat on a hay bale one day at a farm with an old codger. He was in his eighties. This is in North Dakota. He said: You know, my wife has been fighting breast cancer. She has fought this now for 3 years. We have gone to Canada. We had to go to Canada to get the medicine, to buy Tamoxifen, and the reason we had to drive to Canada every 3 months or so to get the medicine is we save 80 percent by buying it in Canada. We cannot afford the price in the United States. We can't afford the price to have my wife fight this breast cancer.

The question is, Is it just Canada? No, not at all, but let me at least describe the situation with the United States and Canada. I could put up the chart with Italy, Spain, Germany, France, England—I could put up this chart with virtually every country because the U.S. consumer pays the highest prices in the world.

Lipitor. I just described it; Plavix, we pay 46 percent more; Prevacid we pay 97 percent more; Zocor, 31 percent more. Nexium, 55 percent; Zoloft, 52 percent more. The list goes on and on, as you might imagine.

We have a population that receives a lot of benefit from miracle drugs. There are prescription drugs that allow you to manage your disease without having to go to an acute care bed in a hospital. It is a wonderful thing.

A substantial portion of the research to develop those drugs is done in the National Institutes of Health, paid for by us. We turn that research over to the prescription drug industry, they produce medicine from it, and then they sell us the medicine.

Another body of research is done by the prescription drug industry themselves. They spend a lot of money on that. They also spend a lot of money on advertising and promotion. Now, anyone who was standing in front of a mirror this morning brushing their teeth, shaving, perhaps getting ready for work and had their television on, one of those little television sets, if they have one, anyone who was engaged in doing that probably saw a television commercial. It said this: You should go ask your doctor whether the purple pill is right for you. It didn't necessarily tell you what the purple pill was for; it just says you need to talk to your doctor to see if you should have the purple pill.

It also makes you want to run out and say: Hey, what is this purple pill? Maybe I should have some of those purple pills, without knowing what they are for. It goes on all day, every day, advertising directly to consumers for medicines that can only be prescribed by a doctor for a prescription saying: Go talk to your doctor. Wouldn't you like some of these pills? We have an unbelievable amount of promotion and advertising with respect to prescription drugs. That is another issue. I believe there is only one other industrialized country that allows that; that is New Zealand. But that is another issue for another time.

The issue is pricing. I have described what is happening with respect to pricing. This is Canada, but I can describe it for other countries as well. The percent of adults, ages 19 to 64, not filling a prescription because of cost, 43 percent of the uninsured in this country—that is 45, 46 million—do not take their medicine because they do not have the money. They say it costs too much.

The result? Well, often many of them will end up in the priciest kind of health care, some kind of an acute care bed through an emergency room in a hospital.

The legislation we have developed in Congress is bipartisan. It stretches from—I shouldn't say stretches because I am not describing the polls in Congress. But we have TED KENNEDY, Democrat; CHUCK GRASSLEY, Republican; DEBBIE STABENOW, Democrat; JOHN MCCAIN, Republican; back and forth. Bipartisan support for a piece of legislation we have crafted very carefully that says: Why shouldn't the American people be able to take advantage of FDA-approved drugs by reimporting them from another country where that same drug is sold for a fraction of the price? Why shouldn't the global economy work for consumers as well? This is bipartisan legislation that has substantial areas of safety built into it, so there is no safety issue. This is from Dr. David Kessler, who was head of the FDA for 8 years, 1990 to 1997. "The Dorgan-Snowe bill"—OLYMPIA SNOWE is the principal cosponsor, along with me and many others who have worked on this—Senator STABENOW and Senator MCCAIN and others for a long time, Senator KENNEDY.

> The Dorgan-Snowe bill provides a sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to the FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that the imported drugs meet these standards and are not counterfeit.

Let me show you where your prescription drugs come from. The pharmaceutical industry is engaged in a full court press with Members of this Chamber. They have a fair number of friends in this Chamber who would want to help them derail this legislation and continue to be able to charge the highest prices to the American consumer.

Lipitor comes from Dublin, Ireland. Nexium comes from France. Of course, these are all imported by the pharmaceutical manufacturers themselves. Any one of these—Vytorin, Singapore, Italy, the United Kingdom; Actos comes from Osaka, Japan. All of these are made in other countries, brought back to this country, and, by the way, sold in every other country in most cases for a lower price than when they are sent back to this country by the manufacturer.

The legislation we have introduced is very simple. It gives the American consumer the opportunity to take advantage of lower prices for an FDA-approved drug; in many cases, by the way, a drug that was created with the very research that the American people paid for through the National Institutes of Health.

Some have said, as a result of the pharmaceutical industry's entreaties here, well, this can't be done safely. It cannot be done safely. Well, apparently, they do it safely. The chain of custody, for example, in Canada is virtually identical. I had a quote that I do not have here. I had a quote from Dr. McClelland, the former head of the FDA, virtually identical chain of custody from Canada as opposed to the United States between the pharmaceutical manufacturer, the wholesaler, and the retailer.

So is the chain of custody in Canada safe with respect to prescription drugs being sold to Canadian consumers? The answer is yes. So why would you not be able to establish a regime, just as they have in Europe for many years, called parallel trading? This is not new. If you are in Europe and you are living in Germany and want to buy a prescription from Spain, or living in Italy and find a prescription drug priced lower in France through a parallel trading system, you can easily do that.

To my knowledge, we have testimony from one of the people involved. To my knowledge, there have been no issues of safety at all. They have done it for 20 years. Are those who oppose this saying, well, the Europeans are smarter than we are, they can do it but we can't? I don't understand that. That is not the case. I don't understand that. This is a very simple case. We propose an amendment that would allow drug reimportation and would make it safe. That is the fact.

We understand that the pharmaceutical industry does not like it. That is a fact, too. I understand why they don't like it.

Suppose I were running a pharmaceutical company and had the ability to price however I wanted to price inside the United States, one of the most important markets in the world, perhaps the most important market in the world, and I would have no competition from lower prices because I was able to keep that out. I understand why they would like to keep that deal working for them, but it does not work for the American people. It is not fair for the American people; it just isn't.

That is why we have put together a bipartisan piece of legislation, the Dorgan-Snowe bill, that is supported by Republicans and Democrats, which now has 33 cosponsors. It is one that should pass in the Senate. The House has already passed a similar piece of legislation in the last session. I believe, finally, given a fair opportunity—and I believe we will be given that fair opportunity whether it is on this bill or perhaps with some consent to do it on another bill, I believe we will get this done.

This is important. There are some things we do that are not very important at all. My criticism—it is a great privilege to serve here. My criticism of this place is from time to time we treat the light way too seriously, and we treat the serious far too lightly. This is a serious issue that deserves to be treated seriously.

It has been around for a long time. We have not had a vote on it only because we have been blocked by, I would say, Senator Frist, the majority leader, for a long time, despite what I thought and my colleagues thought was a representation by him that he would allow us to have this on the Senate floor. He continued to block it.

I understand the pharmaceutical industry is pulling out all of the stops. They have a full court press, trying to find as many Members of the Senate as they can who will stand up for their current pricing strategy. And they will find a few, no question about that. I think there are some Members of the Congress who like the pricing strategy of saying let's price drugs so that the American people pay the highest prices in the world. But I am very anxious to get them here to the floor to debate them on that subject because they are wrong. It is just wrong. It is wrong to do this to the American people.

One final point. I don't disrespect the pharmaceutical industry. I say good for you when you produce a miracle drug, a lifesaving drug. But miracle drugs offer no miracles to people who can't afford to buy them. My problem with the pharmaceutical industry is the pricing strategy, the pricing strategy which says to the American people: You pay the highest prices in the world, and there is nothing we will let you do that can alter that. That is wrong. That is why I and others come to the floor of the Senate to say let's fix this. Not later, let's fix this now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleague, Senator DORGAN, for all his hard work on this issue of affordability of prescription drugs. He has been such a consistent voice. I stand with him on that. I thank him.

(The further remarks of Mrs. BOXER are printed in today's RECORD under Morning Business).

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, this morning there have been a couple of topics brought up. The bill before us, of course, is the reauthorization of the Food and Drug Administration, several important parts of the Food and Drug Administration, and a new section on drug safety to give the Food and Drug Administration a few more tools for their tool box. So I will stick to that topic instead of addressing the one more recently brought up. I have some very strong feelings on that and some very strong opinions on how America ought to be involved in the war and what the consequences are of us pulling out. However, I want to stick to the topic of the day, which is our pharmaceutical supply.

Most Americans who turn to imported drugs do so because of the cost. We need to answer a lot of questions before we open our borders to imported drugs to be sure we don't endanger consumers or jeopardize research or jeopardize the development of new lifesaving products. Senator DORGAN, of course, introduced a bill last year. He made the statement that miracle drugs provide no miracles for those who can't afford them. I don't think there is anybody in this Chamber who couldn't agree more with that statement, but I am sure they would agree that a counterfeit or tainted drug is unsafe at any price.

As we consider the issue of drug importation, the safety of our citizens must be our primary concern. As ranking member of the committee charged with public health, it is certainly mine. You will find the focus of the bill that is before us to be on safety. I think everything in the bill leads to safety. I don't want to come up with a countersituation now that might put people at risk.

I am reminded we are going to have a little bit of debate on the safety of our food supply—we talked about that a little bit last night—because there is a crisis with pet food, in particular, but even some potential for human consumption, partly because of the pet food, partly because of some other possibilities. There are some kids dying in China because they have melamine in their food. This is a product that is added to food to increase the appearance of protein. If you add that to grains or other things, you can get a higher protein count, and usually the protein count relates to the price you get. The more protein, the higher the price.

I was talking to the Senator from Colorado, Mr. ALLARD, who is a veterinarian, and he was pointing out this morning that if you take a fingernail, that is 100 percent protein. If you take the liver, that is 100 percent protein. One of the differences is if you grind liver up and you put it in food, it is digestible. If you grind a fingernail up and put it in food, it isn't digestible at all. So you are not getting any protein out of it. So kids have died in China who thought they were getting sufficient food, and they weren't. The cause of death was starvation. One of the countries that could be getting drugs to the United States would be China. If they are fooling with our food supply, do you think they would hesitate a minute to fool with our prescription drug supply? It worries me a lot. There is a lot of risk that is involved in this.

The Senator from North Dakota held up two bottles. The bottles were identical. One was cheaper in Canada than the same bottle in the United States. In a minute, I will go into how that price difference happens. I could hold up two bottles that would look exactly the same. One would appear to come from Canada, but it might very well come through Canada from Saudi Arabia, have exactly the same packaging, labeling, colors, seals, even the same look of a pill. But one of the things we found out from some of these drugs that have come from other countries through Canada is that they don't work. If you grind them up, they have exactly the same chemicals in them, but it isn't just the chemicals that do it, it is the way they are put together that makes it possible for them to solve a medical problem. If they are put together wrong, they may not even digest. If they don't digest, similar to a fingernail, you don't get the benefit from the drug. If you don't get the benefit from the drug, you shouldn't pay anything for it. In fact, there ought to be some pretty severe action taken against the person or country or company that produced that kind of a drug. We are not able to do that.

The Food and Drug Administration is charged with watching our borders and the things that come in to see if the drugs that come into this country are legitimate. There are warehouses full of drugs they have found that are not legitimate. So it is a matter of safety, and we are concentrating on the safety portion of this bill. So I am hoping we will save the drug importation question for a separate debate of its own.

We know each one of us takes a risk every time we take a drug, but Americans who buy prescription drugs in Canada and other countries or purchase drugs from Internet pharmacies that operate outside the United States are taking an even greater risk by obtaining their prescription medicine from pharmacies and Internet sites that don't always meet the high standards we require here at home. Here is where my concern lies. We already have a problem with counterfeit and substandard drugs in the United States. Concern about the quickly growing counterfeit market is not limited to the United States. In Europe, dangerous counterfeit drugs are already a problem, and the problem is growing as the European Union expands. In addition, we have little knowledge of the extent of counterfeiting in Asian markets such as India, Pakistan, and China, other than that it may be the best.

Now, prior to legalizing an untested, drug importation project on a large scale across our Nation, we must consider any new vulnerabilities in our drug distribution system, especially since those vulnerabilities could be massive in size. I know we all share the same goals. We want to ensure that drugs are safe, effective, and will not compromise the integrity of our Nation's prescription drug supply or our world-leading pharmaceutical research, and we want it to be at the lowest possible cost. Similar to many Americans, I am concerned about the high and rising cost of prescription drugs. However, I doubt the importation of drugs from other countries will solve that problem all by itself. We better be certain about exactly what we are doing and how we are going to do it. We have had some hearings on that. We have also gotten some phone calls from the Canadian Minister in charge of the program who has said: Do you realize that if America suddenly started buying its drugs from Canada, we would have to prohibit Americans from doing it. We are a small country. We could not take the amount of orders we might possibly get because we do have price fixing.

We talk about negotiated prices and we talk about that in the context of Medicare drugs. Congress passed and the President implemented Medicare Part D that actually came in considerably lower in cost for drugs for American seniors than what we or the Government Accountability Office had ever anticipated—dramatically lower. Why? Because of competition. How does a country negotiate drug prices? Well, the way Canada did it was they said: If there are five drugs that treat heart problems, we make a bid for one drug against another drug. If there are five heart drugs, they all don't do the same thing. Some doctors would prescribe one and others would prescribe another. But if you are going to negotiate prices, you make the five bid against each other and you pick one or two, and you tell the rest of them they can't sell their drugs there, that the Government would not have any part of it. This eliminates choices.

Then there is another little caveat that some of the countries add to that which says: If you don't come in with a low enough price, we are going to give your patent away and you would not get anything for it. We have some real patent issues if we are going to have people investing in the research to get new drugs passed and approved, and we should take a little look at the process that you have to go through to get a drug approved. It is about a $1 billion project to get a drug approved. They don't do that because they are wanting to donate $1 billion; they are doing it because they expect there will be some profit on the other end of selling the drug. Otherwise they wouldn't go through all that research, all the trouble, all the clinical trials, and then turn it over to people for free. They give away quite a few drugs, but that is to people who can't afford them. There is a lot to the fact that we have more pharmaceutical companies developing more drugs than anywhere else. I am pleased that through our committee we found out there are over 650 clinical trials happening right now on various cancer drugs. That is just in the area of cancer: 650 drugs in the pipeline. That is a lot of billions of dollars being spent for us.

Every once in awhile somebody mentions the high cost of insurance. That is something else our committee is working on. I think we have some potential for making some good changes there. But one thing I always remind people of is I could get them 1980 insurance prices if they would settle for 1980 treatments. Then they start to realize how many things that have been invented since 1980 that make a difference in our life and in our longevity. I don't know of anybody who wants to settle for pre-1980 treatments, but they are cheaper.

In any importation discussion, it is critical we limit imported drugs only to those that have been approved by the FDA. It is important to understand how small differences between drugs can mean big differences in patient health. We are talking about a drug safety bill on the Senate floor this week. We all acknowledge that there are drug safety problems that must be addressed. It makes no sense to open up our borders when we don't have things quite right here at home. Imagine trying to handle the world's drug safety when we are having some problems handling drug safety in the United States. Furthermore, we should not tell companies with whom we must do business how much they have to sell and at what price they have to sell it. Those are mandates I strongly believe will ultimately limit consumer access to drugs.

So I look forward to a spirited discussion. I think it will answer some of my questions about the legislation and will hopefully inform us all on the best direction we can take from here. There are possibilities for solutions on drug importation. I hope it will be a separate discussion from how the Food and Drug Administration administers the safety of pharmaceuticals and medical devices and particularly when they concern children. We actually forced the pharmaceutical companies and the medical device companies to pay to have their products tested and reviewed. That is what a big portion of this bill is about: how they will pay for having the products tested and reviewed.

That needs to be reauthorized before September, or it expires. That would mean a lot of additional costs on the taxpayer if we don't do those two parts.

There is also a portion on that which deals with pharmaceuticals for children. It is important that tests be done with the pharmaceuticals to be sure they are safe for children and in what dosage they are safe for children. There is a portion of the bill which gives incentives to companies that will go to that extra length to see which of the drugs can be used for children as well. That is another potential for a fascinating discussion over the next couple of days.

I compliment the Members who have been working on that. Many are on the HELP Committee and have been looking into this with as much depth and detail as I have seen on any bill we have ever done. I have also seen as much cooperation between both sides of the aisle as I have seen on any bill we have done—working together to find a way to take care of the concerns and make sure we are improving the safety but also making it possible for people to get the pharmaceuticals and get them as quickly as possible. It doesn't do any good to have a miracle drug and not be able to get it on the market. It doesn't help to have a miracle drug with some problems and, because FDA doesn't have the tools to change some of those problems, they have to pull it off the market and take it away from some people who really rely on that drug. That is what this bill does essentially.

I think in the substitute, or managers' amendment, that will be coming out, many of the difficulties people have will have been worked out. People are working on them as we speak. That is why the managers' amendment has not been laid down. It has been vetted with all Members who are interested and working on this, and there has been incredible cooperation. I hope people will continue to work with us.

I do not want anybody to think this bill is a complete answer to safety. It doesn't cover some topics. That is because we are still working on some topics that are not developed to a point yet where they can be done. One is this drug importation. It is being looked at, hearings are being held, and we are trying to find out some way prices can be lowered in the United States.

Another problem is biosimilars. There is a whole new area of drugs that has come out because the genome has been unlocked and proteins can be developed which can be used as medication which will solve some of those genetic problems. Those are called biologics. There are people who would like them to become generics right away because that would bring the cost down. Again, we want to make sure we have a bill that takes care of the safety of the biosimilars, to be sure they truly are similar and will have the same effect. The Europeans have been working on that for a while. We have looked at their model and a number of Senators—again from both sides of the aisle—have been working on that problem. Senator CLINTON and Senator HATCH have been very involved in that, providing guidance from both sides of the aisle. We appreciate their efforts on it. I do not expect that to be a part of this bill.

There are a number of tobacco issues, and our committee has a lot of concern on that. There are some bills which would provide a different way of doing that—maybe put the regulation of tobacco under the jurisdiction of the FDA. I hope that will not be a part of this bill. That is not ready yet, either. We have a lot of parts that are ready, and particularly the user fees need to be done before a deadline that is coming up.

I really appreciate the cooperation we are having in making sure we can meet the deadline and have an FDA that is even more responsive and has more tools in their toolbox to make sure the drugs out there are safe and that there is a system for making sure safety is maintained and if there is a problem, that it can be corrected with some of the new tools in the toolbox.

I thank everybody for their cooperation and patience.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that I may speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. CRAIG. Mr. President, I am on the floor, as others have been today, to speak to an issue that I think is appropriate for this day and time. I say so for a variety of reasons but most importantly because it is May 1.

Let me put it this way, because I think it sets the context in which I would like to speak for a few moments.

Mayday, Mayday, Mayday—do you hear me calling? Do you hear the frustration of the American consumer today who goes to the gas pump and pays record-high gas prices? I saw prices in my State of Idaho today verging on an alltime high—$3.32, $3.35, depending how far you are from the head of the pipeline.

Mayday, America. Mayday. The year 1923 is when that term first came into use by Frederick "Big John" Mockford in an airport in London, speaking in the French term. What he was saying was: Help me, help me, help me.

I do believe that is what the American consumer is saying today—help me. And to the Congress of the United States and to this Senate, that sound ought to be echoing through this Chamber and certainly through the halls and the committee rooms that deal with national energy policy.

We are where we are today for absence of policy and for some policy that has driven us to less production and becoming increasingly more reliant upon someone else to produce our energy for us. It is in that context of a Mayday appeal that I speak for a few moments during this noon hour.

Here is what the chart shows us very clearly. From 1890 to 2030, these are the trend lines. In 1950, we crossed a unique point when we began to see our demand outstrip our supply, and this now—well over 50 percent of our consumption—is being picked up by other countries in the world that are, in many instances, less friendly to us than we would like.

What is happening on May Day—this May Day—to a major supplier to the south of us, a guy by the name of Hugo Chavez in Venezuela is privatizing today all of the oil fields where our companies produce. He is bringing them into his control, into his form of petronationalism, and he is saying the priority for Venezuelan oil today is not going to be to the United States, it is going to be to Cuba, Bolivia, Nicaragua, and Haiti. He is going to become their supplier first. He is also going to leave the World Bank and create the Bank of the South. He is one of our major suppliers, and he is less than friendly.

Shouldn't we be speaking out on May Day, as he speaks out toward energy independence, toward a greater sense of our own responsibility toward our own consumer? What is Fidel saying today? He didn't make the parade, apparently, but he sent a letter. He is talking about biofuels and saying that America is shifting toward biofuels and they are going to consume all of the food supply of the hemisphere to produce energy. I find that a bit of a uniqueness. Obviously, while he produces some oil, he ships it off to have it refined, and Hugo Chavez and he are deciding that Venezuela will be the largest supplier.

There are a few of us in Congress who read those signals, those senses of emergency, that cry for the "help me" that I think the American consumer is speaking out to today. Our committees are working their will at this moment to add to the National Energy Policy Act of 2005, which will continue to push the renaissance of energy production in this country in all forms, not just for hydrocarbons but electricity and other forms, in a way that will increasingly make us independent and self-reliant.

Senator BYRON DORGAN and I introduced the Safe Energy Act of 2007 a month or so ago, which strikes at the heart of the combination of efforts that will move us further down the road toward accomplishing self-help, self-reliance, and energy independence. In that act, we said conservation would be a part of it, as it should be. I, for the first time, stepped out and said that I would accept mandatory CAFE standards on a growth rate of 4 percent a year to drive the auto industry into greater senses of efficiency and lead us toward greater levels of conservation. That was title I of the SAFE Act which we think the Commerce Committee will mark up in the next week.

We spoke to innovation and innovation in the advance of biofuels and the importance of doing that and that we really ought to strive toward the 30 billion gallons, which our President spoke to in the State of the Union, by 2020—15 of that being picked up by corn but more importantly, now, 15 billion gallons being picked up by cellulosic energy—and advancing that as rapidly as we can and getting the loan guarantees out and the grants that will take it out of the lab and cause it to be a standup commercial refinery using straw, corn stover, and all of those types of things which are the production that we think ought to go on in the cellulosic area. That is title II of the bill. We think that will be marked up tomorrow in the Energy Committee.

But the one that hasn't yet been marked up and the one I wish to spend a little time on today is the area of continued production of hydrocarbons in the Outer Continental Shelf. I have called this in the past the "no zone" speech. Let me combine that with Mayday. While we are saying no, our consumers are saying: Help me, help me, because I am spending more of my discretionary income on consumables and in the form of energy at a rate and level I never had to before. It is causing the American economy to shift significantly.

Here are a variety of things we have done over the years that have shaped the Outer Continental Shelf capability. These areas which are pointed out on this map are known reserves of oil. Yet, because of attitudes at the State level, environmental concerns and frustrations, much of that production or the ability to explore within those fields has simply been taken off limits. They became the "no zone," even after technology clearly proved that you can go into these waters, produce there safely, protect the ecosystems involved, and reward the American consumer by less dependence upon foreign oil and reserves.

This area here, this small area, was a sale and an area we were able to put through just in the beginning of this year. This, of course, is the area in the gulf that is being heavily drilled today. These are the off-limits areas.

I came to the floor some time ago and spoke of what is going on in Cuba, and I said that was an unacceptable thing and we ought to do something about it. So in the legislation we are talking about, for greater flexibility and opportunity in the Outer Continental Shelf, what we are really talking about in the SAFE Act—that last title yet to be introduced—that really balances conservation with new biofuels and increased production in this area, better known as the northern Cuban basin. It is an area that is off limits to our producers, and Cuba is now moving to produce it. They are going to do so by reaching out to other countries—other than ours because we have a prohibition on our companies doing business there—and they are looking at the French, Spaniards, the Chinese, and others to come and drill.

Here is my frustration: While we are saying no, all around our coastlines, just 45 miles off our coastline, the Cubans have let leases for the purpose of drilling.

I was in Cuba a few years ago visiting with their Interior Minister, and he said: We want your companies here. Why? Because you have the best technology. You are environmentally proven. You place this valuable ecosystem at less risk. That we know. But our policy today denies us that.

There is an interesting little anomaly that happened—and I praise the new Secretary of the Interior for doing what he did—and that was opening, right off the coast of Virginia, an opportunity to seek natural gas and to see if those reserves are out there, which I think will drive increased production.

So today I come to the floor on May Day saying: Mayday, America, Mayday, because Americans as they go to the gas pump are saying: Help us, help me; change the way this is happening. America, we have a great opportunity to move ourselves toward energy independence, less dependence on those unstable areas of the world where we now seek well over 50 percent of our hydrocarbon oil base. Shame on us. That is bad policy, and we have the power to change it if we have the will to change it. The will comes from the ability to build a complete portfolio of conservation, new technologies, and current production in areas where we know our reserves are, by building them up during this period of transition as our country moves to new technologies.

This is a great opportunity. The only reason we are not doing it is because of resistance right here in the Congress of the United States, in part, put on by pressure from some special interests. But my guess is that if we listen closely to the American consumer today, they would agree that the SAFE Act and all titles of the SAFE Act ought to become public policy and that America clearly ought to be articulating a policy of greater energy independence so that next May Day, we can say: We heard you call out for help, and we are answering that call. Mayday, America, Mayday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am pleased to follow the Senator from Idaho who is talking about an issue that is so important for our country. It is a wake-up call. Amazingly it is on May Day. I think that is the appropriate moniker for what we are facing in this country because of what is happening today.

Mr. President, I wish to talk about what I see happening in Venezuela and what I think America should be doing to make sure we maintain the capability to control our national security and our economic security.

Today, President Hugo Chavez is completing his latest and most ominous scheme out of the Fidel Castro playbook. He is nationalizing multibillion-dollar, heavy oilfields in the Orinoco Belt. This energy-rich region southeast of Caracas has so much energy potential that some experts claim it could give the country more oil reserves than Saudi Arabia.

By seizing the Orinoco Belt, President Chavez is consolidating his political power within Venezuela and increasing his ability to manipulate global oil markets.

This nation now accounts for 14 percent of America's oil imports, and Mr. Chavez has promised to use his "strong oil card" to, in his words, "finish off the U.S. empire," even if that means colluding with some of the most nefarious regimes on Earth.

Similar to Fidel Castro, who partnered with the Soviet Union during the Cold War, President Chavez is making common cause with America's enemies, including the world's largest state sponsor of terrorism, the Government of Iran.

Earlier this year, he met with Iranian President Mahmoud Ahmadinejad and made plans for a $2 billion joint fund, part of which will be used as a "mechanism for liberation" against American allies.

President Chavez hopes that the profits from the Orinoco Belt will flood his coffers for other foreign adventures. But by asserting government control over this coveted region, he is actually killing the golden goose that feeds his socialist-inspired revolution.

President Chavez's national oil company has already shown signs of stress. Despite record oil prices that should be a boon for the industry, the state-run company has been forced to accumulate a rapid increase in debt to pay for a doubling of "social development spending." Meanwhile, its spending on energy exploration and production badly trails its global peers.

In addition, the Orinoco Belt pronouncement has made ExxonMobil, Conoco Phillips, and other energy companies extremely cautious about putting their employees and billions of dollars in assets under Venezuelan management, and for good reason.

If those American corporations decide to withhold their expertise and investment, it could further weaken the

Chavez Government's pursuit of socialist dreams and redistribution of wealth. "It seems as if they are going to strangle themselves with their own rope," said a foreign oil analyst who chose not to be identified for fear of retaliation.

President Chavez's gross mismanagement of the economy should be no surprise to anyone who has followed the career of his Cuban mentor, Fidel Castro. In less than half a century, Fidel Castro has turned what was once the third richest nation in Latin America into one of the poorest nations in the world, a real-life prison for 11 million people who rely on remittances from abroad to avoid starvation and collapse.

If President Chavez continues to adopt the Castro economic model, the greatest victims will be the Venezuelan people, but America will also suffer. That is because the deterioration of Venezuela's oil industry could spark a surge in oil prices for American consumers, and we all know that prices have already jumped in the last 30 days. Anyone who has filled a gasoline tank knows this would be a huge hit on the American economy. In fact, some economists say every time oil prices rise by 10 percent, an average of 150,000 Americans lose their jobs because it presses the economy. Margins are narrowed, and that means people are laid off.

So what should our response be? America must recharge its efforts to adopt a comprehensive plan for American energy independence, including more exploration for oil and gas at home. It should be a comprehensive plan that includes conservation, renewable energy, new research for new forms of energy that we have not yet explored, and it should include more exploration and drilling for our own resources which we can be assured of controlling.

I wrote an editorial in one of the December issues of the Houston Chronicle that said we should be looking to the Outer Continental Shelf of the United States, the Gulf of Mexico, Alaska and even the Virginia shores and other shores on the Pacific and Atlantic sides.

Using the comprehensive energy legislation we passed last year, I was very pleased to see the announcement yesterday by the Department of the Interior that we would, in fact, increase production of the natural resources in this country. The Secretary, Dirk Kempthorne, who was once a Member of this body, announced that there would be 21 lease sales in eight planning areas which could produce 10 billion barrels of oil and 45 trillion cubic feet of natural gas over 40 years. That would generate about $170 billion in today's dollars.

The potential for this amount of oil exploration alone is equivalent to 20 years' worth of what we import from Saudi Arabia or Venezuela.

They are doing exactly what Congress has authorized them to do—looking in the Outer Continental Shelf. Even the Commonwealth of Virginia is positive about this move because there are now incentives for States to allow production in the waters they control. This is one part of what we must do as part of a comprehensive approach to energy independence.

We also need to increase research into alternative fuels, such as solar and wind power. In March, I introduced legislation called the CREST Act, which provides a comprehensive, coordinated national research effort that would spur the development of renewable energy for the marketplace. The oceans and the Gulf of Mexico have potential for energy production and electricity production. Just as we have seen wind energy become a factor on land, it can also be a factor in our bodies of water.

We have the resources to achieve energy independence—the resources underneath our land and water—and the best resource of all, the ingenuity of our free, creative minds. Now we need the willpower to use it.

President Chavez's announcement today is a tremendous challenge to America's energy future, but if we choose to be proactive, as we've always been throughout our history, we can regain control of our energy resources, and be the strongest Nation on Earth.

We can write our own history, and today is the wake-up call that assures we must do it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I understand the Senate has been scheduled to recess at 12:30. First, I thank the Presiding Officer for waiting for me here. As always he is gracious and kind.

I now ask unanimous consent that I be permitted to speak for 5 minutes and that following my statement, the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. SCHUMER. Mr. President, I rise today to join so many of my colleagues, so many of those in the military and so many of the American people in urging the President to sign the emergency spending bill that relates to Iraq when it reaches his desk. Despite what the President keeps repeating, we can do both—we can fund the troops and change our mission in Iraq. The emergency spending bill we will send to the President shortly gives our troops all the money they need and even more than the President requested, and it changes our mission in Iraq from policing a civil war to focusing on counterterrorism.

It has been 4 long years since President Bush landed on the USS *Abraham Lincoln* and prematurely announced "mission accomplished" in Iraq. Today, 4 years later, there is one thing on which the American people, bipartisan majorities in both Houses of Congress, military experts, and the Iraq Study Group all agree: We clearly have not accomplished our mission in Iraq, and the only way to succeed is to change our current course of action.

It seems only the President and his small band of advisers think we have accomplished our mission in Iraq. Only he thinks we should stay the course. Only President Bush seems to think the only way to support our troops is for the Congress to be a rubberstamp to his policies. That is not what the American people want, and that is not what America is about. The American people want a change in mission. They want a new direction, not more of the same failed policies. That is why, if the President really supports our brave men and women fighting in Afghanistan and Iraq, he will sign the legislation that we will send to him very soon.

The bill provides reasonable and meaningful guidelines to protect our troops by ensuring that all units that are sent overseas to fight are ready, trained, and equipped to fight. It will require the Department of Defense to adhere to its own guidelines to ensure that every unit that is deployed is "fully mission capable" for the task at hand.

Why would the President want to send our troops into Afghanistan and Iraq, into fierce battles against the Taliban and the Sunni insurgency without the training and equipment needed to get the job done and to come home safely? But if the President vetoes this bill, he will not be so required.

More important, this legislation shows both the United States and the Government of Iraq how to change the failing strategy in Iraq. It has been clear all along that this administration has failed to plan for the war. They gave no thought what it would take to accomplish this mission. There was no planning for the day after.

When you think about this, it is infuriating; to think that just showing strength alone would solve the whole problem. That kind of careless, narrow thinking has led us to where we are now.

This administration and its President seem to be lost in Iraq. They can only do more of the same. We put in more troops to support a government that every day gets weaker and weaker, that seems to be crumbling from both the Shiite and Sunni side. Why are we putting more troops in Iraq to defend a government that nobody seems to like and in whom nobody seems to have much faith? The escalation is not working.

As a result, our mission in Iraq has devolved so that most of what we do is patrol, police, and stand in the middle of a civil war. The Sunnis and the Shiites have hated each other for centuries. Their enmity goes way back. They will continue to hate each other, to not work with each other, to fight with each other long after we have gone, whether we stay 3 months or 3 years. Yet most of the time our troops, our brave men and women, are simply caught in the middle of a civil war, and we have not even chosen a side. We are just in the middle, and they are just in the middle—trying to defend themselves in the middle of a civil war when we don't know which side we are on, and we are unable to bring the two sides together. It is a debacle.

That is why the Congress is demanding that the President change the current mission in Iraq. As we all know, including General Petraeus, the solution to violence in Iraq is ultimately political and not military, and that is why Congress has imposed tough benchmarks on the Government of Iraq. We cannot afford to send more military troops without doing something to change this weak, almost feckless Government. Our original purpose in Iraq was to fight terrorism. I believe we must continue to fight terrorism; I know that from what happened to my city, my beloved city, and the friends I lost and think of every day.

This legislation says let's go back to that original purpose, counterterrorism, as well as force protection and training the Iraqis. Instead of policing a civil war, U.S. forces will protect U.S. facilities and citizens, including members of the U.S. Armed Forces engaged in targeted counterterrorism missions to prevent anything that happens in Iraq from hurting us at home and continue to train and equip Iraqi security forces, although I must say that has not worked out very well thus far.

I believe these benchmarks are reasonable and achievable with renewed political will from this administration and from the Government in Iraq. The benchmarks were not just pulled out of the air. They were suggested by the bipartisan, highly qualified, highly knowledgeable, highly experienced Baker-Hamilton commission. But more important, they signify the changes in strategy that must be implemented to correct the administration's failing strategy in Iraq.

This is President Bush's war, but he has failed time and time again to make the difficult leadership decisions that are needed to protect our troops in Iraq. If he vetoes this bill, as he has threatened to do on many occasions, our brave men and women will continue to fight a brutal war with no forward-look strategy, no long-term plan, little regional support, and little chance of establishing a stable, representative government in Iraq. Every day it becomes more clear the President never had a working plan for Iraq.

So we have a mission. It is a sacred and important mission. We must change the mission in Iraq away from policing a civil war and toward counterterrorism, which requires fewer troops and gets many more of them out of harm's way. That is what our bill does. It is what the American people want. It is what the facts on the ground demand.

I urge the President to strongly reconsider this threat to veto this legislation. If he does, he will be making a terrible mistake, one that all of us and maybe even he will come to regret. I urge the President to sign the supplemental because it gives our troops and veterans the resources they need. It honors the sacrifices of those serving in Iraq with a change in mission that is long overdue, and it is my hope that one day we will all be able to say that we have accomplished our mission in Iraq. But until we change our mission and put in place a winning strategy, that day will continue to elude us.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007—Continued

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, on the bill under consideration at the present time, it is my intention to—and I have already placed at the desk two amendments, 987 and 988.

Briefly, what is the order right now?

The PRESIDING OFFICER. The Senator is recognized. The Senator has as much time as he may consume.

Mr. INHOFE. Today I have submitted amendments to S. 1082 requiring parental consent for intrusive physical exams administered under the Head Start Program. Young children attending Head Start Programs should not be subjected to these intrusive types of physical exams. We had an incident in my town of Tulsa, OK, where we felt that their rights, children's rights, were violated. They were subjected to different types of intrusive examinations. I will be bringing this up at an appropriate time.

Secondly, briefly, as I see the manager of the bill is here, we will be introducing an amendment No. 988, having to do with protecting children from parents being coerced into administering a controlled substance or psychotropic drug in order to attend school.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to withdraw my amendments, No. 988 and No. 987, with the intention to resubmit them when a substitute is made in a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I believe the Food and Drug Administration Revitalization Act before us today raises and addresses issues that are critically important to the public's health and well-being. Congress has a historic opportunity to strengthen and increase knowledge about drug safety and effectiveness, bring more transparency to the process of drug approval and surveillance, as well as reassess the goals of the prescription drug and medical device user fee programs, and fortify and expand essential safety programs for children. The FDA Revitalization Act strikes a careful balance between these many important priorities and objectives.

Recent serious adverse drug events related to several widely used drugs on the market underscore the urgency with which we should address and improve drug safety in this country. Moreover, as the population ages and science inevitably advances, more and more drugs will come to market, presenting potentially groundbreaking health benefits to the public, but simultaneously increasing the need for sophisticated mechanisms for monitoring and assuring drug safety.

The FDA Revitalization Act is an opportunity to improve our current system of drug approval and drug monitoring, but it also adeptly anticipates changes in the future of prescription drugs and consumer safety brought about by advances in science and an ever expanding market for prescription drugs.

The primary mechanism this bill uses to strengthen drug safety is to strengthen and rearticulate the FDA's authority. The bill clarifies, and in some cases fortifies, the FDA's authority with regard to drug safety. Currently, if the FDA detects a problem, or a potential problem with a drug post approval, they have few options beyond what is often referred to as the "nuclear option." That is, pulling a drug from the market. While the FDA's authority to pull a drug from the marketplace is a powerful tool, it is a blunt instrument. In order to prevent problems from spiraling into major public health crises, the FDA needs intermediary authority. The FDA's reluctance to pull a drug, potentially a drug upon which millions of Americans depend to manage an illness, unless it is overwhelmingly certain that the action is necessary, is understandable. However, prescription drug users suffer as a result since the "nuclear option" offers a forceful, but ultimately limited response. Pulling a drug from the market potentially delays action and places individuals at major health risks in the interim. On the flip side, pulling a drug prematurely may needlessly deny patients important, and in some cases, singular, treatments for their health needs. This bill offers what I believe is a good solution to this paradox; one that considers input from patients rights organizations, industry representatives, and the FDA, but ultimately places patients at the top of the list.

The risk evaluation and mitigation, REMS, system, the primary tool in the drug safety title of this bill, bolsters the FDA's intermediary authority to require drug manufacturers to monitor and provide important information regarding their products. By so doing, the FDA can actively require drug companies to provide information about the medications millions of Americans are taking and not just passively request drug companies to comply.

Most importantly, the REMS system focuses the FDA's efforts and resources on postmarket surveillance. Increased drug user fees would be used to review REMS as well as for general drug safety surveillance. User fee revenue will increase by $50 million to fund drug safety activities, of which $30 million is authorized for the routine drug surveillance once they are marketed. Many of us would like to eliminate the need for industry paid user fees, but this arrangement, agreed on by industry and the FDA, offers the best workable solution in this strained budget environment.

Another important objective of the FDA Revitalization Act is to improve the integrity of the agency and to enhance transparency on its actions. I am pleased that this bill improves the public's access to information about clinical trials and, more importantly, the results of those trials. The bill enhances patient enrollment in trials by requiring late phase II, as well as phase III and phase IV clinical trials on drugs are registered in a publicly available database. This will improve the public's knowledge of important and potentially life saving clinical studies. The bill also creates a publicly available database of the results of those trials. This means, for instance, that a parent who wishes to understand why a much-talked about treatment for juvenile diabetes failed to advance past a clinical trial stage can track the progress of a treatment using this database. It is important that we empower patients and consumers to gather information from primary sources so that they can engage in treatment decisions and make informed choices regarding their family's health care needs.

I am also pleased to see efforts to increase research on pediatric drug safety, pediatric clinical trials, and pediatric medical devices in title IV of the FDA Revitalization Act. The bill includes reauthorizations of the Best Pharmaceuticals for Children Act, BPCA, championed by my colleague, Senator DODD, which I have cosponsored, and the Pediatric Research Improvement Act, PRIA, championed by my colleague, Senator CLINTON, which have been particularly successful at increasing the availability of pediatric specific data on drug products, as well as greatly expanding the number of treatments that have been tested and labeled for use in pediatric populations. The bill also includes a new proposal to expand the collection and availability of pediatric data on medical devices, an area of the medical device market that remains seriously underdeveloped, and as a result places infants and children at risk for inferior or inadequate care at best, and tragic and needless loss of life at worst. Moreover, BPCA also includes a new provision on patent exclusivity for blockbuster drugs that strikes a sound compromise between creating an appropriate financial incentive for drug companies to conduct much needed research, while also providing the FDA with important information about pediatric drugs.

Mr. President, the FDA is responsible for overseeing the safety of a wide range of products consumed by millions of Americans each and every day. We can and must ensure that this critical agency has the tools and resources it needs to perform the myriad of tasks under its purview. We need to get this right for the millions of Americans who rely on the FDA to approve the drugs that they take to treat serious illnesses. The FDA Revitalization Act creates an opportunity to improve science at the FDA, strengthen drug safety by devoting resources to postmarket surveillance, and "revitalize" the FDA's authority.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO REPORTED COMMITTEE SUBSTITUTE

Mr. KENNEDY. Mr. President, on behalf of the HELP Committee, I send to the desk a modification to the committee substitute.

The PRESIDING OFFICER. The committee substitute is so modified.

The modification is as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Revitalization Act".

TITLE I—PRESCRIPTION DRUG USER FEES

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) Short Title.—This title may be cited as the "Prescription Drug User Fee Amendments of 2007".

(b) References in Title.—Except as otherwise specified, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 102. DRUG FEES.

Section 735 (21 U.S.C. 379g) is amended—

(1) by striking the section designation and all that follows through "For purposes of this subchapter:" and inserting the following:

"SEC. 735. DRUG FEES.

"(a) Purpose.—It is the purpose of this part that the fees authorized under this part be dedicated toward expediting the drug development process, the process for the review of human drug applications, and postmarket drug safety, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

"(b) Reports.—

"(1) Performance report.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.

"(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

"(c) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(d) DEFINITIONS.—For purposes of this part:";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "505(b)(1)," and inserting "505(b), or";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in the matter following subparagraph (B), as so redesignated, by striking "subparagraph (C)" and inserting "subparagraph (B)";

(B) in paragraph (3)(C), by—

(i) striking "the list" and inserting "the list (not including the discontinued section of such list)"; and

(ii) striking "a list" and inserting "a list (not including the discontinued section of such a list)";

(C) in paragraph (4), by inserting before the period at the end the following: "(such as capsules, tablets, and lyophilized products before reconstitution)";

(D) by amending paragraph (6)(F) to read as follows:

"(F) In the case of drugs approved under human drug applications or supplements, postmarket safety activities, including—

"(i) collecting, developing, and reviewing safety information on approved drugs (including adverse event reports);

"(ii) developing and using improved adverse event data collection systems (including information technology systems); and

"(iii) developing and using improved analytical tools to assess potential safety problems (including by accessing external data bases).";

(E) in paragraph (8)—

(i) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(ii) by striking "April 1997" and inserting "October 1996";

(F) by redesignating paragraph (9) as paragraph (10); and

(G) by inserting after paragraph (8) the following:

"(9) The term 'person' includes an affiliate of such person.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2003" and inserting "2008";

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) in the heading, by inserting "OR WITHDRAWN BEFORE FILING" after "REFUND OF FEE IF APPLICATION REFUSED FOR FILING"; and

(ii) by inserting before the period at the end the following: "or withdrawn without a waiver before filing";

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (D) the following:

"(E) FEE FOR APPLICATION PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—An application or supplement that has been refused for filing or that was withdrawn before filing, if filed under protest or resubmitted, shall be subject to the fee under subparagraph (A) (unless an exception under subparagraph (C) or (F) applies or the fee is waived or reduced under subsection (d)), without regard to previous payment of such a fee and the refund of 75 percent of that fee under subparagraph (D)."; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) SPECIAL RULES FOR COMPOUNDED POSITRON EMISSION TOMOGRAPHY DRUGS.—

"(i) IN GENERAL.—Except as provided in clause (ii), each person who is named as the applicant in an approved human drug application for a compounded positron emission tomography drug shall be subject under subparagraph (A) to one-fifth of an annual establishment fee with respect to each such establishment identified in the application as producing compounded positron emission tomography drugs under the approved application.

"(ii) EXCEPTION FROM ANNUAL ESTABLISHMENT FEE.—Each person who is named as the applicant in an application described in clause (i) shall not be assessed an annual establishment fee for a fiscal year if the person certifies to the Secretary, at a time specified by the Secretary and using procedures specified by the Secretary, that—

"(I) the person is a not-for-profit medical center that has only 1 establishment for the production of compounded positron emission tomography drugs; and

"(II) at least 95 percent of the total number of doses of each compounded positron emission tomography drug produced by such establishment during such fiscal year will be used within the medical center.".

(b) FEE REVENUE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) FEE REVENUE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), fees under subsection (a) shall be established to generate the following revenue amounts, in each fiscal year beginning with fiscal year 2008 and continuing through fiscal year 2012: $392,783,000, plus an adjustment for workload on $354,893,000 of this amount. Such adjustment shall be made in accordance with the workload adjustment provisions in effect for fiscal year 2007, except that instead of commercial investigational new drug applications submitted to the Secretary, all commercial investigational new drug applications with a submission during the previous 12-month period shall be used in the determination. One-third of the revenue amount shall be derived from application fees, one-third from establishment fees, and one-third from product fees.".

(c) ADJUSTMENTS TO FEES.—

(1) INFLATION ADJUSTMENT.—Section 736(c)(1) (21 U.S.C. 379h(c)(1)) is amended—

(A) in the matter preceding subparagraph (A) by striking "The revenues established in subsection (b)" and inserting "Beginning with fiscal year 2009, the revenues established in subsection (b)";

(B) in subparagraph (A) by striking "or" at the end;

(C) in subparagraph (B) by striking the period at the end and inserting ", or,";

(D) by inserting after subparagraph (B) the following:

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions, for the first 5 fiscal years of the previous 6 fiscal years."; and

(E) in the matter following subparagraph (C) (as added by this paragraph), by striking "fiscal year 2003" and inserting "fiscal year 2008".

(2) WORKLOAD ADJUSTMENT.—Section 736(c)(2) (21 U.S.C. 379h(c)(2)) is amended—

(A) in the matter preceding subparagraph (A.) by striking "2004" and inserting "2009";

(B) in the first sentence of subparagraph (A)—

(i) by striking ", commercial investigational new drug applications" and inserting "(adjusted for changes in review activities)"; and

(ii) by inserting before the period at the end ", and the change in the number of commercial investigational new drug applications with a submission during the previous 12-month period (adjusted for changes in review activities)";

(C) in subparagraph (B), by adding at the end the following new sentence: "Further, any adjustment for changes in review activities made in setting fees and fee revenue amounts for fiscal year 2009 may not result in the total workload adjustment being more than 2 percentage points higher than it would be absent the adjustment for changes in review activities."; and

(D) by adding at the end the following:

"(C) The Secretary shall contract with an independent accounting firm to study the adjustment for changes in review activities applied in setting fees for fiscal year 2009 and to make recommendations, if warranted, on future changes in the methodology for calculating the adjustment for changes in review activity. After review of the recommendations by the independent accounting firm, the Secretary shall make appropriate changes to the workload adjustment methodology in setting fees for fiscal years 2010 through 2012. If the study is not conducted, no adjustment for changes in review activities shall be made after fiscal year 2009.".

(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Beginning with fiscal year 2010, the Secretary shall, before making the adjustments under paragraphs (1) and (2), reduce the fee amounts established in subsection (b), if actual costs paid for rent and rent-related expenses are less than $11,721,000. The reductions made under this paragraph, if any, shall not exceed the amounts by which costs fell below $11,721,000, and shall not exceed $11,721,000 in any fiscal year.".

(4) FINAL YEAR ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) in paragraph (4), as redesignated by this subsection—

(i) by striking "2007" each place it appears and inserting "2012"; and

(ii) by striking "2008" and inserting "2013"; and

(B) in paragraph (5), as redesignated by this subsection, by striking "2002" and inserting "2007".

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by—

(A) inserting "to a person who is named as the applicant" after "The Secretary shall grant";

(B) inserting "to that person" after "a waiver from or a reduction of one or more fees assessed"; and

(C) striking "finds" and inserting "determines";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) EVALUATION.—For the purpose of determining whether to grant a waiver or reduction of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant and any affiliate of the applicant."; and

(4) in paragraph (4), as redesignated by this subsection, in subparagraph (A), by inserting before the period at the end ", and that does not have a drug product that has been approved under a human drug application and introduced or delivered for introduction into interstate commerce".

(e) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 736(g)(3) (21 U.S.C. 379h(g)(3)) is amended to read as follows:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section such sums as are authorized to be assessed and collected under this section in each of fiscal years 2008 through 2012.".

(2) OFFSET.—Section 736(g)(4) (21 U.S.C. 379h(g)(4)) is amended to read as follows:

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, plus the amount estimated to be collected for fiscal year 2011, exceeds the amount of fees specified in aggregate in appropriation Acts for such fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

(f) CONFORMING AMENDMENTS.—

(1) Section 736(a) (21 U.S.C. 379h(a)), as amended by this section, is amended—

(A) in paragraph (1)(A), by striking "subsection (c)(4)" each place it appears and inserting "subsection (c)(5)";

(B) in paragraph (2), by striking "subsection (c)(4)" and inserting "subsection (c)(5)"; and

(C) in paragraph (3), by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

(2) Section 736A(h)(3), as added by section 104 of this title, is amended by striking "735(3)" and inserting "735(d)(3)".

SEC. 104. AUTHORITY TO ASSESS AND USE PRESCRIPTION DRUG ADVERTISING FEES.

Chapter VII, subchapter C, part 2 (21 U.S.C. 379g et seq.) is amended by adding after section 736 the following new section:

"SEC. 736A. PROGRAM TO ASSESS AND USE FEES FOR THE ADVISORY REVIEW OF PRESCRIPTION DRUG ADVERTISING.

"(a) TYPES OF DIRECT-TO-CONSUMER TELEVISION ADVERTISEMENT REVIEW FEES.—Beginning with fiscal year 2008, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ADVISORY REVIEW FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person that on or after October 1, 2007, submits a proposed direct-to-consumer television advertisement for advisory review by the Secretary prior to its initial public dissemination shall be subject to a fee established under subsection (c)(3).

"(B) EXCEPTION FOR REQUIRED SUBMISSIONS.—A direct-to-consumer television advertisement that is required to be submitted to the Secretary prior to initial public dissemination shall not be assessed a fee unless the sponsor designates it as a submission for advisory review.

"(C) PAYMENT.—The fee required by subparagraph (A) shall be due not later than October 1 of the fiscal year in which the direct-to-consumer television advertisement shall be submitted to the Secretary for advisory review.

"(D) MODIFICATION OF ADVISORY REVIEW FEE.—

"(i) LATE PAYMENT.—If, on or before November 1 of the fiscal year in which the fees are due, a person has not paid all fees that were due and payable for advisory reviews identified in response to the Federal Register notice described in subsection (c)(3)(A), the fees shall be regarded as late. Such fees shall be due and payable 20 days before any direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review. Notwithstanding any other provision of this section, such fees shall be due and payable for each of those advisory reviews in the amount of 150 percent of the advisory review fee established for that fiscal year pursuant to subsection (c)(3).

"(ii) LATE NOTICE OF SUBMISSION.—If any person submits any direct-to-consumer television advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (c)(3)(A), that person must pay a fee for each of those advisory reviews in the amount of 150 percent of the advisory review fee established for that fiscal year pursuant to subsection (c)(3). Fees under this subparagraph shall be due 20 days before the direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review.

"(E) LIMITS.—

"(i) IN GENERAL.—The payment of a fee under this paragraph for a fiscal year entitles the person that pays the fee to acceptance for advisory review by the Secretary of 1 direct-to-consumer television advertisement and acceptance of 1 resubmission for advisory review of the same advertisement. The advertisement shall be submitted for review in the fiscal year for which the fee was assessed, except that a person may carry over no more than 1 paid advisory review submission to the next fiscal year. Resubmissions may be submitted without regard to the fiscal year of the initial advisory review submission.

"(ii) NO REFUND.—Except as provided by subsection (f), fees paid under this paragraph shall not be refunded.

"(iii) NO WAIVER, EXEMPTION, OR REDUCTION.—The Secretary shall not grant a waiver, exemption, or reduction of any fees due or payable under this section.

"(iv) NON-TRANSFERABILITY.—The right to an advisory review is not transferable, except to a successor in interest.

"(2) OPERATING RESERVE FEE.—

"(A) IN GENERAL.—Each person that, on or after October 1, 2007, is assessed an advisory review fee under paragraph (1) shall be subject to an operating reserve fee established under subsection (d)(2) only in the first fiscal year in which an advisory review fee is assessed.

"(B) PAYMENT.—Except as provided in subparagraph (C), the fee required by subparagraph (A) shall be due not later than October 1 of the first fiscal year in which the person is required to pay an advisory review fee under paragraph (1).

"(C) LATE NOTICE OF SUBMISSION.—If, in the first fiscal year of a person's participation in the Program, that person submits any direct-to-consumer television advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (c)(3)(A), that person must pay an operating reserve fee for each of those advisory reviews equal to the advisory review fee for each submission established under paragraph (1)(D)(ii). Fees required by this subparagraph shall be in addition to the fees required under subparagraph (B), if any. Fees under this subparagraph shall be due 20 days before any direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review.

"(b) ADVISORY REVIEW FEE REVENUE AMOUNTS.—Fees under subsection (a)(1) shall be established to generate revenue amounts of $6,250,000 for each of fiscal years 2008 through 2012, as adjusted pursuant to subsection (c).

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—Beginning with fiscal year 2009, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions, for the first 5 fiscal years of the previous 6 fiscal years.

The adjustment made each fiscal year by this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2008 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—

"(A) IN GENERAL.—Beginning with fiscal year 2009, after the fee revenues established in subsection (b) of this section are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary with respect to the submission of proposed direct-to-consumer television advertisements for advisory review prior to initial broadcast.

"(B) DETERMINATION OF WORKLOAD ADJUSTMENT.—

"(i) IN GENERAL.—The workload adjustment under this paragraph for a fiscal year shall be determined by the Secretary—

"(I) based upon the number of direct-to-consumer television advertisements identified pursuant to paragraph (3)(A) for that fiscal year, excluding allowable previously paid carry over submissions; and

"(II) by multiplying the number of such advertisements projected for that fiscal year that exceeds 150 by $27,600 (adjusted each year beginning with fiscal year 2009 for inflation in accordance with paragraph (1)).

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register, as part of the notice described in paragraph (1), the fee revenues and fees resulting from the adjustment made under this paragraph and the supporting methodologies.

"(C) LIMITATION.—Under no circumstances shall the adjustment made under this paragraph result in fee revenues for a fiscal year that are less than the fee revenues established for the prior fiscal year.

"(3) ANNUAL FEE SETTING.—

"(A) NUMBER OF ADVERTISEMENTS.—The Secretary shall, 120 days before the start of each fiscal year, publish a notice in the Federal Register requesting any person to notify the Secretary within 30 days of the number of direct-to-consumer television advertisements the person intends to submit for advisory review by the Secretary in the next fiscal year. Notification to the Secretary of the number of advertisements a person intends to submit for advisory review prior to initial broadcast shall be a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions on or before October 1 of the fiscal year in which the advertisement is intended to be submitted. A person shall at the same time also notify the Secretary if such person intends to use a paid submission from the previous fiscal year under subsection (a)(1)(E)(i). If such person does not so notify the Secretary, all submissions for advisory review shall be subject to advisory review fees.

"(B) ANNUAL FEE.—The Secretary shall, 60 days before the start of each fiscal year, establish, for the next fiscal year, the direct-to-consumer television advertisement advisory review fee under subsection (a)(1), based on the revenue amounts established under subsection (b), the adjustments provided under this subsection and the number of direct-to-consumer television advertisements identified pursuant to subparagraph (A), excluding allowable previously paid carry over submissions. The annual advisory review fee shall be established by dividing the fee revenue for a fiscal year (as adjusted pursuant to this subsection) by the number of direct-to-consumer television advertisements identified pursuant to subparagraph (A), excluding allowable previously paid carry over submissions.

"(C) FISCAL YEAR 2008 FEE LIMIT.—Notwithstanding subsection (b), the fee established under subparagraph (B) for fiscal year 2008 may not be more than $83,000 per submission for advisory review.

"(D) ANNUAL FEE LIMIT.—Notwithstanding subsection (b), the fee established under subparagraph (B) for a fiscal year after fiscal year 2008 may not be more than 50 percent more than the fee established for the prior fiscal year.

"(E) LIMIT.—The total amount of fees obligated for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the advisory review of prescription drug advertising.

"(d) OPERATING RESERVES.—

"(1) IN GENERAL.—The Secretary shall establish in the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation a Direct-to-Consumer Advisory Review Operating Reserve, of at least $6,250,000 in fiscal year 2008, to continue the Program in the event the fees collected in any subsequent fiscal year pursuant to subsection (c)(3) do not generate the fee revenue amount established for that fiscal year.

"(2) FEE SETTING.—The Secretary shall establish the operating reserve fee under subsection (a)(2)(A) for each person required to pay the fee by multiplying the number of direct-to-consumer television advertisements identified by that person pursuant to subsection (c)(3)(A) by the advisory review fee established pursuant to subsection (c)(3) for that fiscal year. In no case shall the operating reserve fee assessed be less than the operating reserve fee assessed if the person had first participated in the Program in fiscal year 2008.

"(3) USE OF OPERATING RESERVE.—The Secretary may use funds from the reserves under this subsection only to the extent necessary in any fiscal year to make up the difference between the fee revenue amount established for that fiscal year under subsection (b) and the amount of fees collected for that fiscal year pursuant to subsection (a), or to pay costs of ending the Program if it is terminated pursuant to subsection (f) or if it is not reauthorized after fiscal year 2012.

"(4) REFUND OF OPERATING RESERVES.—Within 120 days of the end of fiscal year 2012, or if the Program is terminated pursuant to subsection (f), the Secretary, after setting aside sufficient operating reserve amounts to terminate the Program, shall refund all amounts remaining in the operating reserve on a pro rata basis to each person that paid an operating reserve fee assessment. In no event shall the refund to any person exceed the total amount of operating reserve fees paid by such person pursuant to subsection (a)(2).

"(e) EFFECT OF FAILURE TO PAY FEES.—Notwithstanding any other law or regulation of the Secretary, a submission for advisory review of a direct-to-consumer television advertisement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person under this section have been paid.

"(f) EFFECT OF INADEQUATE FUNDING OF PROGRAM.—

"(1) FIRST FISCAL YEAR.—If on November 1, 2007, or 120 days after enactment of the Prescription Drug User Fee Amendments of 2007, whichever is later, the Secretary has received less than $11,250,000 in advisory review fees and operating reserve fees combined, the Program shall be terminated and all collected fees shall be refunded.

"(2) SUBSEQUENT FISCAL YEARS.—Beginning in fiscal year 2009, if, on November 1 of a fiscal year, the combination of the operating reserves, annual fee revenues from that fiscal year, and unobligated fee revenues from prior fiscal years is less than $9,000,000, adjusted for inflation (in accordance with subsection (c)(1)), the Program shall be terminated, and the Secretary shall notify all participants, retain any money from the unused advisory review fees and the operating reserves needed to terminate the Program, and refund the remainder of the unused fees and operating reserves. To the extent required to terminate the Program, the Secretary shall first use unobligated advisory review fee revenues from prior fiscal years, then the operating reserves, and then unused advisory review fees from the relevant fiscal year.

"(g) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the advisory review of prescription drug advertising.

"(2) COLLECTIONS AND APPROPRIATION ACTS.—The fees authorized by this section—

"(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

"(B) shall be available for obligation only if appropriated budget authority continues to support at least the total combined number of full-time equivalent employees in the Food and Drug Administration, Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, and the Center for Biologics Evaluation and Research, Advertising and Promotional Labeling Branch supported in fiscal year 2007.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section not less than $6,250,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012, as adjusted to reflect adjustments in the total fee revenues made under this section, plus amounts collected for the reserve fund under subsection (d).

"(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'advisory review' means reviewing and providing advisory comments regarding compliance of a proposed advertisement with the requirements of this Act prior to its initial public dissemination.

"(2) The term 'carry over submission' means a submission for an advisory review for which a fee was paid in a fiscal year that is submitted for review in the following fiscal year.

"(3) The term 'direct-to-consumer television advertisement' means an advertisement for a prescription drug product as defined in section 735(3) intended to be displayed on any television channel for less than 2 minutes.

"(4) The term 'person' includes an individual, a partnership, a corporation, and an association, and any affiliate thereof or successor in interest.

"(5) The term 'process for the advisory review of prescription drug advertising' means the activities necessary to review and provide advisory comments on proposed direct-to-consumer television advertisements prior to public dissemination and, to the extent the Secretary has additional staff resources available under the Program that are not necessary for the advisory review of direct-to-consumer television advertisements, the activities necessary to review and provide advisory comments on other proposed advertisements and promotional material prior to public dissemination.

"(6) The term 'Program' means the Program to assess, collect, and use fees for the advisory review of prescription drug advertising established by this section.

"(7) The term 'resources allocated for the process for the advisory review of prescription drug advertising' means the expenses incurred in connection with the process for the advisory review of prescription drug advertising for—

"(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees, and to contracts with such contractors;

"(B) management of information, and the acquisition, maintenance, and repair of computer resources;

"(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies;

"(D) collection of fees under this section and accounting for resources allocated for the advisory review of prescription drug advertising; and

"(E) terminating the Program under subsection (f)(2), if necessary.

"(8) The term 'resubmission' means a subsequent submission for advisory review of a direct-to-consumer television advertisement that has been revised in response to the Secretary's comments on an original submission. A resubmission may not introduce significant new concepts or creative themes into the television advertisement.

"(9) The term 'submission for advisory review' means an original submission of a direct-to-consumer television advertisement for which the sponsor voluntarily requests advisory comments before the advertisement is publicly disseminated.

"SEC. 736B. SUNSET.

"This part shall cease to be effective on October 1, 2012, except that subsection (b) of section 736 with respect to reports shall cease to be effective on January 31, 2013.".

SEC. 105. SAVINGS CLAUSE.

Notwithstanding section 509 of the Prescription Drug User Fee Amendments of 2002 (21 U.S.C. 379g note), and notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 106. TECHNICAL AMENDMENT.

Section 739 (21 U.S.C. 379j–11) is amended in the matter preceding paragraph (1), by striking "subchapter" and inserting "part".

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect October 1, 2007.

(b) EXCEPTION.—The amendment made by section 104 of this title shall take effect on the date of enactment of this title.

TITLE II—DRUG SAFETY

SEC. 200. SHORT TITLE.

This title may be cited as the "Enhancing Drug Safety and Innovation Act of 2007".

Subtitle A—Risk Evaluation and Mitigation Strategies

SEC. 201. ROUTINE ACTIVE SURVEILLANCE AND ASSESSMENT.

(a) IN GENERAL.—Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(3) ROUTINE ACTIVE SURVEILLANCE AND ASSESSMENT.—

"(A) DEVELOPMENT OF THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—The Secretary shall, not later than 2 years after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, act in collaboration with academic institutions and private entities to—

"(i) establish minimum standards for collection and transmission of postmarketing data elements from electronic health data systems; and

"(ii) establish, through partnerships, a validated and integrated postmarket risk identification and analysis system to integrate and analyze safety data from multiple sources, with the goals of including, in aggregate—

"(I) at least 25,000,000 patients by July 1, 2010; and

"(II) at least 100,000,000 patients by July 1, 2012.

"(B) DATA COLLECTION ACTIVITIES.—

"(i) IN GENERAL.—The Secretary shall, not later than 1 year after the establishment of the minimum standards and the identification and analysis system under subparagraph (A), establish and maintain an active surveillance infrastructure—

"(I) to collect and report data for pharmaceutical postmarket risk identification and analysis, in compliance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996; and

"(II) that includes, in addition to the collection and monitoring (in a standardized form) of data on all serious adverse drug experiences (as defined in subsection (o)(2)(C)) required to be submitted to the Secretary under paragraph (1), and those events voluntarily submitted from patients, providers, and drug, when appropriate, procedures to—

"(aa) provide for adverse event surveillance by collecting and monitoring Federal health-related electronic data (such as data from the Medicare program and the health systems of the Department of Veterans Affairs);

"(bb) provide for adverse event surveillance by collecting and monitoring private sector health-related electronic data (such as pharmaceutical purchase data and health insurance claims data);

"(cc) provide for adverse event surveillance by monitoring standardized electronic health records, as available;

"(dd) provide for adverse event surveillance by collecting and monitoring other information as the Secretary deems necessary to create a robust system to identify adverse events and potential drug safety signals;

"(ee) enable the program to identify certain trends and patterns with respect to data reported to the program;

"(ff) enable the program to provide regular reports to the Secretary concerning adverse event trends, adverse event patterns, incidence and prevalence of adverse events, laboratory data, and other information determined appropriate, which may include data on comparative national adverse event trends; and

"(gg) enable the program to export data in a form appropriate for further aggregation, statistical analysis, and reporting.

"(ii) TIMELINESS OF REPORTING.—The procedures developed under clause (i) shall ensure that such data are collected, monitored, and reported in a timely, routine, and automatic manner, taking into consideration the need for data completeness, coding, cleansing, and transmission.

"(iii) PRIVATE SECTOR RESOURCES.—To ensure the establishment of the active surveillance infrastructure by the date described under clause (i), the Secretary may, on a temporary or permanent basis, implement systems or products developed by private entities.

"(iv) COMPLEMENTARY APPROACHES.—To the extent the active surveillance infrastructure established under clause (i) is not sufficient to gather data and information relevant to priority drug safety questions, the Secretary shall develop, support, and participate in complementary approaches to gather and analyze such data and information, including—

"(I) approaches that are complementary with respect to assessing the safety of use of a drug in domestic populations not included in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children); and

"(II) existing approaches such as the Vaccine Adverse Event Reporting System and the Vaccine Safety Datalink or successor databases.

"(v) AUTHORITY FOR CONTRACTS.—The Secretary may enter into contracts with public and private entities to fulfill the requirements of this subparagraph.

"(C) RISK IDENTIFICATION AND ANALYSIS.—

"(i) PURPOSE.—To carry out this paragraph, the Secretary shall establish collaborations with other Government, academic, and private entities, including the Centers for Education and Research on Therapeutics under section 912 of the Public Health Service Act, to provide for the risk identification and analysis of the data collected under subparagraph (B) and data that is publicly available or is provided by the Secretary, in order to—

"(I) improve the quality and efficiency of postmarket drug safety risk-benefit analysis;

"(II) provide the Secretary with routine access to expertise to study advanced drug safety data; and

"(III) enhance the ability of the Secretary to make timely assessments based on drug safety data.

"(ii) PUBLIC PROCESS FOR PRIORITY QUESTIONS.—At least biannually, the Secretary shall seek recommendations from the Drug Safety and Risk Management Advisory Committee (or successor committee) and from other advisory committees, as appropriate, to the Food and Drug Administration on—

"(I) priority drug safety questions; and

"(II) mechanisms for answering such questions, including through—

"(aa) routine active surveillance under subparagraph (B); and

"(bb) when such surveillance is not sufficient, postmarket studies under subsection (o)(4)(B) and postapproval clinical trials under subsection (o)(4)(C).

"(iii) PROCEDURES FOR THE DEVELOPMENT OF DRUG SAFETY COLLABORATIONS.—

"(I) IN GENERAL.—Not later than 180 days after the date of the establishment of the active surveillance infrastructure under subparagraph (B), the Secretary shall establish and implement procedures under which the Secretary may routinely collaborate with a qualified entity to—

"(aa) clean, classify, or aggregate data collected under subparagraph (B) and data that is publicly available or is provided by the Secretary;

"(bb) allow for prompt investigation of priority drug safety questions, including—

"(AA) unresolved safety questions for drugs or classes of drugs; and

"(BB) for a newly-approved drug: safety signals from clinical trials used to approve the drug and other preapproval trials; rare, serious drug side effects; and the safety of use in domestic populations not included in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children);

"(cc) perform advanced research and analysis on identified drug safety risks;

"(dd) convene an expert advisory committee to oversee the establishment of standards for the ethical and scientific uses for, and communication of, postmarketing data collected under subparagraph (B), including advising on the development of effective research methods for the study of drug safety questions;

"(ee) focus postmarket studies under subsection (o)(4)(B) and postapproval clinical trials under subsection (o)(4)(C) more effectively on cases for which reports under paragraph (1) and other safety signal detection is not sufficient to resolve whether there is an elevated risk of a serious adverse event associated with the use of a drug; and

"(ff) carry out other activities as the Secretary deems necessary to carry out the purposes of this paragraph.

"(II) REQUEST FOR SPECIFIC METHODOLOGY.—The procedures described in subclause (I) shall permit the Secretary to request that a specific methodology be used by the qualified entity. The qualified entity shall work with the Secretary to finalize the methodology to be used.

"(iv) USE OF ANALYSES.—The Secretary shall provide the analyses described under this subparagraph, including the methods and results of such analyses, about a drug to the sponsor or sponsors of such drug.

"(v) QUALIFIED ENTITIES.—

"(I) IN GENERAL.—The Secretary shall enter into contracts with a sufficient number of qualified entities to develop and provide information to the Secretary in a timely manner.

"(II) QUALIFICATION.—The Secretary shall enter into a contract with an entity under subclause (I) only if the Secretary determines that the entity—

"(aa) has the research capability and expertise to conduct and complete the activities under this paragraph;

"(bb) has in place an information technology infrastructure to support adverse event surveillance data and operational standards to provide security for such data;

"(cc) has experience with, and expertise on, the development of drug safety and effectiveness research using electronic population data;

"(dd) has an understanding of drug development and risk/benefit balancing in a clinical setting; and

"(ee) has a significant business presence in the United States.

"(vi) CONTRACT REQUIREMENTS.—Each contract with a qualified entity shall contain the following requirements:

"(I) ENSURING PRIVACY.—The qualified entity shall provide assurances that the entity will not use the data provided by the Secretary in a manner that violates—

"(aa) the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996; or

"(bb) sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually-identifiable beneficiary health information.

"(II) COMPONENT OF ANOTHER ORGANIZATION.—If a qualified entity is a component of another organization—

"(aa) the qualified entity shall maintain the data related to the activities carried out under this paragraph separate from the other components of the organization and establish appropriate security measures to maintain the confidentiality and privacy of such data; and

"(bb) the entity shall not make an unauthorized disclosure of such data to the other components of the organization in breach of such confidentiality and privacy requirement.

"(III) TERMINATION OR NONRENEWAL.—If a contract with a qualified entity under this subparagraph is terminated or not renewed, the following requirements shall apply:

"(aa) CONFIDENTIALITY AND PRIVACY PROTECTIONS.—The entity shall continue to comply with the confidentiality and privacy requirements under this paragraph with respect to all data disclosed to the entity.

"(bb) DISPOSITION OF DATA.—The entity shall return to the Secretary all data disclosed to the entity or, if returning the data is not practicable, destroy the data.

"(vii) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures (as defined in section 4(5) of the Federal Procurement Policy Act) to enter into contracts under clause (v).

"(viii) REVIEW OF CONTRACT IN THE EVEN OF A MERGER OR ACQUISITION.—The Secretary shall review the contract with a qualified entity under this paragraph in the event of a merger or acquisition of the entity in order to ensure that the requirements under this subparagraph will continue to be met.

"(D) COORDINATION.—In carrying out this paragraph, the Secretary shall provide for appropriate communications to the public, scientific, public health, and medical communities, and other key stakeholders, and provide for the coordination of the activities of private entities, professional associations, or other entities that may have sources of surveillance data.".

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out activities under the amendment made by this section for which funds are made available under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), there are authorized to be appropriated to carry out the amendment made by this section, in addition to such funds, $25,000,000 for each of fiscal years 2008 through 2012.

SEC. 202. RISK EVALUATION AND MITIGATION STRATEGIES.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(o) RISK EVALUATION AND MITIGATION STRATEGY.—

"(1) IN GENERAL.—In the case of any drug subject to subsection (b) or to section 351 of the Public Health Service Act for which a risk evaluation and mitigation strategy is approved as provided for in this subsection, the applicant shall comply with the requirements of such strategy.

"(2) DEFINITIONS.—In this subsection:

"(A) ADVERSE DRUG EXPERIENCE.—The term 'adverse drug experience' means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including—

"(i) an adverse event occurring in the course of the use of the drug in professional practice;

"(ii) an adverse event occurring from an overdose of the drug, whether accidental or intentional;

"(iii) an adverse event occurring from abuse of the drug;

"(iv) an adverse event occurring from withdrawal of the drug; and

"(v) any failure of expected pharmacological action of the drug.

"(B) NEW SAFETY INFORMATION.—The term 'new safety information' with respect to a drug means information about—

"(i) a serious risk or an unexpected serious risk with use of the drug that the Secretary has become aware of since the later of—

"(I) the date of initial approval of the drug under this section or initial licensure of the drug under section 351 of the Public Health Service Act; or

"(II) if applicable, the last assessment of the approved risk evaluation and mitigation strategy for the drug; or

"(ii) the effectiveness of the approved risk evaluation and mitigation strategy for the drug obtained since the later of—

"(I) the approval of such strategy; or

"(II) the last assessment of such strategy.

"(C) SERIOUS ADVERSE DRUG EXPERIENCE.—The term 'serious adverse drug experience' is an adverse drug experience that—

"(i) results in—

"(I) death;

"(II) the placement of the patient at immediate risk of death from the adverse drug experience as it occurred (not including an adverse drug experience that might have caused death had it occurred in a more severe form);

"(III) inpatient hospitalization or prolongation of existing hospitalization;

"(IV) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions; or

"(V) a congenital anomaly or birth defect; or

"(ii) based on appropriate medical judgment, may jeopardize the patient and may require a medical or surgical intervention to prevent an outcome described under clause (i).

"(D) SERIOUS RISK.—The term 'serious risk' means a risk of a serious adverse drug experience.

"(E) SIGNAL OF A SERIOUS RISK.—The term 'signal of a serious risk' means information related to a serious adverse drug experience derived from—

"(i) a clinical trial;

"(ii) adverse event reports under subsection (k)(1);

"(iii) routine active surveillance under subsection (k)(3);

"(iv) a postapproval study, including a study under paragraph (4)(B); or

"(v) peer-reviewed biomedical literature.

"(F) UNEXPECTED SERIOUS RISK.—The term 'unexpected serious risk' means a serious adverse drug experience that—

"(i) is not listed in the labeling of a drug; or

"(ii) is symptomatically and pathophysiologically related to an adverse drug experience listed in the labeling of the drug, but differs from such adverse drug experience because of greater severity, specificity, or prevalence.

"(3) REQUIRED ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—If a risk evaluation and mitigation strategy for a drug is required, such strategy shall include—

"(A) the labeling for the drug for use by health care providers as approved under subsection (c);

"(B) a timetable for submission of assessments of the strategy, that—

"(i) for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act—

"(I) shall be no less frequently than 18 months and 3 years after the drug is initially approved and at a frequency specified in the strategy for subsequent years; and

"(II) may be eliminated after the first 3 years if the Secretary determines that serious risks of the drug have been adequately identified and assessed and are being adequately managed;

"(ii) for a drug other than a drug described under clause (i), shall occur at a frequency determined by the Secretary; and

"(iii) may be increased or reduced in frequency as necessary as provided for in paragraph (7)(B)(v)(VI).

"(4) ADDITIONAL POTENTIAL EVALUATION ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) RISK EVALUATION.—If a risk evaluation and mitigation strategy for a drug is required, such strategy may include 1 or more of the additional evaluation elements described in this paragraph, so long as the Secretary makes the determination required with respect to each additional included element.

"(B) POSTAPPROVAL STUDIES.—If the Secretary determines that the reports under subsection (k)(1) and routine active surveillance as available under subsection (k)(3) (including available complementary approaches under subsection (k)(3)(B)(iv)) will not be sufficient to—

"(i) assess a signal of a serious risk with use of a drug; or

"(ii) identify, based on a review of a demonstrated pattern of use of the drug, unexpected serious risks in a domestic population, including older people, people with comorbidities, pregnant women, or children, the risk evaluation and mitigation strategy for the drug may require that the applicant conduct an appropriate postapproval study, such as a prospective or retrospective observational study, of the drug (which shall include a timeframe specified by the Secretary for completing the study and reporting the results to the Secretary).

"(C) POSTAPPROVAL CLINICAL TRIALS.—If the Secretary determines that the reports under subsection (k)(1), routine active surveillance as available under subsection (k)(3) (including available complementary approaches under subsection (k)(3)(B)(iv)), and a study or studies under subparagraph (B) will likely be inadequate to assess a signal of a serious risk with use of a drug, and there is no effective approved application for the drug under subsection (j) as of the date that the requirement is first imposed, the risk evaluation and mitigation strategy for the drug may require that the applicant conduct an appropriate postapproval clinical trial of the drug (which shall include a timeframe specified by the Secretary for completing the clinical trial and reporting the results to the Secretary) to be included in the clinical trial registry data bank provided for under subsections (i) and (j) of section 402 of the Public Health Service Act.

"(5) ADDITIONAL POTENTIAL COMMUNICATION ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) RISK COMMUNICATION.—If a risk evaluation and mitigation strategy for a drug is required, such strategy may include 1 or more of the additional communication elements described in this paragraph, so long as the Secretary makes the determination required with respect to each additional included element.

"(B) MEDGUIDE; PATIENT PACKAGE INSERT.—The risk evaluation and mitigation strategy for a drug may require that the applicant develop for distribution to each patient when the drug is dispensed either or both of the following:

"(i) A Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations).

"(ii) A patient package insert, if the Secretary determines that such insert may help mitigate a serious risk listed in the labeling of the drug.

"(C) COMMUNICATION PLAN.—If the Secretary determines that a communication plan to health care providers may support implementation of an element of the risk evaluation and mitigation strategy for a drug, such as a labeling change, the strategy may require that the applicant conduct such a plan, which may include—

"(i) sending letters to health care providers;

"(ii) disseminating information about the elements of the strategy to encourage implementation by health care providers of components that apply to such health care providers, or to explain certain safety protocols (such as medical monitoring by periodic laboratory tests); or

"(iii) disseminating information to health care providers through professional societies about any serious risks of the drug and any protocol to assure safe use.

"(D) PREREVIEW.—

"(i) IN GENERAL.—If the Secretary determines that prereview of advertisements is necessary to ensure the inclusion of a true statement in such advertisements of information in brief summary relating to a serious risk listed in the labeling of a drug, or relating to a protocol to ensure the safe use described in the labeling of the drug, the risk evaluation and mitigation strategy for the drug may require that the applicant submit to the Secretary advertisements of the drug for prereview not later than 45 days before dissemination of the advertisement

"(ii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to be submitted under clause (i).

"(E) SPECIFIC DISCLOSURES.—

"(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and notification that the existing information may not have identified or allowed for full assessment of all serious risks of using the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure

"(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

"(F) TEMPORARY MORATORIUM.—

"(i) IN GENERAL.—To the extent consistent with the Constitution, the risk evaluation and mitigation strategy for a drug may require that the applicant not issue or cause to be issued direct-to-consumer advertisements of the drug for a fixed period after initial approval of the drug, not to exceed 2 years.

"(ii) CONDITIONS.—The Secretary may require the strategy for a drug to include such a temporary moratorium on direct-to-consumer advertising only if the Secretary determines that—

"(I) direct-to-consumer advertisements of the drug would be inherently misleading even if the disclosure under subparagraph (E)(ii) were required; and

"(II) other elements under this subsection would not be sufficient to mitigate the concern that clinical trials used to approve the drug may not have identified serious risks that might occur among patients expected to be treated with the drug.

"(iii) CONSIDERATIONS.—Before making such determinations, the Secretary shall consider—

"(I) the number of patients who may be treated with the drug;

"(II) the seriousness of the condition for which the drug will be used; and

"(III) the serious risks listed in the labeling of the drug.

"(iv) REQUIRED SAFETY MONITORING.—If the approved risk evaluation and mitigation strategy for a drug includes a temporary moratorium on direct-to-consumer advertisements of the drug under this subparagraph, the Secretary shall—

"(I) consider the concern identified under clause (ii)(II) with respect to such drug to be a priority drug safety question under subsection (k)(3)(B);

"(II) no less frequently than every 3 months, evaluate the reports under subsection (k)(1) and the routine active surveillance as available under subsection (k)(3) with respect to such concern to determine whether serious risks that might occur among patients expected to be treated with the drug have been adequately identified; and

"(III) if such serious risks have been adequately identified, remove such temporary moratorium as an element of such strategy.

"(6) PROVIDING SAFE ACCESS FOR PATIENTS TO DRUGS WITH KNOWN SERIOUS RISKS THAT WOULD OTHERWISE BE UNAVAILABLE.—

"(A) ALLOWING SAFE ACCESS TO DRUGS WITH KNOWN SERIOUS RISKS.—The Secretary may require that the risk evaluation and mitigation strategy for a drug include such elements as are necessary to assure safe use of the drug, because of its inherent toxicity or potential harmfulness, if the Secretary determines that—

"(i) the drug, which has been shown to be effective, but is associated with a serious adverse drug experience, can be approved only if, or would be withdrawn unless, such elements are required as part of such strategy to mitigate a specific serious risk listed in the labeling of the drug; and

"(ii) for a drug initially approved without elements to assure safe use, other elements under paragraphs (3), (4), and (5) are not sufficient to mitigate such serious risk.

"(B) ASSURING ACCESS AND MINIMIZING BURDEN.—Such elements to assure safe use under subparagraph (A) shall—

"(i) be commensurate with the specific serious risk listed in the labeling of the drug;

"(ii) within 30 days of the date on which any element under subparagraph (A) is imposed, be posted publicly by the Secretary with an explanation of how such elements will mitigate the observed safety risk;

"(iii) considering such risk, not be unduly burdensome on patient access to the drug, considering in particular—

"(I) patients with serious or life-threatening diseases or conditions; and

"(II) patients who have difficulty accessing health care (such as patients in rural or medically underserved areas); and

"(iv) to the extent practicable, so as to minimize the burden on the health care delivery system—

"(I) conform with elements to assure safe use for other drugs with similar, serious risks; and

"(II) be designed to be compatible with established distribution, procurement, and dispensing systems for drugs.

"(C) ELEMENTS TO ASSURE SAFE USE.—The elements to assure safe use under subparagraph (A) shall include 1 or more goals to mitigate a specific serious risk listed in the labeling of the drug and, to mitigate such risk, may require that—

"(i) health care providers that prescribe the drug have particular training or experience, or are specially certified (which training or certification shall be available to any willing provider from a frontier area);

"(ii) pharmacies, practitioners, or health care settings that dispense the drug are specially certified (which certification shall be available to any willing provider from a frontier area);

"(iii) the drug be dispensed to patients only in certain health care settings, such as hospitals;

"(iv) the drug be dispensed to patients with evidence or other documentation of safe-use conditions, such as laboratory test results;

"(v) each patient using the drug be subject to certain monitoring; or

"(vi) each patient using the drug be enrolled in a registry.

"(D) IMPLEMENTATION SYSTEM.—The elements to assure safe use under subparagraph (A) that are described in clauses (ii), (iii), or (iv) of subparagraph (C) may include a system through which the applicant is able to take reasonable steps to—

"(i) monitor and evaluate implementation of such elements by health care providers, pharmacists, and other parties in the health care system who are responsible for implementing such elements; and

"(ii) work to improve implementation of such elements by such persons.

"(E) EVALUATION OF ELEMENTS TO ASSURE SAFE USE.—The Secretary, through the Drug Safety and Risk Management Advisory Committee (or successor committee) of the Food and Drug Administration, shall—

"(i) seek input from patients, physicians, pharmacists, and other health care providers about how elements to assure safe use under this paragraph for 1 or more drugs may be standardized so as not to be—

"(I) unduly burdensome on patient access to the drug; and

"(II) to the extent practicable, minimize the burden on the health care delivery system;

"(ii) at least annually, evaluate, for 1 or more drugs, the elements to assure safe use of such drug to assess whether the elements—

"(I) assure safe use of the drug;

"(II) are not unduly burdensome on patient access to the drug; and

"(III) to the extent practicable, minimize the burden on the health care delivery system; and

"(iii) considering such input and evaluations—

"(I) issue or modify agency guidance about how to implement the requirements of this paragraph; and

"(II) modify elements under this paragraph for 1 or more drugs as appropriate.

"(F) ADDITIONAL MECHANISMS TO ASSURE ACCESS.—The mechanisms under section 561 to provide for expanded access for patients with serious or life-threatening diseases or conditions may be used to provide access for patients with a serious or life-threatening disease or condition, the treatment of which is not an approved use for the drug, to a drug that is subject to elements to assure safe use under this paragraph.

"(G) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this paragraph during the period described in section 319(a) of the Public Health Service Act with respect to a qualified countermeasure described under section 319F-1(a)(2) of such Act, to which a requirement under this paragraph has been applied, if the Secretary has—

"(i) declared a public health emergency under such section 319; and

"(ii) determined that such waiver is required to mitigate the effects of, or reduce the severity of, such public health emergency.

"(7) SUBMISSION AND REVIEW OF RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) PROPOSED RISK EVALUATION AND MITIGATION STRATEGY.—

"(i) VOLUNTARY PROPOSAL.—If there is a signal of a serious risk with a drug, an applicant may include a proposed risk evaluation and mitigation strategy for the drug in an application, including in a supplemental application, for the drug under subsection (b) or section 351 of the Public Health Service Act.

"(ii) REQUIRED PROPOSAL.—

"(I) DETERMINATION NECESSARY TO REQUIRE A PROPOSAL.—

"(aa) IN GENERAL.—The Secretary may require that the applicant for a drug submit a proposed risk evaluation and mitigation strategy for a drug if the Secretary (acting through the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug) determines that, based on a signal of a serious risk with the drug, a risk evaluation and mitigation strategy is necessary to assess such signal or mitigate such serious risk.

"(bb) NON-DELEGATION.—A determination under item (aa) for a drug shall be made by individuals at or above the level of individuals empowered to approve a drug (such as division directors within the Center for Drug Evaluation and Research).

"(II) CIRCUMSTANCES IN WHICH A PROPOSAL MAY BE REQUIRED.—The applicant shall submit a proposed risk evaluation and mitigation strategy for a drug—

"(aa) in response to a letter from the Secretary (acting through the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug) sent regarding an application, including a supplemental application, for the drug, if the Secretary determines that data or information in the application indicates that an element under paragraph (4), (5), or (6) should be included in a strategy for the drug;

"(bb) within a timeframe specified by the Secretary, not to be less than 45 days, when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that—

"(AA) the labeling of the drug should be changed; or

"(BB) an element under paragraph (4) or (5) should be included in a strategy for the drug; or

"(cc) within 90 days when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that an element under paragraph (6) should be included in a strategy for the drug.

"(iii) CONTENT OF LETTER.—A letter under clause (ii)(II)(aa) shall describe—

"(I) the data or information in the application that warrants the proposal of a risk evaluation and mitigation strategy for the drug; and

"(II) what elements under paragraphs (4), (5), or (6) should be included in a strategy for the drug.

"(iv) CONTENT OF ORDER.—An order under item (aa) or (bb) of clause (ii)(II) shall describe—

"(I) the new safety information with respect to the drug that warrants the proposal of a risk evaluation and mitigation strategy for the drug; and

"(II) whether and how the labeling of the drug should be changed and what elements under paragraphs (4), (5), or (6) should be included in a strategy for the drug.

"(v) CONTENT OF PROPOSAL.—A proposed risk evaluation and mitigation strategy—

"(I) shall include a timetable as described under paragraph (3)(B); and

“(II) may also include additional elements as provided for under paragraphs (4), (5), and (6).

“(B) ASSESSMENT AND MODIFICATION OF A RISK EVALUATION AND MITIGATION STRATEGY.—

“(i) VOLUNTARY ASSESSMENTS.—If a risk evaluation and mitigation strategy for a drug is required, the applicant may submit to the Secretary an assessment of, and propose a modification to, such approved strategy for the drug at any time.

“(ii) REQUIRED ASSESSMENTS.—If a risk evaluation and mitigation strategy for a drug is required, the applicant shall submit an assessment of, and may propose a modification to, such approved strategy for the drug—

“(I) when submitting an application, including a supplemental application, for a new indication under subsection (b) or section 351 of the Public Health Service Act;

“(II) when required by the strategy, as provided for in the timetable under paragraph (3)(B);

“(III) within a timeframe specified by the Secretary, not to be less than 45 days, when ordered by the Secretary (acting through the offices described in subparagraph (A)(ii)(I)), if the Secretary determines that new safety information indicates that an element under paragraph (3) or (4) should be modified or added to the strategy;

“(IV) within 90 days when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that an element under paragraph (6) should be modified or added to the strategy; or

“(V) within 15 days when ordered by the Secretary (acting through such offices), if the Secretary determines that there may be a cause for action by the Secretary under subsection (e).

“(iii) CONTENT OF ORDER.—An order under subclauses (III), (IV), or (V) of clause (ii) shall describe—

“(I) the new safety information with respect to the drug that warrants an assessment of the approved risk evaluation and mitigation strategy for the drug; and

“(II) whether and how such strategy should be modified because of such information.

“(iv) ASSESSMENT.—An assessment of the approved risk evaluation and mitigation strategy for a drug shall include—

“(I) a description of new safety information, if any, with respect to the drug;

“(II) whether and how to modify such strategy because of such information;

“(III) with respect to any postapproval study required under paragraph (4)(B) or otherwise undertaken by the applicant to investigate a safety issue, the status of such study, including whether any difficulties completing the study have been encountered;

“(IV) with respect to any postapproval clinical trial required under paragraph (4)(C) or otherwise undertaken by the applicant to investigate a safety issue, the status of such clinical trial, including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to requirements under subsections (i) and (j) of section 402 of the Public Health Service Act; and

“(V) with respect to any goal under paragraph (6) and considering input and evaluations, if applicable, under paragraph (6)(E), an assessment of how well the elements to assure safe use are meeting the goal of increasing safe access to drugs with known serious risks or whether the goal or such elements should be modified.

“(v) MODIFICATION.—A modification (whether an enhancement or a reduction) to the approved risk evaluation and mitigation strategy for a drug may include the addition or modification of any element under subparagraph (A) or (B) of paragraph (3) or the addition, modification, or removal of any element under paragraph (4), (5), or (6), such as—

“(I) a labeling change, including the addition of a boxed warning;

“(II) adding a postapproval study or clinical trial requirement;

“(III) modifying a postapproval study or clinical trial requirement (such as a change in trial design due to legitimate difficulties recruiting participants);

“(IV) adding, modifying, or removing an element on advertising under subparagraph (D), (E), or (F) of paragraph (5);

“(V) adding, modifying, or removing an element to assure safe use under paragraph (6); or

“(VI) modifying the timetable for assessments of the strategy under paragraph (3)(B), including to eliminate assessments.

“(C) REVIEW.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall promptly review the proposed risk evaluation and mitigation strategy for a drug submitted under subparagraph (A), or an assessment of the approved risk evaluation and mitigation strategy for a drug submitted under subparagraph (B).

“(D) DISCUSSION.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall initiate discussions of the proposed risk evaluation and mitigation strategy for a drug submitted under subparagraph (A), or of an assessment of the approved risk evaluation and mitigation strategy for a drug submitted under subparagraph (B), with the applicant to determine a strategy—

“(i) if the proposed strategy or assessment is submitted as part of an application (including a supplemental application) under subparagraph (A)(i), (A)(ii)(II)(aa), or (B)(ii)(I), by the target date for communication of feedback from the review team to the applicant regarding proposed labeling and postmarketing study commitments, as set forth in the letters described in section 735(a);

“(ii) if the proposed strategy is submitted under subparagraph (A)(ii)(II)(bb) or the assessment is submitted under subclause (II) or (III) of subparagraph (B)(ii), not later than 20 days after such submission;

“(iii) if the proposed strategy is submitted under subparagraph (A)(ii)(II)(cc) or the assessment is submitted under subparagraph (B)(i) or under subparagraph (B)(ii)(IV), not later than 30 days after such submission; or

“(iv) if the assessment is submitted under subparagraph (B)(ii)(V), not later than 10 days after such submission.

“(E) ACTION.—

“(i) IN GENERAL.—Unless the applicant requests the dispute resolution process as described under subparagraph (F) or (G), the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall approve and include the risk evaluation and mitigation strategy for a drug, or any modification to the strategy (including a timeframe for implementing such modification), with—

“(I) the action letter on the application, if a proposed strategy is submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) or an assessment of the strategy is submitted under subparagraph (B)(ii)(I); or

“(II) an order, which shall be made public, issued not later than 50 days after the date discussions of such proposed strategy or modification begin under subparagraph (D), if a proposed strategy is submitted under item (bb) or (cc) of subparagraph (A)(ii)(II) or an assessment of the strategy is submitted under subparagraph (B)(i) or under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii).

“(ii) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided under clause (i).

“(F) DISPUTE RESOLUTION AT INITIAL APPROVAL.—If a proposed risk evaluation and mitigation strategy is submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) in an application for initial approval of a drug and there is a dispute about the strategy, the applicant shall use the major dispute resolution procedures as set forth in the letters described in section 735(a).

“(G) DISPUTE RESOLUTION IN ALL OTHER CASES.—

“(i) REQUEST FOR REVIEW.—In any case other than a submission under subparagraph (A)(i) or (A)(ii)(II)(aa) in an application for initial approval of a drug if there is a dispute about the strategy, not earlier than 15 days, and not later than 35 days, after discussions under subparagraph (D) have begun, the applicant shall request in writing that the dispute be reviewed by the Drug Safety Oversight Board.

“(ii) SCHEDULING REVIEW.—If the applicant requests review under clause (i), the Secretary—

“(I)(aa) shall schedule the dispute for review at 1 of the next 2 regular meetings of the Drug Safety Oversight Board, whichever meeting date is more practicable; or

“(bb) may convene a special meeting of the Drug Safety Oversight Board to review the matter more promptly, including to meet an action deadline on an application (including a supplemental application);

“(II) shall give advance notice to the public through the Federal Register and on the Internet website of the Food and Drug Administration—

“(aa) that the drug is to be discussed by the Drug Safety Oversight Board; and

“(bb) of the date on which the Drug Safety Oversight Board shall discuss such drug; and

“(III) shall apply section 301(j), section 552 of title 5, and section 1905 of title 18, United States Code, to any request for information about such review.

“(iii) AGREEMENT AFTER DISCUSSION OR ADMINISTRATIVE APPEALS.—

“(I) FURTHER DISCUSSION OR ADMINISTRATIVE APPEALS.—A request for review under clause (i) shall not preclude—

“(aa) further discussions to reach agreement on the risk evaluation and mitigation strategy; or

“(bb) the use of administrative appeals within the Food and Drug Administration to reach agreement on the strategy, including the major dispute resolution procedures as set forth in the letters described in section 735(a).

“(II) AGREEMENT TERMINATES DISPUTE RESOLUTION.—At any time before a decision and order is issued under clause (vi), the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) and the applicant may reach an agreement on the risk evaluation and mitigation strategy through further discussion or administrative appeals, terminating the dispute resolution process, and the Secretary shall issue an action letter or order, as appropriate, that describes the strategy.

"(iv) MEETING OF THE BOARD.—At the meeting of the Drug Safety Oversight Board described in clause (ii), the Board shall—

"(I) hear from both parties; and

"(II) review the dispute.

"(v) RECOMMENDATION OF THE BOARD.—Not later than 5 days after such meeting of the Drug Safety Oversight Board, the Board shall provide a written recommendation on resolving the dispute to the Secretary.

"(vi) ACTION BY THE SECRETARY.—

"(I) ACTION LETTER.—With respect to a proposed risk evaluation and mitigation strategy submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) or to an assessment of the strategy submitted under subparagraph (B)(ii)(I), the Secretary shall issue an action letter that resolves the dispute not later than the later of—

"(aa) the action deadline for the action letter on the application; or

"(bb) 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(II) ORDER.—With respect to a proposed risk evaluation and mitigation strategy submitted under item (bb) or (cc) of subparagraph (A)(ii)(II) or an assessment of the risk evaluation and mitigation strategy under subparagraph (B)(i) or under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii), the Secretary shall issue an order, which (with the recommendation of the Drug Safety Oversight Board) shall be made public, that resolves the dispute not later than 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(vii) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided for under clause (vi).

"(viii) EFFECT ON ACTION DEADLINE.—With respect to the application or supplemental application in which a proposed risk evaluation and mitigation strategy is submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) or in which an assessment of the strategy is submitted under subparagraph (B)(ii)(I), the Secretary shall be considered to have met the action deadline for the action letter on such application if the applicant requests the dispute resolution process described in this subparagraph and if the Secretary—

"(I) has initiated the discussions described under subparagraph (D) by the target date referred to in subparagraph (D)(i); and

"(II) has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under clauses (ii), (v), and (vi), respectively.

"(ix) DISQUALIFICATION.—No individual who is an employee of the Food and Drug Administration and who reviews a drug or who participated in an administrative appeal under clause (iii)(I) with respect to such drug may serve on the Drug Safety Oversight Board at a meeting under clause (iv) to review a dispute about the risk evaluation and mitigation strategy for such drug.

"(x) ADDITIONAL EXPERTISE.—The Drug Safety Oversight Board may add members with relevant expertise from the Food and Drug Administration, including the Office of Pediatrics, the Office of Women's Health, or the Office of Rare Diseases, or from other Federal public health or health care agencies, for a meeting under clause (iv) of the Drug Safety Oversight Board.

"(H) USE OF ADVISORY COMMITTEES.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may convene a meeting of 1 or more advisory committees of the Food and Drug Administration to—

"(i) review a concern about the safety of a drug or class of drugs, including before an assessment of the risk evaluation and mitigation strategy or strategies of such drug or drugs is required to be submitted under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii);

"(ii) review the risk evaluation and mitigation strategy or strategies of a drug or group of drugs; or

"(iii) with the consent of the applicant, review a dispute under subparagraph (G).

"(I) PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—

"(i) IN GENERAL.—When a concern about a serious risk of a drug may be related to the pharmacological class of the drug, the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may defer assessments of the approved risk evaluation and mitigation strategies for such drugs until the Secretary has—

"(I) convened, after appropriate public notice, 1 or more public meetings to consider possible responses to such concern; or

"(II) gathered additional information or data about such concern.

"(ii) PUBLIC MEETINGS.—Such public meetings may include—

"(I) 1 or more meetings of the applicants for such drugs;

"(II) 1 or more meetings of 1 or more advisory committees of the Food and Drug Administration, as provided for under subparagraph (H); or

"(III) 1 or more workshops of scientific experts and other stakeholders.

"(iii) ACTION.—After considering the discussions from any meetings under clause (ii), the Secretary may—

"(I) announce in the Federal Register a planned regulatory action, including a modification to each risk evaluation and mitigation strategy, for drugs in the pharmacological class;

"(II) seek public comment about such action; and

"(III) after seeking such comment, issue an order addressing such regulatory action.

"(J) INTERNATIONAL COORDINATION.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may coordinate the timetable for submission of assessments under paragraph (3)(B), a study under paragraph (4)(B), or a clinical trial under paragraph (4)(C), with efforts to identify and assess the serious risks of such drug by the marketing authorities of other countries whose drug approval and risk management processes the Secretary deems comparable to the drug approval and risk management processes of the United States.

"(K) EFFECT.—Use of the processes described in subparagraphs (I) and (J) shall not delay action on an application or a supplement to an application for a drug.

"(L) NO EFFECT ON LABELING CHANGES THAT DO NOT REQUIRE PREAPPROVAL.—In the case of a labeling change to which section 314.70 of title 21, Code of Federal Regulations (or any successor regulation), applies for which the submission of a supplemental application is not required or for which distribution of the drug involved may commence upon the receipt by the Secretary of a supplemental application for the change, the submission of an assessment of the approved risk evaluation and mitigation strategy for the drug under this subsection is not required.

"(8) DRUG SAFETY OVERSIGHT BOARD.—

"(A) IN GENERAL.—There is established a Drug Safety Oversight Board.

"(B) COMPOSITION; MEETINGS.—The Drug Safety Oversight Board shall—

"(i) be composed of scientists and health care practitioners appointed by the Secretary, each of whom is an employee of the Federal Government;

"(ii) include representatives from offices throughout the Food and Drug Administration (including the offices responsible for postapproval safety of drugs);

"(iii) include at least 1 representative each from the National Institutes of Health, the Department of Health and Human Services (other than the Food and Drug Administration), and the Veterans Health Administration; and

"(iv) meet at least monthly to provide oversight and advice to the Secretary on the management of important drug safety issues.".

SEC. 203. ENFORCEMENT.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(x) If it is a drug subject to an approved risk evaluation and mitigation strategy under section 505(o) and the applicant for such drug fails to—

"(1) make a labeling change required by such strategy after the Secretary has approved such strategy or completed review of, and acted on, an assessment of such strategy under paragraph (7) of such section; or

"(2) comply with a requirement of such strategy with respect to advertising as provided for under subparagraph (D), (E), or (F) of paragraph (5) of such section.".

(b) CIVIL PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(2) by inserting after paragraph (2) the following:

"(3) An applicant (as such term is used in section 505(o)) who knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under such section 505(o) shall be subject to a civil money penalty of not less than $15,000 and not more than $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding.";

(3) in paragraph (2)(C), by striking "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(4) in paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)"; and

(5) in paragraph (6), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (5)".

SEC. 204. REGULATION OF DRUGS THAT ARE BIOLOGICAL PRODUCTS.

Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(D) RISK EVALUATION AND MITIGATION STRATEGY.—A person that submits an application for a license for a drug under this paragraph may submit to the Secretary as part of the application a proposed risk evaluation and mitigation strategy as described under section 505(o) of the Federal Food, Drug, and Cosmetic Act."; and

(2) in subsection (j), by inserting ", including the requirements under section 505(o) of such Act," after ", and Cosmetic Act".

SEC. 205. NO EFFECT ON WITHDRAWAL OR SUSPENSION OF APPROVAL.

Section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) is amended by adding at the end the following: "The Secretary may withdraw the approval of an application submitted under this section, or suspend the approval of such an application, as provided under this subsection, without first ordering the applicant to submit an assessment of the approved risk evaluation and mitigation strategy for the drug under subsection (o)(7)(B)(ii)(V).".

SEC. 206. DRUGS SUBJECT TO AN ABBREVIATED NEW DRUG APPLICATION.

Section 505(j)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)) is amended by adding at the end the following:

"(E) RISK EVALUATION AND MITIGATION STRATEGY REQUIREMENT.—

"(i) IN GENERAL.—A drug that is the subject of an abbreviated new drug application under this subsection shall be subject to only the following elements of the approved risk evaluation and mitigation strategy if required under subsection (o) for the applicable listed drug:

"(I) Labeling, as required under subsection (o)(3)(A) for the applicable listed drug.

"(II) A Medication Guide or patient package insert, if required under subsection (o)(5)(B) for the applicable listed drug.

"(III) Prereview of advertising, if required under subsection (o)(5)(D) for the applicable listed drug.

"(IV) Specific disclosures in advertising, if required under subsection (o)(5)(E) for the applicable listed drug.

"(V) A temporary moratorium on direct-to-consumer advertising, if required under subsection (o)(5)(F) for the applicable listed drug.

"(VI) Elements to assure safe use, if required under subsection (o)(6) for the applicable listed drug, except that such drug may use a different, comparable aspect of such elements as are necessary to assure safe use of such drug if —

"(aa) the corresponding aspect of the elements to assure safe use for the applicable listed drug is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection; and

"(bb) the applicant certifies that it has sought a license for use of such aspect of the elements to assure safe use for the applicable listed drug.

"(ii) ACTION BY SECRETARY.—For an applicable listed drug for which a drug is approved under this subsection, the Secretary—

"(I) shall undertake any communication plan to health care providers required under section (o)(5)(C) for the applicable listed drug;

"(II) shall conduct, or contract for, any postapproval study required under subsection (o)(4)(B) for the applicable listed drug;

"(III) shall inform the applicant for a drug approved under this subsection if the approved risk evaluation and mitigation strategy for the applicable listed drug is modified; and

"(IV) in order to minimize the burden on the health care delivery system of different elements to assure safe use for the drug approved under this subsection and the applicable listed drug, may seek to negotiate a voluntary agreement with the owner of the patent, method, or process for a license under which the applicant for such drug may use an aspect of the elements to assure safe use, if required under subsection (o)(6) for the applicable listed drug, that is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection.".

SEC. 207. RESOURCES.

(a) USER FEES.—Subparagraph (F) of section 735(d)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(d)(6)), as amended by section 103, as amended—

(1) in clause (ii), by striking "systems); and" and inserting "systems);"

(2) in clause (iii), by striking "bases)." and inserting "bases); and"; and

(3) by adding at the end the following:

"(iv) reviewing, implementing, and ensuring compliance with risk evaluation and mitigation strategies.".

(b) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—Section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), as amended by section 103, is amended by—

(1) striking the subsection designation and all that follows through ".—Except" and inserting the following:

"(b) FEE REVENUE AMOUNTS.—

"(1) IN GENERAL.—Except"; and

(2) adding at the end the following:

"(2) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—

"(A) IN GENERAL.—Subject to subparagraph (C), in each of fiscal years 2008 through 2012, paragraph (1) shall be applied by substituting the amount determined under subparagraph (B) for '$392,783,000'.

"(B) AMOUNT DETERMINED.—For any fiscal year 2008 through 2012, the amount determined under this subparagraph is the sum of—

"(i) $392,783,000; plus

"(ii) the amount equal to—

"(I)(aa) for fiscal year 2008, $25,000,000;

"(bb) for fiscal year 2009, $35,000,000;

"(cc) for fiscal year 2010, $45,000,000;

"(dd) for fiscal year 2011, $55,000,000; and

"(ee) for fiscal year 2012, $65,000,000; minus

"(II) the amount equal to one-fifth of the amount by which the appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceed the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008'.

"(C) LIMITATION.—This paragraph shall not apply for any fiscal year if the amount described under subparagraph (B)(ii) is less than 0.".

(c) STRATEGIC PLAN FOR INFORMATION TECHNOLOGY.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services (referred to in this title as the "Secretary") shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a strategic plan on information technology that includes—

(1) an assessment of the information technology infrastructure, including systems for data collection, access to data in external health care databases, data mining capabilities, personnel, and personnel training programs, needed by the Food and Drug Administration to—

(A) comply with the requirements of this subtitle (and the amendments made by this subtitle);

(B) achieve interoperability within and among the centers of the Food and Drug Administration and between the Food and Drug Administration and product application sponsors;

(C) utilize electronic health records;

(D) implement routine active surveillance under section 505(k)(3) (including complementary approaches under subsection (c) of such section) of the Federal Food, Drug, and Cosmetic Act, as added by section 201 of this Act; and

(E) communicate drug safety information to physicians and other health care providers;

(2) an assessment of the extent to which the current information technology assets of the Food and Drug Administration are sufficient to meet the needs assessments under paragraph (1);

(3) a plan for enhancing the information technology assets of the Food and Drug Administration toward meeting the needs assessments under paragraph (1); and

(4) an assessment of additional resources needed to so enhance the information technology assets of the Food and Drug Administration.

SEC. 208. SAFETY LABELING CHANGES.

(a) IN GENERAL.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

"SEC. 506D. SAFETY LABELING CHANGES.

"(a) NEW SAFETY INFORMATION.—

"(1) NOTIFICATION.—The holder of an approved application under section 505 of this Act or a license under section 351 of the Public Health Service Act (referred to in this section as a 'holder') shall promptly notify the Secretary if the holder becomes aware of new safety information that the holder believes should be included in the labeling of the drug. The Secretary shall promptly notify the holder if the Secretary becomes aware of new safety information that the Secretary believes should be included in the labeling of the drug.

"(2) DISCUSSION REGARDING LABELING CHANGES.—Following notification pursuant to paragraph (1), the Secretary and holder shall initiate discussions of the new safety information in order to reach agreement on whether the labeling for the drug should be modified to reflect the new safety information and, if so, on the contents of such labeling changes.

"(3) SUPPLEMENT.—If the Secretary determines that there is reasonable scientific evidence that an adverse event is associated with use of the drug, the Secretary may request the holder to submit a supplement to an application under section 505 of this Act or to a license under section 351 of the Public Health Service Act (referred to in this section as a 'supplement') proposing changes to the approved labeling to reflect the new safety information, including changes to boxed warnings, contraindications, warnings, precautions, or adverse reactions (referred to in this section as a 'safety labeling change'). If the Secretary determines that no safety labeling change is necessary or appropriate based upon the new safety information, the Secretary shall notify the holder of this determination in writing.

"(b) LABELING SUPPLEMENTS.—

"(1) IN GENERAL.—The holder shall submit a supplement whenever the holder seeks, either at the holder's own initiative or at the request of the Secretary, to make a safety labeling change.

"(2) NONACCELERATED PROCESS.—Unless the accelerated labeling review process described in subsection (c) is initiated, any supplement proposing a safety labeling change shall be reviewed and acted upon by the Secretary not later than 30 days after the date the Secretary receives the supplement. Until the Secretary acts on such a supplement proposing a safety labeling change, the existing approved labeling shall remain in effect and be distributed by the holder without change.

"(3) NEW SAFETY INFORMATION.—Nothing in this section shall prohibit the Secretary from informing health care professionals or the public about new safety information prior to approval of a supplement proposing a safety labeling change.

"(c) ACCELERATED LABELING REVIEW PROCESS.—An accelerated labeling review process shall be available to resolve disagreements in a timely manner between the Secretary and a holder about the need for, or content of, a safety labeling change, as follows:

"(1) REQUEST TO INITIATE ACCELERATED PROCESS.—The accelerated labeling review process shall be initiated upon the written request of either the Secretary or the holder. Such request may be made at any time after the notification described in subsection (a)(1), including during the Secretary's review of a supplement proposing a safety labeling change.

"(2) SCIENTIFIC DISCUSSION AND MEETINGS.—

"(A) IN GENERAL.—Following initiation of the accelerated labeling review process, the Secretary and holder shall immediately initiate discussions to review and assess the new safety information and to reach agreement on whether safety labeling changes are necessary and appropriate and, if so, the content of such safety labeling changes.

"(B) TIME PERIOD.—The discussions under this paragraph shall not extend for more than 45 calendar days after the initiation of the accelerated labeling review process.

"(C) DISPUTE PROCEEDINGS.—If the Secretary and holder do not reach an agreement regarding the safety labeling changes by not later than 25 calendar days after the initiation of the accelerated labeling review process, the dispute automatically shall be referred to the director of the drug evaluation office responsible for the drug under consideration, who shall be required to take an active role in such discussions.

"(3) REQUEST FOR SAFETY LABELING CHANGE AND FAILURE TO AGREE.—If the Secretary and holder fail to reach an agreement on appropriate safety labeling changes by not later than 45 calendar days after the initiation of the accelerated labeling review process—

"(A) on the next calendar day (other than a weekend or Federal holiday) after such period, the Secretary shall—

"(i) request in writing that the holder make any safety labeling change that the Secretary determines to be necessary and appropriate based upon the new safety information; or

"(ii) notify the holder in writing that the Secretary has determined that no safety labeling change is necessary or appropriate; and

"(B) if the Secretary fails to act within the specified time, or if the holder does not agree to make a safety labeling change requested by the Secretary or does not agree with the Secretary's determination that no labeling change is necessary or appropriate, the Secretary (on his own initiative or upon request by the holder) shall refer the matter for expedited review to the Drug Safety Oversight Board.

"(4) ACTION BY THE DRUG SAFETY OVERSIGHT BOARD.—Not later than 45 days after receiving a referral under paragraph (3)(B), the Drug Safety Oversight Board shall—

"(A) review the new safety information;

"(B) review all written material submitted by the Secretary and the holder;

"(C) convene a meeting to hear oral presentations and arguments from the Secretary and holder; and

"(D) make a written recommendation to the Secretary—

"(i) concerning appropriate safety labeling changes, if any; or

"(ii) stating that no safety labeling changes are necessary or appropriate based upon the new safety information.

"(5) CONSIDERATION OF RECOMMENDATIONS.—

"(A) ACTION BY THE SECRETARY.—The Secretary shall consider the recommendation of the Drug Safety Oversight Board made under paragraph (4)(D) and, not later than 20 days after receiving the recommendation—

"(i) issue an order requiring the holder to make any safety labeling change that the Secretary determines to be necessary and appropriate; or

"(ii) if the Secretary determines that no safety labeling change is necessary or appropriate, the Secretary shall notify the holder of this determination in writing.

"(B) FAILURE TO ACT.—If the Secretary fails to act by not later than 20 days after receiving the recommendation of the Drug Safety Oversight Board, the written recommendation of the Drug Safety Oversight Board shall be considered the order of the Secretary under this paragraph.

"(C) NONDELEGATION.—The Secretary's authority under this paragraph shall not be redelegated to an individual below the level of the Director of the Center for Drug Evaluation and Research, or the Director of the Center for Biologics Evaluation and Research, of the Food and Drug Administration.

"(6) MISBRANDING.—If the holder, not later than 10 days after receiving an order under subparagraph (A) or (B) of paragraph (5), does not agree to make a safety labeling change ordered by the Secretary, the Secretary may deem the drug that is the subject of the request to be misbranded.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to change the standards in existence on the date of enactment of this section for determining whether safety labeling changes are necessary or appropriate.".

(b) CONFORMING AMENDMENT.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 et seq.), as amended by section 203, is further amended by adding at the end the following:

"(y) If it is a drug and the holder does not agree to make a safety labeling change ordered by the Secretary under section 506D(c) within 10 days after issuance of such an order.".

SEC. 209. POSTMARKET DRUG SAFETY INFORMATION FOR PATIENTS AND PROVIDERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 251, is amended by adding at the end the following:

"(r) POSTMARKET DRUG SAFETY INFORMATION FOR PATIENTS AND PROVIDERS.—

"(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, the Secretary shall improve the transparency of pharmaceutical data and allow patients and health care providers better access to pharmaceutical data by developing and maintaining an Internet website that—

"(A) provides comprehensive drug safety information for prescription drugs that are approved by the Secretary under this section or licensed under section 351 of the Public Health Service Act; and

"(B) improves communication of drug safety information to patients and providers.

"(2) INTERNET WEBSITE.—The Secretary shall carry out paragraph (1) by—

"(A) developing and maintaining an accessible, consolidated Internet website with easily searchable drug safety information, including the information found on United States Government Internet websites, such as the United States National Library of Medicine's Daily Med and Medline Plus websites, in addition to other such websites maintained by the Secretary;

"(B) ensuring that the information provided on the Internet website is comprehensive and includes, when available and appropriate—

"(i) patient labeling and patient packaging inserts;

"(ii) a link to a list of each drug, whether approved under this section or licensed under such section 351, for which a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations), is required;

"(iii) a link to the clinical trial registry data bank provided for under subsections (i) and (j) of section 402 of the Public Health Service Act;

"(iv) the most recent safety information and alerts issued by the Food and Drug Administration for drugs approved by the Secretary under this section, such as product recalls, warning letters, and import alerts;

"(v) publicly available information about implemented RiskMAPs and risk evaluation and mitigation strategies under subsection (o);

"(vi) guidance documents and regulations related to drug safety; and

"(vii) other material determined appropriate by the Secretary;

"(C) including links to non-Food and Drug Administration Internet resources that provide access to relevant drug safety information, such as medical journals and studies;

"(D) providing access to summaries of the assessed and aggregated data collected from the active surveillance infrastructure under subsection (k)(3) to provide information of known and serious side-effects for drugs approved by the Secretary under this section or licensed under such section 351;

"(E) enabling patients, providers, and drug sponsors to submit adverse event reports through the Internet website;

"(F) providing educational materials for patients and providers about the appropriate means of disposing of expired, damaged, or unusable medications; and

"(G) supporting initiatives that the Secretary determines to be useful to fulfill the purposes of the Internet website.

"(3) POSTING OF DRUG LABELING.—The Secretary shall post on the Internet website established under paragraph (1) the approved professional labeling and any required patient labeling of a drug approved under this section or licensed under such section 351 not later than 21 days after the date the drug is approved or licensed, including in a supplemental application with respect to a labeling change.

"(4) PRIVATE SECTOR RESOURCES.—To ensure development of the Internet website by the date described in paragraph (1), the Secretary may, on a temporary or permanent basis, implement systems or products developed by private entities.

"(5) AUTHORITY FOR CONTRACTS.—The Secretary may enter into contracts with public and private entities to fulfill the requirements of this subsection.

"(6) REVIEW.—The Advisory Committee on Risk Communication under section 566 shall, on a regular basis, perform a comprehensive review and evaluation of the types of risk communication information provided on the Internet website established under paragraph (1) and, through other means, shall identify, clarify, and define the purposes and types of information available to facilitate the efficient flow of information to patients and providers, and shall recommend ways for the Food and Drug Administration to work with outside entities to help facilitate the dispensing of risk communication information to patients and providers.".

SEC. 210. ACTION PACKAGE FOR APPROVAL.

Section 505(l) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(l)) is amended by—

(1) redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(2) striking "(l) Safety and" and inserting "(l)(1) Safety and"; and

(3) adding at the end the following:

"(2) ACTION PACKAGE FOR APPROVAL.—

"(A) ACTION PACKAGE.—The Secretary shall publish the action package for approval of an application under subsection (b) or section 351 of the Public Health Service Act on the Internet website of the Food and Drug Administration–

"(i) not later than 30 days after the date of approval of such application for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act; and

"(ii) not later than 30 days after the third request for such action package for approval received under section 552 of title 5, United States Code, for any other drug.

"(B) IMMEDIATE PUBLICATION OF SUMMARY REVIEW.—Notwithstanding subparagraph (A), the Secretary shall publish, on the Internet website of the Food and Drug Administration, the materials described in subparagraph (C)(iv) not later than 48 hours after the date of approval of the drug, except where such materials require redaction by the Secretary.

"(C) CONTENTS.—An action package for approval of an application under subparagraph (A) shall be dated and shall include the following:

"(i) Documents generated by the Food and Drug Administration related to review of the application.

"(ii) Documents pertaining to the format and content of the application generated during drug development.

"(iii) Labeling submitted by the applicant.

"(iv) A summary review that documents conclusions from all reviewing disciplines about the drug, noting any critical issues and disagreements with the applicant and how they were resolved, recommendation for action, and an explanation of any nonconcurrence with review conclusions.

"(v) If applicable, a separate review from a supervisor who does not concur with the summary review.

"(vi) Identification by name of each officer or employee of the Food and Drug Administration who—

"(I) participated in the decision to approve the application; and

"(II) consents to have his or her name included in the package.

"(D) DISAGREEMENTS.—A scientific review of an application is considered the work of the reviewer and shall not be altered by management or the reviewer once final. Disagreements by team leaders, division directors, or office directors with any or all of the major conclusions of a reviewer shall be document in a separate review or in an addendum to the review.

"(E) CONFIDENTIAL INFORMATION.—This paragraph does not authorize the disclosure of any trade secret or confidential commercial or financial information described in section 552(b)(4) of title 5, United States Code, unless the Secretary declares an emergency under section 319 of the Public Health Service Act and such disclosure is necessary to mitigate the effects of such emergency.".

SEC. 211. RISK COMMUNICATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 566. RISK COMMUNICATION.

"(a) ADVISORY COMMITTEE ON RISK COMMUNICATION.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Risk Communication' (referred to in this section as the 'Committee').

"(2) DUTIES OF COMMITTEE.—The Committee shall advise the Commissioner on methods to effectively communicate risks associated with the products regulated by the Food and Drug Administration.

"(3) MEMBERS.—The Secretary shall ensure that the Committee is composed of experts on risk communication, experts on the risks described in subsection (b), and representatives of patient, consumer, and health professional organizations.

"(4) PERMANENCE OF COMMITTEE.—Section 14 of the Federal Advisory Committee Act shall not apply to the Committee established under this subsection.

"(b) PARTNERSHIPS FOR RISK COMMUNICATION.—

"(1) IN GENERAL.—The Secretary shall partner with professional medical societies, medical schools, academic medical centers, and other stakeholders to develop robust and multi-faceted systems for communication to health care providers about emerging postmarket drug risks.

"(2) PARTNERSHIPS.—The systems developed under paragraph (1) shall—

"(A) account for the diversity among physicians in terms of practice, affinity for technology, and focus; and

"(B) include the use of existing communication channels, including electronic communications, in place at the Food and Drug Administration.".

SEC. 212. REFERRAL TO ADVISORY COMMITTEE.

Section 505 of the Federal Food, Drug, and Cosmetic Act, as amended by section 202, is further amended by adding at the end the following:

"(p) REFERRAL TO ADVISORY COMMITTEE.—

"(1) IN GENERAL.—Prior to the approval of a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act, the Secretary shall refer such drug to a Food and Drug Administration advisory committee for review at a meeting of such advisory committee.

"(2) EXCEPTION.—Notwithstanding paragraph (1), an advisory committee review of a drug described under such paragraph may occur within 1 year after approval of such a drug if—

"(A) the clinical trial that formed the primary basis of the safety and efficacy determination was halted by a drug safety monitoring board or an Institutional Review Board before its scheduled completion due to early unanticipated therapeutic results; or

"(B) the Secretary determines that it would be beneficial to the public health.".

SEC. 213. RESPONSE TO THE INSTITUTE OF MEDICINE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Secretary shall issue a report responding to the 2006 report of the Institute of Medicine entitled "The Future of Drug Safety—Promoting and Protecting the Health of the Public".

(b) CONTENT OF REPORT.—The report issued by the Secretary under subsection (a) shall include—

(1) an update on the implementation by the Food and Drug Administration of its plan to respond to the Institute of Medicine report described under such subsection; and

(2) an assessment of how the Food and Drug Administration has implemented—

(A) the recommendations described in such Institute of Medicine report; and

(B) the requirement under paragraph (7) of section 505(o) of the Federal Food, Drug, and Cosmetic Act (as added by this title), that the appropriate office responsible for reviewing a drug and the office responsible for postapproval safety with respect to the drug act together to assess, implement, and ensure compliance with the requirements of such section 505(o).

SEC. 214. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this subtitle shall take effect 180 days after the date of enactment of this title.

(2) USER FEES.—The amendments made by subsections (a) through (c) of section 207 shall take effect on October 1, 2007.

(b) DRUGS DEEMED TO HAVE RISK EVALUATION AND MITIGATION STRATEGIES.—

(1) IN GENERAL.—A drug that was approved before the effective date of this subtitle shall be deemed to have an approved risk evaluation and mitigation strategy under section 505(o) of the Federal Food, Drug, and Cosmetic Act (as added by this subtitle) if there are in effect on the effective date of this subtitle restrictions on distribution or use—

(A) required under section 314.520 or section 601.42 of title 21, Code of Federal Regulations; or

(B) otherwise agreed to by the applicant and the Secretary for such drug.

(2) RISK EVALUATION AND MITIGATION STRATEGY.—The approved risk evaluation and mitigation strategy deemed in effect for a drug under paragraph (1) shall consist of the elements described in subparagraphs (A) and (B) of paragraph (3) of such section 505(o) and any other additional elements under paragraphs (4), (5), and (6) in effect for such drug on the effective date of this subtitle.

(3) NOTIFICATION.—Not later than 30 days after the effective date of this subtitle, the Secretary shall notify the applicant for each drug described in paragraph (1)—

(A) that such drug is deemed to have an approved risk evaluation and mitigation strategy pursuant to such paragraph; and

(B) of the date, which, unless a safety issue with the drug arises, shall be no earlier than 6 months after the applicant is so notified, by which the applicant shall submit to the Secretary an assessment of such approved strategy under paragraph (7)(B) of such section 505(o).

(4) ENFORCEMENT ONLY AFTER ASSESSMENT AND REVIEW.—Neither the Secretary nor the Attorney General may seek to enforce a requirement of a risk evaluation and mitigation strategy deemed in effect under paragraph (1) before the Secretary has completed review of, and acted on, the first assessment of such strategy under such section 505(o).

(c) NO EFFECT ON VETERINARY MEDICINE.—This subtitle, and the amendments made by this subtitle, shall have no effect on the use of drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act by, or on the lawful written or oral order of, a licensed veterinarian within the context of a veterinarian-client-patient relationship, as provided for under section 512(a)(5) of such Act.

Subtitle B—Reagan-Udall Foundation for the Food and Drug Administration

SEC. 221. THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter I—Reagan-Udall Foundation for the Food and Drug Administration

"SEC. 770. ESTABLISHMENT AND FUNCTIONS OF THE FOUNDATION.

"(a) IN GENERAL.—A nonprofit corporation to be known as the Reagan-Udall Foundation for the Food and Drug Administration (referred to in this subchapter as the 'Foundation') shall be established in accordance with this section. The Foundation shall be headed by an Executive Director, appointed by the members of the Board of Directors under subsection (e). The Foundation shall not be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation is to advance the mission of the Food and Drug Administration to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety.

"(c) DUTIES OF THE FOUNDATION.—The Foundation shall—

"(1) taking into consideration the Critical Path reports and priorities published by the Food and Drug Administration, identify unmet needs in the development, manufacture, and evaluation of the safety and effectiveness, including postapproval, of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics;

"(2) establish goals and priorities in order to meet the unmet needs identified in paragraph (1);

"(3) in consultation with the Secretary, identify existing and proposed Federal intramural and extramural research and development programs relating to the goals and priorities established under paragraph (2), coordinate Foundation activities with such programs, and minimize Foundation duplication of existing efforts;

"(4) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include the Food and Drug Administration, university consortia, public-private partnerships, institutions of higher education, entities described in section 501(c)(3) of the Internal Revenue Code (and exempt from tax under section 501(a) of such Code), and industry, to efficiently and effectively advance the goals and priorities established under paragraph (2);

"(5) recruit meeting participants and hold or sponsor (in whole or in part) meetings as appropriate to further the goals and priorities established under paragraph (2);

"(6) release and publish information and data and, to the extent practicable, license, distribute, and release material, reagents, and techniques to maximize, promote, and coordinate the availability of such material, reagents, and techniques for use by the Food and Drug Administration, nonprofit organizations, and academic and industrial researchers to further the goals and priorities established under paragraph (2);

"(7) ensure that—

"(A) action is taken as necessary to obtain patents for inventions developed by the Foundation or with funds from the Foundation;

"(B) action is taken as necessary to enable the licensing of inventions developed by the Foundation or with funds from the Foundation; and

"(C) executed licenses, memoranda of understanding, material transfer agreements, contracts, and other such instruments, promote, to the maximum extent practicable, the broadest conversion to commercial and noncommercial applications of licensed and patented inventions of the Foundation to further the goals and priorities established under paragraph (2);

"(8) provide objective clinical and scientific information to the Food and Drug Administration and, upon request, to other Federal agencies to assist in agency determinations of how to ensure that regulatory policy accommodates scientific advances and meets the agency's public health mission;

"(9) conduct annual assessments of the unmet needs identified in paragraph (1); and

"(10) carry out such other activities consistent with the purposes of the Foundation as the Board determines appropriate.

"(d) BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Foundation shall have a Board of Directors (referred to in this subchapter as the 'Board'), which shall be composed of ex officio and appointed members in accordance with this subsection. All appointed members of the Board shall be voting members.

"(B) EX OFFICIO MEMBERS.—The ex officio members of the Board shall be the following individuals or their designees:

"(i) The Commissioner.

"(ii) The Director of the National Institutes of Health.

"(iii) The Director of the Centers for Disease Control and Prevention.

"(iv) The Director of the Agency for Healthcare Research and Quality.

"(C) APPOINTED MEMBERS.—

"(i) IN GENERAL.—The ex officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 12 individuals, from a list of candidates to be provided by the National Academy of Sciences. Of such appointed members—

"(I) 4 shall be representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries;

"(II) 3 shall be representatives of academic research organizations;

"(III) 2 shall be representatives of Government agencies, including the Food and Drug Administration and the National Institutes of Health;

"(IV) 2 shall be representatives of patient or consumer advocacy organizations; and

"(V) 1 shall be a representative of health care providers.

"(ii) REQUIREMENT.—The ex officio members shall ensure the Board membership includes individuals with expertise in areas including the sciences of developing, manufacturing, and evaluating the safety and effectiveness of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics.

"(D) INITIAL MEETING.—

"(i) IN GENERAL.—Not later than 30 days after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007, the Secretary shall convene a meeting of the ex officio members of the Board to—

"(I) incorporate the Foundation; and

"(II) appoint the members of the Board in accordance with subparagraph (C).

"(ii) SERVICE OF EX OFFICIO MEMBERS.—Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

"(iii) CHAIR.—The ex officio members of the Board under subparagraph (B) shall designate an appointed member of the Board to serve as the Chair of the Board.

"(2) DUTIES OF BOARD.—The Board shall—

"(A) establish bylaws for the Foundation that—

"(i) are published in the Federal Register and available for public comment;

"(ii) establish policies for the selection of the officers, employees, agents, and contractors of the Foundation;

"(iii) establish policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

"(iv) establish policies that would subject all employees, fellows, and trainees of the Foundation to the conflict of interest standards under section 208 of title 18, United States Code;

"(v) establish licensing, distribution, and publication policies that support the widest and least restrictive use by the public of information and inventions developed by the Foundation or with Foundation funds to carry out the duties described in paragraphs (6) and (7) of subsection (c), and may include charging cost-based fees for published material produced by the Foundation;

"(vi) specify principles for the review of proposals and awarding of grants and contracts that include peer review and that are consistent with those of the Foundation for the National Institutes of Health, to the extent determined practicable and appropriate by the Board;

"(vii) specify a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation;

"(viii) establish policies for the execution of memoranda of understanding and cooperative agreements between the Foundation and other entities, including the Food and Drug Administration;

"(ix) establish policies for funding training fellowships, whether at the Foundation, academic or scientific institutions, or the Food and Drug Administration, for scientists, doctors, and other professionals who are not employees of regulated industry, to foster greater understanding of and expertise in new scientific tools, diagnostics, manufacturing techniques, and potential barriers to translating basic research into clinical and regulatory practice;

"(x) specify a process for annual Board review of the operations of the Foundation; and

"(xi) establish specific duties of the Executive Director;

“(B) prioritize and provide overall direction to the activities of the Foundation;

“(C) evaluate the performance of the Executive Director; and

“(D) carry out any other necessary activities regarding the functioning of the Foundation.

“(3) TERMS AND VACANCIES.—

“(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

“(B) VACANCY.—Any vacancy in the membership of the Board—

“(i) shall not affect the power of the remaining members to execute the duties of the Board; and

“(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

“(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

“(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

“(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

“(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

“(g) EXECUTIVE DIRECTOR.—

“(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

“(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

“(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

“(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

“(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

“(3) prescribe the manner in which—

“(A) real or personal property of the Foundation is acquired, held, and transferred;

“(B) general operations of the Foundation are to be conducted; and

“(C) the privileges granted to the Board by law are exercised and enjoyed;

“(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

“(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

“(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

“(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

“(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

“(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

“(10) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

“(11) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

“(12) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subchapter.

“(i) ACCEPTANCE OF FUNDS FROM OTHER SOURCES.—The Executive Director may solicit and accept on behalf of the Foundation, any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities, for the purposes of carrying out the duties of the Foundation.

“(j) SERVICE OF FEDERAL EMPLOYEES.—Federal Government employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its functions, so long as such employees do not direct or control Foundation activities.

“(k) DETAIL OF GOVERNMENT EMPLOYEES; FELLOWSHIPS.—

“(1) DETAIL FROM FEDERAL AGENCIES.—Federal Government employees may be detailed from Federal agencies with or without reimbursement to those agencies to the Foundation at any time, and such detail shall be without interruption or loss of civil service status or privilege. Each such employee shall abide by the statutory, regulatory, ethical, and procedural standards applicable to the employees of the agency from which such employee is detailed and those of the Foundation.

“(2) VOLUNTARY SERVICE; ACCEPTANCE OF FEDERAL EMPLOYEES.—

“(A) FOUNDATION.—The Executive Director of the Foundation may accept the services of employees detailed from Federal agencies with or without reimbursement to those agencies.

“(B) FOOD AND DRUG ADMINISTRATION.—The Commissioner may accept the uncompensated services of Foundation fellows or trainees. Such services shall be considered to be undertaking an activity under contract with the Secretary as described in section 708.

“(l) ANNUAL REPORTS.—

“(1) REPORTS TO FOUNDATION.—Any recipient of a grant, contract, fellowship, memorandum of understanding, or cooperative agreement from the Foundation under this section shall submit to the Foundation a report on an annual basis for the duration of such grant, contract, fellowship, memorandum of understanding, or cooperative agreement, that describes the activities carried out under such grant, contract, fellowship, memorandum of understanding, or cooperative agreement.

“(2) REPORT TO CONGRESS AND THE FDA.—Beginning with fiscal year 2009, the Executive Director shall submit to Congress and the Commissioner an annual report that—

“(A) describes the activities of the Foundation and the progress of the Foundation in furthering the goals and priorities established under subsection (c)(2), including the practical impact of the Foundation on regulated product development;

“(B) provides a specific accounting of the source and use of all funds used by the Foundation to carry out such activities; and

“(C) provides information on how the results of Foundation activities could be incorporated into the regulatory and product review activities of the Food and Drug Administration.

“(m) SEPARATION OF FUNDS.—The Executive Director shall ensure that the funds received from the Treasury are held in separate accounts from funds received from entities under subsection (i).

“(n) FUNDING.—From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than $500,000 and not more than $1,250,000, to the Foundation to carry out subsections (a), (b), and (d) through (m).”.

(b) OTHER FOUNDATION PROVISIONS.—Chapter VII (21 U.S.C. 371 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

“SEC. 771. LOCATION OF FOUNDATION.

“The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

“SEC. 772. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

“(a) IN GENERAL.—The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 770(l)(2).

“(b) REPORT TO CONGRESS.—Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 770(l)(2) and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

“(c) EXTRAMURAL GRANTS.—The provisions of this subchapter shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007.”.

(c) CONFORMING AMENDMENT.—Section 742(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379l(b)) is amended by adding at the end the following: “Any such fellowships and training programs under this section or under section 770(d)(2)(A)(ix) may include provision by such scientists and physicians of services on a voluntary and uncompensated basis, as the Secretary determines appropriate. Such scientists and physicians shall be subject to all legal and ethical requirements otherwise applicable to officers or employees of the Department of Health and Human Services.”.

SEC. 222. OFFICE OF THE CHIEF SCIENTIST.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 910. OFFICE OF THE CHIEF SCIENTIST.

“(a) ESTABLISHMENT; APPOINTMENT.—The Secretary shall establish within the Office of the Commissioner an office to be known as the Office of the Chief Scientist. The Secretary shall appoint a Chief Scientist to lead such Office.

“(b) DUTIES OF THE OFFICE.—The Office of the Chief Scientist shall—

“(1) oversee, coordinate, and ensure quality and regulatory focus of the intramural research programs of the Food and Drug Administration;

“(2) track and, to the extent necessary, coordinate intramural research awards made by each center of the Administration or science-based office within the Office of the Commissioner, and ensure that there is no duplication of research efforts supported by the Reagan-Udall Foundation for the Food and Drug Administration;

“(3) develop and advocate for a budget to support intramural research;

“(4) develop a peer review process by which intramural research can be evaluated; and

“(5) identify and solicit intramural research proposals from across the Food and Drug Administration through an advisory board composed of employees of the Administration that shall include—

“(A) representatives of each of the centers and the science-based offices within the Office of the Commissioner; and

“(B) experts on trial design, epidemiology, demographics, pharmacovigilance, basic science, and public health.”.

Subtitle C—Clinical Trials

SEC. 231. EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by—

(1) redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) inserting after subsection (i) the following:

“(j) EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.—

“(1) DEFINITIONS; REQUIREMENT.—

“(A) DEFINITIONS.—In this subsection:

“(i) APPLICABLE DEVICE CLINICAL TRIAL.—The term ‘applicable device clinical trial’ means—

“(I) a prospective study of health outcomes comparing an intervention against a control in human subjects intended to support an application under section 515 or 520(m), or a report under section 510(k), of the Federal Food, Drug, and Cosmetic Act (other than a limited study to gather essential information used to refine the device or design a pivotal trial and that is not intended to determine safety and effectiveness of a device); and

“(II) a pediatric postmarket surveillance as required under section 522 of the Federal Food, Drug, and Cosmetic Act.

“(ii) APPLICABLE DRUG CLINICAL TRIAL.—

“(I) IN GENERAL.—The term ‘applicable drug clinical trial’ means a controlled clinical investigation, other than a phase I clinical investigation, of a product subject to section 505 of the Federal Food, Drug, and Cosmetic Act or to section 351 of this Act.

“(II) CLINICAL INVESTIGATION.—For purposes of subclause (I), the term ‘clinical investigation’ has the meaning given that term in section 312.3 of title 21, Code of Federal Regulations.

“(III) PHASE I.—The term ‘phase I’ has the meaning given that term in section 312.21 of title 21, Code of Federal Regulations.

“(iii) CLINICAL TRIAL INFORMATION.—The term ‘clinical trial information’ means those data elements that are necessary to complete an entry in the clinical trial registry data bank under paragraph (2).

“(iv) COMPLETION DATE.—The term ‘completion date’ means, with respect to an applicable drug clinical trial or an applicable device clinical trial, the date on which the last patient enrolled in the clinical trial has completed his or her last medical visit of the clinical trial, whether the clinical trial concluded according to the prespecified protocol plan or was terminated.

“(v) DEVICE.—The term ‘device’ means a device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act.

“(vi) DRUG.—The term ‘drug’ means a drug as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act or a biological product as defined in section 351 of this Act.

“(vii) RESPONSIBLE PARTY.—The term ‘responsible party’, with respect to a clinical trial of a drug or device, means—

“(I) the sponsor of the clinical trial (as defined in section 50.3 of title 21, Code of Federal Regulations (or any successor regulations)) or the principal investigator of such clinical trial if so designated by such sponsor; or

“(II) if no sponsor exists, the grantee, contractor, or awardee for a trial funded by a Federal agency or the principal investigator of such clinical trial if so designated by such grantee, contractor, or awardee.

“(B) REQUIREMENT.—The Secretary shall develop a mechanism by which—

“(i) the responsible party for each applicable drug clinical trial and applicable device clinical trial shall submit the identity and contact information of such responsible party to the Secretary at the time of submission of clinical trial information under paragraph (2); and

“(ii) other Federal agencies may identify the responsible party for an applicable drug clinical trial or applicable device clinical trial.

“(2) EXPANSION OF CLINICAL TRIAL REGISTRY DATA BANK WITH RESPECT TO CLINICAL TRIAL INFORMATION.—

“(A) IN GENERAL.—

“(i) EXPANSION OF DATA BANK.—To enhance patient enrollment and provide a mechanism to track subsequent progress of clinical trials, the Secretary, acting through the Director of NIH, shall expand, in accordance with this subsection, the clinical trials registry of the data bank described under subsection (i)(3)(A) (referred to in this subsection as the ‘registry data bank’). The Director of NIH shall ensure that the registry data bank is made publicly available through the Internet.

“(ii) CONTENT.—Not later than 18 months after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, and after notice and comment, the Secretary shall promulgate regulations to expand the registry data bank to require the submission to the registry data bank of clinical trial information for applicable drug clinical trials and applicable device clinical trials that—

“(I) conforms to the International Clinical Trials Registry Platform trial registration data set of the World Health Organization;

“(II) includes the city, State, and zip code for each clinical trial location, or a toll-free number through which such location information may be accessed;

“(III) if the drug is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act, specifies whether or not there is expanded access to the drug under section 561 of the Federal Food, Drug, and Cosmetic Act for those who do not qualify for enrollment in the clinical trial and how to obtain information about such access;

“(IV) requires the inclusion of such other data elements to the registry data bank as appropriate; and

“(V) becomes effective 90 days after issuance of the final rule.

“(B) FORMAT AND STRUCTURE.—

“(i) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the registry data bank by 1 or more of the following criteria:

“(I) The disease or condition being studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

“(II) The treatment being studied in the clinical trial.

“(III) The location of the clinical trial.

“(IV) The age group studied in the clinical trial, including pediatric subpopulations.

“(V) The study phase of the clinical trial.

“(VI) The source of support for the clinical trial, which may be the National Institutes of Health or other Federal agency, a private industry source, or a university or other organization.

“(VII) The recruitment status of the clinical trial.

“(VIII) The National Clinical Trial number or other study identification for the clinical trial.

“(ii) FORMAT.—The Director of the NIH shall ensure that the registry data bank is easily used by the public, and that entries are easily compared.

“(C) DATA SUBMISSION.—The responsible party for an applicable drug clinical trial shall submit to the Director of NIH for inclusion in the registry data bank the clinical trial information described in subparagraph (A)(ii).

“(D) TRUTHFUL CLINICAL TRIAL INFORMATION.—

“(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this paragraph shall not be false or misleading in any particular.

“(ii) EFFECT.—Clause (i) shall not have the effect of requiring clinical trial information with respect to an applicable drug clinical trial or an applicable device clinical trial to include information from any source other than such clinical trial involved.

“(E) CHANGES IN CLINICAL TRIAL STATUS.—

“(i) ENROLLMENT.—The responsible party for an applicable drug clinical trial or an applicable device clinical trial shall update the enrollment status not later than 30 days after the enrollment status of such clinical trial changes.

“(ii) COMPLETION.—The responsible party for an applicable drug clinical trial or applicable device clinical trial shall report to the Director of NIH that such clinical trial is complete not later than 30 days after the completion date of the clinical trial.

“(F) TIMING OF SUBMISSION.—The clinical trial information for an applicable drug clinical trial or an applicable device clinical trial required to be submitted under this paragraph shall be submitted not later than 21 days after the first patient is enrolled in such clinical trial.

“(G) POSTING OF DATA.—

“(i) APPLICABLE DRUG CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable drug clinical trial submitted in accordance with this paragraph is posted publicly within 30 days of such submission.

“(ii) APPLICABLE DEVICE CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable device clinical trial submitted in accordance with this paragraph is posted publicly within 30 days of clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, or approval under section 515 or section 520(m) of such Act, as applicable.

“(H) VOLUNTARY SUBMISSIONS.—A responsible party for a clinical trial that is not an applicable drug clinical trial or an applicable device clinical trial may submit clinical trial information to the registry data bank in accordance with this subsection.

“(3) EXPANSION OF REGISTRY DATA BANK TO INCLUDE RESULTS OF CLINICAL TRIALS.—

“(A) LINKING REGISTRY DATA BANK TO EXISTING RESULTS.—

“(i) IN GENERAL.—Beginning not later than 90 days after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, for those clinical trials that form the primary basis of an efficacy claim or are conducted after the drug involved is approved or after the device involved is cleared or approved, the Secretary shall ensure that the registry data bank includes links to results information for such clinical trial—

“(I) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

“(II) not later than 30 days after such information becomes publicly available, as applicable.

“(ii) REQUIRED INFORMATION.—

“(I) FDA INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

“(aa) If an advisory committee considered at a meeting an applicable drug clinical trial or an applicable device clinical trial, any posted Food and Drug Administration summary document regarding such applicable drug clinical trial or applicable clinical device trial.

“(bb) If an applicable drug clinical trial was conducted under section 505A or 505B of the Federal Food, Drug, and Cosmetic Act, a link to the posted Food and Drug Administration assessment of the results of such trial.

“(cc) Food and Drug Administration public health advisories regarding the drug or device that is the subject of the applicable drug clinical trial or applicable device clinical trial, respectively, if any.

“(dd) For an applicable drug clinical trial, the Food and Drug Administration action package for approval document required under section 505(l)(2) of the Food Drug and Cosmetic Act.

“(ee) For an applicable device clinical trial, in the case of a premarket application, the detailed summary of information respecting the safety and effectiveness of the device required under section 520(h)(1) of the Federal Food, Drug, and Cosmetic Act, or, in the case of a report under section 510(k) of such Act, the section 510(k) summary of the safety and effectiveness data required under section 807.95(d) of title 21, Code of Federal Regulations (or any successor regulations).

“(II) NIH INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

“(aa) Medline citations to any publications regarding each applicable drug clinical trial and applicable device clinical trial.

“(bb) The entry for the drug that is the subject of an applicable drug clinical trial in the National Library of Medicine database of structured product labels, if available.

“(iii) RESULTS FOR EXISTING DATA BANK ENTRIES.—The Secretary may include the links described in clause (ii) for data bank entries for clinical trials submitted to the data bank prior to enactment of the Enhancing Drug Safety and Innovation Act of 2007, as available.

“(B) FEASIBILITY STUDY.—The Director of NIH shall—

“(i) conduct a study to determine the best, validated methods of making the results of clinical trials publicly available after the approval of the drug that is the subject of an applicable drug clinical trial; and

“(ii) not later than 18 months after initiating such study, submit to the Secretary any findings and recommendations of such study.

“(C) NEGOTIATED RULEMAKING.—

“(i) IN GENERAL.—The Secretary shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code, to determine, for applicable drug clinical trials—

“(I) how to ensure quality and validate methods of expanding the registry data bank to include clinical trial results information for trials not within the scope of this Act;

“(II) the clinical trials of which the results information is appropriate for adding to the expanded registry data bank; and

“(III) the appropriate timing of the posting of such results information.

“(ii) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

“(I) any recommendation for a proposed rule—

“(aa) is provided to the Secretary not later than 21 months after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007; and

“(bb) includes an assessment of the benefits and costs of the recommendation; and

“(II) a final rule is promulgated not later than 30 months after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007, taking into account the recommendations under subclause (I) and the results of the feasibility study conducted under subparagraph (B).

“(iii) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established by the Secretary pursuant to clause (i) shall include members representing—

“(I) the Food and Drug Administration;

“(II) the National Institutes of Health;

“(III) other Federal agencies as the Secretary determines appropriate;

“(IV) patient advocacy and health care provider groups;

“(V) the pharmaceutical industry;

“(VI) contract clinical research organizations;

“(VII) the International Committee of Medical Journal Editors; and

“(VIII) other interested parties, including experts in privacy protection, pediatrics, health information technology, health literacy, communication, clinical trial design and implementation, and health care ethics.

“(iv) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to clause (i) shall establish—

“(I) procedures to determine which clinical trials results information data elements shall be included in the registry data bank, taking into account the needs of different populations of users of the registry data bank;

“(II) a standard format for the submission of clinical trials results to the registry data bank;

“(III) a standard procedure for the submission of clinical trial results information, including the timing of submission and the timing of posting of results information, to the registry data bank, taking into account the possible impacts on publication of manuscripts based on the clinical trial;

“(IV) a standard procedure for the verification of clinical trial results information, including ensuring that free text data elements are non-promotional; and

“(V) an implementation plan for the prompt inclusion of clinical trials results information in the registry data bank.

“(D) CONSIDERATION OF WORLD HEALTH ORGANIZATION DATA SET.—The Secretary shall consider the status of the consensus data elements set for reporting clinical trial results of the World Health Organization when promulgating the regulations under subparagraph (C).

“(E) TRUTHFUL CLINICAL TRIAL INFORMATION.—

“(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this paragraph shall not be false or misleading in any particular.

“(ii) EFFECT.—Clause (i) shall not have the effect of requiring clinical trial information with respect to an applicable drug clinical trial or an applicable device clinical trial to include information from any source other than such clinical trial involved.

“(F) WAIVERS REGARDING CERTAIN CLINICAL TRIAL RESULTS.—The Secretary may waive any applicable requirements of this paragraph for an applicable drug clinical trial or an applicable device clinical trial, upon a written request from the responsible person, if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public interest, consistent with the protection of public health, or in the interest of national security. Not later than 30 days after any part of a waiver is granted, the Secretary shall notify, in writing, the appropriate committees of Congress of the waiver and provide an explanation for why the waiver was granted.

“(4) COORDINATION AND COMPLIANCE.—

“(A) CLINICAL TRIALS SUPPORTED BY GRANTS FROM FEDERAL AGENCIES.—

“(i) IN GENERAL.—No Federal agency may release funds under a research grant to an awardee who has not complied with paragraph (2) for any applicable drug clinical trial or applicable device clinical trial for which such person is the responsible party.

“(ii) GRANTS FROM CERTAIN FEDERAL AGENCIES.—If an applicable drug clinical trial or applicable device clinical trial is funded in whole or in part by a grant from the Food and Drug Administration, National Institutes of Health, the Agency for Healthcare Research and Quality, or the Department of Veterans Affairs, any grant or progress report forms required under such grant shall include a certification that the responsible party has made all required submissions to the Director of NIH under paragraph (2).

“(iii) VERIFICATION BY FEDERAL AGENCIES.—The heads of the agencies referred to in clause (ii), as applicable, shall verify that the clinical trial information for each applicable drug clinical trial or applicable device clinical trial for which a grantee is the responsible party has been submitted under paragraph (2) before releasing any remaining funding for a grant or funding for a future grant to such grantee.

“(iv) NOTICE AND OPPORTUNITY TO REMEDY.—If the head of an agency referred to in clause (ii), as applicable, verifies that a grantee has not submitted clinical trial information as described in clause (iii), such agency head shall provide notice to such grantee of such non-compliance and allow such grantee 30 days to correct such non-compliance and submit the required clinical trial information.

“(v) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

“(I) consult with other agencies that conduct research involving human subjects in accordance with any section of part 46 of title 45, Code of Federal Regulations (or any successor regulations), to determine if any such research is an applicable drug clinical trial or an applicable device clinical trial under paragraph (1); and

"(II) develop with such agencies procedures comparable to those described in clauses (ii), (iii), and (iv) to ensure that clinical trial information for such applicable drug clinical trials and applicable device clinical trial is submitted under paragraph (2).

"(B) CERTIFICATION TO ACCOMPANY DRUG, BIOLOGICAL PRODUCT, AND DEVICE SUBMISSIONS.—At the time of submission of an application under section 505 of the Federal Food, Drug, and Cosmetic Act, section 515 of such Act, section 520(m) of such Act, or section 351 of this Act, or submission of a report under section 510(k) of such Act, such application or submission shall be accompanied by a certification that all applicable requirements of this subsection have been met. Where available, such certification shall include the appropriate National Clinical Trial control numbers.

"(C) VERIFICATION OF SUBMISSION PRIOR TO POSTING.—In the case of clinical trial information that is submitted under paragraph (2), but is not made publicly available pending regulatory approval or clearance, as applicable, the Director of NIH shall respond to inquiries from other Federal agencies and peer-reviewed scientific journals to confirm that such clinical trial information has been submitted but has not yet been posted.

"(5) LIMITATION ON DISCLOSURE OF CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—Nothing in this subsection (or under section 552 of title 5, United States Code) shall require the Secretary to publicly disclose, from any record or source other than the registry data bank expanded under this subsection, information described in subparagraph (B).

"(B) INFORMATION DESCRIBED.—Information described in this subparagraph is—

"(i) information submitted to the Director of NIH under this subsection, or information of the same general nature as (or integrally associated with) the information so submitted; and

"(ii) not otherwise publicly available, including because it is protected from disclosure under section 552 of title 5, United States Code.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(jj)(1) The failure to submit the certification required by section 402(j)(4)(B) of the Public Health Service Act, or knowingly submitting a false certification under such section.

"(2) The submission of clinical trial information under subsection (i) or (j) of section 402 of the Public Health Service Act that is promotional or false or misleading in any particular under paragraph (2) or (3) of such subsection (j).".

(2) CIVIL MONEY PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)), as amended by section 203, is further amended by—

(A) redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) inserting after paragraph (3) the following:

"(4) Any person who violates section 301(jj) shall be subject to a civil monetary penalty of not more than $10,000 for the first violation, and not more than $20,000 for each subsequent violation.";

(C) in paragraph (2)(C), by striking "paragraph (4)(A)" and inserting "paragraph (5)(A)";

(D) in paragraph (5), as so redesignated, by striking "paragraph (1), (2), or (3)" each place it appears and inserting "paragraph (1), (2), (3), or (4)"; and

(E) in paragraph (7), as so redesignated, by striking "paragraph (5)" each place it appears and inserting "paragraph (6)".

(3) NEW DRUGS AND DEVICES.—

(A) INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended in paragraph (4), by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent form a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank pursuant to subsections (i) and (j) of section 402 of the Public Health Service Act.".

(B) NEW DRUG APPLICATIONS.—Section 505(b) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(6) An application submitted under this subsection shall be accompanied by the certification required under section 402(j)(4)(B) of the Public Health Service Act. Such certification shall not be considered an element of such application.".

(C) DEVICE REPORTS UNDER SECTION 510(k).—Section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) is amended by adding at the end the following:

"A notification submitted under this subsection that contains clinical trial data for an applicable device clinical trial (as defined in section 402(j)(1) of the Public Health Service Act) shall be accompanied by the certification required under section 402(j)(4)(B) of such Act. Such certification shall not be considered an element of such notification.".

(D) DEVICE PREMARKET APPROVAL APPLICATION.—Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended—

(i) in subparagraph (F), by striking "; and" and inserting a semicolon;

(ii) by redesignating subparagraph (G) as subparagraph (H); and

(iii) by inserting after subparagraph (F) the following:

"(G) the certification required under section 402(j)(4)(B) of the Public Health Service Act (which shall not be considered an element of such application); and".

(E) HUMANITARIAN DEVICE EXEMPTION.—Section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended in the first sentence in the matter following subparagraph (C), by inserting at the end before the period "and such application shall include the certification required under section 402(j)(4)(B) of the Public Health Service Act (which shall not be considered an element of such application)".

(c) PREEMPTION.—

(1) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect any requirement for the registration of clinical trials or for the inclusion of information relating to the results of clinical trials in a database.

(2) RULE OF CONSTRUCTION.—The fact of submission of clinical trial information, if submitted in compliance with subsection (i) and (j) of section 402 of the Public Health Service Act (as amended by this section), that relates to a use of a drug or device not included in the official labeling of the approved drug or device shall not be construed by the Secretary or in any administrative or judicial proceeding, as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. The availability of clinical trial information through the data bank under such subsections (i) and (j), if submitted in compliance with such subsections, shall not be considered as labeling, adulteration, or misbranding of the drug or device under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) TRANSITION RULE; EFFECTIVE DATE OF FUNDING RESTRICTIONS.—

(1) TRANSITION RULE FOR CLINICAL TRIALS INITIATED PRIOR TO EXPANSION OF REGISTRY DATA BANK.—The responsible party (as defined in paragraph (1) of section 402(j) of the Public Health Service Act (as added by this section)) for an applicable drug clinical trial or applicable device clinical trial (as defined under such paragraph (1)) that is initiated after the date of enactment of this subtitle and before the effective date of the regulations promulgated under paragraph (2) of such section 402(j), shall submit required clinical trial information under such section not later than 120 days after such effective date.

(2) FUNDING RESTRICTIONS.—Subparagraph (A) of paragraph (4) of such section 402(j) shall take effect 210 days after the effective date of the regulations promulgated under paragraph (2) of such section 402(j).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Beginning 90 days after the date of enactment of this title, the responsible party for an applicable drug clinical trial or an applicable device clinical trial (as that term is defined in such section 402(j)) that is initiated after the date of enactment of this title and before the effective date of the regulations issued under subparagraph (A) of paragraph (2) of such subsection, shall submit clinical trial information under such paragraph (2).

(2) RULEMAKING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (c)(1) shall become effective on the date on which the regulation promulgated pursuant to section 402(j)(3)(C)(i) of the Public Health Service Act, as added by this section, becomes effective.

(B) EXCEPTION.—Subsection (c)(1) shall apply with respect to any clinical trial for which the registry data bank includes links to results information, as provided for under section 402(j)(3)(A) of such Act, as added by this section.

Subtitle D—Conflicts of Interest

SEC. 241. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

"SEC. 712. CONFLICTS OF INTEREST.

"(a) DEFINITIONS.—For purposes of this section:

"(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

"(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

"(b) Appointments to Advisory Committees.—

"(1) Recruitment.—

"(A) In general.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary shall carry out informational and recruitment activities for purposes of recruiting individuals to serve as advisory committee members. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

"(B) Recruitment activities.—The recruitment activities under subparagraph (A) may include—

"(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

"(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

"(iii) developing a method through which an entity receiving National Institutes of Health funding can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

"(2) Evaluation and criteria.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

"(c) Granting and Disclosure of Waivers.—

"(1) In general.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

"(2) Financial interest of advisory committee member or family member.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

"(3) Waiver.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

"(4) Limitation.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

"(5) Disclosure of waiver.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

"(A) 15 or more days in advance.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

"(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

"(ii) the reasons of the Secretary for such determination, certification, or waiver.

"(B) Less than 30 days in advance.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) Public Record.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) Annual Report.—Not later than February 1 of each year, the Secretary shall submit to the Inspector General of the Department of Health and Human Services, the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

"(f) Periodic Review of Guidance.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) Conforming Amendment.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007.

Subtitle E—Other Drug Safety Provisions

SEC. 251. DATABASE FOR AUTHORIZED GENERIC DRUGS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this title, is further amended by adding at the end the following:

"(q) Database for Authorized Generic Drugs.—

"(1) In general.—

"(A) Publication.—The Commissioner shall—

"(i) not later than 9 months after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, publish a complete list on the Internet website of the Food and Drug Administration of all authorized generic drugs (including drug trade name, brand company manufacturer, and the date the authorized generic drug entered the market); and

"(ii) update the list quarterly to include each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug during the preceding 3-month period.

"(B) Notification.—The Commissioner shall notify relevant Federal agencies, including the Centers for Medicare & Medicaid Services and the Federal Trade Commission, any time the Commissioner updates the information described in subparagraph (A).

"(2) Inclusion.—The Commissioner shall include in the list described in paragraph (1) each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug after January 1, 1999.

"(3) Authorized generic drug.—In this section, the term 'authorized generic drug' means a listed drug (as that term is used in subsection (j)) that—

"(A) has been approved under subsection (c); and

"(B) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.".

SEC. 252. MEDICAL MARIJUANA.

The Secretary shall require that State-legalized medical marijuana be subject to the full regulatory requirements of the Food and Drug Administration, including a risk evaluation and mitigation strategy and all other requirements and penalties of the Federal

Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

TITLE III—MEDICAL DEVICES

SEC. 300. REFERENCES.

Except as otherwise specified, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Subtitle A—Device User Fees

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Medical Device User Fee Amendments of 2007".

SEC. 302. DEVICE FEES.

Section 737 (21 U.S.C. 379i) is amended—

(1) by striking the section designation and all that follows through "For purposes of this subchapter" and inserting the following:

"SEC. 737. DEVICE FEES.

"(a) PURPOSE.—It is the purpose of this part that the fees authorized under this part be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

"(b) REPORTS.—

"(1) PERFORMANCE REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications, supplements, and premarket notifications in the cohort.

"(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

"(c) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of device applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(d) DEFINITIONS.—For purposes of this part:";

(2) by redesignating paragraphs (5), (6), (7), and (8), as paragraphs (7), (8), (9), and (11), respectively;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "or an efficacy supplement," and inserting "an efficacy supplement, or a 30-day notice,"; and

(B) by adding at the end the following:

"(F) The term '30-day notice' means a supplement to an approved premarket application or premarket report under section 515 that is limited to a request to make modifications to manufacturing procedures or methods of manufacture affecting the safety and effectiveness of the device.";

(4) by inserting after paragraph (4) the following:

"(5) The term 'request for classification information' means a request made under section 513(g) for information respecting the class in which a device has been classified or the requirements applicable to a device.

"(6) The term 'annual fee for periodic reporting concerning a class III device' means the fee associated with reports imposed by a premarket application approval order (as described in section 814.82(a)(7) of title 21, Code of Federal Regulations), usually referred to as 'annual reports.'";

(5) in paragraph (9), as redesignated by paragraph (2)—

(A) by striking "April of" and inserting "October of"; and

(B) by striking "April 2002" and inserting "October 2001";

(6) by inserting after paragraph (9), as redesignated by paragraph (2), the following:

"(10) The term 'person' includes an affiliate of such person."; and

(7) by adding at the end the following:

"(12) The term 'establishment subject to a registration fee' means an establishment required to register with the Secretary under section 510 at which any of the following types of activities are conducted:

"(A) MANUFACTURER.—An establishment that makes by any means any article that is a device including an establishment that sterilizes or otherwise makes such article for or on behalf of a specification developer or any other person.

"(B) SINGLE-USE DEVICE REPROCESSOR.—An establishment that performs manufacturing operations on a single-use device that has previously been used on a patient.

"(C) SPECIFICATION DEVELOPER.—An establishment that develops specifications for a device that is distributed under the establishment's name but that performs no manufacturing, including establishments that, in addition to developing specifications, arrange for the manufacturing of devices labeled with another establishment's name by a contract manufacturer.

"(13) The term 'establishment registration fee' means a fee assessed under section 738(a)(3) for the registration of an establishment subject to a registration fee.

"(e) SUNSET.—This part shall cease to be effective on October 1, 2012, except that subsection (b) with respect to reports shall cease to be effective January 31, 2013.".

SEC. 303. AUTHORITY TO ASSESS AND USE DEVICE FEES.

Section 738 (21 U.S.C. 379j) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the header, by inserting ", AND ANNUAL FEE FOR PERIODIC REPORTING CONCERNING A CLASS III DEVICE" after "FEE";

(ii) in subparagraph (A)—

(I) in clause (iii), by inserting "75 percent of" after "a fee equal to";

(II) in clause (iv), by striking "21.5" and inserting "15";

(III) in clause (v), by striking "7.2" and inserting "7";

(IV) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(V) by inserting after clause (v) the following:

"(vi) For a 30-day notice, a fee equal to 1.6 percent of the fee that applies under clause (i).";

(VI) in clause (viii), as redesignated by subclause (IV)—

(aa) by striking "1.42" and inserting "1.84"; and

(bb) by striking ", subject to any adjustment under subsection (e)(2)(C)(ii)"; and

(VII) by adding at the end the following:

"(ix) For a request for classification information, a fee equal to 1.35 percent of the fee that applies under clause (i).

"(x) For periodic reporting concerning a class III device, the annual fee shall be equal to 3.5 percent of the fee that applies under clause (i).";

(iii) in subparagraph (C)—

(I) in the first sentence—

(aa) by striking "or"; and

(bb) by striking "except that" and all that follows through the period and inserting ", 30-day notice, request for classification information, or periodic report concerning a class III device."; and

(II) by striking the third sentence; and

(iv) in subparagraph (D)—

(I) in clause (iii), by striking the last two sentences; and

(II) by adding at the end the following:

"(iv) MODULAR APPLICATION WITHDRAWN BEFORE FIRST ACTION.—The Secretary shall refund 75 percent of the application fee paid for a modular application submitted under section 515(c)(4) that is withdrawn before a second module is submitted and before a first action on the first module. If the modular application is withdrawn after a second or subsequent module is submitted but before any first action, the Secretary may return a portion of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of the modules submitted.

"(v) SOLE DISCRETION TO REFUND.—The Secretary shall have sole discretion to refund a fee or portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable."; and

(B) by adding at the end the following:

"(3) ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each establishment subject to a registration fee shall be subject to a fee for each initial or annual registration beginning with its registration for fiscal year 2008.

"(B) EXCEPTION FOR FEDERAL OR STATE GOVERNMENT ESTABLISHMENT.—No fee shall be required under subparagraph (A) for an establishment operated by a Federal or State government entity unless a device manufactured by the establishment is to be distributed commercially.

"(C) PAYMENT.—The annual establishment registration fee shall be due once each fiscal year, upon the initial registration of the establishment or upon the annual registration under section 510.";

(2) by striking subsection (b) and inserting the following:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), and (e), the fees under subsection (a) shall be based on the following fee amounts:

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Premarket Application	$185,000	$200,725	$217,787	$236,298	$256,384
Establishment Registration Fee	$1,706	$1,851	$2,008	$2,179	$2,364";

(3) in subsection (c)—

(A) in the heading, by striking "Annual Fee Setting.—" and inserting "ANNUAL FEE SETTING.—";

(B) in paragraph (1), by striking the second sentence;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

"(2) ADJUSTMENT OF ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—When setting the fees for fiscal year 2010, the Secretary may increase the establishment registration fee specified in subsection (b) only if the Secretary estimates that the number of establishments submitting fees for fiscal year 2009 is less than 12,250. The percent increase shall be the percent by which the estimate of establishments submitting fees in fiscal year 2009 is less than 12,750, but in no case shall the percent increase be more than 8.5 percent over the amount for such fee specified in subsection (b) for fiscal year 2010. If the Secretary makes any adjustment to the establishment registration fee for fiscal year 2010, then the establishment registration fee for fiscal years 2011 and 2012 under subsection (b) shall be adjusted as follows: the fee for fiscal year 2011 shall be equal to the adjusted fee for fiscal year 2010, increased by 8.5 percent, and the fee for fiscal year 2012 shall be equal to the adjusted fee for fiscal year 2011, increased by 8.5 percent.

"(B) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary shall publish any determination with respect to any establishment registration fee adjustment made under subparagraph (A), and the rationale for such determination, in the Federal Register."; and

(E) in paragraph (4)(A), as so redesignated—

(i) by striking "For fiscal years 2006 and 2007, the" and inserting "The"; and

(ii) by striking "of fiscal year 2008" and inserting "of the next fiscal year";

(4) in subsection (d)—

(A) in paragraph (1), by striking ", partners, and parent firms";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", partners, and parent firms";

(ii) in subparagraph (B)—

(I) by striking "An applicant shall" and inserting the following:

"(i) IN GENERAL.—An applicant shall";

(II) by striking "The applicant shall support" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support";

(III) by striking ", partners, and parent firms" both places the term appears;

(IV) by striking "partners, or parent firms, the" and inserting "the";

(V) by striking ", partners, or parent firms, respectively"; and

(VI) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of the following:

"(I) A signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant meets the criteria for a small business.

"(II) A certification, in English, from the national taxing authority of the country in which it is headquartered. Such certification shall provide the applicant's gross receipts and sales for the most recent year, in both the local currency and in United States dollars, the exchange rate used in making this conversion to dollars, and the dates during which these receipts and sales were collected, and it shall bear the official seal of the national taxing authority.

"(III) Identical certifications shall be provided for each of the applicant's affiliates.

"(IV) A statement signed by the head of the applicant or its chief financial officer that it has submitted certifications for all of its affiliates, or that it had no affiliates, whichever is applicable."; and

(iii) in subparagraph (C)—

(I) by striking "reduced rate of" and inserting "reduced rate of—"; and

(II) by striking "38 percent" and all that follows through the period and inserting the following:

"(i) 25 percent of the fee established under such subsection for a premarket application, a premarket report, a supplement, or a periodic report concerning a class III device; and

"(ii) 50 percent of the fee established under such subsection for a 30-day notice or a request for classification information.";

(5) in subsection (e)—

(A) in paragraph (1), by striking "2004" and inserting "2008"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", partners, and parent firms";

(ii) by striking subparagraph (B) and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for the lower fee rate.

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, and a copy of such returns of its affiliates, which show an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant, and each of such affiliates, shall certify that the information provided is a true and accurate copy of the actual tax forms they submitted to the Internal Revenue Service. If no tax forms are submitted for affiliates, the applicant shall certify that the applicant has no affiliates.

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of the following:

"(I) A signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant meets the criteria for a small business.

"(II) A certification, in English, from the national taxing authority of the country in which it is headquartered. Such certification shall provide the applicant's gross receipts and sales for the most recent year, in both the local currency and in United States dollars, and the exchange rate used in making such conversion to dollars, and the dates during which such receipts and sales were collected, and it shall bear the official seal of the national taxing authority.

"(III) Identical certifications shall be provided for each of the applicant's affiliates.

"(IV) A statement signed by the head of the applicant or its chief financial officer that it has submitted certifications for all of its affiliates, or that it had no affiliates, whichever is applicable."; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) REDUCED FEES.—For fiscal year 2008 and each subsequent fiscal year, where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 50 percent of the fee that applies under subsection (a)(2)(A)(viii) and as established under subsection (c)(1).";

(6) by striking subsection (f) and inserting the following:

"(f) EFFECT OF FAILURE TO PAY FEES.—

"(1) IN GENERAL.—A premarket application, premarket report, supplement, or premarket notification submission, 30-day notice, request for classification information, or periodic report concerning a class III device submitted by a person subject to fees under paragraphs (2) and (3) of subsection (a) shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

"(2) REGISTRATION INFORMATION.—Registration information submitted by an establishment subject to a registration fee under subsection (a)(3) shall be considered incomplete and shall not be accepted by the Secretary until the registration fee owed for the establishment has been paid. Until the fee is paid and the registration is complete, the establishment shall be deemed to have failed to register in accordance with section 510.";

(7) in subsection (g)—

(A) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE GOALS; TERMINATION OF PROGRAM.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

"(A) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is more than 1 percent less than $205,720,000 multiplied by the adjustment factor applicable to such fiscal year; or

"(B) fees were not assessed under subsection (a) for the previous fiscal year."; and

(B) in paragraph (2), by striking "and premarket notification submissions, and" and inserting "premarket notification submissions, 30-day notices, requests for classification information, periodic reports concerning a class III device, and establishment registrations"; and

(8) in subsection (h), by striking paragraphs (3) and (4) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $48,431,000 for fiscal year 2008;

"(B) $52,547,000 for fiscal year 2009;

"(C) $57,014,000 for fiscal year 2010;

"(D) $61,860,000 for fiscal year 2011; and

"(E) $67,118,000 for fiscal year 2012.

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, added to the amount estimated to be collected for fiscal year 2011 (which estimate shall be based upon the amount of fees received by the Secretary through June 30, 2011), exceeds the amount of fees specified in aggregate in paragraph (3) for such 4 fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

SEC. 304. SAVINGS CLAUSE.

Notwithstanding section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250), and notwithstanding the amendments made by this subtitle, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this subtitle, shall continue to be in effect with respect to premarket applications, premarket reports, premarket notification submissions, and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 305. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on October 1, 2007.

Subtitle B—Amendments Regarding Regulation of Medical Devices

SEC. 311. INSPECTIONS BY ACCREDITED PERSONS.

Section 704(g) (21 U.S.C. 374(g)) is amended—

(1) in paragraph (1), by striking "Not later than one year after the date of enactment of this subsection, the Secretary" and inserting "The Secretary";

(2) in paragraph (2), by—

(A) striking "Not later than 180 days after the date of enactment of this subsection, the" and inserting "The Secretary"; and

(B) striking the fifth sentence;

(3) in paragraph (3), by adding at the end the following:

"(F) Such person shall notify the Secretary of any withdrawal, suspension, restriction, or expiration of certificate of conformance with the quality systems standard referred to in paragraph (7) for any device establishment that such person inspects under this subsection not later than 30 days after such withdrawal, suspension, restriction, or expiration.

"(G) Such person may conduct audits to establish conformance with the quality systems standard referred to in paragraph (7).";

(4) by amending paragraph (6) to read as follows:

"(6)(A) Subject to subparagraphs (B) and (C), a device establishment is eligible for inspection by persons accredited under paragraph (2) if the following conditions are met:

"(i) The Secretary classified the results of the most recent inspection of the establishment as 'no action indicated' or 'voluntary action indicated'.

"(ii) With respect to inspections of the establishment to be conducted by an accredited person, the owner or operator of the establishment submits to the Secretary a notice that—

"(I) provides the date of the last inspection of the establishment by the Secretary and the classification of that inspection;

"(II) states the intention of the owner or operator to use an accredited person to conduct inspections of the establishment;

"(III) identifies the particular accredited person the owner or operator intends to select to conduct such inspections; and

"(IV) includes a certification that, with respect to the devices that are manufactured, prepared, propagated, compounded, or processed in the establishment—

"(aa) at least 1 of such devices is marketed in the United States; and

"(bb) at least 1 of such devices is marketed, or is intended to be marketed, in 1 or more foreign countries, 1 of which countries certifies, accredits, or otherwise recognizes the person accredited under paragraph (2) and identified under subclause (III) as a person authorized to conduct inspections of device establishments.

"(B)(i) Except with respect to the requirement of subparagraph (A)(i), a device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 30 days after receiving such notice, issues a response that—

"(I) denies clearance to participate as provided under subparagraph (C); or

"(II) makes a request under clause (ii).

"(ii) The Secretary may request from the owner or operator of a device establishment in response to the notice under subparagraph (A)(ii) with respect to the establishment, or from the particular accredited person identified in such notice—

"(I) compliance data for the establishment in accordance with clause (iii)(I); or

"(II) information concerning the relationship between the owner or operator of the establishment and the accredited person identified in such notice in accordance with clause (iii)(II).

The owner or operator of the establishment, or such accredited person, as the case may be, shall respond to such a request not later than 60 days after receiving such request.

"(iii)(I) The compliance data to be submitted by the owner or operation of a device establishment in response to a request under clause (ii)(I) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h) and with other applicable provisions of this Act. Such data shall include complete reports of inspectional findings regarding good manufacturing practice or other quality control audits that, during the preceding 2-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other compliance data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

"(II) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1).

"(iv) A device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 60 days after receiving the information requested under clause (ii), issues a response that denies clearance to participate as provided under subparagraph (C).

"(C)(i) The Secretary may deny clearance to a device establishment if the Secretary has evidence that the certification under subparagraph (A)(ii)(IV) is untrue and the Secretary provides to the owner or operator of the establishment a statement summarizing such evidence.

"(ii) The Secretary may deny clearance to a device establishment if the Secretary determines that the establishment has failed to demonstrate consistent compliance for purposes of subparagraph (B)(iii)(I) and the Secretary provides to the owner or operator of the establishment a statement of the reasons for such determination.

"(iii)(I) The Secretary may reject the selection of the accredited person identified in the notice under subparagraph (A)(ii) if the Secretary provides to the owner or operator of the establishment a statement of the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request, or that the Secretary has concerns regarding the relationship between the establishment and such accredited person.

"(II) If the Secretary rejects the selection of an accredited person by the owner or operator of a device establishment, the owner or operator may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii) of subparagraph (B), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A)(ii).

"(iv) In the case of a device establishment that is denied clearance under clause (i) or (ii) or with respect to which the selection of the accredited person is rejected under clause (iii), the Secretary shall designate a person to review the statement of reasons, or statement summarizing such evidence, as the case may be, of the Secretary under such clause if, during the 30-day period beginning on the date on which the owner or operator of the establishment receives such statement, the owner or operator requests the review. The review shall commence not later than 30 days after the owner or operator requests the review, unless the Secretary and the owner or operator otherwise agree.";

(5) in paragraph (7)—

(A) by amending subparagraph (A) to read as follows:

"(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report in a form and manner designated by the Secretary to conduct inspections, taking into consideration the goals of international harmonization of quality systems standards. Any official classification of the inspection shall be determined by the Secretary."; and

(B) by adding at the end the following:

"(F) For the purpose of setting risk-based inspectional priorities, the Secretary shall accept voluntary submissions of reports of audits assessing conformance with appropriate quality systems standards set by the International Organization for Standardization (ISO) and identified by the Secretary in public notice. If the owner or operator of an establishment elects to submit audit reports under this subparagraph, the owner or operator shall submit all such audit reports with respect to the establishment during the preceding 2-year periods."; and

(6) in paragraphs (10)(C)(iii), by striking "based" and inserting "base".

SEC. 312. EXTENSION OF AUTHORITY FOR THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523(c) (21 U.S.C. 360m(c)) is amended by striking "2007" and inserting "2012".

SEC. 313. REGISTRATION.

(a) ANNUAL REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES.—Section 510(b) (21 U.S.C. 359(b)) is amended—

(1) by redesignating the existing text as paragraph (1), and indenting and relocating it appropriately;

(2) in paragraph (1), as so redesignated, by striking "or a device or devices"; and

(3) by adding at the end the following new paragraph:

"(2) Between October 1 and December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices shall register with the Secretary his name, places of business, and all such establishments.".

(b) REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 510(i)(1) (21 U.S.C. 359(i)(1)) is amended—

(1) by redesignating the existing text as subparagraph (A), and indenting and relocating it appropriately;

(2) in subparagraph (A), as so redesignated—

(A) by striking "processing of a drug or a device that is imported" and inserting "processing of a drug that is imported"; and

(B) by striking "or device" each place it appears; and

(3) by adding after such subparagraph (A) the following new subparagraph:

"(B) Between October 1 and December 31 of each year, any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary, register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation.".

SEC. 314. FILING OF LISTS OF DRUGS AND DEVICES MANUFACTURED PREPARED, PROPAGATED AND COMPOUNDED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.

Section 510(j)(2) (21 U.S.C. 360(j)(2) is amended, in the matter preceding subparagraph (A), to read as follows:

"(2) Each person who registers with the Secretary under this section shall report to the Secretary (i) with regard to drugs, once during the month of June of each year and once during the month of December of each year, and (ii) with regard to devices, once each year between October 1 and December 31, the following information:".

SEC. 315. ELECTRONIC REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended to read as follows:

"(p)(1) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug, registrations under subsections (b), (c), (d), and (i) of this section (including the submission of updated information) shall be submitted to the Secretary by electronic means, upon a finding by the Secretary that the electronic receipt of such registrations is feasible, unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.

"(2) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, the registration and listing information required by this section shall be submitted to the Secretary by electronic means, unless the Secretary grants a waiver because electronic registration and listing is not reasonable for the person requesting such waiver.".

TITLE IV—PEDIATRIC MEDICAL PRODUCTS

Subtitle A—Best Pharmaceuticals for Children

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Best Pharmaceuticals for Children Amendments of 2007".

SEC. 402. PEDIATRIC STUDIES OF DRUGS.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", and, at the discretion of the Secretary, may include preclinical studies";

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) EXCEPTION.—The Secretary shall not extend a period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.";

(3) in subsection (c)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) EXCEPTION.—The Secretary shall not extend a period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.";

(4) by striking subsection (d) and inserting the following:

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) REQUEST FOR STUDIES.—

"(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

"(B) SINGLE WRITTEN REQUEST.—A single written request—

"(i) may relate to more than 1 use of a drug; and

"(ii) may include uses that are both approved and unapproved.

"(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

"(A) REQUEST AND RESPONSE.—

"(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

"(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

"(II) indicating that the applicant or holder does not agree to the request and the reasons for declining the request.

"(ii) DISAGREE WITH REQUEST.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

"(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

"(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.";

(5) by striking subsections (e) and (f) and inserting the following:

"(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

"(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within 1 year of the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such 1 year period.

"(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

"(1) INTERNAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall create an internal review committee to review all written requests issued and all reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, in accordance with paragraphs (2) and (3).

"(B) MEMBERS.—The committee under subparagraph (A) shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

"(i) Pediatrics.

"(ii) Biopharmacology.

"(iii) Statistics.

"(iv) Drugs and drug formulations.

"(v) Legal issues.

"(vi) Appropriate expertise pertaining to the pediatric product under review.

"(vii) One or more experts from the Office of Pediatric Therapeutics, including an expert in pediatric ethics.

"(viii) Other individuals as designated by the Secretary.

"(2) REVIEW OF WRITTEN REQUESTS.—All written requests under this section shall be reviewed and approved by the committee established under paragraph (1) prior to being issued.

"(3) REVIEW OF PEDIATRIC STUDIES.—The committee established under paragraph (1) shall review all studies conducted pursuant to this section to determine whether to accept or reject such reports under subsection (d)(3).

"(4) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The committee established under paragraph (1) shall be responsible for tracking and making available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of studies conducted under this section;

"(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under this section;

"(C) the types of studies conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

"(E) the labeling changes made as a result of studies conducted under this section;

"(F) an annual summary of labeling changes made as a result of studies conducted under this section for distribution pursuant to subsection (k)(2); and

"(G) information regarding reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.";

(6) in subsection (g)—

(A) in paragraph (1)—

(i) by striking "(c)(1)(A)(ii)" and inserting "(c)(1)(A)(i)(II)"; and

(ii) by striking "(c)(2)" and inserting "(c)(1)(B)";

(B) in paragraph (2), by striking "(c)(1)(B)" and inserting "(c)(1)(A)(ii)";

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking "LIMITATIONS.—A drug" and inserting "LIMITATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(2), a drug"; and

(E) by adding at the end the following:

"(2) EXCLUSIVITY ADJUSTMENT.—

"(A) ADJUSTMENT.—

"(i) IN GENERAL.—With respect to any drug, if the organization designated under subparagraph (B) notifies the Secretary that the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in any calendar year prior to the time the sponsor or holder agrees to the initial written request pursuant to subsection (d)(2), then each period of market exclusivity deemed or extended under subsection (b) or (c) shall be reduced by 3 months for such drug.

"(ii) DETERMINATION.—The determination under clause (i) of the combined annual gross sales shall be determined—

"(I) taking into account only those sales within the United States; and

"(II) taking into account only the sales of all drugs with the same active moiety of the sponsor or holder and its affiliates.

"(B) DESIGNATION.—The Secretary shall designate an organization other than the

Food and Drug Administration to evaluate whether the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in a calendar year as described in subparagraph (A). Prior to designating such organization, the Secretary shall determine that such organization is independent and is qualified to evaluate the sales of pharmaceutical products. The Secretary shall re-evaluate the designation of such organization once every 3 years.

"(C) NOTIFICATION.—Once a year at a time designated by the Secretary, the organization designated under subparagraph (B) shall notify the Food and Drug Administration of all drugs with the same active moiety with combined annual gross sales that exceed $1,000,000,000 during the previous calendar year.";

(7) in subsection (i)—

(A) in the heading, by striking "SUPPLEMENTS" and inserting "CHANGES";

(B) in paragraph (1)—

(i) in the heading, by inserting "APPLICATIONS AND" after "PEDIATRIC";

(ii) by inserting "application or" after "Any";

(iii) by striking "change pursuant to a report on a pediatric study under" and inserting "change as a result of any pediatric study conducted pursuant to"; and

(iv) by inserting "application or" after "to be a priority"; and

(C) in paragraph (2)(A), by—

(i) striking "If the Commissioner" and inserting "If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Commissioner"; and

(ii) striking "an application with" and all that follows through "on appropriate" and inserting "the sponsor and the Commissioner have been unable to reach agreement on appropriate";

(8) by striking subsection (m);

(9) by redesignating subsections (j), (k), (l), and (n), as subsections (k), (m), (o), and (p), respectively;

(10) by inserting after subsection (i) the following:

"(j) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.";

(11) in subsection (k), as redesignated by paragraph (9)—

(A) in paragraph (1)—

(i) by striking "a summary of the medical and" and inserting "the medical, statistical, and"; and

(ii) by striking "for the supplement" and all that follows through the period and inserting "under subsection (b) or (c).";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary shall require that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.";

(12) by inserting after subsection (k), as redesignated by paragraph (9), the following:

"(l) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, during the 1-year period beginning on the date a labeling change is made pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107-109). In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this section in response to such reports.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.";

(13) by inserting after subsection (m), as redesignated by paragraph (9), the following:

"(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

"(1) IN GENERAL.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

"(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B. Prior to making such determination, the Secretary may take not more than 60 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate 1 or more of the pediatric studies of such drug referred to in the sentence preceding this paragraph and fund 1 or more of such studies in their entirety. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer such pediatric study or studies to the Foundation for the National Institutes of Health for the conduct of such study or studies.

"(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

"(2) PUBLIC NOTICE.—The Secretary shall give the public notice of—

"(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision; and

"(B) any referral under paragraph (1)(B) of a drug for inclusion on the list established under section 409I of the Public Health Service Act.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code."; and

(14) in subsection (p), as redesignated by paragraph (9)—

(A) striking "6-month period" and inserting "3-month or 6-month period";

(B) by striking "subsection (a)" and inserting "subsection (b)"; and

(C) by striking "2007" both places it appears and inserting "2012".

(b) EFFECTIVE DATE.—Except as otherwise provided in the amendments made by subsection (a), such amendments shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of enactment of this subtitle.

SEC. 403. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every 3 years.

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

"(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

"(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.";

(2) in subsection (c)—

(A) in the heading, by striking “CONTRACTS” and inserting “PROPOSED PEDIATRIC STUDY REQUESTS”;

(B) by striking paragraphs (4) and (12);

(C) by redesignating paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4);

(D) by inserting before paragraph (2), as redesignated by subparagraph (C), the following:

“(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

“(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

“(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;

“(B) there is no patent protection or market exclusivity protection for at least 1 form of the drug under the Federal Food, Drug, and Cosmetic Act; and

“(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.”;

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by inserting “based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1)” after “issue a written request”;

(ii) by striking “in the list described in subsection (a)(1)(A) (except clause (iv))” and inserting “under subsection (a)”; and

(iii) by inserting “and using appropriate formulations for each age group for which the study is requested” before the period at the end;

(F) in paragraph (3), as redesignated by subparagraph (C)—

(i) in the heading, by striking “CONTRACT”;

(ii) by striking “paragraph (1)” and inserting “paragraph (2)”;

(iii) by striking “or if a referral described in subsection (a)(1)(A)(iv) is made,”;

(iv) by striking “for contract proposals” and inserting “for proposals”; and

(v) by inserting “in accordance with subsection (b)” before the period at the end;

(G) in paragraph (4), as redesignated by subparagraph (C)—

(i) by striking “contract”; and

(ii) by striking “paragraph (2)” and inserting “paragraph (3)”;

(H) in paragraph (5)—

(i) by striking the heading and inserting “CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS”; and

(ii) by striking “A contract” and all that follows through “is submitted” and inserting “A contract, grant, or other funding may be awarded under this section only if a proposal is submitted”;

(I) in paragraph (6)(A)—

(i) by striking “a contract awarded” and inserting “an award”; and

(ii) by inserting “, including a written request if issued” after “with the study”; and

(3) by inserting after subsection (c) the following:

“(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress.”

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) $200,000,000 for fiscal year 2008; and

“(B) such sums as are necessary for each of the 4 succeeding fiscal years.

“(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.”.

SEC. 404. REPORTS AND STUDIES.

(a) GAO REPORT.—Not later than January 31, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of the amendments made by this subtitle and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this subtitle and the amendments made by this subtitle, and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)), has increased or decreased as a result of the amendments made by this subtitle;

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this subtitle, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (42 U.S.C. 284m) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

(b) IOM STUDY.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to section 505A of the Federal Food, Drug, and Cosmetic Act. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to such section in order to conduct such study. Such study shall—

(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c) of such section 505A;

(2) review and assess such representative pediatric studies conducted under such subsections (b) and (c) since 1997 and labeling changes made as a result of such studies; and

(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials.

SEC. 405. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g-10(2)) is amended by adding before the period at the end the following: “, including pediatric pharmacological research”.

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288-6(a)(1)) is amended by inserting “including pediatric pharmacological research,” after “pediatric research,”.

SEC. 406. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking “and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of the is Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)” and inserting “and studies for which the Secretary issues a certification under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(n)(1)(A))”.

SEC. 407. CONTINUATION OF OPERATION OF COMMITTEE.

Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following:

“(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.”.

SEC. 408. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a and 355c) with respect to the treatment of pediatric cancers.”; and

(B) by adding at the end the following:

"(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Subcommittee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007."; and

(2) in subsection (d), by striking "2003" and inserting "2009".

SEC. 409. EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.

(a) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products", 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(b) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(1) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(2) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(3) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

Subtitle B—Pediatric Research Improvement

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Pediatric Research Improvement Act".

SEC. 412. PEDIATRIC FORMULATIONS, EXTRAPOLATIONS, AND DEFERRALS.

Section 505B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)) is amended—

(1) in paragraph (4)(C), by adding at the end the following: "An applicant seeking either a partial or full waiver on this ground shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed, and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration";

(2) in paragraph (2)(B), by adding at the end the following:

"(iii) INFORMATION ON EXTRAPOLATION.—A brief documentation of the scientific data supporting the conclusion under clauses (i) and (ii) shall be included in any pertinent reviews for the application under section 505 or section 351 of the Public Health Service Act."; and

(3) by striking paragraph (3) and inserting the following:

"(3) DEFERRAL.—

"(A) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(i) the Secretary finds that—

"(I) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(II) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(III) there is another appropriate reason for deferral; and

"(ii) the applicant submits to the Secretary—

"(I) certification of the grounds for deferring the assessments;

"(II) a description of the planned or ongoing studies;

"(III) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time; and

"(IV) a timeline for the completion of such studies.

"(B) ANNUAL REVIEW.—

"(i) IN GENERAL.—On an annual basis following the approval of a deferral under subparagraph (A), the applicant shall submit to the Secretary the following information:

"(I) Information detailing the progress made in conducting pediatric studies.

"(II) If no progress has been made in conducting such studies, evidence and documentation that such studies will be conducted with due diligence and at the earliest possible time.

"(ii) PUBLIC AVAILABILITY.—The information submitted through the annual review under clause (i) shall promptly be made available to the public in an easily accessible manner, including through the website of the Food and Drug Administration.".

SEC. 413. IMPROVING AVAILABILITY OF PEDIATRIC DATA FOR ALREADY MARKETED PRODUCTS.

Section 505B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—After providing notice in the form of a letter, or a written request under section 505A that was declined by the sponsor or holder, and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the sponsor or holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) and the written request, as appropriate, if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) adequate pediatric labeling could confer a benefit on pediatric patients;

"(B) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; or

"(C) the absence of adequate pediatric labeling could pose a risk to pediatric patients.";

(2) in paragraph (2)(C), by adding at the end the following: "An applicant seeking either a partial or full waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed, and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration."; and

(3) by striking paragraph (3) and inserting the following:

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.".

SEC. 414. SUNSET; REVIEW OF PEDIATRIC ASSESSMENTS; ADVERSE EVENT REPORTING; LABELING CHANGES; AND PEDIATRIC ASSESSMENTS.

Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) redesignating subsection (h) as subsection (j);

(2) in subsection (j), as so redesignated, by striking "505A(n)" and inserting "505A(p)";

(3) by redesignating subsection (f) as subsection (k);

(4) by redesignating subsection (g) as subsection (l); and

(5) by inserting after subsection (e) the following:

"(f) REVIEW OF PEDIATRIC ASSESSMENT REQUESTS, PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—

"(1) REVIEW.—The Secretary shall create an internal committee to review all pediatric assessment requests issued under this section, all pediatric assessments conducted under this section, and all deferral and waiver requests made pursuant to this section. Such internal committee shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

"(A) Pediatrics.

"(B) Biopharmacology.

"(C) Statistics.

"(D) Drugs and drug formulations.

"(E) Pediatric ethics.

"(F) Legal issues.

"(G) Appropriate expertise pertaining to the pediatric product under review.

"(H) 1 or more experts from the Office of Pediatric Therapeutics.

"(I) Other individuals as designated by the Secretary.

"(2) REVIEW OF REQUESTS FOR PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—All written requests for a pediatric assessment issued pursuant to this section and all requests for deferrals and waivers from the requirement to conduct a pediatric assessment under this section shall be reviewed and approved by the committee established under paragraph (1).

"(3) REVIEW OF ASSESSMENTS.—The committee established under paragraph (1) shall review all assessments conducted under this section to determine whether such assessments meet the requirements of this section.

"(4) TRACKING OF ASSESSMENTS AND LABELING CHANGES.—The committee established under paragraph (1) is responsible for tracking and making public in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of assessments conducted under this section;

"(B) the specific drugs and drug uses assessed under this section;

"(C) the types of assessments conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the total number of deferrals requested and granted under this section, and, if granted, the reasons for such deferrals, the timeline for completion, and the number completed and pending by the specified date, as outlined in subsection (a)(3);

"(E) the number of waivers requested and granted under this section, and, if granted, the reasons for the waivers;

"(F) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons any such formulations were not developed;

"(G) the labeling changes made as a result of assessments conducted under this section;

"(H) an annual summary of labeling changes made as a result of assessments conducted under this section for distribution pursuant to subsection (i)(2); and

"(I) an annual summary of the information submitted pursuant to subsection (a)(3)(B).

"(g) LABELING CHANGES.—

"(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENT.—Any supplement to an application under section 505 and section 351 of the Public Health Service Act proposing a labeling change as a result of any pediatric assessments conducted pursuant to this section—

"(A) shall be considered a priority supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If the Commissioner determines that a sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application or supplement, not later than 180 days after the date of the submission of the application or supplement—

"(i) the Commissioner shall request that the sponsor make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor does not agree to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application or supplement to make any labeling changes that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application or supplement to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(3) OTHER LABELING CHANGES.—If the Secretary makes a determination that a pediatric assessment conducted under this section does or does not demonstrate that the drug that is the subject of such assessment is safe and effective, including whether such assessment results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the assessment and a statement of the Secretary's determination.

"(h) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a pediatric assessment under this section, the Secretary shall make available to the public in an easily accessible manner the medical, statistical, and clinical pharmacology reviews of such pediatric assessments and shall post such assessments on the website of the Food and Drug Administration.

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—The Secretary shall require that the sponsors of the assessments that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(H) distribute such information to physicians and other health care providers.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall alter or amend section 301(j) of this Act or section 552 of title 5, United States Code, or section 1905 of title 18, United States Code.

"(i) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR 1.—During the 1-year period beginning on the date a labeling change is made pursuant to subsection (g), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics. In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to such report.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics with all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such report.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.".

SEC. 415. MEANINGFUL THERAPEUTIC BENEFIT.

Section 505B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) by striking "estimates" and inserting "determines"; and

(2) by striking "would" and inserting "could".

SEC. 416. REPORTS.

(a) INSTITUTE OF MEDICINE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, the Secretary shall contract with the Institute of Medicine to conduct a study and report to Congress regarding the pediatric studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) since 1997.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall review and assess—

(A) pediatric studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) since 1997 and labeling changes made as a result of such studies; and

(B) the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, number and type of pediatric adverse events, and ethical issues in pediatric clinical trials.

(3) REPRESENTATIVE SAMPLE.—The Institute of Medicine may devise an appropriate mechanism to review a representative sample of studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) from each review division within the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in order to make the required assessment.

(b) GAO REPORT.—Not later than September 1, 2010, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of this provision and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of such section 505B, and possible reasons for the lack of testing; and

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established under such section 505B, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee.

SEC. 417. TECHNICAL CORRECTIONS.

Section 505B(a)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)(2)(B)(ii)) is amended by striking "one" and inserting "1".

Subtitle C—Pediatric Medical Devices

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2007".

SEC. 422. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

"(c) PEDIATRIC SUBPOPULATION.—In this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).".

SEC. 423. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.";

(3) by striking paragraph (6) and inserting the following:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2012.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents."; and

(4) by adding at the end the following:

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.".

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 425, which shall include an evaluation of the number of pediatric medical devices—

(A) that have been or are being studied in children; and

(B) that have been submitted to the Food and Drug Administration for approval, clearance, or review under such section 520(m) (as amended by this Act) and any regulatory actions taken.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this subtitle, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 424. CONTACT POINT FOR AVAILABLE FUNDING.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (21), by striking "and" after the semicolon at the end;

(2) in paragraph (22), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (22) the following:

"(23) shall designate a contact point or office to help innovators and physicians identify sources of funding available for pediatric medical device development.".

SEC. 425. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) In General.—

(1) Request for proposals.—Not later than 90 days after the date of enactment of this subtitle, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) Determination on grants or contracts.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) Application.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—A nonprofit consortium that receives a grant or contract under this section shall facilitate the development, production, and distribution of pediatric medical devices by—

(1) encouraging innovation and connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentoring and managing pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connecting innovators and physicians to existing Federal and non-Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assessing the scientific and medical merit of proposed pediatric device projects; and

(5) providing assistance and advice as needed on business development, personnel training, prototype development, postmarket needs, and other activities consistent with the purposes of this section.

(d) Coordination.—

(1) National institutes of health.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 424; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) Food and drug administration.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(3) Effectiveness and outcomes.—Each consortium that receives a grant or contract under this section shall annually report to the Secretary of Health and Human Services on—

(A) the effectiveness of activities conducted under subsection (c);

(B) the impact of activities conducted under subsection (c) on pediatric device development; and

(C) the status of pediatric device development that has been facilitated by the consortium.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 426. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) In General.—

(1) Office of pediatric therapeutics.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(2) Plan for pediatric medical device research.—

(A) In general.—Not later than 270 days after the date of enactment of this subtitle, the Office of Pediatric Therapeutics, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(B) Contents.—The plan under subparagraph (A) shall include—

(i) the current status of federally funded pediatric medical device research;

(ii) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(iii) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

(b) Pediatric Advisory Committee.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 427. SURVEILLANCES.

(a) Postmarket Surveillances.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Postmarket Surveillance.—

"(1) In general.—

"(A) Conduct.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer that is a class II or class III device—

"(i) the failure of which would be reasonably likely to have serious adverse health consequences;

"(ii) that is expected to have significant use in pediatric populations; or

"(iii) that is intended to be implanted in the human body for more than 1 year, or a life sustaining or life supporting device used outside a device user facility.

"(B) Condition.—The Secretary may order a postmarket surveillance under subparagraph (A) as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k) only for a device described in subparagraph (A)(ii).

"(2) Rule of construction.—The provisions of paragraph (1) shall have no effect on authorities otherwise provided under the Act or regulations issued under this Act."; and

(2) in subsection (b)—

(A) by striking "(b) Surveillance Approval.—Each" and inserting the following:

"(b) Surveillance Approval.—

"(1) In general.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) Longer surveillances for pediatric devices.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety of the device.".

TITLE V—OTHER PROVISIONS

SEC. 501. POLICY ON THE REVIEW AND CLEARANCE OF SCIENTIFIC ARTICLES PUBLISHED BY FDA EMPLOYEES.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.), as amended by section 241, is further amended by adding at the end the following:

"SEC. 713. POLICY ON THE REVIEW AND CLEARANCE OF SCIENTIFIC ARTICLES PUBLISHED BY FDA EMPLOYEES.

"(a) Definition.—In this section, the term 'article' means a paper, poster, abstract, book, book chapter, or other published writing.

"(b) Policies.—The Secretary, through the Commissioner of Food and Drugs, shall establish and make publicly available clear written policies to implement this section and govern the timely submission, review, clearance, and disclaimer requirements for articles.

"(c) TIMING OF SUBMISSION FOR REVIEW.—If an officer or employee, including a Staff Fellow and a contractor who performs staff work, of the Food and Drug Administration is required by the policies established under subsection (b) to submit an article to the supervisor of such officer or employee, or to some other official of the Food and Drug Administration, for review and clearance before such officer or employee may seek to publish or present such an article at a conference, such officer or employee shall submit such article for such review and clearance not less than 30 days before submitting the article for publication or presentation.

"(d) TIMING FOR REVIEW AND CLEARANCE.—The supervisor or other reviewing official shall review such article and provide written clearance, or written clearance on the condition of specified changes being made, to such officer or employee not later than 30 days after such officer or employee submitted such article for review.

"(e) NON-TIMELY REVIEW.—If, 31 days after such submission under subsection (c), the supervisor or other reviewing official has not cleared or has not reviewed such article and provided written clearance, such officer or employee may consider such article not to have been cleared and may submit the article for publication or presentation with an appropriate disclaimer as specified in the policies established under subsection (b).".

SEC. 502. TECHNICAL AMENDMENTS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 319C–2(j)(3)(B), by striking "section 319C–1(h)" and inserting "section 319C–1(i)";

(2) in section 402(b)(4), by inserting "minority and other" after "reducing";

(3) in section 403(a)(4)(C)(iv)(III), by inserting "and post doctoral training funded through investigator-initiated research grant awards" before the semicolon; and

(4) in section 403C(a)—

(A) in the matter preceding paragraph (1), by inserting "graduate students supported by NIH for" after "with respect to";

(B) in paragraph (1), by inserting "such" after "percentage of"; and

(C) in paragraph (2), by inserting "(not including any leaves of absence)" after "average time".

SEC. 503. SEVERABILITY CLAUSE.

If any provision of this Act, an amendment made this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

Mr. KENNEDY. Mr. President, this basically incorporates a number of the adjustments and changes that we had indicated during the course of our markup. We had a number of amendments that were offered. We indicated to the members we would try to work through some of the points that were raised. I commend our staffs on both sides who have been diligent in doing so.

These are alterations, changes that are known to the majority and the minority and all the staff members. Later on in the discussion and debate we can go into some in greater detail. Most of them are clarifications. Some of them are simplifications. I think all of them are worthy and justified, and I think they help to strengthen the legislation. So we are very grateful to all of our colleagues on our committee who offered the amendments, and, most particularly, we are very grateful for their willingness to work with us to try to work through these alterations and changes.

Mr. President, this legislation, as was pointed out in the excellent statement made by our friend and colleague from Rhode Island, Mr. REED, and others, is complex, but it is incredibly important in terms of American families, most precisely with regard to drug safety. We have reviewed those provisions. Senator ENZI made an excellent presentation yesterday. We tried to go through those in some detail yesterday afternoon. I might go through some of those again this afternoon.

But we want our Members to know we are ready to consider amendments. We know there are several that are just about ready to be offered. We urge those who are considering bringing them to the floor, let's begin the debate and discussion. We have one or two that are still being worked on. So even though it does not appear like we are making progress on this legislation at the moment, progress is being made in making sure we are going to have strong FDA reauthorization legislation. But we do hope we can get to the amendments very soon, and we expect to be able to do so.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise at this moment to support the substitute that has been put into S. 1082, the Food and Drug Administration Revitalization Act. I have said a lot about this important bill, and I do intend to say more. The most important thing I can say right now is this is the product of a lot of bipartisan work by members of the Senate Committee on Health, Education, Labor, and Pensions. We have a great process that wound up with a work in progress, which wound up with this substitute bill.

Now we do have one major outstanding issue to figure out; that is, the direct consumer advertising for prescription drugs. I do believe we will work something out, but we are not quite there yet. So I would ask my colleagues' indulgence to work that out, and I hope I have the assurance of the chairman that we will engage in a serious dialog about the various provisions that are included in that direct consumer issue. That will be a real key to finishing up.

I congratulate the Senator from Massachusetts, Mr. KENNEDY, for the outstanding way he and his staff have worked with all the Members on our side of the aisle to clear up. As he said, in some cases, clarifications were needed, and in some cases it was the expansion of wording; in some cases, a reduction in wording. But, at any rate, we got it to where I think both sides understand and agree on many of the issues that are included. I hope we can have other amendments brought to the floor so we can debate them and get them worked out.

Of course, it would be nice if any Senator thinking about offering an amendment would share their idea with us prior to filing it. We might be able to save some time that way and make sure debate flows in an orderly process. We are trying to keep the bill to relevant amendments.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am pleased to continue working with my colleague from Kansas, Senator ROBERTS, and my colleague from Iowa, Senator HARKIN, on the important issue of direct-to-consumer advertising.

We have to strike an important balance between seeing that consumers get accurate information on drug safety and seeing that we do not improperly restrain free speech.

Senator HARKIN has a proposal to add safety information to drug ads. Senator ROBERTS has an idea to allow FDA to impose fines for inaccurate ads. Our bill includes a moratorium—only to be used in rare cases—on DTC ads. The IOM went further and recommended a moratorium on DTC for all new drugs. We rejected that recommendation due to the first amendment concerns but included more limited authority that we believe meets the constitutional test.

Still, some have raised concerns about our current proposal, and we take those concerns seriously. We will continue to work on this important issue with our colleagues and constitutional experts. I think we are making progress through the afternoon and, hopefully, by tomorrow we will have some recommendation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business and that my remarks be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ SUPPLEMENTAL FUNDING

Ms. KLOBUCHAR. Madam President, I come to the floor today to express my deep disappointment and the disappointment of so many people in my

State with the President's expected decision to veto the supplemental funding bill delivered to him by the bipartisan majority in Congress. This bill provided our troops in Iraq and Afghanistan with all the equipment and the resources they need to continue the duties they have been so bravely performing for more than 4 years. The amount appropriated by Congress rose well above the amount the President requested to give our soldiers on the battlefield. Let it be clear: Congress has given our soldiers on the battlefield all the funding they need. It is the President who will now be blocking it.

A few weeks ago, I was driving in Minnesota. It was a beautiful spring day outside of Ortonville, MN, and as has happened too many times in my short time as a Senator, I called one of the mothers of the Minnesota soldiers who died in this war. Of the 22,000 troops the President has included in this surge, 3,000 of them are Minnesota Guard and Reserves who were expected to come home in January and February and now have been extended. Now the moms I am calling are the moms of these soldiers who would have been home in January or February.

I asked this mother: How are you doing?

She said: You know, people keep asking me that, and I don't really know what to say. Do you have any ideas about what I should say?

I thought, and I told her: Well, I can tell you what all the other mothers have been saying. They have been saying that they wake up every morning and they try hard to hang together for their family, and then something happens. They see a picture or they remember something, and they are never the same for the rest of the day. They have their good moments, but their lives will never be the same.

I told her that her son stood tall, and that now is the time for people in Washington to stand tall.

After 4 years of extensive American military involvement in Iraq, the President refuses to accept the prudent change of course recommended by the bipartisan Iraq Study Group and supported by a clear majority of the American people. By passing this bill, we in Congress fulfilled our constitutional duties to, first, continue funding for America's Armed Forces in harm's way and, second, to ensure that our Government pursues policies in the best interests of our soldiers and of our Nation.

As we work with the President in the days and weeks and months to come, we must continue to advocate for the necessary changes in our strategy in Iraq. It is with this spirit that we in Congress continue to reach out to the President for a responsible change of course in Iraq.

Last month, I visited Baghdad and Fallujah. I saw firsthand the bravery and commitment of our troops. The very best thing we can do for these young men and women is not only give them the equipment they deserve but to get this policy right. This means sending a clear message to the Iraqi Government that we are not staying there indefinitely. This means, as recommended by the bipartisan Iraq Study Group, that we begin the process of redeploying our troops, with the goal of withdrawing combat forces by next year, while acknowledging that some troops may remain to train the Iraqi police and special forces to provide security for those who remain and to conduct special operations. This means not a surge in troops but a surge in diplomacy and economy and Iraqi responsibility.

When I was over in Baghdad and Fallujah, I saw many things, including the bravery of our troops. I was struck a few weeks later when another delegation of people from Congress went there, and one of the Congressmen returned and said he had been visiting a market there. He said it reminded him of a farmers market in Indiana.

Those are not the enduring memories of my trip to Iraq. My most enduring memory is standing on the tarmac in the Baghdad Airport with nine firefighters from the Duluth National Guard, who called me over to stand with them while they saluted as six caskets draped in the American flag were loaded onto a plane. As every casket was loaded on, they saluted. They were standing tall for their fallen soldiers that day. Now is our time for Congress to stand tall. Our troops have done everything they have been asked to do. They have deposed an evil dictator, and they gave the Iraqi people the opportunity to vote and establish a new government. It is now the Iraqi Government's responsibility to govern.

But stability and progress in Iraq depend on the political reforms Iraqi leaders have promised many times yet failed to deliver. After 4 years, despite many promises, Iraq has yet to approve a provincial election law. After 4 years, despite many promises, Iraq has yet to approve a law to share oil revenues. After 4 years, despite many promises, Iraq has yet to approve a debaathification law to promote reconciliation. After 4 years, despite many promises, Iraq has yet to approve a law reining in the militia. Our men and women in uniform cannot deliver these kinds of reforms to Iraq. This is up to the Iraqis themselves.

As the bipartisan Iraq Study Group recommended, Iraqi leaders must pay a price if they continue to fail to make good on key reforms they have promised the Iraqi people. After 4 years, what have we gotten? Benchmarks without progress, promises without results, claims of accountability without any consequences. Why should we expect the Iraqi leaders to do any better when they know the President continues to accept their excuses for inaction and fails to impose any penalties for their lack of progress.

That is why the bipartisan Iraq Study Group made clear that "if the Iraqi government does not make substantial progress toward the achievement of milestones on national reconciliation, security, and governance, the United States should reduce its political, military, or economic support for the Iraqi government." That report was issued 5 months ago. Meanwhile, the President has simply stayed the course he has continued to pursue for the past 4 years and, not surprisingly, little progress has been achieved in Iraq. The Iraqi Government will understand and finally take responsibility only when it is crystal clear to them that our combat presence is not indefinite and that American combat troops are going to leave. That is the responsible change of course we in Congress are seeking. The American people are looking to their leaders in Washington at both ends of Pennsylvania Avenue to work together to get this policy right.

Two weeks ago, I went to the White House and met with the President, along with three other Senators, including two Republicans. I appreciated the time he took to honestly discuss our points of agreement and disagreement on the war. I told him that now is the time to forge cooperation with our Democrats in Congress. But the President has chosen instead to veto this bill.

As we move forward on the funding of this war, we in Congress will do nothing that threatens the safety of American soldiers in the field. But we must continue to fulfill our constitutional duty to exercise oversight of American policies in Iraq. A critical part of this oversight must be demanding accountability for the way in which funds are spent on the reconstruction projects in Iraq.

For the past 4 years, the administration has demanded—and received—a blank check to spend in Iraq. Now we are seeing the consequences of this lack of planning, management, and responsibility.

On Monday, the Special Inspector General for Iraq Reconstruction released a report that details widespread failures in the most basic reconstruction projects. The report finds that, in many cases, Iraq's infrastructure and utility systems are worse off than they were before the war.

On closer inspection, it turns out that even projects which were declared "success stories" were considerably less than that. In fact, seven out of eight of these projects which were called success stories were not operating properly due to plumbing and electrical failures, improper maintenance, possible looting, and the fact that expensive equipment was available but never used.

Prior to the 2003 invasion, Iraq's power system produced 4,500 megawatts a day. Today, the same system produces 3,832 megawatts a day. In Baghdad, the city enjoys an average of 6.5 hours of electricity a day. A year ago, Baghdad received 8 hours of electricity a day. Before the war, the city received an average of 16 to 24 hours a day.

Congress has provided $4.2 billion for reconstruction of Iraq's power system, and the result has been a more than 50 percent decrease in the length of time the citizens of Baghdad have access to electricity on any given day.

Congress has provided nearly $2 billion to provide clean drinking water and repair sewer systems. But according to the World Health Organization, 70 percent of Iraqis lack access to clean drinking water.

The Defense Department has estimated that the unemployment rate in Iraq is anywhere between 13.6 percent to 60 percent. In a recent survey, only 16 percent of Iraqis said their current incomes met their basic needs.

So after 4 years, we are facing a security situation that continues to deteriorate, an economic situation that continues to stagnate, and a reconstruction effort that cannot provide even the most basic services.

My colleagues and I have been asking the difficult questions and demanding answers from this administration. The supplemental bill demonstrates that Congress is reclaiming its rightful role in setting Iraq policy and, more broadly, in our system of government. The President's veto only strengthens our resolve.

Madam President, I also wish to speak briefly in support of a few other provisions in this bill that I believe respond to critical challenges our Nation faces and that the administration has deemed unnecessary.

The White House and many of my friends on the other side of the aisle have argued that this bill should not contain funding for anything other than the current war. If we were sacrificing funding for our troops in order to meet domestic priorities, I would agree. But having given our troops all they need and continuing to ignore crises at home would be irresponsible.

Veterans funding is one of the key parts of this bill. This bill adds an increase in veterans funding that was long overdue. In the last 2 years in my State, veterans would come up to me—particularly from the Iraq and Afghanistan wars—and they would tell me about how they had difficulty getting treatment. They clearly had mental health issues. I didn't know if there was truth to this. I wasn't sure, because of the state of their minds, whether this was true. Then I got here, and I started looking at the numbers.

In 2005, the Department of Defense estimated that about 24,000 soldiers coming back from Iraq and Afghanistan would need health care. The actual number is four times that amount. Last year, they were 87,000 soldiers short in their estimate of how many soldiers would need help coming back from this war. Now I know why those people were wandering around asking for help. It is because they weren't getting the help they deserve.

Another critical problem that has been ignored by this administration—and one that is particularly important to the people of my State—has been the tremendous damage recent national disasters have been inflicting on our farmers and ranchers. The supplemental spending bill was a combination of a 2-year effort to secure disaster assistance for America's farmers. Minnesota farmers have been hit with heavy losses for 2 consecutive years—storms and flooding in 2005 and, again, drought in 2006. All told, they lost more than $700 million in crop and livestock losses.

The supplemental funding would have provided $3.5 billion to compensate farmers for a portion of their crop and livestock losses over the past 2 years. Our farmers have waited too long for this disaster relief. I am deeply disappointed that the President has turned his back on the urgent need for their assistance.

The bill we sent to the President of the United States provided the resources and support our soldiers need on the battlefield and after they return home. A few months ago, I attended a funeral of one of the brave men who was killed in the line of duty. The priest stood up, and he said to the thousand people in the cathedral: You know, this was a good kid. He was 6 feet 2 inches tall, but he was still our child.

When we send our kids to war and they are 6 feet tall, they are still our kids and they are standing tall. We need to stand tall.

The traumatic brain injury victims I have seen at the veterans hospital in Minnesota, even in their wheelchairs, are standing tall.

Those moms whom I talked to on the phone, as they struggle every day just to get out of bed to deal with the loss of their kids who were killed in this war, are standing tall.

Now it is time for the President of the United States to stand tall.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERRY. Madam President, 4 years ago today, as we know, the President stood on an aircraft carrier underneath a banner that read "Mission Accomplished." He declared that the major combat operations in Iraq were over. When he spoke those words, 140 American troops had been killed in Iraq. Since then, over 3,200 more American troops have given their lives. Just today, we learned that April was the deadliest month this year, with 104 Americans dead.

With every passing day, it becomes more obvious that the President really should have said: My fellow Americans, major combat operations in Iraq are just beginning. On that day, he should have had a plan to match the rhetoric with reality. But we are where we are, as the saying goes, and it is even more tragically clear to all but a few that if we want to accomplish our mission in Iraq—and we all do—if we want an Iraq that has any chance of stability and some sense of democracy, any sense of it, we have to change course.

In the past 4 years, we have lost at least 3,342 of our best young men and women, and nearly 25,000 others have been wounded and many wounded severely. We have spent nearly $400 billion, and the cost is rising at a rate of over $2 billion per week. There is no end in sight.

ADM William Fallon, the top U.S. commander in the Middle East, recently said:

> We are losing ground every day.

And even General Petraeus, the top commander in Iraq, now says that we can expect the situation to get worse before it gets better.

We were treated to a spectacle a week and a half ago with news reports, a front-page story, I think, in the Washington Post, that Stephen Hadley, the President's security adviser, was casting about to find a general to be the sort of supreme organizer, if you will, of the war in Afghanistan and the war in Iraq.

What struck me about that story is here is our Nation at war, here is a series of four-star generals whose lives are committed to Nation, to service, to duty, and to military, who under normal circumstances would be honored to be asked to become the point person to organize our Nation's efforts in two wars in a front that is of serious consequence to this Nation. Yet all four retired four-star generals said no. One was even quoted publicly as saying they don't know what the hell they are doing, or they don't know what direction they are going in.

That is a pretty remarkable statement for a career military person to make about the current effort. But we also know the history of what has brought us here with retired generals—a whole host of them—who publicly rebelled postservice against the leadership of Secretary Rumsfeld, who is now gone.

It is a rather remarkable statement about the lack of planning, about the lack of candor, about the scapegoating that has gone on, about the unwillingness of people's careers to be judged not by their ability to tell the truth but, rather, their willingness to tell the civilian leaders what they want to hear.

As we know from our own intelligence agencies, the war in Iraq has increased the threat of terrorism by creating a breeding ground for terrorists that didn't exist before the invasion and by serving as a rallying point for extremists around the world. In fact, the State Department's annual terrorism report released yesterday shows that terrorist attacks worldwide were up 25 percent last year after increasing nearly fourfold the year before that.

How does the leadership come to the country and suggest that this war is accomplishing our larger goals? How does it help the war on terror to be creating more terrorists? How can you tell the American people we have made you safer, when the number of terrorist incidents have gone up and the number of terrorists who want to kill Americans is larger today than it was on 9/11?

Any businessperson, any tourist, anybody of any curiosity who has traveled abroad and who has asked a few simple questions or read the newspapers and listened to the news knows that our Nation, which we love passionately, is now less followed, less listened to, and less feared—less listened to by our friends and less feared by our enemies. The fact is, we are less safe as a result. We are less unified at home, less respected abroad, and we are less strong as a result.

Obviously, there is no way we can make up for what has happened in the last few years, certainly not in terms of the lives lost and the pain and suffering endured by those wounded and by families who have suffered those losses, but the fact is, we can find a responsible strategy to try to deal with not just Iraq but the whole Middle East and, indeed, releverage America's position in the world.

The President today, tonight, is going to veto crucial funding for the troops passed by both Houses of Congress, legislation that gives our soldiers all they need to complete the mission and receive the care they deserve once they get home. The President is going to veto it, but that is not all he is going to do. Then he is going to try to pin the blame on those who have pushed for a new direction. He is going to try to pin the blame for his failures, for his lack of planning, for his lack of leadership on those who are providing the only way to try to resolve what is happening in Iraq.

Instead of pressuring Iraqi politicians, this administration is practicing the politics of division at home, a brand of American sectarianism that undermines our national unity, a unity required to make decisions in time of war.

Last week, Vice President CHENEY accused Senator HARRY REID of putting politics ahead of our national security. I suppose we have grown used to this Vice President, who has pioneered the politics of fear, who oversaw the politicization of the intelligence used to mislead the country into war, who claimed that we would be greeted like liberators, who told us the insurgency was in its last throws, who continues to insist that everything is on track and growing fine, I think we have grown used to this Vice President not being candid with the American people.

Clearly, he didn't hesitate to impugn the integrity of the Senate's majority leader who is standing for an appropriate new direction with respect to our policy in Iraq.

Certainly, we can disagree about those tactics or strategies without impugning the motives and challenging the integrity of those who speak those different possibilities.

If the President insists on continuing down the wrong path, it seems to me Congress has no choice but to be as resolute in demanding the right path forward for our troops, for our country, and for the Iraqis themselves. I believe we have to continue to fight for the legislation that gives us the best chance of bringing our troops home with some measure of success in the region.

Four years after "mission accomplished," it is time for us to acknowledge the implications of what General Petraeus and every other military commander, the Secretary of State and even the President have told us. All of them have said there is no military solution to the violence in Iraq. I don't know how many times I have heard that on Sunday shows. I hear it out here in the corridors with individual Senators talking to the press. Everybody mouths the words: "There is no military solution." But if there is no military solution and we are all agreed on that, then what is the military doing? Why is the military and an escalation in the number of troops so critical if there is no military solution?

The administration, even after telling you there is no military solution, then gives you a rationale for a military solution, which is: We have to put additional troops in to have the security, in order to have the compromises. But the fact is, the security which, first of all, is proving illusive and probably impossible to secure with the troops alone, cannot be secured without the political compromises. This is a classic chicken-and-egg situation: Which comes first? You are not going to get the security until the stakeholders in this civil struggle feel confident enough that what they are struggling about can be resolved to their safety and future security. That is sort of a fundamental issue. You are not going to change the on-the-ground security situation and stop people from bombing and militias from killing unless those fundamental stakes are properly addressed and defined.

It is long since time that we started to measure progress on the ground in Iraq by the one metric that will ultimately determine our success or our failure, and that metric is this: Are the Iraqis making the tough political compromises necessary to keep their country together?

It has been nearly a year since the Maliki Government took power. At that time, General Casey and Ambassador Khalilzad said that the Maliki Government had 6 months to make the political compromises necessary to win the public confidence.

So here we have the commanding general of our forces and our trusted Ambassador to Iraq both saying they have 6 months to make the compromises. But guess what. The 6 months went by and nothing happened—nothing happened in Iraq to make those compromises happened, and nothing happened afterwards because the compromises didn't happen. That sends a message that there is no consequence to delay, there is no consequence to procrastination.

After that, the Iraqi Government agreed to a set of benchmarks because people were growing frustrated and those benchmarks, guess what, were pegged to specific dates for making progress toward national reconciliation.

In January, the President announced the troop escalation, and he told the American people the following:

> America will hold the Iraqi Government to the benchmarks it has announced. Now is the time to act. The Prime Minister understands this.

But, once again, no real consequences, no real leverage, no real diplomacy. The result is, those benchmarks proved meaningless. You can take a look at the benchmarks the Iraqis agreed to. What did they agree to do at that point in time?

October 2006, over 6 months ago, that was the deadline for Iraqis to approve a new oil law and a provincial election law. As of today, the oil law has yet to even be introduced in Parliament, and that is an improvement over the provincial election law which hasn't even been drafted yet.

November 2006 was the deadline for new debaathification law to help bring Sunnis into the Government. A draft proposal was recently denounced by Ayatollah Sistani and a national commission to oversee the process, and guess what. It is nowhere near completion. In fact, 5 months after the deadline, the Shiite leader of the SCIRI Party recently described the Baathists as "the first enemy of the Iraqi people." So much for debaathification and reconciliation.

December 2006 was the deadline for the Iraqis to approve legislation to address the militias. To date, absolutely no progress has been made on this crucial legislation, and the militias continue to wreak havoc.

January 2007 was the deadline for Iraqis to complete a constitutional review process. There was supposed to be a referendum on constitutional amendments by March. Guess what. The constitutional committee hasn't even drafted the proposed amendments, and the Iraqis remain far apart on key issues such as federalism and the fate of the divided city of Kirkut.

We are no closer to a political solution today than we were when the Maliki Government took power 1 year ago, but there were more than 940 additional American troops who gave their lives in that process to wait for the Iraqis to procrastinate.

Did the President actually hold the Iraqi Government to those benchmarks as promised? No. I hope the President tonight, when he addresses us after the veto, will address the benchmarks and where we are with respect to the failure of the Government to make the choices they said they had to make while our soldiers continue to die.

The administration still refuses to get genuinely tough with Iraqi politicians. They keep moving the goalposts, deflect the criticism of a failed strategy which they refuse to abandon. Instead, we get more vague assertions that our presence is not open-ended and outright rejection of any proposal that would leverage that threat.

The administration, it seems to me, has reached a point where it has to stop pretending the lack of political will in America is the problem. It is not the lack of political will in America that is the problem, it is the lack of political will in Iraq that is the problem.

It is impossible to make any other judgment when you look at that entire series of benchmarks. I remember Secretary Rice coming before the Foreign Relations Committee, I believe, several months ago now, and I asked her the question about the oil law. She said: Oh, yes, the oil law is almost done, just about done; wrapped up, we are about to proceed forward, we are confident it is going to be done in a few days. Here we are, several months later, and there is no oil law. It is not even before the Parliament yet.

The administration needs to accept the basic reality that the Congress has acknowledged: Iraqi politicians, if they are capable, if they are capable of making these decisions, have shown they will not do it without a reason to do it, without a rationale that feels some heat. A deadline is the only thing they have responded to so far. It took a deadline to be able to get them to do a constitution. It took a deadline to have each of their elections.

Incidentally, they protested against each of the deadlines. Each time they said: Don't do this to us; we can't meet it; we can't make it; it is too much. But each time, because we set the deadline and kept pushing, they did meet it.

American security is not a security blanket for Iraqis who want to procrastinate while American soldiers die. The longer the President continues to give them the sense that he is not going to change, he is not going to move on them, the more they are secure in the sense that they can just continue to jockey and play their political game at the expense of American dollars and American interests and American lives. Without real deadlines to force them, there is no way to actually determine that we can make the progress we need to make. Since January, when the President decided to disregard key elements of the Iraq Study Group and announced the escalation, over 340 American troops have died, and there is still no fundamental progress.

The legislation we have sent to the President would change this dynamic. It would force the Iraqis to either stand up for Iraq and meet the political benchmarks they have agreed to or decide they can't do it and have their fight.

It calls for a flexible timetable for the redeployment in 2008, and I underscore "flexible." Every time we try to do something, we get into this totally phony, polarized debate where the President and his henchmen go out and talk about reckless abandonment and surrender and defeatism when, in fact, what we are proposing gives the President all the discretion in the world—to leave troops there to finish the training of Iraqis, which is the fundamental reason we are there; to leave troops there to chase al-Qaida, to prosecute the war on terror, which is in our interests, and to leave troops to protect American forces and protect American facilities. After 6 years of the war, what other fundamental mission should there be for American forces?

It seems to me the real debate is one that should center around the failures of this administration to face that reality and the few choices we have now to try to achieve success. The most important choice that has to be made to achieve success is to engage in full-throated diplomacy, not dissimilar to the kind of meeting that will be held in Sharm el-Sheikh this week. We hope Secretary Rice will take advantage of that and that the countries of the region will come together around a new security arrangement and a new understanding of what has to happen.

The timetable for the redeployment in the legislation sent to the President is not arbitrary, and it is not precipitous. It is consistent with the Iraq Study Group's recommendations and with the timeframe for transferring control of Iraq to the Iraqis that was set forth by General Casey. It also has the schedule agreed upon by the Iraqi Government itself. There is nothing arbitrary in a schedule to which your own commanding general and the Iraqi Government have agreed.

Even the President has said, under his new strategy, responsibility for security would be transferred to Iraqis before the end of this year. So they are willing to set a date. The administration can set a date for the transfer of the security, but it is unwilling to set a date for the beginning of the drawdown of some troops so you guarantee that date for the transfer of security is actually meaningful. The President has said it. Our generals have said it. The Iraq Study Group has said it. Now it is time for the President to embrace legislation that makes those words reality.

Instead of accepting the change that is necessary, we keep hearing we need more of the same; we have to give the surge time to work; the Iraqis need just a little more breathing space to start making political progress.

General Petraeus has said, however, that he won't be able to make any progress assessment on the ground until September. Guess what. We hear that Iraq's Parliament, which has only been able to muster a quorum to even consider legislation about once every week or two—the Iraqi Parliament plans to take a 2-month vacation this summer, a vacation in the middle of a civil war. You sort of wonder what Abraham Lincoln would think of that. Iraq is descending further into chaos as thousands of Iraqis die each month. If the Iraqis go on vacation without making the key political compromises, it will absolutely guarantee that there is not going to be any meaningful political progress until next fall. I do not believe that America should be sending our troops to die for somebody else's vacation.

How many more American soldiers are going to give their lives without any hope of achieving a real political solution? 300? 400? 500? How many more doors are going to be knocked on and phone calls made? How many more visits to Arlington and other cemeteries across America, while the Iraqis procrastinate and refuse to settle their differences?

How can any of us in the Chamber look in the eyes of the parents of any young American killed and tell them: Your son or daughter died so the Iraqis can take the summer off?

With every passing day it becomes clearer this Iraqi Government is not going to get the job done. It is not truly a unity government, it is a figleaf for politicians who are pursuing sectarian interests instead of protecting the nation they are charged with saving. Now it is starting to crumble under the weight of its own ineffectiveness and corruption.

Last week some prominent Iraqi legislators came out and said publicly that they have lost confidence in the Maliki government. That is not surprising since we recently learned that Prime Minister Maliki was responsible for a politically motivated purge of Iraqi military leaders who had the gumption to actually act against the Mahdi militia.

Yesterday the largest block of Sunni Arabs in the Parliament threatened to withdraw its Ministers from the Shiite-dominated Cabinet in frustration over the Government's failure to deal with Sunni concerns. As one Sunni legislator said:

> The problem is not just with sectarian practices but with the Government's ineffectiveness.

This Government we are supporting is spiraling downward into greater and greater ineffectiveness. In the process, Iraq is spiraling deeper and deeper into its sectarian divide.

It is not just the Iraqis. Last week we learned that several prominent Sunni countries are balking at complete debt relief for Iraq because of the lack of progress in political reconciliation. This past weekend the Saudis refused to allow Prime Minister Maliki to visit their country because he has not delivered on his promise to seek real reconciliation with Iraqi Sunnis. How can we expect progress and political reconciliation if the Iraqis have lost confidence in the Maliki government? How can we expect diplomatic progress when Iraq's neighbors have lost confidence in Iraqi leadership? This is a very serious issue.

The administration has finally done what they should have done years ago: engaged, this week, in the kind of diplomacy that is desperately needed. On the eve of the summit, we learned that some of the major players have no confidence in the political process. So if we really want to bring about the political and diplomatic solution that is the only solution, the time has come now for new leadership in Iraq.

When I was in Iraq in December, Prime Minister Maliki told me he was working on forming a new coalition that would isolate extremists unwilling to compromise and empower moderates who were. Since then we have heard from time to time that these negotiations continue behind the scenes. But nothing has happened. It is time to get out from behind the scenes. It is time to have a government that can put the pieces back together.

As one Iraqi Minister said yesterday, Mr. Maliki "said he was going to appoint new Ministers; he needs to do that. . . . What is he waiting for?"

That is a question the U.S. Congress should echo. We simply cannot go on like this, day after day, news cycle after news cycle—more bombs, more murders, more assassinations, more suicide bombings, more killings, more American soldiers dead. We can't go on like this and expect the situation to miraculously get better. Time is not on our side. Time is not on anyone's side in the end because if this does go downward into greater sectarian violence, all of the Iraqis will lose.

If we are serious about a political solution, we need a fresh start. That is why I believe it is time for Prime Minister Maliki to make wholesale changes in his Cabinet. He already has to replace the six Muqtada al-Sadr Ministers, the Sadrist Ministers who recently resigned. He should use that as an opportunity to fire any other Minister who is not committed to political reconciliation and replace them with Ministers who are.

We should make it clear this truly is his last chance. If reshuffling the Cabinet does not produce meaningful political progress within a relatively short period of time, then he should step down and allow a new leader to step forward. Putting Mr. Maliki's personal political future on the line is perhaps one of the few ways left to try to create the leverage necessary to find out if he is capable of moving the reconciliation procession forward. If he proves unwilling or unable, then clearly someone else should be given a chance—if there is someone else.

This is the moment to put that to the test. I recognize that Iraqis must take responsibility for their own future and that any government we impose will lack legitimacy with their fellow Iraqis. But we can use our own influence behind the scenes to encourage the Iraqis to make the leadership changes so clearly needed in order to give their Government a chance to succeed. We certainly have a right to make that request, given the degree to which that Government is dependent on our troops and our money and our presence.

Congress has finally done what this administration has stubbornly refused to do. I am proud of my fellow Members of this body who had the courage to vote for this legislation. I know how divisive it can be. I know how the other side uses it and how people tend to try to personalize and even denigrate people's patriotism and concern for the Nation. The fact is, the Congress has done what needed to be done because this administration has not done it.

People say don't micromanage. Someone has to manage. They have clearly mismanaged every step of this war, and they have been absent from the diplomacy necessary. It is time to have a new strategy, time to hold Iraqi politicians responsible for their country's future, time to get deadly serious about finding a political solution, and finding it now.

Somehow this President still chooses to take a different tack. If President Bush vetoes this bill, which we understand he will, then he is the one standing in the way of a bipartisan strategy on Iraq. The Iraq Study Group was bipartisan. The Iraq Study Group had former Secretary of State Jim Baker, a Republican, a great friend of President Bush's father. It had Secretary of State Larry Eagleburger. It had Al Simpson, former Senator from Wyoming and Republican leader in the Senate. It had Bill Perry, former Secretary of Defense; Chuck Robb; it had Ed Meese, former Attorney General and Chief of Staff to a Republican President. All of these are moderate, thoughtful, respected, trusted voices in foreign policy and in the affairs of our country. They all came together in a consensus. That consensus was summarily rejected by the President, just pushed aside.

The President decided to go his own road, which even the generals and even Prime Minister Maliki did not want to do. I read one Senator's comment that there is no plan B, that there is just plan A, which is the surge. I disagree with that. Plan B is what plan B should have been all the time, which is to engage in the legitimate kind of intervention on a diplomatic level and to put on the table all of the issues of the region in a way that proves the kind of sincerity and seriousness of purpose that raises the level of credibility of the discussion so people can trust that we, in fact, are going to be moving in a common direction, which is in their interests.

The reason Saudi Arabia is sending such public messages of discontent for the policies of this administration today is because, given what has happened, that is the way they have to play it in order to deal with their own politics of the region and their own politics of the street and their nation. It is our absence from a creative, diplomatic effort, it is our absence from a credible and legitimate diplomatic lift that has left no choice even to our friends than to begin to distance themselves from our country.

With this veto, the President will deny our troops the vehicles they need, for the time being; he will deny them the basic care they deserve, for the time being, because all of us know the Congress will come back and we will fund those things. But the most significant thing he will deny us is the kind of leadership and the kind of consensus the country deserves in order to move forward in our policy in Iraq.

We honor the lives lost in Iraq, not with words but with lives saved. We honor the lives lost in Iraq not with words and with the political partisanship here but with a policy that is right for them and for the region. We honor their sacrifice by creating a situation in the region where we protect America's and the region's interests at the same time and begin to recognize the degree to which our presence in Iraq is playing into the hands of the terrorists, is advancing the very cause we seek to fight, which is diminishing the ability of the United States to be able to leverage, not just the Middle East issues, but a host of other issues in the world.

I believe we need to change course, and it is only by changing course that we will honor their sacrifice, respect our interests, and bring our troops home with honor.

Madam President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I want to let our Members know about the substitute that has been included, that is before us now. It essentially clarifies the FDA's authority to place restrictions on drugs with safety problems; applies only to drugs like Thalidomide that could not otherwise be approved. We can understand why it is important that the FDA probably would not have approved Thalidomide, for all of the dangers it has, but it has now approved it to deal with some of the problems of leprosy. We want to make sure it is not going to be out there and be utilized in terms of expectant mothers. So we have worked this out. I thank Senator COBURN for his help on this issue.

We also make sure the FDA takes into account concerns of rural communities in setting safety policies. We have given enhanced authority to the FDA in terms of safety policies. We want to make sure in the implementation of those, particularly in rural areas, they are not going to be so restrictive as to limit the opportunities to get the necessary prescription drugs. I thank Senator HARKIN and Senator MURKOWSKI, who were enormously helpful in working through that issue.

This also adds a Web portal for FDA so consumers will have a single point of access, via the Internet, to drug safety information. I thank Senator GREGG for that. That will be very important for consumers who are concerned about the safety issues. All of those changes and alterations are very helpful and valuable in terms of the legislation itself.

I wish to speak for 3 minutes as in morning business and not under the time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Madam President, the President is going to be making up his mind on the issue of the supplemental and making a judgment in the next several hours. President Bush stubbornly clings to the false hope that success is just around the corner and that the mission will be accomplished. We have heard it all before. Ending the rule of Saddam Hussein was supposed to lessen violence and bring a new wave of democracy into the Middle East. It has not. Saddam Hussein's capture was supposed to quell the violence. It didn't. Free elections and the drafting of the constitution were supposed to be a breakthrough. They weren't. The surge was supposed to bring stability, essential to political reconciliation and economic reconstruction. It has not and it will not.

Only the Iraqi people can save Iraq and it is time for them to do so. American military force cannot solve the problems of the Iraqi people. It is time for the President to put the Iraqis on notice that our military will begin to withdraw. No one in the administration can honestly tell the American people we are making progress in Iraq. It is time the President listened to the Iraq Study Group, Congress, and the American people, and work with us to bring our troops home.

The President is wrong to veto the Iraq spending bill and reject its needed timeline for the orderly, responsible, and safe withdrawal of our forces from Iraq. He was wrong to lead us into the war, wrong to conduct it so poorly, and wrong to refuse to change course.

We cannot continue business as usual in Iraq. It is time for America to end its participation in the brutal civil war. The message from the American people couldn't be louder or clearer: Instead of defying the will of the American people, President Bush should listen to their plea and begin working with Congress to bring this tragic war to an end.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I am going to make even briefer remarks than the Senator from Massachusetts did.

One of the questions I had been asked over the weekend was: Why hasn't the President already vetoed the supplemental appropriations bill? He promised he would veto the bill because it has all this extra spending in it, with directions on the war from people who really are not even involved in administering the war.

Of course, what I found out is the bill has not even been sent to the President yet. He cannot veto a bill until he receives a bill. So to chastise him for not having already vetoed the bill when there is a hold card keeping him from being able to veto the bill I think is unconscionable. Hanging on to that bill and not getting it there so the decisions can be made on it one way or the other just is not right. That is not the way to run the Senate. It is not the way to run the country. And it is not the President's fault if he does not have the bill to make the decision.

There can be a lot of debate on what that decision ought to be made and how to carry them out. I am certain the President will veto the bill; he has been very clear on that. There is a differing philosophy on how a war ought to be run. There are a lot of people throwing in the towel. It is kind of hard to win at anything if your opponent knows the point at which you are going to give up.

That is where we are in this battle, with the complete direction to give up, to throw in the towel, to say what has been done over there has not done any good, won't do any good, and to keep calling it a civil war. It is not a civil war. It is a religious war that is brewing. There is a tremendous difference. It is a religious war that involves the entire Middle East, not just Iraq. And in preparation, for what the other people in the Middle East have heard said on the Senate floor, armies are gearing up in Saudi Arabia and Syria and Israel and Iran, ready to move into the vacuum that would be caused by a U.S. departure.

That will not be the first time there has been a religious war in the world. If we do not step in, it would probably be the first time we had the chance to stop a religious war and did not help. So we could leave, have a regional religious war, and then try to decide what we are going to do about that.

Religious wars are not easy things to solve. We have seen that with Kosovo with religious genocide. We got to see what happened in Kosovo. We helped out in Kosovo just as we are helping in Iraq.

So, Madam President, I hope we would actually debate the Food and Drug Administration bill, which is what we were set out to do this week. I hope people who have amendments would bring the amendments to the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as we know, the supplemental passed last Thursday. It is Tuesday today. So the comments I made were directed to the fact that the President has announced he is going to veto it. I just wanted to comment about that issue.

Although we differ on that issue, we are together in wanting to get the Senate to both debate and dispose of amendments. The afternoon is moving along. We had statements yesterday from Senator ENZI and myself on this legislation, spelling this out. We had an opportunity in our caucus today—I imagine the Senator did as well—to go through the details of the legislation. So we have addressed many of the concerns. But there are still some concerns that are out there, and this is an extremely important piece of legislation. So we are asking our colleagues to come to the floor to let us know their amendments, to see if we can work those out. If not, we would like to have the debate on those measures and let the Senate exercise its will. We are ready for those amendments, and we urge our colleagues to bring them to our attention at the earliest possible time.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business before addressing the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, there have been comments on the floor about the fact that in just 2 hours the President of the United States will have an opportunity to sign or veto a bill which literally will affect the lives of 150,000 soldiers and their families, if not every American. It is a bill that was passed by the House and Senate, with bipartisan votes in both bodies, and sent to the President. It fully funds the troops in Iraq, giving them all the resources they need, and more, so they can execute this war and their duties in a safe manner.

But it also does something significant: it starts to change the mission in Iraq. We are in the fifth year of this war. We have lost 3,351 American lives. I respect very much the Senator from Wyoming. He tries to make a point that it is not a civil war. My understanding of a civil war is when people of the same nation are at war with one another.

That, sadly, is the reality of what is going on in Iraq today—Iraqis killing one another while Americans stand in the midst of the crossfire. Had the President of the United States come to this Congress in October of 2002 and suggested we send 150,000 soldiers into Iraq for the purpose of refereeing a civil war or a religious war that had its origins in 14 centuries of anger, had he said to us we must stay as long as 5 years and spend $500 billion and risk thousands of American lives, with no end in sight, what were the chances we would have passed that resolution? None. That is not what the President told us.

He told us Iraq was a threat to the United States of America with weapons of mass destruction, and nuclear weapons, that somehow they had been in concert with al-Qaida, that led to 9/11. None of those things turned out to be true—not one of them.

On that basis, we authorized the President to go to war, and he decided to take a preventive course of action—not preemptive but preventive course of action—and invade this country before they threatened the United States. That is what we are in today.

Within 2 hours, the President will pick up a pen and have a chance to start bringing this to an end. If he signs this bill we have sent to him, it will mean that American soldiers can start coming home and that, equally important, the Iraqis understand it is now their country, their war, and their future, that they have to put their lives on the line and not rely on the bravery of our soldiers to keep their country intact.

If the President vetoes this bill, exactly the opposite message goes to the Iraqis. Its message: Continue business as usual. Continue waiting out the political opposition, not resolving your differences, really allowing this religious or civil war to become even worse.

The month of April was the deadliest month for American soldiers this year. We continue to see thousands of Iraqis killed each month in this country. The President, though he is limited in support for this position, continues to argue that with just a few more American soldiers, a little longer period of time, some more money, everything is going to get better. Many of us are skeptical. The American people believe—and I concur with their belief—we do need a timetable to start bringing American troops home on a responsible, reasonable basis.

I hope the President will reconsider. I hope he will sign this bill. I hope the troops will be funded and the direction of this war will change.

Madam President, this bill is for the Food and Drug Administration's reauthorization. This is an agency which is often overlooked. Madam President, $1.7 billion a year in a Federal budget is not a huge amount of money. There are many other agencies with less responsibility and more resources. The Food and Drug Administration is responsible for really determining the safety of so many things American families take for granted: when you are buying food, when you are buying drugs, when you are buying over-the-counter medicines. Many of the appliances you buy really have to be tested to be safe by the Food and Drug Administration. We count on this small agency to do a very big job and a job that gets bigger by the year.

The bill that is before us is basically the law which authorizes the Food and Drug Administration to do its business. I am glad we brought it to the floor. I salute Senator ENZI on the Republican side and Senator KENNEDY on the Democratic side for their leadership.

The Food and Drug Administration is an essential guardian of the public's health and safety in America. In recent years, their reputation has been at risk because of incidents of drug safety problems and questions about their independence. The FDA has been faulted for neglecting its drug safety responsibilities and for failing to respond to concerns raised by its own drug safety specialists.

Experts have warned that the FDA does not have adequate authority to pull dangerous drugs off the market, mandate changes in drug labels, or sanction drug companies that do not monitor drug safety.

The most glaring example of a drug safety problem is the handling of Vioxx, a painkiller that was found to increase the risk of heart attack and stroke and was used by 20 million people across America. Merck was aware—the company that made Vioxx—that product raised the risk of cardiovascular problems, and they continued to market it, nevertheless, long before it stopped selling the drug in 2004. The episode has raised serious questions about FDA's ability to react quickly to signs of safety problems with drugs already on the market.

Listen to what one of FDA's own drug safety experts said in testimony before the Senate Finance Committee. I quote:

> I would argue that the FDA, as currently configured, is incapable of protecting America against another Vioxx. We are virtually defenseless.

That is quite a statement. It troubles me.

That concern of that individual does not stand alone. A survey of FDA scientists conducted last year by the Union of Concerned Scientists found the following: 47 percent of FDA scientists said their FDA office is less effective than it was 5 years ago; nearly 40 percent said the FDA is not acting effectively to protect public health; more than one-third of FDA scientists said FDA officials care more about approving new drugs and devices than ensuring they are safe; and 15 percent said they personally have been inappropriately asked to exclude or alter information or conclusions for nonscientific reasons. That is a horrible comment on an agency with the responsibility of the Food and Drug Administration.

Our priority must be to take this reauthorization as an opportunity to change the FDA. The bill does that. It restores balance between timely approval of innovative drugs and safety and effectiveness.

Problems with drug safety in recent years highlight the limits of FDA's ability to monitor and respond to safety problems that arise after approval. Safety problems may not be detected prior to FDA approval because the clinical trials FDA relies upon often involve only a few thousand people.

This bill, S. 1082, responds to this problem by making postapproval monitoring of drugs a core responsibility of the FDA, strengthening and clarifying the tools it has to make their products safer. The bill requires active monitoring for drug safety problems through the use of Federal and private databases. It creates a system for approving drugs with a specific strategy for evaluating and mitigating their risks. It promotes greater transparency by disclosing information on clinical trials.

These and other provisions in this bipartisan bill will help to restore public confidence in the FDA. S. 1082 will help FDA fulfill its crucial and complex mission. I look forward to supporting it.

One of the things most people do not realize is the major responsibility the Food and Drug Administration has for the food we eat.

Now, let me tell you at the outset, I am not capable, having served on Capitol Hill for a few years, to describe to the people who follow this debate what we call the food safety system in America. Imagine, if you will, that we have 12 to 15 different Federal agencies responsible for food safety. Imagine 30 different laws and legal standards for food safety, 40 or 50 different committees on Capitol Hill with jurisdiction, hundreds, if not thousands, of lobbyists and special interest groups hovering over this whole scene. Add to that thousands of Government workers and bureaucrats who are protecting their turf, and we have a system that is virtually out of control—not just when it comes to drugs, as important as they are, but when it comes to the food we eat.

I thank Chairman KENNEDY and Senator ENZI and others for partnering with me on an amendment which I will offer as soon as I am given the green light by the chairman and the ranking member on the issue of food safety. I thank them for working with my staff for several months to come up with language to the deal with some serious challenges.

For too long, we have gone without updating the resources and authorities of the FDA in the area of food safety. I think our system has broken down. Now is the time for an appropriate amendment to close some of the gaps we have in our current system.

In the larger picture, I have been working on this issue for a long time. I said, over 10 years ago, we need a single food safety system.

I see Senator LIEBERMAN from Connecticut on the floor. His House colleague, Congresswoman ROSA DELAURO, herself a victim of food poisoning at an early age, has been my ally in this effort. We believe a single food safety system, based on science and not on politics, is the only answer. We need to do that and do it soon.

The amendment which I am going to offer does not reach that level. It does not achieve all of the goals we wanted to on a legal basis, but it moves us forward.

How important an issue is food safety? The Centers for Disease Control estimates that as many as 76 million people suffer from food poisoning each year. Thirty-two thousand Americans will be hospitalized each year for food poisoning; 5,000 will die. With emerging pathogens, an aging population, and an increasing volume of food imports, this situation isn't going to improve without decisive action.

I agree with Chairman KENNEDY and Senator ENZI that we should proceed with the broad issue of food safety within general order, and I appreciate their willingness to work with me. The amendment is not what I hoped for in creating a single food safety agency, but it is a step forward.

The most recent news, of course, is about pet food, but believe me, it hasn't been that long ago when we talked about salmonella-contaminated peanut butter and E. coli-contaminated spinach. If it seems as if these food crises are occurring more frequently, they are. We may have the safest food supply in the world, but the fact is, every parent, every family wants to have peace of mind that when they buy something at the grocery store, they can put it on the table, feed it to their family, and no one will get sick. There are questions that are being raised almost on a daily basis about whether we can have that confidence.

The issue that came up recently was on pet food. Batches of wheat gluten and rice protein concentrate contaminated with a chemical called melamine were imported from China by several shipping companies. We just learned over the last few days from stories printed in the press that melamine is regularly added to animal feed in China.

Why would they add a chemical called melamine to something they are going to feed to livestock? Well, it is a way to increase the value of the product. If there is more protein in the feed, then they can charge a higher price. When the food product is tested to see if there is protein, you look for the presence of nitrogen. The chemical, melamine, when added, tests for higher nitrogen levels, therefore they argue higher protein levels, therefore they argue they should be paid more. So it is an economic fraud. They have argued that this is a product that doesn't hurt people. We are not sure of that, but we do know that the animals that died as a result of contaminated pet food, some of them were found to have melamine in their system. It is a serious question as to whether it is toxic.

We know now that this pet food contamination has resulted in the deaths of more than 4,000 animals across America. This contaminated product came into America without inspection or without suspicion. The FDA did not have a memorandum of understanding with China or a certification that their standards for food safety were even close to those of the United States. The product made its way from the importer ChemNutra into various manufacturers of pet food. Menu Foods is a Canadian company. They make pet food under a dozen different labels. They learned on February 20 there was a problem. How did they know there was a problem? The cats and dogs told them. They stopped eating their food and they started getting sick.

So you own a company that has dozens of different pet food labels, and you notice that animals are getting sick. What is the responsible thing for a company to do at that time? Pull the product off the shelf and notify the Federal Government. They waited 3 weeks before they sent out a notification. By the time the Food and Drug Administration learned about this, there were millions of cans of pet food and other products under different labels spread all across America with this contaminated product. Three weeks they waited. Why? Because the law does not currently require them to report on a timely basis.

I asked the FDA last week: What is the penalty against Menu Foods for waiting 3 weeks? They said: Well, we are considering. We are talking to our counsel. We will get back to you. Months have passed. Nothing has happened. Menu Foods waited 3 weeks instead of reporting on a timely basis. By then, the product was all across America.

In the case of rice protein concentrate, there is less certainty. Importer Wilbur Ellis purchased product from the Binzhou Futian Company in China. It then distributed the product to a host of companies that produce pet food. These brands and labels have been recalled in a haphazard way over the past 3 weeks—again, delays in reporting. The FDA has even refused to name several companies for more than a week trying to get to the bottom of this investigation because the records process is so broken down at this agency.

One or more of the manufacturers sold some refuse pet food that it produced using contaminated product to hog farms in California and other States. These farms fed their hogs the contaminated feed, some of which was sold to consumers and much more of it has been quarantined and is slated for destruction.

In addition, we just learned this week that 38 poultry farms in Indiana received contaminated feed. So the plot thickens, and the safety issue grows as we wonder if what was originally pet food is now being fed to livestock, and if humans consume the food what impact it will have.

There is a mystery importer involved as well from China that we have heard about but we can't identify yet. Supposedly this second importer purchased rice protein from the Chinese firm in question in larger quantities than the firm Wilbur Ellis.

In terms of the investigation in China, the FDA said: We want to send inspectors to China to see what they are sending to us. Well, first the Chinese said: We deny you the visas for your FDA inspectors. Imagine that.

Millions of dollars worth of foodstuffs coming in from China, contaminated and poisoned, killing off pets, threatening human consumption, and when we say to the Chinese that we want to take a look at their production facilities, they denied us visas. I joined with Congresswoman DELAURO and sent a letter to the Chinese Embassy, and they reversed their position, offering the visas. We have to make it clear to China and every other country that if they want to do business with the United States, they will do it on our terms when it comes to health and safety. We will never allow them to compromise the safety and health of American citizens in the process.

The amendment I am going to offer—and I hope it will be accepted—does several things based on what we have learned over the last 6 weeks. First, during this recall, consumers, veterinarians, and retailers, among others, expressed concern about the scope of the recall, what products were included, or what not to feed to domestic animals. The FDA was slow, uneven, and inconsistent in sharing information on the recall. While there are mechanisms in place to proactively track human food-borne illnesses and then share information, no similar system exists for companion animals.

I visited the FDA pet food recall Web site the day before the March 12 Agriculture appropriations hearing and found a jumble of corporate press releases. It was virtually unintelligible. I said to the FDA: Can't you make this information clearer so consumers can have the information they need to purchase these products? They took it to heart and made the changes. That is good.

In addition, following the recall, the FDA checked the records of companies such as Banfield, the largest privately owned veterinary hospital chain in the United States. The records kept showed a statistically significant increase in the instances of renal failures of cats. A system in place to track these events might have caught something like melamine earlier. So the amendment creates an early warning and surveillance system for companion animals and directs the Secretary to work with professional organizations, veterinarians, and others to disseminate information.

While we are at it, the amendment would direct the FDA, in cases of both pet food and human food, to keep up-to-date, comprehensive, searchable recall lists on their Web site.

Second, the amendment closes the gap that FDA itself identified in an earlier draft framework posted on its Web site in December of 2006. The guidances and practices that govern the pet food industry are currently generated by the American Association of Feed Control Officers, known as AAFCO. The guidelines on best practices and ingredient lists are updated annually and implemented on a voluntary basis by manufacturers and State departments of agriculture. However, there is no requirement under the law for States to adopt these practices, and they don't have the force of Federal guidelines. Inspections are not coordinated State to State, and some States have different standards. While the FDA participates in the AAFCO process, it does not provide a list of ingredients and additives. AAFCO's list is more comprehensive than the FDA's. Our amendment would direct the FDA to work with AAFCO and other stakeholders to give these guidelines the force of law.

Third, the amendment closes a loophole that this contamination has exposed with regard to our imports of food. The source of the contamination we know of was wheat gluten and rice protein concentrate originating in China. Neither shipment was inspected by the FDA. If you have some peace of mind or belief that a Federal inspector is watching food as it comes into the United States, the odds are 99 to 1 you are wrong. Only about 1 or 1.5 percent of all the shipments of food products coming into the United States are actually inspected.

As imports have increased the number of inspectors have decreased. This is an indication of U.S. food imports by country. As you can see, there have been dramatic increases in these fiscal years showing that the amount of food coming into the United States is increasing in volume. The number of inspectors who watch for this food to protect our families and consumers across America just hasn't kept pace.

In 2003, the United States imported $45.6 billion worth of agricultural products—in 2003; today, $64 billion. Agricultural imports from China have almost doubled in that period of time, from $1.2 billion to $2.1 billion. Due to flat budgets and increasing responsibilities, the overall number of FDA inspectors looking at these shipments and at domestic food processors has actually decreased from 2003 to the present time; imports up, inspectors down.

Are we surprised at what has happened? The FDA doesn't have the resources or the authority to make sure what we are bringing in from overseas is safe. We need to tackle it in a larger bill.

What our amendment does is close the loophole by improving data collection and reporting. It creates an FDA database of food adulterants that would be filled by FDA inspectors as well as importers of food. The extra series of data points would better pick out trends and help FDA do a better risk-based inspection job. It also creates a system in which adulterations are reported quickly so as to prevent contamination from spreading. This would have helped in this most recent case, but because of delays in reporting it led to an expansion of recalled product into dozens of different companies and got perilously close to the human food chain. The data would then be used by the Secretary to issue import alerts, blocking similar risky products.

I have also pursued a separate track on the issue of resources for FDA by sending a letter to Chairman KOHL of Wisconsin and Senator BENNETT of Utah requesting additional resources for food inspection at the Food and Drug Administration. I hope my colleagues will join me in that effort.

Also, I am filing an amendment that would authorize a study on user fees for food producers. It is vital that we explore various revenue streams for the FDA in light of the shortage of resources they have for inspection.

The last two items in my amendment are a sense of the Senate and a clarification that companies are required to maintain records and make them accessible to the FDA as part of an investigation. This latter item would prevent delays that keep contaminations from being known as quickly as possible. In the case of recalled peanut butter this past winter, an FDA report showed that inspectors were denied documents when they were requested. The language would clarify that when the FDA makes the inspection, it will have access to those documents needed for purposes of safeguarding the food supply.

The sense-of-the-Senate language goes beyond this amendment and this bill, stating that it is vital to update resources, direction, and authorities of the FDA to better safeguard our food supply. The sense of the Senate directs the FDA to work with our trading partners to establish cooperative agreements.

Several weeks ago, Robert Brackett, Director of the FDA's food arm, said:

> These outbreaks point to a need to completely overhaul the way the agency does business.

I am thankful the sponsors of this legislation for the reauthorization of the Food and Drug Administration understand that expanding the scope of our debate on this bill to include food safety is overdue.

Mr. Brackett went on to say:

> We have 60,000 to 80,000 facilities that we are responsible for in any given year. We have to get out of the 1950s paradigm.

Dr. Stephen Sundlof, Director of the Center for Veterinary Medicine of FDA, which has jurisdiction for pet food, implied as much when he was quoted last month as saying:

> In this case, we're going to have to look at this after the dust settles and determine if there is something from a regulatory standpoint that we could have done differently to prevent this incident from occurring.

I couldn't agree more. This is a situation where we need one food safety agency, not driven by the politics of

Washington but driven by science, to make sure the food fed to our children, the food fed to our pets, or any food served in America is as safe as possible. As we import more food with fewer inspectors, the risk increases.

I might add that we have looked at the pet food contamination and others from the aspect of greed and negligence. In the instance of China, they were adulterating their product with a chemical so that it was worth more in the marketplace. That is economic fraud. In the instance of spinach and peanut butter, we are dealing with negligence—negligence that results in a deadly product being sold across America. But we can't stop there, unfortunately. In the world we live in, with the vulnerabilities we have, food could also become a terrorist weapon. That may sound far-fetched to some, but when Governor Tommy Thompson left the Bush Cabinet, he said in parting that he found it hard to imagine why the terrorists had not attacked our food supply. He said he worried about it on a regular basis.

We have to have inspection standards in place that mitigate against greed and negligence and the possibility of someone intentionally contaminating our food supply, causing terrible suffering and death across America.

That is why this amendment is a step in the direction for a safer food supply. I sincerely hope my colleagues on both sides of the aisle will support my efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. LIEBERMAN. Madam President, I rise this afternoon to encourage President Bush to go ahead and veto the supplemental appropriations bill that Congress has sent him this afternoon because of the language in that bill on Iraq that I consider to be bad for our troops and dangerous for our country.

The legislation that Congress has passed, in my opinion, represents the worst of all worlds. As I have said before, if people feel the war in Iraq is lost, or if people feel it is not lost but not worth fighting for, then what they ought to do is act to end the war. This legislation would do no such thing. It would not end the war in Iraq. It will not require the withdrawal of all American troops from Iraq. It will not cut off funding for the war in Iraq.

On the contrary, what this legislation proposes to do is something far worse. It would handcuff our soldiers with an inflexible and arbitrary set of restrictions—restrictions that would take life-and-death decisions about how, when, and where our troops can fight away from those troops and their commanders. It would substitute the judgment of politicians in Washington for the judgment of our military commanders on the ground. That is wrong.

What is more, this legislation will impose on our soldiers in Iraq a binding deadline of October 1, 2007—5 months from today—to begin withdrawal. That withdrawal would be required to begin regardless of conditions on the ground, regardless of the recommendations of our military leaders, regardless of the opinions of our allies in the region—in short, regardless of reality—on October 1, 2007.

This is a deadline as arbitrary as it is inflexible. It is a deadline for defeat—defeat for America and a defeat for the hopes of the majority of the Iraqi people for a better, freer future.

I know we have heard from some supporters of this legislation that by ordering a withdrawal we will encourage the Iraqis to make political compromises. Where is the evidence of this?

According to the legislation this Congress has now sent to the President, the withdrawal must begin regardless of what the Iraqi Government does. Where, then, is the incentive for the Iraqis to reconcile? On the contrary, there is every reason to conclude this legislation will have exactly the opposite effect that its sponsors claim for it.

Listen to the latest National Intelligence Estimate on Iraq, which has been saluted by Members of this Chamber on both sides of the question of what to do now in Iraq. That latest National Intelligence Estimate predicted that a withdrawal of American troops in the months ahead would "almost certainly lead to a significant increase in the scale and scope of sectarian violence, intensify Sunni resistance, and have adverse effects on national reconciliation."

How do the supporters of this legislation explain that National Intelligence Estimate? For that matter, how do they justify this legislation, in light of what we all heard directly from GEN David Petraeus, the commander of our forces in Iraq, when we spoke with him and he spoke with us last week?

General Petraeus told us very clearly that we have achieved progress since our new strategy in Iraq—the so-called surge—began. Consider the situation in Anbar Province to the West of Baghdad, which has dramatically improved. That has been documented not by representatives of the administration or people who support the current policy but on the front pages of the New York Times and USA Today in the last few days.

At a moment when Sunnis in Anbar are finally helping us in targeting al-Qaida terrorists, this legislation would require us to abandon them.

Madam President, what message are we sending to our friends and our foes with this ill-advised legislation? We have heard from some that we need to abandon Iraq because it is not part of the war on terror. But here again, listen to General Petraeus, who is on the ground, one of the most outstanding generals of our military that I have met since I have been a Senator, confirmed unanimously by the Senate a short while ago. Here is what General Petraeus warned us:

> Iraq is, in fact, the central front of al-Qaida's global campaign against us.

Let me repeat that. General Petraeus said:

> Iraq is, in fact, the central front of al-Qaida's global campaign against us.

If we withdraw, as this legislation would require us to begin to do, al-Qaida wins—the same al-Qaida that attacked America on September 11, 2001, killing 3,000 innocents, the same al-Qaida that intends to attack us again, the same al-Qaida that has made very clear to us what its plans for domination and control of large sectors of the world are.

Madam President, the violence we are seeing in Iraq today, the suicide bombings in Baghdad, the chemical weapons attacks in Anbar Province, the targeted assassinations of Iraq's leaders—these are all primarily the work of al-Qaida. So the big question, then, for me—and I ask my colleagues to consider it—is whether we respond to al-Qaida's terrorism by pulling out, as it hopes we do, and as this legislation would require us to do—abandoning the future of Iraq, the Middle East, and ultimately our own American security, to the very people responsible for the terrible atrocities and suicide bombings we see in Iraq today.

The alternative to pulling out is standing up and fighting. That is what we are doing now in Iraq and doing with some success in Baghdad and Anbar Province. Rather than undermining General Petraeus and handing al-Qaida a victory, Congress should take swift and responsible action to get General Petraeus and our troops in the field the support they need to prevail.

The Iraq war is not lost. But if this supplemental became law, it would be lost and America would suffer the consequences of that defeat for generations.

President Bush, veto this bill.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, we are still looking for amendments. It is true that there are probably four important areas where negotiations are going on with the principals in a bipartisan way, and progress is being made. It does seem to us that we ought to continue that progress. We will describe in greater detail those procedures tomorrow.

We are urging our colleagues who have amendments to get in touch with us. We know this is complex legislation, but it is enormously important, and we have a lot of business in the Senate. Our leaders have indicated that they wanted us to be ready to move ahead on amendments. Senator ENZI and I are quite prepared to do so.

I understand the Senator from Michigan, Ms. STABENOW, has an amendment she is going to speak to and offer later on. We will look forward to her presence.

We want to again underline the importance that if Members have amendments, notify us as soon as possible, so we can work on them and accept them if we can. We want to be able to conclude this legislation in a timely way in the not-too-distant future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the Senator from Massachusetts for his comments. I'll make a slight addition to what he said. For some, it may not look as if there is a lot of progress being made, but I assure you there is a lot of progress being made. One of the secrets to our committee operation—which used to be one of the most contentious committees in the Senate, and now it works productively on issues such as this to get things done—is that we recognize if somebody brings an amendment to the floor and we have not heard about it before, it creates difficulty. When the amendment is filed, we don't have a real good process for amending an amendment. Technically, we can, but it requires a lot of time and votes. In the meantime, it polarizes people. Instead, we take a look at them, talk about them, and we use the body of knowledge we have gained from a lot of hearings on the issue to show where there could be inconsistencies and problems with the amendment. We get the problems ironed out so the amendment can have a logical chance for inclusion if it adds to what we are doing.

That is what is going on as we are speaking. The Kennedy staff and the Enzi staff, and those Senators with amendments are meeting together and working out difficulties. We will accept many of them. Some of them are already in the substitute bill we have. So a lot of progress has already been made on this bill. We want to get the remaining things cleared up. We would like to get it done tonight and tomorrow, if possible. I think we are getting a long way down the list now on problems that people had with it, and we are getting those cleared up in a way that I think both sides can agree on.

So that is why this is not quite as controversial as some people might expect or perhaps even want. I thank the Senator from Massachusetts, Mr. KENNEDY, for all his cooperation on this and the tremendous effort of all the staff. We need people to come down with amendments, particularly if they have something new that we have not heard about.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I rise to speak today on this FDA bill that has been brought forward by Chairman KENNEDY and Senator ENZI. I begin by thanking them for their cooperative, collegial, and inclusive approach over the last couple of weeks to get this bill in a form that makes it much more effective, accomplishing the goals we all have.

Senator KENNEDY and Senator ENZI for a long time have been great advocates of making sure we have a strong and effective FDA. Senator KENNEDY, of course, has been involved in this for many years and has played a huge role in the success of the FDA, which is, as we know, one of the extraordinarily successful agencies in the Federal Government. It gives the American people confidence, when they go into a grocery store and purchase food or when they go into a pharmacy and purchase a pharmaceutical product or have a prescription filled, that they are going to receive goods which are safe and effective and that they are not going to be at risk of harm as a result of adulteration, fraud, abuse, or misuse of those goods.

It is one of the most amazing successes of our Federal Government in the area of protecting consumers. It arose out of the early 1900 period when there were serious issues relative to food safety in this country, and has evolved into clearly one of the finest agencies, not only in our Government but in the world. It is respected around the world as the gold standard for protecting American citizens and citizens who use the products made by American companies.

This bill builds on that success. I congratulate the Senator from Massachusetts and the Senator from Wyoming for doing such a strong job of building on that success. This bill continues the effort to make sure we have a prompt but safe procedure for getting drugs approved in this country, something called PDUFA, which basically allows drug companies to pay a fairly significant portion of the cost of the approval of new drugs, which has expedited dramatically the rate of approval of new drugs. That means pharmaceuticals and biologics come to the market, which help people, which save lives, which basically makes life better. That is the good news.

In addition, there is, for devices, the MDUFMA proposals, which deal with devices, medical devices the way we deal with pharmaceuticals, setting up a fee system for the approval of medical devices. This is something, when I was chairman of this committee, I had the good fortune to be involved in developing. These two initiatives are the essence of how we maintain a vibrant drug and medical device approval process in this country. It is absolutely critical they be reauthorized, and this bill does it in an effective way.

In addition, the bill takes on a number of other issues which are timely and appropriate. The most significant, from my perspective, although there are a lot of significant ones here, is the issue of drug safety and how we make sure the drugs which do come to the market are safe. This involves not guesswork but finding out what the science is and what happens when people start using these drugs and medical devices. The concept behind that in this bill is that we should set up a regime that basically collects information from all sorts of different sources. There are literally thousands of different sources, but there are some very big ones that we develop information about the reactions people have when they take drugs. We have the tremendous database of the Medicare system, for example. We have the tremendous database of provider groups, such as the Kaiser Permanente fund out in California. These different provider groups have a huge amount of information on what is happening when somebody takes some form of medication. But what happens is that information, although it is collected, is not effectively screened and is not effectively evaluated.

What this bill does, essentially, is create a regime that allows us to more effectively, first, collect the data; second, when there are red flags popping up on that data that say there is a reaction here or reaction there or something occurs here that was not expected, that information becomes more visible under this regime and more available; and then, third, if it is clear there is something that is not going right here, that there is a series of aberrations nobody expected, then it sets up a process where we take that information out and we give it to selected groups of specialists in the academic and private world who have the ability to evaluate that information and tell us what is going on.

There are centers at MIT and I believe at Duke, for example, that do exactly this. The idea, of course, is to first collect the information effectively; second, make sure when those aberrations or red flags start to show up they are noted; and, third, when there is a certain critical mass of information that reflects something that may not be correct or is out of kilter, it makes sure we have that information evaluated in a very science-based, professional way by people who specialize in this and who have the ability to do it—something which FDA does not have the resources, necessarily, to do right now.

With that information in hand, with that science in hand, then you can make decisions. This bill creates a new regime for making those decisions—as to what a company must tell people or tell providers when they are using these different drugs and medications. But it will be a science-based decision, and that is the key here. All of this will key off of science that is hard and that is effectively reviewed and evaluated in order to come to the conclusion that certain actions must be taken in how you distribute this medication and how you communicate what the implications of this medication are. So this new safety and surveillance regime, which is known as mining the information, and then pulling it together and taking advantage of it, validating it and integrating it—this new regime is at the essence of the safety concerns which are involved in this bill.

It is very positive. It opens a new world of review in the area of pharmaceuticals and medicines, a postmarket review process which will be based on science and which will be very healthy to the system as a whole. I congratulate and thank both Senator KENNEDY and Senator ENZI for evolving this process in this bill.

In addition, there is the pediatric language in this bill. There is the BSE program, which is the program which basically rewards companies that are willing to go out and do extra research to see how a drug might affect a child. Historically, drugs will be brought to the market and you would never know—because all the clinical exams have been done on adults—how they would affect children. Some of these drugs, obviously, if given to a child, could have a significant negative impact and, if given in the wrong doses, might have an extraordinarily adverse effect. Some could actually be very positive if given in the right dosage. So it became a guessing game as to when these pharmaceuticals, when these medications, were good for children, in many instances. As a result, doctors and prescribers simply didn't know whether to make them available, in many instances, to children.

This BSE pharmaceutical procedure said essentially, We will give you, the producer of this pharmaceutical, of this medication—we will give you an extra 6 months of exclusivity in exchange for your testing this and making sure it will work effectively, or finding out if it will not work effectively, on children. The practical effect of that, of giving that incentive, has been that hundreds of new drugs have been made available to children which were not available before. This has had a very positive impact on children and the ability of children to get pharmaceuticals.

With the BSE program, we also developed a program called the Pediatric Research Equity Act, which essentially takes the opposite approach from the BSE program. It creates a mandate where, in certain instances, certain medications have to be tested on children. They have to go through a process of seeing if they will work for children. The two together basically work in tandem and the idea is they will feed off of each other, and you will create an atmosphere out there where the two different approaches—one basically being a carrot and the other being a stick—will lead to better medications being available for children.

It has worked amazingly well. The key to this, of course, is to keep these two in tandem. In order to accomplish that, they both, in my opinion—and fortunately in the opinion of the chairman and the ranking member of the committee now, at least—have to be on the same wavelength. They have to be dealt with the same way relative to things such as their sunsets, when they get reviewed and when they don't get reviewed, because if you were to have one sunsetted at a different time than the other or one sunset and the other not sunset, you wouldn't get an effective review of the two together, and they both work, as I said, together.

This bill makes sure they are treated the same way in that area, and that is a major step in the right direction toward making sure children get proper pediatric care. There is still going to be an issue tomorrow, I understand, on exclusivity, which is going to be brought up by another Senator; that is, the length of the exclusivity that is necessary in order to get pharmaceutical companies to pursue proper research on children is an issue. But I happen to think what we have now has been shown to work, and why fix something that is not broken, in my opinion. So I believe we should stay with what we have for the 6-month exclusivity period.

In addition, there are a number of other issues floating around this bill. This bill, obviously being a major health care bill, attracts a lot of other concerns. One of them that I have filed as an amendment—but I don't intend to bring it up unless we move into the issue of reimportation, which may be brought up on the floor—is the question of safety of Internet pharmacies. I believe very strongly, when somebody goes on line and purchases a pharmaceutical product over the Internet—which is happening more and more often as people become more comfortable with dealing with the Internet on a variety of different levels, but certainly senior citizens as people age into their senior citizenship years who had been dealing with the Internet for quite a few years and are comfortable with it—I believe it is critical we have in place a system which allows people, when they look at the site on the Internet, to know whether that Internet pharmacy is selling the product they say they are selling and whether the product they say they are selling has received FDA approval.

The problem we have here is a lot of these pharmacies will represent that they are selling some sort of pharmaceutical good and it turns out that product is, in many cases, adulterated or inappropriately made, in which case people end up getting a pharmaceutical product which is bad for them. In some cases it can actually lead to death. So it is critical that we have a way so when somebody goes on the Internet and looks at a site on the Internet, they know that Internet pharmacy they are looking at is legitimate and the products they sell are legitimate and have been through the FDA approval process.

In order to accomplish that, we need to set up a whole new regime, basically, and we need to pay for it. This amendment which I have put in accomplishes that. It essentially gives the FDA the authority to review pharmacy sites on line, to meet with the people who have set up those sites, to make sure to set up a certification process where they are guaranteed the sites are meeting the conditions of selling pharmaceutical products or medications which have met the FDA approval, and then to put sort of a Good Housekeeping seal on that site, which is tamperproof, which says this site has FDA-approved products. It would be a huge step forward in safety for American citizens using Internet pharmacies.

It is complicated, though, in its enforcement. It is simple to state but complicated to enforce because it means the FDA needs the resources to deal with these sites and also to deal directly with these pharmaceutical Internet sales places which may be somewhere other than the United States. Second, you have to have in the United States a point at which you can deal with the site if something goes wrong, a responsible representative on the ground in the United States who has the economic wherewithal to basically bond the site, for all intents and purposes.

Setting up that type of regime will be expensive. The language of this amendment puts in place a fee system which allows that to be paid for so we can be assured that the FDA has the resources necessary to review these sites and accomplish this goal of making sure these Internet pharmacy sites are safe for Americans to use. I think this would be a tremendous step forward in safety for all Americans, especially as we move toward a much more Internet-oriented purchasing process in this country.

Another issue which is going to be discussed here, and which I understand from the chairman may be held over for conference or come into play in some area, is a crucial issue of follow-on biologics or similar biologics.

We know we can produce a generic pharmaceutical and do it with a fair amount of predictability. We know that if a generic company brings on a pharmaceutical product which has run its course, it has proper patent coverage, that that generic is going to be safe and effective and be essentially the same thing as the pharmaceutical because they are chemical compounds.

In the biologics area, this is not the case because you are dealing with a much more complex process of producing the biological medication. It is a fermentation process, it involves proteins, it involves mutation of proteins, which depends to a great extent on a huge number of factors which are very uniquely identified with the way that that vat of medication was evolved through the process.

Anyone who has been to one of these facilities can see how complex it is to maintain consistency, even within the facility that is producing the medication. If you stepped out of that facility and tried to reproduce that medication, the complexities would even be more difficult to replicate.

It is critical that as we move into this biologic area, we understand we are not dealing with generic pharmaceuticals. You know, when you put the title "generic pharmaceuticals" on something that is sort of a motherhood term, that is a good idea. It is a good idea if it works. But if you put the generic title on biologics, you are probably going to mislead a lot of people and, in the process, potentially produce medicines which can be extremely harmful or could not accomplish the purposes.

So as we move down this road of looking at biologics and how we give the opportunity to produce similar biologics to people after the patent life has run, we have to be very careful that we don't oversimplify the exercise in the name of getting something, as "motherhoodish" as generics; rather, we have to make sure we put in place a process which allows those biologics, when they are produced as similar biologics, to have been properly reviewed to be sure they accomplish what they claim they are going to accomplish.

This means that almost in every instance of an individual biologic, you are going to have to have clinical trials for the similar biologic. There are going to be very rare instances where you can actually bring to the market something that doesn't go through clinical trials in this area, in my opinion, and you have to be very sure that you demonstrate safety and effectiveness of the similar product before you step into this arena of awarding the authority to go ahead and sell that product in the market generally.

You will also need very aggressive postmarket surveillance in this area because you do not know, in many instances—you hope you know, but you do not necessarily know—how individuals will react to taking this type of medication, which is developed as a similar medication, as versus the basic medication which is trying to be replicated.

This area of biologics is a complex one. It should not be rushed into. I know there is a great desire to step forward and say: We have a huge victory for the American people, we can now have generic biologics. But if we rush into this exercise and create a process with approval which does not adequately account for the significantly, the exponentially more complex process of bringing online a biologic when compared to a chemical pharmaceutical, then we will not have done our job as policy people but will simply have given ourselves a good press release and in the end probably have given ourselves a very dangerous process relevant to protecting the American people in the area of biologics.

As we move down this road of generics, I do hope we will move in a way that understands there is a significant difference in pharmaceuticals and that those differences are going to require a much more detailed and a much more complex approval process than we presently have in moving in the generic pharmaceutical area.

Those are some of the concerns I have relative to other issues that might be brought up in this bill. But I do again wish to congratulate the Senator from Wyoming. I wish to congratulate the chairman from Massachusetts for once again bringing to the floor a very strong piece of legislation, which will significantly improve the capacity of the FDA to continue its extraordinary record of protecting the American people relevant to food and drug safety.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I wish to thank the Senator from New Hampshire, Mr. GREGG, for the tremendous effort he put into this bill. He spent years on the committee. He became chairman of the committee. He used those years with the institutional memory and the experience with a great deal of diligence and creativity which he has always used on that committee to provide us with fuller explanations and wording for several of the provisions that are in this bill.

I thank him for helping us to perfect those and the diligence he always has on all of the issues we bring up in the committee. I also appreciate the work he has done on Internet safety. This is not something he just developed now. He has been working on it for at least 3 years that I am aware, to make that as safe a system as possible if we ever have to put it into place.

I am hoping we will not have to have that full debate at this time and appreciate his submitting it in case we need to have that debate.

I also appreciate the explanation he gave on the follow-on biologics. It is a hard thing for people on the committee who have been through a number of hearings to understand. I am sure the public as a whole has an even greater difficulty with it. But it is a whole new phase of medications. By the name, "biologics," it is alive. That makes it a lot more complicated than a set of chemicals that are ground up and put together in a particular order. Even with the chemicals that are ground up and put together in a particular order, if they aren't done quite right, they would not dissolve and people do not get any benefit from them. That is why we are doing the bill. Then we will be working on biologic similars to see if there is some way that that can be done effectively and safely. I thank the Senator for his comments and his tremendous work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would add a note of thanks to the Senator as well. We are strongly committed to information technology, the use of information technology eventually. We have that on our list. We passed it unanimously through this body a couple of years ago, but the House didn't act and we are going to act further.

But what we are talking about in the database, which the Senator from New Hampshire talked about, is using the information technology and database in terms of the postmarketing or approval surveillance. This makes a great deal of sense. That is a key aspect of safety in the legislation. The Senator from New Hampshire is very interested in shaping that.

The second is to make sure we are going to bring the latest information on drug safety to the consumers; that is more scattered at the present time than it should be.

We have accepted the recommendation of Senator GREGG to include one what they call portal in the Internet to make sure that that information will be collected and available to the consumers on safety, which is a useful addition. So these are important. I thank him for his strong support for this legislation. This is very helpful.

Now we are beginning to see, we have got broad support on our side and on both sides of the aisle for this legislation. We are working hard to clear up some of the—still a few of the outstanding items, but we are moving ahead. We want to indicate to our colleagues again that we want to try and respond to many of their amendments, but we want to do it in a timely way. We were in here yesterday afternoon with the presentation. We welcomed suggestions during the course of the evening last night, and we have done so during the course of the day. We are moving along we hope that anyone who has any other further amendments would be in close touch with us because we are giving every opportunity to our colleagues to make any recommendations they have or would like to move along to conclusion at a reasonably swift time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1004

Ms. LANDRIEU. Taking that advice to heart, Mr. President, I call up amendment No. 1004.

I would like to speak about that amendment now.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1004.

The amendment is as follows:

(Purpose: To require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella)

At the end of the bill, add the following:

TITLE ___—DOMESTIC PET TURTLE MARKET ACCESS

SEC. . SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Market Access Act of 2007".

SEC. . FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that also carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regiment that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. ___. SALE OF BABY TURTLES.

Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, or wholesaler commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which such farmer is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependant upon using the Siebeling method, or other such proven method, which uses an antibiotic to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon it outside, as the turtle may become an invasive species to the local community, but should instead return them to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

(b) FDA REVIEW OF STATE PROTECTIONS.—The Food and Drug Administration may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines, that the actual implementation State health protections described in subsection (a) are insufficient to protect consumers against infectious diseases acquired from such turtles at the time of sale.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. This amendment, I will discuss briefly at this time, and then according to the leaders on how they would like to go ahead and proceed with these amendments, it can be voted on at another time.

Mr. President, sometimes we offer amendments that affect large industries and millions and millions of people in large industries. Sometimes they are smaller industries but very important industries that we have to stand for as well.

One of them is a small, relatively small industry in my State. That is the industry of turtle farmers who grow and produce and trade and sell turtles to be used in a variety of different ways. One of the ways is by selling them for pets. In 1975, the FDA banned the sale of small turtles for pets domestically but allowed those sales to continue internationally.

So there is a group of farmers, turtle farmers, in Louisiana particularly, but I am sure there are others around the country, who have maintained their business by selling overseas. Recently, because of the competition and development of overseas markets, they are getting very constricted in what they can sell because they have now gotten competition from the countries in which most of these sales occur.

There has been a great deal of pressure to try to reopen the domestic market. That is what this amendment will do. It will open a domestic market again because the science has caught up with the regulations. We now have developed a vaccine, universally-tested and proven, that can keep those small turtles nearly free of salmonella, and with the right licensing procedures this amendment calls for and the right information that is required when these turtles are sold for pets, either to a wholesaler or retailer or to a family who might purchase them, I believe the safeguards are in place, as the science and technology have caught up with the problem.

There are many wonderful aspects about technology. Sometimes we can think our way through a problem. That is basically what has been done over the last 35 years. I am proud of the role that LSU, Louisiana State University, has played in developing these treatments. I am proud the industry survived through a very difficult time and proud they are now proposing very strict rules and regulations.

I might add that when this ban went into place for this particular reptile, there was no such ban for other reptiles that also can carry salmonella, which are still continuing to be sold on the domestic market. So on behalf of this industry, which is small but important, mainly in Louisiana, and I am certain there are turtle farmers in many places, I offer this amendment to repeal this 1975 ban in light of the new technology and new opportunities that are out there to give protection to our general public.

That is the essence of the amendment. I would like to set it aside now and speak to it at a later time when votes are scheduled.

Mr. KENNEDY. Mr. President, I thank the Senator.

We are reviewing the proposal. I understand the State of Louisiana has had a very strong regulatory process in terms of safety, which has been recognized and commended for some period of time.

Ms. LANDRIEU. Mr. President, the Senator is correct, because I understand, as I am learning more about this industry, it is more robust in the State of Louisiana than elsewhere. So I think our legislature has put the appropriate restrictions, licensing, information, as well as keeping the research going, that could develop the appropriate ways to treat these reptiles so we can maintain an industry, allow people to make a living, and keep our population safe as well.

Mr. KENNEDY. Mr. President, I thank the Senator. We are reviewing the proposal. We will work very closely with the Senator, and we will be back in touch making a recommendation, working with her. We thank the Senator very much.

Ms. LANDRIEU. Mr. President, I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I rise in support of S. 1082, the Food and Drug Administration Revitalization Act.

This legislation addresses many critical issues, including the need for provide proper incentives and support for the development and review of pharmaceuticals and medical devices, including products for children, and the need for heightened efforts to assure the safety of medications.

As we debate this legislation, let us remember we all have the same goals in mind.

We want Americans to benefit from life-saving, life-enhancing drug and device products.

We want Americans to have access to drugs that are safe and effective.

We want Americans to have all the relevant safety information available on their drugs.

And, indeed, we want Americans to know that the Food and Drug Administration, the agency responsible for ensuring drug and device safety, has the resources to do its job.

That is what this bill is all about protecting Americans and giving the FDA the tools to do its job.

The legislation before us reauthorizes both the Prescription Drug User Fee Act, better known as PDUFA, and the Medical Device User Modernization Fee Act, better known as MDUFMA.

It is of critical importance that both programs be authorized by the end of the fiscal year. This legislation embodies the agreements reached by both industries and the FDA, along with refinements added by the Congress.

Let me make clear that I am supportive of these reauthorizations. It is fair to say that I had reservations about PDUFA when it was enacted in 1992, questioning the wisdom of whether an industry should be required to support a governmental function. To a certain extent, I still have those reservations. That being said, it has become abundantly clear that there are not the resources in the Agriculture Appropriations bill to support these review functions absent a user fee, and thus I recognize their necessity.

With regard to MDUFMA, I have been particularly concerned about the impact that user fees could have on small medical device manufacturers, many of which are located in Utah. Indeed, I am proud that there are over 100 medical device companies in Utah, companies that represent the best in American innovation. They are true world leaders in their industry.

The changes made in the last reauthorization at my request, along with the new structure of the user fee in FDARA and the improved trigger provision satisfy me that the manufacturers are being fairly treated by the user fee program in this bill. And, indeed, this is a serious concern.

In February of 2006, the Lewin Group prepared a report for the FDA entitled "Medical Device Industry Perspectives on MDUFMA. That report revealed that senior industry experts felt FDA is generally doing an excellent job in premarket regulation of medical devices and that the industry was generally supportive of the purpose and goals of MDUFMA. However, key among the findings was the fact that the industry perceived little or no evidence of attaining the main intent of the program or in realizing a favorable return on investment from user fees. In fact, whenever I return to Utah to meet with medical device executives, I hear the same concern. And it is a concern I share.

Indicative of that concern is the astounding fact that 70 percent of responding device manufacturers perceived that MDUFMA goals have not resulted in meaningful improvements in either the predictability or timeliness of reviews. In fact, when I reviewed the device approval times, I understood those concerns. For some classes of devices, FDA had made great progress. For others not. This was disturbing to me, since we would all hope that progress would have been made across the board.

It is my hope with the new fee structure embodied in S. 1082, we will make better progress in achieving the approval time goals. I am pleased that Chairman KENNEDY and Senator ENZI included provisions at my request which make certain the fees for smaller companies are affordable.

Let me turn to the issue of direct-to-consumer advertising, or DTC. This is an issue on which our colleague, the senior Senator from Kansas, Mr. PAT ROBERTS, has shown great leadership, both in the HELP Committee, and here in the Senate Chamber. Senator ROBERTS has led the charge to eliminate the 2-year moratorium on prescription advertising for newly approved drugs. He has expressed constitutional concerns about such a moratorium. I share those concerns. He is right to bring this up.

In general, I believe we should be guided by a very simple rule. Advertising about products the FDA regulates should be truthful and not misleading.

I do understand the arguments that some in this body make with respect to pharmaceutical advertising. Some nights, when I watch television, those ads do become tiresome. But I could say that about a lot of ads.

Some have argued we need to be particularly careful about what pharmaceutical advertising is allowed, because we have limited knowledge about drugs, especially when they come on the market.

Those who make such arguments fail to recognize that FDARA will guarantee that consumers have access to greater clinical and safety information about medications because it gives the FDA more authority to review and react to drug safety data. User fees created by S. 1082 will bolster the FDA office responsible for reviewing drug advertisements.

The FDA has told my office and others that drug manufacturers cooperate fully with the FDA when a concern is raised about an advertisement. That would be my preference for how these ads should be handled.

I am hopeful we will be able to address this issue and I am encouraged by recent discussions involving the Senator from Kansas and others members of the Senate HELP Committee.

The bill's drug safety provisions are probably its most important component. Indeed, shortly after the Institute of Medicine issued its report on this issue, we all began to see a floor of letters in support of efforts to improve the drug safety program.

Members of the HELP Committee undertook serious discussions on how to address the problems that have been identified, and the result is this legislation developed by Senator ENZI and Chairman KENNEDY. The Enzi-Kennedy bill has benefited from the guidance of our colleagues, former Chairman

GREGG and Senator BURR, who have pointed out the necessity for more flexibility in determining when a risk evaluation mitigation plan—or REMS—is needed. Senator COBURN added greatly to the discussion by raising issues relating to the access of our constituents in rural areas to needed pharmaceuticals.

I believe the product of these discussions strikes the appropriate balance. It requires, for example, that determining whether the FDA should further assess the safety of a drug should be based on scientific evidence. To me, that is probably the most integral part of this bill—when concerns are raised about drugs, these concerns must be based on scientific evidence and not on innuendos or hearsay. This approach allows proper evaluation of relevant information and gives the FDA greater authority to warn consumers when there are problems.

In addition, the drug safety title strengthens the FDA's existing authority to monitor drugs once they have been approved by making it clear that evaluation must occur before and after approval. One of the most important components of this legislation is that more drug safety information will be made more available to the public. I believe that is an important victory for the American consumer.

I also want to take a few minutes to talk about the pediatric testing and research provisions included in this bill. I have supported both the Best Pharmaceuticals for Children Act and the Pediatric Research Improvement Act. In fact, I have supported these efforts since our former colleague from Ohio, Senator MIKE DEWINE, brought the need for additional pediatric testing of prescription drugs to our attention during consideration of the FDA Modernization Act of 1997. He fought long and hard to encourage drug companies to conduct clinical trials on pediatric uses of their drugs. His efforts paid off and this program has been extremely successful.

My good friend and colleague from Connecticut, subcommittee Chairman CHRIS DODD, has also shown great leadership on this issue when FDAMA was being considered in 1997. He held a hearing on this issue earlier this year with his ranking Republican member, Senator LAMAR ALEXANDER. That hearing was very insightful and I believe that many of us are trying to do the right thing as we reauthorize both programs.

I urge my colleagues not to lose sight of the purpose of these two programs as we make decisions on this part of the bill. We want good, solid information about the safest way to prescribe drugs for children. And by giving companies market exclusivity to conduct clinical trials, we will know the safest dosage levels for children. So let us not lose sight of the original propose of these programs—to help children have the safest dosages for prescriptions. I am hopeful that we will be able to work out our differences on these provisions on these very important issues.

Food safety is another issue that is on nearly everyone's mind these days. When I was a kid, we were always told to eat our spinach so we could grow muscles like Popeye. Peanut butter is almost a staple for most Americans. And yet these ordinary, common foods have harmed rather than helped. Pets are getting sick and we have discovered that their food has been contaminated. Something needs to be done.

I have worked with Senators KENNEDY, ENZI, DURBIN and ALLARD to figure out a constructive approach to these important issues. I think that we have made a lot of progress and I look forward continuing those discussions as the bill progresses toward enactment.

One factor that is not discussed enough is the need to appropriate more funding for inspectors and inspector training, especially abroad. I can recall over a decade though when Jim Phillips, a former investigator for the FDA, brought to our attention the woefully lacking FDA resources for foreign inspections. We were shocked then, and unfortunately, we are shocked now.

Today, only one percent of imported food is inspected. I believe this issue needs to be carefully reviewed by Congress so people no longer have to worry about whether food for them or their pets is safe.

I offered and withdrew an amendment during the HELP Committee consideration of this bill that would address another important issue. My amendment had several provisions which encouraged innovation and development of safe antibiotics, required the FDA to convene a meeting to determine how the Orphan Drug Act should be applied to antibiotics, and reauthorized the grant programs for the Orphan Drug Act. Finally, my amendment provided for a 5-year exclusivity for enantiomers of previously approved racemic drugs if and only if, one, they are approved for new therapeutic uses and, two, a completely new data set has been created for approval of this enantiomer. It is my expectation that our current discussions on these provisions will lead toward their adoption later in the week.

I also want to point out that there have been many discussions on ways to ensure that citizens' petitions do not unfairly delay generic drug approvals. I believe this is a problem, although I do not believe it is of a magnitude as some would suggest. I do not oppose making changes to ensure that any abuses in this area are stopped, as long as FDA still has the ability to do the appropriate scientific and legal review of abbreviated new drug approval applications in the timeframe it desires.

Let me turn now to one provision which is not in the bill: language authorizing a pathway for the Food and Drug Administration to approve copies of biologics. This is commonly referred to as the "biosimilars," "biogenerics," or "follow-on biologics" legislation. Senator GREGG spoke so well about this subject just a few minutes ago.

While language on this issue is not included in the bill we consider today, I want to make perfectly clear that it is my intention to work toward development of an acceptable compromise that can be included in the final version of FDARA and signed into law. It is my hope Senators will refrain from offering any amendments on this issue until we have time to develop consensus. And I do believe consensus can be developed without delay. It is my intention to do so.

As my colleagues are aware, I am the HATCH of Hatch-Waxman. I have a serious interest in making certain the law Chairman WAXMAN and I developed in 1984, the Drug Price Competition and Patent Term Restoration Act, is used as the basis for development of legislation to provide an abbreviated pathway for approval of follow-on biological products. In so doing, we must make certain we include the appropriate incentives for development of those products. Indeed, that is my high priority.

By any estimate, the Hatch-Waxman law has done consumers tremendous good by fostering today's modern generic drug industry. It has saved patients literally billions of dollars. Similarly, using it as a basis for development of a pathway for follow-on biologics will help consumers with access to the innovative, life-affirming biologic products. But in so doing, we must be mindful of the fact that we need to encourage and nurture the innovation that provides the biologics that the generic companies seek to copy. This is a tremendously complicated task, but it is one worth doing.

In 1984, when Chairman WAXMAN and I undertook a series of negotiations that led to approval of the Drug Price Competition and Patent Term Restoration Act, it was a very different time.

There were no cell phones, no DVDs, almost no one had a personal computer, and a stamp cost 20 cents

It was a much less complicated time. Generic drugs were a small, struggling industry, with no discernible footprint in the pharmaceutical world. The innovators had yet to respond to their first paragraph IV certification. In 1984, brands versus generics largely an American endeavor. Today, the pharmaceutical market—both innovator and generic—is an international marker—for research, development and marketing.

Biological products were not an issue in 1984. Today, they are becoming an increasingly larger part of pharmaceutical spending.

It is my strong belief that we can learn from this experience and build another solid law that will help consumers—both by supporting the incentive to discover and develop new biologics, and by fostering a climate that will lead to lower prices. This is a classic win-win situation.

And why is that so important?

A February report by the Center for Medicare and Medicaid Services paints the picture very well: America's health care spending in the next 10 years will double to $4.1 trillion. Or, to look at it another way, that is 20 cents out of every dollar spent. We spend about $7,500 per capita on health care in the U.S. Yet in 2016, that will rise to an astounding $12,800 per person. Greater spending for pharmaceuticals is expected to fuel much of the increase, the report's authors concluded.

And there it is in a nutshell. The good news and the bad news.

Not much worries Congress more than the costs of medical care—both from the perspective of a balanced budget, and from the view of our constituents' pocketbooks.

In many ways, it is an embarrassment of riches.

We have exciting new therapies to treat our medical ills—new drugs, new devices, stem cell treatments. Their potential to improve human health and well-being is almost limitless.

And yet the cost of those treatments, the impact they have on the budget, at times seems equally limitless. In fact, in 2005, prescription drug spending was estimated at $214 billion, a healthy amount by anyone's measure. That same year, spending on biologics was estimated at $32 billion.

Since biologicals are generally more expensive products, ways to reduce their costs interest policymakers and other stakeholders in expenditure of the health care dollar, foremost among them employers, insurers, pharmacy benefits managers, and of course, the government.

Comes now the generic drug industry, which has been proven to provide alternative, safe and effective therapies in a much more cost beneficial manner. We look to them to be part of the solution to this problem. And they, in turn, look to us to help them be part of that solution.

It is no secret that several senators have been meeting to develop a bill that would establish a pathway for biosimilar products to be approved by the Food and Drug Administration. We had hoped to have it ready for inclusion in FDARA, but it was not, despite the talks of the four Senators. I am referring to Health, Education, Labor, and Pensions Committee Chairman TED KENNEDY, the committee's ranking Republican, MIKE ENZI, Senator HILLARY CLINTON, and me. All members of the HELP Committee, we have worked to develop consensus on what legislation would include.

Senator KENNEDY and I began these talks several months ago. He is committed to developing a bill on a priority basis. Our staffs literally have been working night and day.

Our work has been aided immeasurably by the leadership of Chairman WAXMAN, and in the Senate, Senator CHUCK SCHUMER and Senator CLINTON, who have introduced the companion to the Waxman bill. Their legislation, the Access to Life-Saving Medicine Act, H.R. 1038/S. 623, provides a solid starting point for discussions. It is an important work that has added immeasurably to the congressional dialogue.

It is my hope that our discussions will also be informed by the work of Representatives JAY INSLEE, GENE GREEN and TAMMY BALDWIN, who recently introduced the Patient Protection and Innovative Biologic Medicines Act of 2007, H.R. 1956, and by the views of the many, many stakeholders in this legislative effort.

The time to develop a pathway for approval of biosimilar products is long past overdue. It should be our priority, and it should be our high priority, to get it done this year. But, we should get it done right. Our deliberations must be based on science. The original balance of the law must be maintained, but we must also recognize the emerging realities of this new world.

And what are those realities? First, biotechnology products are not drugs; they are very complicated molecules that are not easily reproduced. An inadvertent change in the structure of that molecule can lead to very devastating consequences.

Second, today, it is unlikely that any follow-on company will be able to produce an exact copy of a biotech molecule, a generic biologic if you will, at least at first.

Third, because science advances, and because American researchers are very good at advancing science—stem cell research is one example that comes readily to mind—we must hold open the possibility that one day there will be true biogenerics.

And we must also develop a pathway so that biosimilar products can be approved without a full biologics license application, a time-consuming and expensive process.

But whatever policy we develop, it must be based on soundness of science, rather than the practicalities of politics.

Fourth, we must take into account the unique nature of today's industry. This is so much more than an exercise between big Pharma and the generics, or even between big bio and the generics.

Indeed, there are about 1,400 biotech companies in the United States. How many of them are profitable? Astoundingly, only 20.

Many of these companies are small, with revenues of under a million dollars per year. Many do not even have a product on the market.

We must examine closely the issue of who will be making biosimilars? Will it be the Barr Labs and Tevas of the world? Undoubtedly.

But it may also be generic subsidiaries of innovator companies.

It is also very likely to be companies in India and China. As we have seen with the recent concerns over pet food, inspecting foreign manufacturing plants has historically been a problem for the resource-constrained Food and Drug Administration.

Fifth, we must use the framework of Hatch-Waxman where we can, but we must recognize there may be ways to improve it.

There are obvious differences between regulating a pathway for biosimilars and for copies of chemical drugs. For example, as I mentioned, today's science will probably not allow identical copies of today's biologics. So, the concept of bioequivalence cannot be imported into this debate. Instead, we must work carefully to define biosimilarity.

Another difference today is the fact that process patents are much more integrally tied to the manufacture of biologics. Current law does not require listing of process patents in the orange book.

Waxman-Hatch is inherently a litigious process. But its framework—the patent holder or drug manufacturer—v. the generic—does not easily translate to a system in which multiple patent holders may exist, including, for example, major universities and research centers.

Sixth, the incentives for development of biotech products must be maintained, enhanced where it advances public policy. But at the same time, we cannot seed a new generation of roadblocks that preclude biosimilar entry. This is the nub of the key, crucial balance.

Seventh, the role of the FDA must be carefully evaluated. We must empower the agency to evaluate pure, safe and potent copies of biotech products, but we must all recognize that there must be a bright line that separates a safe copy from a new product which should be subject to a full biologic license application.

We need to free the agency and provide it with the flexibility to evaluate the adequacy of a biosimilar submission based on good science, but we must also recognize that, as Commissioner von Eschenbach has said, there may be some products which cannot be copied safely with today's science.

Eighth, we must make certain the resources are there for the FDA to do the job right. I must note that negotiations between the agency and the pharmaceutical industry on the Prescription Drug User Fee Act reauthorization, or PDUFA, took over one year.

Every indication I have is that review of a biosimilar application is very likely to be more complex and time consuming than that for a new biologics license application.

There must be authority for a fee to be collected that reflects this complex workload. If we do not provide adequate resources to the FDA, then review of new products could suffer at the expense of cheaper copies as reviewers become siphoned off from new products to the biosimilars. We should not design a system in which this occurs.

And I must digress at this point to underscore that the FDA is already cash-strapped and that situation simply must be corrected. The dire FDA resources issue appears to have manifested iself in such recent revelations as to the inadequacy of food inspections for some of the most ubiquitous products in American life, including pet food and peanut butter.

Federal policymakers must take this into account when legislating, and the Food and Drug Administration Revitalization Act is a good place to start.

Enacting follow-on biologics legislation is a top priority for me. I want us to finalize a bill on a priority basis, and it is my hope it can be included in the final version of FDARA that emerges from the conference committee.

Before I close, I want to talk about one other issue that is often debated when FDA-related legislation is considered on the floor: importation of prescription drugs. This morning, I listened to our colleague, the Senator from North Dakota, Mr. DORGAN, talk about his legislation which allows prescription drugs from other countries to be imported into the United States from other countries. My colleague refers to this as drug reimportation which I believe gives people the false impression that these drugs are originally manufactured in the United States, exported to another country and then imported back to the United States. I just want to clarify that is not typically the case.

In addition, I saw the Senator from North Dakota hold up two bottles of Lipitor and say that there is no difference between a drug manufactured in Ireland and a drug manufactured in the United States. He suggested that the pills may be different colors but the bottles are the same and the medicine in the bottle is the same.

That may be true for the two bottles of drugs that he had on the Senate floor. But how could we be assured that is always the case? Can we always guarantee that pills in a bottle labeled from Ireland are actually manufactured in Ireland? I don't think so.

This issue is the crux of the problem—unless the FDA has approved these medications, we have no way of knowing what is actually in the bottle. In fact, when I served as chairman of the Senate Judiciary Committee, I held a hearing on drug importation and this issue was raised by one of the members of the committee. At that July 14, 2004, hearing, one Senator specifically asked about a prescription drug bottle labeled as being from Canada. William Hubbard, the Associate Commissioner for Policy and Planning for the FDA, told her that even though the label said the bottle was from Canada, the FDA had no idea where that bottle had originated.

In fact, at that hearing, Mr. Hubbard said:

> Although some purchasers of drugs from foreign sources may receive genuine product, others may unknowingly buy counterfeit copies that contain only inert ingredients, legitimate drugs that are outdated and have been diverted to unscrupulous resellers, or dangerous sub-potent or super-potent products that were improperly manufactured. Furthermore, in the case of foreign-based sources, if a consumer has an adverse drug reaction or any other problem, the consumer may have little or no recourse either because the operator of the pharmacy often is not known, or the physical location of the seller is unknown or beyond the consumer's reach. FDA has only limited ability to take action against these foreign operators.

On a related issue, I would like to share Mr. Hubbard's insights on the safety of drugs that have been imported from other countries.

> FDA remains concerned about the public health implications of unapproved prescription drugs from entities seeking to profit by getting around U.S. legal standards for drug safety and effectiveness. Many drugs obtained from foreign sources that either purport to be or appear to be the same as U.S.-approved prescription drugs are, in fact, of unknown quality. Consumers are exposed to a number of potential risks when they purchase drugs from foreign sources or from sources that are not operated by pharmacies properly licensed under state pharmacy laws. These outlets may dispense expired, subpotent, contaminated or counterfeit product, the wrong or a contraindicated product, an incorrect dose, or medication unaccompanied by adequate directions for use. The labeling of the drug may not be in English and therefore important information regarding dosage, warnings and side effects may not be available to the consumer. The drugs may not have been packaged and stored under appropriate conditions to prevent degradation, and there is no assurance that these products were manufactured under current good manufacturing practice (cGMP) standards. When consumers take such medications, they face risks of dangerous drug interactions and/or of suffering adverse events, some of which can be life-threatening. More commonly, if the drugs are subpotent or ineffective, they may suffer complications from the illnesses that their prescriptions were intended to treat, without ever knowing the true cause.

Mr. President, this was a sobering hearing and I urge my colleagues, especially those who support the importation of prescription drugs into this country, to take the time to review the testimony from the July 14, 2004, hearing. We had many witnesses who provided valuable insights on this issue.

To address Senator DORGAN's other point regarding the cost of prescription drugs, I want to make one thing perfectly clear—I want Americans to have access to affordable drugs, but I also want these drugs to be safe and effective. As one of the authors of Hatch-Waxman, I understand the problem of pharmaceutical costs, and I have a record of working to find solutions. But bringing potentially unsafe medicines, medicines uncertified by the FDA, into the United States is not a solution.

In conclusion, I ask my colleagues who are skeptical about this bill to reserve judgment and listen carefully to the debate. While I supported this bill when it was considered by the Senate HELP Committee 2 weeks ago, I honestly believe that members of the HELP Committee have worked hard together to make the reported bill even better. So I urge my colleagues to take the time to review the bill because there are a lot of good provisions in it.

I would like to take this opportunity to recognize the hard work of the staffs of both our committee chairman, Senator KENNEDY, and our ranking minority member, Senator ENZI. I would specifically like to thank Amy Muhlberg and David Dorsey for their dedication and hard work on this issue—they have been working on drug safety legislation for over 2 years and I want both of them to know how much all of us appreciate their efforts. I also want to recognize Shana Christrup and David Bowen for their leadership in helping their bosses get this bill to the floor under very difficult time constraints. All of the HELP Committee members' staff have worked long hours and many weekend hours and I just want you to know how much I appreciate all of you.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

IRAQ

Mr. BYRD. Mr. President, 4 years ago, I stood in this very spot and warned against an ill-advised invasion of Iraq. Today, the situation in Iraq has spiraled out of control, into a bloody, deadly, sectarian civil war. Yet the President and his team continue to hold fast to their "stay the course" nonsense. While they do, thousands of brave young Americans place their lives in jeopardy every day. That reality is one this Nation and the world did not have to experience. It is a tragic reality, brought on by a war of choice and an occupation that has yielded neither stability nor reconciliation.

Four years ago today, the President landed on the deck of the USS *Abraham Lincoln* to declare, "Mission accomplished." Four years ago—it feels like an age. For thousands of our soldiers and their families, and likely for the Iraqi people, it feels like a lifetime.

How wrong our President was then, and how wrong our President continues to be today.

Ralph Waldo Emerson said:

> A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.

No matter how many times the President wishes it were so, peace in Iraq will not be found at the barrel of an American gun. No matter how hard the President hopes that it will happen, sectarian violence will not be quelled with U.S. forces occupying the Iraqi nation. Cross your fingers, pull out your lucky rabbit's foot, even nail a horseshoe over the Oval Office door, but hoping for luck will never change the deadly dynamic in Iraq.

Peace demands an Iraqi-led political solution to transcend the ethnic and sectarian divisions that are splitting the country apart—a political effort which, to date, the Iraqi Government has been unable or unwilling to take on. Our legislation could have spurred that progress, but President Bush has defiantly said no. This White House clings to its "foolish consistency."

When he took office as President more than 6 years ago, George W. Bush issued a call for renewed responsibility in government. Where are the echoes of that call today? What is responsible about clinging to this failed course in Iraq and refusing to consider a new path? What is responsible about the President continuing to foster and manipulate the fears of the American people?

Faced with the tragic consequences of its misjudgments in Iraq, the Bush administration is paralyzed, unwilling to acknowledge, much less remedy, its catastrophic blunders. President Bush has gone so far as to say that the way out of Iraq will be decided by future Presidents.

What an outrageous abdication of responsibility. It is unacceptable to pass this buck to future leaders while our brave troops fight and die today in the crosshairs of this Iraqi civil war. The time to begin rectifying this dreadful blunder is now, not in 2 years, not with the next President but now.

With the supplemental bill, Congress responded to the call of the American people. We offered a new beginning in reconstruction and stability for Iraq. Our proposal could have generated political reconciliation and economic security in Iraq. Our bipartisan plan shifted the responsibility for the Iraqi nation's long-term success to the Iraqi people themselves. But plainly Congress offered a plan that could have meant a brighter future for Iraq, a future controlled by the Iraqi people themselves with continued support from the United States. But the President has flatly rejected that plan. It is a sad day for our Nation and for the world.

Before the war began, I urged the President to think through the consequences. There was no doubt as to the military outcome of the war between the United States and Iraq. Our military might was certainly unquestioned. I was very concerned about the repercussions that would follow this certain military victory. Tragically, the repercussions I feared all have come to pass. Oh, how I wish, yes, how I wish that I had been wrong.

Once again, I urge the President to think through the consequences of his choices, the consequences of his rejection of this new plan for Iraq, the consequences of clinging to false hopes, for that is what this veto does. This veto endorses the falsehoods that took us to war. It cements failed policy in place. This veto ensures that hundreds, maybe thousands, more will die in Iraq without any true plan for peace. It forces our military to continue to pursue a mission impossible, creating democracy at the point of a gun.

I am sorry this day has come to pass. I am so sorry the horrors of this deadly and mishandled occupation have become the stuff of political gamesmanship. There is ample blame to go around for that fact.

I have seen clashes between the legislative and executive branches. I have seen Presidents make mistakes in the past. Everyone, yes everyone, makes mistakes. I certainly have made mistakes, but I have never seen such arrogance in a White House that seals its eyes and ears and blindly sends so many people to their doom. I pray for our troops, for our President—yes, I do—and I pray for our country, yes, for our country, and for the people of Iraq.

President Bush has chosen to hold hostage $100 billion for our troops to his, President Bush's, policies, his failed policies. But his choice, his choice, is not the last word. Congress will get to work on a new version of the supplemental appropriations conference report. We, with the Lord's will, will not delay, but we also will not stop our efforts to stand for what is right and to craft policies that reflect the true strength of America: humility, modesty, honesty.

We will continue to press for a strong, intelligent foreign policy that does not rely on military might alone. And we will not stop in our efforts to bring peace to Iraq and our troops home from war, so help me God.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, what is the pending business?

The PRESIDING OFFICER. S. 1082 is before the Senate. The Landrieu amendment is currently pending.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Landrieu amendment be set aside and that I may be able to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 990

Mr. DORGAN. I have amendment No. 990 at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN], for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL, proposes an amendment number 990.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DORGAN. I offer this amendment on behalf of myself and Senator SNOWE and other cosponsors, including Senator STABENOW, Senator GRASSLEY, Senator MCCAIN, Senator PRYOR, Senator SANDERS, Senator WHITEHOUSE, and Senator MCCASKILL.

This amendment comes from a piece of legislation we have previously introduced dealing with the reimportation of prescription drugs, FDA-approved, lower priced prescription drugs that are sold in other parts of the world for much lower prices than they are priced in the United States. There are 33 cosponsors on the bill as it was introduced in the Senate. It seems clear to me that the best approach to advancing this legislation is to offer it as an amendment to the legislation that reauthorizes the Food and Drug Administration. Inasmuch as this subject deals with the FDA, it would provide funding for the FDA, guidelines for the FDA on reimportation of drugs. I am not going to speak at length today. I spoke earlier today. I intend to come back tomorrow morning to speak at some greater length.

I know my colleagues, Senator SNOWE and Senator GRASSLEY and Senator STABENOW and Senator SANDERS—I have talked to him—I know others will wish to come and speak as well. But suffice it to say, we have a situation in this country today in which the U.S. consumer is charged the highest prices in the world for prescription drugs. That is just a fact. Today I held up two pill bottles on the floor of the Senate, identical bottles that contained the same prescription drug medicine made in Ireland. It was called Lipitor, for controlling cholesterol. The tablets were made in a manufacturing plant, FDA-approved plant in Ireland. The two bottles I held up today were different only in that one was sent to Canada and one was sent to the United States.

The one sent to the United States was priced nearly double the price of the medicine sent to Canada. But that is not unusual. The same thing would be true with respect to medicine that was sold in Germany or Italy or France or Spain or England. They all pay much lower prices for the same prescription drug, the identical drug made in the identical plant—FDA-approved, sold all around the world, except the U.S. consumer is given the privilege of paying the highest prices in the world, in some cases 80 or 90 percent higher, in some cases 120 percent higher than others pay for the identical prescription drug.

Our point with this amendment simply is that if the global economy is going to work, why doesn't it work for everybody? How about the little guy who is buying prescription drugs and is paying the highest prices in the world.

We have put together a piece of legislation with very significant safety precautions so that there are no safety issues at all. I mentioned today that Europe does this routinely. They have a parallel trading system in Europe. They have had it for a couple of decades. If you are in Germany and want to buy a prescription drug from France, no problem. If you are in Italy and want to buy it from Germany, no problem.

They have a parallel trading system that allows the consumers to access the best prices. It is only the American consumer that is disadvantaged by a sweetheart deal that allows the prescription drug industry to engage their own price controls, which means that we pay the highest prices in the world.

We have offered an amendment. We have 33 cosponsors on the underlying legislation. The amendment I offer on behalf of myself and Senator SNOWE, bipartisan legislation, as I indicated—Senators GRASSLEY and MCCAIN, STABENOW, PRYOR, SANDERS, WHITEHOUSE, MCCASKILL.

This is a good amendment. It is good public policy. I know the prescription drug industry, the pharmaceutical industry doesn't like it. I understand that. I do not come here with a grievance against that industry. I just do not like their pricing policy. I do not like the fact that they say to the American people: You pay the highest prices in the world.

That is not fair. It ought to change. Our amendment is aiming to change it.

Mr. President, I will speak at greater length on the subject tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. As usual, my dear friend from North Dakota is articulate, and he deserves to be listened to, but I disagree with him.

The Dorgan amendment allows individuals to import a qualifying drug, and this will pose an overwhelming set of resource burdens for the FDA, Customs, and other agencies, especially the FDA. It would, as I have mentioned before, create very significant safety concerns.

This amendment establishes a complicated system for the regulation of imported drugs. Now this system that he suggests is so vast, it would take and require a lot of money, more than all of the proposed fees could support.

Where would an already strapped Federal agency such as FDA get these additional dollars? So far we have not given it to them. There have been estimates that these dollars would amount to so much that there is no way that we could give them enough money.

This amendment allows foreign-imported products to be approved for distribution in the United States even when they may not be bioequivalent to the FDA-approved products. Now the reason I cite that is because the letter from the FDA, this letter was sent to the Honorable BYRON L. DORGAN, Senator DORGAN. This letter was sent April 10, 2007.

I ask unanimous consent that this letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. In that letter, just to mention a couple of things, the Acting Deputy Commissioner for Policy, Randall W. Lutter, Ph.D.—let me just mention a couple of sentences.

He said:

> Nevertheless, the Agency continues to have concerns with enacting such a sweeping importation program and fears that intermediaries would likely swallow the bulk of cost-savings, preventing the American consumers from enjoying much, if any, practical benefit from such a program.

On safety concerns, he said:

> We have safety concerns related to both the identification of unsafe or non-complaint drug products and about the substitutability for domestic products.

On identifying unsafe/noncompliant drug products, he said:

> The section of the bill that would allow individuals to import a qualifying drug from a registered exporter would likely pose an overwhelming resource burden for the Agency and create significant safety concerns.

Just reading at random:

> S.242 would establish a complicated system for the regulation of imported drugs. This complex system is so vast that it would be enormously resource-intensive, likely much greater than the proposed registration fees and inspection fees could support.

On a lack of substitutability, he said:

> The proposed bill provides a mechanism for foreign imported products to be approved for distribution in the U.S. even though these products may not be bioequivalent to the FDA-approved product.

This letter is a serious letter. I don't think we should ignore letters such as these in our zeal to resolve problems. I believe the distinguished Senator from North Dakota is very well intentioned. I have a tremendous regard for him and for his ability to explain things on the floor of the Senate.

I also ask unanimous consent to have printed in the RECORD excerpts of the testimony before the Senate Judiciary Committee on July 14, 2004, entitled "Examining the Implications of Drug Importation," of Mr. William Hubbard, Associate Commissioner for Policy and Planning of the U.S. FDA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY: UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

EXAMINING THE IMPLICATIONS OF DRUG IMPORTATION, JULY 14, 2004

Mr. William Hubbard, Associate Commissioner for Policy and Planning, U.S. Food and Drug Administration

INTRODUCTION

Mr. Chairman and Members of the Subcommittee, I am Mr. William K. Hubbard, Associate Commissioner for Policy and Planning at the U.S. Food and Drug Administration (FDA or the Agency). With me is John M. Taylor, Associate Commissioner for Regulatory Affairs at FDA. We appreciate having this opportunity to discuss with you the issues relating to the importation of prescription drugs into the United States and the use of the Internet to facilitate the sale of these drugs.

At FDA, our statutory responsibility is to assure the American public that the drug supply is safe, secure, and reliable. For more than 60 years, the Federal Food, Drug, and Cosmetic (FD&C) Act has ensured that Americans can be confident that, when they use an FDA-approved drug, the medicine will be safe and effective and will work as intended in treating their illness and preventing complications. In carrying out this responsibility, FDA is working to do all we can under the law to make medicines accessible and help doctors and patients to use them as effectively as possible, through such steps as expanding access to generic medicines, reducing the time and cost of showing that new medicines are safe and effective, and providing up-to-date information for health professionals and patients to obtain the benefits and avoid the risks associated with powerful medicines. That is the primary mission of the thousands of dedicated staff, including leading health care experts, doctors, economists and scientists who work tirelessly at FDA in public service for the American people. FDA remains strongly concerned about counterfeit, and/or illegally imported pharmaceuticals whose safety (and effectiveness cannot be assured because they are distributed outside the legal structure and regulatory resources provided by Congress.

IMPORTATION OF PRESCRIPTION DRUGS

Sixty-five years ago, Congress responded to widespread instances of unsafe drugs by directing FDA to implement a system for assuring that Americans have a drug supply they can trust will not harm them. Over forty years ago, Congress required that legal drugs be proven to be effective as well, because modern medicines—when they are produced, distributed, prescribed, and used properly—should not only be safe but effective in the treatment of disease. More recently, in 1988, Congress enacted the Prescription Drug Marketing Act (PDMA) to establish additional safeguards to prevent substandard, ineffective, or counterfeit drugs from entering the U.S. Under PDMA, it is illegal for anyone other than the drug's original manufacturer to re-import a prescription drug into the U.S. that was manufactured in the U.S. This law was enacted with strong bipartisan support because of high-profile cases of unsafe and ineffective drugs entering the U.S. in large volumes. In one instance, over 2 million unapproved and potentially unsafe and ineffective Ovulen-21 "birth control" tablets from Panama were distributed into the U.S. as "American goods returned." In another case, a counterfeit version of Ceclor, a widely used antibiotic at the time, found its way into the U.S. drug distribution from a foreign source. Over the years, FDA has employed PDMA and other authorities to build a drug safety infrastructure to ensure that Americans enjoy the highest-quality drug supply in the world.

Unfortunately, the drug supply is under unprecedented attack from a variety of increasingly sophisticated threats. This is evident in the recent significant increase in efforts to introduce counterfeit drugs into the U.S. market. FDA has seen its number of counterfeit drug investigations increase four-fold since the late 1990s. Although counterfeiting was once a rare event, we are increasingly seeing large supplies of counterfeit versions of finished drugs being manufactured and distributed by well-funded and elaborately organized networks. At the same time, inadequately regulated foreign Internet sites have also become portals for unsafe and illegal drugs. For example, FDA recently worked with domestic and international authorities to shut down a website that was advertising "FDA-approved" and safe "European" birth control pills and other drugs, but was actually responsible for importing ineffective, counterfeit drugs. Evidence strongly suggests that the volume of these foreign drug importations is increasing steadily, presenting an increasingly difficult challenge for Agency field personnel at ports-of-entry, mail facilities, and international courier hubs, and our laboratory analysts and border and law enforcement partners.

FDA is doing its best to use its limited resources and international authorities to stop the increasing flow of violative drugs into this country, but the task is daunting. FDA's Office of Regulatory Affairs has inspectors working in the field who perform investigations pertaining to imported prescription drugs, a job that is not limited to inspections at ports-of-entry. Each day, however, thousands of individual packages containing prescription drugs are imported illegally into the U.S., simply because the sheer volume has grown to exceed the capability of FDA field personnel to properly process.

SAFETY CONCERNS RELATING TO IMPORTATION

FDA remains concerned about the public health implications of unapproved prescription drugs from entities seeking to profit by getting around U.S. legal standards for drug safety and effectiveness. Many drugs obtained from foreign sources that either purport to be or appear to be the same as U.S.-approved prescription drugs are, in fact, of unknown quality. Consumers are exposed to a number of potential risks when they purchase drugs from foreign sources or from sources that are not operated by pharmacies properly licensed under state pharmacy laws. These outlets may dispense expired, subpotent, contaminated or counterfeit product, the wrong or a contraindicated product, an incorrect dose, or medication unaccompanied by adequate directions for use. The labeling of the drug may not be in English and therefore important information regarding dosage, warnings and side effects may not be available to the consumer. The drugs may not have been packaged and stored under appropriate conditions to prevent degradation, and there is no assurance that these products were manufactured under current good manufacturing practice (cGMP) standards. When consumers take such medications, they face risks of dangerous drug interactions and/or of suffering adverse events, some of which can be life-threatening. More commonly, if the drugs are subpotent or ineffective, they may suffer complications from the illnesses that their prescriptions were intended to treat, without ever knowing the true cause.

Patients also are at greater risk because there is no certainty about what they are getting when they purchase some of these drugs. Although some purchasers of drugs from foreign sources may receive genuine product, others may unknowingly buy counterfeit copies that contain only inert ingredients, legitimate drugs that are outdated and have been diverted to unscrupulous resellers, or dangerous subpotent or super-potent products that were improperly manufactured. Furthermore, in the case of foreign-based sources, if a consumer has an adverse drug reaction or any other problem, the consumer may have little or no recourse either because the operator of the pharmacy often is not known, or the physical location of the seller is unknown or beyond the consumer's reach. FDA has only limited ability to take action against these foreign operators.

The Agency has responded to the challenge of importation by employing a risk-based enforcement strategy to target our existing enforcement resources effectively in the face of multiple priorities, including homeland security, food safety and counterfeit drugs. However, this system, as it works today, is already overwhelmed by the number of incoming packages, and this presents a significant ongoing challenge for the Agency.

Recent spot examinations of mail shipments of foreign drugs to U.S. consumers revealed that these shipments often contain dangerous or unapproved drugs that pose potentially serious safety problems. In 2003, inspectors found that the majority of the packages examined in these "blitzes" contained illegal drugs. Last summer, FDA and the U.S. Customs and Border Protection agency (CBP) conducted blitz examinations on mail shipments at the Miami and New York (JFK Airport) mail facilities in July, and the San Francisco and Carson, California, mail facilities in August. In each location, the agencies examined packages shipped by international mail over a 3-day time span. Of the 1,153 shipments examined, the overwhelming majority (1,019 packages, or 88 percent) contained unapproved drugs. The drugs arrived from many countries. For example, 16 percent entered the U.S. from Canada; 14 percent were from India 14 percent came from Thailand, and 8 percent were shipped from the Philippines.

Mr. HATCH. These are serious statements by serious people. I don't think we should ignore them. It is one thing to argue that you don't like the pharmaceutical companies, and many don't. It is another thing to argue that these drugs that are going to be imported or reimported are absolute identical copies of what they represent. I would pay attention to what these people are saying.

I also ask unanimous consent to print in the RECORD the statement of a Customs officer who came and testified on the 14th.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATOR ORRIN G. HATCH (R–UT) HOLDS HEARING ON DRUG IMPORTATION

Mr. HATCH. Ms. Durant.

Ms. DURANT. Mr. Chairman, members of the committee, thank you for this opportunity to testify.

I'm Elizabeth Durant, director of trade compliance and facilitation in the Office of Field Operations at the Bureau of Customs and Border Protection.

Today I'd like to discuss with you CBP's efforts to address the ever-increasing trend of personal and bulk importation of pharmaceutical products and controlled substances into the United States.

Although the main focus of the CBP has shifted to protecting the United States from terrorist attacks, we also enforce over 400 requirements for more than 40 other federal agencies at U.S. borders. These include the laws that prohibit the importation of illegal or unapproved pharmaceuticals that fall under the jurisdiction of the Food and Drug Administration, as well as those controlled substances that are under the jurisdiction of the Drug Enforcement Administration.

The issue of U.S. consumers buying prescription drugs from foreign sources has become a significant concern. A growing number of Americans obtain their medications from foreign locations. However, the safety of drugs purchased from these sources cannot be insured. Drugs produced outside the United States may be counterfeit. Counterfeiting can apply to both brand name and generic drugs where the identity of the source is deliberately and fraudulently mislabeled in a way that suggests that it is the authentic approved product.

The CBP is concerned with three avenues that pharmaceuticals are imported: Those that are purchased through the Internet and shipped through our international mail express courier facilities; those carried into the States by individuals transiting our land borders; and bulk shipments of adulterated or counterfeit pharmaceuticals. During the course of the past year we have taken several steps to address each of these areas.

Millions of packages come through the mail and express courier facilities every year. Thousands of packages, particularly in the mail, are found to contain illegal and approved pharmaceuticals. We also estimate that 10 million people cross the land border annually carrying unapproved products.

Additionally, we have found bulk pharmaceutical shipments that were attempted to be imported through the mail potentially indicating that these products could be making their way to pharmacy shelves.

In order to address what is clearly a growing threat to this public health, CBP has been working cooperatively with the DEA, the FDA, our own U.S. Immigration and Customs Enforcement, ONDCP and the Department of Justice attorneys in an interagency working group directed at addressing issues related to the importation of prescription drugs and miscellaneous pharmaceuticals.

The working group has conducted regular meetings since January 2004 and has achieved several key accomplishments since its inception, including conducting a joint interagency enforcement operation known as Operation Safety Cap, which was designed to look at passenger importations of pharmaceuticals from Mexico.

Operation Safety Cap was an interagency plan to enforce laws related to the importation of prescription drugs at the border. Both FDA and ICE participated in the enforcement operation. The plan began with a public outreach, followed by an enforcement effort at the Ports of Andrade, Yuma, Tecate, San Luis and Calexico. The purpose was to evaluate compliance with laws related to the importation of prescription drugs.

During the course of the operation there were several troubling instances of returning U.S. residents receiving different medications than the ones they thought they were being prescribed.

In one instance there was no active ingredient in the unmarked, undeclared bottle that was brought into the U.S. The overall seizure detention rate was nearly 7 percent of the number of individuals inspected, which was significant enough to warrant additional enforcement efforts at our land borders.

Based on an operation nicknamed "Operation Safeguard" that we have carried out over the last couple of years, we have found the volume of pharmaceuticals shipped through international mail to be enormous. We have also found a significant number of these products do not contain an active pharmaceutical ingredient, but merely contain substances such as starch or sugar.

Other problems include expired materials, unapproved products, improper use instructions and products made in facilities not under proper regulation. The vast majority of the pharmaceuticals that enter the United States via the mail do so in a manner that according to FDA violates present FDA and other requirements.

It is clear that the importation of pharmaceuticals and controlled substances remains an overwhelming problem for CBP. We are working with the FDA, the DEA, ICE and other regulatory agencies to develop a more practical and workable approach to solve this huge problem.

I want to thank you and the members of the committee for considering Customs and Border Protection in your review of the importation of pharmaceuticals and controlled substances. This is an issue that speaks directly to our mission. We will continue to make every effort possible to work with the Congress and our fellow inspection agencies to address the health and safety concerns of the American people.

Thank you, Mr. Chairman, I look forward to responding to any questions today.

Mr. HATCH. It was a startling statement. I know at least one Democratic Senator, who takes matters very seriously and who was for importation or reimportation of drugs, was shocked at some of the testimony because she did not believe things could be as bad as they represented and was kind of shocked that they made a pretty darn good case that these matters are much more serious than some are taking them.

I don't have anything more to say at this time, but I hope we will think this through before we saddle the American people with something that can be disastrous in their lives. I am familiar with how some of these drugs that people think are good drugs that come into this country are adulterated. Some are made with contaminated water, do not have any efficacy in them at all. Yet they look identical to what our U.S. manufacturers are making or what other qualified manufacturers are doing. We can't ignore these things. I think even if we could give FDA all the money—and it would amount to trillions of dollars, certainly hundreds of billions of dollars but I think trillions of dollars—to handle this, there is still no way FDA can take care of all the problems that would come up.

We have a pretty good system here. I have to admit, I wish we could get drug prices down. As the author of the Hatch-Waxman Act, we worked hard to get the generic business into action. At the time we did Hatch-Waxman, generics were no more than 17 or 18 percent of the total marketplace. Today they are over 50 percent. Hatch-Waxman is the reason they are there. In every case, every year we have saved at least $10 billion for the consumers. What many in this body seem to ignore is that it costs these innovator companies upwards of $1 billion to create one of these drugs. Most of them go through at least 6,000 failed experiments before they arrive at one of these drugs. We can't ignore that fact. The only way they can recoup that money is within the few years that are left of their patent life.

This is the only industry I know of—there may be others, but I can't think of any—where if you create a widget, you have 20 years of patent life, market exclusivity. In this industry, a lot of that is eaten up by the FDA process. It means that the innovator companies have very few years in which to recoup that billion dollars, upwards of a billion dollars. A few years ago, it was $800 million, which was astounding to me. Now it is approaching a billion; in some cases, maybe even more.

It is one thing to throttle the pharmaceutical companies in the interest of politics. It is another thing to ignore reality and ignore what happens here.

One reason for Hatch-Waxman was because one side wanted all drug price competition. They wanted 100 percent generics if they could get them. The problem is, there would not be any generics if you don't have the innovator companies doing the innovative drugs.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. DORGAN. My friend from Utah did not mean to suggest those of us who are offering this amendment on a bipartisan basis are doing so for the purpose of politics, as he said. My expectation is, he would think this would be a serious and thoughtful amendment that he disagrees strongly with, but I hope he would not suggest the motive is politics. CBO has suggested this bill will save $50 billion for the American consumer, $5 billion of which is for the Federal Government. This is a serious issue and a thoughtful issue. One might disagree, but I hope that one would not ascribe motives of politics to those of us on a bipartisan basis who are offering this amendment.

Mr. HATCH. I have heard some who I believe are using it politically in the Congress. But I would never ascribe that type of attitude to the distinguished Senator from North Dakota. I believe he is very sincere. I believe he is truly trying to represent the consumers in the best possible way. I just believe he is ignoring some of these comments and statements made under oath before committees of the Senate that fly in the face of what is being said here. I would like to see drug prices reduced. There is no question about it. I worked hard to get them reduced. That is what Hatch-Waxman is all about. But there are two sides to that. One was drug price competition, to make sure we could get drugs in generic form immediately, once they come off patent, which we did. The other, of course, is the patent term restoration so that we could give innovator companies some restoration of patent life or market exclusivity so they could recoup the moneys, the extraordinary costs that are involved.

When I say I have heard some in the Congress who I think have exploited this for political purposes, I would never say that about my friend from North Dakota. I don't particularly want to disparage anybody else, but I can say this: There have been some who have used this issue politically, and there is no doubt about it. I believe the Senator from North Dakota is articulate and means what he says and is doing so for the right reasons. Having said that, I don't think we should ignore the testimony of these top people in the administration who say this could be a disaster for the American consuming public. I don't think you can ignore those comments. I am suggesting that I hope people will read these comments, and I will put more into the record before we are through with this debate. We are all interested in getting drug prices down. There is no question about it. I don't think there is anybody in this Congress who has done more to bring drug prices down than I have, through Hatch-Waxman and my friend HENRY WAXMAN over in the House and others who supported that bill. There is no question about it. I am as interested as anybody in making sure the consumer public is not ripped off.

On the other hand, these innovative drugs cost a lot of money to develop. When we get into follow-on biologics, it apparently costs even more for these large-molecule drugs that may not be readily duplicated. In fact, under current science, they are not readily duplicated. I am very concerned about this whole issue. I am very concerned about making sure that the record shows that we have brought out how serious this issue is and how serious the consequences are if people are wrong, if they happen to get this type of legislation through.

Let me add one other thing. I would suggest to my friend from North Dakota that the President has already said that if this language is in this bill, he is going to veto it. I believe that veto would be sustained. I think it should be sustained. It is one thing to come out and argue for something such as this, but I would hope that he will withdraw his amendment because I would hate to see a bill as important to our country as this drug safety bill, a bill that has brought together Democrats and Republicans from the left to the right, a bill that would help to save as many lives as this bill will do, a bill that will help bring to the forefront the FDA in a way that it should be brought, a bill that has the MDUFA and PDUFA moneys in, a bill that has children's programs in. I would hate to see this bill vetoed, but I would not blame the President one bit if he vetoes it based upon the testimony of scientists who have testified before our committees.

Frankly, I would think he would be right if he vetoed it. But be that as it may, I am only one Senator, and I think most people know I am very sincere in this area. I work very hard in these areas. I have a record of accomplishment in these areas. I just want to make sure that our consuming public has every protection they possibly can. Unfortunately, it costs a lot of money to give them that protection. I wish there was some way we could bring those prices down.

Having said that, back in the early 1990s, I helped put through this body the FDA Revitalization Act. Among the purposes of that act was to create a unitary campus for FDA rather than have over 30 different locations in the greater metropolitan area around the District of Columbia, to have a central campus, state-of-the-art equipment, the highest technology we can, with an incentive to bring the very best scientific minds we can into FDA. We all know the White Oak complex is being built now. It didn't start until about 5 or 6 years ago. It is going to take another 10 years and probably cost a lot more than it would have had we done what that bill said we could do immediately. It was only an authorizing bill. The appropriators did not appropriate the funds to develop that campus. But we have to find a way of helping FDA. The sooner we get that campus and they have all of the integral online services and equipment and top-of-the-line approaches that they can bring to bear, we should be able to bring drug prices down through that. But we are a long way from the completion of White Oak, as we stand here today.

Frankly, at least we are doing it. At least we are going somewhere. I wish to attribute some of that to the distinguished Senator from Maryland, BARBARA MIKULSKI, and others in the House who have worked very hard to make sure that the FDA revitalization approach finally comes to fruition.

One of the biggest problems we have in Government today is to get top scientists at FDA. We can't pay them commensurate with scientists at the major pharmaceuticals or even the major generic companies. In fact, they can start at three times or more what we pay at FDA. So we have a very difficult time continuously getting top scientists to come and work at FDA. That is a big problem. It is a blessing that we do have some of the best scientists in the world working there who are willing to sacrifice to do what they consider to be the important work of the Food and Drug Administration. This bill will help the Food and Drug Administration to do a better job, to go forward with more backing from the Congress and, in the end, benefit all of us who benefit so much from the work of the Food and Drug Administration.

I yield the floor.

EXHIBIT 1

DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION
Rockville, MD, April 10, 2007.

Hon. BYRON L. DORGAN,
Chairman, Subcommittee on Interstate Commerce, Trade and Tourism, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: Thank you for the opportunity to testify at the March 7, 2007, hearing entitled, "Policy Implications of Pharmaceutical Importation for U.S. Consumers," before the Senate Subcommittee on Interstate Commerce, Trade, and Tourism. The Food and Drug Administration (FDA or the Agency) is responding to address the March 9, 2007, correspondence you sent in follow-up to that hearing.

Your correspondence included statements made by former FDA Commissioner, David Kessler, at an April 19, 2005, hearing entitled, "Examining S. 334, to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs," held by the Senate Committee on Health, Education, Labor, and Pensions. Dr. Kessler's statements focused on the issues of safety, resources, supply chain security, and standards for approval of foreign versions of FDA-approved drugs. You asked that I explain my views on the "Pharmaceutical Market Access and Drug Safety Act" in the context of these issues. The bulk of this response details our views about these issues.

I would like to start, however, by commending you for your efforts to address American consumers' concerns regarding access to affordable prescription medications. Nevertheless, the Agency continues to have concerns with enacting such a sweeping importation program and fears that intermediaries would likely swallow the bulk of cost-savings, preventing American consumers from enjoying much, if any, practical benefit from such a program. We expect such a result might lead consumers to continue to look for substantial savings on their prescription medications by seeking products outside the legalized importation system, just as some do now. We continue to observe that many consumers buy drugs from foreign Internet sources even though generic versions of those products are approved by FDA and such products are generally cheaper in the United States than abroad.

We note that legalizing commercial importation may have unintended effects on protection of intellectual property and may reduce incentives for research and development, as noted in the 2004 report issued by the Health and Human Services' (HHS) Task Force Report on Drug Importation.

SAFETY CONCERNS

We have safety concerns related to both the identification of unsafe and or non-compliant drug products and about the substitutability of foreign products for domestic products.

Identifying unsafe/non-compliant drug products

The section of the bill that would allow individuals to import a qualifying drug from a registered exporter would likely pose an overwhelming resource burden for the Agency and create significant safety concerns. Under such a program, the anticipated high volume of products would make it extremely difficult for FDA and U.S. Customs and Border Protection officials to examine adequately all of the personally imported drug products to ensure that they comply. In fact, the HHS Task Force estimated that it would have cost $3 billion annually to examine and process each of the 10 million packages that entered the U.S. in 2003. Even if a lower level of examination were considered adequate, the costs to FDA would still be very high.

Despite its registration and inspection fee provisions, the bill likely provides inadequate resources to conduct such examination on a routine basis. Resources are limited to 2.5 percent of the total price of qualifying drugs imported by registered exporters, an amount likely to be a small fraction of the cost of inspecting packages at international mail facilities. This is a particular concern because, once personal importation is given the appearance of legality, consumers may be less vigilant in scrutinizing the drug shipments they receive from abroad.

S. 242 would establish a complicated system for the regulation of imported drugs. This complex system is so vast that it would be enormously resource-intensive, likely much greater than the proposed registration fees and inspection fees could support. The bill and its associated fees also do not appear to account for the costs of the increased volume of packages likely to inundate the U.S., or address the accompanying and likely substantial enforcement work that will arise as a result of legalized importation as more unscrupulous vendors set up shop to circumvent the new U.S. system.

Lack of substitutability

The proposed bill provides a mechanism for foreign imported products to be approved for distribution in the U.S. even though these products may not be bioequivalent to the FDA-approved product. This mechanism seems to by-pass the existing drug approval process for drug products that are not bioequivalent to an FDA-approved product, which is through the submission of a new drug application (NDA) that is thoroughly reviewed for safety and efficacy. Ultimately, the bill appears to establish for imported drugs an alternative to FDA's existing generic drugs program.

The bill would allow non-bioequivalent products to be sold in the U.S. as approved "variations" of the innovator product under the existing NDA, which would create confusion for doctors and pharmacists in prescribing or dispensing, respectively. Dr. Todd Cecil of the U.S. Pharmacopeia testified at the April 2005 Senate HELP hearing regarding pharmaceutical equivalence and bioequivalence and his concerns with this bill. In addition, doctors cannot anticipate which version of a drug product their patients will receive, and pharmacists may not know which version of a drug the doctor intended to prescribe. The possibility of confusion is significant and poses a real public health concern as this increases the chance of error in prescribing and/or dispensing of medications. In addition, the domestic and foreign versions of prescription drugs may become commingled in the drug supply chain. It is unclear whether a patient will be able to specify if he wants the foreign version or the original FDA-approved version when he gets his prescription filled at the pharmacy or receives medication at a hospital or other medical treatment facility.

INADEQUATE RESOURCES

It is uncertain whether the anticipated fee revenues will be realized because the market response to legalization of importation cannot be accurately predicted. This uncertainty could pose problems for FDA's program, because large costs of starting and developing a program to regulate imports will have to be incurred even if the volume of legalized imports is initially low. Although the bill does assume certain sales volumes in the first several years for purposes of collecting inspection fees, with only a few registered importers and exporters participating initially, the high pro rata share of fees may actually discourage participation and make it difficult for FDA to collect fees at the designated levels. Even once a program is developed, the bill is not likely to provide the necessary funds to continue an adequate regulatory program if inspection fees are low because imports do not reach the anticipated levels.

SUPPLY CHAIN SECURITY

We are proud of FDA's efforts with supply chain stakeholders and states to maintain a safe and secure drug supply in the U.S. that is premised on a closed, tightly regulated system. The type of drug importation program in the bill would increase the number of foreign entities FDA would have to monitor and regulate. It can be difficult for FDA enforcement to reach foreign entities violating our laws and regulations. This bill would open the door to more entities outside our domestic legal framework. We also have grave concerns for consumers who may be harmed from products from these foreign sources. The bill does not take into account protecting the rights of the consumer if they are injured after using one of these products.

As we all agree, counterfeit drugs must be kept out of the U.S. drug supply chain. FDA is currently using its resources and authorities as efficiently as possible to secure the drug supply chain and protect American consumers from counterfeit and diverted drugs. Opening the U.S. drug distribution system to foreign markets would provide more opportunity for counterfeit drugs to enter our currently closed system and would significantly complicate FDA's efforts to investigate irregularities in the drug supply chain.

Conducting foreign investigations and prosecutions is inherently costly and difficult and often is complicated by language barriers and issues of extraterritorial jurisdiction and extradition. We are concerned that the bill does not provide sufficient enforcement tools and penalties to deter foreign entities from introducing counterfeit or otherwise substandard drugs into the U.S. drug supply chain.

APPROVAL OF FOREIGN VERSIONS

We believe the bill creates complicated application and inspection requirements for imported "foreign" versions of FDA-approved products. These requirements would be difficult to implement, as each foreign country has its own regulatory scheme and requirements for the information necessary to approve a drug product. FDA would essentially have to review foreign information in a foreign format, all in less time than is required for review of traditional NDAs. In addition, the bill would require imported "foreign" versions of a drug bear the labeling associated with the original FDA-approved product. This practice would essentially legalize the misbranding of these products, and raises concerns for FDA not only in the approval context but also in the counterfeits context. It is difficult enough for FDA and other federal enforcement agencies to detect counterfeit drug products and packaging; creating a mechanism that would allow persons to label foreign drugs with reproductions of FDA-approved labeling would make it even harder to distinguish between "legal" foreign products and counterfeits.

U.S. consumers currently have a number of options available to them when looking for affordable medications within the closed U.S. drug distribution system. Many essential drugs have a generic alternative and some even have many generics, which are generally less expensive than the brand product. We continue to find that many consumers currently buying foreign products are actually trying to purchase, or are unknowingly receiving, a foreign product that often is more expensive than the U.S. product. In addition, the consumers are at risk when receiving foreign drug products, as there are documented cases where the wrong medication was received (the haloperidol case mentioned in my testimony). Many pharmaceutical companies and Pharmaceutical Research and Manufacturers Association of America offer discounts and sometimes even free medications for consumers who cannot afford them. Medicare Part D has also helped some seniors cut their prescription costs. Consumers should not feel restricted to higher priced innovator (brand) products.

Consumers must also understand that if a medication is costly, they should discuss other treatment options with their doctor and pharmacist, as most often there are lower-cost alternatives available. We will continue to strive to make more affordable medicines available to consumers, but we remain concerned about the implications of legalizing drug importation as one of those options.

In conclusion, I would like to reiterate concerns about the economic implications of prescription drug importation, as stated in the 2004 HHS Task Force Report on Drug Importation. Even if all the safety concerns could be allayed, these concerns would remain: that savings to U.S. consumers would be small as a percent of total drug spending; that implementing such a program would incur significant costs; and that legalized importation would likely adversely affect the future development of new drugs for American consumers. In 2004, the HHS Task Force Report noted that generic drugs account for most prescription drugs used in the U.S. and that these are usually less expensive in the U.S. than abroad. We thus have a well-functioning system of intellectual property rights that balances the short-term interests of consumers with the long-term research incentives.

Thank you for the opportunity to address some of our concerns with S. 242.

Sincerely,

RANDALL W. LUTTER,
Acting Deputy Commissioner for Policy.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXONERATION OF SENATOR FRIST

Mr. McCONNELL. Mr. President, a great injustice has come to an end. I rise to recognize the clearing of a good man's name.

Former Senator Bill Frist, with whom I and my Republican colleagues had the honor of serving for 12 years in the Senate, was cleared last week of every allegation of wrongdoing related to his ownership and sale of stock while serving as majority leader.

I rise because, with the exception of an editorial in this morning's Wall Street Journal, the clearing of this good and honorable man's name has gone largely unreported.

It is a sad fact of political life in America that the mere allegation of wrongdoing—the mere allegation of wrongdoing—has the power to tarnish someone's name and dog them for years. But worse still is the silence that so often greets the vindication of the accused.

I remember the rush to judgment that followed the allegations. I remember the memo Democrats sent out attacking Bill on ethical grounds. The authors were later forced to apologize, but the piece had its intended effect.

Republicans knew then—and everyone now knows—those allegations were absolutely false. But the damage, of course, was already done. As the Journal writers put it today:

> Despite flimsy evidence, the media storm cast a shadow over [Frist's] office . . . [and] the Nashville heart surgeon chose . . . to take a sabbatical from public life.—
>
> [And] Dr. Frist now joins a long line of public servants to be smeared on page one and [then] exonerated next to the classifieds, only to wonder if anyone noticed.

Well, his friends noticed. Still, it is hard not to lament the damage these reckless claims have caused—caused for Bill, his family, and potentially our political system.

The Founders envisioned a nation in which citizen legislators would be willing to leave the plow and the workbench to serve.

Bill embodied this ideal by leaving his profession and the comforts of private life for a career of public service. He graced this body with his intelligence, his thoughtfulness, and his vision.

We can only hope that future citizen legislators, and judges, are not deterred from entering and elevating politics because of the threat of similar treatment.

A great American statesman once said:

Reputation is like fine china and glass—easy to crack, but hard to mend.

We hope a political culture that allowed the abuse of Bill Frist's good name for political gain does not deter others from choosing the same path that he chose—and so honorably followed.

Mr. President, I ask unanimous consent that the editorial entitled "Frist's Vindication" from today's Wall Street Journal be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 1, 2007]

Frist's Vindication

When insider-trading allegations against former Senate Majority Leader Bill Frist surfaced back in 2005, they were splashed on the pages of major newspapers from coast to coast. Now that Dr. Frist has been vindicated, the silence is instructive. Is anybody out there?

Senator Frist was alleged to have received an insider tip and then sold shares in a hospital company run by members of his family. The Securities and Exchange Commission and Justice Department investigated for 18 months, and last week the SEC announced that it had closed its probe without taking action—that is, the doctor was cleared. Thanks in part to his meticulous email archives, Dr. Frist was able to show that he had begun the process of selling his HCA stock in April of 2005, months before he was alleged to have received the inside whispers.

The controversy surrounding his involvement in health care was a perennial bugaboo for Dr. Frist. For years he was harassed by such liberal lobbies as Public Citizen, and Citizens for Responsibility and Ethics in Washington, which alleged conflicts of interest. These groups objected even to those stocks he held in the blind trust he had created to avoid the appearance of a conflict of interest. Yet when he sold those stocks, with a possible eye on higher office, he was pilloried for doing what the ethicists had asked him to do all along.

Today, even this muted absolution is surely a relief to Dr. Frist. Yet it's impossible to undo the damage to his political career. Despite flimsy evidence, the media storm cast a shadow over his office, derailing any thought of a Presidential bid this year. The Nashville heart surgeon chose instead to "take a sabbatical from public life."

Democrats naturally cared less about the actual facts than about pinning another scandal on Congressional Republicans in the run-up to the fall elections. But what about others who thought it clever or funny or perhaps mandatory to get their share of media attention by confusing accusation with proof of wrongdoing?

American University Professor James Thurber got his name in the paper for quipping that Senator Frist "came in like Jimmy Stewart and was leaving like Martha Stewart." What a card. As for the press corps, it ran off in a braying stampede in pursuit of the theme dujour, which was Abramoff-DeLay-GOP corruption. The accusations against Dr. Frist fit that template, so there was no need for the herd of independent minds to inspect the evidence and make distinctions. A Washington Post editorial from the day now looks especially embarrassing—and unfair.

As a medical professional with strong Tennessee roots, Bill Frist was the kind of person we'd hope would occasionally choose to participate in politics, as opposed to the permanent political class that now dominates Congress. That his previous engagement in the real world, even carefully and transparently managed, made him an unfair target of political attacks shows why so few people of accomplishment run for office. These are the kind of people that the goo-goo Naderites and their media acolytes end up driving from public life.

Dr. Frist now joins a long line of public servants to be smeared on page one and exonerated next to the classifieds, only to wonder if anyone noticed. As former U.S. Secretary of Labor Ray Donovan asked after his legal ordeal, "Which office do I go to to get my reputation back?"

Mr. McCONNELL. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

IRAQ SUPPLEMENTAL

Mr. DURBIN. Mr. President, about 1 hour ago, the President of the United States vetoed the supplemental appropriations bill for the war in Iraq. It was a bill that we have worked on in Congress since its arrival in the middle of February. It was the subject of lengthy deliberations. There were long debates on the floor of the House and Senate. There was a lot of compromise that led to the final work product and a bipartisan vote which sent it to the President.

There were people who were skeptical as to whether the Senate and the House of Representatives could rise to this challenge. In a nation that is so divided on so many political issues, in a nation where the war in Iraq is the biggest issue by far, there were serious doubts as to whether this Congress, with scant majorities of Democrats in both the House and the Senate, could produce a bill for President Bush to consider.

Congress rose to that occasion. With the leadership of Speaker Pelosi and the leadership of our majority leader, Harry Reid of Nevada, we produced a bill which attracted not only the overwhelming support of the Democratic caucus but also the support of Republican Senators who joined us in passing this bill.

It was our hope that our work product would be considered seriously by the President. It was sent to him this afternoon. A few hours after receiving it, the President vetoed it and announced his veto in a public press conference.

I am disappointed. The President had a chance to sign a bill that would have funded the troops in this war. More importantly, it was a bill he could have signed which could have changed the course of this war—something that is long overdue.

I listened in my office as the President gave his veto message to the American people. It was short, direct but, in many ways inadequate when you consider the awesome responsibility we face in Congress and in the White House.

The President referred to our timetable to start bringing American troops home as a date for failure. It is ironic the President would make that statement on the fourth anniversary of his appearance on the USS *Lincoln* aircraft carrier under a banner announcing, 4 years ago, that our mission was accomplished. For the President to announce success and failure, accomplishment and lack of accomplishment, leaves something to be desired after that experience 4 years ago.

I am particularly troubled as well by the President's notion of what this bill was all about. You see, he said, at one point, for us to set a timetable to bring American troops home would—in the President's words—"demoralize the Iraqi people." Those were his words.

Mr. President, excuse me, but I am not as interested in building up the morale of the Iraqi people as I am in inspiring the leaders of the nation to stand up and lead. For too long now, with the protection of the U.S. troops, this Iraqi Government has failed to make even basic progress in taking control of their country. They have failed to address the key political issues that would lead to stability.

So the President is arguing that if we continue to send 150,000 or more American soldiers to risk their lives, it will build up the morale of the Iraqi people to seek nationhood, stability, and peace. So we expect American soldiers to stand in this crossfire of a bitter religious and civil war, hoping that the Iraqi people will be inspired enough to ask their Government for leadership?

Mr. President, 3,351 American soldiers have fought and died in Iraq, as I stand here today. Mr. President, 3,351 American lives should be enough to inspire the Iraqi people and their Government. How many more American lives will it take for that inspiration the President is looking for?

I am troubled by this notion that unless we will sacrifice our treasure and the lives of our brave soldiers, the Iraqis cannot rise to the occasion and lead themselves out of this morass.

I also listened to the President when he characterized the money that we added in Congress to his budget request. He called it—and I will quote—"billions in nonemergency spending that has nothing to do with fighting the war on terror."

I wonder if the President's staff put the bill in front of him for him to take a close look at, in the few hours he had it before vetoing the bill.

Is the President arguing to the American people that providing $2 billion more in equipment to keep our troops safe in Iraq has nothing to do with fighting the war on terror?

Is the President arguing that the $1 billion in our supplemental appropriations bill—the $1 billion to replenish National Guard equipment destroyed and lost in the war in Iraq—that $1 billion has nothing to do with the war on terror?

Is the President arguing that the $2 billion in this bill for military hospitals—such as Walter Reed, so we do not relegate our fallen soldiers and those who were injured to a flophouse motel across Georgia Avenue from Walter Reed Hospital—is he arguing that the $2 billion that is in the bill for military hospitals has nothing to do with the war on terror?

Perhaps the President is not aware of the fact there was $2 billion in this bill for veterans hospitals all across America, for those who have come home with post-traumatic stress disorder, traumatic brain injury, and amputations who need the services of the VA hospitals. Is the President arguing that money for VA hospitals has “nothing to do with the war on terror”? That is what he said. That is an exact quote.

This bill has add-ons that relate to real emergencies in America. I have outlined a few related directly to the war on terror, directly to our troops, directly to our national security.

There is money, as well, for the base closing commission, which it is my understanding the President wanted included. There is money, as well, for Hurricane Katrina. Here we are, a year and a half after that terrible tragedy, still trying to put New Orleans back on its feet and rebuild Louisiana and Mississippi and areas affected by Katrina and Rita. Yes, there is money in the bill for those emergency purposes.

For the President to dismiss this as billions in nonemergency spending suggests his staff did not do their job, they did not spell out to the President what was in that bill before he vetoed it.

Well, the President knows—and he said as much—we do not have the votes to override his veto. That is a reality. It takes 67 votes in the Senate. We have been able to rally 51 or 52 votes on a good day to question the President's policies in Iraq. Two or three Republican Senators have stood by our side on the Democratic side of the aisle. Few others have been willing to do so. So the thought of reaching 67 votes is probably a bridge too far. I think we know that reality.

But this much I will say: Congress cannot override the President's veto, but the President cannot override the reality of Iraq. The reality of Iraq is this: We are in the fifth year of a war. We have seen 3,351 American lives sacrificed, 25,000 or more injured, 7,000 or 8,000 seriously injured with traumatic brain injury and amputations.

Americans have sacrificed from their hard work and earnings $500 billion for this war and for rebuilding Iraq. That is the reality of Iraq today.

The reality is, this last month of April was the deadliest month this year for American soldiers. The reality is, this President has no plan to exit that country and bring our troops home. That is the reality. We may not be able to override this veto, but the President cannot override those realities.

Now it is time for the American people to understand what happens next.

We will fund these troops. We have made that promise, and we will keep it. They will not be bargaining chips in our policy debate in Washington. But we will continue, through this bill and through other legislation this year, to continue to put the issue of the Iraq war in front of the President, in front of the American people. They expect nothing less.

For those who are frustrated by the President's veto today, I join them in that frustration. But I join them, as well, in believing that as the American people speak out on this issue, the likelihood that Republicans will cross this aisle and join us increases.

The time will come—I am not sure when but I hope soon—that tipping point will be reached where the Republicans finally say to their President: Enough. We cannot ignore the reality of this war and what it has done to America. Then they will join us. Then this will truly become a bipartisan effort. Then we will be able to override vetoes and pass legislation that will make a meaningful change in the policy of this war.

I encourage those across America seeking a new direction in Iraq, do not be discouraged by this veto. There will be another day. There will be another bill. There will be another chance for us to change this policy. We need to keep our forces together—the forces for change in Iraq on the Democratic side and on the Republican side. We cannot allow the President's veto pen to be the last word on this war in Iraq. We have to stand together, and we have to work together.

The President comes up with rosy reports on what is happening in Iraq. But we know the reality. Sectarian deaths are down, he said. Well, I guess they are down slightly, a small percentage, of those innocent civilians killed last month. There were fewer this month. I guess that is progress. But those who are there say the violence is subsiding while the surge is underway, and they are afraid it will return. I am, too.

We need to pass a bill for the troops, and sometime soon. We will work hard to try to find a way with the President. He has invited the leadership of the Senate and the House to meet with him tomorrow in the White House. I have been to those meetings before. There have been little results to point to for the time we have met and the dialog we have exchanged. But I go tomorrow with the hope that things will be different. I hope this President, after his moment in the sun with this veto, will now understand that we face the grim reality of Iraq, and the reality that we have no exit plan. This failed policy in Iraq must come to an end. We will continue to fight, with this democratic Congress, to make a change in that policy. We will stand by our soldiers, but we will not stand by a failed policy. I am encouraged by the fact that so many of my colleagues are ready to continue this fight, and I encourage the American people: Don't give up. Don't lose heart. This democracy works when you work with us to bring the will of the people to the law of the land.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The senior Senator from New York is recognized.

IRAQ SUPPLEMENTAL

Mr. SCHUMER. Mr. President, tonight is a sad night for America, but what the President's veto indicated was not that Democrats don't want to support the troops—we do—but that he does not want a change in direction, a change in mission, a change in course. It indicates the President is still in his bunker thinking everything is going fine in Iraq, and it clearly isn't.

The bottom line is very simple: We can do two things at once. We can support the troops and at the same time we can change our mission. The bottom line is simple, and that is that the present policies have failed. Everyone except a handful of supporters of the President, and the President and the Vice President themselves, know that, but unfortunately they stubbornly cling to staying on the same course, to the detriment of about everybody else in this country and the world.

The bottom line is very simple: that President Bush, when he asked Americans to go to war, never talked about policing a civil war, and yet that is the largest part of our efforts in Iraq. We on this side of the aisle hope to change that direction so that we are fighting terrorism and directing counterterrorism and not simply policing a civil war.

The next few weeks will be momentous in our history. Frankly, when these few weeks began, the President, with his bully pulpit, his harsh rhetoric, his idea that he was trying to persuade people we didn't support the troops, many thought he would win the fight—the fight here in this Chamber and in the minds of public opinion. But that hasn't happened at all. In fact, the American people are so disgruntled by this war in Iraq, that the old name-calling, the old kneecapping, the old attempts to instill fear in people who disagreed with him don't work for this President anymore. He has only one choice. That choice is a simple one, which is to change the course of the war in Iraq. It is inevitable. It will happen. It will happen sooner or it will happen later, but it must happen because failed policies can never continue on and on and on.

They have asked us to have faith in the surge. If it won't work with 150,000 troops, it won't work with 180,000 troops, and it won't work because the Government in Iraq does not have the support of the people, is unable to accomplish any goals, is unable to bring Sunnis, Shiites, and Kurds together. It doesn't matter how many troops we have there; the bottom line is simple. Our President is in the twilight days of his administration, and he has only two choices. One is to do what his predecessor Ronald Reagan did: See that things have gone off course and seek a correction. Ronald Reagan did that in 1986, and by 1988 the wall came down and Ronald Reagan had restored the faith of the American people. Why this President can't see the necessity to do the same when his policies, if anything, are in far worse shape than those of President Reagan, speaks either to an inability to sense what is going on or a stubbornness despite the facts. We can't tolerate that.

We here tonight make a pledge to the American people. We will continue this struggle to change our direction in Iraq. We will not run away from fighting terrorism. We believe it every bit as fervently as anybody else, but we will also not run away from fighting terrorism smartly, which is what we are not doing here.

So we will continue to try to reach a compromise with this President, to try to figure out a way we can both support the troops and change the course of the war in Iraq in maybe a different way, but we will not give up on our mission. The American people demand no less and we will not disappoint them.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR FRIST'S VINDICATION

Mr. REID. Mr. President, I had the good fortune of working with Senator Bill Frist for 4 years as a leader. He was a leader. There were times he and I had some political disagreements, and that is an understatement, but on a personal basis we had no misunderstandings. He was in public service for the right reason. He was a very fine, outstanding, nationally recognized transplant surgeon. He comes from a good family. He and I had many discussions, personal in nature. He was always available to anyone in the Senate. When there were any medical problems involved, he was always there to give advice and counsel. I went to him on many occasions about situations involving my friends and he would lay things out for me and head me in the right direction.

Senator Frist had a situation arise front page in many of the newspapers, problems with the Securities and Exchange Commission. Senator Frist comes from a family that has done well. They have been involved in health care for many years. He and I had conversations about this and he said at the time it was unfair. He had to spend a lot of money hiring lawyers and accountants and consultants.

This matter was closed yesterday, but the closing of this in the newspapers and on the news was certainly not the top story, not at the top of the newspaper. It was buried some place in the back. At no time during my conversations with Senator Frist or in my dealings with Senator Frist did I ever have any doubt about his integrity.

His wife Karen and my wife are good friends. They worked together on a number of activities that Senate spouses work on. They had to do things because Senator Frist and I were the two leaders of the Senate and they did them together based on our relationship.

I extend to Senator Frist my congratulations on getting this put behind him. I want the RECORD to be spread with the fact that I know this was a difficult time for him on occasion, but never at any time did I doubt his integrity, his honesty. I will long remember Senator Frist and I appreciate my dealings with him over these many years.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dorgan amendment No. 990 to S. 1082, the FDA Revitalization bill.

Byron L. Dorgan, Dick Durbin, Claire McCaskill, John Kerry, Ted Kennedy, Amy Klobuchar, Sherrod Brown, Ken Salazar, Mark Pryor, Daniel K. Inouye, Chuck Schumer, Harry Reid, Ron Wyden, Dianne Feinstein, Carl Levin, Blanche L. Lincoln.

Mr. REID. Mr. President, this is a cloture motion on Senator DORGAN's longstanding endeavor to allow Americans to go to other countries for the importation of cheaper drugs. We know people are going to Canada now from around the country who live on the border, and it works pretty well. But if you are someone who lives in Nevada, you certainly need these drugs as well as someone living in Minnesota, and it makes it much more difficult. Nevadans go to Mexico a lot of times for cheaper drugs. It is unfortunate.

Senator DORGAN is right. He has worked on this very hard for a number of years. This is an effort to bring this matter to a close. I hope the Senate votes to invoke cloture so we can have a vote on this amendment. It is important. I am confident it will pass if cloture is invoked. It is something that has been needed for such a long time to help in one way to lower the cost of medicine for the American public.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent there now be a period of morning business with Senators allowed to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING STEVEN SCHWARZ

Mr. REID. Mr. President, last week I attended a ceremony in the Capitol Rotunda to commemorate the 2007 Holocaust Days of Remembrance.

Fred Zeidman and Joel Geiderman, Chairman and Vice Chairman of the U.S. Holocaust Memorial Council, spoke eloquently about the horror and courage, the unspeakable tragedy and unimaginable heroism that even 62 years later we cannot begin to comprehend.

Sara Bloomfield, Director of the U.S. Holocaust Memorial Museum, as well as my colleague, Senator JOE LIEBERMAN, added their own powerful words.

I was privileged to sit beside Steven Schwarz. As we sat together, Steven listened silently, tears streaming down his face. Afterward, he told me his story.

Born in Poland, Steven lost both parents and a brother in the Holocaust. Forged with sheer willpower and blessings from God, he, his late wife Tina, and his brother Henryk managed to survive by hiding out in Poland. In 1953, they came to the United States and were welcomed with open arms. In the years that followed, Steven and his brother rose to become prominent and successful businessmen, overcoming great suffering to live the American dream.

Steven Schwarz embodies the grace and fortitude of all those who wrested triumph from despair. I am honored to have shared that day of remembrance with him and pleased to now pay tribute to his life story in the RECORD of the U.S. Congress as a powerful and poignant example of the unbreakable human spirit.

AAA SCHOOL SAFETY PATROLLERS

Mr. REID. Mr. President, I wish to recognize several young people who were recently selected by the American Automobile Association to receive special awards for their work as school safety patrollers.

More than 560,000 students in 52,000 schools across the country participate in AAA's School Safety Patrol Program. These young people have taken on the important responsibility of making the streets around their schools safer for their classmates. Though their responsibilities are often routine, the patrollers on occasion must place themselves in harm's way in order to save lives. It is my honor today to recognize two students who were selected to receive the AAA Lifesaver Award for their selfless and heroic actions in fulfilling their duties as patrollers.

Taylor Pitzer and Caleb Jarrell participate in the AAA School Safety Patrol Program at Southdale Elementary in Kettering, OH. On November 8, 2006, Taylor and Caleb pulled a younger child to safety when a speeding van ran the red light at the intersection they were patrolling. The younger child was watching carefully for the "walk" signal. When the light changed, she began crossing the street and did not notice the oncoming vehicle approaching the intersection. Responding to an adult guard's "hold back" indication, Taylor and Caleb reacted quickly by locking arms so the child could not cross the street, which allowed the van to speed by without incident or injury to the child.

I would also like to thank AAA for making the school safety program possible. This program has helped save many lives over the years and has made our schools safer for our students, though, as the story of the Life Saver Award recipients demonstrate, the streets around our schools are not safe enough. That is why I worked to create the national Safe Routes to School Program, which was adopted as part of the Federal transportation bill on July 29, 2005. Funds for this program can help communities construct new bike lanes, pathways, and sidewalks, as well as launch Safe Routes education and promotion campaigns in elementary and middle schools.

I am pleased to commend this important program today before the Senate. I know I speak for every member of the Senate in expressing our gratitude for their valuable work in our communities.

NORTHERN NEVADA CENTER FOR INDEPENDENT LIVING

Mr. REID. Mr. President, I wish to honor the Northern Nevada Center for Independent Living, NNCIL. I am honored to congratulate this organization for their 25 years of dedicated service to the people of northern Nevada.

NNCIL has helped disabled citizens in Nevada in all aspects of their lives. They have empowered disabled citizens to become more independent and have given disabled people a stronger voice in matters that directly affect their lives. With the skills taught by NNCIL, disabled people who were benefactors of this program are now participating fully in the community by volunteering in the center and in other service agencies across Nevada.

NNCIL has helped disabled citizens thrive socially as well. The center has instituted "recreation night" that has helped disabled people form peer support groups. They have incorporated game night and movie night into their organization to build communities throughout Nevada.

The efforts of NNCIL have garnered broad respect and support from the community as a whole. NNCIL has incorporated multiple programs to educate the public concerning issues concerning disabled citizens. They have encouraged Nevada residents to get involved in their communities, and the citizens of northern Nevada have responded by volunteering in a home-modification program that has helped install ramps, handrails, and other improvements to make life easier for disabled people.

I would like to commend NNCIL for their many years of dedicated service to the people of Nevada. They have been an important part of improving the lives of disabled members of our community, and I wish them continued success.

RECOGNIZING NEVADA'S 45TH ANNUAL RENO JAZZ FESTIVAL

Mr. REID. Mr. President, I wish to recognize the 45th annual Reno Jazz Festival. Hosted by the University of Nevada, Reno, the Festival has grown into one of the largest of its kind in the United States, with over 10,000 people attending last year's event.

The competition portions are one the highlights of the festival. Musical groups and individuals from junior highs, high schools, and colleges from throughout the country are invited to participate. The festival winner and other highly acclaimed musical groups will perform at the festival's showcase on its concluding day.

Clinics will also be offered at the festival to help developing musicians improve their abilities and talents. Jazz students have a unique opportunity to meet with and learn from some of the most talented musicians and educators in the Nation.

Jazz has come a long way since I first listened to the music as a boy on the radio in Searchlight. This distinct musical form has developed from its humble origins in early 20th century New Orleans to touch music fans of all ages and backgrounds today. The personalities of the early days of Jazz continue to influence today's artists across the musical spectrum.

I wish the host and participants of the Reno Jazz Festival continued success in bringing Jazz to all members of the community.

HONORING OUR ARMED FORCES

STAFF SERGEANT KENNETH LOCKER

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SSG Kenneth Locker of Burwell, NE. Sergeant Locker was killed on April 23 in Diyala province, Iraq. He was 28 years old.

Sergeant Locker graduated from Burwell High School in 1997. He enlisted with the Army while he was still in high school. Bob Lee, his high school math teacher, said that after he enlisted, Sergeant Locker became a much more focused young man whose grades shot up.

After high school, Sergeant Locker spent 3 years in the Army, 2 years with the National Guard, and eventually reenlisted with the Army. He had been in Iraq since August 2006 with the Army's historic 82nd Airborne Division.

Sergeant Locker was previously injured in Iraq by a land mine. He was awarded a Purple Heart and lived with shrapnel in his neck. Thousands of brave men and women like Sergeant Locker are serving in Iraq.

In addition to his life as a soldier, Sergeant Locker was father to three young sons and believed he was making a safer world for his children. He is also survived by his father Ken, two sisters, and a half sister and half brother. We are proud of his service to our country.

I ask my colleagues to join me and all Americans in honoring SSG Kenneth Locker.

FIRST LIEUTENANT KEVIN GASPERS

I rise to express my sympathy over the loss of U.S. Army 1LT Kevin Gaspers of Hastings, NE. Lieutenant Gaspers was killed on April 23 in Diyala province, Iraq. He was 26 years old.

Lieutenant Gaspers was a 2000 graduate of St. Cecilia High School in Hastings, where he wrestled and played football. After graduation, he attended the University of Nebraska at Lincoln and enrolled in the ROTC program. As a senior at UNL, Lieutenant Gaspers was selected to lead the ROTC cadet's battalion. His colleagues remember him as low-key and professional in his leadership style. He earned his Army officer's commission in 2005, along with a degree from UNL in accounting.

Lieutenant Gaspers was a paratrooper with the Army's historic 82nd Airborne Division based at Fort Bragg, N.C. He had been serving in Iraq since August 2006.

Lieutenant Gaspers is survived by his parents, John and Pam, and sisters Katie and Audrey. We are proud of his service to our country.

I ask my colleagues to join me and all Americans in honoring 1LT Kevin Gaspers.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that on April 25, I was unable to vote on certain provisions and passage of S. 761, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act. I wish to address these votes, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 142, on amendment No. 930, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 143, on amendment No. 918, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 144, on amendment No. 921, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 145, on amendment No. 922, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 146, on passage of S. 761, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, I would have voted in favor of passage of this act. My vote would not have altered the final result of this vote.

HOLD ON INTERIOR DEPARTMENT NOMINATION

Mr. WYDEN. Mr. President, today I have placed a hold on the nomination of R. Lyle Laverty to be Assistant Secretary for Fish, Wildlife and Parks at the U.S. Interior Department. Consistent with my policy of publicly announcing whenever I place a hold on a nomination, I want to notify my colleagues of my objection to allowing Mr. Laverty's nomination to be considered under a unanimous-consent agreement. and to take a few minutes to explain to my colleagues why I am doing so.

The Interior Department has suffered no shortage of scandals in recent years. To name just two of the most egregious: Its former No. 2 official, a Deputy Interior Secretary who previously had been a coal industry lobbyist, pleaded guilty earlier this year to felony obstruction of justice for lying about his relationship with disgraced lobbyist Jack Abramoff. And we discovered that the Minerals Management Service, an agency within the Interior Department, has known for years about flawed drilling leases that allow companies to pay no royalties on valuable oil and gas they take from Federal land in the Gulf of Mexico. but the MMS did nothing until news reports brought the facts to the public last year. Indeed, the MMS has silenced auditors on its staff who tried to blow the whistle on companies not paying their fair share.

"Simply stated, short of a crime, anything goes at the highest levels of the Interior Department," the Interior Department's inspector general has warned us.

Last year, when Dirk Kempthorne was nominated to be Secretary of the Interior and he appeared before the Senate Energy and Natural Resources Committee for confirmation, I secured from him a pledge. He told me that he would reform that troubled department and introduce a higher ethical standard. The scandals would stop coming.

However, in late March, the inspector general once again released a scathingly critical report warning us about bad things happening at the Interior Department. This time the subject was Julie MacDonald, Deputy Assistant Secretary for Fish, Wildlife and Parks. Mr. Laverty would be the immediate supervisor of the position Ms. MacDonald held.

In detail, the inspector general told us two things about Ms. MacDonald. One, she violated Federal rules by leaking internal Fish and Wildlife Service records to business groups actively challenging the Government's environmental rulemaking process. In the process, she has been undermining her own agency's cases in court. Two, without any formal education in the natural sciences, she has bullied and threatened FWS scientists and forced changes in their reports to suit her own political and personal agendas. FWS attorneys no longer will sign off on reports if they know the reports passed through her hands because they no longer are certain of the accuracy.

This sort of conduct is simply unacceptable. If you agree to work in the Interior Department, your loyalty should be with the Interior Department and protecting this country's natural treasures. Ms. MacDonald's loyalty lay elsewhere.

The inspector general sent his report on Ms. MacDonald to the Interior Department for administrative action more than a month ago. The Interior Department had no public comment. Only after I announced that I would place a hold on Mr. Laverty's nomination did Ms. MacDonald resign. That removes her from the equation, but not the atmosphere that allowed her to operate as she did for so long.

In case I wasn't perfectly clear last year at his confirmation hearing, I want to be sure that Secretary Kempthorne knows that I am serious. The Interior Department has been a source of shame to this government for too long. It is failing in its mission to protect the public land and balance the needs of the American people with wisdom and integrity. It has stumbled from one misstep to another, from one scandal to another, and I have to question who is in charge over there.

I want to hear from Secretary Kempthorne what action he plans to take to be certain that we won't see this sort of problem again. I want to hear from Mr. Laverty what he would do, if he is confirmed to the post of Assistant Secretary, to end the politicization of the Fish and Wildlife Service. We cannot continue to have government scientists whose work is manipulated and conclusions are rewritten by political appointees. We cannot continue to have federal officials working secretly with groups challenging their own agencies.

Until I receive these assurances, I will object to any unanimous consent agreement to allow Mr. Laverty's nomination to come to a vote in the Senate.

IDAHO GUNFIGHTERS HONORED

Mr. CRAPO. Mr. President, on March 30, Secretary of Defense Robert Gates announced that Mountain Home Air Force Base in my home State of Idaho had earned the coveted 2007 Commander in Chief's Annual Award for Installation Excellence. This Presidential honor is given only to a single installation in each of the military branches for outstanding and innovative efforts by installation personnel. I am honored to be able to publicly herald this tremendous achievement by Colonel Rock and all the men and women of Mountain Home Air Force Base.

This high honor reflects a sustained level of excellence by all the Gunfighters of Mountain Home. Installation of the Year can only be achieved if everyone, from the wing commander to airmen working in all aspects of operations and support, has their priorities straight and expectations for personal duty performance at the highest level. Improving the structures that protect valuable aircraft, creative and responsible financial management with regard to improving facilities, and a commitment to Air Force families are just some of the ways in which Mountain Home Air Force Base demonstrated its excellence this year. The Gunfighters have maintained this strong tradition of superiority and excellence for over half a century. The missions have changed over the years, but Gunfighter commitment and performance has not.

Idahoans can be very proud of their Gunfighters. Mountain Home Air Force Base is as much a part of Idaho history as the magnificent valleys, rivers, and plateaus that surround the base. The 366th Fighter Wing is a force to be reckoned with when it comes to the national security of the United States. The missions currently headquartered at Mountain Home comprise a vital component of our comprehensive military defensive and offensive force. Idaho is fortunate to be host and home to these defenders of freedom.

Idaho benefits from Mountain Home Air Force Base, not just when the military men and women serving out their assignments there call our State "home" for a time in their military careers but also when some return to call Idaho home permanently in retirement.

I offer my sincere congratulations to the Gunfighters and my heartfelt gratitude for their service to our great country, in defense of my freedom and that of my family.

ADDITIONAL STATEMENTS

TRIBUTE TO BOB HUDSON

• Mr. DOMENICI. Mr. President, I would like to pay tribute to the public service of Bob Hudson, city manger of Farmington, NM.

Bob first came to New Mexico in 1982 to take on the job as director of parks, recreation & cultural affairs in Farmington. Since that time he has served the citizens of Farmington faithfully, eventually becoming city manager in 1999.

Bob's commitment to the community of Farmington did not end with his official duties. He has also served on the boards of several local organizations including the Boys & Girls Club, the Farmington Inter-tribal Indian Organization, and the Chamber of Commerce.

The citizens of Farmington are well aware of Bob's contributions to their community and have honored him with numerous awards, including the New Mexico Distinguished Public Service Award in 1991 and the Elks Citizen of the Year award in 1995. Bob was also inducted into the History Makers Hall of Fame by the Farmington Chamber of Commerce in 2001 and the recipient of the 2005 Public Employee of the Year award.

Bob is retiring in April to devote more time to his family, but I am sure his dedication to the community of Farmington will not end. I wish him the best in retirement and thank him for his long years of service.•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:20 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1591. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. Byrd).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1332. An act to improve the access to capital programs of the Small Business Administration, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MIKULSKI (for herself, Mr. Voinovich, and Mr. Harkin):

S. 1254. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Kyl, Mr. Thomas, and Mr. Domenici):

S. 1255. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Indian Affairs.

By Mr. KERRY (for himself, Ms. Snowe, and Mr. Levin):

S. 1256. A bill to amend the Small Business Act to reauthorize loan programs under that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LIEBERMAN (for himself, Mr. Hatch, and Mr. Bennett):

S. 1257. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL (for herself, Mr. Hatch, Mr. Wyden, Mr. Allard, and Mr. Smith):

S. 1258. A bill to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON (for herself and Mr. Smith):

S. 1259. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Relations.

By Mr. CARPER (for himself and Mr. Bennett):

S. 1260. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. CANTWELL (for herself, Mr. Harkin, and Mr. Brown):

S. 1261. A bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN:

S. Res. 178. A resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes; to the Committee on Foreign Relations.

By Mr. BOND:

S. Res. 179. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States and the 40th anniversary of the Association of Southeast Asian Nations (ASEAN), expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself and Mr. Craig):

S. Res. 180. A resolution recognizing the 70th anniversary of the Idaho Potato Commission and designating May 2007 as "Idaho Potato Month"; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. Pryor, and Mr. Craig):

S. Res. 181. A resolution honoring and recognizing the achievements of the United States Air Force Academy football program over the last 27 years; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. Specter, Mr. Leahy, Mr. Hatch, Mrs. Boxer, Mr. Cornyn, Mr. Kennedy, Mr. Durbin, Mr. Dodd, Mr. Kerry, Ms. Stabenow, Ms. Cantwell, Mr. Harkin, Ms. Landrieu, Mr. Menendez, and Mr. Coleman):

S. Res. 182. A resolution honoring the life of Jack Valenti; considered and agreed to.

By Ms. LANDRIEU (for herself, Mr. Alexander, Mr. Lieberman, Mr. Carper, Mr. Burr, Mr. DeMint, Mr. Vitter, Mrs. Dole, and Mr. Gregg):

S. Res. 183. A resolution supporting the goals and ideals of National Charter Schools Week, April 30, 2007, through May 4, 2007; considered and agreed to.

By Mr. CHAMBLISS (for himself and Mr. Casey):

S. Res. 184. A resolution expressing the sense of the Senate with respect to childhood stroke and designating May 5, 2007, as "National Childhood Stroke Awareness Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. Dorgan, the name of the Senator from Missouri (Mrs. McCaskill) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 329

At the request of Mr. Crapo, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 329, a bill to amend title

XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 339

At the request of Mr. BAYH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 339, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Florida (Mr. NELSON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 578, a bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes.

S. 579

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 588

At the request of Mr. NELSON of Florida, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 589

At the request of Mr. ALLARD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 589, a bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee.

S. 604

At the request of Mr. LAUTENBERG, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 624

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 689

At the request of Mr. LUGAR, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 695

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 695, a bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 725

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 725, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 774

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 847

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 847, a bill to extend the period of time during which a veteran's multiple sclerosis is to be considered to have been incurred in, or aggravated by, military service during a period of war.

S. 848

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 848, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 886

At the request of Mr. BINGAMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 903

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 968

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the names of the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Mr. CARDIN), the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1040, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1092

At the request of Mr. HAGEL, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1092, a bill to temporarily increase the number of visas which may be issued to certain highly skilled workers.

S. 1149

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1149, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1183

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1183, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 1202

At the request of Mr. SESSIONS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1202, a bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft.

S. 1204

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1210

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1210, a bill to extend the grant program for drug-endangered children.

S. 1211

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1211, a bill to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

S. 1232

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1243

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1243, a bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 years of age to 55 years of age.

S. 1244

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1244, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

S. 1250

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1250, a bill to direct the United States Trade Representative to conduct an investigation of the personal exemption allowance that Canada provides for merchandise purchased abroad by Canadian residents, and for other purposes.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. RES. 125

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 125, a resolution designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 146

At the request of Mr. ALEXANDER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 146, a resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

S. RES. 162

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 162, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 171

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. KYL, Mr. THOMAS, and Mr. DOMENICI):

S. 1255. A bill to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes; to the Committee on Indian Affairs.

Mr. MCCAIN. Mr. President, I am pleased to be joined by my colleagues Senator THOMAS, Senator KYL, and Senator DOMENICI in introducing a bill to amend the Indian Arts and Crafts Act. This legislation would improve Federal laws that protect the integrity and originality of Native American arts and crafts.

The Indian Arts and Crafts Act prohibits the misrepresentation in marketing of Indian arts and crafts products, and makes it illegal to display or sell works in a manner that falsely suggests it is the product of an individual Indian or Indian Tribe.

Unfortunately, the law is written so that only the Federal Bureau of Investigation, FBI, acting on behalf of the Attorney General, can investigate and make arrests in cases of suspected Indian art counterfeiters. The bill we are introducing would amend the law to expand existing Federal investigative authority by authorizing other Federal investigative bodies, such as the BIA Office of Law Enforcement, in addition to the FBI, to investigate cases of misrepresentation of Indian arts and crafts. This bill is similar to provisions included in the Native American Omnibus Act, S. 536, and S. 1375, which passed the Senate at the end of the last Congress but were not acted on by the House.

A major source of tribal and individual Indian income is derived from the sale of handmade Indian arts and crafts. Yet millions of dollars are diverted each year from these original artists and Indian tribes by those who reproduce and sell counterfeit Indian goods. Few, if any, criminal prosecutions have been brought in Federal court for such violations. It is understandable that enforcing the criminal law under the Indian Arts and Crafts Act is often stalled by the other responsibilities of the FBI including investigating terrorism activity and violent crimes in Indian country. Therefore, expanding the investigative authority to include other Federal agencies is intended to promote the active investigation of alleged misconduct. It is my hope that this much needed change will deter those who choose to violate the law.

I urge my colleagues to support this bill.

By Mr. KERRY (for himself, Ms. SNOWE, and Mr. LEVIN):

S. 1256. A bill to amend the Small Business Act to reauthorize loan programs under that Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise today to join with Senator KERRY in introducing, the Small Business Lending Reauthorization and Improvement Act of 2007. This bill is especially timely considering the Nation recently celebrated National Small Business Week, and this body just passed the America COMPETES Act, a bill that invests in innovation and education to improve the competitiveness of the United States in the global economy.

The impact small businesses have on our country's economy and the technological innovations they create simply cannot be overstated. Small hi-tech firms represent the most innovative sector in America. According to the Small Business Administration's Office of Advocacy, these businesses hold over 40 percent of the Nation's patents, obtain 13 to 14 times more patents per employee than large businesses, and secure patents which are twice as technologically significant as larger firms. With American jobs and our security at stake, it is essential that we support innovation programs to meet national challenges in defense, healthcare, energy, and information technology.

A critical partner for small businesses is the Small Business Administration, SBA, whose fundamental purpose is to "aid, counsel, assist, and protect the interests of small-business concerns." The SBA's methods for carrying out this mandate vary widely, but the agency's primary tool is found in its small business lending programs. The SBA's 7(a), 504, and Microloan programs are tailored to encourage small business growth and expansion. With small businesses representing 99 percent of all employers, creating nearly 75 percent of all net new jobs, and employing 51 percent of the private-sector workforce, it is essential that Congress affirms long-term stability in the lending programs the SBA provides to the small business community.

As it has in the past, the SBA continues to meet the demands of small businesses, both in my home state of Maine and across the county. In fiscal Year 2006, the SBA backed a net 100,197 loans totaling over $19.1 billion under the 7(a) and 504 programs. In fact, both the number of loans and the dollar amount represent record amounts for the agency—dramatically highlighting the significance of the SBA and the critical role it plays in our nation's economy.

The foundation for the bill Senator KERRY and I are introducing today started during the 109th Congress under an extensive reauthorization process which I led. This process ultimately culminated in the unanimous Small Business Committee passage of a comprehensive SBA reauthorization bill. I firmly believe that the Small Business Lending Reauthorization and Improvement Act of 2007 will help the SBA continue its legacy of achievement.

The SBA's loan and investment programs have produced success story after success story, which include assisting the founders of Intel, Staples, and Federal Express, as well as thousands of other successful businesses. Our bipartisan measure will build upon these past successes and make the SBA even more effective. As former Chair and now ranking member of the Small Business Committee, I believe we must do everything possible to sustain prosperity and job creation throughout the United States. To achieve that goal, I have long fought to solidify and expand the reach of the SBA's programs that have helped millions of aspiring entrepreneurs and existing small businesses.

Small businesses yearn to grow, flourish, and thrive, and the SBA has the experience and the resources to be their bridge to success. It is essential that we upgrade the SBA's core lending programs for the 21st century entrepreneur. The American economy needs a strong and vibrant Small Business Administration. The Small Business Lending Reauthorization and Improvement Act of 2007 will build on the previous success of the Agency, and help to ensure the success of tomorrow's entrepreneurs.

By Mr. LIEBERMAN (for himself, Mr. HATCH, and Mr. BENNETT):

S. 1257. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today with my colleague from Utah, Senator HATCH, to introduce bipartisan legislation that I believe is the breakthrough we have been searching for to bring House voting representation to the residents of the District of Columbia, who have historically been denied this fundamental birthright.

I am proud to join with, DC Delegate ELEANOR HOLMES NORTON and Representative TOM DAVIS, and the many others from both parties and both houses who have worked without rest to remedy the disenfranchisement of District residents since the capital was established in Washington in 1800. I especially want to thank my friend Senator HATCH for his influential support of this voting rights proposal, which would bring to an end a gross inconsistency with the founding principles of our Nation.

Mr. President, we have a historic opportunity today to finally bestow upon the citizens of the District of Columbia the civic entitlement every other taxpaying American citizen enjoys no matter where he or she resides, democracy's most essential right, voting representation in Congress.

The bill is simple. It would increase the number of voting representatives in the House from 435 to 437 by providing the District with a voting representative and by adding another congressional seat for Utah, the next State in line to increase its representation based on the 2000 Census.

Working cooperatively in the spirit of service to the people of Washington, DC, and Utah, Congresswoman NORTON and Congressman DAVIS shepherded a similar proposal through the House Government Reform Committee on March 13 by a vote of 24-5. The full House approved the measure April 20 by a vote of 241–177, a historic day unlike any other since 1978 when Congress approved a constitutional amendment to give District residents voting rights in the House and Senate. Of course, that amendment came to naught when too few States ratified it.

The people of this city have waited far too long for this right. They have been the direct target of terrorist attacks, and yet they have no representative to vote in Congress on policies to protect their homeland security. Citizens of Washington, DC, pay income taxes just like everyone else. In fact, they pay more: Per capita, District residents have the second highest Federal tax obligation. And yet they have no voice in how high those taxes will be or how they will be spent. The District is also the only jurisdiction in the country that must seek congressional approval, through the appropriations process, before spending locally-generated tax dollars. When Congress fails to pass appropriations bills before the beginning of the fiscal year, the District's budget is essentially frozen. And yet DC has no say in that appropriations process.

DC residents fight and die for our democracy but they cannot participate fully in it. I ask you, how can we effectively promote democracy abroad while denying it to hundreds of thousands of citizens in our Nation's Capital?

There is no good reason why DC residents have been denied congressional representation. In 1800, when the nation's capital was established as the District of Columbia, an oversight left the area's residents without congressional representation. Maryland and Virginia ceded land for the capitol in 1788 and 1789, respectively, but it took another 10 years for Congress to establish the District of Columbia. In the interim, residents continued to vote either in Maryland or Virginia, but Congress withdrew those voting rights once the District was founded. Unfortunately, apparently by omission, Congress neglected to establish new voting rights for the citizens of the new district.

The right to be counted, to have your voice heard by your government is central to a functioning democracy and fundamental to a free society. If we are willing to sacrifice our young men and women in the name of freedom, we must be willing to protect their freedoms as well. This legislation would do just that.

In 2002, 10 cosponsors and I introduced the No Taxation without Representation Act. I held a hearing on the bill in the Governmental Affairs Committee, which I then chaired. It was the first hearing in Congress on DC voting rights since 1994. We reported the bill out of committee, but the Senate never took action on it.

Today, the tide has changed. Members from both parties have come together to find a solution to break the stalemates of the past that have denied DC residents equal representation in Congress. The State of Utah has united in favor of a fourth congressional seat, and Senator HATCH has lent his considerable support to this effort. Mr. President, this legislation represents an uncommon victory for fairness and a rare but hopefully increasingly more common example of what we can do if we work together to accomplish our mutual goals.

The essence of our work in the legislative branch is compromise, and the compromise reached by Senator HATCH and I will bring partial voting representation to the District while ensuring Utah receives the additional representation it is due.

I know there are those who believe this bill is unconstitutional. But the District clause of the Constitution, which gives Congress the power to legislate "in all cases whatsoever" pertaining to the District, provides ample authority for the legislative branch to give DC residents voting rights.

Mr. President, this is our moment to do right here at home, just as we have done throughout our history for our democratic allies abroad. By giving the citizens of the District of Columbia a vote in the House, we will ensure not only that their voices will finally be heard. We will be following the imperative of our history and moral values. The Framers of our Constitution in effect placed with Congress the solemn responsibility of assuring that the rights of DC citizens would be protected in the future, just as it is our responsibility to protect the rights of all citizens throughout this great country. Congress has failed to meet this obligation for more than 200 years, and I am not prepared to make DC citizens wait another 200 years.

Mr. President, the tax-paying citizens of the District of Columbia have been without congressional voting representation for too long. The House has acted. Now it is time for the Senate to act. I urge my colleagues to join Senator HATCH and me in support of this essential legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia House Voting Rights Act of 2007".

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia shall be considered a Congressional district for purposes of representation in the House of Representatives.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

"(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.".

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking "come into office;" and inserting the following: "come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);".

SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the 111th Congress and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including the Member representing the District of Columbia pursuant to section 2(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking "the then existing number of Representatives" and inserting "the number of Representatives established with respect to the 111th Congress".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) TRANSMITTAL OF REVISED APPORTIONMENT INFORMATION BY PRESIDENT.—

(1) STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22(a) of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 28, 1929 (2 U.S.C. 2a(a)), to take into account this Act and the amendments made by this Act and identifying the State of Utah as the State entitled to one additional Representative pursuant to this section.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives shall submit a report to the Speaker of the House of Representatives identifying the State of Utah as the State entitled to one additional Representative pursuant to this section.

SEC. 4. EFFECTIVE DATE; TIMING OF ELECTIONS.

The general election for the additional Representative to which the State of Utah is entitled for the 111th Congress and 112th Congress and the general election for the Representative from the District of Columbia for the 111th Congress and the 112th Congress shall be subject to the following requirements:

(1) The additional Representative from the State of Utah will be elected pursuant to a redistricting plan enacted by the State, such as the plan the State of Utah signed into law on December 5, 2006, which—

(A) revises the boundaries of Congressional districts in the State to take into account the additional Representative to which the State is entitled under section 3; and

(B) remains in effect until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010.

(2) The additional Representative from the State of Utah and the Representative from the District of Columbia shall be sworn in and seated as Members of the House of Representatives on the same date as other Members of the 111th Congress.

SEC. 5. CONFORMING AMENDMENTS.

(a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.—

(1) REPEAL OF OFFICE.—

(A) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(B) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office for the 111th Congress.

(2) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended as follows:

(A) In section 1 (sec. 1–1001.01, D.C. Official Code), by striking "the Delegate to the House of Representatives," and inserting "the Representative in Congress,".

(B) In section 2 (sec. 1–1001.02, D.C. Official Code)—

(i) by striking paragraph (6); and

(ii) in paragraph (13), by striking "the Delegate to Congress for the District of Columbia," and inserting "the Representative in Congress,".

(C) In section 8 (sec. 1–1001.08, D.C. Official Code)—

(i) in the heading, by striking "Delegate" and inserting "Representative"; and

(ii) by striking "Delegate," each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1) and inserting "Representative in Congress,".

(D) In section 10 (sec. 1–1001.10, D.C. Official Code)—

(i) in subsection (a)(3)(A)—

(I) by striking "or section 206(a) of the District of Columbia Delegate Act"; and

(II) by striking "the office of Delegate to the House of Representatives" and inserting "the office of Representative in Congress";

(ii) in subsection (d)(1), by striking "Delegate," each place it appears; and

(iii) in subsection (d)(2)—

(I) by striking "(A) In the event" and all that follows through "term of office," and inserting "In the event that a vacancy occurs in the office of Representative in Congress before May 1 of the last year of the Representative's term of office,"; and

(II) by striking subparagraph (B).

(E) In section 11(a)(2) (sec. 1–1001.11(a)(2), D.C. Official Code), by striking "Delegate to the House of Representatives," and inserting "Representative in Congress,".

(F) In section 15(b) (sec. 1–1001.15(b), D.C. Official Code), by striking "Delegate," and inserting "Representative in Congress,".

(G) In section 17(a) (sec. 1–1001.17(a), D.C. Official Code), by striking "the Delegate to Congress from the District of Columbia" and inserting "the Representative in Congress".

(b) REPEAL OF OFFICE OF STATEHOOD REPRESENTATIVE.—

(1) IN GENERAL.—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1–123, D.C. Official Code) is amended as follows:

(A) By striking "offices of Senator and Representative" each place it appears in subsection (d) and inserting "office of Senator".

(B) In subsection (d)(2)—

(i) by striking "a Representative or";

(ii) by striking "the Representative or"; and

(iii) by striking "Representative shall be elected for a 2-year term and each".

(C) In subsection (d)(3)(A), by striking "and 1 United States Representative".

(D) By striking "Representative or" each place it appears in subsections (e), (f), (g), and (h).

(E) By striking "Representative's or" each place it appears in subsections (g) and (h).

(2) CONFORMING AMENDMENTS.—

(A) STATEHOOD COMMISSION.—Section 6 of such Initiative (sec. 1–125, D.C. Official Code) is amended—

(i) in subsection (a)—

(I) by striking "27 voting members" and inserting "26 voting members";

(II) by adding "and" at the end of paragraph (5); and

(III) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6); and

(ii) in subsection (a–1)(1), by striking subparagraph (H).

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Initiative (sec. 1–127, D.C. Official Code) is amended by striking "and House".

(C) APPLICATION OF HONORARIA LIMITATIONS.—Section 4 of D.C. Law 8–135 (sec. 1–131, D.C. Official Code) is amended by striking "or Representative" each place it appears.

(D) APPLICATION OF CAMPAIGN FINANCE LAWS.—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1–135, D.C. Official Code) is amended by striking "and United States Representative".

(E) DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended—

(i) in section 2(13) (sec. 1–1001.02(13), D.C. Official Code), by striking "United States Senator and Representative," and inserting "United States Senator,"; and

(ii) in section 10(d) (sec. 1–1001.10(d)(3), D.C. Official Code), by striking "United States Representative or".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the

District of Columbia takes office for the 111th Congress.

(c) CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO SERVICE ACADEMIES.—

(1) UNITED STATES MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking "the District of Columbia,".

(2) UNITED STATES NAVAL ACADEMY.—Such title is amended—

(A) in section 6954(a), by striking paragraph (5); and

(B) in section 6958(b), by striking "the District of Columbia,".

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking "the District of Columbia,".

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office for the 111th Congress.

SEC. 6. NONSEVERABILITY OF PROVISIONS.

If any provision of this Act or any amendment made by this Act is declared or held invalid or unenforceable, the remaining provisions of this Act or any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

Mr. HATCH. Mr. President, I rise today to join with Senate Committee on Homeland Security and Governmental Affairs Chairman JOSEPH LIEBERMAN and Senator ROBERT BENNETT in introducing the District of Columbia Voting House Rights Act of 2007. Our colleagues in the House of Representatives recently passed similar legislation, H.R. 1905, that would provide a fourth congressional seat for my home state of Utah and the first voting member for the District of Columbia. No doubt, this is a historic time for the citizens of the District of Columbia and a unique opportunity for Utah to receive a long overdue fourth congressional seat.

The Founding Fathers made clear in article 1, section 8 of the Constitution that the District of Columbia would be the seat of the national government and granted Congress the power "[t]o exercise exclusive Legislation, in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress become the Seat of the Government of the United States . . ." This clause became effective in 1790 when Congress accepted land that Maryland and Virginia ceded to the United States to create the national capital. Ten years later, in December 1800, jurisdiction over the District of Columbia was vested in the Federal Government. Since then, District residents have not had the right to vote for Members of Congress. Additionally, article 1, section 2 and section 3 of the Constitution provides that citizens of States shall have voting representation in the House and Senate.

During my time in the Senate, I have heard from many District residents who believe strongly that their voice should be heard in Congress. They pay taxes, vote in presidential elections, and serve in the military. Yet these nearly 600,000 Americans do not have a voting representative in Congress. Many, including myself, have been reluctant to support previous proposals based upon the constitutional principle that States, not territories, are afforded congressional representation. I understand the argument that congressional representation is dependent on statehood and, therefore, the Constitution would need to be amended before the District is given a voting representative in Congress. While the Constitution does not affirmatively grant District residents the right to vote in congressional elections, it does affirmatively grant Congress plenary power to govern the District's affairs. Indeed, the Constitution grants Congress exclusive authority to legislate all matters concerning the District, and I believe this authority extends to the granting of congressional voting rights for District residents.

I support this legislation not only because it rectifies the District's undemocratic political status, but it gives my home State of Utah a long overdue fourth voting Member in the House of Representatives.

During the 2000 Census count, Utah missed out on a fourth House seat by only 857 people. The Census Bureau counted members of the military serving abroad as residents of their home State, but did not count an estimated 14,000 Utah missionaries from the Church of Jesus Christ of Latter-day Saints living abroad. Utah took its fight for a fourth seat all the way to the Supreme Court, but lost. Instead, North Carolina gained another seat in the House by 856 residents. Since then, I have heard from many Utahns and share their frustrations about the outcome of the 2000 Census.

Why push for an additional seat now? Under normal circumstances, Utah would have to wait until the 2010 Census to see if its growing population justifies another congressional seat. However, the proposed legislation provides Utah a chance to receive another voting member of Congress 5 years early. That is equivalent to two and a half terms for a Member of Congress and places the new Member well on his or her way in establishing seniority and influence for the benefit of Utah's citizens. I don't think this is an offer we should dismiss.

I have some constitutional concerns with H.R. 1905's attempt to impose an at-large seat upon my State of Utah. In States with more than one seat in the House, Members are expected to represent insular constituencies. Under H.R. 1905, residents of one State would be represented by two House Members while citizens in other States would have one. In addition, in our constitutional system, States are responsible for elections and Utah has chosen the approach it wants to take by redistricting. I see no warrant for Congress to undermine this balance and impose upon Utah a scheme it has not chosen for itself. For this reason, in the proposed Senate legislation, I insisted that Utah be required to redistrict to provide for the new seat. I believe that Utah's legislators deserve the freedom to determine their representatives' districts without unjustified intrusion or mandate of the Federal Government.

Additionally, the House bill would require Utah to hold a special election in 2007 if the bill passes. The Senate version requires that both seats be elected in the November 2008 general election. Thereafter, both new Members would begin their service at the start of the 111th Congress in 2009.

In conclusion, let me say that I recognize there are many who strongly oppose this legislation. There are many who wish the District voting rights issue would simply go away. The Democratic-controlled Congress could have simply pushed forward with legislation giving the District of Columbia a seat without balancing a "Democrat" seat with a "Republican" seat. I am pleased that this was not the case. The House of Representatives has already voted in favor of moving this legislation forward. Now it is up to the Senate. Let me be clear, the proposed legislation does not provide Senate representation for the District of Columbia. I am not in favor of granting two Senators for the District and would not support such a proposal.

As one who represents Utah, I have an important responsibility to ensure that my State is dealt with properly and fairly. And, in light of the House's recent legislative action, I am determined to do all that I can to ensure that Utah's fourth seat configuration is done right. I want my fellow Utahns to know that the window of opportunity is quickly closing. In fact, I dare say there won't be another opportunity like this again. For this reason, I intend to make the most of it and hope that my Senate colleagues will support me in this endeavor.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. 1259. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Relations.

Mrs. CLINTON. Mr. President, today, I am proud to introduce, along with Senator GORDON SMITH, the Education for All Act of 2007. This bill would enable us to increase our spending on global education initiatives in order to help millions of children around the world have the opportunity to receive an education.

Worldwide, more than 77 million children do not have access to primary school education. The majority of these—approximately 44 million—are girls. Approximately half of the school-age children who start primary school do not complete it. And there are hundreds of millions more children who are denied the opportunity to complete a secondary school education—to become the next generation of doctors, nurses, lawyers, scientists, and teachers. These statistics represent a unconscionable misuse of human potential—a misuse that we can and must remedy.

In 2000, the United States, along with other governments around the world, committed to the goal of achieving universal basic education by 2015. Through some of the initiatives and partnership in which our government is participating, such as the Education for All Fast Track Initiative, we have made progress. Since the Fast Track Initiative was launched in 2002, approximately 4 million children each year have gained access to school.

Yet despite such gains, we are not on track to meet our 2015 goal. In order to do so, we would need to help millions more children enter school each year—requiring a global financial commitment of more than $7 billion every year.

The Education for All Act of 2007 would authorize $10 billion in spending over the next 5 years, enabling the U.S. Government to make a significant commitment to reach the 2015 goal, and help children in developing countries, particularly areas experiencing conflict or humanitarian emergencies, have access to a quality basic education. The bill that I am introducing today will make a tangible difference in the lives of children around the world, by helping them to attend school and receive a quality education. And its impact will go far beyond the individual, but will also benefit families, communities, and countries.

A 2004 report by Barbara Herz and Gene Sperling from the Center on Universal Education at the Council on Foreign Relations detailed the gains that are to be made when we invest in education, particularly for girls. A single year of primary education correlates with a 10-20 percent increase in women's wages later in life. An extra year of a woman's education has been shown to reduce the risk that her children will die in infancy by 5-10 percent, and a study of South Asia and Sub-Saharan Africa found that from 1960 to 1992, equality in education between men and women could have led to nearly 1 percent higher annual per capita GDP growth.

We have the data to show that education is the path to good jobs, strong democracies, and stable societies. We have the capacity, responsibility, and opportunity to help millions of children worldwide. All it takes now is the will to expand access to educational opportunity.

I believe with bipartisan support we can turn this bill into law, and lead the world in meeting the goal of universal basic education, and I look forward to working with my colleagues in Congress in making education for all a reality.

Mr. SMITH. Mr. President, I rise today to introduce the Education for All Act of 2007 with my colleague from New York, Senator HILLARY CLINTON. This legislation will focus U.S. efforts to help provide all children worldwide with a basic education. At this time, at least 77 million children of primary school age around the world are not in school.

Basic education is a critical part of a child's development. In addition to providing children the tools necessary to succeed in life, education provides a secondary purpose of helping to reduce poverty and inequality. A strong basic education system also lays the foundation for sound governance, civic participation, and strong familial institutions. Without an education, children are less able to contribute to a country's development, often becoming a burden on society.

A recent Government Accountability Office concluded there are seven U.S. Federal agencies providing international basic education services in approximately 70 countries. Unfortunately, the GAO also found instances when agencies did not coordinate the planning or delivery of international basic education activities. To maximize the impact of U.S. aid dollars, we must efficiently coordinate between government agencies to decrease redundant spending on overlapping programs. The Education for All Act will help achieve this.

In 2000, at the World Education Forum in Dakar, Senegal, the United States was one of 180 countries to commit to the goal of universal basic education by 2015. Since then, we have enhanced our efforts to provide basic education overseas. From fiscal years 2001 to 2006, USAID, the Departments of State and Defense and the Millennium Challenge Corporation allocated $2.2 billion to support our basic international education efforts. During this same period, the Departments of Agriculture and Labor further allocated an estimated $1 billion to programs with basic education as a component. I am proud of our country's generosity and commitment to this important goal.

Our bill will ensure the United States provides the resources and leadership necessary to supply all children with a quality basic education. It calls on the President to establish a comprehensive strategy for achieving universal basic education by 2015. This strategy should include actions toward improving coordination, reducing duplication, expanding public-private partnerships, leveraging resources and maximizing the use of American technical experts. The bill also establishes a U.S. Education for All Coordinator, an ambassador-level position appointed by the President and confirmed by the Senate. The Coordinator will manage U.S. efforts to ensure aid dollars are used in the most effective manner possible.

The bill further establishes a fellowship program at USAID which allows qualified individuals to serve 3-year terms as Basic Education fellows, helping establish and carry out basic education policy and programming. This fellowship will broaden U.S. capabilities in the areas of technical assistance and training. Finally, the bill authorizes $1 billion for fiscal year 2008, $1.5 billion for fiscal year 2009, $2 billion for fiscal year 2010, $2.5 billion for fiscal year 2011, and $3 billion for fiscal year 2012 for international basic education programs.

I hope my colleagues will join us in supporting the noble ambition of achieving universal basic education by endorsing the Education for All Act of 2007.

By Ms. CANTWELL (for herself, Mr. HARKIN, and Mr. BROWN):

S. 1261. A bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs.

Ms. CANTWELL. Mr. President, I rise today to speak about an investment program in lifelong education for our service members and veterans. The Montgomery GI Bill is consistently cited as an important reason people join the military and continues to be one of the most important benefits provided for military service today. There is no reason why 100 percent of our active duty, selected reserve, and veteran servicemembers should not have the opportunity to take advantage of their earned education benefits.

That is why I'm reintroducing the Montgomery GI Bill for Life Act of 2007, which would allow Montgomery GI Bill participants an unlimited amount of time to use their earned benefits.

I am pleased that my colleague, Senator TOM HARKIN, is again joining me in sponsoring this legislation and that Senator SHERROD BROWN has also signed on to further extend MGIB benefits.

The MGIB is a program that provides up to 36 months of education benefits for educational opportunities ranging from college to apprenticeship and job training, and even flight training.

Upon enlistment, the GI Bill also requires service members to contribute $100 per month for their first 12 months of services.

Basically, the MGIB is divided into two programs. One program targets active duty and veteran members, paying over $1,000 per month to qualified students. That's more than $36,000 for school. The other is directed at the Selected Reserve. This program provides educational benefits of $288 per month, for a total of $10,368.

If recruits are overwhelmingly declaring that education opportunity under the GI Bill is the key incentive for them to join the military, then it makes sense that most—if not all—of our troops, who signed up for the program, would also be cashing in on their benefits. But reports show that the majority, 40 to 60 percent, do not actually use the benefits they have earned.

Currently, MGIB participants have up to 10 years from their release date from the military to use their earned education benefits. Members of the Selected Reserve are able to use their MGIB benefit for 14 years. However, that means your earned education benefits expire if you don't use the within the required timeframe, closing your window of opportunity to go to school or finish your college education. Plus, you lose the $1,200 dedicated for your GI Bill during your first year of enlistment.

Originally, the intent of 1944 GI Bill of Rights was to help veterans successfully transition back into civilian life as education is the key to employment opportunities. Looking back now, we know that the GI Bill opened the door to higher education, helping millions of service members and veterans who wouldn't otherwise have had the chance to pay for college. That is, servicemembers benefited from the GI Bill because they used the payments within the 10 and 14 year limitation.

But there are many others who did not use their earned education benefits within that timeframe. For example, after leaving the military, some servicemembers postponed going to school because they had to go straight to work in order to support their family. Others unfortunately, were either homeless or incarcerated for long periods of time due to disability associated with military service, but are now ready to move forward in their lives, and going back to school is their first step. In some cases, due to random life circumstances, some people just lost track of time. Additionally, because of misinformation and bureaucratic language, the GI Bill is known as a complicated program to navigate.

A constituent of mine, Ruben Ruelas—who is a Local Veterans Employment Representative, LVER, for the WorkSource in Wenatchee, Washington, wrote to me saying, "It's been my experience that most people don't know what they want to do in life or are placed in situations where, due to changing economic times, they are displaced and need further education and training to compete for jobs. But most don't have access to training resources to do so."

In terms of Vietnam Era veterans, Mr. Ruelas goes on to say, "many 50 year olds are unemployed, untrained and uneducated and could use their educational benefits to improve their skills to compete for better jobs. Many have come to realize, too late, that they need college or retraining and don't have the resources to do so."

While times have changed remarkably, one thing remains constant: education is critical to employment opportunity. In the 21st Century global labor market, enhancing skills through education and job training is now more important than ever. The need for retraining is even more underscored for our military service members and veterans.

My legislation, the Montgomery GI Bill for Life, would ensure that educational opportunities are lifelong, allowing service members and veterans the flexibility to seek education and job training opportunities when it is the right time for them to do so.

Higher education not only serves as an individual benefit, but positive externalities have transpired: the GI Bill was instrumental in building our country's middle class and continues to help close the college education gap.

Today, employers are requiring higher qualifications from the workforce. The Bureau of Labor Statistics reports that six of the ten fastest-growing occupations require an associate's degree or bachelor's degree. By 2010, 40 percent of all job growth will require some form of postsecondary education. While a highly skilled workforce is one characteristic of the new economy, working for one employer throughout a lifetime is no longer routine, but rather an evanescent feature. According to findings by Brigham Young University, the average person changes jobs or careers eight times in his or her lifetime. To keep up with these trends, expanding access to education and training is a must do in the 21st Century global marketplace.

A 1999 report by the Congressional Commission on Service members and Veterans Transition Assistance stated that the GI Bill of the future must include the following: Provide veterans with access to post-secondary education that they use; assist the Armed forces in recruiting the high quality high school graduates needed; enhance the Nation's competitiveness by further educating American veterans, a population that is already self-disciplined, goal oriented, and steadfast; and attract the kind of service members who will go on to occupy leadership positions in government and the private sector.

Eliminating the GI Bill 10 and 14 year limitation for service members, veterans, and Selected Reserve moves one step toward improving the MGIB. The Montgomery GI Bill for Life would allow MGIB members, including qualified Vietnam Era Veterans, the flexibility to access their earned education benefits at any time.

As the nation's economy continues to recover and grow stronger, the GI Bill will continue to be the primary vehicle keeping our active duty service members and veterans of military service on track, helping to ensure our country's prosperity.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 178—EXPRESSING THE SYMPATHY OF THE SENATE TO THE FAMILIES OF WOMEN AND GIRLS MURDERED IN GUATEMALA, AND ENCOURAGING THE UNITED STATES TO WORK WITH GUATEMALA TO BRING AN END TO THESE CRIMES

Mr. BINGAMAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 178

Whereas, since 2001, more than 2,000 women and girls have been murdered in Guatemala;

Whereas most of the victims are women ranging in age from 18 to 30, with many of the cases involving abduction, sexual violence, or brutal mutilation;

Whereas, from 2001 to 2006, the rate at which women have been murdered in Guatemala has almost doubled, increasing at a higher rate than the murder rate of men in Guatemala during the same period;

Whereas, according to data from Guatemala's Public Prosecutors Office, few arrests and fewer convictions have occurred, and prosecutors, forensics experts, and other state justice officials have not brought the perpetrators to justice;

Whereas, from 2001 to 2006, there were only 20 convictions for the murders of women and girls;

Whereas the Human Rights Ombudsman of the Government of Guatemala has reported that in 1 year alone police officers were implicated on 10 separate occasions in the murder of women in Guatemala, and recommended that such officers and other officials be held accountable for their acts;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure proper investigations and prosecutions hampers the ability to solve crimes and punish perpetrators;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects;

Whereas the Special Prosecutor for Crimes Against Women of the Government of Guatemala has reported that her office has reviewed approximately 800 incidents of domestic violence per month, with some of those cases ending in murder, and that deaths could have been prevented if the legal system of Guatemala provided for prison sentences in cases of domestic violence;

Whereas the murders of women and girls in Guatemala have brought pain to the families and friends of the victims as they struggle to cope with the loss of their loved ones and the fact that the perpetrators of these heinous acts remain unknown to the proper authorities;

Whereas many countries in Latin America face significant challenges in combating violence against women, and international cooperation is essential in addressing this serious issue;

Whereas the United States Agency for International Development (USAID) has provided assistance to the Government of Guatemala to implement judicial reform and rule of law programs, and in fiscal year 2006, Congress provided $1,500,000 for programs to combat impunity, corruption, and crimes of violence, of which $500,000 is to be allocated to strengthen the special prosecutorial units charged with investigating the murders of women in Guatemala;

Whereas the Government of Guatemala has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, done at Belem do Para, Brazil June 9, 1994, and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas the Government of Guatemala has created special police and prosecutorial units to address the brutal murders of women in Guatemala;

Whereas, in June 2006, the Government of Guatemala successfully abolished the "Rape Law" which had absolved perpetrators of criminal responsibility for rape and certain other crimes of violence upon the perpetrator's marriage with the victim;

Whereas legislators from various parties in Guatemala have joined lawmakers from Mexico and Spain to form the "Inter-parliamentary Network against 'Femicide' ";

Whereas the Government of Guatemala and the United Nations recently entered into an agreement to establish the International Commission Against Impunity in Guatemala (CICIG), which has a mandate to investigate and promote the prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders, justice officials, and other civil society actors; and

Whereas continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Guatemala: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its sincerest condolences and deepest sympathy to the families of women and girls murdered in Guatemala, and recognizes their courageous struggle in seeking justice for the victims;

(2) expresses the solidarity of the people of the United States with the people of Guatemala in the face of these tragic and senseless acts;

(3) condemns the ongoing murders of women and girls in Guatemala, and encourages the Government of Guatemala to act with due diligence in order to promptly investigate these killings, prosecute those responsible, and continue to work toward eliminating violence against women;

(4) urges the Government of Guatemala to recognize domestic violence and sexual harassment as criminal acts and to provide the resources and commitment necessary to strengthen the integrity of the prosecutorial and judicial systems;

(5) urges the President and the Secretary of State to incorporate the investigative and preventative efforts of the Government of Guatemala regarding the murder of women and girls into the bilateral agenda between the Governments of Guatemala and the United States;

(6) encourages the Secretary of State to support efforts by the Government of Guatemala to train and equip the special police and prosecutorial units of the Government of Guatemala to conduct thorough and proper investigations of crimes of violence against women, and to implement judicial reform and rule of law programs;

(7) encourages the Secretary of State and the Attorney General to provide assistance in establishing a comprehensive missing persons system and an effective state protection program for witnesses, victims' relatives, and human rights defenders;

(8) urges the Government of Guatemala to hold accountable those law enforcement and judicial officials whose failure to investigate and prosecute the murders adequately, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(9) encourages the Secretary of State to support efforts to identify perpetrators and unknown victims through forensic analysis, including assisting the Government of Guatemala in adequately funding the National Institute for Forensic Science (INACIF) and training lab personnel in investigatory and evidence gathering protocols;

(10) urges the Secretary of State—

(A) to express support for the efforts of the victims' families and loved ones to seek justice for the victims,

(B) to express concern relating to any harassment of these families and the human rights defenders with whom they work, and

(C) to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(11) encourages the Secretary of State to continue to include in the Department of State's annual Country Reports on Human Rights Practices all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala;

(12) recommends that the United States Ambassador to Guatemala continue to meet with the families of the victims, women's rights organizations, and the officials of the Government of Guatemala who are responsible for investigating these crimes; and

(13) recommends that the Secretary of State develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

Mr. BINGAMAN. Mr. President, I rise today to speak about the tragic deaths of women and girls in Guatemala, and to submit a resolution urging increased U.S. involvement in addressing this serious issue.

Since 2001, more than 2,000 women and girls have been murdered in Guatemala. The murder rate of these women almost doubled from 2001 to 2006, increasing at a higher rate than the murder rate of men. While these killings may be due to a variety of factors, what clearly unifies these cases is the fact that very few of the perpetrators have been brought to justice. Indeed, it is my understanding that as of 2006 there have been only 20 convictions for these killings. In some of the cases police have been implicated in the crimes.

The lack of respect for the rule of law, inadequate legal protections for women, ongoing violence in the country, corruption, insufficient resources, substandard investigations, and the lack of independent and effective judicial and prosecutorial systems, all contribute to the inability of the Government of Guatemala to hold those responsible for these killings accountable for their crimes. The result is a general sense of impunity for crimes against women in the country.

The Government of Guatemala has taken some steps to address these killings. Guatemala has created special police and prosecutorial units to investigate these murders, and repealed the so called "Rape Law" which had absolved perpetrators of criminal responsibility for rape upon the perpetrator's marriage with the victim. The Government also recently entered into an agreement with the United Nations to establish the International Commission Against Impunity in Guatemala, CICIG, which has a mandate to investigate and prosecute illegal security groups operating with impunity. And Guatemala established the National Institute for Forensic Sciences to improve investigatory and evidence gathering efforts.

The resolution I am submitting today is aimed at raising awareness of this issue and encouraging the governments of Guatemala and the United States to work together to stop these killings. Among other things, the resolution: condemns these murders and expresses the sympathy of the Senate to the families of women and girls murdered in Guatemala; encourages the Government of Guatemala to act with due diligence in investigating and prosecuting those responsible for these crimes; urges the Government of Guatemala to recognize domestic violence as a criminal act and to provide adequate resources necessary to strengthen the integrity of the prosecutorial and judicial systems; urges the President and the Secretary of State to incorporate this issue into the bilateral agenda between the governments of Guatemala and the United States; and encourages the Secretary of State to provide assistance in training and equipping special police units to investigate these crimes, implementing judicial reforms and rule of law programs, establishing a missing persons system, creating an effective witness protection program, and supporting efforts to enhance forensic capabilities.

Mr. President, I urge my colleagues to support this important resolution and give this issue the attention it deserves.

SENATE RESOLUTION 179—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES AND THE 40TH ANNIVERSARY OF THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN), EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE

Mr. BOND submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 179

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore was a founding member of the Association of Southeast Asian Nations (ASEAN);

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas, in July 2005, Singapore became a partner of the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore selected the F-15SG Fighter, built in the United States, for use by the Air Force of Singapore, which will greatly enhance the interoperability of the Air Forces of Singapore and the United States;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore responded quickly to provide logistical support and assistance to the relief efforts in the United States after Hurricane Katrina;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) congratulates the Association of Southeast Asian Nations (ASEAN), and Singapore as one of its founding members, on the 40th anniversary of ASEAN;

(3) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(4) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States, Singapore, and the other countries of the ASEAN region.

SENATE RESOLUTION 180—RECOGNIZING THE 70TH ANNIVERSARY OF THE IDAHO POTATO COMMISSION AND DESIGNATING MAY 2007 AS "IDAHO POTATO MONTH"

Mr. CRAPO (for himself and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 180

Whereas the State of Idaho produces roughly one-third of all the potatoes grown in the United States, harvesting an average of 12,000,000,000 to 14,000,000,000 pounds annually;

Whereas the State of Idaho's unique climate of warm days, cool nights, mountain-fed irrigation, and rich volcanic soil is conducive to growing world-renowned potatoes;

Whereas Idaho potatoes are top-selling and highly recognized potatoes in the United States due to their consistently great taste, versatility, and nutritional content;

Whereas the Idaho potato "brand" is recognized throughout the world for its high quality and is an identifying characteristic of the great State of Idaho;

Whereas May 2007 marks the 70th consecutive year that Idaho potatoes have been promoted by the Idaho Potato Commission, an Idaho potato industry group responsible for generating attention for the numerous attributes of Idaho potatoes;

Whereas the Idaho Potato Commission is recognized nationally and internationally as a top promotional authority for Idaho's potatoes and potato products;

Whereas the Idaho Potato Commission's requirement, since 1959, that only potatoes grown in the State of Idaho are allowed to wear the "Grown in Idaho" Federal certification mark contributed toward the creation of a distinctive, enduringly successful, and popular brand for the Russet Burbank potato variety; and

Whereas Idaho's potato industry contributes approximately $2,700,000,000 to the State economy and employs 39,000 residents: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 70th anniversary of the Idaho Potato Commission; and

(2) designates May 2007 as "Idaho Potato Month".

SENATE RESOLUTION 181—HONORING AND RECOGNIZING THE ACHIEVEMENTS OF THE UNITED STATES AIR FORCE ACADEMY FOOTBALL PROGRAM OVER THE LAST 27 YEARS

Mr. ALLARD (for himself, Mr. PRYOR, and Mr. CRAIG) submitted the following resolution; which was considered and agreed to:

S. RES. 181

Whereas, Fisher DeBerry, originally of Cheraw, South Carolina, coached football at the United States Air Force Academy for 27 years, 23 of which as head coach;

Whereas, Fisher DeBerry is the winningest head coach of any United States service academy with a record of 169-109-1;

Whereas, Fisher DeBerry has amassed a 35-11 record against the United States Military Academy and the United States Naval Academy, and led the U.S. Air Force Academy to 14 of its 16 Commander-in-Chief Trophy titles;

Whereas, Fisher DeBerry led his Air Force teams to 3 conference championships and 12 bowl games;

Whereas, Fisher DeBerry has been recognized numerous times for his coaching success, including selection as National Coach of the Year for 1985; selection 3 times as Western Athletic Conference Coach of the Year; induction into the South Carolina Sports Hall of Fame; induction into the Colorado Springs Sports Hall of Fame; induction into the Independence Bowl Hall of Fame; the 2001 State Farm Coach of Distinction honor; an honorary doctorate of humanities from Wofford College; service as president of the American Football Coaches Association (AFCA); and service as Chairman of the AFCA ethics committee;

Whereas, Fisher DeBerry has acted as a pillar of the Colorado Springs, Colorado, community during the past 27 years through his active involvement and volunteerism with local church, charity, and community organizations;

Whereas, in 2004 Fisher DeBerry founded the Fisher DeBerry Foundation, which is dedicated to the support and education of single mothers and their children, as well as other charitable causes;

Whereas, Fisher DeBerry has served as a positive influence and role model to numerous future Air Force officers, including coaching 3,375 players; having a graduation success rate of 91.6 percent among his players; and producing 19 All-American players, 124 All-Conference players, 11 Academic All-Americans, and 9 Postgraduate Scholarship winners;

Whereas, Fisher DeBerry imparted to his players the core values of the United States Air Force: Integrity First, Service Before Self, and Excellence In All We Do; and

Whereas, the United States Air Force Academy football program under the leadership of Fisher DeBerry has served as an example of these values for its community and the entire Nation: Now, therefore, be it

Resolved, That the United States Senate honors and recognizes the numerous contributions made by the United States Air Force Academy football program over the last 27 years to Colorado Springs and the surrounding communities, the United States Air Force Academy, and the United States Air Force.

SENATE RESOLUTION 182—HONORING THE LIFE OF JACK VALENTI

Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. LEAHY, Mr. HATCH, Mrs. BOXER, Mr. CORNYN, Mr. KENNEDY, Mr. DURBIN, Mr. DODD, Mr. KERRY, Ms. STABENOW, Ms. CANTWELL, Mr. HARKIN, Ms. LANDRIEU, Mr. MENENDEZ, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 182

Whereas Jack Valenti was born September 5, 1921, in Houston, Texas, the grandson of Sicilian immigrants, Joe and Josephine Valenti, and was the youngest high school graduate in the city at age 15;

Whereas Jack Valenti married his beloved Mary Margaret in 1962, with whom he had 3 children, John, Alexandra, and Courtenay;

Whereas Jack Valenti joined the United States Army Air Forces in 1942 and flew 51 combat missions as a pilot of a B-25 attack bomber with the 12th Air Force in Italy during World War II, obtained the rank of lieutenant, and received 4 decorations, including the Distinguished Flying Cross, the Air Medal with 4 clusters, the Distinguished Unit Citation with one cluster, and the European Theater Ribbon with 4 battle stars;

Whereas Jack Valenti received a B.A. degree from the University of Houston in 1946 after doing all of his undergraduate work at night and working during the day, and became the first University of Houston graduate to be admitted to Harvard Business School, receiving an M.B.A. degree in 1948;

Whereas, in 1952, Jack Valenti cofounded Weekley and Valenti, an advertising and political consulting agency that worked on Dwight D. Eisenhower's presidential campaign in Texas, Representative Albert Thomas's run for Congress, and John Connally's campaign for Governor of Texas;

Whereas Jack Valenti met then-Senate Majority Leader Lyndon B. Johnson in 1957, the two became close friends, and Valenti worked on Lyndon Johnson's presidential campaign during the primaries of 1960;

Whereas Weekley and Valenti handled press during President John F. Kennedy's and Vice President Lyndon Johnson's fateful trip to Dallas, Texas, in November 1963;

Whereas Jack Valenti became the first special assistant hired when Lyndon Johnson ascended to the Presidency;

Whereas Jack Valenti resigned his White House post in 1966 and went on to serve as the president of the Motion Picture Association of America (MPAA) for the next 38 years;

Whereas Jack Valenti, as president of the MPAA, created the voluntary film rating system that is still in place today, which provides parents with advance information they can use to determine which movies are appropriate for their children;

Whereas Jack Valenti's persona and skill combined to give the motion picture industry a strong and enduring presence in the Nation's capital, which grew year by year during his nearly 4 decade tenure at the MPAA;

Whereas Jack Valenti presided over a worldwide change in the motion picture industry, ushered movies into the digital era, championed artists' rights, and condemned intellectual property theft;

Whereas Jack Valenti authored 5 books, including "A Very Human President", "Protect and Defend", "The Bitter Taste Of Glory", "Speak Up With Confidence", and, his most recent, "This Time, This Place: My Life in War, the White House, and Hollywood", and wrote numerous essays for the New York Times, the Washington Post, the Los Angeles Times, Reader's Digest, Atlantic Monthly, Newsweek, Cox newspapers, and other publications;

Whereas Jack Valenti was awarded with France's highly-prized Legion d'Honneur, the French Legion of Honor, and has been honored with his own star on the Hollywood Walk of Fame; and

Whereas Jack Valenti will be remembered as a dedicated family man, a philanthropist, a voice for copyright owners, a true visionary whose devotion, intelligence, creativity, and wisdom transformed the film industry, and as Hollywood's ultimate leading man: Now, therefore, be it

Resolved, That the Senate honors the life of Jack Valenti, a pioneer in the fields of motion pictures and public service, a dedicated family man, and a legendary figure in the history of the United States.

SENATE RESOLUTION 183—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHARTER SCHOOLS WEEK, APRIL 30, 2007, THROUGH MAY 4, 2007

Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. CARPER, Mr. BURR, Mr. DEMINT, Mr. VITTER, Mrs. DOLE, and Mr. GREGG) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas charter schools deliver high-quality education and challenge students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by designated public entities to respond to the needs of communities, families, and students, and to promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, charter schools are held accountable by their sponsors for improving student achievement and for their finances and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 4,000 charter schools operating across the United States serve more than 1,140,000 students;

Whereas, over the last 13 years, Congress has provided more than $2,026,225,000 in support to the charter school movement by providing facilities, financing assistance, and grants for planning, startup, implementation, and dissemination of information;

Whereas many charter schools improve the achievement of students and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the President, Congress, State governors and legislatures, educators, and parents across the United States; and

Whereas the eighth annual National Charter Schools Week, to be held April 30 through May 4, 2007, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and commends charter schools and students, parents, teachers, and administrators of charter schools across the United States for their ongoing contributions to education and improving and strengthening the public school system;

(2) supports the goals and ideals of the eighth annual National Charter Schools Week; and

(3) encourages the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

SENATE RESOLUTION 184—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING MAY 5, 2007, AS "NATIONAL CHILDHOOD STROKE AWARENESS DAY"

Mr. CHAMBLISS (for himself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 184

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas the Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5, 2007 as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

AMENDMENTS SUBMITTED AND PROPOSED

SA 983. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 984. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 985. Mr. BROWNBACK (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 986. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 987. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 988. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 989. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 990. Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON, of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 1082, supra.

SA 991. Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 992. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 993. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 994. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 995. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 996. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 997. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 998. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 999. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1000. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1001. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1002. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1003. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1004. Ms. LANDRIEU proposed an amendment to the bill S. 1082, supra.

SA 1005. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1006. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1007. Mr. REID (for Mr. BUNNING) proposed an amendment to the resolution S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

TEXT OF AMENDMENTS

SA 983. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, insert the following:

SEC.   . COUNTERFEIT-RESISTANT TECHNOLOGIES FOR PRESCRIPTION DRUGS.

(a) REQUIRED TECHNOLOGIES.—The Secretary of Health and Human Services shall require that the packaging of any prescription drug incorporate—

(1) radio frequency identification (RFID) tagging technology, or similar trace and track technologies that have an equivalent function;

(2) tamper-indicating technologies; and

(3) blister security packaging when possible.

(b) USE OF TECHNOLOGIES.—

(1) AUTHORIZED USES.—The Secretary shall require that technologies described in subsection (a)(1) be used exclusively to authenticate the pedigree of prescription drugs, including by—

(A) implementing inventory control;

(B) tracking and tracing prescription drugs;

(C) verifying shipment or receipt of prescription drugs;

(D) authenticating finished prescription drugs; and

(E) electronically authenticating the pedigree of prescription drugs.

(2) PRIVACY PROTECTION.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any information that may be used to identify a health care practitioner or the prescription drug consumer.

(3) PROHIBITION AGAINST ADVERTISING.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any advertisement or information about prescription drug indications or off-label prescription drug uses.

(c) RECOMMENDED TECHNOLOGIES.—The Secretary shall encourage the manufacturers and distributors of prescription drugs to incorporate into the packaging of such drugs, in addition to the technologies required under subsection (a), overt optically variable counterfeit-resistant technologies that—

(1) are visible to the naked eye, providing for visual identification of prescription drug authenticity without the need for readers, microscopes, lighting devices, or scanners;

(2) are similar to technologies used by the Bureau of Engraving and Printing to secure United States currency;

(3) are manufactured and distributed in a highly secure, tightly controlled environment; and

(4) incorporate additional layers of non-visible covert security features up to and including forensic capability.

(d) STANDARDS FOR PACKAGING.—

(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of prescription drugs, the Secretary shall require manufacturers of prescription drugs to incorporate the technologies described in paragraphs (1), (2), and (3) of subsection (a), and shall encourage manufacturers and distributors of prescription drugs to incorporate the technologies described in subsection (c), into multiple elements of the physical packaging of the drugs, including—

(A) blister packs, shrink wrap, package labels, package seals, bottles, and boxes; and

(B) at the item level.

(2) LABELING OF SHIPPING CONTAINER.—Shipments of prescription drugs shall include a label on the shipping container that

incorporates the technologies described in subsection (a)(1), so that members of the supply chain inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

(e) PENALTY.—A prescription drug is deemed to be misbranded for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the packaging or labeling of the drug is in violation of a requirement or prohibition applicable to the drug under subsection (a), (b), or (d).

(f) TRANSITIONAL PROVISIONS; EFFECTIVE DATES.—

(1) NATIONAL SPECIFIED LIST OF SUSCEPTIBLE PRESCRIPTION DRUGS.—

(A) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a list, to be known as the National Specified List of Susceptible Prescription Drugs, consisting of not less than 30 of the prescription drugs that are most frequently subject to counterfeiting in the United States (as determined by the Secretary).

(B) REVISION.—Not less than annually through the end of calendar year 2010, the Secretary shall review and, as appropriate, revise the National Specified List of Susceptible Prescription Drugs. The Secretary may not revise the List to include fewer than 30 prescription drugs.

(2) EFFECTIVE DATES.—The Secretary shall implement the requirements and prohibitions of subsections (a), (b), and (d)—

(A) with respect to prescription drugs on the National Specified List of Susceptible Prescription Drugs, beginning not later than the earlier of—

(i) 1 year after the initial publication of such List; or

(ii) December 31, 2008; and

(B) with respect to all prescription drugs, beginning not later than December 31, 2011.

(3) AUTHORIZED USES DURING TRANSITIONAL PERIOD.—In lieu of the requirements specified in subsection (b)(1), for the period beginning on the effective date applicable under paragraph (2)(A) and ending on the commencement of the effective date applicable under paragraph (2)(B), the Secretary shall require that technologies described in subsection (a)(1) be used exclusively to verify the authenticity of prescription drugs.

(g) DEFINITIONS.—In this Act:

(1) The term "pedigree"—

(A) means the history of each prior sale, purchase, or trade of the prescription drug involved to a distributor or retailer of the drug (including the date of the transaction and the names and addresses of all parties to the transaction); and

(B) excludes information about the sale, purchase, or trade of the drug to the drug consumer.

(2) The term "prescription drug" means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(3) The term "Secretary" means the Secretary of Health and Human Services.

SA 984. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—IMPORTATION OF PRESCRIPTION DRUGS

SEC. _01. SHORT TITLE.

This Act may be cited as the "Pharmaceutical Market Access Act of 2007".

SEC. _02. FINDINGS.

Congress finds as follows:

(1) Americans unjustly pay up to 1,000 percent more to fill their prescriptions than consumers in other countries.

(2) The United States is the world's largest market for pharmaceuticals yet consumers still pay the world's highest prices.

(3) An unaffordable drug is neither safe nor effective. Allowing and structuring the importation of prescription drugs ensures access to affordable drugs, thus providing a level of safety to American consumers they do not currently enjoy.

(4) Prescription drug costs are a leading cause of the growth in United States health care spending, which reached nearly $2,000,000,0000 in 2005, of which spending on prescription drugs amounted to $200,700,000,000.

(5) According to the Congressional Budget Office, American seniors alone will spend $1,800,000,000,000 on pharmaceuticals over the next 10 years.

(6) Allowing open pharmaceutical markets could save American consumers at least $635,000,000,000 of their own money.

SEC. _03. PURPOSES.

The purposes of this title are to—

(1) give all Americans immediate relief from the outrageously high cost of pharmaceuticals;

(2) reverse the perverse economics of the American pharmaceutical market;

(3) allow the importation of prescription drugs only if the drugs and facilities where such drugs are manufactured are approved by the Food and Drug Administration, and to exclude pharmaceutical narcotics;

(4) ensure continued integrity to the prescription drug supply of the United States by—

(A) requiring that imported prescription drugs be packaged and shipped using counterfeit-resistant technologies;

(B) requiring Internet pharmacies to register with the United States Government for Americans to verify authenticity before purchases over the Internet;

(C) requiring all foreign sellers to register with United States Government and submit to facility inspections by the Government without prior notice; and

(D) limiting the eligible countries from which prescription drugs may be imported to Canada, member countries of the European Union, and other highly industrialized nations with safe pharmaceutical infrastructures.

SEC. _04. AMENDMENTS TO SECTION 804 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITIONS.—Section 804(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(a)) is amended to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) IMPORTER.—The term 'importer' means a pharmacy, group of pharmacies, pharmacist, or wholesaler.

"(2) PERMITTED COUNTRY.—The term 'permitted country' means Australia, Canada, Israel, Japan, New Zealand, Switzerland, South Africa, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, Spain, Sweden, the United Kingdom, Iceland, Liechtenstein, and Norway, except that the Secretary—

"(A) may add a country, union, or economic area as a permitted country for purposes of this section if the Secretary determines that the country, union, or economic area has a pharmaceutical infrastructure that is substantially equivalent or superior to the pharmaceutical infrastructure of the United States, taking into consideration pharmacist qualifications, pharmacy storage procedures, the drug distribution system, the drug dispensing system, and market regulation; and

"(B) may remove a country, union, or economic area as a permitted country for purposes of this section if the Secretary determines that the country, union, or economic area does not have such a pharmaceutical infrastructure.

"(3) PHARMACIST.—The term 'pharmacist' means a person licensed by the relevant governmental authority to practice pharmacy, including the dispensing and selling of prescription drugs.

"(4) PHARMACY.—The term 'pharmacy' means a person that is licensed by the relevant governmental authority to engage in the business of selling prescription drugs that employs 1 or more pharmacists.

"(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug subject to section 503(b), other than—

"(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

"(C) an infused drug (including a peritoneal dialysis solution);

"(D) an intravenously injected drug;

"(E) a drug that is inhaled during surgery; or

"(F) a drug which is a parenteral drug, the importation of which pursuant to subsection (b) is determined by the Secretary to pose a threat to the public health, in which case section 801(d)(1) shall continue to apply.

"(6) QUALIFYING DRUG.—The term 'qualifying drug' means a prescription drug that—

"(A) is approved pursuant to an application submitted under section 505(b)(1); and

"(B) is not—

"(i) a drug manufactured through 1 or more biotechnology processes;

"(ii) a drug that is required to be refrigerated; or

"(iii) a photoreactive drug.

"(7) QUALIFYING INTERNET PHARMACY.—The term 'qualifying Internet pharmacy' means a registered exporter that dispenses qualifying drugs to individuals over an Internet website.

"(8) QUALIFYING LABORATORY.—The term 'qualifying laboratory' means a laboratory in the United States that has been approved by the Secretary for the purposes of this section.

"(9) REGISTERED EXPORTER.—The term 'registered exporter' means a person that is in the business of exporting a drug to persons in the United States (or that seeks to be in such business), for which a registration under this section has been approved and is in effect.

"(10) WHOLESALER.—

"(A) IN GENERAL.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A).

"(B) EXCLUSION.—The term 'wholesaler' does not include a person authorized to import drugs under section 801(d)(1).".

(b) REGULATIONS.—Section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)) is amended to read as follows:

"(b) REGULATIONS.—Not later than 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2007, the Secretary, after consultation with the United States Trade Representative and the Commissioner of the Bureau of Customs and Border Protection, shall promulgate regulations permitting pharmacists, pharmacies, and wholesalers to import qualifying drugs from permitted countries into the United States.".

(c) LIMITATION.—Section 804(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(c)) is amended by striking "prescription drug" each place it appears and inserting "qualifying drug".

(d) INFORMATION AND RECORDS.—Section 804(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(d)(1)) is amended—

(1) by striking subparagraph (G) and redesignating subparagraphs (H) through (N) as subparagraphs (G) through (M), respectively;

(2) in subparagraph (H) (as so redesignated), by striking "telephone number, and professional license number (if any)" and inserting "and telephone number"; and

(3) in subparagraph (L) (as so redesignated), by striking "(J) and (L)" and inserting "(I) and (K)".

(e) TESTING.—Section 804(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(e)) is amended to read as follows:

"(e) TESTING.—The regulations under subsection (b) shall require that the testing described under subparagraphs (I) and (K) of subsection (d)(1) be conducted by the importer of the qualifying drug, unless the qualifying drug is subject to the requirements under section 505C for counterfeit-resistant technologies.".

(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—Section 804(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(f)) is amended to read as follows:

"(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—

"(1) IN GENERAL.—Any person that seeks to be a registered exporter (referred to in this subsection as the 'registrant') shall submit to the Secretary a registration that includes the following:

"(A) The name of the registrant and identification of all places of business of the registrant that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the registrant;

"(B) An agreement by the registrant to—

"(i) make its places of business that relate to qualifying drugs (including warehouses and other facilities owned or controlled by, or operated for, the exporter) and records available to the Secretary for on-site inspections, without prior notice, for the purpose of determining whether the registrant is in compliance with this Act's requirements;

"(ii) export only qualifying drugs;

"(iii) export only to persons authorized to import the drugs;

"(iv) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country to or from which the registrant has exported or imported, or intends to export or import, to the United States;

"(v) monitor compliance with registration conditions and report any noncompliance promptly;

"(vi) submit a compliance plan showing how the registrant will correct violations, if any; and

"(vii) promptly notify the Secretary of changes in the registration information of the registrant.

"(2) NOTICE OF APPROVAL OR DISAPPROVAL.—

"(A) IN GENERAL.—Not later than 90 days after receiving a completed registration from a registrant, the Secretary shall—

"(i) notify such registrant of receipt of the registration;

"(ii) assign such registrant a registration number; and

"(iii) approve or disapprove the application.

"(B) DISAPPROVAL OF APPLICATION.—

"(i) IN GENERAL.—The Secretary shall disapprove a registration, and notify the registrant of such disapproval, if the Secretary has reason to believe that such registrant is not in compliance with a registration condition.

"(ii) SUBSEQUENT APPROVAL.—The Secretary may subsequently approve a registration that was denied under clause (i) if the Secretary finds that the registrant is in compliance with all registration conditions.

"(3) LIST.—The Secretary shall—

"(A) maintain an up-to-date list of registered exporters (including qualifying Internet pharmacies that sell qualifying drugs to individuals);

"(B) make such list available to the public on the Internet site of the Food and Drug Administration and via a toll-free telephone number; and

"(C) update such list promptly after the approval of a registration under this subsection.

"(4) EDUCATION OF CONSUMERS.—The Secretary shall carry out activities, by use of the Internet website and toll-free telephone number under paragraph (3), that educate consumers with regard to the availability of qualifying drugs for import for personal use under this section, including information on how to verify whether an exporter is registered.

"(5) INSPECTION OF IMPORTERS AND REGISTERED EXPORTERS.—The Secretary shall inspect the warehouses, other facilities, and records of importers and registered exporters as often as the Secretary determines necessary to ensure that such importers and registered exporters are in compliance with this section.".

(g) SUSPENSION OF IMPORTATION.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(g)) is amended by—

(1) striking "and the Secretary determines that the public is adequately protected from counterfeit and violative prescription drugs being imported under subsection (b)"; and

(2) by adding after the period at the end the following: "The Secretary shall reinstate the importation by a specific importer upon a determination by the Secretary that the violation has been corrected and that the importer has demonstrated that further violations will not occur. This subsection shall not apply to a prescription drug imported by an individual, or to a prescription drug shipped to an individual by a qualifying Internet pharmacy.".

(h) WAIVER AUTHORITY FOR INDIVIDUALS.—Section 804(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(j)) is amended to read as follows:

"(j) IMPORTATION BY INDIVIDUALS.—

"(1) IN GENERAL.—Not later than 180 days after the enactment of the Pharmaceutical Market Access Act of 2007, the Secretary shall by regulation permit an individual to import a drug from a permitted country to the United States if the drug is—

"(A) a qualifying drug;

"(B) imported from a licensed pharmacy or qualifying Internet pharmacy;

"(C) for personal use by an individual, or family member of the individual, not for resale;

"(D) in a quantity that does not exceed a 90-day supply during any 90-day period; and

"(E) accompanied by a copy of a prescription for the drug, which—

"(i) is valid under applicable Federal and State laws; and

"(ii) was issued by a practitioner who is authorized to administer prescription drugs.

"(2) DRUGS DISPENSED OUTSIDE THE UNITED STATES.—An individual may import a drug from a country that is not a permitted country if—

"(A) the drug was dispensed to the individual while the individual was in such country, and the drug was dispensed in accordance with the laws and regulations of such country;

"(B) the individual is entering the United States and the drug accompanies the individual at the time of entry;

"(C) the drug is approved for commercial distribution in the country in which the drug was obtained;

"(D) the drug does not appear to be adulterated; and

"(E) the quantity of the drug does not exceed a 14-day supply.".

(i) REPEAL OF CERTAIN PROVISIONS.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsections (l) and (m).

SEC. 05. REGISTRATION FEES.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 397f et seq.) is amended by adding at the end the following:

"PART 5—FEES RELATING TO PRESCRIPTION DRUG IMPORTATION

"SEC. 740A. FEES RELATING TO PRESCRIPTION DRUG IMPORTATION.

"(a) REGISTRATION FEE.—The Secretary shall establish a registration fee program under which a registered exporter under section 804 shall be required to pay an annual fee to the Secretary in accordance with this subsection.

"(b) COLLECTION.—

"(1) COLLECTION ON INITIAL REGISTRATION.—A fee under this section shall be payable for the fiscal year in which the registered exporter first submits a registration under section 804 (or reregisters under that section if that person has withdrawn its registration and subsequently reregisters) in a amount of $10,000, due on the date the exporter first submits a registration to the Secretary under section 804.

"(2) COLLECTION IN SUBSEQUENT YEARS.—After the fee is paid for the first fiscal year, the fee described under this subsection shall be payable on or before October 1 of each year.

"(3) ONE FEE PER FACILITY.—The fee shall be paid only once for each registered exporter for a fiscal year in which the fee is payable.

"(c) FEE AMOUNT.—

"(1) IN GENERAL.—Subject to subsection (b)(1), the amount of the fee shall be determined each year by the Secretary and shall be based on the anticipated costs to the Secretary of enforcing the amendments made by the Pharmaceutical Market Access Act of 2007 in the subsequent fiscal year.

"(2) LIMITATION.—

"(A) IN GENERAL.—The aggregate total of fees collected under this section shall not exceed 1 percent of the total price of drugs exported annually to the United States by registered exporters under this section.

"(B) REASONABLE ESTIMATE.—Subject to the limitation described in subparagraph (A), a fee under this subsection for an exporter shall be an amount that is a reasonable estimate by the Secretary of the annual share of the exporter of the volume of drugs exported by exporters under this section.

"(d) USE OF FEES.—The fees collected under this section shall be used for the sole purpose of administering this section with respect to registered exporters, including the costs associated with—

"(1) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug;

"(2) developing, implementing, and maintaining a system to determine registered exporters' compliance with the registration conditions under the Pharmaceutical Market Access Act of 2007, including when shipments of qualifying drugs are offered for import into the United States; and

"(3) inspecting such shipments, as necessary, when offered for import into the United States to determine if any such shipment should be refused admission.

"(e) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, registration fees.

"(f) EFFECT OF FAILURE TO PAY FEES.—

"(1) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

"(2) FAILURE TO PAY.—If a registered exporter subject to a fee under this section fails to pay the fee, the Secretary shall not permit the registered exporter to engage in exportation to the United States or offering for exportation prescription drugs under this Act until all such fees owed by that person are paid.

"(g) REPORTS.—

"(1) FEE ESTABLISHMENT.—Not later than 60 days before the beginning of each fiscal year, the Secretary shall—

"(A) publish registration fees under this section for that fiscal year;

"(B) hold a meeting at which the public may comment on the recommendations; and

"(C) provide for a period of 30 days for the public to provide written comments on the recommendations.

"(2) PERFORMANCE AND FISCAL REPORT.—Beginning with fiscal year 2007, not later than 60 days after the end of each fiscal year during which fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(A) implementation of the registration fee authority during the fiscal year; and

"(B) the use by the Secretary of the fees collected during the fiscal year for which the report is made.".

SEC. 06. COUNTERFEIT-RESISTANT TECHNOLOGY.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352; deeming drugs and devices to be misbranded) is amended by adding at the end the following:

"(z) If it is a drug subject to section 503(b), unless the packaging of such drug complies with the requirements of section 505C for counterfeit-resistant technologies.".

(b) REQUIREMENTS.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

"SEC. 505C. COUNTERFEIT-RESISTANT TECHNOLOGIES.

"(a) INCORPORATION OF COUNTERFEIT-RESISTANT TECHNOLOGIES INTO PRESCRIPTION DRUG PACKAGING.—The Secretary shall require that the packaging of any drug subject to section 503(b) incorporate—

"(1) overt optically variable counterfeit-resistant technologies that are described in subsection (b) and comply with the standards of subsection (c); or

"(2) technologies that have an equivalent function of security, as determined by the Secretary.

"(b) ELIGIBLE TECHNOLOGIES.—Technologies described in this subsection—

"(1) shall be visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

"(2) shall be similar to that used by the Bureau of Engraving and Printing to secure United States currency;

"(3) shall be manufactured and distributed in a highly secure, tightly controlled environment; and

"(4) should incorporate additional layers of non-visible covert security features up to and including forensic capability.

"(c) STANDARDS FOR PACKAGING.—

"(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to section 503(b), manufacturers of the drugs shall incorporate the technologies described in subsection (b) into multiple elements of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

"(2) LABELING OF SHIPPING CONTAINER.—Shipments of drugs described in subsection (a) shall include a label on the shipping container that incorporates the technologies described in subsection (b), so that officials inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

"(d) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2007.".

SEC. _07. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after subsection (k) the following:

"(l) The failure to register in accordance with section 804(f) or to import or offer to import a prescription drug in violation of a suspension order under section 804(g).".

SEC. _08. PATENTS.

Section 271 of title 35, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

"(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 (21 U.S.C. 384) of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.".

SEC. _09. OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act (as amended in section _04) is amended by adding at the end the following:

"(l) UNFAIR OR DISCRIMINATORY ACTS AND PRACTICES.—

"(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing or other agreement) to—

"(A) discriminate by charging a higher price for a prescription drug sold to a person in a permitted country that exports a prescription drug to the United States under this section than the price that is charged to another person that is in the same country and that does not export a prescription drug into the United States under this section;

"(B) discriminate by charging a higher price for a prescription drug sold to a person that distributes, sells, or uses a prescription drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a prescription drug under this section, or that does not distribute, sell, or use such a drug;

"(C) discriminate by denying supplies of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

"(D) discriminate by publicly, privately, or otherwise refusing to do business with a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

"(E) discriminate by specifically restricting or delaying the supply of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

"(F) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country for the purpose of restricting importation of the drug into the United States under this section;

"(G) refuse to allow an inspection authorized under this section of an establishment that manufactures a prescription drug that may be imported or offered for import under this section;

"(H) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a prescription drug that may be imported or offered for import under this section to good manufacturing practice under this Act;

"(I) become a party to a licensing or other agreement related to a prescription drug that fails to provide for compliance with all requirements of this section with respect to such prescription drug or that has the effect of prohibiting importation of the drug under this section; or

"(J) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages in, or to impede, delay, or block the process for, the importation of a prescription drug under this section.

"(2) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge that a person has discriminated under subparagraph (A), (B), (C), (D), or (E) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial of supplies of a prescription drug to a person, the refusal to do business with a person, or the specific restriction or delay of supplies to a person is not based, in whole or in part, on—

"(A) the person exporting or importing a prescription drug into the United States under this section; or

"(B) the person distributing, selling, or using a prescription drug imported into the United States under this section.

"(3) PRESUMPTION AND AFFIRMATIVE DEFENSE.—

"(A) PRESUMPTION.—A difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) created after January 1, 2007, between a prescription drug for distribution in the United States and the drug for distribution in a permitted country shall be presumed under paragraph (1)(H) to be for the purpose of restricting importation of the drug into the United States under this section.

"(B) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to the presumption under subparagraph (A) that—

"(i) the difference was required by the country in which the drug is distributed; or

"(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug.

"(4) EFFECT OF SUBSECTION.—

"(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

"(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

"(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B in return for inclusion of the drug on a formulary;

"(ii) require that such discounts be made available to other purchasers of the prescription drug; or

"(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

"(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

"(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

"(ii) apply to such donations or supplying of a prescription drug.

"(5) ENFORCEMENT.—

"(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act.

"(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

"(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section; and

"(ii) may seek monetary relief threefold the damages sustained.

"(6) ACTIONS BY STATES.—

"(A) IN GENERAL.—

"(i) CIVIL ACTIONS.—The attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction for a violation of paragraph (1) to—

"(I) enjoin that practice;

"(II) enforce compliance with this subsection;

"(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

"(IV) obtain such other relief as the court may consider to be appropriate.

"(ii) NOTICE.—

"(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

"(aa) written notice of that action; and

"(bb) a copy of the complaint for that action.

"(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

"(B) INTERVENTION.—

"(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Commission shall have the right to intervene in the action that is the subject of the notice.

"(ii) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subparagraph (A), it shall have the right—

"(I) to be heard with respect to any matter that arises in that action; and

"(II) to file a petition for appeal.

"(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

"(i) conduct investigations;

"(ii) administer oaths or affirmations; or

"(iii) compel the attendance of witnesses or the production of documentary and other evidence.

"(D) ACTIONS BY THE COMMISSION.—

"(i) IN GENERAL.—In any case in which an action is instituted by or on behalf of the Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

"(ii) INTERVENTION.—An attorney general of a State may intervene, on behalf of the residents of that State, in an action instituted by the Commission.

"(iii) EFFECT OF INTERVENTION.—If an attorney general of a State intervenes in an action instituted by the Commission, such attorney general shall have the right—

"(I) to be heard with respect to any matter that arises in that action; and

"(II) to file a petition for appeal.

"(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(G) LIMITATION OF ACTIONS.—Any action under this paragraph to enforce a cause of action under this subsection by the Federal Trade Commission or the attorney general of a State shall be forever barred unless commenced within 5 years after the Federal Trade Commission, or the attorney general, as the case may be, knew or should have known that the cause of action accrued. No cause of action barred under existing law on the effective date of the Pharmaceutical Market Access Act of 2007 shall be revived by such Act.

"(H) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

"(I) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

"(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term 'antitrust laws' has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(8) MANUFACTURER.—In this subsection, the term 'manufacturer' means any entity, including any affiliate or licensee of that entity, that is engaged in—

"(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

"(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.".

(b) REGULATIONS.—The Federal Trade Commission shall promulgate regulations to carry out the enforcement program under section 804(l) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) SUSPENSION AND TERMINATION OF EXPORTERS.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (as amended by section _04(g)) (21 U.S.C. 384(g)) is amended by—

(1) striking "Suspension of Importation.—The Secretary" and inserting "Suspension of Importation.—

"(1) In general.—The Secretary"; and

(2) adding at the end the following:

"(2) Suspension and termination of exporters.—

"(A) Suspension.—With respect to the effectiveness of a registration submitted under subsection (f) by a registered exporter:

"(i) Subject to clause (ii), if the Secretary determines, after notice and opportunity for a hearing, that the registered exporter has failed to maintain substantial compliance with all registration conditions, the Secretary may suspend the registration.

"(ii) If the Secretary determines that, under color of the registration, the registered exporter has exported a drug that is not a qualifying drug, or a drug that does not meet the criteria under this section, or has exported a qualifying drug to an individual in violation of this section, the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registered exporter involved an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

"(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registered exporter has demonstrated that further violations of registration conditions will not occur.

"(B) Termination.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under subsection (f) of a registered exporter if the Secretary determines that the registered exporter has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registered exporter. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration of a registered exporter is terminated, any registration submitted under subsection (f) by such exporter or a person who is a partner in the export enterprise or a principal officer in such enterprise, and any registration prepared with the assistance of such exporter or such a person, has no legal effect under this section.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (and the amendments made by this title).

SA 985. Mr. BROWNBACK (for himself and Mr. Brown) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

"(a) Definitions.—In this section:

"(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

"(2) AIDS drug.—The term 'AIDS drug' means a drug indicated for treating HIV.

"(3) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

"(4) Neglected or tropical disease.—The term 'neglected or tropical disease' means—

"(A) HIV, malaria, tuberculosis, and related diseases; or

"(B) any other infectious disease that disproportionately affects poor and marginalized populations, including those diseases targeted by the Special Programme for Research and Training in Tropical Diseases cosponsored by the United Nations Development Program, UNICEF, the World Bank, and the World Health Organization.

"(5) Priority review.—The term 'priority review', with respect to a new drug application described in paragraph (6), means review and action by the Secretary on such application not later than 180 days after receipt by the Secretary of such application, pursuant to the Manual of Policies and Procedures of the Food and Drug Administration.

"(6) Priority review voucher.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a tropical disease product that entitles such sponsor, or a person described under subsection (b)(2), to priority review of a new drug application submitted under section 505(b)(1) after the date of approval of the tropical disease product.

"(7) Tropical disease product.—The term 'tropical disease product' means a product that—

"(A) is a new drug, antibiotic drug, biological product, vaccine, device, diagnostic, or other tool for treatment of a neglected or tropical disease; and

"(B) is approved by the Secretary for use in the treatment of a neglected or tropical disease.

"(b) Priority Review Voucher.—

"(1) In general.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product upon approval by the Secretary of such tropical disease product.

"(2) Transferability.—The sponsor of a tropical disease product that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a new drug for which an application under section 505(b)(1) will be submitted after the date of the approval of the tropical disease product.

"(3) Limitation.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product was approved by the Secretary prior to the date of enactment of this section.

"(c) Priority Review User Fee.—

"(1) In general.—The Secretary shall establish a user fee program under which a sponsor of a drug that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

"(2) Fee amount.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the anticipated costs to the Secretary of implementing this section.

"(3) Annual fee setting.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

"(4) Payment.—

"(A) In general.—The fee required by this subsection shall be due upon the filing of the new drug application under section 505(b)(1) for which the voucher is used.

"(B) Complete application.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection is not included in such application.".

SA 986. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE—DOMESTIC PET TURTLE MARKET ACCESS

SEC. . SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Market Access Act of 2007".

SEC. ___. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that also carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regiment that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat the turtles for salmonella and maintain a safe pet.

SEC. ___. SALE OF BABY TURTLES.

(a) In General.—Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer or other commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the turtle is raised, shipped, and sold using methods that are proven to keep the turtle free of salmonella, using salmonella safety standards that are comparable to such standards relating to other animals, including reptiles and amphibians, that are allowed for sale as pets, or animal products that are allowed for sale as food products;

(2) the Administration has approved a plan submitted by the turtle farmer or commercial retail seller involved relating to compliance with paragraph (1); and

(3) the farmer or other commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(ii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iii) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon it outside, as the turtle may become an invasive species to the local community, but should instead return them to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

(b) Plan.—

(1) In general.—A turtle farmer or other commercial seller that desires to sell a turtle as provided for under subsection (a) shall submit a plan to the Food and Drug Administration that details the manner in which the farmer or seller will ensure compliance with the requirements of subsection (a)(1) with respect to the turtles involved. The plan shall include use of non-antibiotic compounds that suppress or eliminate the presence of salmonella in turtle hatchlings.

(2) Action by FDA.—Not later 30 days after the date on which the Food and Drug Administration receives a plan under paragraph (1), the Administration shall accept or reject such plan. If such plan is rejected, the Administration shall provide clear, specific guidance on the reasons for such rejection. The Administration may only reject such a plan if it is determined that the plan fails to achieve the same salmonella safety standards as such standards relating to other animals, including reptiles and amphibians, that are allowed for sale as pets, or animal products that are allowed for sale as food products.

(c) Rule of Construction.—Nothing in this section shall be construed to permit the Food and Drug Administration to hold the sale of turtles less than 10.2 centimeters in diameter as a pet to any greater salmonella safety standard applicable to other reptiles or amphibians sold as pets, animals sold as pets, or food products regulated by such Administration.

SA 987. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HEAD START ACT AMENDMENT IMPOSING PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by adding at the end the following:

"SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

"(a) In General.—A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

"(b) Definition.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

"(2) requires incision or is otherwise invasive, or involves exposure of private body parts.".

SA 988. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CHILD MEDICATION SAFETY.

(a) Required Policies and Procedures.—

(1) In general.—As a condition of receiving funds under any program or activity administered by the Secretary of Education, not later than 1 year after the date of enactment of this section, each State shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or a psychotropic drug as a condition of attending school or receiving services.

(2) Rule of construction.—Nothing in paragraph (1) shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under section 612(a)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3)).

(3) Prohibition of payment of funds.—No Federal education funds may be paid to any local educational agency or other instrument of government that uses the refusal of a parent or legal guardian to provide a substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or a psychotropic drug for such individual's child as the basis of a charge of child abuse, child neglect, education neglect, or medical neglect until the agency or instrument demonstrates that it is no longer using such refusal as a basis of a child abuse, child neglect, education neglect, or medical neglect charge.

(b) Definitions.—In this section:

(1) Child.—The term "child" means any person within the age limits for which the State provides free public education.

(2) Psychotropic drug.—The term "psychotropic drug" means a drug subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that is not a substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) but is—

(A) used in the diagnosis, treatment, or prevention of a disease; and

(B) intended to have an altering effect on perception, emotion, or behavior.

(3) State.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) GAO Study and Review.—

(1) Review.—The Comptroller General of the United States shall conduct a review of—

(A) the variation among States in definitions of psychotropic medications as used in regard to State jurisdiction over public education;

(B) the prescription rates of medications used in public schools to treat children diagnosed with attention deficit disorder, attention deficit hyperactivity disorder, and other disorders or illnesses;

(C) which medications used to treat such children in public schools are listed under the Controlled Substances Act; and

(D) which medications used to treat such children in public schools are not listed under the Controlled Substances Act, including the properties and effects of any such medications, including the incidence of hallucinations, psychosis, violence, suicide, heart problems, significant weight gain, or diabetes that students may experience while on these medications.

(2) Report.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall prepare and submit a report that contains the results of the review under paragraph (1).

SA 989. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REQUIRED INFORMATION IN DIRECT-TO-CONSUMER TELEVISION AND RADIO ADVERTISEMENTS.

Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by inserting after the first sentence the following: "In addition to the requirements under the preceding sentence, in the case of an advertisement of a prescription drug presented directly to consumers in television or radio format that states the name of the drug and its medical indications, unless the audio portion of such advertisement includes a listing of all information in full about adverse reactions, contraindications, and precautions listed in the patient or professional labeling of the drug approved under this Act.".

SA 990. Mr. DORGAN (for himself, Ms. Snowe, Mr. Grassley, Mr. McCain, Ms. Stabenow, Mr. Nelson of Florida, Mr. Pryor, Mr. Sanders, Mr. Whitehouse, and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and

Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —IMPORTATION OF PRESCRIPTION DRUGS

SEC. _01. SHORT TITLE.

This title may be cited as the "Pharmaceutical Market Access and Drug Safety Act of 2007".

SEC. 02. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American spend more than $200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

SEC. _03. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 04. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section _03, is further amended by inserting after section 803 the following:

"SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

"(a) IMPORTATION OF PRESCRIPTION DRUGS.—

"(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

"(A) the limitation on importation that is established in section 801(d)(1) is waived; and

"(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

"(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

"(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

"(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

"(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

"(A) by a registered importer; or

"(B) from a registered exporter to an individual.

"(4) DEFINITIONS.—

"(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

"(i) The term 'registered exporter' means an exporter for which a registration under subsection (b) has been approved and is in effect.

"(ii) The term 'registered importer' means a pharmacy, group of pharmacies, or a wholesaler' for which a registration under subsection (b) has been approved and is in effect.

"(iii) The term 'registration condition' means a condition that must exist for a registration under subsection (b) to be approved.

"(B) QUALIFYING DRUG.—For purposes of this section, the term 'qualifying drug' means a drug for which there is a corresponding U.S. label drug.

"(C) U.S. LABEL DRUG.—For purposes of this section, the term 'U.S. label drug' means a prescription drug that—

"(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

"(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

"(iii) is approved under section 505(c); and

"(iv) is not—

"(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

"(aa) a therapeutic DNA plasmid product;

"(bb) a therapeutic synthetic peptide product;

"(cc) a monoclonal antibody product for in vivo use; and

"(dd) a therapeutic recombinant DNA-derived product;

"(III) an infused drug, including a peritoneal dialysis solution;

"(IV) an injected drug;

"(V) a drug that is inhaled during surgery;

"(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

"(VII) a sterile opthlamic drug intended for topical use on or in the eye.

"(D) OTHER DEFINITIONS.—For purposes of this section:

"(i)(I) The term 'exporter' means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

"(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

"(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

"(AA) the training of pharmacists;

"(BB) the practice of pharmacy; and

"(CC) the protection of the privacy of personal medical information; and

"(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

"(ii) The term 'importer' means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

"(iii) The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

"(iv) The term 'pharmacy' means a person that—

"(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

"(II) employs 1 or more pharmacists.

"(v) The term 'prescription drug' means a drug that is described in section 503(b)(1).

"(vi) The term 'wholesaler'—

"(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

"(II) does not include a person authorized to import drugs under section 801(d)(1).

"(E) PERMITTED COUNTRY.—The term 'permitted country' means—

"(i) Australia;

"(ii) Canada;

"(iii) a member country of the European Union, but does not include a member country with respect to which—

"(I) the country's Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

"(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

"(iv) Japan;

"(v) New Zealand;

"(vi) Switzerland; and

"(vii) a country in which the Secretary determines the following requirements are met:

"(I) The country has statutory or regulatory requirements—

"(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

"(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

"(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

"(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

"(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

"(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

"(III) The importation of drugs to the United States from the country will not adversely affect public health.

"(b) REGISTRATION OF IMPORTERS AND EXPORTERS.—

"(1) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a 'registrant') submits to the Secretary a registration containing the following:

"(A)(i) In the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter.

"(ii) In the case of an importer, the name of the importer and an identification of the places of business of the importer at which the importer initially receives a qualifying drug after importation (which shall not exceed 3 places of business except by permission of the Secretary).

"(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

"(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the sources of imported qualifying drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

"(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported qualifying drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation; and maintenance of records and samples).

"(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

"(D) An agreement by the registrant to—

"(i) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

"(ii) provide for the return to the registrant of such drug; and

"(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

"(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

"(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

"(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

"(H) An agreement by the registrant to notify the Secretary not more than 30 days before the registrant intends to make the change, of—

"(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

"(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

"(I) In the case of an exporter—

"(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

"(ii) An agreement to post a bond, payable to the Treasury of the United States that is equal in value to the lesser of—

"(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

"(II) $1,000,000;

"(iii) An agreement by the exporter to comply with applicable provisions of Canadian law, or the law of the permitted country designated under subsection (a)(4)(D)(i)(II) in which the exporter is located, that protect the privacy of personal information with respect to each individual importing a prescription drug from the exporter under subsection (a)(2)(B).

"(iv) An agreement by the exporter to report to the Secretary—

"(I) not later than August 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the 6-month period from January 1 through June 30 of that year; and

"(II) not later than January 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the previous fiscal year.

"(J) In the case of an importer, an agreement by the importer to report to the Secretary—

"(i) not later than August 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the 6-month period from January 1 through June 30 of that fiscal year; and

"(ii) not later than January 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the previous fiscal year.

"(K) Such other provisions as the Secretary may require by regulation to protect the public health while permitting—

"(i) the importation by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

"(ii) importation by individuals of qualifying drugs under subsection (a).

"(2) APPROVAL OR DISAPPROVAL OF REGISTRATION.—

"(A) IN GENERAL.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

"(B) CHANGES IN REGISTRATION INFORMATION.—Not later than 30 days after receiving a notice under paragraph (1)(H) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

"(3) PUBLICATION OF CONTACT INFORMATION FOR REGISTERED EXPORTERS.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website and the information provided through the toll-free telephone number accordingly.

"(4) SUSPENSION AND TERMINATION.—

"(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under paragraph (1):

"(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

"(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not comply with subsection (g)(2)(A) or (g)(4), or has exported a qualifying drug to an individual in violation of subsection (i)(2)(F), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

"(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

"(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

"(5) DEFAULT OF BOND.—A bond required to be posted by an exporter under paragraph (1)(I)(ii) shall be defaulted and paid to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has—

"(A) exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsection (g)(2)(A), (g)(4), or (i); or

"(B) failed to permit the Secretary to conduct an inspection described under subsection (d).

"(c) SOURCES OF QUALIFYING DRUGS.—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

"(1) The drug was manufactured in an establishment—

"(A) required to register under subsection (h) or (i) of section 510; and

"(B)(i) inspected by the Secretary; or

"(ii) for which the Secretary has elected to rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided for under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

"(2) The establishment is located in any country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug is manufactured for distribution in a foreign country that is not a permitted country).

"(3) The exporter or importer obtained the drug—

"(A) directly from the establishment; or

"(B) directly from an entity that, by contract with the exporter or importer—

"(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

"(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

"(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, including records, of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

"(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

"(4)(A) The foreign country from which the importer will import the drug is a permitted country; or

"(B) The foreign country from which the exporter will export the drug is the permitted country in which the exporter is located.

"(5) During any period in which the drug was not in the control of the manufacturer of the drug, the drug did not enter any country that is not a permitted country.

"(6) The exporter or importer retains a sample of each lot of the drug for testing by the Secretary.

"(d) Inspection of Facilities; Marking of Shipments.—

"(1) Inspection of facilities.—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

"(A) the exporter agrees to permit the Secretary—

"(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

"(ii) to have access, including on a day-to-day basis, to—

"(I) records of the exporter that relate to the export of such drugs, including financial records; and

"(II) samples of such drugs;

"(iii) to carry out the duties described in paragraph (3); and

"(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

"(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary randomly, but not less than 12 times annually, on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

"(2) Marking of compliant shipments.—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence shall—

"(A) be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

"(B) include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

"(3) Certain duties relating to exporters.—Duties of the Secretary with respect to an exporter include the following:

"(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the exporter at which qualifying drugs are stored and from which qualifying drugs are shipped.

"(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an exporter.

"(C) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

"(D) Monitoring the affixing of markings under paragraph (2).

"(E) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records, of other parties in the chain of custody of qualifying drugs.

"(F) Determining whether the exporter is in compliance with all other registration conditions.

"(4) Prior notice of shipments.—A registration condition is that, not less than 8 hours and not more than 5 days in advance of the time of the importation of a shipment of qualifying drugs, the importer involved agrees to submit to the Secretary a notice with respect to the shipment of drugs to be imported or offered for import into the United States under subsection (a). A notice under the preceding sentence shall include—

"(A) the name and complete contact information of the person submitting the notice;

"(B) the name and complete contact information of the importer involved;

"(C) the identity of the drug, including the established name of the drug, the quantity of the drug, and the lot number assigned by the manufacturer;

"(D) the identity of the manufacturer of the drug, including the identity of the establishment at which the drug was manufactured;

"(E) the country from which the drug is shipped;

"(F) the name and complete contact information for the shipper of the drug;

"(G) anticipated arrival information, including the port of arrival and crossing location within that port, and the date and time;

"(H) a summary of the chain of custody of the drug from the establishment in which the drug was manufactured to the importer;

"(I) a declaration as to whether the Secretary has ordered that importation of the drug from the permitted country cease under subsection (g)(2)(C) or (D); and

"(J) such other information as the Secretary may require by regulation.

"(5) Marking of compliant shipments.—A registration condition is that the importer involved agrees, before wholesale distribution (as defined in section 503(e)) of a qualifying drug that has been imported under subsection (a), to affix to each container of such drug such markings or other technology as the Secretary determines necessary to identify the shipment as being in compliance with all registration conditions, except that the markings or other technology shall not be required on a drug that bears comparable, compatible markings or technology from the manufacturer of the drug. Markings or other technology under the preceding sentence shall—

"(A) be designed to prevent affixation of the markings or other technology to any container that is not authorized to bear the markings; and

"(B) shall include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of such technologies.

"(6) Certain duties relating to importers.—Duties of the Secretary with respect to an importer include the following:

"(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the importer at which a qualifying drug is initially received after importation.

"(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

"(C) Reviewing notices under paragraph (4).

"(D) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records of other parties in the chain of custody of qualifying drugs.

"(E) Determining whether the importer is in compliance with all other registration conditions.

"(e) Importer Fees.—

"(1) Registration fee.—A registration condition is that the importer involved pays to the Secretary a fee of $10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

"(2) Inspection fee.—A registration condition is that the importer involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered importers, including the costs associated with—

“(i) inspecting the facilities of registered importers, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(6);

“(ii) developing, implementing, and operating under such subsection an electronic system for submission and review of the notices required under subsection (d)(4) with respect to shipments of qualifying drugs under subsection (a) to assess compliance with all registration conditions when such shipments are offered for import into the United States; and

“(iii) inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered importers under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during that fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered importers during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an importer shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of qualifying drugs imported by importers under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(f) EXPORTER FEES.—

“(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of $10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

“(2) INSPECTION FEE.—A registration condition is that the exporter involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

“(3) AMOUNT OF INSPECTION FEE.—

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for exporters for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered exporters, including the costs associated with—

“(i) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(3);

“(ii) developing, implementing, and operating under such subsection a system to screen marks on shipments of qualifying drugs under subsection (a) that indicate compliance with all registration conditions, when such shipments are offered for import into the United States; and

“(iii) screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

“(C) TOTAL PRICE OF DRUGS.—

“(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during that fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

“(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered exporters during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered exporter on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

“(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of qualifying drugs exported by exporters under subsection (a).

“(4) USE OF FEES.—

“(A) IN GENERAL.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

“(B) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

“(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

“(g) COMPLIANCE WITH SECTION 801(a).—

“(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

“(2) SECTION 505; APPROVAL STATUS.—

"(A) IN GENERAL.—A qualifying drug that is imported or offered for import under subsection (a) shall comply with the conditions established in the approved application under section 505(b) for the U.S. label drug as described under this subsection.

"(B) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

"(i) IN GENERAL.—The person that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country shall in accordance with this paragraph submit to the Secretary a notice that—

"(I) includes each difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

"(aa) the variations provided for in the application; and

"(bb) any difference in labeling (except ingredient labeling); or

"(II) states that there is no difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

"(aa) the variations provided for in the application; and

"(bb) any difference in labeling (except ingredient labeling).

"(ii) INFORMATION IN NOTICE.—A notice under clause (i)(I) shall include the information that the Secretary may require under section 506A, any additional information the Secretary may require (which may include data on bioequivalence if such data are not required under section 506A), and, with respect to the permitted country that approved the qualifying drug for commercial distribution, or with respect to which such approval is sought, include the following:

"(I) The date on which the qualifying drug with such difference was, or will be, introduced for commercial distribution in the permitted country.

"(II) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the qualifying drug from a condition established in the approved application for the U.S. label drug.

"(III) The information that the person submitted or will submit to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

"(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

"(I) the information provided in the notice is complete and true; and

"(II) a copy of the notice has been provided to the Federal Trade Commission and to the State attorneys general.

"(iv) FEE.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Subject to appropriations Acts, fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

"(v) TIMING OF SUBMISSION OF NOTICES.—

"(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (C) applies shall be submitted to the Secretary not later than 120 days before the qualifying drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the qualifying drug with the difference begin less than 120 days after the country requires the difference.

"(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than the day on which the qualifying drug with the difference is introduced for commercial distribution in a permitted country.

"(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (E) applies shall be submitted to the Secretary on the date that the qualifying drug is first introduced for commercial distribution in a permitted country and annually thereafter.

"(vi) REVIEW BY SECRETARY.—

"(I) IN GENERAL.—In this paragraph, the difference in a qualifying drug that is submitted in a notice under clause (i) from the U.S. label drug shall be treated by the Secretary as if it were a manufacturing change to the U.S. label drug under section 506A.

"(II) STANDARD OF REVIEW.—Except as provided in subclause (III), the Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, using the safe and effective standard for approving or disapproving a manufacturing change under section 506A.

"(III) BIOEQUIVALENCE.—If the Secretary would approve the difference in a notice submitted under clause (i) using the safe and effective standard under section 506A and if the Secretary determines that the qualifying drug is not bioequivalent to the U.S. label drug, the Secretary shall—

"(aa) include in the labeling provided under paragraph (3) a prominent advisory that the qualifying drug is safe and effective but is not bioequivalent to the U.S. label drug if the Secretary determines that such an advisory is necessary for health care practitioners and patients to use the qualifying drug safely and effectively; or

"(bb) decline to approve the difference if the Secretary determines that the availability of both the qualifying drug and the U.S. label drug would pose a threat to the public health.

"(IV) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

"(V) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection of the establishment in which the qualifying drug is manufactured—

"(aa) such inspection by the Secretary shall be authorized; and

"(bb) the Secretary may rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

"(vii) PUBLICATION OF INFORMATION ON NOTICES.—

"(I) IN GENERAL.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

"(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

"(aa) a notice is under review;

"(bb) the Secretary has ordered that importation of the qualifying drug from a permitted country cease; or

"(cc) the importation of the drug is permitted under subsection (a).

"(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

"(C) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(c) or (d)(3)(B)(i), require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

"(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted with respect to the qualifying drug involved.

"(ii) If the Secretary has not made a determination whether such a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on which the qualifying drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

"(I) order that the importation of the qualifying drug involved from the permitted country not begin until the Secretary completes review of the notice; and

"(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the order.

"(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

"(I) order that the importation of the qualifying drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

"(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

"(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

"(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall—

"(I) vacate the order under clause (ii), if any;

"(II) consider the difference to be a variation provided for in the approved application for the U.S. label drug;

"(III) permit importation of the qualifying drug under subsection (a); and

"(IV) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

"(D) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

"(i) During the period in which the notice is being reviewed by the Secretary, the authority under this subsection to import the qualifying drug involved continues in effect.

"(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

"(I) order that the importation of the qualifying drug involved from the permitted country cease;

"(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

"(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

"(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the difference shall be considered to be a variation provided for in the approved application for the U.S. label drug.

"(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (B)(i) that includes a difference for which, under section 506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

"(i) shall consider such difference to be a variation provided for in the approved application for the U.S. label drug;

"(ii) may not order that the importation of the qualifying drug involved cease; and

"(iii) shall promptly notify registered exporters and registered importers.

"(F) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

"(i) IN GENERAL.—A person who manufactures a drug approved under section 505(b) shall submit an application under section 505(b) for approval of another drug that is manufactured for distribution in a permitted country by or for the person that manufactures the drug approved under section 505(b) if—

"(I) there is no qualifying drug in commercial distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the drug approved under section 505(b); and

"(II) each active ingredient of the other drug is related to an active ingredient of the drug approved under section 505(b), as defined in clause (v).

"(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

"(I) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;

"(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

"(III) include a right of reference to the application for the drug approved under section 505(b); and

"(IV) include such additional information as the Secretary may require.

"(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

"(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

"(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

"(I) the same; or

"(II) different salts, esters, or complexes of the same moiety.

"(3) SECTION 502; LABELING.—

"(A) IMPORTATION BY REGISTERED IMPORTER.—

"(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the qualifying drug bears—

"(I) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

"(II) the name of the manufacturer and location of the manufacturer;

"(III) the lot number assigned by the manufacturer;

"(IV) the name, location, and registration number of the importer; and

"(V) the National Drug Code number assigned to the qualifying drug by the Secretary.

"(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

"(iii) REQUESTED LABELING.—The labeling provided by the Secretary under clause (ii) shall—

"(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the qualifying drug;

"(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof;

"(III) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the qualifying drug is safe and effective but not bioequivalent to the U.S. label drug; and

"(IV) if the inactive ingredients of the qualifying drug are different from the inactive ingredients for the U.S. label drug, include—

"(aa) a prominent notice that the ingredients of the qualifying drug differ from the ingredients of the U.S. label drug and that the qualifying drug must be dispensed with an advisory to people with allergies about this difference and a list of ingredients; and

"(bb) a list of the ingredients of the qualifying drug as would be required under section 502(e).

"(B) IMPORTATION BY INDIVIDUAL.—

"(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the packaging and labeling of the qualifying drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

"(I) directions for use by the consumer;

"(II) the lot number assigned by the manufacturer;

"(III) the name and registration number of the exporter;

"(IV) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug;

"(V) if the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

"(aa) a prominent advisory that persons with an allergy should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

"(bb) a list of the ingredients of the drug as would be required under section 502(e); and

"(VI) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved.

"(ii) PACKAGING.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

"(I) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

"(II) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the exporter will provide the drug in packaging that is compliant at no additional cost.

"(iii) REQUEST FOR COPY OF SPECIAL LABELING AND INGREDIENT LIST.—The Secretary shall provide to the registered exporter involved a copy of the special labeling, the advisory, and the ingredient list described under clause (i), upon request of the exporter.

"(iv) REQUESTED LABELING AND INGREDIENT LIST.—The labeling and ingredient list provided by the Secretary under clause (iii) shall—

"(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the drug; and

"(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof.

"(4) SECTION 501; ADULTERATION.—A qualifying drug that is imported or offered for import under subsection (a) shall be considered to be in compliance with section 501 if the drug is in compliance with subsection (c).

"(5) STANDARDS FOR REFUSING ADMISSION.—A drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

"(A) The drug is not a qualifying drug.

"(B) A notice for the drug required under paragraph (2)(B) has not been submitted to the Secretary.

"(C) The Secretary has ordered that importation of the drug from the permitted country cease under paragraph (2) (C) or (D).

"(D) The drug does not comply with paragraph (3) or (4).

"(E) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

"(F) The Secretary becomes aware that—

"(i) the drug may be counterfeit;

"(ii) the drug may have been prepared, packed, or held under insanitary conditions; or

"(iii) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

"(G) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

"(H) The Secretary has under section 505(e) withdrawn approval of the drug.

"(I) The manufacturer of the drug has instituted a recall of the drug.

"(J) If the drug is imported or offered for import by a registered importer without submission of a notice in accordance with subsection (d)(4).

"(K) If the drug is imported or offered for import from a registered exporter to an individual and 1 or more of the following applies:

"(i) The shipping container for such drug does not bear the markings required under subsection (d)(2).

"(ii) The markings on the shipping container appear to be counterfeit.

"(iii) The shipping container or markings appear to have been tampered with.

"(h) Exporter Licensure in Permitted Country.—A registration condition is that the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

"(1) the exporter is authorized under the law of the permitted country in which the exporter is located to dispense prescription drugs; and

"(2) the exporter employs persons that are licensed under the law of the permitted country in which the exporter is located to dispense prescription drugs in sufficient number to dispense safely the drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such drugs to individuals.

"(i) Individuals; Conditions for Importation.—

"(1) In general.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

"(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

"(i) is valid under applicable Federal and State laws; and

"(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

"(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of the permitted country in which the exporter is located, as a condition of dispensing the drug to the individual.

"(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

"(i) to indicate that the prescription, and the equivalent document in the permitted country in which the exporter is located, have been filled; and

"(ii) to prevent a duplicative filling by another pharmacist.

"(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the individuals who dispense the drug.

"(E) The quantity of the drug does not exceed a 90-day supply.

"(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an 'ineligible subpart H drug' if the drug was approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

"(2) Notice regarding drug refused admission.—If a registered exporter ships a drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

"(j) Maintenance of Records and Samples.—

"(1) In general.—A registration condition is that the importer or exporter involved shall—

"(A) maintain records required under this section for not less than 2 years; and

"(B) maintain samples of each lot of a qualifying drug required under this section for not more than 2 years.

"(2) Place of record maintenance.—The records described under paragraph (1) shall be maintained—

"(A) in the case of an importer, at the place of business of the importer at which the importer initially receives the qualifying drug after importation; or

"(B) in the case of an exporter, at the facility from which the exporter ships the qualifying drug to the United States.

"(k) Drug Recalls.—

"(1) Manufacturers.—A person that manufactures a qualifying drug imported from a permitted country under this section shall promptly inform the Secretary—

"(A) if the drug is recalled or withdrawn from the market in a permitted country;

"(B) how the drug may be identified, including lot number; and

"(C) the reason for the recall or withdrawal.

"(2) Secretary.—With respect to each permitted country, the Secretary shall—

"(A) enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; or

"(B) monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

"(3) Notice.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a qualifying drug in a permitted country.

"(l) Drug Labeling and Packaging.—

"(1) In general.—When a qualifying drug that is imported into the United States by an importer under subsection (a) is dispensed by a pharmacist to an individual, the pharmacist shall provide that the packaging and labeling of the drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and shall include with any other labeling provided to the individual the following:

"(A) The lot number assigned by the manufacturer.

"(B) The name and registration number of the importer.

"(C) If required under paragraph (2)(B)(vi)(III) of subsection (g), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug.

"(D) If the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

"(i) a prominent advisory that persons with allergies should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

"(ii) a list of the ingredients of the drug as would be required under section 502(e).

"(2) Packaging.—A qualifying drug that is packaged in a unit-of-use container (as those terms are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

"(A) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

"(B) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the pharmacist will provide the drug in packaging that is compliant at no additional cost.

"(m) Charitable Contributions.—Notwithstanding any other provision of this section, this section does not authorize the importation into the United States of a qualifying drug donated or otherwise supplied for free or at nominal cost by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country.

"(n) Unfair and Discriminatory Acts and Practices.—

"(1) In general.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing agreement or other agreement), to—

"(A) discriminate by charging a higher price for a prescription drug sold to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section than the price that is charged, inclusive of rebates or other incentives to the permitted country or other person, to another person that is in the same country and that does not export a qualifying drug into the United States under this section;

"(B) discriminate by charging a higher price for a prescription drug sold to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a qualifying drug under this section, or that does not distribute, sell, or use such a drug;

"(C) discriminate by denying, restricting, or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

"(D) discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or with a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

"(E) knowingly fail to submit a notice under subsection (g)(2)(B)(i), knowingly fail to submit such a notice on or before the date specified in subsection (g)(2)(B)(v) or as otherwise required under subsection (e) (3), (4), and (5) of section 4 of the Pharmaceutical Market Access and Drug Safety Act of 2007, knowingly submit such a notice that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such a notice;

"(F) knowingly fail to submit an application required under subsection (g)(2)(F), knowingly fail to submit such an application on or before the date specified in subsection (g)(2)(F)(ii), knowingly submit such an application that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such an application;

"(G) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country;

"(H) refuse to allow an inspection authorized under this section of an establishment that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country;

"(I) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country to good manufacturing practice under this Act;

"(J) become a party to a licensing agreement or other agreement related to a qualifying drug that fails to provide for compliance with all requirements of this section with respect to such drug;

"(K) enter into a contract that restricts, prohibits, or delays the importation of a qualifying drug under this section;

"(L) engage in any other action to restrict, prohibit, or delay the importation of a qualifying drug under this section; or

"(M) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages or attempts to engage in the importation of a qualifying drug under this section.

"(2) REFERRAL OF POTENTIAL VIOLATIONS.—The Secretary shall promptly refer to the Federal Trade Commission each potential violation of subparagraph (E), (F), (G), (H), or (I) of paragraph (1) that becomes known to the Secretary.

"(3) AFFIRMATIVE DEFENSE.—

"(A) DISCRIMINATION.—It shall be an affirmative defense to a charge that a manufacturer has discriminated under subparagraph (A), (B), (C), (D), or (M) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial, restriction, or delay of supplies of a prescription drug to a person, the refusal to do business with a person, or other discriminatory activity against a person, is not based, in whole or in part, on—

"(i) the person exporting or importing a qualifying drug into the United States under this section; or

"(ii) the person distributing, selling, or using a qualifying drug imported into the United States under this section.

"(B) DRUG DIFFERENCES.—It shall be an affirmative defense to a charge that a manufacturer has caused there to be a difference described in subparagraph (G) of paragraph (1) that—

"(i) the difference was required by the country in which the drug is distributed;

"(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

"(iii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from a drug for distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries; or

"(iv) the difference was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

"(4) EFFECT OF SUBSECTION.—

"(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

"(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

"(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

"(ii) require that such discounts be made available to other purchasers of the prescription drug; or

"(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

"(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

"(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

"(ii) apply to such donations or supplying of a prescription drug.

"(5) ENFORCEMENT.—

"(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

"(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

"(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section; and

"(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

"(6) ACTIONS BY STATES.—

"(A) IN GENERAL.—

"(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State have been adversely affected by any manufacturer that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction to—

"(I) enjoin that practice;

"(II) enforce compliance with this subsection;

"(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

"(IV) obtain such other relief as the court may consider to be appropriate.

"(ii) NOTICE.—

"(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

"(aa) written notice of that action; and

"(bb) a copy of the complaint for that action.

"(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

"(B) INTERVENTION.—

"(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Federal Trade Commission shall have the right to intervene in the action that is the subject of the notice.

"(ii) EFFECT OF INTERVENTION.—If the Federal Trade Commission intervenes in an action under subparagraph (A), it shall have the right—

"(I) to be heard with respect to any matter that arises in that action; and

"(II) to file a petition for appeal.

"(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

"(i) conduct investigations;

"(ii) administer oaths or affirmations; or

"(iii) compel the attendance of witnesses or the production of documentary and other evidence.

"(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

"(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(G) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

"(H) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

"(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term 'antitrust laws' has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(8) MANUFACTURER.—In this subsection, the term 'manufacturer' means any entity, including any affiliate or licensee of that entity, that is engaged in—

"(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

"(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.".

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

"(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

"(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

"(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

"(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

"(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (i) of section 804(g)(2)(B) or in an application required under section 804(g)(2)(F), or the failure to submit such a notice or application.

"(4) The importation of a drug in violation of a registration condition or other requirement under section 804, the falsification of any record required to be maintained, or provided to the Secretary, under such section, or the violation of any registration condition or other requirement under such section."; and

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

"(6) Notwithstanding subsection (a), any person that knowingly violates section 301(i)(2) or (3) or section 301(aa)(4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.".

(c) AMENDMENT OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

"(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

"(1) the drug has been refused admission because the drug was not a lawful import under section 804;

"(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

"(3) the individual may under section 804 lawfully import certain prescription drugs from exporters registered with the Secretary under section 804; and

"(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.".

(2) ESTABLISHMENT REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (1) by inserting after "import into the United States" the following: ", including a drug that is, or may be, imported or offered for import into the United States under section 804.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 90 days after the date of enactment of this title.

(d) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

"(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.".

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

(e) EFFECT OF SECTION 804.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

(A) from exporters registered under such section 804 on the date that is 90 days after the date of enactment of this title; and

(B) from permitted countries, as defined in such section 804, by importers registered under such section 804 on the date that is 1 year after the date of enactment of this title.

(2) REVIEW OF REGISTRATION BY CERTAIN EXPORTERS.—

(A) REVIEW PRIORITY.—In the review of registrations submitted under subsection (b) of such section 804, registrations submitted by entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of enactment of this title will have priority during the 90 day period that begins on such date of enactment.

(B) PERIOD FOR REVIEW.—During such 90-day period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) LIMITATION.—That an exporter in Canada exports, or has exported, prescription drugs to individuals in the United States on or before the date that is 90 days after the date of enactment of this title shall not serve as a basis, in whole or in part, for disapproving a registration under such section 804 from the exporter.

(D) FIRST YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date of enactment of this title, the Secretary of Health and Human Services (referred to in this section as the "Secretary") may limit the number of registered exporters under such section 804 to not less than 50, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(E) SECOND YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this title, the Secretary may limit the number of registered exporters under such section 804 to not less than 100, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(F) FURTHER LIMIT ON NUMBER OF EXPORTERS.—During any 1-year period beginning on a date that is 2 or more years after the date of enactment of this title, the Secretary may limit the number of registered exporters under such section 804 to not less than 25 more than the number of such exporters during the previous 1-year period, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(3) LIMITS ON NUMBER OF IMPORTERS.—

(A) FIRST YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this title, the Secretary may limit the number of registered importers under such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs imported into the United States.

(B) SECOND YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 2 years after the date of enactment of this title, the Secretary may limit the number of registered importers under such section 804 to not less than 200 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs into the United States.

(C) FURTHER LIMIT ON NUMBER OF IMPORTERS.—During any 1-year period beginning on a date that is 3 or more years after the date of enactment of this title, the Secretary may limit the number of registered importers under such section 804 to not less than 50 more (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups) than the number of such importers during the previous 1-year period, so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs to the United States.

(4) NOTICES FOR DRUGS FOR IMPORT FROM CANADA.—The notice with respect to a qualifying drug introduced for commercial distribution in Canada as of the date of enactment of this title that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 30 days after the date of enactment of this title if—

(A) the U.S. label drug (as defined in such section 804) for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(5) NOTICE FOR DRUGS FOR IMPORT FROM OTHER COUNTRIES.—The notice with respect to a qualifying drug introduced for commercial distribution in a permitted country other than Canada as of the date of enactment of this title that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this title if—

(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this title; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(6) NOTICE FOR OTHER DRUGS FOR IMPORT.—

(A) GUIDANCE ON SUBMISSION DATES.—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution as of the date of enactment of this title and that are not required to be submitted under paragraph (4) or (5).

(B) CONSISTENT AND EFFICIENT USE OF RESOURCES.—The Secretary shall establish the dates described under subparagraph (A) so that such notices described under subparagraph (A) are submitted and reviewed at a rate that allows consistent and efficient use of the resources and staff available to the Secretary for such reviews. The Secretary may condition the requirement to submit such a notice, and the review of such a notice, on the submission by a registered exporter or a registered importer to the Secretary of a notice that such exporter or importer intends to import such qualifying drug to the United States under such section 804.

(C) PRIORITY FOR DRUGS WITH HIGHER SALES.—The Secretary shall establish the dates described under subparagraph (A) so that the Secretary reviews the notices described under such subparagraph with respect to qualifying drugs with higher dollar volume of sales in the United States before the notices with respect to drugs with lower sales in the United States.

(7) NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.—The notice required under subsection (g)(2)(B)(i) of such section 804 for a qualifying drug first introduced for commercial distribution in a permitted country (as defined in such section 804) after the date of enactment of this title shall be submitted to and reviewed by the Secretary as provided under subsection (g)(2)(B) of such section 804, without regard to paragraph (4), (5), or (6).

(8) REPORT.—Beginning with the first full fiscal year after the date of enactment of this title, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit a report to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

(9) USER FEES.—

(A) EXPORTERS.—When establishing an aggregate total of fees to be collected from exporters under subsection (f)(2) of such section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered exporters during the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to $1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365.

(B) IMPORTERS.—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (e)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to $1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365; and

(ii) the second fiscal year in which this title is in effect to be $3,000,000,000.

(C) SECOND YEAR ADJUSTMENT.—

(i) REPORTS.—Not later than February 20 of the second fiscal year in which this title is in effect, registered importers shall report to the Secretary the total price and the total volume of drugs imported to the United States by the importer during the 4-month period from October 1 through January 31 of such fiscal year.

(ii) REESTIMATE.—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during the second fiscal year in which this title is in effect. Such reestimate shall be equal to—

(I) the total price of qualifying drugs imported by each importer as reported under clause (i); multiplied by

(II) 3.

(iii) ADJUSTMENT.—The Secretary shall adjust the fee due on April 1 of the second fiscal year in which this title is in effect, from each importer so that the aggregate total of fees collected under subsection (e)(2) for such fiscal year does not exceed the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during such fiscal year as reestimated under clause (ii).

(D) FAILURE TO PAY FEES.—Notwithstanding any other provision of this section, the Secretary may prohibit a registered importer or exporter that is required to pay user fees under subsection (e) or (f) of such section 804 and that fails to pay such fees within 30 days after the date on which it is due, from importing or offering for importation a qualifying drug under such section 804 until such fee is paid.

(E) ANNUAL REPORT.—

(i) FOOD AND DRUG ADMINISTRATION.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e), (f), or (g)(2)(B)(iv) of such section 804, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for the fiscal year for which the report is made and credited to the Food and Drug Administration.

(ii) CUSTOMS AND BORDER CONTROL.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e) or (f) of such section 804, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall prepare and submit to the House of Representatives and the Senate a report on the use, by the Bureau of Customs and Border Protection, of the fees, if any, transferred by the Secretary to the Bureau of Customs and Border Protection for the fiscal year for which the report is made.

(10) SPECIAL RULE REGARDING IMPORTATION BY INDIVIDUALS.—

(A) IN GENERAL.—Notwithstanding any provision of this title (or an amendment made by this title), the Secretary shall expedite the designation of any additional countries from which an individual may import a qualifying drug into the United States under such section 804 if any action implemented by the Government of Canada has the effect of limiting or prohibiting the importation of qualifying drugs into the United States from Canada.

(B) TIMING AND CRITERIA.—The Secretary shall designate such additional countries under subparagraph (A)—

(i) not later than 6 months after the date of the action by the Government of Canada described under such subparagraph; and

(ii) using the criteria described under subsection (a)(4)(D)(i)(II) of such section 804.

(f) IMPLEMENTATION OF SECTION 804.—

(1) INTERIM RULE.—The Secretary may promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

(2) NO NOTICE OF PROPOSED RULEMAKING.—The interim rule described under paragraph (1) may be developed and promulgated by the Secretary without providing general notice of proposed rulemaking.

(3) FINAL RULE.—Not later than 1 year after the date on which the Secretary promulgates an interim rule under paragraph (1), the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule provided for under paragraph (1), to the extent that such provisions are not modified.

(g) CONSUMER EDUCATION.—The Secretary shall carry out activities that educate consumers—

(1) with regard to the availability of qualifying drugs for import for personal use from an exporter registered with and approved by the Food and Drug Administration under

section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an exporter is registered and approved by use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this title;

(2) that drugs that consumers attempt to import from an exporter that is not registered with and approved by the Food and Drug Administration can be seized by the United States Customs Service and destroyed, and that such drugs may be counterfeit, unapproved, unsafe, or ineffective;

(3) with regard to the suspension and termination of any registration of a registered importer or exporter under such section 804; and

(4) with regard to the availability at domestic retail pharmacies of qualifying drugs imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(h) Effect on Administration Practices.—Notwithstanding any provision of this title (and the amendments made by this title), the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.

(i) Report to Congress.—The Federal Trade Commission shall, on an annual basis, submit to Congress a report that describes any action taken during the period for which the report is being prepared to enforce the provisions of section 804(n) of the Federal Food, Drug, and Cosmetic Act (as added by this title), including any pending investigations or civil actions under such section.

SEC. _05. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) In General.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 04, is further amended by adding at the end the following section:

"SEC. 805. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

"(a) In General.—The Secretary of Homeland Security shall deliver to the Secretary a shipment of drugs that is imported or offered for import into the United States if—

"(1) the shipment has a declared value of less than $10,000; and

"(2)(A) the shipping container for such drugs does not bear the markings required under section 804(d)(2); or

"(B) the Secretary has requested delivery of such shipment of drugs.

"(b) No Bond or Export.—Section 801(b) does not authorize the delivery to the owner or consignee of drugs delivered to the Secretary under subsection (a) pursuant to the execution of a bond, and such drugs may not be exported.

"(c) Destruction of Violative Shipment.—The Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

"(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of any standard described in section 804(g)(5); or

"(2) in the case of drugs that are not imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard referred to in section 801(a) or 801(d)(1).

"(d) Certain Procedures.—

"(1) In general.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

"(2) Objective of procedures.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to described in subsection (c) are identified and destroyed.

"(e) Evidence Exception.—Drugs may not be destroyed under subsection (c) to the extent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

"(f) Rule of Construction.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than $10,000.".

(b) Procedures.—Procedures for carrying out section 805 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this title.

(c) Effective Date.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this title.

SEC. _06. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) Striking of Exemptions; Applicability to Registered Exporters.—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking "and who is not the manufacturer or an authorized distributor of record of such drug";

(B) by striking "to an authorized distributor of record or"; and

(C) by striking subparagraph (B) and inserting the following:

"(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

"(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as 'alternative requirements') to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include standardized anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the discrete package of the drug from which the drug is dispensed with equal or greater certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

"(ii) When the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition may be met in lieu of the registration condition established in such clause (i).";

(2) in paragraph (2)(A), by adding at the end the following: "The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804."; and

(3) in paragraph (3), by striking "and subsection (d)—" in the matter preceding subparagraph (A) and all that follows through "the term 'wholesale distribution' means" in subparagraph (B) and inserting the following: "and subsection (d), the term 'wholesale distribution' means".

(b) Conforming Amendment.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

"(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

"(5) For purposes of this subsection, the term 'authorized distributors of record' means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer's products.".

(c) Effective Date.—

(1) In general.—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2010.

(2) Drugs imported by registered importers under section 804.—Notwithstanding paragraph (1), the amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on the date that is 90 days after the date of enactment of this title with respect to qualifying drugs imported under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by section 04.

(3) Effect with respect to registered exporters.—The amendment made by subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this title.

(4) Alternative requirements.—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than January 1, 2010.

(5) Intermediate requirements.—The Secretary shall by regulation require the use of standardized anti-counterfeiting or track-and-trace technologies on prescription drugs at the case and pallet level effective not later than 1 year after the date of enactment of this title.

(6) Additional requirements.—

(A) In general.—Notwithstanding any other provision of this section, the Secretary shall, not later than 18 months after the date of enactment of this title, require that the packaging of any prescription drug incorporates—

(i) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(ii)(I) overt optically variable counterfeit-resistant technologies that—

(aa) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(bb) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(cc) are manufactured and distributed in a highly secure, tightly controlled environment; and

(dd) incorporate additional layers of nonvisible convert security features up to and including forensic capability, as described in subparagraph (B); or

(II) technologies that have a function of security comparable to that described in subclause (I), as determined by the Secretary.

(B) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this paragraph, the manufacturers of such drugs shall incorporate the technologies described in subparagraph (A) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SEC. _07. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503A the following:

"SEC. 503B. INTERNET SALES OF PRESCRIPTION DRUGS.

"(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

"(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

"(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site;

"(B) the person dispenses the drug to the purchaser by mailing or shipping the drug to the purchaser; and

"(C) such site, or any other Internet site used by such person for purposes of sales of a prescription drug, fails to meet each of the requirements specified in paragraph (2), other than a site or pages on a site that—

"(i) are not intended to be accessed by purchasers or prospective purchasers; or

"(ii) provide an Internet information location tool within the meaning of section 231(e)(5) of the Communications Act of 1934 (47 U.S.C. 231(e)(5)).

"(2) REQUIREMENTS.—With respect to an Internet site, the requirements referred to in subparagraph (C) of paragraph (1) for a person to whom such paragraph applies are as follows:

"(A) Each page of the site shall include either the following information or a link to a page that provides the following information:

"(i) The name of such person.

"(ii) Each State in which the person is authorized by law to dispense prescription drugs.

"(iii) The address and telephone number of each place of business of the person with respect to sales of prescription drugs through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers.

"(iv) The name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

"(v) If the person provides for medical consultations through the site for purposes of providing prescriptions, the name of each individual who provides such consultations; each State in which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine; and the type or types of health professions for which the individual holds such licenses or other authorizations.

"(B) A link to which paragraph (1) applies shall be displayed in a clear and prominent place and manner, and shall include in the caption for the link the words 'licensing and contact information'.

"(b) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

"(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

"(B) the patient for whom the drug was dispensed or purchased did not, when such communications began, have a prescription for the drug that is valid in the United States;

"(C) pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practitioner or such individual issued a prescription for the drug that was purchased;

"(D) the person knew, or had reason to know, that the practitioner or the individual referred to in subparagraph (C) did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

"(E) the person received payment for the dispensing or sale of the drug.

For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices sponsored by—

"(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program); or

"(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

"(B) the dispensing or selling of a prescription drug pursuant to practices that promote the public health, as determined by the Secretary by regulation.

"(3) QUALIFYING MEDICAL RELATIONSHIP.—

"(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient for purposes of this section if—

"(i) at least one in-person medical evaluation of the patient has been conducted by the practitioner; or

"(ii) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

"(B) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

"(C) COVERING PRACTITIONER.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering practitioner without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

"(4) RULES OF CONSTRUCTION.—

"(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in subsection (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

"(B) STANDARD PRACTICE OF PHARMACY.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

"(C) APPLICABILITY OF REQUIREMENTS.—Paragraph (3) may not be construed as having any applicability beyond this section, and does not affect any State law, or interpretation of State law, concerning the practice of medicine.

"(c) ACTIONS BY STATES.—

"(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice that violates section 301(l), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further and other relief as the court may deem appropriate.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall have the right—

"(A) to intervene in such action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.

"(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(5) ACTIONS BY OTHER STATE OFFICIALS.—

"(A) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

"(B) In addition to actions brought by an attorney general of a State under paragraph

(1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

"(d) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

"(e) GENERAL DEFINITIONS.—For purposes of this section:

"(1) The term 'practitioner' means a practitioner referred to in section 503(b)(1) with respect to issuing a written or oral prescription.

"(2) The term 'prescription drug' means a drug that is described in section 503(b)(1).

"(3) The term 'qualifying medical relationship', with respect to a practitioner and a patient, has the meaning indicated for such term in subsection (b).

"(f) INTERNET-RELATED DEFINITIONS.—

"(1) IN GENERAL.—For purposes of this section:

"(A) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

"(B) The term 'link', with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, when activated, as a method for executing an electronic command—

"(i) to move from viewing one portion of a page on such site to another portion of the page;

"(ii) to move from viewing one page on such site to another page on such site; or

"(iii) to move from viewing a page on one Internet site to a page on another Internet site.

"(C) The term 'page', with respect to the Internet, means a document or other file accessed at an Internet site.

"(D)(i) The terms 'site' and 'address', with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

"(ii) The term 'domain name' means a method of representing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as '.com', '.edu', '.gov', '.net', or '.org'.

"(iii) The term 'Internet Protocol numbers' includes any successor protocol for determining a specific location on the Internet.

"(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

"(g) INTERACTIVE COMPUTER SERVICE; ADVERTISING.—No provider of an interactive computer service, as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), or of advertising services shall be liable under this section for dispensing or selling prescription drugs in violation of this section on account of another person's selling or dispensing such drugs, provided that the provider of the interactive computer service or of advertising services does not own or exercise corporate control over such person.".

(b) INCLUSION AS PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after paragraph (k) the following:

"(l) The dispensing or selling of a prescription drug in violation of section 503B.".

(c) INTERNET SALES OF PRESCRIPTION DRUGS; CONSIDERATION BY SECRETARY OF PRACTICES AND PROCEDURES FOR CERTIFICATION OF LEGITIMATE BUSINESSES.—In carrying out section 503B of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section), the Secretary of Health and Human Services shall take into consideration the practices and procedures of public or private entities that certify that businesses selling prescription drugs through Internet sites are legitimate businesses, including practices and procedures regarding disclosure formats and verification programs.

(d) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall, pursuant to the submission of an application meeting the criteria of the Secretary, make an award of a grant or contract to the National Clearinghouse on Internet Prescribing (operated by the Federation of State Medical Boards) for the purpose of—

(A) identifying Internet sites that appear to be in violation of Federal or State laws concerning the dispensing of drugs;

(B) reporting such sites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

(C) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there is authorized to be appropriated $100,000 for each of the first 3 fiscal years in which this section is in effect.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this title, without regard to whether a final rule to implement such amendments has been promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a final rule.

SEC. 08. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(g) RESTRICTED TRANSACTIONS.—

"(1) IN GENERAL.—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

"(2) PAYMENT SYSTEM.—

"(A) IN GENERAL.—The term 'payment system' means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction, and includes—

"(i) a credit card system;

"(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

"(iii) any other system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

"(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

"(i) a creditor;

"(ii) a credit card issuer;

"(iii) a financial institution;

"(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

"(v) a money transmitting business; or

"(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service.

"(3) RESTRICTED TRANSACTION.—The term 'restricted transaction' means a transaction or transmittal, on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of an unregistered foreign pharmacy, of—

"(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful drug importation request (including credit extended through the use of a credit card);

"(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request;

"(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable at or through any financial institution; or

"(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request.

"(4) UNLAWFUL DRUG IMPORTATION REQUEST.—The term 'unlawful drug importation request' means the request, or transmittal of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, phone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

"(5) UNREGISTERED FOREIGN PHARMACY.—The term 'unregistered foreign pharmacy' means a person in a country other than the United States that is not a registered exporter under section 804.

"(6) OTHER DEFINITIONS.—

"(A) CREDIT; CREDITOR; CREDIT CARD.—The terms 'credit', 'creditor', and 'credit card' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(B) ACCESS DEVICE; ELECTRONIC FUND TRANSFER.—The terms 'access device' and 'electronic fund transfer'—

"(i) have the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

"(ii) the term 'electronic fund transfer' also includes any fund transfer covered under Article 4A of the Uniform Commercial Code, as in effect in any State.

"(C) FINANCIAL INSTITUTION.—The term 'financial institution'—

"(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

"(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

"(D) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the meaning given the terms in section 5330(d) of title 31, United States Code.

"(E) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(7) POLICIES AND PROCEDURES REQUIRED TO PREVENT RESTRICTED TRANSACTIONS.—

"(A) REGULATIONS.—The Board shall promulgate regulations requiring—

"(i) an operator of a credit card system;

"(ii) an operator of an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service;

"(iii) an operator of any other payment system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers or money transmitting services where at least one party to the transaction or transfer is an individual; and

"(iv) any other person described in paragraph (2)(B) and specified by the Board in such regulations,

to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system or the completion of a restricted transaction using a payment system

"(B) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under subparagraph (A), the Board shall—

"(i) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; and

"(ii) to the extent practicable, permit any payment system, or person described in paragraph (2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

"(C) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

"(i) IN GENERAL.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, and any participant in such payment system that prevents or otherwise refuses to honor transactions in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this subsection shall not be liable to any party for such action.

"(ii) COMPLIANCE.—A person described in paragraph (2)(B) meets the requirements of this subsection if the person relies on and complies with the policies and procedures of a payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the payment system comply with the requirements of the regulations promulgated under subparagraph (A).

"(D) ENFORCEMENT.—

"(i) IN GENERAL.—This section shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

"(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

"(I) The extent to which the payment system or person knowingly permits restricted transactions.

"(II) The history of the payment system or person in connection with permitting restricted transactions.

"(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

"(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

"(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

"(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this Act.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (g)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this title.

SEC. 09. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking "not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance." and inserting "import into the United States not more than 10 dosage units combined of all such controlled substances.".

SEC. _10. SEVERABILITY.

If any provision of this title, an amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not affected thereby.

SA 991. Mr. KOHL (for himself, Mr. GRASSLEY, Mr. LEAHY, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE___PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

SEC. _01. SHORT TITLE.

This title may be cited as the "Preserve Access to Affordable Generics Act".

SEC. _02. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) prescription drugs make up 11 percent of the national health care spending but are 1 of the largest and fastest growing health care expenditures;

(2) 56 percent of all prescriptions dispensed in the United States are generic drugs, yet they account for only 13percent of all expenditures;

(3) generic drugs, on average, cost 63 percent less than their brand-name counterparts;

(4) consumers and the health care system would benefit from free and open competition in the pharmaceutical market and the removal of obstacles to the introduction of generic drugs;

(5) full and free competition in the pharmaceutical industry, and the full enforcement of antitrust law to prevent anticompetitive practices in this industry, will lead to lower prices, greater innovation, and inure to the general benefit of consumers.

(6) the Federal Trade Commission has determined that some brand name pharmaceutical manufacturers collude with generic drug manufacturers to delay the marketing of competing, low-cost, generic drugs;

(7) collusion by the brand name pharmaceutical manufacturers is contrary to free competition, to the interests of consumers, and to the principles underlying antitrust law;

(8) in 2005, 2 appellate court decisions reversed the Federal Trade Commission's longstanding position, and upheld settlements that include pay-offs by brand name pharmaceutical manufacturers to generic manufacturers designed to keep generic competition off the market;

(9) in the 6 months following the March 2005 court decisions, the Federal Trade Commission found there were three settlement agreements in which the generic received compensation and agreed to a restriction on its ability to market the product;

(10) the FTC found that more than ⅔ of the approximately ten settlement agreements made in 2006 include a pay-off from the brand in exchange for a promise by the generic company to delay entry into the market; and

(11) settlements which include a payment from a brand name manufacturer to a generic manufacturer to delay entry by generic drugs are anti-competitive and contrary to the interests of consumers.

(b) PURPOSES.—The purposes of this title are—

(1) to enhance competition in the pharmaceutical market by prohibiting anticompetitive agreements and collusion between brand name and generic drug manufacturers intended to keep generic drugs off the market;

(2) to support the purpose and intent of antitrust law by prohibiting anticompetitive agreements and collusion in the pharmaceutical industry; and

(3) to clarify the law to prohibit payments from brand name to generic drug manufacturers with the purpose to prevent or delay the entry of competition from generic drugs.

SEC. 3. UNLAWFUL COMPENSATION FOR DELAY.

(a) In General.—The Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting after section 28 the following:

“SEC. 29. UNLAWFUL INTERFERENCE WITH GENERIC MARKETING.

“(a) It shall be unlawful under this Act for any person, in connection with the sale of a drug product, to directly or indirectly be a party to any agreement resolving or settling a patent infringement claim which—

“(1) an ANDA filer receives anything of value; and

“(2) the ANDA filer agrees not to research, develop, manufacture, market, or sell the ANDA product for any period of time.

“(b) Nothing in this section shall prohibit a resolution or settlement of patent infringement claim in which the value paid by the NDA holder to the ANDA filer as a part of the resolution or settlement of the patent infringement claim includes no more than the right to market the ANDA product prior to the expiration of the patent that is the basis for the patent infringement claim.

“(c) In this section:

“(1) The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

“(2) The term ‘agreement resolving or settling a patent infringement claim’ includes, any agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

“(3) The term ‘ANDA’ means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

“(4) The term ‘ANDA filer’ means a party who has filed an ANDA with the Federal Drug Administration.

“(5) The term ‘ANDA product’ means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

“(6) The term ‘drug product’ means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

“(7) The term ‘NDA’ means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

“(8) The term ‘NDA holder’ means—

“(A) the party that received FDA approval to market a drug product pursuant to an NDA;

“(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA; or

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subclauses (i) and (ii) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

“(10) The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.”.

(b) Regulations.—The Federal Trade Commission may, by rule promulgated under section 553 of title 5, United States Code, exempt certain agreements described in the section 29 of the Clayton Act, as added by subsection (a), if the Commission finds such agreements to be in furtherance of market competition and for the benefit of consumers. Consistent with the authority of Commission, such rules may include interpretive rules and general statements of policy with respect to the practices prohibited under section 29 of the Clayton Act.

SEC. _04. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) Notice of All Agreements.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 3155 note) is amended by—

(1) striking “the Commission the” and inserting “the Commission (1) the”; and

(2) inserting before the period at the end the following: “; and (2) a description of the subject matter of any other agreement the parties enter into within 30 days of an entering into an agreement covered by subsection (a) or (b)”.

(b) Certification of Agreements.—Section 1112 of such Act is amended by adding at the end the following:

“(d) Certification.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare under penalty of perjury that the following is true and correct: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.’.”.

SEC. 05. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting “section 28 of the Clayton Act or” after “that the agreement has violated”.

SEC. _06. STUDY BY THE FEDERAL TRADE COMMISSION.

(a) Requirement for a Study.—Not later than 180 days after the date of enactment of this Act and pursuant to its authority under section 6(a) of the Federal Trade Commission Act (15 U.S.C. 46(a)) and its jurisdiction to prevent unfair methods of competition, the Federal Trade Commission shall conduct a study regarding—

(1) the prevalence of agreements in patent infringement suits of the type described in section 29 of the Clayton Act, as added by this title, during the last 5 years;

(2) the impact of such agreements on competition in the pharmaceutical market; and

(3) the prevalence in the pharmaceutical industry of other anticompetitive agreements among competitors or other practices that are contrary to the antitrust laws, and the impact of such agreements or practices on competition in the pharmaceutical market during the last 5 years.

(b) Consultation.—In conducting the study required under this section, the Federal Trade Commission shall consult with the Antitrust Division of the Department of Justice regarding the Justice Department's findings and investigations regarding anticompetitive practices in the pharmaceutical market, including criminal antitrust investigations completed by the Justice Department with respect to practices or conduct in the pharmaceutical market.

(c) Requirement for a Report.—Not later than 1 year after the date of enactment of this Act, the Federal Trade Commission shall submit a report to the Judiciary Committees of Senate and House of Representatives, and to the Department of Justice regarding the findings of the study conducted under subsection (a). This report shall contain the Federal Trade Commission's recommendation as to whether any amendment to the antitrust laws should be enacted to correct any substantial lessening of competition found during the study.

(d) Federal Agency Consideration.—Upon receipt of the report required by subsection (c), the Attorney General or the Chairman of the Federal Trade Commission, as appropriate, shall consider whether any additional enforcement action is required to restore competition or prevent a substantial lessening of competition occurring as a result of the conduct or practices that were the subject of the study conducted under subsection (b).

SEC. 07. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Trade Commission such sums as may be necessary to carry out the provisions of this title.

SA 992. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended by adding at the end the following:

“(G)(i) Notwithstanding any other provision of law, any petition submitted under section 10.30 or section 10.35 of title 21, Code of Federal Regulations (or any successor regulation), shall include a statement that to the petitioner's best knowledge and belief, the petition—

“(I) includes all information and views on which the petitioner relies, including all representative data and information known to the petitioner that is favorable or unfavorable to the petition;

“(II) is well grounded in fact and is warranted by law;

“(III) is not submitted for an improper purpose, such as to harass or cause unnecessary delay (including unnecessary delay of competition or agency action); and

“(IV) does not contain a materially false, misleading, or fraudulent statement.

"(ii) The Secretary shall investigate, on receipt of a complaint, a request under clause (vi), or on its own initiative, any petition submitted under such section 10.30 or section 10.35 (or any successor regulation), that—

"(I) does not comply with the requirements of clause (i);

"(II) may have been submitted for an improper purpose as described in clause (i)(III); or

"(III) may contain a materially false, misleading, or fraudulent statement as described in clause (i)(IV).

"(iii) If the Secretary finds that the petitioner has knowingly and willingly submitted the petition for an improper purpose as described in clause (i)(III), or which contains a materially false, misleading, or fraudulent statement as described in clause (i)(IV), the Secretary may—

"(I) impose a civil penalty of not more than $1,000,000, plus attorneys fees and costs of reviewing the petition and any related proceedings;

"(II) suspend the authority of the petitioner to submit a petition under such section 10.30 or section 10.35 (or any successor regulation), for a period of not more than 10 years;

"(III) revoke permanently the authority of the petitioner to submit a petition under such section 10.30 or section 10.35 (or any successor regulation); or

"(IV) dismiss the petition at issue in its entirety.

"(iv) If the Secretary takes an enforcement action described in subclause (I), (II), (III), or (IV) of clause (iii) with respect to a petition, the Secretary shall refer that petition to the Federal Trade Commission for further action as the Federal Trade Commission finds appropriate.

"(v) In determining whether to take an enforcement action described in subclause (I), (II), (III), or (IV) of clause (iii) with respect to a petition, and in determining the amount of any civil penalty or the length of any suspension imposed under that clause, the Secretary shall consider the specific circumstances of the situation, such as the gravity and seriousness of the violation involved, the amount of resources expended in reviewing the petition at issue, the effect on marketing of competing drugs of the pendency of the improperly submitted petition, including whether the timing of the submission of the petition appears to have been calculated to cause delay in the marketing of any drug awaiting approval, and whether the petitioner has a history of submitting petitions in violation of this subparagraph.

"(vi)(I) Any person aggrieved by a petition filed under such section 10.30 or section 10.35 (or any successor regulation), including a person filing an application under subsection (b)(2) or (j) of this section to which such petition relates, may request that the Secretary initiate an investigation described under clause (ii) for an enforcement action described under clause (iii).

"(II) The aggrieved person shall specify the basis for its belief that the petition at issue is false, misleading, fraudulent, or submitted for an improper purpose. The aggrieved person shall certify that the request is submitted in good faith, is well grounded in fact, and not submitted for any improper purpose. Any aggrieved person who knowingly and intentionally violates the preceding sentence shall be subject to the civil penalty described under clause (iii)(I).

"(vii) The Secretary shall take final agency action with respect to a petition filed under such section 10.30 or section 10.35 (or any successor regulation) regarding an abbreviated new drug application within 6 months of receipt of such petition. The Secretary shall not extend such 6-month review period, even with consent of the petitioner, for any reason, including based upon the submission of comments relating to a petition or supplemental information supplied by the petitioner. If the Secretary has not taken final agency action on a petition regarding an abbreviated new drug application by the date that is 6 months after the date of receipt of the petition, such petition shall be deemed to have been denied on such date.

"(viii) The Secretary may promulgate regulations to carry out this subparagraph, including to determine whether petitions filed under such section 10.30 or section 10.35 (or any successor regulation) merit enforcement action by the Secretary under this subparagraph.".

SA 993. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —INTERNET PHARMACIES

SEC. 01. SHORT TITLE.

This title may be cited as the "Safe Internet Pharmacy Act of 2007".

SEC. 02. INTERNET PHARMACIES.

(a) INTERNET PHARMACIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

"SEC. 511. INTERNET PHARMACIES.

"(a) DEFINITIONS.—In this section:

"(1) ADVERTISING SERVICE PROVIDER.—The term 'advertising service provider' means an advertising company that contracts with a provider of an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) to provide advertising on the Internet.

"(2) DESIGNATED PAYMENT SYSTEM.—

"(A) IN GENERAL.—The term 'designated payment system' means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that the Board determines, by regulation or order, is regularly used in connection with, or to facilitate restricted transactions.

"(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

"(i) a creditor;

"(ii) a credit card issuer;

"(iii) a financial institution;

"(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

"(v) a money transmitting business; or

"(vi) a participant in an international, national, regional, or local network constructed primarily to effect a credit transaction, electronic fund transfer, or money transmitting service.

"(3) FEDERAL FUNCTIONAL REGULATOR.—The term 'Federal functional regulator' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

"(4) INTERNET PHARMACY.—The term 'Internet pharmacy' means a person that offers to dispense or dispenses in the United States a prescription drug through an Internet website in interstate commerce, regardless of whether the physical location of the principal place of business of the Internet pharmacy is in the United States or in another country.

"(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug described in section 503(b) that is approved by the Secretary under section 505.

"(6) RESTRICTED TRANSACTION.—The term 'restricted transaction' means a transaction or transmittal, on behalf of a individual who places an unlawful Internet pharmacy request to any person engaged in the operation of an unlicensed Internet pharmacy, of—

"(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful Internet request (including credit extended through the use of a credit card);

"(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful Internet request;

"(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful Internet request and is drawn on or payable at or through any financial institution; or

"(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful Internet request.

"(7) TREATING PROVIDER.—The term 'treating provider' means a health care provider licensed in the United States who is authorized to prescribe medications and who—

"(A)(i) performs a documented patient evaluation (including a patient history and physical examination) of an individual, portions of which may be conducted by other health professionals;

"(ii) discusses with the individual the treatment options of the individual and the risks and benefits of treatment; and

"(iii) maintains contemporaneous medical records concerning the individual; or

"(B) provides care to an individual as part of an on-call or cross-coverage arrangement with a health care provider described in subparagraph (A).

"(8) UNLAWFUL INTERNET PHARMACY REQUEST.—The term 'unlawful Internet pharmacy request' means the request, or transmittal of a request, made to an unlicensed Internet pharmacy for a prescription drug by mail (including a private carrier), facsimile, telephone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

"(9) UNLICENSED INTERNET PHARMACY.—The term 'unlicensed Internet pharmacy' means an Internet pharmacy that is not licensed under this section.

"(10) OTHER DEFINITIONS.—

"(A) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(B) CREDIT; CREDITOR; CREDIT CARD.—The terms 'credit', 'creditor', and 'credit card' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(C) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

"(i) has the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and “(ii) includes any fund transfer covered under article 4A of the Uniform Commercial Code, as in effect in any State.

“(D) FINANCIAL INSTITUTION.—The term ‘financial institution’—

“(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

“(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

“(E) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the meanings given the terms in section 5330(d) of title 31, United States Code.

“(b) IN GENERAL.—An Internet pharmacy may only dispense or offer to dispense a prescription drug to a person in the United States in accordance with this section.

“(c) LICENSING OF INTERNET PHARMACIES.—

“(1) IN GENERAL.—An Internet pharmacy shall be licensed by the Secretary in accordance with this section prior to offering to dispense or dispensing a prescription drug to an individual.

“(2) CONDITIONS FOR LICENSING.—

“(A) APPLICATION REQUIREMENTS.—An Internet pharmacy shall submit to the Secretary an application that includes—

“(i)(I) in the case of an Internet pharmacy located in the United States, verification that, in each State in which the Internet pharmacy engages in dispensing or offering to dispense prescription drugs, the Internet pharmacy, and all employees and agents of the Internet pharmacy, is in compliance with applicable Federal and State laws regarding—

“(aa) the practice of pharmacy, including licensing laws and inspection requirements; and

“(bb) the manufacturing and distribution of controlled substances, including with respect to mailing or shipping controlled substances to consumers; or

“(II) in the case of an Internet pharmacy whose principal place of business is located outside the United States, verification that—

“(aa) all employees and agents of the Internet pharmacy are in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

“(bb) the Internet pharmacy is in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

“(cc) the Internet pharmacy expressly and affirmatively agrees to provide and maintain an agent for service of process in the United States;

“(dd) the Internet pharmacy expressly and affirmatively agrees to be subject to the jurisdiction of the United States and any of its States or territories where it engages in commerce; and

“(ee) the Internet pharmacy agrees to affix to each shipping container of drugs to be shipped in the United States such markings as the Secretary determines to be necessary to identify that the shipment is from a licensed Internet pharmacy, which may include anticounterfeiting or track-and-trace technologies;

“(ii) verification that the person that owns the Internet pharmacy has not had a license for an Internet pharmacy terminated by the Secretary, and that no other Internet pharmacy owned by the person has had a license under this subsection that has been terminated by the Secretary;

“(iii) verification from the person that owns the Internet pharmacy that the person will permit inspection of the facilities and business practices of the Internet pharmacy by the Secretary to the extent necessary to determine whether the Internet pharmacy is in compliance with this subsection;

“(iv) in the case of an agreement between a patient and an Internet pharmacy that releases the Internet pharmacy, and any employee or agent of the Internet pharmacy, from liability for damages arising out of the negligence of the Internet pharmacy, an assurance that such a limitation of liability shall be null and void;

“(v) verification that the Internet pharmacy expressly and affirmatively agrees to provide the Secretary with the identity of any providers of interactive computer services that provide host services or advertising services for the Internet pharmacy; and

“(vi) assurance that the Internet pharmacy will comply with the requirements under subparagraphs (B) and (C).

“(B) IDENTIFICATION REQUIREMENTS.—An Internet pharmacy shall post in a clear and visible manner, on each page of the website of the Internet pharmacy or by a link to a separate page, the following information:

“(i) The street address, city, ZIP Code or comparable mail code, State (or comparable entity), country, and telephone number of—

“(I) each place of business of the Internet pharmacy; and

“(II) the name of the supervising pharmacist of the Internet pharmacy and each individual who serves as a pharmacist for purposes of the Internet pharmacy website.

“(ii) The names of all States in which the Internet pharmacy and the pharmacists employed by the Internet pharmacy are licensed or otherwise authorized to dispense prescription drugs.

“(iii) If the Internet pharmacy makes referrals to, or solicits on behalf of, a health care practitioner or group of practitioners in the United States for prescription services—

“(I) the name, street address, city, ZIP Code or comparable mail code, State, and telephone number of the practitioner or group; and

“(II) the name of each State in which each practitioner is licensed or otherwise authorized to prescribe drugs.

“(iv) A statement that the Internet pharmacy will dispense prescription drugs only after receipt of a valid prescription from a treating provider.

“(v) A distinctive tamper resistant seal to identify that the Internet pharmacy is licensed.

“(C) PROFESSIONAL SERVICES REQUIREMENTS.—An Internet pharmacy shall carry out the following:

“(i) Maintain patient medication profiles and other related data in a readily accessible format organized to facilitate consultation with treating providers, caregivers, and patients.

“(ii) Conduct prospective drug use reviews before dispensing medications or medical devices.

“(iii) Ensure patient confidentiality and the protection of patient identity and patient-specific information, in accordance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“(iv) Offer interactive and meaningful consultation by a licensed pharmacist to the caregiver or patient before and after the time at which the Internet pharmacy dispenses the drug.

“(v)(I) Establish a mechanism for patients to report errors and suspected adverse drug reactions.

“(II) Document in the reporting mechanism the response of the Internet pharmacy to those reports.

“(III) Submit those reports within 3 days of receipt and the response of the Internet pharmacy to the Food and Drug Administration in a manner determined appropriate by the Secretary.

“(vi) Develop a system to inform caregivers and patients about drug recalls.

“(vii) Educate caregivers and patients about the appropriate means of disposing of expired, damaged, or unusable medications.

“(viii) Assure that the sale of a prescription drug is in accordance with a valid prescription from the treating provider of the individual.

“(ix)(I) Verify the validity of the prescription of an individual by using 1 of the following methods:

“(aa) If the prescription for any drug other than a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) is received from an individual or the treating provider of the individual by mail (including a private carrier), or from the treating provider of the individual by electronic mail, the validity of the prescription shall be confirmed in accordance with all applicable Federal and State laws.

“(bb) If the prescription is for a controlled substance (as defined in section 102 of the Controlled Substances Act), the validity of the prescription shall be confirmed with the treating provider as described in subclause (II).

“(II) When seeking verification of a prescription of an individual under subclause (I)(bb), an Internet pharmacy shall provide to the treating provider the following information:

“(aa) The full name and address of the individual.

“(bb) Identification of the prescription drug.

“(cc) The quantity of the prescription drug to be dispensed.

“(dd) The date on which the individual presented the prescription to the Internet pharmacy.

“(ee) The date and time of the verification request.

“(ff) The name of a contact person at the Internet pharmacy, including a voice telephone number, electronic mail address, and facsimile telephone number.

“(III) A prescription is verified under subclause (I)(bb) only if 1 of the following occurs:

“(aa) The treating provider confirms, by direct communication with the Internet pharmacy, that the prescription is accurate.

“(bb) The treating provider informs the Internet pharmacy that the prescription is inaccurate and provides the accurate prescription.

“(IV) An Internet pharmacy shall not fill a prescription if—

“(aa) a treating provider informs the Internet pharmacy within 72 hours after receipt of a communication under subclause (I)(bb) that the prescription is inaccurate or expired; or

“(bb) the treating provider does not respond within that time.

“(x) Maintain, for such period of time as the Secretary shall prescribe by regulation, a record of all direct communications with a treating provider regarding the dispensing of a prescription drug, including verification of the prescription.

"(3) LICENSURE PROCEDURE.—

"(A) ACTION BY SECRETARY.—On receipt of a complete licensing application from an Internet pharmacy under paragraph (2), the Secretary shall—

"(i) assign an identification number to the Internet pharmacy;

"(ii) notify the applicant of the receipt of the licensing application; and

"(iii) if the Internet pharmacy is in compliance with the conditions under paragraph (2), issue a license not later than 60 days after receipt of a licensing application from the Internet pharmacy.

"(B) ELECTRONIC FILING.—

"(i) IN GENERAL.—For the purpose of reducing paperwork and reporting burdens, the Secretary shall require the use of electronic methods of submitting to the Secretary a licensing application required under this section and provide for electronic methods of receiving the applications.

"(ii) AUTHENTICATION.—In providing for the electronic submission of such licensing applications under this section, the Secretary shall ensure that adequate authentication protocols are used to allow identification of the Internet pharmacy and validation of the data as appropriate.

"(4) DATABASE.—

"(A) IN GENERAL.—The Secretary shall compile, maintain, and periodically update a database of the Internet pharmacies licensed under this section.

"(B) AVAILABILITY.—The Secretary shall make the database described under subparagraph (A) and information submitted by the licensee under paragraph (2)(B) available to the public on an Internet website and through a toll-free telephone number.

"(5) FEES.—

"(A) IN GENERAL.—

"(i) LICENSING APPLICATION FEE.—The Secretary shall establish a licensing application fee to be paid by all applicants.

"(ii) RENEWAL FEE.—The Secretary shall establish a yearly renewal fee to be paid by all Internet pharmacies licensed under this section.

"(B) COLLECTION.—

"(i) COLLECTION OF LICENSING APPLICATION FEE.—A licensing application fee payable for the fiscal year in which the Internet pharmacy submits a licensing application, as established under subparagraph (C), shall be payable upon the submission to the Secretary of such licensing application.

"(ii) COLLECTION OF RENEWAL FEES.—After the licensing application fee is paid for the first fiscal year of licensure, the yearly renewal fee, as established under subparagraph (C), shall be payable on or before October 1 of each subsequent fiscal year.

"(iii) ONE FEE PER INTERNET PHARMACY.—The licensing application fee and yearly renewal fee shall be paid only once for each Internet pharmacy for a fiscal year in which the fee is payable.

"(C) FEE AMOUNT.—The amount of the licensing application fee and the yearly renewal fee for an Internet pharmacy shall be determined each year by the Secretary based on the anticipated costs to the Secretary of enforcing the requirements of this section in the subsequent fiscal year.

"(D) ANNUAL FEE DETERMINATION.—

"(i) IN GENERAL.—Not later than 60 days before the beginning of each fiscal year beginning after September 30, 2007, the Secretary shall determine the amount of the licensing application fee and the yearly renewal fee for that fiscal year.

"(ii) PUBLICATION OF FEE AMOUNT.—Not later than 60 days before each fiscal year, the Secretary shall publish the amount of the licensing application fee and the yearly renewal fee under this section for that fiscal year and provide for a period of 30 days for the public to provide written comments on the fees.

"(E) USE OF FEES.—The fees collected under this section shall be used, without further appropriation, to carry out this section.

"(F) FAILURE TO PAY FEE.—

"(i) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

"(ii) FAILURE TO PAY.—If an Internet pharmacy subject to a fee under this section fails to pay the fee by the date specified under clause (i), the Secretary shall not permit the Internet pharmacy to engage in the dispensing of drugs as described under this section until all such fees owed by the Internet pharmacy are paid.

"(G) REPORTS.—Beginning with fiscal year 2008, not later than 60 days after the end of each fiscal year during which licensing application fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(i) implementation of the licensing fee authority during the fiscal year; and

"(ii) the use by the Secretary of the licensing fees collected during the fiscal year for which the report is made.

"(6) SUSPENSION.—

"(A) IN GENERAL.—If the Secretary determines that an Internet pharmacy is engaged in a pattern of violations of any of the requirements of this Act, the Secretary may immediately order the suspension of the license of the Internet pharmacy.

"(B) APPEAL OF SUSPENSION ORDER.—An Internet pharmacy subject to a suspension order under subparagraph (A) may appeal the suspension order to the Secretary. Not later than 30 days after an appeal is filed, the Secretary, after providing opportunity for an informal hearing, shall affirm or terminate the order.

"(C) FAILURE TO ACT.—If, during the 30-day period specified in subparagraph (B), the Secretary fails to provide an opportunity for a hearing or to affirm or terminate the order, the order shall be deemed to be terminated.

"(D) NO JUDICIAL REVIEW.—An order under this paragraph shall not be subject to judicial review.

"(7) TERMINATION OF LICENSE.—The Secretary may terminate a license issued under this subsection, after notice to the Internet pharmacy and an opportunity for a hearing, and if the Secretary determines that the Internet pharmacy—

"(A) has demonstrated a pattern of noncompliance with this section;

"(B) has made an untrue statement of material fact in its licensing application; or

"(C) is in violation of any applicable Federal or State law relating to the dispensing of a prescription drug.

"(8) RENEWAL EVALUATION.—

"(A) IN GENERAL.—Before renewing a license of an Internet pharmacy under this subsection, the Secretary shall conduct an evaluation to determine whether the Internet pharmacy is in compliance with this section.

"(B) EVALUATION OF INTERNET PHARMACIES.—At the discretion of the Secretary and as applicable, an evaluation under subparagraph (A) may include testing of the Internet pharmacy website or other systems through which the Internet pharmacy communicates with consumers, and a physical inspection of the records and premises of the pharmacy.

"(9) CONTRACT FOR OPERATION OF PROGRAM.—

"(A) IN GENERAL.—The Secretary may award a contract under this subsection for the operation of the licensing program.

"(B) TERM.—The duration of a contract under subparagraph (A) shall not exceed 5 years and may be renewable.

"(C) PERFORMANCE REVIEW.—The Secretary shall annually review performance under a contract under subparagraph (A).

"(d) PROVIDERS OF INTERACTIVE COMPUTER SERVICES OR ADVERTISING SERVICES.—No provider of interactive computer services (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) or an advertising service provider shall be liable under this section on account of another person's selling or dispensing of a prescription drug, so long as the provider of the interactive computer service or the advertising service provider does not own or exercise corporate control over such person.

"(e) POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL INTERNET PHARMACY REQUESTS.—

"(1) REGULATIONS.—Not later than 180 days after designating a system under subsection (a)(2), the Board shall promulgate regulations that require—

"(A) an operator of a credit card system that is a designated payment system, an operator of an international, national, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service that is a designated payment system, and an operator of any other designated payment system specified by the Board that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers, or money transmitting services where at least 1 party to the transaction or transfer is an individual; and

"(B) in the case of a designated payment system, other than a designated payment system described in subparagraph (A), a person described in subsection (a)(2)(B);

to establish policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a designated payment system or the completion of restricted transactions using a designated payment system.

"(2) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under paragraph (1), the Board shall—

"(A) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to identify and reasonably designed to prevent the introduction of a restricted transaction in a designated payment or the completion of restricted transactions using a designated payment system; and

"(B) to the extent practicable, permit any designated payment system, or person described in subsection (a)(2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

"(3) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

"(A) IN GENERAL.—A designated payment system, or a person described in subsection (a)(2)(B), that is subject to a regulation or an order issued under this subsection, and any participant in such payment system, that—

"(i) prevents or otherwise refuses to honor restricted transactions, in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this section, shall not be liable to any party for such action; and

"(ii) prevents or otherwise refuses to honor a nonrestricted transaction in an effort to implement the policies and procedures under this subsection or to otherwise comply with this section, shall not be liable to any party for such action.

"(B) COMPLIANCE WITH THIS SUBSECTION.—A person described in subsection (a)(2)(B) meets the requirements of this subsection, if any, if the person relies on and complies with the policies and procedures of a designated payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the designated payment system comply with the requirements of the regulations under paragraph (1)(B).

"(4) ENFORCEMENT.—

"(A) IN GENERAL.—This subsection shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (21 U.S.C. 6805(a)).

"(B) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in subsection (a)(2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

"(i) The extent to which the payment system or person knowingly permits restricted transactions.

"(ii) The history of the payment system or person in connection with permitting restricted transactions.

"(iii) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

"(iv) The feasibility that any specific remedy prescribed can be implemented by the payment system or person without substantial deviation from normal business practice.

"(v) The costs and burdens the specific remedy will have on the payment system or person.

"(f) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—The Secretary shall, pursuant to the submission of an application meeting criteria prescribed by the Secretary, make an award of a grant or contract to an entity with experience in developing and maintaining systems for the purpose of—

"(1) identifying Internet pharmacy websites that are not licensed or that appear to be operating in violation of Federal or State laws concerning the dispensing of drugs;

"(2) reporting such Internet pharmacy websites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

"(3) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in paragraph (1).

"(g) TRANSACTIONS PERMITTED.—A designated payment system or person subject to a regulation or an order issued under subsection (e) may engage in transactions with licensed and unlicensed Internet pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with subsection (e). A person subject to a regulation or an order issued under subsection (e) and the agents and employees of that person shall not be found to be in violation of, or liable under, any Federal, State, or other law for engaging in any such transaction.

"(h) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a designated payment system or person subject to a regulation or an order issued under subsection (e) under the laws of any State with respect to any payment transaction by an individual because the payment transaction involves a payment to an Internet pharmacy.

"(i) TIMING OF REQUIREMENTS.—A designated payment system or a person subject to a regulation under subsection (e) shall adopt policies and procedures reasonably designed to comply with any regulations required under subsection (e) not later than 180 days after the date on which such final regulations are issued.".

(b) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(hh)(1) The sale, under section 511, of a drug that is not a prescription drug, the sale of such a prescription drug without a valid prescription from a treating provider, or the ownership or operation of an Internet pharmacy, in violation of section 511.

"(2) The representation by advertisement, sales presentation, direct communication (including telephone, facsimile, or electronic mail), or otherwise by an Internet pharmacy, that a prescription drug may be obtained from the Internet pharmacy without a prescription, in violation of section 511.

"(3) The advertisement related to a prescription drug through any media including sales presentation, direct communication (including telephone, facsimile, or electronic mail), by an unlicensed Internet pharmacy.

"(4) The provision of an untrue statement of material fact in the licensing application of an Internet pharmacy.

"(5) For purposes of this subsection, any term used in this subsection that is also used in section 511 shall have the meaning given that term in section 511.".

(c) LINKS TO UNLICENSED INTERNET PHARMACIES.—Section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) is amended by adding at the end the following:

"(c)(1) In the case of a violation of section 511 relating to an unlicensed Internet pharmacy (as defined in such section 511), the district courts of the United States and the United States courts of the territories shall have jurisdiction to order a provider of an interactive computer service to remove, or disable access to, links to a website violating that section that resides on a computer server that the provider controls or operates.

"(2) Relief under paragraph (1)—

"(A) shall be available only after provision to the provider of notice and an opportunity to appear;

"(B) shall not impose any obligation on the provider to monitor its service or to affirmatively seek facts indicating activity violating section 511;

"(C) shall specify the provider to which the relief applies; and

"(D) shall specifically identify the location of the website to be removed or to which access is to be disabled.".

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services shall promulgate interim final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The requirement of licensure under section 511 of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall take effect on the date determined by the Secretary of Health and Human Services but in no event later than 90 days after the effective date of the interim final regulations under paragraph (1).

(e) PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(g) Notwithstanding subsection (a), any person who knowingly violates paragraph (1), (2), (3), or (4) of section 301(hh) shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.".

SA 994. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

"SEC. 507. DRUG SAFETY.

"(a) ESTABLISHMENT OF THE CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.—There is established within the Food and Drug Administration a Center for Postmarket Evaluation and Research for Drugs and Biologics (referred to in the section as the 'Center'). The Director of the Center shall report directly to the Commissioner of Food and Drugs.

"(b) DUTIES OF THE CENTER FOR POSTMARKET EVALUATION AND RESEARCH FOR DRUGS AND BIOLOGICS.—

"(1) RESPONSIBILITIES OF DIRECTOR.—The Director of the Center, in consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, shall—

"(A) conduct postmarket risk assessment of drugs approved under section 505 of this Act and of biological products licensed under section 351 of the Public Health Service Act;

"(B) conduct and improve postmarket surveillance of approved drugs and licensed biological products using postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, any clinical or observational studies (including studies required under subsection (d) or (e)), and any other resources that the Director of the Center determines appropriate;

"(C) determine whether a study is required under subsection (d) or (e) and consult with the sponsors of drugs and biological products to ensure that such studies are completed by the date, and according to the terms, specified by the Director of the Center;

"(D) contract, or require the sponsor of an application or the holder of an approved application or license to contract, with the holders of domestic and international patient databases to conduct epidemiologic and other observational studies;

"(E) determine, based on postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, and any clinical or observational studies (including studies required under subsection (d) or (e)), and any other resources that the Director of the Center determines appropriate, whether a drug or biological product may present an unreasonable risk to the health of patients or the general public, and take corrective action if such an unreasonable risk may exist;

"(F) make information about the safety and effectiveness of approved drugs and licensed biological products available to the public and healthcare providers in a timely manner; and

"(G) conduct other activities as the Director of the Center determines appropriate to ensure the safety and effectiveness of all drugs approved under section 505 and all biological products licensed under section 351 of the Public Health Service Act.

"(2) DETERMINATION OF UNREASONABLE RISK.—In determining whether a drug or biological product may present an unreasonable risk to the health of patients or the general public, the Director of the Center, in consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, shall consider the risk in relation to the known benefits of such drug or biological product.

"(c) SECRETARIAL AUTHORITY.—

"(1) IN GENERAL.—Approval of a drug under section 505 of this Act or issuance of a license for a biological product under section 351 of the Public Health Service Act may be subject to the requirement that the sponsor conduct 1 or more postmarket studies as described in subsection (d) or (e) of this section, or other postmarket studies as required by the Secretary, to validate the safety and effectiveness of the drug or biological product.

"(2) DEFINITION.—For purposes of this section, the term 'postmarket' means—

"(A) with respect to a drug, after approval of an application under section 505; and

"(B) with respect to a biological product, after licensure under section 351 of the Public Health Service Act.

"(d) PREAPPROVAL REVIEW.—

"(1) REVIEW OF APPLICATION.—

"(A) IN GENERAL.—

"(i) REVIEW.—At any time before a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, the Director of the Center shall review the application (or supplement to the application), and any analyses associated with the application, of such drug or biological product.

"(ii) EFFECT OF APPROVAL OR LICENSURE.—The approval of a drug under section 505 or the licensure of a biological product under such section 351 shall not affect the continuation and completion of a review under clause (i).

"(B) LIMITATION.—In no case shall the review under subparagraph (A) delay a decision with respect to an application for a drug under section 505 of this Act or for a biological product under section 351 of the Public Health Service Act.

"(2) RESULT OF REVIEW.—The Director of the Center may, based on the review under paragraph (1)—

"(A) require that the sponsor of the application agree to conduct 1 or more postmarket studies to determine the safety or effectiveness of a drug or biological product, including such safety or effectiveness as compared to other drugs or biological products, to be completed by a date, and according to the terms, specified by the Director of the Center; or

"(B) contract, or require the sponsor of the application to contract, with a holder of a domestic or an international patient database to conduct 1 or more epidemiologic or other observational studies.

"(e) POSTMARKETING STUDIES OF DRUG SAFETY.—

"(1) IN GENERAL.—At any time after a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, the Director of the Center, may—

"(A) require that the holder of an approved application or license conduct 1 or more studies to determine the safety or effectiveness of such drug or biological product, including such safety and effectiveness as compared to other drugs or biological products, to be completed by a date, and according to the terms, specified by such Director; or

"(B) contract, or require the holder of the approved application or license to contract, with a holder of a domestic or an international patient database to conduct 1 or more epidemiologic or other observational studies.

"(2) REVIEW OF OUTSTANDING STUDIES.—Not later than 90 days after the date of enactment of the Food and Drug Administration Safety Act of 2007, the Director of the Center shall—

"(A) review and publish a list in the Federal Register of any postmarketing studies outstanding on the date of enactment of the Food and Drug Administration Safety Act of 2007; and

"(B) as the Director determines appropriate, require the sponsor of a study described in subparagraph (A) to conduct such study under this subsection.

"(f) PUBLICATION OF PROGRESS REPORTS AND COMPLETED STUDIES.—

"(1) IN GENERAL.—The Director of the Center shall require that the sponsor of a study under subsection (d) or (e) submit to the Secretary—

"(A) not less frequently than every 90 days, an up-to-date report describing the progress of such study; and

"(B) upon the completion date of such study, the results of such study.

"(2) COMPLETION DATE.—For purposes of this section, the completion date of such study shall be determined by the Director of the Center.

"(g) DETERMINATIONS BY DIRECTOR.—

"(1) RESULTS OF STUDY.—The Director of the Center shall determine, upon receipt of the results of a study required under subsection (d) or (e)—

"(A) whether the drug or biological product studied may present an unreasonable risk to the health of patients or the general public; and

"(B) what, if any, corrective action under subsection (k) shall be taken to protect patients and the public health.

"(2) RESULTS OF EVIDENCE.—The Director of the Center may, at any time, based on the empirical evidence from postmarket surveillance programs and activities (including MedWatch), risk-benefit analyses, adverse event reports, the scientific literature, any clinical or observational studies (including studies required under subsection (d) or (e)), or any other resources that the Director of the Center determines appropriate—

"(A) make a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public; and

"(B) order a corrective action under subsection (k) be taken to protect patients and the public health.

"(3) REQUIRED CONSULTATION AND CONSIDERATIONS.—Before making a determination under paragraph (2), ordering a study under subsection (d) or (e), or taking a corrective action under subsection (k), the Director of the Center shall—

"(A) consult with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate; and

"(B) consider—

"(i) the benefit-to-risk profile of the drug or biological product;

"(ii) the effect that a corrective action, or failure to take corrective action, will have on the patient population that relies on the drug or biological product; and

"(iii) the extent to which the drug or biological product presents a meaningful therapeutic benefit as compared to other available treatments.

"(h) PUBLIC INFORMATION.—Periodically, but not less often than every 90 days, the Secretary shall make available to the public, by publication in the Federal Register and posting on an Internet website, the following information:

"(1) Studies required under subsection (d) or (e) including—

"(A) the type of study;

"(B) the nature of the study;

"(C) the primary and secondary outcomes of the study;

"(D) the date the study was required under subsection (d) or (e) or was agreed to by the sponsor;

"(E) the deadline for completion of the study; and

"(F) if the study has not been completed by the deadline under subparagraph (E), a statement that explains why.

"(2) The periodic progress reports and results of completed studies described under subsection (f).

"(3) Any determinations made by the Director of the Center under subsection (g), including—

"(A) reasons for the determination, including factual basis for such determination;

"(B) reference to supporting empirical data; and

"(C) an explanation that describes why contrary data is insufficient.

"(i) DRUG ADVISORY COMMITTEE.—The Drug Safety and Risk Management Advisory Committee within the Center of the Food and Drug Administration shall—

"(1) meet not less frequently than every 180 days; and

"(2) make recommendations to the Director of the Center with respect to—

"(A) which drugs and biological products should be the subject of a study under subsection (d) or (e);

"(B) the design and duration for studies under subsection (d) or (e);

"(C) which drugs and biological products may present an unreasonable risk to the health of patients or the general public; and

"(D) appropriate corrective actions under subsection (k).

"(j) PENALTIES.—

"(1) IN GENERAL.—If the Secretary determines, after notice and opportunity for an informal hearing, that a sponsor of a drug or biological product or other entity has failed to complete a study required under subsection (d) or (e) by the date or to the terms specified by the Secretary under such subsection, the Secretary may order such sponsor or other entity to—

"(A) complete the study in a specified time;

"(B) revise the study to comply with the terms specified by the Secretary under subsection (d) or (e); or

"(C) pay a civil penalty.

"(2) AMOUNT OF PENALTIES.—

"(A) IN GENERAL.—The civil penalty ordered under paragraph (1) shall be $250,000 for the first 30-day period after the date specified by the Secretary that the study is not completed, and shall double in amount for every 30-day period thereafter that the study is not completed.

"(B) LIMITATION.—In no case shall a penalty under subparagraph (A) exceed $2,000,000 for any 30-day period.

"(3) NOTIFICATION OF PENALTY.—The Secretary shall publish in the Federal Register any civil penalty ordered under this subsection.

"(k) RESULT OF DETERMINATION.—

"(1) IN GENERAL.—If the Director of the Center makes a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public under subsection (g), such Director shall order a corrective action, as described under paragraph (2).

"(2) CORRECTIVE ACTIONS.—The corrective action described under subsection (g)—

"(A) may include—

"(i) requiring a change to the drug or biological product label by a date specified by the Director of the Center;

"(ii) modifying the approved indication of the drug or biological product to restrict use to certain patients;

"(iii) placing restriction on the distribution of the drug or biological product to ensure safe use;

"(iv) requiring the sponsor of the drug or biological product or license to establish a patient registry;

"(v) requiring patients to sign a consent form prior to receiving a prescription of the drug or biological product;

"(vi) requiring the sponsor to monitor sales and usage of the drug or biological product to detect unsafe use;

"(vii) requiring patient or physician education; and

"(viii) requiring the establishment of a risk management plan by the sponsor; and

"(B) shall include the requirements with respect to promotional material under subsection (l)(1).

"(3) PENALTIES.—

"(A) IN GENERAL.—If the Secretary determines, after notice and opportunity for an informal hearing, that a sponsor of a drug or biological product has failed to take the corrective action ordered by the Director of the Center under this subsection or has failed to comply with subsection (l)(2), the Secretary may order such sponsor to pay a civil penalty.

"(B) AMOUNT OF PENALTIES.—

"(i) IN GENERAL.—The civil penalty ordered under subparagraph (A) shall be $250,000 for the first 30-day period that the sponsor does not comply with the order under paragraph (1), and shall double in amount for every 30-day period thereafter that the order is not complied with.

"(ii) LIMITATION.—In no case shall a penalty under clause (i) exceed $2,000,000 for any 30-day period.

"(C) NOTIFICATION OF PENALTY.—The Secretary shall publish in the Federal Register any civil penalty ordered under this paragraph.

"(l) PROMOTION MATERIAL.—

"(1) SAFETY ISSUE.—If the Director of the Center makes a determination that a drug or biological product may present an unreasonable risk to the health of patients or the general public under subsection (g), such Director, in consultation with the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration, shall—

"(A) notwithstanding section 502(n), require that the sponsor of such drug or biological product submit to the Director of the Center copies of all promotional material with respect to the drug or biological product not less than 30 days prior to the dissemination of such material; and

"(B) require that all promotional material with respect to the drug or biological product include certain disclosures, which shall be displayed prominently and in a manner easily understood by the general public, including—

"(i) a statement that describes the unreasonable risk to the health of patients or the general public as determined by the Director of the Center;

"(ii) a statement that encourages patients to discuss potential risks and benefits with their healthcare provider;

"(iii) a description of the corrective actions required under subsection (k);

"(iv) where appropriate, a statement explaining that there may be products available to treat the same disease or condition that present a more favorable benefit-to-risk profile, and that patients should talk to their healthcare provider about the risks and benefits of alternative treatments;

"(v) a description of any requirements of outstanding clinical and observational studies, including the purpose of each study; and

"(vi) contact information to report a suspected adverse reaction.

"(2) NEW PRODUCTS; OUTSTANDING STUDIES.—For the first 2-year period after a drug is approved under section 505 of this Act or a biological product is licensed under section 351 of the Public Health Service Act, and with respect to drugs and biological products for which there are outstanding study requirements under subsection (d) or (e), the Director of the Center, in consultation with the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration, shall—

"(A) notwithstanding section 502(n), require that the sponsor of such drug or biological product submit to the Director of the Center copies of all promotional material with respect to the drug or biological product not less than 30 days prior to the dissemination of such material; and

"(B) require that all promotional material with respect to the drug or biological product include certain disclosures, which shall be displayed prominently and in a manner easily understood by the general public, including—

"(i) a statement explaining that the drug or biological product is newly approved or licensed or the subject of outstanding clinical or observational studies, as the case may be, and, as a result, not all side effects or drug interactions may be known;

"(ii) the number of people in which the drug or biological product has been studied and the duration of time during which the drug or biological product has been studied;

"(iii) a statement that encourages patients to discuss the potential risks and benefits of treatment with their healthcare provider;

"(iv) a description of any requirements of outstanding clinical and observational studies, including the purpose of each study; and

"(v) contact information to report a suspected adverse reaction.

"(3) EFFECT OF VOLUNTARY SUBMISSION.—Paragraphs (1)(A) and (2)(A) shall not apply to the sponsor of a drug or biological product if such sponsor has voluntarily submitted to the Division of Drug Marketing, Advertising, and Communications of the Food and Drug Administration all promotional material with respect to the drug or biological product prior to the dissemination of such material.

"(m) WITHDRAWAL OR SUSPENSION OF APPROVAL OR LICENSURE.—

"(1) IN GENERAL.—The Director of the Center, may withdraw or suspend approval of a drug or licensure of a biological product using expedited procedures (as prescribed by the Secretary in regulations promulgated not later than 1 year after the date of enactment of the Food and Drug Administration Safety Act of 2007, which shall include an opportunity for an informal hearing) after consultation with the Director of the Center for Drug Evaluation and Research or the Director of the Center for Biologics Evaluation and Research, as appropriate, and any other person as determined appropriate by the Director of the Center, if—

"(A) the Director of the Center makes a determination that the drug or biological product may present an unreasonable risk to the health of patients or the general public, and that risk cannot be satisfactorily alleviated by a corrective action under subsection (k); or

"(B) the sponsor fails to comply with an order or requirement under this section.

"(2) PUBLIC INFORMATION.—The Secretary shall make available to the public, by publication in the Federal Register and posting on an Internet website, the details of the consultation described in paragraph (1), including—

"(A) the reason for the determination to withdraw, suspend, or failure to withdraw or suspend, approval for the drug or licensure for the biological product;

"(B) the factual basis for such determination;

"(C) reference to supporting empirical data;

"(D) an explanation that describes why contrary data is insufficient; and

"(E) the position taken by each individual consulted.

"(n) EFFECT OF SECTION.—The authorities conferred by this section shall be separate from and in addition to the authorities conferred by section 505B.

"(o) ADMINISTRATION OF SECTION.—The provisions of this section shall be carried out by the Secretary, acting through the Director of the Center.".

(b) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by inserting after subsection (j) the following:

"(k) If it is a drug or biological product for which the sponsor of an application or holder of an approved application or license has not complied with an order or requirement under section 507.".

(c) REPORT ON DEVICES.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, the Director of the Center for Postmarket Evaluation and Research for Drugs and Biologics, and the Director of the Center for Devices and Radiological Health, shall submit to Congress a report that—

(1) identifies gaps in the current process of postmarket surveillance of devices approved

under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.);

(2) includes recommendations on ways to improve gaps in postmarket surveillance of devices; and

(3) identifies the changes in authority needed to make those improvements, recognizing the legitimate differences between devices and other medical products regulated by the Food and Drug Administration.

(d) Transfer of Functions.—The functions and duties of the Office of Surveillance and Epidemiology, including the Drug Safety and Risk Management Advisory Committee, of the Food and Drug Administration on the day before the date of enactment of this Act shall be transferred to the Center for Postmarket Evaluation and Research for Drugs and Biologics established under section 507 of the Federal Food, Drug, and Cosmetic Act (as added by this section). The Center for Postmarket Evaluation and Research for Drugs and Biologics shall be a separate entity within the Food and Drug Administration and shall not be an administrative office of the Center for Drug Evaluation and Research or the Center for Biologics Evaluation and Research.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section (and the amendments made by this section)—

(1) $50,000,000 for fiscal year 2008;
(2) $75,000,000 for fiscal year 2009;
(3) $100,000,000 for fiscal year 2010;
(4) $125,000,000 for fiscal year 2011; and
(5) $150,000,000 for fiscal year 2012.

SA 995. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, insert the following:

SEC. 2_. AUTHORITY OF THE OFFICE OF SURVEILLANCE AND EPIDEMIOLOGY; CHIEF SAFETY OFFICER.

(a) Authority.—With respect to all actions of the Food and Drug Administration related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, the Office of Surveillance and Epidemiology (or successor office) of such Administration and the Office of New Drugs (or successor office) of such Administration shall make decisions jointly. In the event of a disagreement with respect to an action related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, between such 2 offices, the Commissioner of Food and Drugs shall make the decision with respect to such action.

(b) Chief Safety Officer.—Notwithstanding any other provision of law, the Director of the Office of Surveillance and Epidemiology (or successor office) of the Food and Drug Administration shall serve as the Chief Postmarket Drug Safety Officer within the Food and Drug Administration. In such capacity, the Director shall serve as a liaison between the Office of the Commissioner of Food and Drugs and employees of the Food and Drug Administration. To ensure drug safety concerns are identified and promptly evaluated and resolved, any employee of the Center for Drug Evaluation and Research within the Food and Drug Administration who has drug safety concerns may report such concerns to the Chief Postmarket Drug Safety Officer.

SA 996. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 505 of the Federal Food, Drug, and Cosmetic Act, as amended by section 251 of the bill, add the following:

"(r) Certification of Information.—When submitting information in support of a new drug application or a supplemental new drug application, the sponsor shall certify, in writing, that all clinical trials, federally or privately funded, whether conducted within or outside the United States, related to the safety or efficacy of the drug under review, have been submitted to the Food and Drug Administration.".

SA 997. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike clause (i) of section 402(j)(3)(A) of the Public Health Service Act, as added by this bill, and insert the following:

"(i) In general.—

"(I) Requirement.—Not later than 90 days after the date of enactment of the Food and Drug Administration Revitalization Act, for all clinical trials (except as provided in subclause (II)), whether federally or privately funded, conducted to test the safety or efficacy (including comparative efficacy), of any drug or device (including those drugs or devices approved or cleared by the Secretary), the Secretary shall ensure that the registry data bank includes links to results information for such clinical trial—

"(aa) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

"(bb) not later than 30 days after such information becomes publicly available, as applicable.

"(II) Exception.—The requirement of subclause (I) shall not apply to phase I clinical investigations conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device.

"(III) Voluntary submission.—A responsible party for a clinical trial that is not an applicable drug clinical trial or an applicable device clinical trial may submit to the Secretary results information for a clinical trial described in subclause (II).

At the end section 402(j)(4) of the Public Health Service Act, as added by this bill, insert the following:

"(F) Trials conducted outside of the United States.—

"(i) In general.—With respect to clinical trials described in clause (ii), the responsible party shall submit to the Secretary the information required under this subsection. The Secretary shall ensure that such information and the results of such clinical trials are made available to the public in a timely manner and as soon as practicable after receiving such information. Failure to comply with this paragraph shall be deemed to be a failure to submit information as required under this subsection, and the appropriate remedies and sanctions under this section shall apply.

"(ii) Clinical trial described.—A clinical trial is described in this clause if—

"(I) such trial is conducted outside of the United States; and

"(II) the data from such trial is—

"(aa) submitted to the Secretary as part of an application, including a supplemental application, for a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351 of this Act; or

"(bb) used in advertising or labeling to make a claim about the drug or device involved.

SA 998. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in section 505(o) of the Federal, Food, Drug, and Cosmetic, as added by section 202, insert the following:

"(9) Civil monetary penalty.—Notwithstanding any other provision of this Act, an applicant (as such term is defined for purposes of this section) that knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under this subsection shall be subject to a civil money penalty of $250,000 for the first 30-day period that the applicant is in noncompliance, and such amount shall double for every 30-day period thereafter that the requirement is not complied with, not to exceed $2,000,000.".

SA 999. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 505 of the Federal Food, Drug, and Cosmetic Act, as amended by section 251 of the bill, add the following:

"(r) Certification of Information.—

"(1) Certification.—

"(A) Requirement.—When submitting information in support of a new drug application or a supplemental new drug application, the sponsor shall certify, in writing, that the information submitted to the Food and Drug Administration complies with the requirements of this Act and that such information is not false or misleading.

"(B) Failure to submit.—If the sponsor fails to provide a certification as required under subparagraph (A), the Secretary shall transmit to such sponsor a notice stating that such sponsor shall submit the certification by a date determined by the Secretary. If, by the date specified by the Secretary in the notice under this subparagraph, the Secretary has not received the certification, the Secretary, after providing the opportunity for a hearing, shall order such sponsor to pay a civil monetary penalty of

$10,000 for each day after such date that such certification is not submitted.

"(C) ADDITIONAL CIVIL MONETARY PENALTY.—If the Secretary determines, after notice and opportunity for a hearing, that a sponsor knew or should have known that the information submitted in support of a new drug application or a supplemental new drug application was false or inaccurate, the Secretary shall order such sponsor to pay a civil monetary penalty of not less than $100,000, but not to exceed $2,000,000.

"(2) REQUIRED STATEMENT.—The certification under paragraph (1) shall include a statement that all clinical trials, federally or privately funded, whether conducted within or outside the United States, related to the safety or efficacy of the drug under review, have been submitted to the Food and Drug Administration.

"(3) CLINICAL COMPARISON STUDIES.—

"(A) IN GENERAL.—The Secretary shall deposit funds collected under paragraph (1) into an account and use such funds shall be used, after consultation with the Director of the Agency for Healthcare Research and Quality, to fund studies that compare the clinical effectiveness of 2 or more treatments for similar diseases or conditions.

"(B) PRIORITY LIST.—The Secretary shall award funding under subparagraph (A) based on a priority list established, not later than 6 months after the date of enactment of this Act, by the Director of the Agency for Healthcare Research and Quality and periodically updated as determined appropriate by the Director.

"(4) DRUG CONSULTATIONS.—Not later than 90 days after the date of the completion of a written consultation on a drug concerning the drug's safety, as conducted by the Office of Surveillance and Epidemiology, regardless of whether such consultation was initiated by such Office or by an entity outside of the Office, the Commissioner of Food and Drugs shall make available to the public a full copy of such consultation.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or amend section 301(j) of this Act or section 1905 of title 18, United States Code.".

SA 1000. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE FDA EMPLOYEE PROTECTIONS

SEC. ___01. SHORT TITLE.

This title may be cited as the "FDA Employee Rights Protection Act".

SEC. ___02. EMPLOYEES' RIGHT TO PETITION CONGRESS.

The right of all employees of the Food and Drug Administration, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, shall not be interfered with or denied by any employee of the Food and Drug Administration, the Department of Health and Human Services, the Department of Justice, or any other employee of the Executive Branch of the Federal Government.

SEC. 03. PENALTIES.

Any individual who intentionally or willfully obstructs, impedes, or otherwise interferes with an employee's right to furnish information as described in section 02 shall be subject to a fine of not less than $10,000 per violation, or imprisoned for not more than 1 year, or both.

SA 1001. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUBPOENA AUTHORITY OF THE COMMISSIONER OF FOOD AND DRUGS.

(a) IN GENERAL.—Section 310 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 337) is amended by adding at the end the following:

"(c) For the purpose of—

"(1) any hearing, investigation, or other proceeding respecting a violation of this Act,

"(2) any hearing, investigation, or other proceeding to determine if a person is in compliance with a standard or other requirement under this Act, or

"(3) any hearing, investigation, or other proceeding to establish a standard or other requirement under this Act,

the Commissioner may issue subpoenas requiring the attendance and testimony of witnesses and the production of documentary evidence. Such attendance of witnesses and production of evidence at the designated place of such hearing, investigation, or other proceeding may be required from any place in the United States or in any territory or possession of the United States. Subpoenas of the Commissioner shall be served by a person authorized by the Commissioner by delivering a copy thereof to the person named therein or by certified mail addressed to such person at such person's last known dwelling place or principal place of business. A verified return by the person so serving the subpoena setting forth the manner of service, or, in the case of service by certified mail, the return post office receipt therefor signed by the person so served, shall be proof of service. Witnesses so subpoenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

"(d) In case of a refusal to obey a subpoena duly served upon any person under subsection (c), any district court of the United States for the judicial district in which such person charged with refusal to obey is found, resides, or transacts business, upon application by the Commissioner, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce evidence, or both. The failure to obey such order of the court may be punished by the court as contempt thereof.".

(b) ENFORCEMENT.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(jj) The failure or refusal to obey a subpoena issued by the Commissioner under section 310(c).".

SA 1002. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REQUIREMENT TO DOCUMENT CONTACT WITH DRUG SPONSORS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 251, is further amended by adding at the end the following:

"(r) REQUIREMENT TO DOCUMENT CONTACT WITH DRUG SPONSOR.—Each employee of the Food and Drug Administration shall document, in writing, each communication or contact, and the purpose of such communication or contact, that such official has with a sponsor of a drug for which an application is filled pursuant to subsection (b) or (j).".

SA 1003. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 211 of the bill, insert the following:

SEC. 211A. REQUIREMENT TO SUBMIT INFORMATION ELECTRONICALLY.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 567. REQUIREMENT TO SUBMIT INFORMATION ELECTRONICALLY.

"Not later than 5 years after the date of enactment of the Food and Drug Administration Revitalization Act, the Secretary shall ensure that any information required to be submitted to the Food and Drug Administration under section 505, 505A, 505B, 506A, 506B, 510, 512, 513, 515, 519, 520, or 526 is submitted in electronic form that is interoperable with the Food and Drug Administration's information technology systems.".

SA 1004. Ms. LANDRIEU proposed an amendment to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE ___DOMESTIC PET TURTLE MARKET ACCESS

SEC. ___. SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Market Access Act of 2007".

SEC. . FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that also carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regiment that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. . SALE OF BABY TURTLES.

(a) Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, wholesaler or commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which such farmer is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependant upon using the Siebeling method, or other such proven method, which uses an antibiotic to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon it outside, as the turtle may become an invasive species to the local community, but should instead return them to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

(b) FDA REVIEW OF STATE PROTECTIONS.—The Food and Drug Administration may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines that the actual implementation of State health protections described in subsection (a) are insufficient to protect consumers against infectious diseases acquired from such turtles at the time of sale.

SA 1005. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFETY OF FOOD ADDITIVES.

Not later than 90 days after the date of enactment of this Act, the Food and Drug Administration shall issue a report on the question of whether substances used in fresh meat that are capable of artificially keeping such meat red beyond the point of spoilage of such meat, create a health risk or are misleading to consumers.

SA 1006. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 505(o)(6) of the Federal Food, Drug, and Cosmetic Act, as added by section 202 of the bill, insert the following:

"(H) In a case where a drug may be prescribed only by a physician with particular training or experience, or who is specially certified, a health care provider who is not so certified or trained to prescribe the drug may enter into a cooperation plan with a physician who has particular training or experience, or is specially certified, in order to prescribe such drug with the informed consent of the patient. The Commissioner of Food and Drugs shall determine the requirements for such cooperation plan.

SA 1007. Mr. REID (for Mr. BUNNING) proposed an amendment to the resolution S. Res. 162, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; as follows:

On page 2, strike the first whereas clause and insert:

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

AUTHORTIY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday, May 1, 2007 at 2 p.m. in 328A, Senate Russell Office Building. The purpose of this Committee hearing will be to consider conservation policy recommendations for the farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, May 1, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to examine Electronic On-Board Recorders (EOBRs) and Truck Driver Fatigue, and related regulations to be issued by the Federal Motor Carrier Safety Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 1, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Advanced Technology Vehicles: The Road Ahead."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, May 1, 2007, at 9:30 a.m. to consider the nomination of Howard C. Weizmann to be Deputy Director of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on Process Patents for Tuesday, May 1, 2007, at 2:30 p.m. in Dirksen Senate Office Building Room 226.

Witness list: Wayne Herrington, Assistant General Counsel, United States International Trade Commission, Washington, DC; John R. Thomas, Professor of Law, Georgetown University Law Center, Washington, DC; Mike Kirk, Executive Director, American Intellectual Property Law Association, Arlington, VA; and Christopher A. Cotropia, Professor of Law, Richmond School of Law, Richmond, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAPOWER SUBCOMMITTEE

Mr. SCHUMER. Mr: President, I ask unanimous consent that the Seapower Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 1, 2007, at 2:30 p.m., in open session to receive testimony on Department of Defense Transportation programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 1, 2007 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without object it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that Jessica Gerrity, a fellow in my office, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Adam Solander, an intern on my staff, be granted floor privileges during the debate on the Food and Drug Administration Revitalization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Remy Yucel, a fellow in my staff, be granted the privilege of the floor for the pendency of the consideration of S. 1082, including any conference report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE: PUBLIC FINANCIAL DISCLOSURE REPORTS

The filing date for 2006 Public Financial Disclosure reports is Tuesday, May 15, 2007. Senators, political fund designees and staff members whose salaries exceed 120% of the GS-15 pay scale must file reports.

Public Financial Disclosure reports should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair, pursuant to Executive Order 12131, as amended and extended, reappoints and appoints the following Members to the President's Export Council: Reappointment: the Senator from North Dakota (Mr. DORGAN); Appointment: the Senator from Ohio (Mr. BROWN) and the Senator from Michigan (Ms. STABENOW).

MEASURE PLACED ON CALENDAR—H.R. 1332

Mr. REID. Mr. President, I understand that H.R. 1332 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The majority leader is correct.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1332) to improve the access to capital programs of the Small Business Administration, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

EXPRESSING THE SENSE OF THE SENATE ON EFFORTS TO CONTROL GUN VIOLENCE IN GUATEMALA

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from consideration of S. Res. 155 and that the Senate proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 155) expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 155) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 155

Whereas warring parties in Guatemala ended a 36-year internal armed conflict with a peace agreement in 1996, but the country has since faced alarming levels of violence, organized crime, and corruption;

Whereas the alleged involvement of senior officials of the National Civilian Police in the murder of three Salvadoran parliamentarians and their driver, and the subsequent killing of four of the police officers while in custody underscored the need to purge and strengthen law enforcement and judicial institutions in Guatemala;

Whereas high-level officials of the Government of Guatemala have acknowledged the infiltration of organized criminal networks into the state apparatus and the difficulty of combating these networks when they are deeply entrenched in public institutions;

Whereas, in its 2006 Country Report on Human Rights Practices in Guatemala, the Department of State noted that police corruption was a serious problem in Guatemala and that there were credible allegations of involvement by individual police officers in criminal activity, including rapes, killings, and kidnappings;

Whereas, in its most recent report on Guatemala, the United Nations High Commissioner for Human Rights notes that impunity continues to undermine the credibility of the justice system in Guatemala and that the justice system is still too weak to confront organized crime and its powerful structures; and

Whereas, the Government of Guatemala and the United Nations signed an agreement on December 12, 2006, to establish the International Commission against Impunity in Guatemala (Comisión Internacional Contra la Impunidad en Guatemala—CICIG), to assist local authorities in investigating and dismantling the illegal security groups and clandestine organizations that continue to operate in Guatemala: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the International Commission against Impunity in Guatemala is an innovative mechanism to support local efforts to confront the entrenched and dangerous problem posed by illegal armed groups and clandestine security organizations in Guatemala and their infiltration into state institutions;

(2) the Senate commends the Government of Guatemala, local civil society organizations, and the United Nations for such a creative effort;

(3) the Senate encourages the Guatemalan Congress to enact necessary legislation required to implement the International Commission against Impunity in Guatemala and other pending legislation needed to fulfill the 1996 peace agreement;

(4) the Senate calls on the Government of Guatemala and all sectors of society in Guatemala to unreservedly support the investigation and prosecution of illegal armed groups and clandestine security organizations; and

(5) the Senate reiterates its commitment to support the Government of Guatemala in its efforts to strengthen the rule of law in that country, including the dismantling of the clandestine groups, the purging of the police and judicial institutions, and the implementation of key justice and police reforms.

RECOGNIZING THE ACHIEVEMENTS OF THE U.S. AIR FORCE ACADEMY FOOTBALL PROGRAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 181.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 181) honoring and recognizing the achievements of the United States Air Force Academy football program over the last 27 years.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 181

Whereas, Fisher DeBerry, originally of Cheraw, South Carolina, coached football at the United States Air Force Academy for 27 years, 23 of which as head coach;

Whereas, Fisher DeBerry is the winningest head coach of any United States service academy with a record of 169–109–1;

Whereas, Fisher DeBerry has amassed a 35–11 record against the United States Military Academy and the United States Naval Academy, and led the U.S. Air Force Academy to 14 of its 16 Commander-in-Chief Trophy titles;

Whereas, Fisher DeBerry led his Air Force teams to 3 conference championships and 12 bowl games;

Whereas, Fisher DeBerry has been recognized numerous times for his coaching success, including selection as National Coach of the Year for 1985; selection 3 times as Western Athletic Conference Coach of the Year; induction into the South Carolina Sports Hall of Fame; induction into the Colorado Springs Sports Hall of Fame; induction into the Independence Bowl Hall of Fame; the 2001 State Farm Coach of Distinction honor; an honorary doctorate of humanities from Wofford College; service as president of the American Football Coaches Association (AFCA); and service as Chairman of the AFCA ethics committee;

Whereas, Fisher DeBerry has acted as a pillar of the Colorado Springs, Colorado, community during the past 27 years through his active involvement and volunteerism with local church, charity, and community organizations;

Whereas, in 2004 Fisher DeBerry founded the Fisher DeBerry Foundation, which is dedicated to the support and education of single mothers and their children, as well as other charitable causes;

Whereas, Fisher DeBerry has served as a positive influence and role model to numerous future Air Force officers, including coaching 3,375 players; having a graduation success rate of 91.6 percent among his players; and producing 19 All-American players, 124 All-Conference players, 11 Academic All-Americans, and 9 Postgraduate Scholarship winners;

Whereas, Fisher DeBerry imparted to his players the core values of the United States Air Force: Integrity First, Service Before Self, and Excellence In All We Do; and

Whereas, the United States Air Force Academy football program under the leadership of Fisher DeBerry has served as an example of these values for its community and the entire Nation: Now, therefore, be it

Resolved, That the United States Senate honors and recognizes the numerous contributions made by the United States Air Force Academy football program over the last 27 years to Colorado Springs and the surrounding communities, the United States Air Force Academy, and the United States Air Force.

HONORING THE LIFE OF JACK VALENTI

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 182.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 182) honoring the life of Jack Valenti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I wish to honor my good friend Jack Valenti, who, passed away last week on April 26.

Throughout his life, Jack Valenti wore several hats, including that of a soldier, a devoted public servant, and a pioneer in the film industry.

Jack was born on September 5, 1921, in Houston, TX and was the grandson of Sicilian immigrants. At age 15, he became the youngest high school graduate in the history of the city of Houston and began a career as an office boy with Exxon Oil.

Jack served honorably in the Army Air Corps during World War II, flying in 51 separate combat missions as pilot of the B–25 attack bomber with the 12th Air Force in Italy. He obtained the rank of lieutenant and received multiple decorations, including the Distinguished Flying Cross, the Air Medal with four clusters, the Distinguished Unit Citation with one cluster, and the European Theater Ribbon with four battle stars.

After serving in the war, Jack attended college at the University of Houston, doing all his undergraduate work at night as he worked during the day. He earned a bachelor of arts degree in 1946 and later became the University of Houston's first graduate ever to be admitted to Harvard Business School. He received an MBA from Harvard in 1948.

In the intervening years, Jack held many positions in this town, but in 1966 Jack resigned from a top position in the White House to become only the third president of the Motion Picture Association of America, MPAA. He held this, his most famous position, for 38 years before retiring in 2004.

As president of MPAA, Jack arbitrated one of the most famous developments the film industry has ever come out with—the voluntary rating system. The ratings "G," "PG," "PG–13" and "R" have become staples, not only in the movie-going practices of every American but also in our Nation's cultural consciousness. However, more important than the societal notions and the clichéd images associated with these ratings is the real assistance that this system has provided to parents and families in evaluating the appropriateness of various movies. Indeed, the MPAA rating system pioneered by Jack Valenti has become a prime example of the effectiveness of industry self-regulation without government intervention, and I am very grateful for Jack's work in this area even when many in his industry fought him along the way.

In addition to pioneering the rating system, Jack Valenti also worked to advance the film industry into the 21st century. Indeed, during his tenure at the MPAA, he presided over unprecedented changes in the worldwide film industry, including the advancement of the digital era. I remember having several conversations with Jack as the film industry struggled to deal with the new challenges presented by digital distribution of their content. Together, Jack and I worked tirelessly to balance the competing demands of consumer's rights and the protection of one of America's largest exports—entertainment.

With Jack's help, we were able to refocus the Federal Government's resources to more effectively protect the creative genius of a great American industry—the film industry. We all know how blatantly some bad actors around the world pirate America's movies and rob the United States of jobs. Thanks to Jack's efforts, we have made great strides in this area and laid the groundwork to allow us to stamp out this criminal activity in the years ahead. Combating the theft and piracy of intellectual property was a real passion for Jack, and I was privileged to work with him in this endeavor.

Mr. President, those of us who knew Jack Valenti personally will always remember him as a charitable man who was devoted to his family. While his influence on the film industry has been famous and unmistakable, many of us will remember him more for the personal friendship we shared with him. I will miss him greatly.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 182) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 182

Whereas Jack Valenti was born September 5, 1921, in Houston, Texas, the grandson of Sicilian immigrants, Joe and Josephine Valenti, and was the youngest high school graduate in the city at age 15;

Whereas Jack Valenti married his beloved Mary Margaret in 1962, with whom he had 3 children, John, Alexandra, and Courtenay;

Whereas Jack Valenti joined the United States Army Air Forces in 1942 and flew 51 combat missions as a pilot of a B-25 attack bomber with the 12th Air Force in Italy during World War II, obtained the rank of lieutenant, and received 4 decorations, including the Distinguished Flying Cross, the Air Medal with 4 clusters, the Distinguished Unit Citation with one cluster, and the European Theater Ribbon with 4 battle stars;

Whereas Jack Valenti received a B.A. degree from the University of Houston in 1946 after doing all of his undergraduate work at night and working during the day, and became the first University of Houston graduate to be admitted to Harvard Business School, receiving an M.B.A. degree in 1948;

Whereas, in 1952, Jack Valenti cofounded Weekley and Valenti, an advertising and political consulting agency that worked on Dwight D. Eisenhower's presidential campaign in Texas, Representative Albert Thomas's run for Congress, and John Connally's campaign for Governor of Texas;

Whereas Jack Valenti met then-Senate Majority Leader Lyndon B. Johnson in 1957, the two became close friends, and Valenti worked on Lyndon Johnson's presidential campaign during the primaries of 1960;

Whereas Weekley and Valenti handled press during President John F. Kennedy's and Vice President Lyndon Johnson's fateful trip to Dallas, Texas, in November 1963;

Whereas Jack Valenti became the first special assistant hired when Lyndon Johnson ascended to the Presidency;

Whereas Jack Valenti resigned his White House post in 1966 and went on to serve as the president of the Motion Picture Association of America (MPAA) for the next 38 years;

Whereas Jack Valenti, as president of the MPAA, created the voluntary film rating system that is still in place today, which provides parents with advance information they can use to determine which movies are appropriate for their children;

Whereas Jack Valenti's persona and skill combined to give the motion picture industry a strong and enduring presence in the Nation's capital, which grew year by year during his nearly 4 decade tenure at the MPAA;

Whereas Jack Valenti presided over a worldwide change in the motion picture industry, ushered movies into the digital era, championed artists' rights, and condemned intellectual property theft;

Whereas Jack Valenti authored 5 books, including "A Very Human President", "Protect and Defend", "The Bitter Taste Of Glory", "Speak Up With Confidence", and, his most recent, "This Time, This Place: My Life in War, the White House, and Hollywood", and wrote numerous essays for the New York Times, the Washington Post, the Los Angeles Times, Reader's Digest, Atlantic Monthly, Newsweek, Cox newspapers, and other publications;

Whereas Jack Valenti was awarded with France's highly-prized Legion d'Honneur, the French Legion of Honor, and has been honored with his own star on the Hollywood Walk of Fame; and

Whereas Jack Valenti will be remembered as a dedicated family man, a philanthropist, a voice for copyright owners, a true visionary whose devotion, intelligence, creativity, and wisdom transformed the film industry, and as Hollywood's ultimate leading man: Now, therefore, be it

Resolved, That the Senate honors the life of Jack Valenti, a pioneer in the fields of motion pictures and public service, a dedicated family man, and a legendary figure in the history of the United States.

NATIONAL CHARTER SCHOOLS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 183.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 183) supporting the goals and ideals of National Charter Schools Week, April 30, 2007, through May 4, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, today I wish to honor National Charter School Week. The role of charter schools has become increasingly important as these institutions have become one of the fastest growing innovative forces in education policy. The District of Columbia and 40 States have laws that allow charter schools. There are over 4,000 public charter schools serving more than 1.1 million students and there are many more students on waiting lists who want to attend.

As many of you know, I have been a part of that charter school growth, both here in Washington, DC, and in my home, Louisiana. Today, more than 30 percent of all DC public school students attend charter schools and are largely successful. These charter school projects are largely successful. These charter schools not only help to better educate students, but are also helping to build a better, stronger, more prosperous city.

In addition to having an impact in Washington, DC, charter schools are also helping to rebuild the school system in New Orleans. Hurricanes Katrina and Rita did not just wash away our levees—they also washed away our homes and schools. We must seize upon this opportunity and build a better, stronger school system for New Orleans and throughout Louisiana.

Charter schools are key players in this process by not only rebuilding our school system, but reinventing it. Every step in this process is based on what is best for our students, with the goal of delivering learning and achievement for all students. The new school system effectively eliminates the previous system of have and have-nots, allowing parents to choose from any school in the network, making quality school options available to all students and raising the bar for educators throughout the system.

The new Educational Network Model will organize schools, the majority of them charters, into small groups to provide support, foster collaboration and ensure accountability. This will shift the majority of money and decisionmaking to the school level, where it can be managed based on the needs of the students in each school. It will also create a lean district office focused on academic standards and performance monitoring, allowing more dollars to go to schools. Finally, it will migrate toward a single, aligned and highly-effective governing board that provides a stable leadership team with skills to oversee successful implementation of the plan.

Today, over 50 percent of our schools in New Orleans have reopened as charter schools. They have provided us with an expedient means to restart public education in New Orleans. It is my hope that we can continue this trend by utilizing the Educational Network Model for these schools and others nationwide by engaging community involvement and support through a shared services model.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas charter schools deliver high-quality education and challenge students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by designated public entities to respond to the needs of communities, families, and students, and to promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, charter schools are held accountable by their sponsors for improving student achievement and for their finances and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 4,000 charter schools operating across the United States serve more than 1,140,000 students;

Whereas, over the last 13 years, Congress has provided more than $2,026,225,000 in support to the charter school movement by providing facilities, financing assistance, and grants for planning, startup, implementation, and dissemination of information;

Whereas many charter schools improve the achievement of students and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and communities;

Whereas nearly 56 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the President, Congress, State governors and legislatures, educators, and parents across the United States; and

Whereas the eighth annual National Charter Schools Week, to be held April 30 through May 4, 2007, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and commends charter schools and students, parents, teachers, and administrators of charter schools across the United States for their ongoing contributions to education and improving and strengthening the public school system;

(2) supports the goals and ideals of the eighth annual National Charter Schools Week; and

(3) encourages the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

NATIONAL CHILDHOOD STROKE AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 184.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 184) expressing the sense of the Senate with respect to childhood stroke and designating May 5, 2007 as "National Childhood Stroke Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 184) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S RES. 184

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas the Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5, 2007 as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

URGING ALL MEMBER COUNTRIES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE TO EXPEDITE THE RATIFICATION PROCESS

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 141.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 141) urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 141) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 141

Whereas the International Tracing Service (ITS) archives located in Bad Arolsen, Germany, which are administered by the International Committee of the Red Cross, contain an estimated 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes;

Whereas the ITS archives at Bad Arolsen remain the largest closed Holocaust-era archives in the world;

Whereas, although access to individual records can be requested by Holocaust survivors and their descendants, many who have requested information from the ITS archives have reported facing significant delays and even unresponsiveness;

Whereas the ITS archives remain inaccessible to researchers and research institutions;

Whereas the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords") established an international commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) charged with overseeing the administration of the ITS Holocaust archives;

Whereas, following years of delay, in May 2006 in Luxembourg, the International Commission of the ITS agreed upon amendments to the Bonn Accords that would allow researchers to use the archives and would allow each member country of the International Commission to receive digitized copies of archive materials and make the records available to researchers under the respective national laws relating to archives and privacy;

Whereas the May 2006 amendments to the Bonn Accords require each of the 11 member countries of the International Commission to ratify the amendments before open access to the Holocaust archives is permitted;

Whereas, although the final signature was affixed to the amendments in October 2006, only 5 out of the 11 member countries of the International Commission, the United States, Israel, Poland, the Netherlands, and the United Kingdom, have ratified the amendments;

Whereas the United States Holocaust Memorial Museum has for years been working tirelessly to provide public access to the materials in the Bad Arolsen archives;

Whereas, on March 8, 2007, representatives from the 11 member countries of the International Commission of the ITS met in the Netherlands and reviewed the current ratification status of each country and the ratification process in its entirety;

Whereas it is a moral and humanitarian imperative to permit public access to the millions of Holocaust records housed at Bad Arolsen;

Whereas it is essential that researchers obtain access while Holocaust survivors are living, so that the researchers can benefit in their scholarly work from the insights of eyewitnesses;

Whereas, in the aftermath of the Holocaust, there have been far too many instances of survivors and heirs of Holocaust victims being refused their moral and legal right to information, for restitution purposes, slave labor compensation, and personal closure;

Whereas opening the historic records is a vital contribution to the world's collective memory and understanding of the Holocaust and efforts to ensure that the anti-Semitism that made such horrors possible is never again permitted to take hold;

Whereas anti-Semitism has seen a resurgence in recent years, and as recently as December 2006, the President of Iran, Mahmoud Ahmadinejad, held the second Holocaust denial conference in Tehran in one year; and

Whereas in light of this conference, the anti-Semitic rhetoric of President Ahmadinejad, and a resurgence of anti-Semitism in part of the world, the opening of the archives at Bad Arolsen could not be more urgent: Now, therefore, be it

Resolved, That the Senate—

(1) commends in the strongest terms all countries that have to date ratified the amendments to the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords") to allow for open access to the Holocaust archives of the International Tracing Service (ITS) located at Bad Arolsen, Germany;

(2) commends the countries that have committed to expedite the process of releasing the archives and expects those countries to abide by their commitments;

(3) strongly urges all countries that have to yet to ratify the amendments to abide by the treaty obligations made in May 2006 and to expedite the ratification of the amendments;

(4) strongly urges all member countries of the International Commission of the ITS to consider the short time left to Holocaust survivors and unanimously consent to open the ITS archives should all countries not ratify the amendments by May 2007;

(5) expresses the hope that bureaucratic and diplomatic processes will not further delay this process; and

(6) refuses to forget the murder of 6,000,000 Jews and more than 5,000,000 other victims during the Holocaust by Nazi perpetrators and their collaborators.

DESIGNATING APRIL 30, 2007, AS "DIA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS"

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 177.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 177) designating April 30, 2007, as "Dia de los Niños: Celebrating Young Americans," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 177) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 177

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate "Día de los Niños", or "Day of the Children" on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States;

Whereas children are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on this day, and wish to share this custom with the rest of the Nation;

Whereas it is projected that by the year 2050, 1 in 4 Americans will be of Hispanic descent, and currently approximately 12,300,000 Hispanic children live in the United States;

Whereas traditional Hispanic family life centers largely on children;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas more than 500,000 children drop out of school each year, 138,000 of whom are Hispanic, and these dropout rates are unacceptably high;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and encourage children to explore, develop confidence, and pursue their dreams;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their dreams and aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the country to declare April 30 as "Día de los Niños: Celebrating Young Americans"—a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society—their curiosity, laughter, faith, energy, spirit, hopes, and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2007, as "Día de los Niños: Celebrating Young Americans"; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the United States to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength—the will and fire of the human spirit—to make their dreams come true.

THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the consideration of the following calendar items: Calendar No. 121, S. Res. 116; Calendar No. 122, S. Res. 125; Calendar No. 123, S. Res. 146; and Calendar No. 124, S. Res. 162.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. I ask unanimous consent that the resolutions be agreed to en bloc; the amendment to the preamble, where applicable, be agreed to; the preambles, as amended if amended, be agreed to en bloc; the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DESIGNATING MAY 2007 AS "NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH"

The resolution (S. Res. 116) designating May 2007 as "National Autoimmune Diseases Awareness Month," and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 116

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of the people affected are women, and the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than $100,000,000,000 and there are over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas, because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than $50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, to increase understanding of the root causes of these diseases rather treating the symptoms after the disease has had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating May 2007 as "National Autoimmune Diseases Awareness Month" would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 2007 as "National Autoimmune Diseases Awareness Month";

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

ENDANGERED SPECIES DAY

The resolution (S. Res. 125) designating May 18, 2007, as "Endangered Species Day," and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 125

Whereas in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas two-thirds of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical for habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 18, 2007, as "Endangered Species Day"; and

(2) encourages—

(A) educational entities to spend at least 30 minutes on Endangered Species Day teaching and informing students about threats to, and the restoration of, endangered species around the world, including the essential role of private landowners and private stewardship to the protection and recovery of species;

(B) organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate on educational information for use in schools; and

(C) the people of the United States to observe the day with appropriate ceremonies and activities.

DESIGNATING JUNE 20, 2007, AS "AMERICAN EAGLE DAY"

The resolution (S. Res. 146) Designating June 20, 2007, as "American Eagle Day," and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, was agreed to; as follows:

S. Res. 146

Whereas, the bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress;

Whereas, the bald eagle is the central image used in the Great Seal of the United States and the seals of the President and Vice President;

Whereas, the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) Congress;

(2) the Supreme Court;

(3) the Department of Defense;

(4) the Department of the Treasury;

(5) the Department of Justice;

(6) the Department of State;

(7) the Department of Commerce;

(8) the Department of Homeland Security;

(9) the Department of Veterans Affairs;

(10) the Department of Labor;

(11) the Department of Health and Human Services;

(12) the Department of Energy;

(13) the Department of Housing and Urban Development;

(14) the Central Intelligence Agency; and

(15) the United States Postal Service;

Whereas, the bald eagle is an inspiring symbol of the American spirit of freedom and democracy;

Whereas, the image, meaning, and symbolism of the bald eagle have played a significant role in American art, music, history, literature, architecture, and culture since the founding of our Nation;

Whereas, the bald eagle is featured prominently on United States stamps, currency, and coinage;

Whereas, the habitat of bald eagles exists only in North America;

Whereas, by 1963, the number of nesting pairs of bald eagles in the lower 48 States had dropped to about 417;

Whereas, the bald eagle was first listed as an endangered species in 1967 under the Endangered Species Preservation Act, the Federal law that preceded the Endangered Species Act of 1973;

Whereas, caring and concerned citizens of the United States in the private and public sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens, bald eagles were removed from the "endangered" species list and upgraded to the less imperiled "threatened" status under the Endangered Species Act of 1973;

Whereas, by 2006, the number of bald eagles in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, the administration is likely to officially delist the bald eagle from both the "endangered" and "threatened" species lists under the Endangered Species Act of 1973, with a final decision expected no later than June 29, 2007;

Whereas, if delisted under the Endangered Species Act of 1973, bald eagles should be provided strong protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act;

Whereas, bald eagles would have been permanently extinct if not for vigilant conservation efforts of concerned citizens and strict protection laws;

Whereas, the dramatic recovery of the bald eagle population is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas, the initial recovery of the bald eagle population was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas, the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs, to ensure that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2007, as "American Eagle Day"; and

(2) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate on education information for use in schools; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

Mr. LEAHY. Mr. President, I am pleased that today the Senate has agreed to S. Res. 146, a bipartisan resolution establishing a national American Eagle Day, on June 20, 2007, the day the bald eagle was selected as our national emblem during the Second Continental Congress in 1782. I am delighted that the bald eagle is scheduled to be "delisted" from the Endangered Species Act on June 20 of this year. I commend Senators ALEXANDER and BYRD for their work on this resolution.

The bald eagle has been protected under Federal law since Congress passed the Bald and Golden Eagle Protection Act in 1940. This law prohibits the taking, possessing, or commerce of both bald and golden eagles. The Endangered Species Act of 1973 reinforced protection of the bald eagle. I am a longtime supporter of the Endangered Species Act, a landmark environmental law that provides crucial protection to fish and wildlife on the verge of extinction.

Vermont is actually one of the only States in the continental United States without nesting bald eagles. Senator JEFFORDS funded a program about three years ago where orphaned or threatened nestlings were relocated from sites between Maryland and Maine to nests in the Dead Creek State wildlife management area in Addison County, VT, along Lake Champlain.

About 25 individual birds were successfully raised and released from nests there. While eagles usually return to nest in the general area where they were nestlings, it can take up to 4 years. Vermont fish and wildlife staff are closely monitoring the effort to see if Vermont will be successful in joining other states as a home to the bald eagle.

I support the passage of this resolution, which would allow all of us to celebrate the successful recovery of the bald eagle, and to remember the freedoms and ideals that the eagle represents as a symbol of our country.

SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

The Senate proceeded to consider the resolution (S. Res. 162) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

Mr. LEAHY. Mr. President, I am pleased the Senate is considering today a bipartisan resolution to designate May 15, 2007, as National Peace Officers Memorial Day that Senator SPECTER and I introduced along with the majority leader, and Senators BIDEN, GRASSLEY, CORNYN, STABENOW, MENENDEZ, DURBIN, KOHL, KENNEDY and BROWNBACK. Last week, the Judiciary Committee favorably reported this resolution unanimously. I thank all members of the Judiciary Committee and the cosponsors on this bipartisan resolution for their support in recognizing the sacrifices that law enforcement officers make each day for the American people.

This is now the eleventh year running that I have been involved in this resolution to honor the sacrifice and commitment of those law enforcement officers who give their lives serving their communities. For many years I introduced this resolution with my friend Senator CAMPBELL, a former deputy sheriff. Both SENATOR CAMPBELL, and I, as a former prosecutor, witnessed firsthand the risks faced by law enforcement officers every day while they serve and protect our communities. I am pleased that Senator SPECTER, himself a former prosecutor, former chair of the Judiciary Committee, and now our ranking member, has become the lead Republican sponsor of this bipartisan measure.

Currently, more than 870,000 men and women who guard our communities do so at great risk. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country, and is a tragic reminder of how important it is for the Congress to provide all of the resources necessary to protect officers in the line of duty.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers who have made the ultimate sacrifice. We are fortunate in Vermont that we rank as the State with the fewest officer deaths in history. With 19 deaths, however, that is 19 deaths too many. In 2006, 147 law enforcement officers died while serving in the line of duty, well below the decade-long average of 165 deaths annually, and a drop from 2005 when 156 officers were killed. That is 147 officers too many. We need to continue our support for better equipment and the increased use of bullet-resistant vests, improved training, and advanced emergency medical care. I hope as the 110th Congress moves forward that all Senators can work together to ensure that all of our law enforcement officers and their families have the full support and the resources they need from the Federal Government.

I am proud of the work I have been involved in to help make it safer on the beat for our officers. Back in 1998, Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act in response to the tragic Carl Drega shootout on the Vermont-New Hampshire border, in which two State troopers who lacked bulletproof vests were killed. Since then, we have successfully reauthorized this program three more times: In the Bulletproof Vest Partnership Grant Act of 2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at $50 million per year through fiscal year 2009 to help State, tribal and local jurisdictions purchase armor vests for use by law enforcement officers. I have already begun to work with my colleagues to make sure that the bulletproof vest partnership grant program is fully funded this year. Bulletproof vests have saved the lives of thousands of officers and are a fundamental line of defense that no officer should be without. I know I am not alone in calling for the Senate to fully fund the bulletproof vest partnership program and I hope the Congress agrees that it is crucially important that we provide the funding authorized for this program. Hundreds of thousands of police officers are counting on us.

I am also pleased to join with Senator REED and others to introduce the Equity in Law Enforcement Act, which will provide parity in Federal benefits for law enforcement officers working in private educational institutions and for our Nation's rail carriers. Among these benefits are access to grants under the bulletproof vest partnership, and survivor benefits. All of the men and women who serve our society as law enforcement officers should be equally entitled to all of the benefits the Federal Government provides, no matter where they serve.

I think we can all agree that the men and women in law enforcement who have sacrificed for our safety deserve our deep gratitude and respect. National Peace Officers Memorial Day will offer the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by our police forces.

Our Nation's law enforcement officers deserve our commitment to protect those who help keep us all safe. They are the real-life heroes; too many of whom too often make the ultimate sacrifice. It is important to support and respect our State and local police officers and all of our first responders, and to recognize their role in upholding the rule of law and keeping our Nation's citizens safe and secure. During the week of May 13, more than 20,000 peace officers are expected to gather in

Washington to join with the families of their fallen comrades. I thank the Senate for joining in honoring their service and passing this bipartisan resolution.

The amendment (No. 1007) was agreed to, as follows:

AMENDMENT NO. 1007

On page 2, strike the first whereas clause and insert:

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

The resolution (S. Res. 162) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 162

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 147 peace officers across the United States were killed in the line of duty during 2006, which is below the decade-long annual average of 167 deaths;

Whereas a number of factors contributed to this reduction in deaths, including—

(1) better equipment and increased use of bullet-resistant vests;

(2) improved training;

(3) longer prison terms for violent offenders; and

(4) advanced emergency medical care;

Whereas every other day, 1 out of every 16 peace officers is assaulted, 1 out of every 56 peace officers is injured, and 1 out of every 5,500 peace officers is killed in the line of duty somewhere in the United States; and

Whereas on May 15, 2007, more than 20,000 peace officers are expected to gather in Washington, D.C., to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2007, as "Peace Officers Memorial Day", in honor of the Federal, State, and local officers that have been killed or disabled in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremonies and respect.

ORDERS FOR WEDNESDAY, MAY 2, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, May 2; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with the first half controlled by the majority and the final portion under the control of the Republicans; that at the close of morning business the Senate then resume consideration of S. 1082, and the mandatory quorum call under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate this evening, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Wednesday, May 2, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 1, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. WELCH of Vermont).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 2007.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

PAUL WOLFOWITZ

Mr. COBLE. I thank the Speaker.

Mr. Speaker, in this town when a Democrat screws up, Democrats are reluctant to criticize. By the same token, when a Republican screws up, Republicans are reluctant to criticize. Today, Mr. Speaker, I intend to depart from this accepted practice and direct attention—if not criticism—to the World Bank matter.

Mr. Paul Wolfowitz was one of the architects of the war in Iraq. He was generally awarded low marks for his Iraqi performance. Then he was subsequently elevated to the presidency of the World Bank. Allegations of mismanagement of the World Bank under Mr. Wolfowitz's leadership have recently been prominently reported.

The Congress may or may not become involved, and the two House committees on which I sit—Transportation and Judiciary—likely will not become involved, nor am I accusing Mr. Wolfowitz of wrongdoing. That is for the appropriate World Bank panel to resolve.

Mr. Speaker, if it is determined in fact that mismanagement did occur on President Wolfowitz's watch, I suppose two options would follow: his resignation or his retention. If the latter, the appropriate World Bank panel may consider attaching a shorter, tighter leash to Mr. Wolfowitz because the present leash—if there is a leash at all—appears to be inadequate. But based upon my limited familiarity with facts surrounding the World Bank matter, I opt for the retention of Mr. Wolfowitz in lieu of his resignation.

His questionable and misguided leadership regarding the Iraqi War, plus the allegations of mismanagement at the World Bank under his watch notwithstanding, Paul Wolfowitz has made significant contributions during his years of public service and probably deserves another chance with the aforementioned leash permanently attached.

Meanwhile, Mr. Speaker, if Members of the Congress openly criticize members of our own party—especially members of our own party—when criticism is warranted, I believe our constituents will applaud such objectivity. And I furthermore believe, Mr. Speaker, that fewer accusations of screw-ups, mischief, mismanagement and scandal will be voiced and hopefully fewer acts of screw-ups, mischief, mismanagement and scandals will be practiced.

Mr. Speaker, on that optimistic note, I conclude and yield back the balance of my time.

IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Well, President Bush and Vice President CHENEY have made much on the talk shows of the last 2 weeks saying the Congress—the Democrats—are trying change direction in Iraq and should listen to the military professionals. Now, if only this administration had taken its own advice. If they had listened to the military professionals and the intelligence professionals, we would never have gone to war in Iraq. The trail of this administration to the sad fourth anniversary of Mission Accomplished is littered with professional, military and intelligence advice that was either ignored, discarded or deliberately distorted.

There were no links to 9/11 and al Qaeda. That was recently declassified in a report on April 6 of this year.

There were no weapons of mass destruction, despite statements from the likes of Vice President CHENEY. "We believe Saddam has in fact reconstituted nuclear weapons." 3/16/2003.

The war has drug on for 4 long years since the President—dressed as a fake fighter jock—landed on the deck of an aircraft carrier and declared Mission Accomplished. Since that day, more than two U.S. soldiers have died every day for 1,460 days. Three thousand three hundred forty-two have died, 3,205 since George Bush proclaimed mission accomplished.

Now, they have been so wrong all along with their inside advice, their made-up intelligence, their own neocon theories. They were wrong about, again, "We will, in fact, be greeted as liberators. I think it will go relatively quickly, weeks rather than months." Vice President CHENEY. 3/16/2003.

"We're dealing with a country that can finance its own reconstruction and relatively soon." 3/27/2003, Deputy Secretary Wolfowitz, who was promoted to the World Bank so he could get his girlfriend a job. He was kind of wrong, too.

Now the scandals are unfolding about what little reconstruction has been done and how poorly it was done. But Halliburton has benefited tremendously—over $25 billion of no-bid contracts which has probably boosted Vice President CHENEY's portfolio quite a bit. So there have been some successes in this effort.

Our troops have done everything that was asked, many of them now on their second and third tour of duty. They are mired in the midst of a 1,400-year-old sectarian conflict—a civil war. The Iraqi government has delivered on no promises to take meaningful steps to end that civil war. There is not a singular military solution to this conflict. There must be a political solution in Iraq. There must be diplomacy in the region. And yes to the President and the Vice President—we need a new direction.

And this Congress is listening to the professionals. Unfortunately, mostly we have to hear from the retired generals and the others because those who are still in uniform are being gagged by this administration from giving their true opinions about the changes that are necessary to extract our troops from the midst of that conflict.

This is a sad fourth anniversary. But it is the first anniversary of attempts by this Congress to stand up for its constitutional obligations and begin to try and change course, to end the stay-the-course, open-ended commitment of

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

George Bush and Dick Cheney who have been wrong every step of the way.

Someone else needs to push for change in Iraq, because it will never come from this White House.

GEORGE SCHAEFER

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Kentucky (Mr. Davis) is recognized during morning hour debates for 2 minutes.

Mr. DAVIS of Kentucky. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to honor a distinguished businessman, philanthropist, decorated military officer, fellow West Point graduate and a pillar of our community in northern Kentucky and Cincinnati.

Later this month Mr. George Schaefer will retire from his position at Fifth Third Bank. Beginning as a management trainee in 1971 after completing his service in the Army, George rose through the ranks at Fifth Third and helped the company to grow into one of the largest financial institutions and bank holding companies in the United States.

As George's career grew, so too did his commitment to making the entire Cincinnati metropolitan region a better place to live, work and go to school. He has raised millions of dollars for the United Way and the Cincinnati Fine Arts Fund. For 12 years, he sat on the board of trustees of the University of Cincinnati where he helped the University grow into one of the Nation's premier educational institutions.

George, while your talents and leadership will surely be missed at Fifth Third, I know that your inspired work in the community will continue. I wish to thank you and your wife Betty Ann for all of your service and wish you the best as you embark on this new chapter in your life.

Thank you for your service to our Nation in uniform, for answering the Nation's call. Thank you for your contributions to our community. Thank you for pouring yourself into so many aspects to improve the quality of lives for our communities in northern Kentucky and the greater Cincinnati area and every city where Fifth Third is involved.

We are grateful for that commitment, for the example of service and your upholding the values that we both share of duty, honor and country.

HONORING NICK POLIZZOTTO

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Indiana (Mr. Donnelly) is recognized during morning hour debates for 2 minutes.

Mr. DONNELLY. Thank you, Mr. Speaker.

I rise today in tribute to Corporal Nick Polizzotto, 9-year veteran of the South Bend Police Department who gave his life in the line of duty. For the people of South Bend, Indiana, Corporal Polizzotto is our hero.

On April 24th, 2007, a report of gunshots brought Corporal Polizzotto and his partner, Patrolman Michael Norby, to a local motel. There at 1:37 a.m. an armed suspect shot both policemen, killing Corporal Polizzotto and wounding Patrolman Norby. Patrolman Norby credits Corporal Polizzotto with saving his life.

Our community has lost a beloved family member, a generous friend, a devoted father, and a dedicated protector. Often described as having a heart of gold, he proudly wore his uniform and bravely patrolled the streets of our city until making the ultimate sacrifice.

Born and raised in South Bend, Nick always wanted to be a police officer. During his many years as a South Bend officer, he received 18 commendations and was officer of the month in 2006.

Corporal Polizzotto leaves behind his parents, his wonderful son Joe and Joe's mom Michelle, a brother Tony, a sister Amy and countless relatives and friends who loved him. South Bend has lost a brave guardian.

Mr. Speaker, we grieve for our hero, Corporal Nick Polizzotto. May God welcome him home and give comfort to his family and friends.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 44 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. Jackson-Lee of Texas) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, great provider and bulwark of justice, listen to our prayers today as we pray for all those who by their daily labor build Your kingdom and establish relationships that will last.

Created in Your image and commissioned to be stewards of creation, guide the judgments of our minds and the precision of our hands that the work of this day may give You glory and serve the needs of our sisters and brothers.

Since we look upon the whole universe in relation to You, order all the endeavors of the human family to benefit the least in our midst and realize Your gracious plan at work in our humble service.

To You be praise, glory, and honor now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore.. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. Gingrey) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO THE COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE JUANITA MILLENDER-McDONALD

The SPEAKER pro tempore. Pursuant to House Resolution 328, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Honorable Juanita Millender-McDonald:

The gentleman from California, Mr. Stark

The gentlewoman from California, Ms. Pelosi, and the members of the California delegation:

Mr. George Miller
Mr. Waxman
Mr. Lewis
Mr. Dreier
Mr. Hunter
Mr. Lantos
Mr. Berman
Mr. Gallegly
Mr. Herger
Mr. Rohrabacher
Mr. Doolittle
Ms. Waters
Mr. Becerra
Mr. Calvert
Ms. Eshoo
Mr. Filner
Mr. McKeon
Ms. Roybal-Allard
Mr. Royce
Ms. Woolsey
Mr. Farr
Ms. Zoe Lofgren
Mr. Radanovich
Mr. Sherman
Ms. Loretta Sanchez
Mrs. Tauscher
Mrs. Capps

Mrs. BONO
Ms. LEE
Mr. GARY G. MILLER
Mrs. NAPOLITANO
Mr. THOMPSON
Mr. BACA
Ms. HARMAN
Mrs. DAVIS
Mr. HONDA
Mr. ISSA
Mr. SCHIFF
Ms. SOLIS
Ms. WATSON
Mr. CARDOZA
Mr. NUNES
Ms. LINDA T. SÁNCHEZ
Mr. DANIEL E. LUNGREN
Mr. COSTA
Ms. MATSUI
Mr. CAMPBELL
Mr. BILBRAY
Mr. MCCARTHY
Mr. MCNERNEY, and
Mr. CONYERS, Michigan
Mr. LEWIS, Georgia
Mr. FALEOMAVAEGA, American Samoa
Mr. MCDERMOTT, Washington
Ms. NORTON, District of Columbia
Mr. JEFFERSON, Louisiana
Mr. BISHOP, Georgia
Ms. CORRINE BROWN, Florida
Ms. EDDIE BERNICE JOHNSON, Texas
Mr. SCOTT, Virginia
Mr. WATT, North Carolina
Mr. THOMPSON, Mississippi
Ms. JACKSON-LEE, Texas
Mr. CUMMINGS, Maryland
Mr. HINOJOSA, Texas
Ms. KILPATRICK, Michigan
Mr. KUCINICH, Ohio
Mr. MEEKS, New York
Ms. BERKLEY, Nevada
Mr. GONZALEZ, Texas
Mr. HOLT, New Jersey
Mrs. JONES, Ohio
Mr. DAVIS, Alabama
Mr. MEEK, Florida
Mr. SCOTT, Georgia
Mr. BUTTERFIELD, North Carolina
Mr. CLEAVER, Missouri
Mr. AL GREEN, Texas
Ms. MOORE, Wisconsin
Ms. CLARKE, New York
Mr. ELLISON, Minnesota
Mr. JOHNSON, Georgia

MISSION ACCOMPLISHED

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Today is the fourth anniversary of the President of the United States announcing "Mission Accomplished." It is also the day of the publication of a book called "The Life and Times of Warren Zevon," a biography of a dear friend of mine who was a late, great singer/song writer. I wanted to address both topics, and I think I can do it together.

Four years ago, when the President announced "Mission Accomplished," he was right if he was talking about Saddam Hussein's government being toppled; but otherwise, he was wrong and he has been channeling Warren Zevon who said, "I'm caught between a rock and a hard place. Send lawyers, guns, and money. The Shiites have hit the fan."

Warren Zevon, requiescat in pace. Mr. President, please sign the bill the Congress has given you to end this war, to end the occupation, and to bring our troops home.

WE MUST PROVIDE FOR OUR TROOPS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, just this morning we received reports that the al Qaeda leader in Iraq has been killed. Despite such signs that support for the terrorist group in Iraq is fading, Democrats in Congress continue to advocate retreat and defeat. Fortunately for American families and our troops in the battlefield, we have a Commander in Chief who understands that victory is essential. As the Washington Post has editorialized: "America's defeat will lead to catastrophic civilian deaths, the reestablishment of terrorist training camps, and possibly a regional war. We must face the terrorists overseas, or we will face them again in the streets of America."

Our Nation is at war. Our troops are bravely serving their country. We have a responsibility to provide for their well-being. I support President Bush's pending veto and look forward to passing a clean supplemental bill that fully funds our soldiers' mission of protecting American families.

In conclusion, God bless our troops, and we will never forget September 11.

A NEW DIRECTION

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Madam Speaker, 4 years ago, the President declared victory onboard the *Abraham Lincoln*.

Indeed, our troops have performed valiantly and achieved military victory. There is no question about that or their performance. But 4 years later, we find ourselves still in a quagmire, a quagmire that even the head of the CIA said was now all trumped up with misinformation, misled the country, sacrificing brave men and women and their lives in Iraq.

What we need is for the President to step up and recognize what the American people are calling for: a new direction. Refocus on Afghanistan, go after the terrorists where they are, go after Osama bin Laden, the people who actually took down the tower, and end this quagmire. And the only reason that we are there and continue to lose lives, because there is no mission other than arrogance and hubris that has led this President to stay this course in spite of the sacrifice by our brave troops and men, when 61 percent of the Iraqi people say it is okay to kill Americans, that sectarian violence is okay, and in the midst of the civil war is not where we belong.

IRAQ SUPPLEMENT

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, indeed it is an anniversary. It's about the 80th-day anniversary since the President asked for funding for our troops. Madam Speaker, I rise today in strong opposition to the theatrics the Democratic majority is trying to pass off as some kind of policy.

Today, Speaker PELOSI will stage an elaborate and politically timed signing ceremony for the Iraq troop withdrawal bill Congress passed 5 days ago. As President Bush has already vowed to veto this irresponsible legislation, Speaker PELOSI's theatrics are simply slowing down the process of getting much needed funding and money to our troops.

Let me remind the American people that our warfighters have been waiting nearly 3 months for Congress to pass the President's requested supplemental funding for the war. The Democratic leader might think a few days here don't mean much, don't matter much. Every day they stall to appease left-wing activists is another day our military must wait for the funding it needs to win this war.

Madam Speaker, I admonish Speaker PELOSI to quit playing politics with our national security. Let Congress vote on a clean funding bill for our troops. The Democratic leaders may be content to lose the war, but the troops are in harm's way, and they certainly will not lose this war.

THE PRESIDENT NEEDS OUR HELP

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I rise today to remind everyone here and throughout the country that our President needs our help. The President needs our help to support our troops before, during, and after serving in harm's way, and to guarantee our soldiers receive everything necessary to heal their wounds from battles fought on our behalf.

The President needs our help to fulfill Abe Lincoln's promise to our veterans, to care for him who shall have borne the battle and for his widow and orphans. The President needs our help to hold the freely elected Iraqi Government accountable to his own benchmarks. And the President needs our help to accept the new direction away from Iraq back towards al Qaeda.

The people of Wisconsin urge the President to sign the Iraqi Accountability Act, for in doing so he will be able to once again tell our troops and all the American people: "Mission Accomplished."

Mr. President, the American people hope you will accept our help.

IRAQ SUPPLEMENTAL—THE WRONG WAY FORWARD

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, the Democrats' Iraq supplemental bill is the wrong policy for America and the wrong signal to send our troops in harm's way.

The Democrats' attempt to micromanage the war accomplishes nothing of strategic value. Rather, by meddling in the decisions which are best left to our commanders on the ground, they merely succeeded in telegraphing our plans to the enemy.

Setting deadlines and tying the hands of our generals is not a plan for success and not a safe way to conduct this war. Congress, an inherent political body, should not be dictating military strategy. Rather than support a bill that leaves our troops in harm's way for a cause Democrats believe cannot be won, a bill the President has promised to veto, the Democratic leaders should be willing to vote up or down on a clean bill that supports funding the global war on terrorism.

TIME FOR A CHANGE IN COURSE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The Republican minority would say take the advice of the professionals. Well, if this administration had taken the advice of the military professionals, remember General Shinseki, "400,000 troops on the ground or you'll have an insurgency," they fired him because he talked about reality.

From day one they've been dumb: firing Shinseki; delusional: "we'll be greeted as liberators" and the war will be short; and deliberately deceptive: Saddam Hussein had links to 9/11 and they had weapons of mass destruction.

It's time for a change in course. They want status quo, stay the course. It's not working. Our troops are mired in the middle of a civil war. Someone needs to take the role of leadership here. It's not going to be Bush and CHENEY. It can be the United States Congress reasserting itself as a third coequal branch of government and the only branch which has the authority to declare war and set limits. Yes, set limits on a war, and bring it to an end.

IRAQ SUPPLEMENTAL

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Madam Speaker, House Republicans believe that our commanders on the ground in Iraq deserve to have the resources and flexibility they need to lead our troops in harm's way during this critical phase of their mission.

On the other hand, Washington Democrats would rather use our troops to make a political statement than work in a bipartisan fashion to get our brave men and women in uniform the funding they need to succeed in their mission.

I thought the San Diego Union Tribune made a good point in an editorial stating: "And even though this sham bill is merely a political show, the Democratic majorities in the House and Senate managed to lard it up in nearly $25 billion in wasteful pork, most of it entirely unrelated to war funding."

It's time the Democratic leadership send the President a clean supplemental. It is simply unacceptable for Democrat leaders to restrict the necessary funds our troops need so political points can be scored with their defeatist base.

MISSION ACCOMPLISHED

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, 4 years ago, the President declared: "Mission Accomplished." I would ask the President, Madam Speaker, whose mission was accomplished by the invasion and occupation of Iraq? Was Halliburton's mission accomplished? Was the oil companies' mission accomplished? Was the defense contractors' mission accomplished?

I was at Arlington Cemetery this morning where so many of our brave young men and women responded to the call of duty. Their mission was to put their lives on the line for America. They accomplished their mission. This Congress has not accomplished its mission.

We must stop funding the war. We must end the occupation. We must use the money in the pipeline to bring our troops home. We must reach out to the nations of the region to create an international peacekeeping and security force to stabilize Iraq. And we must bring to justice under our Constitution and under the laws of this Nation those in high office who took us into a war based on lies. Then we will have accomplished our mission. Then we will have restored America's honor, America's greatness.

☐ 1215

U.S. COURTS VS. WORLD COURT

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, teenagers Jennifer Ertman and Elizabeth Pena were viciously raped, beaten, strangled and stomped to death by six gang members in Houston in 1993. One of these killers, Mexican national Jose Ernesto Medellin, was given the death penalty. But the World Court claims that Medellin was denied access to the Mexican consulate during his arrest. The U.S. administration sided with the World Court in Mexico and ordered Texas to hold a new hearing for Medellin based on a treaty the United States signed in 1969. But the Texas court, highest Texas court, ruled 9–0 the administration had no constitutional authority to order Texas courts to do anything; upheld the conviction, ordered the execution, especially because Medellin never objected at trial that he did not see his consulate. The killer, with the support of the administration and Mexico, has appealed the Texas court decision to the United States Supreme Court. One wonders why the administration is siding with Mexico over the American court system.

Madam Speaker, the ironic thing is the United States has withdrawn the consulate treaty provision. The United States justice system and the sovereignty of the United States Constitution should be paramount to the wishes of Mexico, the World Court and the administration. The Supreme Court should uphold this valid conviction and not give in to the wishes of Foreign Courts.

And that's just the way it is.

EITHER WE DO OUR JOB OR WE DON'T

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Last week, the Government Reform and Oversight Committee voted to subpoena Secretary Rice and it was faced, the committee, with a simple question. We could do our job or not.

There is no question, no question that the intelligence used by the administration to justify the war in Iraq was dead wrong. Secretary Rice was the administration's principal spokesperson, and under her leadership the administration was certain but wrong about the Niger claim; certain but wrong about the aluminum tubes, certain but wrong about the al Qaeda connection, about the mobile labs, about unmanned aerial vehicles. And there are now three questions that Congress must answer. How did the White House and Secretary Rice have such confidence they were so right when, in fact, they were so wrong? How can we protect the American people and U.S. military from such misinformation in the future? And was the administration's active dissemination of bad intelligence premeditated and deliberate, done with the intention to deceive the American people, or was it reckless and cavalier, done to justify a decision to go to war that had already been made?

MISSION ACCOMPLISHED

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. As we've heard this morning, Madam Speaker, 4 years ago today, aboard the USS *Abraham Lincoln*, President Bush gave a speech. Now, it has been characterized by Members of Congress this morning that the President "announced 'mission accomplished.' " And one other speaker said that the President "declared 'mission accomplished.' " Actually, here's what the President said, and I am quoting: "We have difficult work to do in Iraq. We're bringing order to parts of the country that remain dangerous." But he added, "our mission continues. Al Qaeda is wounded, not destroyed. The enemies of freedom are not idle and neither are we, and we will continue to hunt down the enemy before he can strike."

The President said, "the battle of Iraq is one victory in a war of terror that began September 11 and still goes on."

As the President said 4 years ago, Madam Speaker, "our mission is not accomplished in Iraq or in the war on terror." So now is not the time to tie the funding for our troops to deadlines and defeat. Now is not the time for politicians in Washington, D.C. to micromanage and make decisions for our commanders in the field.

Mr. President, veto this bill.

IT'S TIME FOR SOME ACCOUNTABILITY IN IRAQ

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, today Congress will send President Bush an emergency war supplemental that finally begins moving this war in a new direction.

Four years ago today, the Bush administration sent out a message of "Mission Accomplished" in Iraq. But our mission was not accomplished. Instead, for 4 years, the President has stumbled, and past Republican Congresses refused to hold the administration accountable for its miscues and mistakes. Well, those days are over now.

Our legislation brings real accountability to the war. It provides accountability to our soldiers who were sent into battle without proper equipment or a clear mission. It provides accountability to our veterans who are not getting the best medical care when they come home, and to our military that is stretched to the limits by the current Bush war policy. And it finally holds the Iraqi government accountable to meet the benchmarks the President has created.

Madam Speaker, the American people want this war to move in a new direction. The President should sign the bill today.

DEMOCRAT DECLARATION OF DEFEAT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, we come to this floor as representatives of our constituents, of the American people. And I am astonished to hear some of the comments on this floor. We can disagree in terms of policies. We can disagree in terms of decisions, but to go from that to suggest lies, to suggest deception, to have a distinguished Member on the other side of the aisle say this past weekend that we ought to consider impeachment of the President, this declaration of defeat from the Democrats that is sent to the President's desk today ought to be vetoed by this President.

General Petraeus was here last week presenting to us his view of what's happening. And, frankly, I think General Petraeus has a better idea what we need to do than any other erstwhile general sitting here in the halls of Congress.

We can only have one Commander in Chief. We had a unanimous decision in the Senate to send General Petraeus there and yet, now you are trying to undercut his mission by this Democratic declaration of defeat.

Let us have the President veto it as soon as possible.

MISSION ACCOMPLISHED

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Madam Speaker, 4 years ago today, 4 long years ago today, we heard "Mission Accomplished." What mission? We are not even sure what the mission is anymore, the President has changed the mission so many times.

But I have to tell America the truth about this war. I sit on the Armed Services Committee, and I'm tired of hearing what I hear every hearing. What am I hearing? I'm hearing that the American military is strained to the breaking point. I'm hearing that 88 percent of our National Guard is not ready to be sent. I'm hearing that we're having problems with equipment. I'm hearing problems from military families. What I'm hearing is that at the top leadership, we have failed the military and we have failed the people of the United States. We need to get a grip on this.

The Democrats have presented the White House with a responsible exit from Iraq. We need leadership here. The President has failed to show that leadership, but the Democrats are prepared now to give that responsible road map out of Iraq.

I urge the President to sign this legislation.

WAR IS AN UGLY THING

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, you know, nobody likes war. I don't like it. My constituents from Fort Campbell that are fighting this war, they don't like it. But they understand it.

And we all know there are some things worth fighting for. Freedom is one of those things. Freedom is one of those things.

Listen to this from British historian John Stuart Mill. He said back in the 1800s, "War is an ugly thing, not the ugliest of things. The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse." People that don't care, that is what is worse.

Using our troops as a political tool during a time of war is not only wrong. It is ugly. It is downright ugly. It is wrong, and it jeopardizes our national security. Just yesterday, Iraq's Ambassador to the U.S. said American troops are critical to the success of that.

Today we stand and recognize the demise of al Masri, the leader of al Qaeda in Iraq. Tenacity. Focus. That is what yields results. Our men and women are getting results. It should be the first priority. We should all be reading this bill. We should recognize war is ugly.

Veto the bill, Mr. President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to the President.

HONORING THE CAREER AND RESEARCH ACCOMPLISHMENTS OF FRANCES E. ALLEN, THE 2006 RECIPIENT OF THE A.M. TURING AWARD

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Madam Speaker, on a different subject, regarding H. Con. Res. 95, I thank my colleague, Ms. WOOLSEY from California, for introducing this resolution honoring Dr. Frances Allen.

Through her years of groundbreaking work at IBM, Frances Allen has been described as a pioneer, teacher, mentor and friend, and I am proud to say a constituent of mine in New York's 19th District. Now, the A.M. Turing award winner can be added to that last list.

The A.M. Turing award is considered to be the Nobel Prize of computing, and I cannot think of an individual more deserving than Frances Allen. Her work has been groundbreaking; not an exaggeration to say it's been part of one of the great technological revolutions in history.

Over the course of her career, Frances Allen's long journey took her from a teacher of FORTRAN to a nationally recognized leader in computer science.

At IBM's T.J. Watson Research Center in Hawthorne, New York, her research and development of program languages and algorithms helped to create the theory of optimization and laid the foundation for much of today's compilers and high performance computing systems.

Her work has been a bridge from the theoretical to the practical in the computer science.

Just as her work has been pioneering, Frances herself has been a pioneer in advancing the role of women in computer science.

An Advisory Council Member of the Anita Borg Institute for Women in Technology, whose goal it is to increase the participation of women in all aspects of technology, she has worked tirelessly to help more women enter the field, and has served as a role model for women and men hoping to make new breakthroughs in computing.

In 1989, she was the first woman to be given prestigious title of IBM fellow. It would seem fitting then that she is also the first woman to receive the A.M. Turing award.

Described as a strong mentor, and noted for her willingness to lend her expertise, advice and experience to anyone, from a struggling graduate student to a university president to an industry executive. Through it all, she's been willing to stand up for what she believes in, and has had a remarkable career.

Dr. Allen is a great source of pride for the Hudson Valley, and I congratulate her for receiving the prestigious A.M. Turing award.

OPERATION HOMEFRONT MAKING A POSITIVE DIFFERENCE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, as the contentious and sometimes ugly debate over our strategy in Iraq continues here in Washington, it's important to remember that there are patriotic Americans helping with positive activity abroad and at home. And today it's my privilege to acknowledge the incredible work being done by some folks in my State of Georgia and all across this Nation. Operation Homefront is a national nonprofit organization founded in the wake of September 11. The decent and committed Americans at Operation Homefront are providing necessary assistance and comfort to our troops and their family.

Through financial assistance programs and other goods and services, these tireless volunteers are helping America's military families cope with the everyday difficulties that they face. They are truly making a difference.

Our military families deserve nothing less than the unending gratitude and support of our entire Nation. Thanks to Operation Homefront for their efforts. I encourage every American to get involved. And let's show our military men and women that we honor their sacrifice, and we will never forget all that they do to defend our freedom at home and abroad.

IRAQ

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, 4 years ago, President Bush used soldiers and sailors as stage props to declare "Major combat operations in Iraq have ended." Those combat operations indeed, should have ended, in fact, they should never have begun. This combat was constitutionally and strategically unjustifiable, operationally poorly executed with regard to armoring and deploying the troops, and politically and diplomatically disastrous.

This war is not making anyone safer or more free and it cannot be won militarily. As retired General Odom said, "The challenge we face today is not how to win in Iraq; it is how to recover from a strategic mistake: invading Iraq in the first place."

The President continues to squander American influence, blood and treasure. The President's intransigence is why our Congress was forced to pass a spending bill that forces a change in course in Iraq. The President needs to know that the days of congressional blank checks in support of a failed policy are over.

IRAQ SUPPLEMENTAL

(Mr. LAMBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMBORN. Madam Speaker, time is running out to send our troops the funds and resources they need to continue their critical mission in Iraq. It is time to pass a porkless supplemental bill aimed at victory rather than defeat.

The National Intelligence Estimate released in January warned of the perils of an early troop withdrawal stating, "If coalition forces were withdrawn rapidly during the term of this estimate, we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq."

Many on the other side of the aisle urge Congress to heed the other warnings in this document, yet they willfully ignore this particular warning. They prefer a strategy that would tie the hands of our military commanders on the ground, removing our troops and continuing a defeatist policy of cut and run.

It is obvious to me that Washington Democrats would exploit our troops to make a political statement rather than work in a bipartisan fashion to provide our brave men and women in uniform the funding they need.

Madam Speaker, it is time we vote a clean supplemental to give our troops the support they must have.

□ 1230

NEW DIRECTION IN IRAQ

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, it is absolutely correct: 4 years ago President Bush stood before this sign declaring "Mission Accomplished," but today he insists on staying the course. To accomplish our own mission, President Bush needs to listen. He needs to listen to the retired military generals who support the approach of this Congress.

Retired MG Paul Eaton said, "This bill gives General Petraeus great leverage for moving the Iraqi Government down the more disciplined path laid out by the Iraq Study Group.

LTG William Odom said, "The bill gives the President a chance to pull back from a disastrous course, reorient U.S. strategy to achieve regional stability, and win help from many other countries, the only way peace will eventually be achieved."

Major General Montano said the bill "not only reflects the thinking of the

Iraq Study Group but puts teeth to the phrase of 'supporting our troops.'"

Madam Speaker, the President needs to listen. He needs to listen to these retired generals.

And, Mr. President, I will not address you directly, but I would ask you, Madam Speaker, to allow me to say that the bill will be on his desk this afternoon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members on both sides of the aisle that they should refrain from trafficking the well while another is under recognition.

URGING A CLEAN IRAQ EMERGENCY SUPPLEMENTAL

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVID DAVIS of Tennessee. Madam Speaker, here we are again. Another week has gone by, and we are still discussing the Iraq emergency supplemental. The Democrats were successful in forwarding a strategy of cut and run, knowing the entire time their strategy would be vetoed by the President.

It is an ill-conceived idea to state you support the troops on the one hand while on the other hand you push forward with legislation that you know has no chance of gaining the President's support. I believe the Democrat leadership owes the American people an explanation of why they would do this.

Time is up and the Democrats need to come back to the realization that our troops don't deserve to be caught in the political mess between the radical left and the rest of the Democrat Party. It is time for a clean supplemental to come to the floor so that we can send the President a bill that supports our troops without handcuffing our generals and withdrawing our troops before this critical mission is complete.

THE IRAQ WAR

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, 4 years after the banner was unfurled, these are the missions that have been accomplished by the President:

America is more divided than at any time since the Vietnam War. The Iraq Government has before it a sweetheart deal that benefits Big Oil that the U.S. brokered behind the scenes. Read Josh Holland's investigative piece on alternet.com;

America is increasingly isolated in the Arab world, and countries that looked up to America now look out or look the other way. Read Rami Khouri's commentary published in the April 19 issue of the Daily Star in Lebanon;

The number of Pentagon contractors in Iraq who are profiting in the spoils of war, raking in vast sums of U.S. taxpayer money, nearly equals the number of U.S. soldiers. Read "Iraq War: a Nice Little Earner" in the Asia Times newspaper dated April 19;

Americans are so fed up with the President's state of denial that they returned Democratic majorities to the House and Senate last November. Read the April 26 editorial in my hometown newspaper, the Seattle PI: "Iraq: Keep Speaking Out."

Missions accomplished? All but the most important one: getting U.S. soldiers out of Iraq.

That is the will of the American people and the mission of the new Congress.

IT IS TIME THE DEMOCRAT LEADERSHIP PUT OUR TROOPS, NOT POLITICAL STATEMENTS, FIRST

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Madam Speaker, now that the Democrats have satisfied their base and passed a bill that is guaranteed to be vetoed and delayed the necessary funding for our troops, we need to get down to business and pass a clean supplemental.

Yesterday I received a letter from a marine mom. She said she was embarrassed and saddened by the fact that somebody would leave her son and those fighting forces that are doing such a wonderful job in harm's way without funding their needs as they fight the battle for freedom. This lady was heart broken that a portion of this Congress would vote not to provide a clean bill for her son's protection.

The Chicago Tribune editorial says that President Bush is going to veto this spending bill because it has a timetable for withdrawal, and it goes on to say: "He is right to do so."

We have a new commanding general on the ground and he has a plan, and that plan has not even started to be executed. We are already seeing modest improvements.

I urge my colleagues, and that marine mom urges my colleagues, to support a clean supplemental. It is time the Democrat leadership put our troops, not political statements, first.

THE IRAQ WAR

(Mr. MAHONEY of Florida asked and was given permission to address the House for 1 minute.)

Mr. MAHONEY of Florida. Madam Speaker, on Sunday in a speech at Miami Dade College, the President said to graduating students, "One of the great strengths of America is that the most important issues are decided by the will of the people."

Today, on the fourth anniversary of "Mission Accomplished," the President is faced with a choice: either listen to the will of the American people to refocus our strengths to win the war on terror by signing the emergency supplemental bill or continue to send our brave men and women into harm's way to police a religious civil war.

Madam Speaker, today the President will decide if he will veto our bill and, in doing so, deny critical funding for our troops and for our veterans. His veto will let our troops down by not giving them the rest, the equipment, and training they need.

Madam Speaker, today all Americans need to pray for our President. We need to pray for wisdom. We need to pray that he listens to his advisers, his generals, the Iraqi people. And, most importantly, we pray that he will listen to the will of the American people.

SEND THE PRESIDENT A CLEAN BILL THAT GIVES OUR TROOPS THE MONEY THEY NEED

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Madam Speaker, we've got the lights. We've got the cameras. We've got the characters for some fine political theater in the House of Representatives today.

Last week this Congress passed an ill-conceived, wrong-headed, ill-fated war funding bill, even though every Member of this House knew the President would veto it, even though our troops are on the front lines of a war awaiting this funding.

And while the troops face fire, the Democratic leaders fiddled. They slowed down the process even more by sitting on the bill for days.

Madam Speaker, it's time for the majority to change out of their costumes, take down the curtain, take their bow, and exit stage left because Americans don't want to see the last act of this Democratic script that calls for waving the white flag of surrender.

We owe it to our Nation and to our troops to change the ending of the story. Send the President a clean bill and give the troops the money they need to do the job. And they will be victorious.

PERSONAL EXPLANATION

Mr. McNULTY. Madam Speaker, last Thursday, April 26, on roll call No. 269, I missed the vote. Had I been present and voting, I would have voted in the affirmative.

URGING SUPPORT FOR A CLEAN IRAQ EMERGENCY SUPPLEMENTAL BILL

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Nebraska. Madam Speaker, it is my hope that we can come together and agree on an Iraq emergency supplemental that provides the resources our troops need without tying the hands of our generals and forcing them to adhere to unrealistic timetables.

Last week in a Chicago Tribune editorial, they stated: "President Bush will veto the war spending bill approved by Congress this week because it contains a timetable for withdrawing U.S. combat troops from Iraq. He is right to do so."

With a new commanding general on the ground and the surge strategy still ramping up, our troops deserve this chance to make progress, and we are starting to see signs in Iraq that things are modestly improving.

I urge my colleagues to support a clean supplemental and to encourage patience as we heard 4 years ago before we even went to Iraq that this would be a long time coming, that our ultimate goal in accomplishing victory in Iraq would take some time. We need to listen to those comments, and, again, I urge patience.

THE IRAQ EMERGENCY SUPPLEMENTAL

(Ms. SUTTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SUTTON. Madam Speaker, the American people have demanded a new direction in Iraq, and last week this Congress voted to put an end to the administration's failed stay-the-course policy.

The President should support our troops and sign this responsible bill instead of issuing veto threats that continue to ignore the reality of our troops' being caught in the middle of a civil war. It is ironic that we are expecting the President to veto this bill to bring our troops home 4 years to the day after he declared the job done in Iraq. It is time for accountability from the administration and from the Iraqi Government.

Our bill provides what the American people are demanding and what our troops need: a responsible policy that funds our troops, demands accountability from the administration and the Iraqi Government, and supports our veterans.

The President should listen to Congress. Sign this bill, take the funding, and accept accountability.

TIME IS RUNNING OUT: SEND OUR TROOPS THE FUNDS THEY NEED

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Madam Speaker, time is running out to send our troops the funds and resources they need to continue their critical mission in Iraq.

The new congressional majority ensured the veto the President promised by submitting a supplemental loaded with pork and a timeline for retreat on our commanders in the field. Now it's time to pass a clean supplemental.

The National Intelligence Estimate released in January warned of the perils of an early troop withdrawal, stating: "If coalition forces were withdrawn rapidly during the term of this estimate, we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq."

Many on the other side of the aisle urge Congress to heed the words in this document; yet they stare blindly at it as they force a strategy of retreat and defeat. This leads me to believe that the new congressional majority would rather use our troops to make a political statement than work in bipartisan fashion to give our brave men and women in uniform the funding they need.

It's time we vote on a clean supplemental and give the troops the support they deserve.

FOUR YEARS AGO IT WAS MISSION ACCOMPLISHED; NOW IT IS THE NEVER-ENDING, EVER-CHANGING MISSION

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, today we insist, we ask, the President to fund the troops by not vetoing this bill. We ask the President to sign the bill.

What has been described as pork is not pork. What it is, is money for traumatic brain injury. What it is, is money for veterans who are suffering, who have serious problems and serious needs for funding.

The President has received more money than he even asked for for these troops, and we insist and ask him to sign the bill so that the troops can get the money that they need. It is going to be on his desk. The funds that the President needs will be on his desk. And if the President vetoes the bill, it will be the President who denies the troops the funds that they need. The President must accept responsibility for denying the troops the help that they need, veterans the help that they need.

Madam Speaker, we urge the community to understand the truth about the situation, which is that a veto is undermining the troops.

□ 1245

IRAQ SUPPLEMENTAL

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Madam Speaker, our enemies are listening, and they are planning on our actions today, just like the North Vietnamese did decades ago. And don't believe me, but listen to the words of Colonel Bui Tin, who served on the general's staff of the North Vietnamese Army and received the unconditional surrender of South Vietnam on April 30, 1975.

In an interview with The Wall Street Journal in 1995, he drew some important parallels to the debate today. When asked how the North Vietnamese intended to defeat America, Colonel Tin responded, "by fighting a long war which would break their will to help South Vietnam." He went on to quote Ho Chi Minh, who said, "We don't need to win military victories, we only need to hit them until they give up and get out." Colonel Tin said the American antiwar movement was essential to their strategy. He said it represented the conscience of America and the conscience of America was part of its war-making capability, and we were turning that power in our favor.

Through protests, America lost its ability to mobilize a will to win. That is what this supplemental does here today. Let's listen to the past and not repeat its mistakes. Let's pass a clean bill and give our soldiers what they need to win.

IRAQ TIMETABLE AND FUNDING

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, I would just like to say that there has been a lot of talk about Democrats cutting and running and not helping our troops. Well, I would like to clarify the record on my own behalf.

Just a month ago, I had an opportunity, with four other Members of Congress, to visit Iraq, to visit our soldiers. I met with many, many platoons and individuals representing my State of California. We are there working hard. We need to support those troops.

Indeed, many of them said that they have been on their second and third tours. They were exhausted. They wanted to come home and see their families. One young man told me he hadn't even seen his child, who had been born 18 months already. Several of them told me that they did not have adequate equipment. And I said please explain that. "Well, ma'am, we don't have light bulbs." "What do you need light bulbs for?" "We need light bulbs for our vehicles. When we go into town and we are checking for explosive devices, we have vehicles that are not adequately equipped."

In addition, with the escalation going on right now, they are having to share their equipment with the troops that are coming in. That is shameful. That is what this administration has done to our troops.

Democrats are asking for a signature on the supplemental because we care about those troops and we care about the benefits that they deserve.

FOUR YEAR ANNIVERSARY OF "MISSION ACCOMPLISHED"

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Madam Speaker, 1,460 days ago, we had lost 139 troops, brave men and women, in Iraq. 1,460 days later, Sergeant Michael Hullender from my district, from Little Falls, New Jersey, died on Saturday when an IED detonated near his patrol. He is one of 3,214 more troops that have died since supposedly major operations would cease.

The President made the Iraqi people believe that a new day of democracy was dawning and that brighter times lay ahead. Even the reconstruction of Iraq has gone awry. Even the reconstruction has been bought by the filthy hands of contractors who are concerned only for profit.

The President made the American people believe that the war was over, that the thousands of sailors who stood on the deck of that aircraft carrier that day were coming home soon. They did not.

The President has an opportunity to mend his ways this afternoon. Let's see what he does.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HONORING THE CAREER AND RESEARCH ACCOMPLISHMENTS OF FRANCES E. ALLEN

Ms. WOOLSEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 95) honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 95

Whereas Frances Allen joined IBM in 1957 early in the history of the computer industry and just after an IBM team developed Fortran, one of the first high-level programming languages;

Whereas Frances Allen during her 45 year career at IBM rose from being a teacher of Fortran to highest level of IBM technologists;

Whereas in 1989 Frances Allen was the first woman to be named an IBM Fellow and in 1995 became President of the IBM Academy of Technology, a global organization of IBM technical leaders charged with providing technical advice to the company;

Whereas Frances Allen made fundamental contributions to the theory and practice of program optimization, which translates the users' problem-solving language statements;

Whereas Frances Allen's work led to remarkable advances in compiler design and machine architecture that are at the foundation of modern high-performance computing;

Whereas Frances Allen's unique dedication to meeting the needs of her customers led to IBM's innovation model;

Whereas Frances Allen is nationally renowned for her work in encouraging women to study computer science;

Whereas the Association for Computing Machinery, an international organization of computing professionals, gives the A.M. Turing Award annually to individuals whose contributions in the field of computing are long-lasting and are of major technical importance; and

Whereas Frances Allen has now been honored as the first woman recipient of the Turing Award, computer science's most prestigious award, which is equated by some to the Nobel Prizes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress honors the pioneering life work of Frances Allen in computer research and development and salutes the Turing Award Committee for recognizing, through the selection of Frances Allen, that creative women have contributed mightily to the development of this important field.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 95, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Con. Res. 95 honors a pioneer in the world of computing, Dr. Frances Allen, the first woman awarded the A.M. Turing Award by the Association for Computing Machinery, ACM. The Turing Award is widely considered to be the Nobel Prize of computing. By being the first female recipient, Dr. Allen has set the bar as a role model for women everywhere who aspire to a career in math and science.

As a scientist at IBM since the early 1960s, Dr. Allen pioneered new technologies which serve as the basis for complex theories which are widely used today throughout the computer industry. She is regarded as a pioneer in the field of optimizing compilers and has developed several programming languages that have advanced the field of computer science.

Dr. Allen also helped create one of the first automatic debugging systems, and developed the advanced codebreaking language known as Alpha, which revolutionized how computers talk to each other and make computer programmers more efficient.

As computer science was ramping up in the early 1980s, Dr. Allen founded the Parallel Translation Group, the PTRAN, to study compiling for parallel machines. Subsequently, this group was recognized as one of the top research groups in the world dealing with this issue, and as a result, Dr. Allen was the first woman to be recognized as an IBM fellow in 1989.

In addition to her outstanding scientific achievement, Dr. Allen has also been an inspirational mentor to younger researchers and a leader within the computing community.

With the Nation's information technology workforce suffering from a lack of qualified candidates, it is all the more important, Madam Speaker, that Dr. Allen be recognized as the first female recipient of the A.M. Turing Award to show what women can accomplish.

It is certainly telling that women who earn more than half of all undergraduate degrees in this country and make up more than half of the professional workforce represent only 25 percent of all high-tech workers. In fact, the percentage of women graduating with degrees in computer science has fallen from 37 percent of total graduates in 1985 to just 15 percent in 2005. With grim statistics like these, it is clear that we are going to close the gap and ensure that information technology sectors have enough workers only if we get young women into this workplace. And Dr. Allen has done just that.

As a member of the Advisory Council of the Anita Borg Institute for Women and Technology, her goal has been to increase the participation of women in all aspects of technology. With her accomplishments in computing, it is clear that Dr. Allen lives up to the goals she sets for others and is a role model for women in science and technology.

Madam Speaker, Dr. Frances Allen has succeeded at the highest levels of math and science. It is clear that she deserves recognition for all of the tireless work she has done to promote women's roles in computing.

I urge my colleagues to support this bill, not only in congratulating Dr. Allen on her success, but to show that this Congress supports an increased presence of women in science and technology.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I rise to honor and congratulate Frances E. Allen, the 2006 recipient of the A.M. Turing Award.

The Turing Award, established in 1966, is given annually by the Association for Computing Machinery to individuals whose work has been of lasting and major technical importance to the computer field. Fran Allen is richly deserving of this honor. She is also the first woman to receive the award.

Fran Allen exemplifies the dedication and innovative spirit that has brought this country to the forefront of science, technology and commerce. As a researcher for IBM for nearly 45 years, she played a key role in building the high-performance computing world we live in today.

Her work on optimization of parallel processing has impacted all of our lives, for example, by setting the stage for today's computer systems that forecast our weather and analyze DNA sequences.

I would like to particularly commend Ms. Allen for her dedication to supporting and mentoring young men and women in her field. I note that after her retirement from IBM, she kept an office and has continued her work mentoring future leaders in computer sciences and, hopefully, future A.M. Turing Award winners as well.

As this Congress looks to improve our Nation's competitiveness and looks to provide for the next generation of scientists, engineers and business men and women, we should consider the great example that Fran Allen has given to us.

Madam Speaker, I urge my colleagues to support H. Con. Res. 95 and join me in congratulating Fran Allen today.

With that, Madam Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Madam Speaker, as a member of the Committee on Science and Technology, I am proud to have brought H. Con. Res. 95 to the floor today.

Dr. Allen has contributed much to the world of science and technology. She is most deserving of this honor, and we are extending to her today our congratulations.

Madam Speaker, I yield back the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 95, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING NOBEL PRIZE RECIPIENTS IN SCIENCE

Mr. MCNERNEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 316) recognizing the accomplishments of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot for being awarded Nobel Prizes in the fields of chemistry, physiology or medicine, and physics.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 316

Whereas, according to the National Academies landmark report "Rising Above the Gathering Storm", the United States is in peril of losing its global competitive edge unless we make substantial investments in science, math, research, and innovation;

Whereas breakthroughs in scientific research are the building blocks of a productive, competitive, and healthy society;

Whereas the Nobel Prize is a prestigious international award administered annually by the Nobel Foundation in Stockholm, Sweden, and has since 1901 recognized the world's most outstanding achievements in physics, chemistry, physiology or medicine, literature, and peace;

Whereas on December 10, 2006, in Stockholm, Sweden, the following five American scientists were awarded the three Nobel Prizes for science. The Nobel Prize in Chemistry was awarded to Roger D. Kornberg from Stanford University in Palo Alto, California, for his studies of the molecular basis of eukaryotic transcription. The Nobel Prize in Physiology or Medicine was awarded to Andrew Fire from the Stanford University School of Medicine in Palo Alto, California, and Craig Mello from the University of Massachusetts Medical School in Worcester, Massachusetts, for their discovery of RNA interference through gene silencing by double-stranded RNA. The Nobel Prize in Physics was awarded to John C. Mather from the National Aeronautics and Space Administration Goddard Space Flight Center in Greenbelt, Maryland, and the University of Maryland and George F. Smoot, a National Science Foundation grantee from the University of California at Berkeley for their discovery of the blackbody form and anisotropy of the cosmic microwave background radiation;

Whereas American scientists have not swept the Nobel Prize science awards since 1983;

Whereas Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot have represented the United States and have served as unofficial ambassadors of science overseas; and

Whereas the accomplishments of these scientists are significant achievements in the field of scientific research and further promote the United States among the world leaders in science: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot for advancing scientific discovery and dedicating their careers to scientific research;

(2) recognizes the National Science Foundation and the National Aeronautics and Space Administration for their support of the physics Nobel Prize winners; and

(3) congratulates the achievement of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot for being awarded Nobel Prizes in science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCNERNEY) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. MCNERNEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 316, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCNERNEY. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I would like to thank Chairman GORDON and Ranking Member HALL for their support of this resolution and working so quickly to ensure that we recognize a very deserving group of scientists on their important achievements.

□ 1300

The scientists will be honored tomorrow at a luncheon here in Washington, so the timing of this bill is perfect. I appreciate the opportunity to describe this legislation that highlights the contributions of American scientists.

H. Res. 316 is significant not only because it applauds the breakthroughs of scientific work, but the bill also draws attention to many issues that we frequently work on in the Science and Technology Committee, putting a spotlight on scientific discovery as a way to get young people interested in fields they might otherwise ignore.

For the first time in more than 20 years, U.S. researchers have swept the scientific categories of the Nobel Prize by winning the awards for chemistry, physiology and medicine, and physics. It is fitting that we recognize the contributions of these individuals, and I am pleased we are doing so here today.

In December of last year, the Nobel Prize in chemistry was awarded to Roger Kornberg from Stanford University in my home State of California; the physiology prize went to Andrew

Fire, who also works at Stanford in the School of Medicine; and the physics award went to John Mather from NASA's Goddard Space Center and to George Smoot from the University of California at Berkeley. Mr. Smoot also has the distinction of adding his name to the list of more than 170 grantees from the National Science Foundation who have been granted the Nobel Prizes over the years.

I am sure that with the improvements we will be making in the NSF program tomorrow and the Congress' dedication to expanding education opportunities, Mr. Smoot will certainly not be the last recipient of NSF funding to receive the Nobel Prize.

H. Res. 316 officially recognizes the accomplishments of these scientists and their contributions to improving society.

Madam Speaker, I can't think of a better way to honor these individuals, and I commend them for helping the U.S. sweep the Nobel Prizes in science for the first time in 30 years.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I rise to add my whole-hearted thanks and admiration for the skill and effort shown by the five individuals we are honoring here today. Since 1901, the Nobel Prize has recognized the world's finest minds in the fields of physics, chemistry, physiology and medicine, literature and peace. In 2006, five American scientists were chosen for this prestigious award. These five men join 763 previous men and women and 19 organizations recognized at the pinnacle of their fields.

Roger Kornberg received the Nobel Prize in chemistry for his studies on transcription, a fundamental cellular process that uses information encoded in genes to produce proteins. Dr. Kornberg's award comes 47 years after his father, Arthur Kornberg, received the 1959 Nobel Prize in physiology and medicine. In 2006 that prize was awarded to Andrew Fire and Craig Mello for their influential work on RNA interference, a process that uses RNA to control the production of proteins.

John Mather and George Smoot share the Nobel Prize in physics for their pioneering work in cosmology, discovering fluctuations in the cosmic microwave background that help explain the formation of galaxies, stars, and the Earth itself.

Drs. Roger Kornberg, Andrew Fire, Craig Mello, John Mather, and George Smoot deserve our thanks and sincere appreciation for their efforts supporting the greatest innovation economy in the world. Without men and women like them committed to the often arduous task of scientific discovery, we would not enjoy the economic prosperity that has graced our Nation.

This resolution signals this body's commitment to supporting and strengthening the scientific enterprise. While this resolution, unfortunately, does not match the $10 million prize awarded to these Nobel Laureates, we can do better by ensuring that we support funding for the science and technology efforts of the Federal Government.

Madam Speaker, I urge my colleagues to support House Resolution 316.

Madam Speaker, I yield back the balance of my time.

Mr. MCNERNEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCNERNEY) that the House suspend the rules and agree to the resolution, H. Res. 316.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

45TH ANNIVERSARY OF JOHN HERSCHEL GLENN, JR. BECOMING FIRST U.S. ASTRONAUT TO ORBIT EARTH

Mr. WILSON of Ohio. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 252) recognizing the 45th anniversary of John Herschel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 252

Whereas John Herschel Glenn, Jr. was born on July 18, 1921, in Cambridge, Ohio, and grew up in New Concord, a small college town a few miles from the larger city of Zanesville, Ohio;

Whereas John Glenn attended New Concord High School and earned a Bachelor of Science degree in engineering from Muskingum College, which also awarded him an honorary Doctor of Science degree in engineering;

Whereas John Glenn enlisted in the Naval Aviation Cadet Program shortly after the attack on Pearl Harbor and was commissioned in the United States Marine Corps in 1943;

Whereas John Glenn served in combat in the South Pacific and also requested combat duty during the Korean conflict;

Whereas John Glenn was a dedicated military officer, flying 149 missions during 2 wars;

Whereas John Glenn received many honors for his military service, among them the Distinguished Flying Cross on 6 occasions, the Air Medal with 18 Clusters, the Asiatic-Pacific Campaign Medal, the American Campaign Medal, the World War II Victory Medal, the China Service Medal, the National Defense Service Medal, and the Korean Service Medal;

Whereas John Glenn served several years as a test pilot on Navy and Marine Corps jet fighters and attack aircraft;

Whereas, as a test pilot, John Glenn set a transcontinental speed record in 1957 by completing the first flight to average supersonic speeds from Los Angeles to New York;

Whereas John Glenn was a pioneer in the realm of space exploration and was selected in 1959 as one of the original 7 astronauts in the United States space program, entering the National Aeronautics and Space Administration's (NASA) Project Mercury;

Whereas John Glenn was assigned to the NASA Space Task Group at Langley Research Center in Hampton, Virginia;

Whereas, in 1962, the Space Task Group was moved to Houston, Texas, and became part of the NASA Manned Spacecraft Center;

Whereas, on February 20, 1962, John Glenn piloted the Mercury-Atlas 6 "Friendship 7" spacecraft on the first manned orbital mission of the United States;

Whereas, after launching from the Kennedy Space Center in Florida, John Glenn completed a 3-orbit mission around the planet, reaching an approximate maximum altitude of 162 statute miles and an approximate orbital velocity of 17,500 miles per hour;

Whereas John Glenn landed Friendship 7 approximately 5 hours later, 800 miles southeast of the Kennedy Space Center near Grand Turk Island;

Whereas, with that pioneering flight, John Glenn joined his colleagues Alan Shepard and Virgil Grissom in realizing the dream of space exploration and engaging the minds and imaginations of his and future generations in the vast potential of space exploration;

Whereas, after retiring from the space program, John Glenn continued his public service as a distinguished member of the Senate, in which he served for 24 years;

Whereas John Glenn has continued his public service through his work at the John Glenn Institute at Ohio State University, which was established to foster public involvement in the policy-making process, raise public awareness about key policy issues, and encourage continuous improvement in the management of public enterprise;

Whereas, in March 1999, Secretary of Education Richard W. Riley appointed John Glenn as Chair of the newly formed National Commission on Mathematics and Science Teaching for the 21st Century;

Whereas the Commission played a pivotal role in improving the quality of teaching in mathematics and science in the United States;

Whereas, in 1998, John Glenn returned to space after 36 years as a member of the crew of the space shuttle Discovery, serving as a payload specialist and as a subject for basic research on how weightlessness affects the body of an older person; and

Whereas, combined with his previous missions, John Glenn logged over 218 hours in space: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 45th anniversary of John Herschel Glenn, Jr.'s landmark mission piloting the first manned orbital mission of the United States; and

(2) recognizes the profound importance of John Glenn's achievement as a catalyst to space exploration and scientific advancement in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. WILSON) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. WILSON of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on House Resolution 252, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WILSON of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 252, recognizing the 45th anniversary of John Herschel Glenn, Jr.'s historic achievement in becoming the first United States astronaut to orbit the Earth.

This resolution recognizes John Glenn's distinguished career as a military officer in the United States Marine Corps, during which he served in combat in the South Pacific and the Korean conflict and received many honors for his military service, as a test pilot on Navy and Marine Corps jet fighters and attack aircraft, and especially as an astronaut on the first manned orbital mission of the United States.

Madam Speaker, on February 20, 1962, John Glenn piloted the Mercury-Atlas 6 *Friendship 7* spacecraft on the first U.S. manned orbital space mission, completing three orbits of the Earth and landing some 5 hours later 800 miles southeast of Kennedy Space Center near Grand Turk Island. With that pioneer flight, John Glenn joined his fellow Americans, Alan Shepard and Virgil Grissom, in realizing the dream of space exploration and engaging the minds and imaginations of his and future generations in the vast potential of space exploration.

This resolution recognizes that John Glenn, having retired from the space program, continued his public service as a distinguished Member of the Senate for 24 years and through his work at the John Glenn Institute at the Ohio State University, which fosters public involvement in the policy-making process.

In 1998, John Glenn returned to space after 36 years as a member of the crew of the Space Shuttle *Discovery*, helping researchers study how weightlessness affects the body of an older person.

Madam Speaker, I urge you and my colleagues to support House Resolution 252, to honor this 45th anniversary of John Herschel Glenn, Jr.'s landmark mission, piloting the first manned orbital mission of the United States, and to recognize the profound importance of his achievement as a catalyst to space exploration and scientific advancement in the United States.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I rise today in support of House Resolution 252, which honors the 45th anniversary of John Herschel Glenn, Jr.'s historic mission as the first American to orbit the Earth aboard the Mercury spacecraft *Friendship 7*. This was truly a landmark event in our human space flight program. These early successes captured the minds and imaginations of people around the world and were an inspiration to all Americans at a time when we were the underdog in a technological race with the Soviet Union.

Prior to his service with NASA, John Glenn had already received numerous honors for his military service during World War II and the Korean War. He set a transcontinental speed record in 1957 by completing the first flight between Los Angeles and New York at an average speed greater than the speed of sound.

John Glenn was selected as one of the original Mercury 7 NASA astronauts in 1959 and logged over 218 hours in space. After retiring from the space program, John Glenn continued to serve his country as a distinguished Member of the United States Senate for 24 years. In 1998, John Glenn returned to space after 36 years as a member of the crew of the Space Shuttle *Discovery*, serving as a subject for basic research into the effects of weightlessness on the body of an older person.

John Glenn is truly an American hero. I am proud to support this resolution honoring such a prominent American citizen, military veteran and astronaut. I urge my colleagues to support H. Res. 252.

Madam Speaker, I reserve the balance of my time.

Mr. WILSON of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Madam Speaker, I rise today in support of H. Res. 252, a resolution commemorating the 45th anniversary of John Herschel Glenn, Jr.'s historic first orbit around the Earth.

John Glenn's accomplishments and service to his country made him an inspiration to a generation of young men and women like me. He was a source of pride for our Nation. His contributions to space exploration helped to change our Nation's way of thinking about the new frontier and taught a generation of Americans to dream big. I am honored that this true American hero was born, raised and educated in Ohio's 18th District.

Born in 1921 in Cambridge, Ohio, and raised in nearby New Concord, John Glenn attended New Concord High School and earned a bachelor of science degree from Muskingum College in New Concord.

John Glenn began his distinguished military career by enlisting in the Naval Aviation Cadet Program, going on to become a Marine pilot, earning the Distinguished Flying Cross on six occasions and the Air Medal with 18 clusters. After leaving the military, John Glenn became a test pilot for the Naval Air Test Center. In 1957 he set a speed record by flying from Los Angeles to New York in 3 hours 23 minutes.

While these achievements are without question remarkable and cause for celebration, Madam Speaker, they are not what bring us here today. We are here to appreciate John Glenn's accomplishments in a space flight that revolutionized how Americans viewed space exploration.

In the 1950s, the concept of sending a man into space was foreign to most Americans. A mere 50 years after the Wright brothers made their first brief attempts at manned flight, the prospect of propelling a human being into outer space was daunting.

In 1959, John Glenn volunteered to become one of the original seven astronauts in the Mercury program, the first manned space flight program in the United States. Several years later, John Glenn embarked on his mission. In February of 1962, he became the first man to orbit the Earth, completing that feat three times over.

Madam Speaker, I understand that Senator Glenn knew there was a significant chance he would not survive the flight. I had the pleasure of a conversation with Senator Glenn recently where he told me that he chose to go on the mission because it was the right thing to do, knowing full well he may not return. And it was the right thing to do not for himself, but for America.

A year earlier than that, President Kennedy announced a bold new mission to place a man on the Moon. The success of John Glenn's flight helped bring credence and merit to President Kennedy's goal.

□ 1315

Americans saw that what was once impossible was now possible. The possibilities suddenly seemed endless.

Following the end of his career in aeronautics, Ohio was the fortunate benefactor of John Glenn's public service when he became a United States Senator. He served the State with dignity and honor for 28 years before retiring.

Of course, space exploration was never far from his heart. After retiring from the Senate, he joined the crew of the Space Shuttle *Discovery* and became the oldest man to ever venture into space.

Madam Speaker, I have had the privilege of meeting this American hero. I am struck by his humility and his passion for service to his country. Time and again, he risked his life for the benefit of the American people. He prioritized the good of the whole over the good of the one, and for that I will always admire him.

As a freshman Member of Congress, I often look for examples to follow. For me. John Glenn, along with his beautiful wife, Annie, represent the absolute best this country has to offer. They have shown courage in the face of adversity and selflessness for the sake of making our country better pride. They have instilled in all of us the hope and inspiration and pride that swells the heart and enriches our world.

Madam Speaker, I urge my colleagues to support this resolution to commemorate an achievement that was the catalyst for space exploration and scientific advancement in the United States.

Mr. SMITH of Nebraska. Madam Speaker, I reserve the balance of my time.

Mr. WILSON of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank my colleague for yielding me this time.

I rise in support of this resolution honoring the 45th anniversary of John Glenn's historic flight, making him the first American to orbit the Earth.

His journey in the Mercury-Atlas 6 *Friendship 7* spacecraft was made all the more incredible by the complications that ensued during the flight. Scheduled for three orbits, the final two had to be piloted on manual control after a malfunction in the automatic controls. Still on manual control, Mr. Glenn piloted the capsule during reentry into the earth's atmosphere.

The spacecraft also sent a signal to the ground that the heat shield, designed to prevent the craft from burning up on reentry, was loose. Though ground control did not tell him, Mr. Glenn quickly deduced there was a problem. An external piece of the craft called a retropack, which was supposed to be jettisoned before reentry was left on to try to keep the heat shield in place. During the reentry, pieces of retropack flew past the capsule's window in flames. Still, Colonel Glenn landed safely in the Atlantic Ocean to the relief of the Nation. During the flight, John Glenn was subjected to 7.7 Gs and traveled 76,000 miles.

His success helped lay the groundwork for the continuous string of successes NASA has since accumulated. John Glenn went on to continue his lengthy record of public service as a U.S. Senator from Ohio, even returning to space flight in 1999.

When we stand here and look back 45 years, it is almost impossible to imagine that a man would step into a small container with a huge rocket behind it that would propel him into an orbit. And when you think of the kind of courage that he demonstrated then, what is interesting about John Glenn is that all of the attention, the fame and adulation that came after that didn't affect him one bit. He was basically someone who served his country in the military, then went on to serve his country as a U.S. Senator, and while this historic occasion is being recognized, I think also we pay tribute to John Glenn the man, who has demonstrated that it is possible to be able to walk with kings and never lose the common touch.

And also, we celebrate his wife, Annie, who has been a constant companion at Senator Glenn's side and has always represented the finest tradition of American couples. John and Annie Glenn have so much to be proud of, and this Nation owes both of them a debt of gratitude, and I am glad to see that we are honoring the 45th anniversary of his historic flight. Also, I am so pleased that so many of my colleagues from Ohio are here to join in paying tribute to John Glenn.

Mr. SMITH of Nebraska. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, I rise today to recognize John Glenn, a fellow Buckeye, on the 45th anniversary of becoming the first astronaut to orbit the earth.

John Glenn is a pioneer in the field of space exploration and science, and his achievements serve as an inspiration for students studying math, engineering, science and technology.

His landmark journey propelled other missions and projects such as the first moon landing, NASA'S Hubble Space Telescope, and the International Space Station. Our economic prosperity depends increasingly on science and technology, and it is because of explorers like John Glenn that America remains on the cutting edge of science and technology research and discovery.

I would also add that John's wife, Annie, has always been a wonderful, supportive partner in the success of John's endeavors. She also deserves our appreciation.

Mr. WILSON of Ohio. Madam Speaker, I yield 4 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman for the time.

Madam Speaker, today I join my colleagues from Ohio and across the country in the celebration of the 45th anniversary of John Herschel Glenn Jr.'s historic journey around our planet.

Senator Glenn, a proud Ohio native, carried the hopes and dreams of an entire country with him on his February 20, 1962 trip. He carried those dreams in the tiny *Friendship 7* space capsule, no more than 9 feet high and 6 feet wide atop the *Atlas* rocket. He carried those dreams into orbit at the astonishing speed of 5 miles per second.

Senator Glenn piloted the *Friendship 7* capsule around the globe three times, becoming the first American to orbit the earth, an accomplishment that raised the spirits of all Americans.

When speaking about the historic journey, Glenn recounted later saying, "I don't know what you can say about a day in which you have seen four beautiful sunsets, three in orbit and one on the surface after I was back on board the ship."

While Glenn was witnessing sunset from the window of the space capsule, the country was witnessing the sun rising on America's fledgling space program, and our Nation's hunger for space exploration.

I had the tremendous honor of meeting Senator Glenn when I was in high school. I distinctly remember being in awe of his lifetime of accomplishments. He has led this country in almost every way possible, as a pioneering adventurer, as a scientist, as a military hero, as an elected leader, and as a champion of education.

Senator Glenn and all of his accomplishments are an embodiment of our country's can-do attitude. It is in recognition and eternal gratitude that I join my colleagues in rising today to honor this great man and the 45th anniversary of his momentous voyage into the great beyond.

Thank you, Senator Glenn, and may your continued journey through life be a lesson in adventure and bravery to us all.

Mrs. JONES of Ohio. Madam Speaker, I rise in proud recognition of the 45th Anniversary of Senator John Glenn's mission piloting the first manned orbital mission of the United States. This event spawned decades of manned space missions for the United States and eventually a manned mission to the moon with the *Apollo 11* mission in July of 1969. Senator Glenn has served this Nation proud as a Marine Corps Pilot, a U.S. Senator, and an Astronaut. He was the third American in Space and the first American to orbit the Earth aboard *Friendship 7.* He also holds the honor of being the oldest person ever to go into space in 1998 aboard the Space Shuttle *Discovery* mission STS–95 at age 77. John Glenn was first elected to the U.S. Senate in 1974, and served the State of Ohio proudly until 1999, and was a recipient of the Congressional Space Medal of Honor. The NASA Glenn research center, which is located at Lewis Field in Cleveland, OH, adopted Senator Glenn's name in 1999. I am proud to say that this institution has produced decades of aeronautics research and has become of vital part of our community. It is in no small part to Senator Glenn that this institution will remain a major research center for NASA.

I am especially proud to be able to say that Senator John Glenn comes from my home State of Ohio, he is an icon and a role model for millions of youths in our State. His accomplishments provide inspiration for every young person from our Great State of Ohio.

Mr. RYAN of Ohio. Madam Speaker, I rise in support of H. Res. 252, recognizing the 45th anniversary of John Glenn and his historic 1962 orbital flight aboard *Friendship 7.*

I commend my colleague, the Honorable ZACH SPACE for his efforts on this resolution and am honored to be an original cosponsor.

John Glenn's orbital flight and his many extraordinary achievements in war and peace are appropriately enumerated and memorialized in this resolution—and it is an amazingly long account. Without doubt it is an unsurpassed record of accomplishment that includes six Distinguished Flying Crosses, the Congressional Space Medal of Honor, and the only Ohioan to serve four consecutive terms in the U.S. Senate.

At Cape Canaveral on February 20, 1962, John Glenn blasted into space and became the first American to orbit the Earth: After several excruciatingly long launch pad delays, people all over the world and every school child in America heard Scott Carpenter's lift off directive—Godspeed John Glenn—soon to be followed by the cool voice of the pilot: "Roger. Zero Gs and I feel fine. Capsule is turning around. Oh, that view is tremendous!"

As he reached an altitude of 162 miles at a velocity of 17,500 miles an hour, the excitement quickly turned to tension and apprehension when the flight instruments indicated that a loose heat shield threatened a safe return. While the capsule skated back through the atmosphere, *Friendship 7* reported a real fireball outside. To our great relief the plume of parachutes and splashdown told us that after a nearly 5 hour flight, Glenn was safe and sound back on Earth.

On February 26, 1962, John Glenn was received with a standing ovation before a Joint Session of Congress in this chamber. Parades in Washington, New York, and New Concord, Ohio, soon followed. *Friendship 7* is now prominently displayed in the Smithsonian's Air and Space Museum near Orville and Wilbur Wright's *1903 Flyer,* Charles Lindbergh's *Spirit of St. Louis* and *Apollo XI.*

John and Annie Glenn celebrated their 64th wedding anniversary on April 6th. Annie is a true American hero for her extraordinary personal efforts to overcome stuttering. Her public efforts to help others with speech and communication disorders are nationally recognized. She received the first national award of the American Speech and Hearing Association for inspiring those with communicative disorders. The National Association for Hearing and Speech Action annually presents the Annie Glenn Award to an individual achieving distinction despite a communication disorder. She is a national treasure.

In 1941, John Glenn was on his way to Annie's organ recital at Muskingum College when he heard over the car radio that Pearl Harbor had been attacked. His patriotic public service began shortly thereafter when he volunteered for military service and continues today through his work at the John Glenn School of Public Affairs at the Ohio State University.

In a lifetime of accomplishment he found in adventure and challenge he met with courage. John Glenn is an American hero. He has proudly served his Nation as soldier and statesman and he still likes to fly.

I join my colleagues in urging the passage of the resolution.

Ms. KAPTUR. Madam Speaker, I rise today to commend our able colleague, Congressman ZACK SPACE of Ohio for recognition of our beloved former Ohio Senator John Glenn, who began his distinguished career as a World War II and Korean War fighter pilot. Glenn was awarded the Distinguished Flying Cross six times and holds the Air Medal for his service during both of these conflicts.

As the beginning in a long line of firsts, Senator and Colonel Glenn went on to set a transcontinental speed record from Los Angeles to New York in July 1957. In February 1962, Glenn piloted the Mercury-Atlas 6 *Friendship 7* spacecraft on the first manned orbital mission of the United States. After his distinguished service in these two wars and following the first phase of his career as an aviator, John Glenn continued his public service as a Senator representing our home State of Ohio from 1974–1999.

Completing his career of firsts, I was proud to see our former colleague Senator Glenn bring his career of public service full circle in his triumphant 1998 return space voyage; this time as a senior citizen. Today I rise to honor his hard work and lifetime of dedication to public service. He and his devoted wife have inspired all the world with their commitment to family, community, state, nation and the future. Their spirit of patriotism, courage, discovery and self sacrifice cut a path all can emulate and hope to achieve. Godspeed to them for all they have done for others.

Mr. SMITH of Nebraska. Madam Speaker, I yield back the balance of my time.

Mr. WILSON of Ohio. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. WILSON) that the House suspend the rules and agree to the resolution, H. Res. 252.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY COLLEGE MONTH

Mrs. McCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 334) supporting the goals and ideals of National Community College Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 334

Whereas there are more than 1,200 community colleges in the United States;

Whereas there are more than 11 million students enrolled in for-credit and not-for-credit programs at community colleges nationwide;

Whereas in 2007, community colleges in the United States will award more than 500,000 associate's degrees and 270,000 associate's certificates;

Whereas community colleges have educated more than 100,000,000 people in the United States since the first community college was founded in 1901;

Whereas community college students are a more diverse group in terms of age, income, race, and ethnicity than students attending traditional colleges and universities, making community colleges essential to providing access to postsecondary education;

Whereas community colleges enrich and enhance communities across the country, socially, culturally, and politically;

Whereas community colleges are affordable and close to home for most people in the United States;

Whereas community colleges allow many older students to take courses part-time while working full-time, creating opportunities that otherwise would not be available;

Whereas community colleges provide job training for workers who have lost their jobs or are hoping to find better jobs, helping millions of people in the United States support themselves and their families;

Whereas community colleges contribute more than $31,000,000,000 annually to the Nation's economic growth and, by helping to provide a skilled workforce, are critical to our Nation's continued success and prosperity in the global economy of the 21st century; and

Whereas the American Association of Community Colleges, the Association of Community College Trustees, and more than 1,200 community colleges nationwide recognize April as National Community College Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Community College Month; and

(2) congratulates the Nation's community colleges, and their students, governing boards, faculty, and staff, for their contributions to education and workforce development, and for their vital role in ensuring a brighter, stronger future for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. McCARTHY) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. McCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may insert materials relevant to H. Res. 334 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank my colleague from North Carolina (Mr. MILLER) for introducing this resolution and for the work he has done.

This month is recognized as National Community College Month. Community colleges represent much of what is great about America. Diverse, dynamic and innovative, open and inclusive, they are one of America's greatest inventions.

The first community college, Joliet Junior College, opened its doors almost 100 years ago in Illinois. It was one of the many that sprung up in the early 20th century amid worries that America could not remain competitive without a better educated workforce.

Policymakers and educators sensed that one of the barriers keeping students from keeping their education was that they were unable or unwilling to leave home. And so a network of community colleges was set up to encourage more students to earn college degrees or obtain specialized training. Today, over 11 million students are enrolled in America's 1,200 community colleges.

Community colleges educate over half of the country's undergraduate students. Community college open enrollment policies mean that they welcome all students regardless of wealth, heritage, or previous academic experience. As a result, community colleges are more diverse in terms of age, income, race and ethnicity than traditional colleges and universities. They enroll students from all over the world.

About 40 percent of all international undergraduates in the United States attend our community colleges. By bringing people from all walks of life together to learn from one another, these schools enrich and enhance our communities.

Community colleges educate over half of the new nurses and 65 percent of new health care workers. They are also responsible for the education of 50 percent of teachers and close to 85 percent of our emergency responders.

Community colleges retrain workers who have lost their jobs, those looking to change fields mid-career or reenter the workforce after an extended absence, and high school students hoping to get a head start on college credit or take a course not offered in the regular curriculum.

Because of all that they have done for this country, on this day we would like to thank our Nation's community colleges and recognize the dedication of their facilities and staff for helping to educate our Nation's students.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution to support the goals and ideals of National Community College Month.

Community colleges are centers of educational opportunity. For over 100 years, they have been inclusive institutions that welcome all who desire to learn, regardless of wealth, heritage or previous academic experience.

□ 1330

Since their creation, community colleges have grown tremendously in numbers and have changed with the times. According to the American Association of Community Colleges, there are over 1,000 community colleges in this country serving about 11 million students. No other segment of higher education is more responsive to its community and workforce needs than the community college.

The community colleges help provide the country with professionals in fields like computer technology, law enforcement, homeland security, nursing and other health care fields. About 50 percent of new nurses are educated at community colleges, and close to 80 percent of firefighters, law enforcement officers, and emergency medicine technicians received their credentials from community colleges.

Not only do community colleges serve a unique role in graduating students with specific skills, but they are also extremely affordable. Tuition and fees at public community colleges average less than half of those at public 4-year colleges and one-tenth the tuition and fees at independent 4-year colleges.

In my congressional district, the Harrisburg Area Community College is a shining example of the important and successful role of community colleges in our Nation's higher education system. In fact, I am fortunate to have two branches of the Harrisburg Area Community College in my congressional district, in York and Gettysburg. Graduates from HACC begin careers in fields currently experiencing shortages such as nursing, early childhood education, and law enforcement. I have seen firsthand the successful partnerships created between the community college and local businesses.

We hope to continue to build on the support being given to community colleges through the reauthorization of the Higher Education Act. The reauthorization is an opportunity to look at every program individually and determine if it is helping us meet our goal of providng a quality and affordable post-secondary education to every American.

I urge my colleagues to support this resolution honoring the goals and ideals of National Community College Month.

Madam Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Madam Speaker, I am pleased to yield 3 minutes to my colleague, the gentleman from Oregon (Mr. WU).

Mr. WU. Madam Speaker, I thank the gentlewoman from New York.

As cochair of the House Community College Caucus, I rise in strong support of H. Res. 334, a bill that recognizes the goals and ideals of National Community College Month; and I thank Congressman BRAD MILLER, the gentleman from North Carolina, for his leadership and for introducing this legislation.

Almost 50 percent of undergraduate students are enrolled in community colleges. It is the tradition of community colleges to serve nontraditional students. Many students work either part-time or full-time while they take classes. Others are seeking job training to allow them to better support their families. Some are returning to the workplace after a few years, and some are single parents. Increasingly, many are high school students who attend community college before a 4-year institution. This saves them, and frequently taxpayers, tuition, fees and financial aid dollars. In other words, we have no sector of education that serves a wider spectrum of our citizens every day.

As we look to what this new century holds for us, we know that employers seek people who not only are well versed in science and technology concepts but are also adept at learning through experimentation, inquiry, critical examination, and discovery. In other words, employers are seeking a highly trainable workforce, rather than just a highly trained workforce.

Community colleges are at the forefront of this effort. They are a cornerstone of our system of undergraduate education, particularly in mathematics and the sciences. As we all know, these areas of study are ever more critical for our Nation and our State to maintain an economic edge in the global economy.

I strongly support this resolution and urge my colleagues to do so as well.

Mr. PLATTS. Madam Speaker, I reserve the balance of my time.

Mrs. McCARTHY of New York. Madam Speaker, I yield 8 minutes to the gentleman from North Carolina (Mr. MILLER), the sponsor of this resolution.

Mr. MILLER of North Carolina. Madam Speaker, I rise today as the sponsor of this resolution to support and celebrate the ideals of National Community College Month.

I am very proud to offer this resolution as one of the cochairs of the House Community College Caucus, and I am pleased to be joined with three cosponsors, the other three Chairs of that caucus, Mr. WU of Oregon, who just spoke, Mr. CASTLE of Delaware and Mr. WICKER of Mississippi. I would also like to thank Chairman GEORGE MILLER and Ranking Member McKEON of the Education and Labor Committee, both of whom are also original cosponsors of this resolution, and without whose support this measure would not be before us today.

Madam Speaker, there are now 11 million Americans enrolled in more than 1,200 community colleges across the country; and in the past century since the first community college opened its doors, more than 100 million Americans have taken courses at community colleges. Community colleges have developed a tradition and a purpose that is distinct from that of traditional 4-year colleges and universities.

Community colleges are distinct from 4-year colleges in many respects. They are regionally accredited, postsecondary schools. The highest credential awarded by a community college is that of an associate degree. In fact, Madam Speaker, many Americans who did not get a high school diploma go back to community colleges to get their GED.

The community college system in my State, and in most States, offers a comprehensive curriculum, including transfer, technical and continuing education programs. The community college system in North Carolina has 58 separate community-based institutions that collectively offer more than 2,200 curriculum programs.

Beyond that curriculum, Madam Speaker, what most distinguishes community colleges from 4-year colleges is their accessibility or affordability, their location, their diversity and how intensely relevant the training and the education community colleges provide for the ability of working Americans to improve their job skills, particularly in a changing economy as we go through a painful economic transition, certainly in my State but also in the entire country.

The distinctions between community colleges and 4-year colleges are fundamental to the core mission and success of America's community colleges; and with the month of April, we have the chance to celebrate those distinctions and recognize Community College Month.

Community colleges are frequently referred to as "the people's colleges" because they have open-door admission policies; and while that is true, they are accurately described as people's colleges for many reasons.

Madam Speaker, students that attend community colleges are more diverse than those enrolled in any other kind of college or university. Of the 11.6 million students enrolled in community colleges across the country today, more than one-third are members of racial or ethnic minority groups, and roughly 60 percent are women. Of the more than 5 million or so students who are enrolled full-time at community colleges, 76 percent, or more than three-quarters, are working; and about one-third are working full-time while carrying a full-time community college course load. There is an equal number or greater number of community college students who are going to community colleges attending community colleges part-time also while working full-time and fulfilling the responsibilities of their family and of their home.

Community colleges are affordable. The average annual tuition at a community college is only about half that of a 4-year public. In addition, community colleges are close to home and students can stay at home, live at home. They do live at home so they save money on room, board, transportation, all the other expenses associated with community colleges.

Students at community colleges mirror the communities that support them, and that is nowhere more evident than in the age of the students. The average age of a community college student is almost 30. More than 57 percent of those enrolled in community colleges are older than 22, the traditional age that students graduate from college, and more than 16 percent are past the age of 40. In North Carolina, there are 368,000 students between the ages of 25 and 50 enrolled in community colleges.

Community college curricula are intensely relevant to the needs of American business and to the needs of American workers in having the skills that they need to support themselves and support their families, whether it is construction trades, the skills needed to do construction trades or computer programs, computer spreadsheet, all the different computer programs that any American officer worker is going to need, and frequently when they need to learn a new one, they can go part-time to a community college nearby and learn the skills they need for their job.

In North Carolina, almost every community college has a curriculum that is specifically geared, designed for an industry, a major employer in that area. When I was first elected to Congress, I visited the extrusion campus of Wake Technical College. Extrusion is a process by which plastic is pulled like taffy. In just the 5 years or 4½ years I have been in Congress, that technology has lost jobs. In just the 4½ years I have been in Congress, extrusion technologies have taken a hit.

We have lost jobs; but at that same community college, they now have a program in computer gaming. Americans will spend more on computer gaming this year than they will spend on movie box offices. Computer gaming is becoming more and more important in providing educational opportunities in a format that most Americans, younger Americans, are very familiar with. That industry is developing around Wiley. The community college curriculum is going to be part of what attracts new gaming companies to that area as well as supporting the ones that are there now.

So community colleges through open admission, affordability, community-based training are playing an amazingly important role in the American economy and have to do even more so.

I have asked two chairmen of the Federal Reserve Board, Alan Greenspan and Ben Bernanke, about how we can close the income inequality of Americans; and both of them have mentioned specifically community colleges in the role they need to play in providing Americans the skills that they need to demand better wages, to be able to get better wages in the American economy and in the world economy.

Despite that importance, in the 4½ years I have been here, it has been a fight to get support for community colleges; and it has been 25 years since we have even had a resolution like this on the floor of Congress honoring the role of community colleges. It was 1985 during the 99th Congress that this Congress specifically recognized and honored community colleges.

So I am pleased to be here, and I urge all to be here in support of this resolution, and I encourage all of my colleagues to join me today.

Mr. PLATTS. Does the gentlewoman have other speakers?

Mrs. McCARTHY of New York. We have one more speaker.

Mr. PLATTS. Madam Speaker, I continue to reserve the balance of my time then.

Mrs. McCARTHY of New York. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the gentlewoman for yielding.

Madam Speaker, I rise in strong support of H. Res. 334, honoring the goals and ideals of National Community College Month. I am proud to have the opportunity today to acknowledge all the community colleges in my district, and I want to thank them for the invaluable contributions that they make to education, to the communities that I serve, to our State and to our Nation in general.

Community colleges offer affordable opportunities for students of all ages to receive a higher education, retraining for new jobs and other university preparation courses. In my district alone, our community colleges work directly with workforce development one-stop centers, providing critical computer literacy courses, technical training and basic education that are needed for newly emerging jobs. In particular, Richland Community College in Macon County in my district is in the process of pioneering a course to prepare workers for the biofuels sector that is quickly becoming a major industry in my home State of Illinois.

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As factories and other companies leave to go overseas, or as new industries emerge, creating new jobs that require unique skills, community colleges become increasingly important to educate, train and equip the new workforce that will fill these jobs. Additionally, they cannot allow students who cannot afford to go to a 4-year university, but who have the ambition and talent to succeed at one, the opportunity to complete the first 2 years of courses at affordable prices, and then allow those students to transfer to larger schools.

For these reasons and many more, I am happy to stand today to honor Community College Month. As a member of the Community College Caucus, I am working hard with my other colleagues to make sure community colleges have the resources and funding they need to continue to offer the services that are so critical to all of our communities across our country.

I urge my colleagues to join me in celebrating Community College Month by passing H. Res. 334.

Mr. PLATTS. Madam Speaker, I again urge a "yes" vote and want to commend the sponsor, Mr. MILLER, and others supporting this, and my chairwoman, Mrs. MCCARTHY, for her advocacy here on floor. I urge a "yes" vote.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of H. Res. 334.

Community colleges are the institutions that make things happen for our communities. They are the gateway to higher education for most of our students. They provide the opportunities that give lifelong learning real meaning. They are central to workforce development.

In short, they are the rapid response system, the innovators, and the engine for economic development for communities across the Nation.

I know first hand what a difference a community college can make. it was my great privilege to be the founding chair of South Texas College. When I was first elected to Congress in 1996, the unemployment rate in my district topped 22 percent.

In 1996, South Texas College was a couple of years old and just beginning to build from its initial enrollment of 800 students. Today, our unemployment rate is less than 6 percent, and South Texas College is enrolling over 18,000 students each year. That is the difference a community college can make.

Community colleges have also stepped up to offer new and exciting opportunities for students while they are still in high school. Community colleges are on the cutting edge of high school reform.

For example, in my district, Texas State Technical College in Harlingen is hosting a new Early College High School that will enroll its first class of 100 freshmen this fall. Students graduating from this new school will have a head start in college, earning a possible 60 credit hours along with their distinguished achievement high school diplomas.

In our rural communities community colleges are critical pieces of the economic infrastructure.

Consider the results of an economic impact study that found that the instruction provided by Coastal Bend College, in Beeville, Texas resulted in an accumulated contribution of $48.5 million in annual earnings to the Rural Coastal Bend Economy. That is roughly the equivalent of 2,087 jobs, which is a significant number in our rural economies.

I would like to thank my colleague from North Carolina, Congressman MILLER, for bringing this resolution forward.

I wholeheartedly join him in supporting the goals and ideals of National Community College month. I urge my colleagues to support H. Res 334.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to pay tribute to Bucks County Community College in celebration of National Community College Month. By providing a gateway to higher learning for those who would otherwise be unable to continue their education, community colleges, like Bucks County, are improving our society and our communities. We need to continue to work to make college more accessible, so that we continue to build a more competitive workforce. Madam Speaker, by supporting these important institutions of higher education we can ensure their ability to serve students eager for knowledge and a path to a successful future.

Madam Speaker, I am a strong advocate of community colleges because I am the product of a community college. After graduating from high school, I enrolled at Bucks County Community College, in Newtown, Pennsylvania, where I gained the ability and confidence to achieve. My year at Bucks County Community College was very important. It prepared me for King's College, Widener University School of Law and eventually to serve as an educator myself at West Point. My love of learning and teaching blossomed at Bucks County Community College—an experience no doubt shared by so many across our great Nation.

For more than 40 years, Bucks County Community College has provided a critical service to Bucks County. Whether students are there as a stepping stone to another college or university, or preparing for jobs in business, public service or health care, Bucks provides a high quality education and a great environment in which to learn. The college has expanded its services by opening two campuses in addition to its main campus in Newtown. This has increased accessibility, especially for those continuing their education while working full-time. As one of the oldest community colleges in Pennsylvania, Bucks County Community College has established itself as a leader in education, not just among other community colleges, but among all colleges and universities.

If not for Bucks County Community College, I would not be where I am today. I know that mine is not the only case in which a community college changed the life of a young student. With 11 million students enrolled at more than 1,200 community colleges nationwide, these schools provide an invaluable service to a large portion of our community. Madam Speaker, these affordable, local institutions give every student, of every background, the ability to experience the benefits of higher education.

It was at Bucks County Community College that I learned how hard I could work and how much I could achieve. Like millions of other students, all I needed was an opportunity, and I took advantage of it. Madam Speaker, this is the unique and necessary function of our community colleges. They give every student a chance to succeed.

Madam Speaker, my appreciation for the opportunity provided by our community colleges is personal and near to my heart. I Urge my colleagues to join me in supporting H. Res. 334.

Mr. WICKER. Madam Speaker, I rise in support of this resolution celebrating National Community College Month.

For more than a century, community colleges have offered millions of Americans an affordable means of education close to home. Today 11 million students are enrolled in these institutions, and the reach of this educational opportunity goes far beyond serving the traditional high school graduate. Many adults are taking classes to pursue a college degree, gain continuing education for their present jobs, learn skills for new careers, and earn high school diplomas.

Community colleges are also playing key leadership roles today in support of economic development activities. The unique ability of these institutions to adapt workforce training programs to meet specific needs in the areas they serve is a powerful resource. These schools have been partners in attracting new industry and helping existing businesses expand operations.

As co-chair of the bipartisan Community College Caucus, I am proud to join this effort to support the goals of National Community College Month and congratulate these institutions, their students, faculty, and staff for their contributions to education.

Our caucus was created in 2006 to help educate Members of Congress and focus national attention on the activities community colleges are undertaking to provide educational options and improve the quality of life in the areas they serve.

I am also proud of the role the State of Mississippi has played in the development of this important educational opportunity. In 1922, Mississippi became the first State to create a statewide system of junior colleges. It brought affordable and accessible post-secondary educational choices to all of our citizens. Today, more than 70,000 full-time students are enrolled at 15 community colleges in my home State.

I stand in strong support of our community colleges and salute their work to educate a diverse group of Americans spanning all age, income, race, and ethnic categories. The enhanced opportunities provided by these institutions are educating millions of people and helping provide a more skilled workforce to compete in our global economy.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of House Resolution 334, which will support the goals and ideals of National Community College Month. This resolution was passed on May 1, 2007 with bipartisan support.

Not only is a college education one of the best investments a person can make, it is the best way to ensure our children and grandchildren have a promising future regardless of socioeconomic status. The typical college graduate earns 80 percent more than a high school graduate, and this can add up to about one million dollars over one's career. Additionally, more educated people tend to have access to better health care, and often enjoy a better quality of life.

For these reasons, I am always looking for ways to improve access to a quality education for our area, and I have found that community colleges are one of the best ways to achieve this. For many years now, I have seen the benefits of these schools, and their collaboration with community partners in our area is critical. Whether it's through training programs or working with local businesses, community colleges focus on areas to make sure that their students have the components they need to be successful.

I am proud that the Congress has decided to honor our country's community colleges, their students, governing boards, faculty, and staff, not only for their contributions to education and workforce development, but for their vital role in ensuring a brighter, stronger future for our country.

Mr. PLATTS. Madam Speaker, I yield back the balance of my time.

Mrs. MCCARTHY of New York. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 334.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MCCARTHY of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEAS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

Mrs. MCCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 112) supporting the goals and ideas of a National Child Care Worthy Wage Day.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 112

Whereas approximately 63 percent of the Nation's children under 5 are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,300,000 workers;

Whereas the average salary of early care and education workers is $18,180 per year, and only ⅓ have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and cognitive skills, and to help them be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources may be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early care and education workforce is critical to ensuring high-quality early learning environments;

Whereas child care workers should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, with support by the National Association for the Education of Young Children and other early childhood organizations, recognizes May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideas of National Child Care Worthy Wage Day, and urges public officials and the general public to honor early childhood care and education staff and programs in their communities and to work together to resolve the early childhood care and education staff compensation crisis.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to H. Con. Res. 112 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, on May 1 of each year, child care providers and other early childhood professionals nationwide conduct awareness and education efforts highlighting the importance of good early childhood education for our Nation's young children.

In support of these actions, I have introduced H. Con. Res. 112, a bipartisan resolution in support of National Child Care Worthy Wage Day. This resolution is an effort to support these initiatives and to help develop greater public awareness in this area. Every day, approximately 13 million children are cared for outside the home so that their parents can work, including some who work in our congressional offices.

The committed individuals who nurture and teach these young children are undervalued, despite their important work. We know that children begin to learn at birth, and that the quality of care they receive will affect their language, development, math skills, behavior and general readiness for school. However, the inadequate level of wages for child care staff, roughly $18,000 a year, has led to difficulties in attracting and retaining high quality early childhood caretakers and educators.

In addition to low wages, less than one-third of child care workers have health insurance, and even fewer have pensions. As a result, the turnover rate for child care providers is 30 percent a year. This high turnover rate interrupts consistent and stable relations that children need to have with their caregivers.

Please join me in recognizing the important work of child care providers and support the efforts to provide them with a worthy wage. The Nation's child care workforce and the families that depend on them deserve our support.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of House Concurrent Resolution 112, supporting the goals and ideas of a National Child Care Worthy Wage Day. I would like to thank my colleague from New York (Mrs. MCCARTHY) for her leadership on this issue and for introducing the resolution we are considering here today.

Child care is an integral part of the daily routine of millions of families with young children. Working parents depend on child care so they can earn the income needed to support their families, as well as ensure that their children are well cared for in safe environments while they are working. As a result, approximately 63 percent of children under 5 years of age are in some type of regular child care environment each week.

High-quality child care, care that provides a stable, safe, stimulating environment, helps children enter school prepared to learn. Research has repeatedly shown that children who receive high-quality child care demonstrate greater mathematical ability, greater attention and thinking skills and fewer behavioral problems than children who receive low-quality care.

Quality care is directly linked to the quality of the educators, helping children to grow, learn and gain new skills is rewarding. However, it's very physically and emotionally taxing, as educators work long days, must be constantly alert, deal effectively with disruptive children, anticipate and prevent trouble, and provide firm but fair discipline. As a result, many child care workers leave the profession. The turnover rate in this industry is roughly 30 percent per year.

Compensation and additional training are important variables to ensure a high quality child care environment for our children. We need to attract and retain educators who have the caring, consistent relationships that are critical to children's development. I am pleased to commend our Nation's child care providers for their dedicated service to our Nation's children and their families.

I think it's important that we are taking time to recognize the critically important work of child care providers and the importance of doing better when it comes to their pay and benefits.

As a parent myself, my children, now second grade, fourth graders, went through a preschool program that was exceptional, it was certified. In that facility, we had both the preschool program and a very high-quality child care center as well. We saw the benefits to our children personally of that professional setting. An important part of being able to retain professional workers, staff, in those settings, is the pay and benefits.

When we look at the quality of these facilities, if we don't reduce that turnover rate, that 30 percent turnover rate, we will continue to be challenged to get somebody new in and get them up to speed. That impacts the quality of the care provided.

So I, again, commend the sponsor of the resolution for helping to raise national recognition and the importance of this issue, and urge a "yes" vote.

Madam Speaker, I yield back the balance of my time.

Mrs. McCARTHY of New York. Madam Speaker, I yield myself 2 minutes.

I want to thank the ranking member, Mr. PLATTS from Pennsylvania. Working with him on the committee has certainly been a joy. We do work very well together.

As the gentleman has said, passing H. Con. Res. 112 is extremely important. I stand by the words that my colleague has spoken. But I think that this Nation really has to start looking at how we prepare, certainly for the few future and for the global economy that we are all facing. Certainly having high-qualified teachers, day care workers to make sure that our children are getting the best education they possibly can at the earliest age possible. We look at the other countries and see what they are doing. I have to say that many times we are shortchanging our children.

Madam Speaker, I am asking that our Members vote for H. Con. Res. 112.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 112.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. McCARTHY of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

COMMENDING THE UNIVERSITY OF FLORIDA GATORS FOR THEIR HISTORIC WIN IN THE 2007 NCAA MEN'S BASKETBALL TOURNAMENT

Mrs. McCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 298) to commend the University of Florida Gators for their historic win in the 2007 National Collegiate Athletic Association Division I Men's Basketball Tournament.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 298

Whereas, on April 2, 2007, the University of Florida Gators defeated the Ohio State Buckeyes 84–75 in the final game of the NCAA Division I Men's Basketball Tournament in Atlanta, Georgia;

Whereas the Gators' became the first team since 1991–92 to win back-to-back national titles and just the 7th school ever to be repeat champions;

Whereas the Gators became the first team ever to repeat as champions with the same starting lineup;

Whereas Florida's overall athletic program has proven to be one of the best in the Nation, now having won 21 national champions in all sports combined;

Whereas the University of Florida remains the only program to hold both football and men's basketball championships at the same time and the first school in NCAA history to hold both the basketball and football championship titles in the same calendar year;

Whereas the Gators' head basketball coach Billy Donovan became the 12th coach to win multiple men's basketball championships and one of four active coaches to win multiple titles;

Whereas Donovan became the third youngest coach to win more than one NCAA title;

Whereas the Gators finished their season with an impressive record of 35–5, including winning the final 10 games of the season, and have an 18-game win streak in the post-season, including sweeps at the Southeastern Conference tournaments the last two years and 12–0 in the NCAA Tournament;

Whereas the Gators contributed Corey Brewer, Al Horford, and Lee Humphrey to the All Tournament Team, joining Greg Oden and Mike Conley, Jr., of Ohio State;

Whereas each player, coach, trainer, manager, and staff member of the University of Florida Gators dedicated this season and their efforts to the common goal of repeating as NCAA men's basketball champions;

Whereas the Gators' players, coaches, and everyone associated with the men's basketball team represent the University and the State of Florida with exemplary sportsmanship and competitiveness; and

Whereas residents of Florida and Gator fans worldwide are to be commended for their longstanding support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Florida Gators for their historic win in the 2007 National Collegiate Athletic Association Division I Men's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Gators' victory; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Florida President J. Bernard Machen and head coach Billy Donovan for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. McCARTHY) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. McCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 298 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank Congressman STEARNS for introducing this resolution. I rise in support of House Resolution 298, a bill to commend the University of Florida Gators for their historical win in the 2007 NCAA Division I Men's Basketball Tournament.

On April 22 the Florida Gators defeated the Ohio State Buckeyes 84–75 in the final game of the Division I Men's Basketball Tournament in Atlanta, Georgia. The Gators became the first team since 1992 to win back-to-back national titles and just the seventh school ever to be repeat champions.

They were also the first team in history to complete this feat with the same starting lineup. The University of Florida's athletic program has proven to be one of the best in the Nation, now having won 21 national championships in all sports combined. They are the only program to hold both football and men's basketball championships at the same time, and the first school in NCAA history to hold both the basketball and football championship titles in the same calendar year.

The Gators' basketball team was led by their great coach, Billy Donovan, who became the 12th coach to win multiple basketball championships and one of four active coaches to win multiple titles. On top of that, Donovan became the third youngest coach to win more than one NCAA title. Coach Donovan is also a native of the Fourth Congressional District, originally hailing from Rockville Centre, in my district on Long Island.

The Gators finished their season with an impressive record of 35–5, winning the final 10 games of the season. Every player, coach, trainer, manager and staff member of the University of Florida Gators dedicated this season and their efforts to the common goal of repeating as men's NCAA basketball champions, and did so with class and sportsmanship.

I urge my colleagues to show their support for the Florida Gators and vote for House Resolution 298.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield the distinguished gentleman from Florida (Mr. STEARNS) as much time as he may consume.

Mr. STEARNS. Let me thank, first of all, my colleagues, for bringing this resolution to the floor. I certainly appreciate the gentlelady from New York, I believe, Long Island, for her gracious comments, to know that Billy Donovan also resided in her district. I think that is something that many of us did not know.

Madam Speaker, I do have a little feeling of modesty here and graciousness coming here again to the floor. It's almost like a great case of déjàvu again, because it seems like only a few months ago that I came to the floor to honor the University of Florida, which I represent, for winning the national football title.

Yet here I am again, feeling a great deal of humbleeness, coming to the House floor to honor the Gators men's basketball team, as pointed out, for becoming the first team since 1991–1992 to win back-to-back national titles. Of course, I am honored to represent the University of Florida, because it's in my congressional district. As we say in Gainesville, "Go Gators." We do indeed hope for another championship.

With their win over the Ohio State Buckeyes on April 2, as mentioned, they became only the seventh school ever to repeat championships. In addition, Florida remains the only school in NCAA history to hold both the men's basketball and football championship titles in the same year, which is an arduous feat, to say the least. This is quite an accomplishment, and one the entire university community should take a great deal of pride in, which they do.

Many of the so-called experts said that the Gators would not be able to repeat as champions. However, all throughout the season, Coach Billy Donovan kept his team focused and on track and eventually proved the pundits wrong. The Gators were chasing history, so to speak, and they would not be denied.

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The Gators finished their season with an impressive 35–5, winning the final 10 games of the season. Furthermore, my colleagues, they have an 18-game winning streak in the post-season, including sweeps at the Southeastern Conference tournament the last 2 years and a 12–0 in the NCAA tournament.

By winning the championship, Coach Donovan became the 12th coach to win multiple men's basketball championship and one of four active coaches to win multiple titles. He also became the third youngest coach to win more than one NCAA title.

Now, Florida's overall athletic program has proven to be one of the best in the Nation, now having won 21 national championships in all sports combined. Ten Gator athletic teams turned in top 10 finishes in 2005–2006. Florida is one of two schools to appear in the top 10 in each of the last 23 national all-sports ranking.

I appreciate your indulgence here as I brag a little bit more. Gator athletes excel in the classroom as well. UF boasts a 91 percent graduation rate among its athletes, making it only one of four programs in the national all-sports top 10 to achieve a graduation success rate above 90 percent. Furthermore, in the 2002–2003 season, UF placed a record of 193 student athletes on the SEC academic honor role, making six consecutive years UF placed 100 or more student athletes on the SEC honor role.

The University of Florida is more than just athletics. It ranks fifth among Kiplinger's top 10 colleges and is among the Nation's most academically diverse public universities. It is home to 16 colleges and more than 150 research centers and institutes. And during the 2005–2006 school year, they awarded a little over $500 million in sponsored research to do such things as to find diverse research in health care, citrus production including the world's largest citrus research center.

In addition, my colleagues, more than 300,000 Gator alumni are located throughout the world. Famous alumni include two current NASA astronauts, actress Faye Dunaway, and home improvement expert Bob Vila. Just a little bragging there.

UF's faculty are among the best and most decorated in the world, winning awards such as the Fields medal, two Pulitzer Prizes, NASA's top award for research, and the Smithsonian Institution's Conservation award. Along with the faculty, the Gator students are among the brightest. UF admitted about 1,049 international baccalaureate students for the 2004–2005 academic year, more than any other university in the world.

So the Florida men's basketball team are excellent representatives of both the university and the great State of Florida in their focus, their persistence, and unassailable desire to succeed. I take great pride, my colleagues, in representing the University of Florida in Congress and congratulate Coach Billy Donovan and the entire university on this great accomplishment and hope for the best for next year. Go Gators.

Mrs. MCCARTHY of New York. Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I am pleased to yield as much time as the gentleman may consume to another distinguished member of the Florida delegation, Mr. KELLER.

Mr. KELLER of Florida. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise today to congratulate the University of Florida's men's basketball team on their second consecutive NCAA, Division I championship. On April 2 of this year, they joined only six other teams in NCAA history to win back-to-back championships. My congratulations also go out to Coach Billy Donovan, who has done a fine job with these young men, not only leading them to back-to-back championships but also for preparing them for what lies ahead in life.

The University of Florida is a fine institution with many standout athletes. My home State of Florida and I are tremendously proud of their accomplishments on and off the field. The University of Florida is the only Division I college in history to win the national championship in basketball and football in the same calendar year. In fact, between the Gator championships in basketball and football, I don't think there will be an athlete on campus who has not met the President by the time they graduate.

Now, so many of these Gator basketball and football will be heading off to the NBA and NFL where they will have to struggle to make due on their multimillion dollar salaries. The good news for many of these other schools is that a lot of the starters will be moving on. The bad news, of course, is I am hearing they are having their best recruiting classes ever in both football and basketball. Ohio State was such a worthy opponent both in football and basketball and handled themselves with so much class, much praise is warranted to the Buckeye fans as well. Congratulations on a job well done.

Mrs. MCCARTHY of New York. Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, we have got a great group of very proud Floridians here today. I am pleased to yield again as much time as the gentleman may consume to the gentleman, Mr. BILIRAKIS, from Florida.

Mr. BILIRAKIS. Madam Speaker, it is with great Gator pride that I rise today to support this resolution honoring my alma mater, the University of Florida, on winning the 2007 NCAA men's basketball championship.

The Gators began this season looking to become the first team since 1992 to repeat as national champions. Everyone in the Gator nation anxiously anticipated this season's tip-off, as all five starters unselfishly returned to school in hopes of making history. And they did. They became the only team in history to repeat as champions with the same starting lineup.

Last year, this Gator team came from obscurity to win the championship. However, this year the Gators were expected to win, which made them a target for every school they played. These young men not only handled the pressure and scrutiny, but they used it to fuel another amazing title run through both the SEC and the NCAA tournament.

Madam Speaker, I believe that this basketball team represents the true embodiment of sportsmanship and teamwork. For the last 2 years, these young men won with class, not selfishness. The five starters gave up their very lucrative NBA contracts to return to the school they loved. How refreshing. In today's society, this an act that is remarkable. Believe it or not, it is remarkable. I want to commend all of them for their hard work and discipline.

I also want to recognize Coach Billy Donovan and all of his assistants for the tremendous job they have done over the years. We are very lucky to have them, and I am glad he stayed at the University of Florida.

Finally, I want to thank president Bernie Machen and athletic director Jeremy Foley, whose leadership made it possible for the Gators to be the only team in NCAA history to hold both the football and basketball titles simultaneously.

I wish the University of Florida the best of luck in continuing this remarkable trend. And on behalf of my entire family, including my sons Michael, Teddy, Manuel, and Nicholas, thanks for making our dream come true, Gators.

Madam Speaker, it truly is great to be a Florida Gator.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

The Florida Gators team will certainly go down as one of the best teams in the history of college basketball. After winning back-to-back championships this year, Coach Billy Donovan said, "I sit up here very, very humbled, because I think I was fortunate enough over the last 2 years to coach a group of guys that has to go down in history as one of the greatest teams of all time."

The love for the game and each other, the hustle and hard work that the players exemplified the past 2 years is something they certainly learned from their head coach, Billy Donovan. At the young age of 41, Coach Donovan is now in some elite company being one of only four active coaches to have won multiple championships.

I extend my heartiest congratulations to Head Coach Donovan, all of the hardworking players, their fans, and all members of the University of Florida family, including another distinguished graduate of the University of Florida who I would be in trouble with if I didn't mention when I go home tonight. My next oldest brother, Mark Platts, graduated in 1987 with a master's degree from the University of Florida.

I am happy to join with my chairwoman as well as my colleagues from Florida in honoring this exceptional team and all of its accomplishments and wish them continued success, unless they are playing my alma mater in the years to come.

Madam Speaker, I yield back the balance of my time.

Mrs. McCARTHY of New York. Madam Speaker, again I encourage my colleagues to pass H. Res. 298. And congratulations again and certainly may they have a great future.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HARMAN). The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 298.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PLATTS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Mrs. McCARTHY of New York. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 344) congratulating charter schools and their students, parents, teachers, and administrars across the United States for their ongoing contributions to education, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 344

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the eighth annual National Charter Schools Week, to be held April 29 through May 5, 2007, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) supports the eighth annual National Charter Schools Week; and

(3) joins the President in calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. McCARTHY) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. McCARTHY of New York. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 344 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. McCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank Mr. BOUSTANY for introducing this resolution to honor National Charter School Week. He has been the sponsor of this resolution for the past 3 years, and we appreciate his leadership on this issue.

Charter schools across the country are marking this occasion by opening their doors to the community and inviting them to learn about the role of charter schools in public education. With over 3,600 charter schools educating nearly 1.1 million children, charter schools have changed the landscape of public education. Almost 250 schools are created each year. Committed parents and students and community leaders have led the way, creating charter schools to meet the needs of the local community.

Charter schools are free from regulations but not accountability. There are model charter schools that are producing good outcomes for their students. The public school system in this country continues to generate innovative strategies for educating all children. Quality charter schools represent one model for this innovation.

On the occasion of National Charter School Week, I want to commend the 90,000 public schools in this country that are working hard to provide opportunity for children across the country. I urge my colleagues to support our Nation's charter schools and to vote for this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield such time as he may consume to my friend and colleague from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, I thank my colleague from Pennsylvania for yielding time to me.

Madam Speaker, I rise today in support of House Resolution 344, congratulating charter schools and their students, parents, teachers, and administrars across the United States for their ongoing contributions to educational excellence.

Charter schools are public schools that are created by teachers, parents, and other members of the community as innovative means to educate students and to stimulate reform in the public school system. As public schools, they must serve students from all backgrounds and educational abilities.

In exchange for greater accountability for student achievements, these schools are exempt from many local and State regulations. Grassroots support for charter schools continues to grow, from one school in the 1992–1993 school year, to over 4,000 schools serving over 1 million students in the 2006–2007 school year.

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The demand is simply remarkable. The charter model itself is playing a critical role in these schools' success. Its flexibility and accountability are allowing individuals with nontraditional backgrounds and relentless attitudes to create high achievement cultures. These charter schools are setting new standards about what's possible and about what we should expect from all our public schools. Indeed, charter schools are shattering low expectations and breaking through long standing barriers that have prevented large numbers of at-risk students from achieving educational success.

Charter schools are usually among the top performers in big city school districts and often rival the highest performing schools in surrounding suburban districts. These high performers are setting important examples about what public schools can achieve with disadvantaged students.

More and more data indicates that charter schools deliver promising results for student achievement. In an analysis of almost three dozen charter school studies, a vast majority found that overall gains in charter schools were larger than in other public schools, sometimes in certain significant categories of schools such as elementary schools, high schools or schools serving at risk students.

Yet, even with these outstanding results, of the 40 States that have passed charter school laws, 25 States and the District of Columbia have some type of legislative cap on charter school growth. These caps serve as blunt instruments that do not lead to high quality schools. Instead of stifling growth, States should focus on providing the resources, oversight and accountability that helps charter schools thrive.

We know what produces high quality charter schools—dedicated students, parents, teachers and principals, rigorous approval processes, conscientious oversight and sufficient resources, including facilities funding. We should work to replicate these models of best practices and apply them to local school districts throughout the country.

It is my hope that the charter community will continue to build on its 15-year history of providing a high quality option in public education that is based on innovation, freedom from red tape, and partnership between parents and educators, an option that is giving new hope to disadvantaged and minority families across the country.

I also appreciate the contribution charter schools have made in ongoing efforts to rebuild and strengthen my home State of Louisiana after Hurricanes Rita and Katrina, particularly in New Orleans.

For these reasons, it is my honor to congratulate charter schools and their students, parents, teachers and administrars across the United States for their ongoing contributions to education, as well as recognizing this week as National Charter School Week. I commend President Bush for his recent proclamation, "recognizing the important contributions of charter schools," as well as my good friends and colleagues, Mr. PLATTS and Mrs. MCCARTHY for bringing this resolution to the floor.

I urge my colleagues to support this resolution.

Mrs. MCCARTHY of New York. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Connecticut, Mr. CHRIS MURPHY.

Mr. MURPHY of Connecticut. Madam Speaker, I thank the gentlelady from New York and the gentlemen from Pennsylvania and Louisiana for bringing this resolution before us.

Madam Speaker, I rise today in support of this resolution to recognize the contributions of charter schools to education. So often we talk about the crisis of America's schools and our educational system, but it's equally important to take some time to recognize the good that's being done. That's why I welcome this opportunity to acknowledge the impact that charter schools are making in our education system nationally.

In congratulating charter schools, I want to also acknowledge the work of all of our administrators and our educators in our public school system and our public charter school system as well. Noncharter public schools remain the bedrock of our educational system, and we need to make sure that we are doing everything here in Congress and at our State level to make sure that our public schools have the opportunity to succeed.

But charter schools are growing because, when done right, they're working. They represent a network of committed and innovative administrators, teachers and parents whose great determination and resolve complement the public education system. This national network of 4,000 charter schools infuses hope and possibility into communities. In Connecticut alone, there are 16 charter schools educating over 2,500 students.

Charter schools are infused with an imagination. Moreover, these schools are effectively engaging students around innovative and aggressive curriculum. They are setting the bar high and they are getting results. As we consider solutions for improving math and science education and increasing the number of high school graduates and students matriculating to colleges and university, we should remember the contributions that charter schools are making to the education of our Nation's children.

Again, Madam Speaker, I commend the tremendous dedication of all educators. Their unsung sacrifices are critical to ensuring the success of America's youth today and the skill of tomorrow's workforce.

I urge all Members to support this resolution.

Mr. PLATTS. Madam Speaker, I am pleased to support House Resolution

344, congratulating charter schools and their students, parents, teachers and administrators across the United States for their ongoing contributions to education.

Charter schools are innovative public schools with a simple interest in providing a quality education to children in their communities. They explore new educational approaches, such as longer school days or extended school years, and are free from most rules and regulations governing conventional public schools.

These schools meet the student achievement and accountability requirements under No Child Left Behind in the same manner as traditional public schools and they often set higher individual goals to ensure that they are of high quality.

Madam Speaker, I am pleased to join with my colleagues from New York, Louisiana, Connecticut, elsewhere around the country in recognizing these innovative public schools, and I am proud to recognize this week as National Charter Schools Week.

I commend President Bush for his recent proclamation stating, quote, "recognizing the important contributions of charter schools," as well on the executive branch side; and again urge a "yes" vote for this resolution.

Madam Speaker, I yield back the balance of my time.

Mrs. McCARTHY of New York. Madam Speaker, again, I would like to thank the gentleman from Louisiana (Mr. BOUSTANY) for introducing this legislation, and I urge my colleagues to support House Resolution 344.

As you can tell, today we have been talking about the children of this Nation on so many of our different issues. And again, I am very happy to work with my colleague on the committee, Mr. PLATTS from Pennsylvania.

When we talk about our children and the future of the Nation, obviously, education is the most important thing. So, again, it has been a pleasure introducing these resolutions.

Mr. DAVIS of Illinois. Madam Speaker, as we celebrate charter schools I want to recognize the Youth Connection Charter School (YCCS) operating in my Congressional District. The Youth Connection Charter School (YCCS) has a unique mission and purpose. It has been said that education is the great equalizer—it is the key to success.

The mission of YCCS is to provide individuals who have dropped out of school an opportunity—to drop back in and receive a quality education. Since its creation in 1997, YCCS has graduated more than 5,700 students who had previously dropped out of traditional high schools. Just think, what would have happened to those students if YCCS was not available to them. They likely would have become another statistic.

Clearly, the data shows that students who drop out are more likely to be unemployed. In fact, the unemployment rate nationally for high school drop-outs was 29.8 percent in 200. (Dept. of Labor). We know that students who drop out are more likely to be candidates for prisons. A total of 75 percent of America's state prison inmates are high shool drop-outs, with only 59 percent of America's federal prison inmates completing high school (Harlow, 2003). We also know that high school dropouts are more likely to be receiving public assistance and living in poverty. These negative consequences lead to the destruction of a community and country. Students who drop out are less likely to be married or see a doctor on a regular basis. The benefits of a high school education move society forward economically and socially. A person with a high school diploma is more likely to be employed, live longer, and become a productive part of society.

The impact of YCCS and its involvement as the only charter school in Illinois providing alternative educational services focused primarily on drop-outs can be seen throughout education. In 2005, YCCS placed in the upper third for school performance in reading by CPS in comparison to all of the other 76 high schools in the city of Chicago.

Conversely, we know that a quality education opens the doors of opportunity and provides hope for a brighter future. An investment in the education of young people who have dropped out of school saves our city and state taxpayers' money. The Alliance for Excellent Education reports that a 1 percent increase in high school gradution rates would save approximately $1.4 billion in incarceration costs yearly. Additionally, a 1-year incease in average education levels would reduce arrest rates by 11 percent.

I am pleased to honor the outstanding work of the Youth Connection Charter School.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to recognize the Pembroke Pines Charter School as we consider H. Res. 344, a bill congratulating Charter Schools.

Forty states and the District of Columbia have charter schools, totaling nearly 4,000 schools nationally. Enrollment is approximately one million students or about 2 percent of the Nation's elementary, middle and high school enrollment. Over one-half of all charter schools are in Florida, Arizona, California, Ohio and Texas.

The City of Pembroke Pines Charter School is the only city-sponsored charter school in Florida. Madam Speaker, the Pembroke Pines Charter School, located in my district, is comprised of seven schools ranging from K–12 grades with a total enrollment of nearly 5,400 students. The school is so successful that there is a waiting list of 9,000 students desiring to attend the Pembroke Pines Charter Schools.

The Pembroke Pines Charter High School has recently been rated as one of the top two high schools in Broward County, with 93 percent of all Pembroke Pines charter school high school graduates attending college.

The Pembroke Pines Charter Schools were among those nominated to the Center for Education Reform to compete for the honor of being named one of the top charter schools in the Nation. Out of 4,000 charter schools nationwide, 52 charter schools received this acknowledgement of distinction.

Madam Speaker, two of these top charter schools are part of the Pembroke Pines Charter School System. Ms. Devarn Flowers, Principal of the West Campuses, and other city and school officials will attend a special recognition program at The Center for Education Reform in Washington, DC on May 15, 2007 to receive the "top schools" recognition for The Pembroke Pines Charter Schools.

I commend Ms. Devarn Flowers, the teachers, the administrators and especially the students of Pembroke Pines Charter Schools for their hard work. On the occasion of National Charter Schools week, I am enthusiastically supporting this resolution.

Madam Speaker, I urge my colleagues to support H. Res. 344.

Mr. TIAHRT. Madam Speaker, I rise in support of H. Res. 344, congratulating charter schools and their students, parents, teachers and administrators across the U.S. for their ongoing contributions to education, and for other purposes. This resolution, offered by Representative CHARLES BOUSTANY of Louisiana, is a great way of acknowledging the excellent service charter schools provide to students and parents across the Nation.

This is National Charter Schools Week and over 1 million students are receiving an outstanding education through the thousands of charter schools in the United States. Offering choice, accountability, flexibility and local control, charter schools are a great educational alternative choice for students and parents.

I congratulate the 27 charter schools in Kansas and the over 3,600 charter schools across the Nation for their continued focus on giving students a quality education and helping to keep America competitive in the global economy. Equipping America's young people with a sound education is vital and charter schools are doing this with excellence.

Today, I will vote in favor of H. Res. 344 and I urge my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 344.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. GALLEGLY, California

COMMEMORATING THE 200TH ANNIVERSARY OF THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 272) commemorating the 200th anniversary of the abolition of the transatlantic slave trade, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 272

Whereas the United Kingdom outlawed the African slave trade in 1807 by passing the Slave Trade Abolition Act which recognized that "the African Slave Trade, and all manner of dealing and trading in the Purchase, Sale, Barter, or Transfer of Slaves, or of Persons intended to be sold, transferred, used, or dealt with as Slaves, practiced or carried on, in, at, to or from any Part of the Coast or Countries of Africa, shall be, and the same is hereby utterly abolished, prohibited, and declared to be unlawful";

Whereas the transatlantic slave trade entailed the kidnapping, purchase and commercial export of Africans, mostly from West and Central Africa, to the European colonies and new nations in the Americas, including the United States, where they were enslaved in forced labor between the 15th and late 19th centuries;

Whereas the term "Middle Passage" refers to the horrific part of the transatlantic slave trade when millions of Africans where chained together and stowed by the hundreds in overcrowded ships where they were forced into small spaces for months without relief as they were transported across the Atlantic Ocean to the Americas;

Whereas historians claim that it is not possible to give an accurate number of slaves imported to the Americas from Africa, but scholars estimate that, at minimum, between 10,000,000 and 15,000,000 Africans survived the Middle Passage, were imported as chattel through customs houses and ports across the Americas, and were sold into slavery;

Whereas historians agree that many slaves arrived in the Americas ill with infections and diseases, disabled from the iron chains that bound them or from the physical abuse they endured, or traumatized by rape;

Whereas historians estimate that 10 to 50 percent of the Africans who were shipped from the continent perished during the Middle Passage as a result of physical abuses, torture, malnutrition, disease, infection, suicide or repercussions from their resistance to their bondage;

Whereas Africans' resistance to the transatlantic slave trade culminated in revolts—collective acts of rebellion—against slave ships and their crews during the Middle Passage, and rebellions against slavery occurred frequently on colonial and post-colonial plantations throughout the Americas;

Whereas historians estimate that 1,200,000 men, women, and children were later separated from their families and displaced from their communities by being sold to slaveholders in other regions, colonies, States, and nations in the inter-American and domestic slave trade that took place through much of the 19th century;

Whereas the transatlantic slave trade is commonly recognized by historians as the largest forced migration in world history;

Whereas, as a result of the slave trade, an estimated 80,000,000 to 150,000,000 persons of African descent live in Latin America and the Caribbean, making them the largest population of persons of African descent outside of Africa;

Whereas the institution of slavery, which enslaved Africans, their progeny and later generations for life, was legally sanctioned by the colonial governments and later the nations and States engaged in slavery, including the Government of the United States, through most of the 19th century;

Whereas slavery in the United States, during and after British colonial rule, included the sale and acquisition of Africans and African Americans as chattel property in interstate and intrastate commerce;

Whereas enslaved Africans and African Americans were defined as property that passed to heirs under inheritance laws of the British colonial rule and later under the laws of the various States;

Whereas enslaved Africans adapted to their environment and created a new, rich culture that marked the development of the African American community and continues to strongly impact culture and society in the United States today;

Whereas the slavery that flourished in the United States constituted an immoral and inhumane dispossession of human life, liberty, and citizenship rights and denied Africans and African Americans the fruits of their own labor;

Whereas the treatment of enslaved Africans and African Americans in the colonies and the United States included the deprivation of their freedom, exploitation of their labor, psychological and physical abuse, separation of families, and the targeted efforts to repress their culture, language, and religion through legal and social restrictive measures;

Whereas enslavement has been defined as a crime against humanity pursuant to the Nuremberg Charter (Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, entered into force on August 8, 1945 (82 U.N.T.S. 279)), and subsequent international tribunals for war crimes;

Whereas the United Nations has adopted various treaties, declarations, and conventions and hosted conferences that condemn slavery and the slave trade, including the transatlantic slave trade, and has acknowledged that such acts were barbaric in their nature and were appalling tragedies;

Whereas the slave trade and the legacy of slavery continue to have a profound impact on social and economic disparity, hatred, bias, racism, and discrimination, and continue to affect people of African descent throughout the Americas today; and

Whereas March 25, 2007, marked the 200th anniversary of the Slave Trade Abolition Act enacted by the British Parliament: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of the 200th anniversary of the abolition of the transatlantic slave trade to the people of the United States and to the world;

(2) respects the memory of those who died as a result of slavery, including through exposure to the horrors of the Middle Passage and in revolt against, and resistance to, enslavement;

(3) supports the preservation of historical records and documents in private collections, local and State governments, shipping ports, and corporations in the United States and throughout the Americas relating to the transatlantic slave trade and the centuries of slavery that followed; and

(4) urges increased education of current and future generations about slavery and its vestiges by honoring their significance in United States history and the history of other nations of the Americas with appropriate research, scholarship, curriculum, textbooks, museum exhibits and programs, library resources and programs, and cultural programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE. Madam Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would like to first commend our distinguished colleague and former member of the Foreign Affairs Committee, Ms. LEE of California, for introducing this very important resolution.

I am honored and humbled to commemorate the 200th anniversary of the abolition of transatlantic slave trade with this resolution, for its legacy continues to reflect the racial biases and socioeconomic disparities that still exist in this country and throughout the Americas.

As we consistently admonish the prevalence of modern-day slavery worldwide, because it still exists in some parts of the world, it would be hypocritical if we did not acknowledge the history of transatlantic slave trade which existed for so long in this country, and therefore it is appropriate that we speak about it at this time, its 200th anniversary.

For over 300 years the United Kingdom and other European countries kidnapped and sold millions of Africans into slavery. The transatlantic slave trade is known as the largest forced migration in the history of the world. Estimates range from 25 to 50 million Africans were forcibly brought to the United States, the Caribbean, Central and South America and to Europe. Sharks migratory patterns were changed because these predators followed the ships in the Middle Passage because when a slave died they were thrown overboard, or if they were killed because they were protesting, or if they committed suicide, the sharks knew that they could follow the ships, and it changed the migratory patterns of sharks during this period of time.

African labor was an essential feature of economic development in Europe and her former colonies, including the United States. All of the nations involved flourished economically as a result of slave labor.

The fact that slavery was not abolished in the United States until Abraham Lincoln declared to end slavery in the Confederacy in 1863 with the Emancipation Proclamation. However, slavery was really not abolished in the Union.

Interestingly enough, in my State of New Jersey, slavery continued until 1866. In New Jersey, a mother, a woman could become free at the age of 21, and a man at the age of 25, but their children had to continue in slavery. And so the emancipation only freed slaves in the Confederacy, and did not free slaves in the Union. And so, as I have indicated in New Jersey, there were still slaves a year after the end of the Civil War in 1866.

The dignity of our Nation demands our recognition of this tragic part of American history. I extend my highest respect and appreciation for the contributions and struggles of African Americans to create an equitable and just society from which we all benefit today.

I strongly support this resolution, and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, thank you for bringing up this important resolution to this floor today. And I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 272, which recognizes the historical significance of the abolition of transatlantic slave trade. It respects the memory of those who perished as a result of slavery. It supports preservation of related historical documents, and it urges greater education about this sad period in history for both current and future generations.

□ 1430

While addressing the Community of Democracies' opening plenary in Chile on April 29, 2005, Secretary of State Condoleezza Rice stated: "We at the Community of Democracies must use the power of our shared ideals to accelerate democracy's movement to ever more places around the globe. We must usher in an era of democracy that thinks of tyranny as we thought of slavery today: a moral abomination that could not withstand the natural desire of every human being for a life of liberty and of dignity."

While Secretary Rice's remarks were specifically on the promotion of democracy around the world, she reminded us of a very unsettling fact. Even 200 years after the abolition of the slave trade in the United Kingdom and nearly 145 years after the Emancipation Proclamation in our United States, slavery still exists in the modern world. It exists through tyranny. It exists through oppression. It exists where human rights and freedom are systematically repressed.

Secretary Rice's statement serves as a call to action for those of us who would seek to break the shackles of tyranny and promote human dignity around the world.

I appreciate the bipartisan fashion by which we have sought to heed the Secretary's call and to recognize the significance of the abolition of the transatlantic slave trade, as evidenced by our consideration today of both this resolution by the Congresswoman from California (Ms. LEE) and House Resolution 158, offered by the gentleman from Pennsylvania (Mr. PITTS). Collectively, these resolutions remind us of the courage and the fortitude of those who came before us to fight the scourge of slavery, while helping us come to terms with our own shameful past.

I believe that there would be no better way to respect the memory of those forced to suffer under the horrors of the transatlantic slave trade, or to honor those who dedicated themselves to its abolition, than to stand together today in a bipartisan fashion and publicly recommit ourselves to the eradication of slavery and the promotion of human rights around the world.

Madam Speaker, I again thank you for bringing this important resolution to the floor.

Madam Speaker, because I know that the gentleman from New Jersey and the gentlewoman from California have many speakers on their side, except for the 2 minutes that I would like to yield to the gentleman from Indiana (Mr. BURTON) to comment on this important resolution, I yield the balance of my time to the gentleman from New Jersey (Mr. PAYNE), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the balance of the time except for 2 minutes.

There was no objection.

Mr. PAYNE. Madam Speaker, I thank the gentlewoman for her generosity.

Madam Speaker, at this time I would like to yield 7 minutes to the sponsor of the resolution, Representative BARBARA LEE from the Ninth District of California, member of the Committee on Appropriations.

Ms. LEE. Madam Speaker, let me thank the gentleman from New Jersey for yielding and for your leadership, Mr. PAYNE, in making sure that this resolution came to the floor today in a bipartisan way and also for making sure that the history of African Americans, which, of course, started during the Middle Passages, is told not only here on the floor of Congress but in our public schools. So thank you very much.

Let me thank our ranking member, Congresswoman ILEANA ROS-LEHTINEN, and also Mr. LANTOS for their leadership and for their assistance.

And let me take a moment to acknowledge our staff, because they have worked very diligently. And not only do they work for us. They really do believe in what we are doing, Madam Speaker: Kristin Wells, Pearl Alice Marsh, Joan Condon, Genora Reed, and Ven Neralla from my office. They have done remarkable work in a bipartisan fashion to get this resolution to the floor.

This resolution, Madam Speaker, H. Res. 272, commemorates a very somber and very serious occasion, the 200th anniversary of the abolition of the transatlantic slave trade by the United Kingdom. Two hundred years ago on March 25 in 1807, Great Britain abolished the transatlantic slave trade in England and its colonies. This act began a worldwide revolt against the trade of human beings by other European nations.

This is a very important milestone because it represents the beginning of the end of one of the most deplorable, deplorable chapters in human history.

Madam Speaker, on several occasions, like many of my colleagues, I have had the overwhelmingly heart-wrenching, and I mean heart-wrenching, experience of traveling to the areas from where slaves were captured and put on ships for that deadly passage to America from Africa. And this is called, of course, the Middle Passage. One of my most distinct memories was standing on several occasions at the "doors of no return" in Ghana and in Senegal. Every slave castle has such a door. This door represents so many things to me. At this door my ancestors stood on the shores of their homeland for the last time in their lives. At this door a fate awaited them that I wouldn't wish on my worst enemy. And over 400 years later, there I was standing in the doors as one of their descendants who survived and returned.

Standing in front of those doors, it is really impossible for me to ignore the fact that those who walked chained through those doors laid the foundation of many modern nations that have a colonial past, including the United States of America.

The slave trade was vital to England and other European colonial powers. It provided the basis for modern capitalism to take root, generating immense wealth for business enterprises in colonial America and Europe. In many ways the industrial strength of our Nation was built on the blood, sweat, and tears of African American free labor. Free labor. Today, this great country of ours, the United States of America, reaps the fruits of labor of these enslaved Africans, and we cannot forget that.

However, in spite of the considerable riches enslaved Africans created for others, what the slave trade also represented was really the lowest expression of humanity, and I mean the lowest expression. Captured Africans were subjected to the worst forms of cruelty and inhumanity. Millions were crammed in the hulls of slave ships like sardines in a can. The stench of filth and death reeked from the ships. Disease ran rampant through the ships. Traders used any means of violence to subdue insurrection, including torture, mutilations, and rape. The death rate during transport would reach as high as 50 percent. The world will never know really the exact number of enslaved Africans transported to America, but it is estimated that between 10 to 15 million were brought here to the United States, making it the largest forced migration in history.

Given its immense significance, it is unfortunate that the transatlantic slave trade is a subject only briefly discussed in our Nation's classrooms, and the study of the transatlantic slave trade really, if you ask me, should be a requirement for all of our public schools. It is essential that we acknowledge how slavery created attitudes of racism that persist in our society today.

Sadly, the legacy of the slave trade and slavery are with us to this day. Just consider these facts: nearly one quarter of African Americans in the United States live in poverty. African Americans have one of the highest unemployment rates at 9.6 percent, and of the 46 million who lack health insurance, about 20 percent are African American and many of these are children.

Slavery may be over, at least legalized slavery may be over, but in many ways the vestiges remain. That is why, Madam Speaker, it is important that we are considering this resolution today. We must honor the memory and the legacy and the courage of those who died in slavery and those who worked to end it. But at the same time, we must use this occasion to recommit ourselves to eliminating the disparities that exist in our society. We must not let their sacrifices be in vain.

Mr. BURTON of Indiana. Madam Speaker, I would like to claim my 2 minutes, and then I will yield to my colleague.

First of all, let me just say that this is a very important resolution. I don't think many people in America really understand or remember all of the horrible things that occurred during the slave trading that took place in the past.

There is a movie out right now that talks about the slave trade and how horrible it was. It is called "Amazing Grace." And I don't tout movies very much, but I would submit to all of my colleagues they ought to go see that movie. It is about William Wilberforce, who has been a hero of mine for a long time since I was a State legislator, and he led the fight in England to abolish slave trading; and it took him, I think, 18 years to get it done. But he was a real crusader for the rights of man and for the ending of slave trading.

So I would say to my colleague, Ms. LEE, I think this is a great bill you introduced. I whole heartedly support it, and I hope everybody in this House will. And as I said before, we ought to remember the horrible fight, the great fight that took place in ending slavery in England and in subsequent years.

So this is a great resolution. I really appreciate your bringing it forward.

And I hope everybody will remember William Wilberforce and the fight he made to end slavery and slave trading in England.

The SPEAKER pro tempore. The gentleman from New Jersey will control the remainder of the time, and there are 23½ minutes remaining in this debate.

Mr. PAYNE. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas, Representative EDDIE BERNICE JOHNSON, chairman of the Transportation and Infrastructure's Subcommittee on Water Resources and Environment.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, let me say thanks to Mr. PAYNE and Ms. LEE for bringing this forth.

I rise today in support of this resolution to commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

This anniversary marks a significant moment in not only American history but the history of the world. For 300 years the transatlantic slave trade represented one of the most horrific periods in the history of human events. During this time, 12 million Africans were captured and brought to America as slaves. Millions more did not survive this horrific trip overseas, which could have lasted as long as 3 months. These individuals forcibly gave their lives and freedom to build the economic future of America, which includes this Capitol.

While nothing can replace lives or freedom, it is important to acknowledge that the consequences of slavery still exist. While 200 years may have passed since the end of the transatlantic slave trade, the legacy of racism still persists. Today we take a step forward in healing those wounds by recognizing the past and acknowledging the impact it still has on our Nation.

I would like to thank Representative LEE for writing this and bringing it forth. Because all too often, we think nobody remembers but us, those who still suffer from this horrific period in our history.

Mr. PAYNE. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina, Representative G. K. BUTTERFIELD, the vice chairman of the Energy and Commerce Subcommittee on Energy and Air Quality.

Mr. BUTTERFIELD. Madam Speaker, I also want to thank the gentleman from New Jersey, my friend Congressman DONALD PAYNE, for his tireless efforts on behalf of the continent of Africa and other related issues. I also want to thank the gentlewoman from California for her work on this resolution. And, hopefully, we will pass this resolution and move forward with greater work of this Congress.

Madam Speaker, this Nation has yet to fully come to terms with and recognize the institution of slavery that existed in this country for so long. Slavery is perhaps the most underrecognized crime against humanity in the history of the world.

Madam Speaker, I am often asked about my light complexion. Some people do it out of curiosity and it does not offend me, but I am often asked about my complexion. It is a fact that I am indeed an African American. My great-grandmother was a slave.

□ 1445

And my great grandfather was the slave master. And my situation is not unique. The enslavement of millions of people who were taken from the west coast of Africa still affects millions of Americans today.

I represent the First Congressional District of North Carolina. My area of the country was one of the destinations of the slave trade. My congressional district today suffers from the effects from slavery. My constituents, half of whom are African American, suffer from disparities across the spectrum. I can trace directly these conditions to the fact that their foreparents were legally denied citizenship and the benefits of citizenship. Even after slavery ended, the United States continued to disrespect black citizens and forced them to endure inferior schools, health care, income and the like.

In my hometown of Wilson, North Carolina, my mother did not have access to a public education beyond the sixth grade. Had she lived in the rural area of my county, she would not have had the benefit of any education, save only a token opportunity offered by black churches. When my mother left the sixth grade, she was given an opportunity to move to another city to get an education, and it made a difference. She returned to our home community and became a teacher for 48 years and instilled in my generation the importance of education. There were hundreds of thousands who were denied educational opportunities, and their descendants today continue to suffer.

Madam Speaker, we have a tremendous responsibility as a Nation to remedy past wrongs. This resolution commemorating the 200th anniversary of the abolition of the transatlantic slave trade is a step in the right direction. We must do more. Poverty is pervasive. This Congress must set the tone and begin the process of healing and remedy the cruelty of slavery and racial discrimination.

Mr. PAYNE. Madam Speaker, I yield 3 minutes to the gentlewoman from the 11th District of New York, Representative YVETTE CLARKE, a member of the Commerce and Small Business Committee.

Ms. CLARKE. Thank you very much to Representative PAYNE and to the gentlelady from California.

Madam Speaker, I rise today in support of H. Res. 272, a resolution commemorating the 200th anniversary of the abolition of the transatlantic slave trade.

The abolition of the trade was an important milestone in the fight against slavery, but that campaign continued throughout the 19th century and it still continues today.

Currently, 27 million people are held in slavery around the world. Like the slaves of the past, slaves of today are controlled by violence, and suffer the theft of their labor and humanity.

Our commemoration today rings hollow if we do not learn from the lessons of the abolition movement of the past. That botched emancipation of 1865 forced four million ex-slaves into the economic social society with no access to education, political participation or equal citizenship, nor a true recognition of their humanity.

As I reflect on my own history as a descendant of African slaves who were survivors of the Middle Passage, my ancestors, kidnapped, brutalized and brought to the island Nation of Jamaica West Indies where centuries later my parents were born, who then migrated as subjects of the Queen to Brooklyn, New York, where I was born.

The history of Africans in the Americas has been suppressed as evidenced by the lack of presence in our school's curriculums. Today, we see the results of granting freedom without dignity. People of African descent still face economic inequality, social inequality and racism.

Slavery can be brought to an end within our lifetime. Madam Speaker, it is my prayer that someday soon this body will be celebrating of the global eradication of slavery. And in the spirit of the liberation and suffrage of my ancestors, the Civil Rights movement, human rights for every man, woman and child will be recognized. The liberty and the dreams of all will be attained through their collective will will not go unnoticed. We are not going to achieve true liberty unless and until we all embrace our collective and diverse humanity together.

Mr. PAYNE. Madam Speaker, I yield 3 minutes to the gentleman from the Seventh District of Illinois, chairman of the Oversight and Government Reform Subcommittee on Federal Workforce, Postal Service and the District of Columbia, Representative DANNY K. DAVIS.

Mr. DAVIS of Illinois. Madam Speaker, I rise in strong support of H. Res. 272, commemorating the 200th anniversary of the abolition of the transatlantic slave trade. I also rise in honor of my forefathers and foremothers who were captured through raids and kidnappings, sold to Europeans and subjugated to four and a half centuries of the transatlantic slave trade.

The transatlantic slave trade is sometimes called "Maafa," meaning "holocaust" or "great disaster" in Kiswahili by African and African American scholars because it resulted in a vast loss of life for African captives both in Africa and in America. It is believed that 50 percent of African deaths, 10 million, occurred in Africa as a result of wars between native tribes. 4.5 percent, around 900,000 deaths, occurred in large forts called factories. Around 2.5 million Africans died during voyages through the infamous Middle Passage, where they were packed into tight, unsanitary spaces on ships for months at a time.

While estimates of the number of slaves brought to North America vary from a few hundred thousand to a few million, the slave population in the United States had grown to 4 million by the 1860s. From the latter 18th century, and possibly before that even, until the Civil War, the rate of natural growth of North American slaves was much greater than the population of any nation in Europe and was nearly twice as rapid as that in Europe. In North America, the treatment of slaves was very harsh and inhumane. Whether laboring or walking about in public, slaves were regulated by legally authorized violence. On large plantations, slave overseers were authorized to whip and brutalize noncompliant slaves. Significantly, slave codes authorized, indemnified or even required the use of violence and were denounced by abolitionists for their brutality.

In the present phase of society, we must recognize the historical significance of the 200th anniversary of the abolition of the transatlantic slave trade to the world. More broadly, respect the memories of those who gave their lives in the fight for freedom, and make sure that no generations yet to come will ever experience this kind of inhumane brutality.

And so I commend Representative LEE for introducing this resolution, commend Representative PAYNE for his tremendous leadership in human rights.

Mr. PAYNE. Madam Speaker, it is my pleasure to yield 3 minutes to the Representative from the Sixth District of California, Representative LYNN WOOLSEY.

Ms. WOOLSEY. I want to thank Chairman PAYNE and Congressman BARBARA LEE for bringing this important issue before us today.

Madam Speaker, I rise as a cosponsor and in support of H. Res. 272, which celebrates the end of what was one of the most horrific and immoral human rights abuses in history, slavery.

The slave trade must be remembered. It has to be remembered for its brutality, for its inhumane cruelty, and for the injustices that it caused millions of families. I say families, because for every one of the more than 12 million Africans forced from his or her homeland, subjected to the Middle Passage, that terrifying journey on slave ships, overwhelmed by disease and left in famine, every one of those folks left a family behind in grief or they were separated by slave traders. These human beings taken from their homeland and stripped of their freedom suffered more than a loss of their humanity and of their families, however; many times they lost their very culture, their language, their religion and their true homeland.

It is important to remember that many of those captured in the slave trade did not survive the journey. Indeed, for every 100 slaves who reached the new world, another 40 died in Africa or during the Middle Passage.

This resolution, H.R. 272, is important because it recognizes the injustices of the transatlantic slave trade and the historical significance of its abolition. In order to come to terms with slavery and the impression of black Americans in our past, it is also important that we acknowledge not only the historical events of the slave trade and of slavery, but also its legacy, its lasting effects on the lives of every single American.

We see even today the long-term consequences of slavery in the persistent inqualities between black and white Americans, the economic disparities, poverty rates, and the discrimination that still lives in our country today. Educating and teaching future generations about the historical wrongs of the slave trade can help because it could help prevent such crimes against humanity in the future, but it will also identify many forms of slavery that still exist, forms that we pretend aren't there.

So I urge my colleagues, support H.R. 272.

Mr. PAYNE. I yield 3 minutes to the gentlelady from the 18th District of Texas, Representative SHEILA JACKSON-LEE, chairwoman of the Homeland Security Subcommittee on Transportation, Security and Infrastructure Protection.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from New Jersey, the chairman of the Africa Subcommittee on the Foreign Affairs Committee. I thank the author and sponsor of this legislation, it is historic. And certainly, I thank the ranking member of the full committee for her leadership and presence here on the floor today and our full committee Chair.

This is a day that really emphasizes the long and diverse history of this Nation. It is a day that I hope that members of this body will unanimously pass this legislation, H. Res. 272.

Certainly, the historic aspect of it has already been noted, some 10 million to 15 million Africans were transported as slaves across the Atlantic. It does not, however, add all of the history when you look at the broadness of this question of slavery and America. What it really did to America was carve out this issue of race. And Judge Higgenbotham made it very clear as he rendered decisions on segregation and separation, that in this Nation, race matters. This historical perspective now puts all of this horrible legacy in place, and it does so as America. It does so, it speaks to America about the horribleness of the slave trade. It adds that this was not a very positive part of America's history, but it is part of America's history. It does so in the backdrop of the commemoration of the 400th year of Jamestown, 1607. And the first slaves that came over were actually from Angola. The person who fought against the slaves who were being taken was a woman warrior of the tribes in that part.

Just a few weeks ago, I saw the reenactment or the refilming, if you will, or the reshowing of Roots, the Alex Haley Roots, on TV1, interestingly enough, a station and a company owned by an African American woman. And it brought home again the fierceness of slavery, the violence of slavery, and in fact, that these slaves were taken and violated and abused. And those that came over and made it here were infected with disease, they were suffering from rape and they had been brutalized.

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This is an important statement. But a more important statement is the vestiges of slavery, and I am glad to have joined the Honorable Congresswoman BARBARA LEE and a number of others who went to South Africa to the Conference on Racism, organized by the United Nations in 2001. That was a very, very important effort, and I am glad that Members of Congress did not accept the administration's rejection of going to that conference. It was vital for us to be there. It was a vital part of the healing process, because it had to do with racism around the world. In fact, we know today that slavery still exists around the world.

So as we stand here today, we acknowledge the horribleness of the slave history of this country, but we also condemn slavery that exists today around the world, in parts of Asia, in parts of Africa, in parts of South and Central America, in parts of all aspects of the world, possibly even in Europe, where people are held against their will.

But the United Nations conference was to speak to the issue of stamping out the vestiges of slavery, so that we could do it in unity, so that we could respect each other for our dignity and for where we have come from, our religious difference, our racial difference, even our regional and country differences.

That is why this resolution is so important, because it says to the world that the United States House of Representatives accepts and acknowledges the wrongness of slavery, but we are going forward. We also recognize the vestiges of slavery, and we must go forward to end that separation on the basis of race. We must be able to say that race matters in a positive way.

Madam Speaker, I rise in support of H. Con. Res. 272, commemorating the Abolition of the Transatlantic Slave Trade.

When slavery was introduced into the European colonies in 1619, the dark days that followed ignited the faith and hope of our ancestors that one day their descendants would live in freedom and helped them bear the unbearable burden of bondage. For over 300 years, the United Kingdom and other European countries kidnapped and sold millions of Africans into slavery; contemporary historians estimate that between 9.4 and 12 million Africans arrived in the new world. Although on March 25, 1807, the United Kingdom outlawed the African Slave trade by passing the Slave Trade Abolition Act, the road to freedom was a perilous one, and without Abolitionist movements, protests, and opposition, would not have been realized.

Madam Speaker, it is important to commemorate this occasion so that the world will not quickly forget the incorrigible injustices African-Americans suffered as slaves and the humiliation and degradation they bore when they were taken and adjudged to be real estate, the same category as livestock, household furniture, wagons and goods.

Although slavery was long, vicious and arduous, African slaves were instrumental in the economic development of this Nation and allowed Europe and the United States of America to be built. Slaves were the foundation of the country—today we recognize the end of this heinous trade of human cargo. It was from the institutional slave trade of Africans that the strong African-American people who have survived despite racism and second class citizenship emerged in the United States.

As we condemn the atrocities, human rights abuses, and modern-day slavery worldwide, it would be hypocritical if we did not acknowledge the history of the transatlantic slave trade and slavery that existed not long ago in our country.

The end of slavery did not come to pass until 1865, when the United States ratified the 13th amendment to the constitution. But the fight for equality against injustices, though easier today, still carries on. The consequences of the slave trade have been profound and the scars that it produced still have not healed. The most serious legacy is the endurance of racism in various forms that keep changing, but do not seem to dissipate.

Madam Speaker, we are committed to overcoming this legacy and assuring a just world society. The dignity of African-Americans demands recognition of the tragic history of the slavery era. It is for that reason that I rise in strong support of H. Res. 272, commemorating the 200th Anniversary of the Abolition of the Transatlantic Slave Trade. I urge all members to do likewise.

Mr. PAYNE. Madam Speaker, I yield 1 minute to the gentlelady from California (Ms. SOLIS), a member of the Committee on Energy and Commerce.

Ms. SOLIS. Madam Speaker, I thank the chairman of our subcommittee, and I stand in strong support of House Resolution 272.

As the daughter of immigrants, I understand very clearly what it means when individuals are brought to a country either of their own free will or against their will. In the case of Latin American immigrants coming to this country, many fled because of poverty and injustices, sometimes civil wars.

In the case of our brothers and sisters from Africa, many were brought here as slaves and were indentured and never were paid for the hard work that they provided. In fact, a large number, hundreds of thousands, reside in the Caribbean and in Latin America. We are also descendants of those individuals, and we should proudly proclaim that we not forget that part of our history and that it go down and be noted and that we do everything in our power to help educate future generations about the injustices that exist, existed, and continue to exist in this country now. Whether it be forced slave labor in our sweatshops or whether it be the maquiladoras in Mexico or Central America, there are many people who are still suffering from enslavement.

Mr. PAYNE. Madam Speaker, I yield 3½ minutes to the gentlewoman from the 13th District of Michigan (Ms. KILPATRICK), the chairperson of the Congressional Black Caucus and a member of the Appropriations Committee.

Ms. KILPATRICK. I thank the gentleman for yielding.

Madam Speaker, I also want to thank my colleague, Congresswoman BARBARA LEE from the great State of California, for offering this resolution, House Resolution 272, commemorating the 200th anniversary of the end of the transcontinental slave trade for our country. Awesome that it is, we thank the President who signed that proclamation and that we began to work as one country with many ethnicities in our country.

Slavery is a cruel, unusual, inhumane treatment. Many of us just returned from overseas and were in the slave dungeons, and to see the inhumane treatment that many of our ancestors felt then and some vestiges of it today is awesome. But we are still here. We are still here running businesses, contributing to America. We are still here attending universities and in the Halls of this Congress of the United States of America.

We have much work to do, 200 years, and we hope thousands of years from now, because, you see, Africans brought the gifts of civilization, religion and science to the world, documented in anthropological studies, the first man.

So it's unfortunate but it's past, chattel slavery, but we have much work to do. We need better schools. We have got to be the best that we can be, first class, no exceptions, and we accept that responsibility.

To my young sisters and brothers across this Nation of all ethnic persuasions, rise up and be the very best that you can be. Never let anyone take the intellect, the intelligence or the mastery that God has given you to be the very best. Slavery is an abominable crime that we must never have again for any race of people, and in vestiges around the world, we see pockets of it.

But we rise today to support House Resolution 272, and to ask as Americans and people of the world that we build together a stronger America, where people have access to quality education that helps us to compete with the Chinas and the Taiwans and the Indias of the world, that we rise as a Nation of Americans and that we never again forget that all people are created by one God known by many names.

So I stand here as Chair of the Congressional Black Caucus, one of 435 Members of this Congress, one of 43 members of the Congressional Black Caucus, to say to America, we are still the best country in the world. We still have a lot to achieve, and as we improve our schools, as we invest our moneys, this $3 trillion budget that we have in this country, make sure that this Congress, this administration, the people rise up to have a fair immigration policy, to have fair schools that are funded, that are technologically sound to compete.

And we pledge to you as African Americans, we will produce young people and others who are rising up, owning their own businesses, doing what we need to do to do our part so that our children know that we are the best, we intend to be the best, and we want the doors of opportunity to stay open so that access will be there.

Mr. PAYNE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me thank the gentlelady from California once again. As she said, we hope that the history will be integrated into our textbooks. In New Jersey, I am proud to say, William Payne, assemblyman, passed Amistad legislation that will integrate the history of African Americans in the history of New Jersey. Our current Member of Congress, ALBIO SIRES, was the Speaker of the Assembly when that great legislation was brought through with his assistance.

When we read about Patrick Henry, who said, "Give me liberty or give me death," or Nathan Hale, who said "I regret that I only have one life to give for my country," we will read about Crispus Attucks, the first person killed in the Revolutionary War on March 3, 1770. We will read about Peter Salem and Salem Poor at the Battle of Bunker Hill, that fired the shot. They said, "Don't fire until you see the whites of their eyes." They killed Major Pitcairn, who led the Boston Massacre.

When we hear about the Civil War, 50 percent of the Navy were African Americans, once Frederick Douglass convinced President Lincoln to allow them.

In the Spanish-American War, as I conclude, we hear about the Rough Riders of Teddy Roosevelt, but it was the Buffalo Soldiers at the Battle of San Juan Hill that saved the Rough Riders of Teddy Roosevelt from annihilation, which has been kept from our history.

I could go on and on, but since the time has expired, at another time I will hope to be able to get through World War I and World War II and to the present time.

Mr. HONDA. Madam Speaker, I rise today in support of H. Res. 272, a resolution offered by my fellow Californian Representative BARBARA LEE to commemorate the 200th anniversary of the elimination of the transatlantic slave trade. I commend my colleague for introducing the resolution and I am proud to be a co-sponsor.

As Chair and Founder of the Congressional Ethiopian American Caucus, I am particularly interested in the history of the African Diaspora. My experience has taught me that the history of the Diaspora is as complex and divergent as the communities themselves. Our challenge is to educate ourselves about the Diaspora and to understand how African Americans embrace and explore their heritage.

To tell the story of African immigration to the United States, we have a moral and cultural obligation to acknowledge the transatlantic slave trade. Today, the House is recognizing an important milestone in world history by considering H. Res. 272, Commemorating the 200th Anniversary of the Abolition of the Transatlantic Slave Trade. On March 25, 1807, the transatlantic slave trade was abolished by the British Parliament, and the United States Government followed suit a year later. The transatlantic slave trade was the largest forced migration in the world history, and it accounted for nearly 12,000,000 people transported in bondage from their African homelands to the Americas.

On this day, we pay our respects to those who died as a result of slavery, including through exposure to the horrors of the Middle Passage and in resistance to enslavement. As the resolution notes, the slave trade and its legacy continue to have a profound impact on social and economic disparity, racism and discrimination, and continue to affect people of African descent today. As a Nation we must move beyond telling the story about this crime against humanity, to empowering current and future generations to take action against the political and economic structures that impede our social progress.

I look forward to working with my colleagues to develop policies that will repair the damage that resulted from the devastating practice of transatlantic slave trade, and I urge my colleagues to support this resolution commemorating its abolition.

Ms. CORRINE BROWN of Florida. Madam Speaker, I stand before you today in support of H. Res. 272, drafted by my colleague Representative BARBARA LEE from California. I would like to thank her for her leadership on this issue in recognition of this important part of our shared history.

This year marks the 200th anniversary of the end of the transatlantic slave trade. In 1807 the United Kingdom outlawed slavery recognizing that the African slave trade and all manner of dealing and trading in the purchase, sale, barter, or transfer of slaves from any part of the coast or countries of Africa was unlawful and thereby abolished.

The transatlantic slave trade conducted the capture of Africans, mostly from West Africa, for the purpose of enslavement in the colonies that would become the United States, during the 15th and late 19th centuries.

The Middle Passage was the forced migration through overseas transport of millions of Africans to the Americas, many of whom suffered abuses of rape and perished as a result of torture, malnutrition, disease and resistance in transit. Those who survived this perilous journey were sold into slavery.

More than 12,000,000 Africans were transported in bondage from their African homelands to the Americas, and an estimated 1,200,000 men, women, and children born in the Americas were displaced in the forced migration that was the domestic slave trade.

It is important to acknowledge that as a result of the slave trade approximately 80,000,000 to 150,000,000 persons of African descent live in Latin America and the Caribbean, making them the largest population of persons of African descent outside of Africa.

The transatlantic slave trade is characterized as the largest forced migration in world history.

The institution of slavery which enslaved Africans, their progeny and later generations for life was constitutionally and statutorily sanctioned by the Government of the United States from 1789 through 1865.

Slavery in the United States during and after British colonial rule included the sale and acquisition of Africans as chattel property in interstate and intrastate commerce. However their presence in southern states posed a problem for representation when the Union solidified. The Great Compromise of 1787 declared that the enslaved Africans would be counted as three-fifths of a person for the purposes of representation in the House of Representatives as not to give undue representation to southern states.

The slavery that flourished in the United States constituted an immoral and inhumane dispossession of Africans' life, liberty, and citizenship rights and denied them the fruits of their own labor. The enslaved Africans in the colonies and the United States suffered psychological and physical abuse, destruction of their culture, language, religion, and families.

I am disappointed that this body has been slow to act on the resolution denouncing slavery and offering an official apology to the descendants of slaves and the African American community. The 2001 World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, held in Durban, South Africa, declared the slave trade and slavery a crime against humanity. The world recognizes the magnitude of this atrocity so why can't we make this simple step towards reconciliation?

The slave trade and the legacy of slavery continue to have a profound impact on social and economic disparity, hatred, bias, racism and discrimination in the United States.

I urge my colleagues to support this and other legislation that serves to educate and increase awareness of the history of the slave trade and its impact on American culture.

Mr. RANGEL. Madam Speaker, I wish to express my full support for commemorating the 200th Anniversary of the abolition of the Transatlantic Slave Trade as called for by H. Res. 272, which was introduced by Representative BARBARA LEE.

The Transatlantic Slave Trade is a very important part of world history that should never be forgotten. Millions of men, women, and children were forcibly removed from their homeland, packed into ships under inhumane conditions, and then after being lucky enough to survive the treacherous high seas, sold like pieces of disposable property to slave owners. Further, to add insult to injury, they were treated horribly by their masters throughout their lives. For those that survived the voyage, their strength is still unbelievable and nothing short of a miracle. For these and other reasons, Americans and people all over the world should be reminded of their immeasurable suffering and how the abolishment of the Transatlantic Slave Trade impacted the end of that atrocity.

The abolition of the Transatlantic Slave Trade was a pivotal step to the full abolishment of slavery in Great Britain and the United States. Since this action was monumental, it needs to be commemorated. A commemoration offers an opportunity to educate youth and remind others of the importance of ending the Transatlantic Slave Trade. There simply is not enough attention given to educating people on the history of slavery. Although it represents a dark part of history, it needs to be highlighted and explained.

It has been said and it is true, that America is a melting pot. Since our great country is so diverse and will continue to grow, every opportunity to commemorate and share history should be seized. I encourage my colleagues to support this important resolution.

Mr. AL GREEN of Texas. Madam Speaker, I am proud to be a cosponsor of H. Res. 272, a resolution commemorating the 200th anniversary of the abolition of the transatlantic slave trade. The transatlantic slave trade was a crime against the humanity of Africans, mostly from Western, Central, and Eastern Africa, who were kidnapped and sent to the United States and the colonies that became the United States which occurred between the 15th and late 19th centuries. Millions of Africans were literally kidnapped and shipped like chattels to the Americas. In the process many were physically abused and raped. Many perished as a result of torture, malnutrition, disease and resistance in transit. Those who survived were forced into slavery. Slavery in the United States during and after British colonial rule included the sale and acquisition of Africans as chattel property in interstate and intrastate commerce.

Humans of African origin here in the United States were robbed of their homes, family, language, culture, religion, and above all their freedom. The transatlantic slave trade is characterized as the largest forced migration in world history. What made the institution of slavery in the United States unique was that this particular form of slavery was in fact race based with 'black' or 'Negro' becoming synonymous with the word 'slave'. Slaves were prevented by law from learning to read and marriage between two slaves was not recognized by the state. It is argued that the effects of slavery have affected African-Americans and American society to this very day.

In 1807, Britain became the first European nation to ban the slave trade. France, Holland, and the United States soon thereafter passed legislation banning the trade. However, since Spain and Portugal did not follow this example, African slaves continued to be sent to countries in South America until near the end of the 19th century. Even with the end of the slave trade slavery would still be legal across a large part of the United States until the end of the Civil War.

I am compelled to commemorate the 200th anniversary of the abolition of the transatlantic slave trade because we as a country cannot ever forget this legalized horror and crime against humanity that was allowed to exist in our Nation. A horror that made our American union a less perfect one than it was initially set out to be. Mr. Speaker, I urge my colleagues to support and commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

Mr. PAYNE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 272, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

OBSERVING THE 200TH ANNIVERSARY OF THE ABOLITION OF THE BRITISH SLAVE TRADE

Mr. PAYNE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 158) observing the 200th anniversary of the abolition of the British slave trade and encouraging the people of the United States, particularly the youth of the United States, to remember the life and legacy of William Wilberforce, a member of the British House of Commons who devoted his life to the suppression and abolition of the institution of slavery, and to work for the protection of human rights throughout the world, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 158

Whereas in 1780, William Wilberforce was elected at the age of 21 years to the British House of Commons;

Whereas Mr. Wilberforce and his friends were active in at least 69 different projects focusing on issues such as prison reform, education, child labor conditions, animal cruelty, and the reformation of the culture;

Whereas Mr. Wilberforce was mentored and counseled by former slave trader and author of the hymn "Amazing Grace", John Newton, on the horrors of the slave trade;

Whereas at the time, 11 million human beings had been captured and taken from Africa to the Western hemisphere and forced into slavery and bondage;

Whereas at the time, the British Empire controlled the largest portion of the slave trade;

Whereas Mr. Wilberforce devoted his life to the suppression and abolition of the institution of slavery;

Whereas a dedicated group of like-minded reformers, the Clapham group, assisted, supported, and encouraged Mr. Wilberforce in his fight against the slave trade;

Whereas Mr. Wilberforce fought for 20 years in the House of Commons to pass legislation banning the slave trade;

Whereas on February 23, 1807, Britain passed a bill banning the slave trade;

Whereas Mr. Wilberforce helped inspire and encourage those who fought against slavery in the United States, including political leaders like John Quincy Adams, spreading a message of hope and freedom throughout America and the promise of the future;

Whereas Mr. Wilberforce labored 46 years to abolish the institution of slavery in the British Empire, ceaselessly defending those without a voice within society;

Whereas in 1833, Mr. Wilberforce was informed on his death bed that the House of Commons had voted to abolish slavery;

Whereas in 2006, the United States Department of State estimated that between 600,000 and 800,000 men, women, and children were trafficked across international borders;

Whereas the International Labour Organization estimates that there are more than 12 million people in forced labor, bonded labor, forced child labor, and sexual servitude around the world; and

Whereas the people of the United States, particularly the youth of the United States, are called upon to form clubs and groups dedicated to working against the modern slave trade, human trafficking, and the degradation of human dignity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends to the people of the United States the example of William Wilberforce

and his commitment to each and every person's human dignity, value, and freedom in observation of the 200th anniversary of the abolition of the British slave trade;

(2) encourages the people of the United States, particularly the youth of the United States, to—

(A) observe the anniversary of the abolition of the British slave trade;

(B) reflect on Mr. Wilberforce's selfless dedication to the fight against slavery and his commitment to the neediest in society;

(C) commit themselves to recognize the value of every person and to work actively against slavery in all its forms;

(D) work to educate themselves and others to recognize that individuals who are subject to slavery and human trafficking are victims of those who traffick such individuals; and

(E) form high school clubs and groups working against modern day slavery and the trafficking of persons; and

(3) condemns to the highest degree all forms of human trafficking and slavery which are an assault on human dignity and of which Mr. Wilberforce would steadfastly resist.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PAYNE. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, I would first like to thank Congressman Joe Pitts, who was the prime sponsor of this resolution, and the other cosponsors. Congressman PITTS is a strong human rights activist and has worked on issues of Western Sahara and other issues dealing with suppressed people, and so this resolution honoring William Wilberforce by Congressman PITTS and encouraging young Americans to remember his life, legacy and dedication to the abolition of the British slave trade.

Mr. Wilberforce was born in 1759 in England into a wealthy merchant family. He studied at Cambridge University, where he began a lasting friendship with the future Prime Minister of England, William Pitt.

In 1780, Wilberforce was elected at the age of 21 years of age to the British House of Commons. His self-indulgent lifestyle as a young man changed completely when he became an evangelical Christian, prompting him to dedicate his life to social reform, particularly dealing with the institution of slavery.

During his time, the British Empire controlled the largest portion of the slave trade. As we have heard, estimates are from 25 to 50 million Africans were captured and taken from Africa to the Western Hemisphere and forced into bondage over centuries.

Wilberforce was mentored and counseled by John Newton, a former slave trader and the author of "Amazing Grace," which was a song that John Newton wrote when he was caught in a storm with slaves. That is when he said "Amazing grace, how sweet the sound," and he asked the Lord to forgive him and he became an Abolitionist. That is where this song originated, which is still sung at Irish funerals, played by the bagpipes, and, of course, it opens up many services in African American churches throughout this country.

But Mr. Wilberforce talked about the horrors of the slave trade and he devoted the rest of his life to the suppression and the abolition of slavery. In his major speech on abolition in the House of Commons, he argued that the slave trade was morally reprehensible and an issue of natural justice. He described in vivid details the appalling conditions in which slaves traveled from Africa through the Middle Passage and argued that abolishing the slave trade would also bring an improvement in the conditions of existing slaves in West Indies, then, of course, under the domination of Great Britain.

In addition to his anti-slavery activities, Wilberforce was active in at least 69 different projects, focusing on issues such as prison reform, education, child labor conditions, animal cruelty, and cultural reformation. He was certainly a man who was indeed ahead of his time.

Mr. Wilberforce fought for 20 years in the House of Commons to pass legislation banning the slave trade; and on February 23, 1807, Britain passed a bill banning slave trade. Wilberforce died on the 29th of July, 1833, shortly after the act to free slaves passed. He had labored for 46 years to abolish slavery in the British Empire.

Wilberforce helped inspire and encourage those who fought against slavery in the United States, including political leaders like John Quincy Adams, who actually handled the Amistad Case in Connecticut of some slaves who in the Caribbean freed themselves and ended up on trial, and John Quincy Adams won the case. But he was influenced by Mr. Wilberforce, spreading the message of hope and freedom throughout America.

As a matter of fact, Wilberforce University, as we heard Mr. BURTON mention earlier, founded in 1856 in Wilberforce, Ohio, and the first historically black college in the United States of America, is part of the honored legacy of Wilberforce in the United States.

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Wilberforce University was a final destination for the Underground Railroad that brought over 100,000 slaves from the South to freedom. As a matter of fact, currently, the president of Wilberforce University is a former Member of this body, Reverend Doctor Floyd Flake.

Wilberforce once said, "Men of authority and influence may promote good morals. Let them, in their several stations, encourage virtue. Let them favor and take part in any plans which may be formed for the advancement of morality." I think those words stand today, if we would listen to what Mr. Wilberforce said at that time.

I ask all of you to listen to the words of Wilberforce and to vote for this resolution to honor Mr. Wilberforce's work and legacy, his commitment to each and every person's human dignity, value and freedom. I urge that we pass this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank my colleague, the gentleman from Pennsylvania (Mr. PITTS), for introducing the bill before us, House Resolution 158, which observes the 200th anniversary of the end of the British slave trade and commends the heroic legacy of William Wilberforce, the outspoken British parliamentarian and Christian who was instrumental in its abolition.

The African slave trade was a heinous practice that inflicted degradation and misery on those millions of people whose human dignity it denied or destroyed.

In celebrating the 200th anniversary of Britain's abolition of the slave trade, we cannot help but reflect on the tragic fact that it took the United States another six decades and a wrenching Civil War to do the same, to begin living more fully according to the principles of our Founding Fathers.

I commend the author of this resolution, the gentleman from Pennsylvania (Mr. PITTS), for focusing on the challenges of the present day, in addition to the sins of the past.

Although the scourge of formalized slavery has been eliminated in the west and for much, but not all, of the rest of the world, millions of women, children and men suffer similar severe assaults on their dignity and liberty today as victims of trafficking, sexual servitude, and forced labor.

This resolution is a welcomed opportunity to publicly recommit ourselves to the protection of human dignity. In the words of the man whom we honor in our resolution, William Wilberforce, he said, "Let us act with an energy suited to the importance of the interests for which we contend, stimulated by a consciousness of what we owe to the laws of God and the rights and happiness of man."

Madam Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. PITTS) be allowed to control the remainder of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. PITTS. Madam Speaker, I yield myself such time as I may consume.

I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for yielding and for her principled leadership on the Foreign Affairs Committee, and I thank the gentleman from New Jersey (Mr. PAYNE) for his leadership on this and the preceding resolution, and for his leadership on the issue of human rights in general around the world.

Madam Speaker, with this resolution, we rightly honor one of humanity's great heroes. William Wilberforce was a man of integrity, a man of courage, a man of faith, and a man of principle. And he used these qualities, Madam Speaker, to forever change the world for the better. He is someone that each of us in this Chamber can relate to and draw inspiration from.

In a legislative body of 435 Members, it can be difficult to make progress on the issues we care about. Indeed, the odds sometimes appear insurmountable.

But the life and accomplishments of William Wilberforce are proof that individuals of character truly can change the world. Wilberforce was himself a member of an elected legislative body. He was first elected to the British Parliament more than 220 years ago.

In his day, the human slave trade dominated England's economy. As a result, the interests of the slave traders were firmly entrenched in the halls of Parliament. Arguments used to justify the sale and trade of human beings and the horrific injustices that occurred in that trade were commonplace in that day.

But William Wilberforce refused to accept these arguments. He knew that slavery was an unspeakable injustice, and he made it his object to end it. This conviction would lead him on a decades-long effort to end slavery in England. It was a journey full of setbacks and disappointments. Again and again, he introduced his bill in parliament to end the British slave trade. Again and again it was soundly defeated, and again and again he was ostracized by his peers. For years this went on, and the discouragement grew.

But all the while, Wilberforce's call to conscience was slowly winning over hearts and minds. His willingness to stand for what was right and fight what was wrong was being noticed by his colleagues. And after 20 years of perseverance, 20 years of unbending principle, 20 years of standing for justice in the face of daunting odds, Wilberforce at last tasted success.

On February 23, 1807, Parliament voted, and on March 25, the King signed the bill that outlawed the British slave trade, a move that was once thought impossible.

And 26 years later, Wilberforce was informed a few days before his death that the House of Commons had finally voted to abolish slavery altogether in the British Empire.

Madam Speaker, throughout this year, we celebrate the 200th anniversary of this tremendous accomplishment. And as part of this celebration, a number of efforts are underway to inform people of this often-forgotten hero of humanity and his colleagues who worked to end in slavery.

We could mention others, like John Newton, who has already been mentioned. John Newton was a former slave trader who wrote the hymn "Amazing Grace," whose testimony before Parliament was so influential.

We could mention John Wesley, who a week before he died in 1791, wrote William Wilberforce about American slavery which he called "the vilest form of slavery known to mankind."

We could mention Wilberforce's direct influence on John Quincy Adams, and John Quincy Adams' direct influence on Abraham Lincoln. There are many people who could be mentioned, but this resolution before us today is part of the celebration of the life and accomplishments of William Wilberforce, and are certainly worthy of recognition.

Madam Speaker, I would submit this is not merely an effort to look back and give credit where credit is due, it is also a call to fight modern-day injustice.

Sadly, every generation must confront evil in its own time, and ours is no different. Around the world, thousands of people are deprived of their basic human rights every single day. Good men and women of this world have a moral duty to fight these modern-day injustices.

The U.S. State Department estimates that approximately 800,000 men, women and children are trafficked each year into slavery, into the sex industry, other slave-like labor conditions.

In South Asia, an entire class of people numbering in the millions are considered to be "untouchable," and as a result, they are denied basic services and subjected to terrible living conditions. Horrible human rights abuses continue in places like Burma and Sudan and China and many others. These are just a few examples. The list could go on.

Madam Speaker, as we honor William Wilberforce, may we also be inspired today to educate ourselves and others about modern-day injustice, inspired to not turn a blind eye to millions of people worldwide who need our help; and inspired, Madam Speaker, to act.

I urge all of my colleagues to support this important resolution.

Madam Speaker, I reserve the balance of my time.

Mr. PAYNE. Madam Speaker, we have one additional speaker who has not yet arrived, so I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I would like to yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), the former chairman, current ranking member, of the Subcommittee on Africa and Global Health and a great champion of human rights today.

Mr. SMITH of New Jersey. Madam Speaker, I thank my colleague, Mr. PITTS of Pennsylvania, for authoring this important resolution recognizing the abolishment of the inhumane, grossly immoral and ubiquitous British slave trade 200 years ago, and the highly principled member of the House of Commons, William Wilberforce, who poured his life into that noble cause. One man can—and did—make a difference.

H. Res. 158 also links the abolition issue to today's modern-day slave trade, human trafficking, and I appreciate that the gentleman from Pennsylvania recognized that there are lessons learned that need to be applied to our current battle against modern-day slavery.

Madam Speaker, William Wilberforce was 21 years old when he was elected to the House of Commons in 1780. And perhaps like some of us, later said, "The first years in Parliament I did nothing, nothing to any purpose. My own distinction was my darling object."

But that all changed, Madam Speaker, after a profound conversion to Christianity and a serious rethinking as to whether politics, with all of its diversions, distractions, vanity, lies, and deception, was compatible with his ever-deepening religious faith. He even thought of quitting politics and entering into a ministry.

John Newton, the former slave captain turned convert to Christ, among others, encouraged him to fight the battle against slavery where it could be won, in Parliament. The Commons is the place where you can stop slavery. Wilberforce agreed, and then poured his life into that battle.

William Wilberforce once said: "Never, never will we desist until we extinguish every trace of this bloody traffic to which our posterity, looking back to the history of these enlightened times, will scarce believe that it has been suffered to exist so long to disgrace and dishonor this country."

He also said: "So enormous, so dreadful, so remediable did the trade's wickedness quickly appear that my own mind was completely made up for its abolition."

Madam Speaker, 200 years ago the slave trade was abolished, and he went on for the rest of his life with a group of prayer warriors, men and women who prayed every day for the abolishment of the slave trade, who believed it was a blight not just against man and woman, but against God himself. And it was through prayer and action that they came up with a number of very interesting and creative legislative ways of trying to stop it.

Wilberforce was also tenacious. Time and time again, he would offer his bill to abolish the slave trade, only to have all kinds of shenanigans, filibusters and misinformation, diversions, and threats including physical threats to himself, used as a way of deferring action, but he nevertheless persisted and in the end, he prevailed.

We need to learn from that example, Madam Speaker, because we have a slave trade today. In 1990s, the phenomenon of human trafficking, ever present in all of history, exploded in prevalence, sophistication and cruelty.

With the breakup of the Soviet Union and the Warsaw Pact nations, suddenly new mobsters, many of them former KBG operatives, were all of a sudden on the scene buying and selling young women as commodities.

Additionally, the Internet suddenly brought pornography, including child porn, into homes all over the world, furthering the demand for victims. The sleazy X-rated theater went mainstream.

Organized crime in countries all over the world, including the United States, made profits seemingly without limit while incurring next to no risk of prosecution.

As Mr. PITTS pointed out earlier, today the United States is the net importer of upwards of 18,000 people, mostly women or children, who are trafficked into this country to be exploited. That is an abomination.

We also have our own interstate slave trade where young girls who are runaways are quickly picked up by pimps and bought and sold like commodities. That, too, must stop.

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Madam Speaker, I believe that because too much evil is involved here and because the prospect of making billions of dollars has enticed some of the most unsavory and cruel individuals, including and especially organized crime, into this nefarious trade we have to beef up our efforts to stop this slavery. Because too much demand enabled by crass indifference, unbridled hedonism and misogynistic attitudes has turned people, especially women, into objects valued only for their utility in the brothel or in the sweat shop we have to accelerate and expand our fight, and because of the relative lack of visibility, all of this makes the task of combating trafficking in modern day slavery all the more difficult.

But trafficking, like germs, infection and disease, thrives only in the shadows and in the murky places and cannot survive when brought to the light. Light remains a very, very powerful disinfectant.

So my challenge to all of us is that we have to bring the light, the bright light of scrutiny, of criminal investigations, the disinfecting of investigations and convictions, probing legislative inquiry, having the students, as Mr. PITTS in this bill encourages them to do, to form student groups to look into slavery. We need to use every tool, best practice and well-honed strategy to win the freedom of the slaves and to spare others the agony, especially through prevention measures, the agony of slavery.

Together, we can make the pimps and the exploiters pay by doing serious jail time, as well as the forfeiture of their assets. The boats, the villas and the fat-cat bank accounts must go. Together we can end this barbaric and utterly cruel modern day slavery, just as William Wilberforce and other great men and women did so in antiquity.

Make no mistake about it; the abolition of modern day slavery is a winnable war. We need to fight in ways so as to win. We need to pray. I believe we need to fast, and we need to have good, well-developed strategies, and we need to work as a bipartisan team, to end this cruelty.

Mr. PAYNE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), a member of the Appropriations Committee.

Ms. LEE. Madam Speaker, I thank again Mr. PAYNE for yielding.

Let me commend Mr. PITTS and all those who have cosponsored this resolution, and say how important it is today for us to be discussing this in a bipartisan way and commending and remembering Mr. Wilberforce.

This resolution talks about how he devoted his life to the suppression and abolition of the institution of slavery, but it also calls upon the youth of the United States, especially, to form clubs and groups dedicated to working against modern slave trade and human trafficking and the degradation of human dignity.

Also it calls on the reflection of Mr. Wilberforce's selfless dedication to fight against slavery and his commitment to the neediest in society. I think we should today remind ourselves that we need to rededicate ourselves to the principles and values which Mr. Wilberforce demonstrated through his life.

Let me give you some examples of how we really can do this today. When you look at this budget and the appropriations process, we are talking about cutting programs such as GEAR UP and TRIO that really help our youth, especially our African American and Latino youth, receive an education that allows them a level playing field.

When you look at California, affirmative action ended. We have very few students entering into the University of California, very few African American and Latino businesses because we have ended equal opportunity efforts in California, very few people of color employed by the State of California. And why? Because they did not adhere to Mr. Wilberforce's ideals and his principles.

When you look at the prison population and the disparities, when you look at African American young men and women, the huge disparities in the prison populations, huge disparities in the dropout rate. Why? You have to understand, and I think this resolution, as minded, talks about the vestiges and the legacy of slavery; and so in rededicating ourselves to end this, we need to do what we can do today and close these disparities and make the right, correct budget decisions as we look at these budgets that we are putting together.

Mr. PITTS. Madam Speaker, we have no additional speakers; therefore, I yield back the balance of my time.

Mr. PAYNE. Madam Speaker, I yield as much time as he may consume to the Representative from the 14th District of Michigan (Mr. CONYERS), chairman of the Judiciary Committee and dean of the Congressional Black Caucus.

Mr. CONYERS. Madam Speaker, I rise to join in this discussion to congratulate my colleague from New Jersey DON PAYNE and my dear friend who brought this to my attention only yesterday from California (Ms. LEE). I am so pleased to hear this discussion going on commemorating the 200th anniversary of the abolition of the transatlantic slave trade, but also the recognition of William Wilberforce, after whom the famous African American university, Wilberforce, was named, a distinguished member of the British House of Commons.

What we are discussing here is not just ancient history. It is not just a recollection of why we have a 13th amendment to the Constitution prohibiting slavery. But we are talking about one of the great iniquities of our civilization. Slavery has always been a problem that we have dealt with across our centuries; but today and in countries all over the world, we are beginning to examine where it goes.

We heard the distinguished gentleman from New Jersey (Mr. SMITH) recite present problems. We have heard the gentlewoman from California (Ms. LEE) talk about things that lead us into conditions of such abject poverty that people are made vulnerable to the whole question of being subjugated and eventually so impoverished that they end up being oppressed or exploited.

We know that many are still being trapped in trying to leave one country to improve their economic conditions, and they end up under false pretences in a forced work circumstance. Frequently, it's prostitution for young women. And for this 110th Congress, with these resolutions, H. Res. 272 and H. Res. 158, are now beginning to deal with this subject, not only in the present circumstance but examining the roots and the origins of this obnoxious, inhumane, indescribably evil circumstance in which we find men, women and children still under such oppression today.

For that reason, I am proud to stand here as the chairman of the committee that has jurisdiction over our constitutional amendments and to join with the distinguished members of the Foreign Affairs Committee who recognize that after many unsuccessful attempts, the British Parliament finally abandoned and made slavery illegal, but finally, after a great deal of effort were able to stop it. It didn't stop because we passed a law. Slavery and second-class citizenship and the denial of the rights of Americans didn't stop because we passed the 13th amendment. It didn't even stop after we passed a series of Voting Rights Acts to enforce the 13th, 14th and 15th amendments.

So here we are today, again recommitting this Nation through the people's House to make certain that everyone understands how this came about, how the Atlantic slave trade was so evil and that its legacy lingers over this Nation today.

I congratulate all of the leaders of these two measures and in commemorating the legacy and remembering this great Parliamentarian from England, William Wilberforce. Many of our predecessors worked, as tirelessly as we do, through the last couple centuries to deliver on the simple promise of freedom; but guess what, it doesn't turn on us just keeping people free. A free people have to become educated. They have to work. They have to raise their family. We have to put this enormously important consideration into the context of what it means.

To be free is not free. To be free means that you can get educated to compete in a computerized technology. It means to be able to be healthy and to live and grow to make everyone have this wonderful opportunity. It was said so then to every man and woman and child the chance, the chance, the gold shining opportunity to become whatever they could in the course of one's life.

We celebrated the life yesterday of our dearest colleague Juanita Millender-McDonald as she was memorialized in Los Angeles. What a dynamic, unusual, amazing circumstance of a young girl from Alabama transporting herself to the first elected chairwoman of color of the House Administration Committee.

These are the kinds of opportunities that are open to us, to the 43 members of the Congressional Black Caucus, who all have equally poignant stories. We have an African American chairman who had to join the Army because he could not get a job. That is existing today.

It is in that spirit of looking back and yet confronting the realities that I am so proud to join my colleagues on both sides of the aisle who have made this an important day to remember, to reflect on and to plan how we move the condition and the plight of all 300 million of our citizens forward.

I thank the gentleman from New Jersey for yielding me this time.

Mr. PAYNE. Madam Speaker, I yield myself such time as I may consume.

Let me conclude once again by thanking the prime sponsor, Congressman PITTS, for this resolution and just say that as I was indicating before about a little bit about our history, it is important that we remember history. It is important that the House of Commons fought and Mr. Wilberforce would not give up his fight.

Actually, New Jersey back in 1863 passed the 13th amendment that was proposed by President Lincoln, although New Jersey did not support Lincoln in his elections. The Republicans passed the 13th amendment, but interestingly enough, the Democrats opposed this, and in the next election the Democrats swept out all the Republicans in the New Jersey State legislature and actually rescinded the 13th amendment.

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So New Jersey did not pass the 13th amendment, refused to take up the debate on the 14th or 15th amendments. There was a time in our State where we were called, rather than down south was called up north or down north, because we did have problems, even in the North, attempting to get basic things like 13th amendment abolishing slavery; 14th amendment, due process under the law; and 15th amendment, giving the right to vote to all citizens.

We still have to fight injustice. No one would think that our great Garden State, which today is such a leader in the right things, had such a spotted past and a troubled history.

I urge support of this resolution.

Mr. CUMMINGS. Madam Speaker, I rise today in celebration of this resolution that commends the 200th anniversary of the abolition of the transatlantic slave trade, which marks the beginning of the end of the deportation of slavery. This tremendous moment in time carries with it historical significance in African American history and culture.

As many of my colleagues know, many of our ancestors were brought here in the grips of iron chains on slave ships. They were subjected to tremendous inhumane treatment. Many died and the ones that did survive were left to try and survive in a new and unforgiving world. Over the course of 4 centuries 11 to 12 million African men, women, and children were brought to the United States, the Caribbean, and Latin America against their will. The transatlantic slave trade enabled the kidnapping, purchase, and commercial export of Africans, mostly from West and Central Africa between the 15th and late 19th century.

Despite this ignoble beginning, the people of Africa created a noble culture that encompasses the African spirit of survival through adversity. Nevertheless, with all the horrors and inhumanity, the transatlantic slave trade was critical to the formation of the new world. We can now celebrate the trials, tribulations, accomplishments, and contributions of our ancestors. They certainly created and attained so much in history.

Madam Speaker, I would like to share with you the words of Frederick Douglass, one of the most famous African American abolitionists, slave, editor, orator, author, statesman and reformer. He stated:

> Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blow, or with both. The limits of tyrants are prescribed by the endurance of those whom they oppress.

The struggle to end the transatlantic slave trade and slavery was achieved by African resistance and economic factors as well as through humanitarian campaigns. Africans fought tirelessly to overcome the brutal treatment that they endured. The years that our ancestors fought for freedom were among the most difficult times that Africans faced.

It is because of the sacrifices that our ancestors made that African Americans are free today, and able to be part of this wonderful body. We must not forget what our ancestors have done for us. We must teach our children and the generations not yet born of the sacrifices that were made in the name of our freedom. We must continue to celebrate the anniversaries such as this so our history may never go forgotten.

The 200th anniversary of the abolition of the transatlantic slave trade marks a tremendous accomplishment in African American history. It is with great honor that I am able to speak on such a significant part of my history.

Mr. PAYNE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 158, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: "Resolution encouraging the people of the United States, particularly the youth of the United States, to observe the 200th anniversary of the abolition of the British slave trade and remember the life and legacy of William Wilberforce, a member of the British House of Commons who devoted his life to the suppression and abolition of the institution of slavery, and to work for the protection of human rights throughout the world".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PAYNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 158.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EXPRESSING SYMPATHY TO FAMILIES OF WOMEN AND GIRLS MURDERED IN GUATEMALA

Mr. SIRES. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 100) expressing the sympathy of the House of Representatives to the families of women and girls murdered in Guatemala and encouraging the Government of Guatemala to bring an end to these crimes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 100

Whereas Guatemalan women were among the victims during the 36-year Guatemalan internal armed conflict which ended with the signing of the 1996 Peace Accords and ushered in the process of reconciliation;

Whereas since 2001, more than 2,000 women and girls have been murdered in Guatemala often preceded by abduction, sexual assault, or brutal mutilation;

Whereas from 2001 to 2006, the rate at which women and girls have been murdered in Guatemala has increased sharply, at a higher rate than the murder rate of men in Guatemala during the same period;

Whereas the number of murders of Guatemalan women and girls has increased significantly from 303 in 2001 to more than 500 in 2006;

Whereas, according to reports from Guatemalan officials, most of the victims are women ranging in age from 18 to 30 and many were abducted in broad daylight in well-populated areas;

Whereas the manner and rate of murders of Guatemalan women and girls suggests an increase in gender based killings, an extreme form of violence against women that can include torture, mutilation, and sexual violence;

Whereas, according to data from Guatemala's Public Prosecutors Office, few arrests and fewer convictions have taken place, leading to accusations that police, prosecutors, forensics experts, and other state justice officials have not brought the perpetrators to justice;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, has complicated the arrest and prosecution of suspects;

Whereas the Guatemalan Human Rights Ombudsman reports that on ten separate occasions police officers have been implicated in the murder of Guatemalan women and girls and recommends that such officers and other officials be held accountable for their acts;

Whereas the Guatemalan Special Prosecutor for Crimes Against Women, in her statements regarding the Guatemalan murder cases, reported that her office has reviewed approximately 800 reports of domestic violence per month, with some of those cases ending in murder;

Whereas the Government of Guatemala has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, the Convention of Belem do Para, and other international human rights treaties, and the enactment of laws and the creation of state institutions to promote and protect the rights of women;

Whereas, in June 2006, the Government of Guatemala successfully abolished the "Rape Law" which had absolved perpetrators of criminal responsibility for rape and certain other crimes of violence upon the perpetrator's marriage with the victim;

Whereas the Government of Guatemala has created special police and prosecutorial units to address the brutal murders of Guatemalan women and girls;

Whereas Guatemalan legislators from various parties have joined lawmakers from Mexico and Spain to form the Inter-parliamentary Network against "Femicide";

Whereas the Government of Guatemala and the United Nations recently signed an agreement to establish the International Commission Against Impunity in Guatemala (CICIG), which has a mandate to investigate and promote prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders, and other crimes that have undermined overall security in Guatemala;

Whereas murders of Guatemalan women and girls have brought pain to the families and friends of the victims as they struggle to cope with the loss of their loved ones and the fact that the perpetrators of these heinous acts remain unknown to the proper authorities; and

Whereas continuing impunity for the crime of murder is a threat to the rule of law, democracy, and stability in Guatemala: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sincerest condolences and deepest sympathy to the families of women and girls murdered in Guatemala;

(2) expresses the solidarity of the people of the United States with the people of Guatemala in the face of these tragic and senseless acts;

(3) condemns the ongoing abductions and murders of women and girls in Guatemala which have been occurring with increasing brutality and frequency;

(4) recognizes the courageous struggle of the victims' families in seeking justice for the victims;

(5) urges the Government of Guatemala to recognize domestic violence and sexual harassment as criminal acts;

(6) encourages the Government of Guatemala to act with due diligence in order to investigate promptly the killings of women and girls, prosecute those responsible, and eliminate the tolerance of violence against women;

(7) supports efforts to identify perpetrators and unknown victims through forensic analysis, including DNA testing, such as the National Institute for Forensic Science in Guatemala (INACIF) and encourages such efforts to be conducted by independent, impartial experts;

(8) urges the President and Secretary of State to continue to express support for the efforts of the victims' families and loved ones to seek justice for the victims, to express concern relating to the continued harassment of these families and the human rights defenders with whom they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(9) encourages the Secretary of State to urge the Government of Guatemala to honor and dignify the victims of the brutal murders and to continue to include in the Department of State's annual Country Reports on Human Rights Practices all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of women and girls in Guatemala;

(10) encourages the Secretary of State to urge the Government of Guatemala to hold accountable those law enforcement and judicial officials whose failure to investigate and prosecute the murders adequately, whether through negligence, omission, or abuse, has led to impunity for these crimes;

(11) encourages the Secretary of State to support and urge the Government of Guatemala to take measures to ensure that the special Guatemalan police and prosecutorial units have an adequate number of appropriately trained personnel with sufficient resources to conduct thorough and proper investigations and prosecutions that reflect the gravity and magnitude of this national security crisis;

(12) recommends that the United States Ambassador to Guatemala continue to meet with the families of the victims, women's rights organizations, and Guatemalan officials responsible for investigating these crimes and preventing such future crimes; and

(13) recommends that the Secretary of State develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SIRES) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SIRES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIRES. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise in strong support of this resolution. I want to thank our colleague, Congresswoman HILDA SOLIS, the sponsor of this resolution, as well as original cosponsors, the Chair and the ranking member of the Western Hemisphere Subcommittee, ELIOT ENGEL and DAN BURTON, for bringing this issue to us.

This important resolution raises awareness of the increasing number of women and girls who have been brutally murdered in Guatemala. Since 2001, more than 2,000 women and girls have been killed in Guatemala, and the murder rate of women has increased sharply, more so than the rate for men.

Many of these murders are preceded by mutilation or sexual assault of the victims, and almost none of these cases are properly investigated or prosecuted. The fact that most of the murders go unpunished has contributed to the decline of overall security in Guatemala and demonstrates the dangerous situation for women and girls throughout the country.

While Guatemala has made some strides to improve the treatment of women under the law, there are still major obstacles for the country to overcome. For instance, domestic violence and sexual harassment are not considered crimes in Guatemala. This resolution condemns the murders, expresses sympathy and support for the struggle of victims' families for justice and urges that the murders be promptly investigated and prosecuted.

I hope that our two countries can work together to end the brutal murders of women and girls in Guatemala and to improve the security for all Guatemalans. I urge all my colleagues to support H. Res. 100.

Madam Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Madam Speaker, I yield myself such time as I might consume.

First of all, I want to congratulate Representative SOLIS for introducing this bill. She and I have worked together on it, and I really appreciate her hard work. She is really concerned about the rights of women around the world and not just Guatemala. I appreciate that.

Let me start out by saying today we have heard a great deal about human rights violation, slavery and other issues. The problem is not confined just to one part of the world. In China today, as Representative SMITH of New Jersey has pointed out many times, there are as many as 10 million people suffering in communist gulags, and other parts of the world. In the Sudan, we see the oppression and the horrible atrocities that are taking place and the mistreatment of not only men and women but children as well. It's just a horrible thing that we see these kinds of atrocities taking place around the world.

I really appreciate my colleagues on both sides of the aisle working so hard to focus attention on what's going on in these various areas to try to bring them to a halt. For humanity's sake, we can do no less.

I, however, today, rise in support of H. Res. 100, which recognizes and honors the women and girls who have been murdered in Guatemala. This bill brings to light the problem women in the democratic nation of Guatemala face in their daily struggle for survival. Given the current environment in Guatemala, women are not safe to walk along the streets day or night. A simple walk from home or school or work to mean abduction, mutilation or death for a Guatemalan woman or girl. Given the lack of legislative protection and judicial investigation, women are often subjected to domestic abuse, often leading to death within the home as well.

Given that there is nowhere for these victims or their families to turn, over 2,000, as has been said to my colleague, over 2,000 Guatemalan women and girls have suffered horrendous deaths in the past 5 years. Tremendous efforts have been taken by some Guatemalan legislators and human rights workers and families of the victims. They come here to Washington to try to end such atrocities by focusing attention on them.

There has been a continuous rise, however, in the brutal female deaths. There can be no rest of the weary as long as these things go on. We must come together to assist their effort and urge the government of Guatemala to take quick deliberative action to investigate the killings and prosecute those responsible and eliminate the tolerance, the tolerance of violence against women.

The women in Guatemala deserve to experience peace and prosperity within their nation and not constant fear of sexual assault and deadly mutilation, in just walking to and from work, as I said before.

I ask my colleagues to see the urgency of this bill, and to support it. Once again, Representative SOLIS, thanks for your hard work.

Madam Speaker, I yield back the balance of my time.

Mr. SIRES. Madam Speaker, I yield 4 minutes to the gentlelady from California (Ms. SOLIS).

Ms. SOLIS. I would like to thank the gentleman and also take this time to acknowledge the support of Chairman LANTOS, Subcommittee Chairman ENGEL, Subcommittee Ranking Member BURTON, who is here, and Congresswoman BARBARA LEE, who are the original cosponsors of House Resolution 100, for their tireless work on this issue. I urge all my colleagues to support this bipartisan resolution.

Madam Speaker, I know that we have heard much this afternoon about this predicament that exists in Guatemala. It has been going on for many, many years. This resolution that I introduced earlier this year would acknowledge the murders of 2,500 or more young women and girls that have been mutilated, attacked, assaulted and killed in Guatemala.

The murder rate for women and young women continues to rise there. It's as though there's a blind eye on the part of the government in Guatemala, as well as ours. That is why I brought this measure to the floor here. I think it is important that when a crime against a woman is done in any part the world, it's a crime against all of us and humanity.

Therefore, I want to acknowledge the support of our colleagues, and especially for the hard work of the advocates, the groups that actually help to bring this issue before the Congress. They could have, at any time in the past 10 years, come and spoken to any Member of Congress about the issue. But the time wasn't right. Perhaps the politics, the environment, just wasn't fit for that. But now that we have seen resolutions come out of this House, where we worked on a bipartisan basis to deal with the issues of the women of Ciudad Juarez, and now we bring forward this issue.

Now we have more support on both sides of the aisle to say that the violence has to stop. There must not be impunity. Everyone should be held accountable. There needs to be transparency in government on the part of the Guatemalan Government, and on the part of our government as well, provide technical support, and also help to seek some resolution to the violence against these women that continues to go on.

I want to thank those groups that especially have worked hard with us to combat this particular crime. I would like to mention their names, Amnesty International, the Washington Office on Latin America, the Guatemala Human Rights Commission, Human Rights First, and, also, a group from my home area, CARECEN, the Central American Resource Center advocacy group based in Los Angeles.

They are strong supporters of House Resolution 100. Did you know, in fact, in the City of Los Angeles, this has one of the highest concentrations of Guatemalans. So many of them know distinctly how important this resolution is. They thank the Congress for bringing up this measure.

Madam Speaker, I include for the RECORD letters from CARECEN and 20 other advocacy groups that are also in support of this resolution.

DEAR CONGRESSMEMBER: we write to urge your support for H. Res. 100, which expresses sympathy to the families of women and girls murdered in Guatemala and encourages the Government of Guatemala to bring an end to these crimes.

Historically, the U.S. has offered asylum to those fleeing persecution based on race, religion, political opinion, national origin or membership in a particular social group. Only in the past decade have women and girls fleeing gender-based persecution (such as domestic violence, female genital cutting, human trafficking, "honor" killings, etc.) been recognized as refugees, but this remains an issue that is still widely debated.

There is no doubt that asylum is a life-saving form of protection, and recognition of gender-based claims is an important statement by the U.S. that it takes women's rights seriously. But asylum cannot be a solution to the underlying human rights problem. By definition, asylum seekers are forced to flee their home countries in order to save their lives and to escape persecution, but they leave behind many others who face the very same violations of their fundamental human rights—and who have no protection at all. Therefore, if we truly seek to address the problem at its source, we must examine the "root causes" of the violence and persecution that are forcing asylum seekers to flee in the first place. The story of Rodi Alvarado and Guatemala's femicides serve as a tragic case in point.

For more than a decade, Rodi Alvarado was brutalized by her husband, a former soldier in the Guatemalan military, and her repeated and desperate pleas for help from the police and courts were ignored. Ultimately, she had no other option but to flee for her life. Rodi's case—known as Matter of R.A.—has been pending for almost ten years, and although two successive Attorneys General—Janet Reno and John Ashcroft—"certified" the case to themselves, neither of them issued a definitive decision. In 2001, the immigration agency proposed regulations clarifying that domestic violence and other related harms could form the basis of an asylum claim. However, those regulations have yet to be finalized, and the lives of women like Rodi Alvarado, who have sought asylum in the U.S., continue to hang in the balance.

We ask you to strongly urge Attorney General Gonzales and Department of Homeland Security Secretary Chertoff to issue regulations which would clearly recognize that women in circumstances such as Rodi Alvarado qualify for protection as refugees. This would send a clear message that women and girls fleeing gender-persecution will find a safe haven in the U.S.

Advancing protective U.S. asylum law is critical, but equally important is addressing the root causes that force women to flee their home countries. In Rodi Alvarado's case, these causes are an epidemic of violence against Guatemalan women; more than 3,000 women and girls have been murdered since 2000. These gender-motivated killings or "femicides" are notable both for their brutality and for the virtual impunity of those responsible. The most recent available statistics reveal the abysmal failure of the Guatemalan government to effectively investigate, prosecute, and punish those who carry out these horrific crimes. Only 17 murders of women—of the thousands that have been committed—have been prosecuted.

Guatemala's femicides demonstrate the lack of any meaningful protection for women like Rodi Alvarado, who are left with no other choice than to flee for their lives. Unless and until the Guatemalan government reforms its justice system such that there is an end to impunity that exists for those who commit this violence, hundreds more women will lose their lives, while others will be forced to flee in order to save them.

As a member of the U.S. House of Representatives, we ask you to play a critical role in resolving the root causes of gender-based violence and persecution in Guatemala by co-sponsoring H. Res. 100.

Sincerely,

The Center for Gender & Refugee Studies (CGRS); Central American Resource Center (CARECEN); Guatemala Human Rights Commission; Foundation for Human Rights in Guatemala; Network in Solidarity with the People of Guatemala; Movement of Guatemalan Immigrants in the United States (MIGUA); National Coalition of Guatemalan Immigrants (CONGUATE); Guatemala Solidarity Committee of Boston; National Alliance of Latin American and Caribbean Communities (NALACC); United Latinos in Massachusetts (LUMA);

Salvadoran American Nacional Network (SANN); Harvard Immigration and Refugee Clinic; University of Texas School of Law Immigration Clinic; Legal Momentum; STITCH; Lawyers' Committee for Civil Rights; Florida Immigrant Advocacy Center, Inc.; Albuquerque Center for Peace and Justice; El CENTRO de Igualdad y Derechos; Casa de Esperanza; Asylum Access; and American Friends Service Committee Immigrant Rights Program.

While I close, I would like to say that while the violence may continue momentarily, I think we have caught the attention of policymakers, not just in Guatemala, but in other parts of the hemisphere, because not only are we looking at setting a standard here, but we are letting people know that we are on watch, and that America will take their place, as we always have, in providing leadership.

I thank our chairperson for this committee. I thank the gentleman. I thank our ranking member on the other side of the aisle and all of those groups that helped to support this resolution.

Mr. SIRES. Madam Speaker, I yield 2 minutes to the gentlelady from California (Ms. WOOLSEY), a member of the Foreign Affairs Committee.

Ms. WOOLSEY. I would like to thank my colleague from California (Ms. SOLIS) for introducing this bill. I would like to thank Chairman LANTOS for working to bring it to the floor as quickly as he did.

Madam Speaker, one of the top priorities of this 110th Congress has been to protect women's rights and to prevent violence against them. That is why I am particularly proud to be a cosponsor of this resolution, H. Res. 100, a resolution that brings the same kind of commitment to the women and girls of Guatemala. The supporters of H. Res. 100 are speaking loudly against the systematic abuse and sexual violence that the women and girls of Guatemala face.

Since the year 2001, 2,000 women and girls have been murdered. We are saying that it's beyond time for the Guatemalan government to stand up against these inexcusable and inhumane acts. They are acts of violence, and they must punish the offenders. We want them to put the resources necessary toward providing for investigations and for DNA testing.

Today, with this resolution, this Congress stands up and offers more than our condolences. We offer our support. We stand with the women and the girls of Guatemala, and we pledge to bring safety and justice to them. We want their government to work with us to that end.

Mr. SIRES. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey's 10th Congressional District, chairman of the Foreign Affairs Subcommittee on Africa and Global Health, my good friend DON PAYNE.

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Mr. PAYNE. Madam Speaker, let me thank the prime sponsor, Ms. SOLIS, for introducing this very important House Resolution 100, expressing the sympathy of the House of Representatives to the families of women and girls murdered in Guatemala, and encouraging the Government of Guatemala to bring an end to these crimes.

Let me commend Ms. SOLIS from California, not only for the women in Guatemala but she has actually expressed concerns for the deaths of women in Mexico. We have had discussions with Ms. SOLIS about the murders on the border of the United States and Mexico where women have been killed and there are a tremendous number of unsolved crimes there, and she visited that community in Mexico to express our concern for the women of that region and that country. So this is simply an extension of the work that she has done so well on behalf of women not only here in this country but throughout the world.

As we know, since 2001 more than 2,000 women and girls have been murdered in Guatemala, often preceded by abductions, sexual assault, or brutal mutilation. The murder rate has continued to increase and has grown from 2001 where there were 303 reported to more than 500 in 2006. And so we have asked the Government of Guatemala and actually the United Nations, and they recently signed an agreement to establish the International Commission Against Impunity in Guatemala, which has a mandate to investigate and promote prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders and other crimes that have undermined the overall security in Guatemala.

So when we look to Guatemala and we express our sincerest condolences to the families of these women and girls, we must look at the condition of women throughout the world, even here in the United States. At a recent hearing last week of the Education and Labor Committee, we find that women make 82 cents on the dollar compared to what men make. And the sad part is that, as women progress in their years of work, the gap between men and women actually expands because they start at a lower base. Men's salaries go up, women's salaries remain stagnant, and the gap becomes even greater.

So as we remember the women of Guatemala, let's remember that there is still gender bias throughout the world.

Mr. SIRES. Mr. Speaker, I yield 2 minutes to the gentlelady from California's Ninth District, a member of the Committee on Appropriations, BARBARA LEE.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding and for your leadership, and just say today that I fully support and am a cosponsor of this resolution, and want to thank Congresswoman SOLIS for staying on point and continuing to focus and make sure that this House of Representatives understands the type of torture and violence that is taking place with regard to Guatemalan women.

As the resolution says, the murders of Guatemalan women and girls have increased significantly, from 303 to more than 500 in 2006. Since 2001, unfortunately, more than 2,500 women and girls have been killed. So it is up to us, I believe, to make sure that we as a neighbor to Guatemala, as people who care about women and girls, that we urge the Guatemalan Government to do some of the things that have been put forth in this resolution.

First, of course, we extend our sincere condolences and deepest sympathies to the families of the women and the girls who have been murdered in Guatemala. But also we have to do more than just extend our sympathy and express solidarity. We have to do what this resolution says. Let me just mention a couple of those things that we need to do.

We need to urge the Government of Guatemala to recognize domestic violence and sexual harassment as criminal acts. Nothing less than that will do. We need to make sure that our Secretary of State works with the Government of Guatemala to hold those accountable for their crimes. We need to make sure that the ambassador continues to meet with the families and the victims of the women and girls. We also need to make sure, and this resolution calls upon our Secretary of State, to develop a comprehensive plan to address and combat the growing problem of violence against women in Latin America.

Mr. Speaker, I thank Mr. SIRES, because this is such an important effort for women and girls, not only in Guatemala and Latin America, but for women and girls throughout the world.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of H. Res. 100, to express sympathy to the families of women and girls murdered in Guatemala. The senseless atrocities being committed in Guatemala are a grim reminder of the injustices that plague women and girls throughout the world. It is imperative that we speak out as a nation against these malicious acts, which demonstrate an utter lack of respect for human life.

These irrational acts of violence targeted against women are not just a looming problem in Guatemala. Femicide has afflicted other countries in the world, but our attention turns to Guatemala as the most recent and serious case of negligence by government officials. According to reports, 40 percent of killings were never investigated or the investigations were simply shelved. This pattern of impunity by the Guatemalan Government cultivates and perpetuates the cycle of violence.

It has taken pressure from the international community to highlight this gross violation of human rights and force the Guatemalan Government to take steps towards alleviating these problems. Guatemalan officials have recently created a special police commission and prosecutorial unit to solely focus on femicide crimes.

Although these are important and necessary steps, more must be done to address these issues.

It is necessary for this House to focus our attention to Guatemala's passive attitude. This is why I urge my colleagues to join me in voting "yes" on H. Res. 100.

Mr. SIRES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LYNCH). The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and agree to the resolution, H. Res. 100.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

Mr. SIRES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 243) calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 243

Whereas, on February 18, 2007, Vietnamese police raided the parish house of Father Nguyen Van Ly and confiscated computers, telephones, more than 100 mobile phone cards, and more than 200 kilograms of documents;

Whereas the police moved Father Ly to the remote location of Ben Cui in central Vietnam, where he is under house arrest;

Whereas Father Ly is a former prisoner of conscience, having spent a total of over 13 years in prison since 1983 for his advocacy of religious freedom and democracy in Vietnam;

Whereas Father Ly is an advisor of "Block 8406", a democracy movement that started in April 2006 when hundreds of people throughout Vietnam signed public petitions calling for democracy and human rights;

Whereas Father Ly is also an advisor of a new political party, the Vietnam Progression Party, and one of the primary editors of "Freedom of Speech" magazine;

Whereas, on March 6, 2007, Vietnamese police arrested one of Vietnam's few practicing human rights lawyers, Nguyen Van Dai, who has defended individuals arrested for their human rights and religious activities, is the co-founder of the Committee for Human Rights in Vietnam, and is one of the principal organizers of the Block 8406 democracy movement;

Whereas, on March 6, 2007, Vietnamese police also arrested Le Thi Cong Nhan, a human rights lawyer, a member of "Block 8406", the principal spokesperson for the Progression Party, and a founder of the Vietnamese Labor Movement;

Whereas Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan have been charged with disseminating propaganda against the Socialist Republic of Vietnam under article 88 of the Penal Code of Vietnam;

Whereas Father Ly was tried and convicted on March 30, 2007, and sentenced to 8 years in prison;

Whereas if convicted, Nguyen Van Dai and Le Thi Cong each could be sentenced to up to 20 years in prison;

Whereas Le Quoc Quan is a lawyer who traveled to the United States in September 2006 to research civil society development as a Reagan-Fascell Fellow at the National Endowment for Democracy;

Whereas Le Quoc Quan returned to Vietnam in early March 2007 and was arrested by Hanoi police on March 8, 2007;

Whereas Le Quoc Quan has been charged under Article 79 of the Penal Code of Vietnam which prohibits activities aimed at overthrowing the Government and carries extremely severe prison terms and even the death penalty;

Whereas in none of their activities have Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, or Le Quoc Quan advocated or engaged in violence;

Whereas the arrest of and charges against Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, and Le Quoc Quan violate Article 69 of the Vietnamese Constitution, which states that "The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law";

Whereas Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, and Le Quoc Quan have been arrested and charged in contravention of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party, specifically Article 18 (freedom of religion), Article 19 (freedom of expression) and Article 22 (freedom of association);

Whereas Vietnam recently has imprisoned, detained, placed under house arrest, or otherwise restricted numerous other peaceful democratic and religious activists for reasons related to their political or religious views, including Nguyen Binh Thanh, Nguyen Phong, Nguyen Ngoc Quang, Nguyen Vu Binh, Huynh Trung Dao, Nguyen Tan Hoanh, Tran Thi Le Hang, Doang Huy Chuong, Doan Van Dien, Le Ba Triet, Nguyen Tuan, Bui Kim Thanh and Tran Quoc Hien;

Whereas the United States Congress agreed to Vietnam becoming an official member of the World Trade Organization (WTO) in 2006, amidst assurances that the Vietnamese Government was steadily improving its human rights record and would continue to do so;

Whereas the group of Asian countries at the United Nations have nominated Vietnam as the sole regional candidate for a non-permanent seat on the United Nations Security Council for the 2008–2009 biennium, and pursuant to the United Nations Charter, Vietnam would be required to discharge its duties in accordance with the purposes of the United Nations, including the promotion and encouragement of respect for human rights and fundamental freedoms for all; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress, and the arrests of Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, and Le Quoc Quan are part of a trend toward increasing oppression of human rights advocates in Vietnam: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns and deplores the arbitrary arrests of Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and Le Quoc Quan by the Government of the Socialist Republic of Vietnam and calls for their immediate and unconditional release and the dropping of all criminal charges, and for the immediate and unconditional release of all other political and religious prisoners;

(B) condemns and deplores the violations of the freedoms of speech, religion, movement, association, and the lack of due process afforded to individuals in Vietnam;

(C) challenges the qualifications of Vietnam to be a member of the United Nations Security Council, unless the Government of Vietnam begins immediately to respect human rights and fundamental freedoms for all within its own borders; and

(D) strongly urges the Government of Vietnam to consider the implications of its actions for the broader relationship between the United States and Vietnam; and

(2) it is the sense of the House of Representatives that the United States should—

(A) make a top concern the immediate release, legal status, and humanitarian needs of Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and Le Quoc Quan;

(B) use funds from the newly created Human Rights Defenders Fund of the Department of State to assist with the legal defense and the needs of the families and dependents of Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, and Le Quoc Quan;

(C) continue to urge the Government of Vietnam to comply with internationally recognized standards for basic freedoms and human rights;

(D) make clear to the Government of Vietnam that it must adhere to the rule of law and respect the freedom of religion and expression in order to broaden its relations with the United States;

(E) make clear to the Government of Vietnam that the detention of Father Ly, Nguyen Van Dai, Le Thi Cong Nhan, Le Quoc Quan, and other political prisoners and prisoners of conscience and other human rights violations are not in the best interest of Vietnam because they create obstacles to improved bilateral relations and cooperation with the United States;

(F) examine current human rights violations by the Vietnamese Government and consider re-imposing on Vietnam the "country of particular concern" (CPC) designation, which was removed on November 13, 2006, pursuant to the International Religious Freedom Act of 1998; and

(G) in order to advance these freedoms and rights, and to strengthen the long-term relationship between the United States and Vietnam, initiate new foreign assistance programs to advance the capacity and networking abilities of Vietnamese civil society, including—

(i) rule of law programs to train Vietnamese human rights lawyers, judges, academics, and students about international human rights law;

(ii) public diplomacy initiatives to inform and teach Vietnamese citizens about international human rights norms and responsibilities; and

(iii) projects that support organizations and associations that promote the freedom of religion, speech, assembly, and association.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SIRES) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SIRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIRES. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would first like to commend the distinguished ranking member of the Africa and Global Health Subcommittee, my friend, Chris Smith of New Jersey, for the introduction of this important resolution.

This year, Vietnam's program of economic liberalization and openness took its most dramatic and important step when it joined the World Trade Organization. Just over 30 years after the Communist takeover of Saigon, Vietnam is now looking to promote foreign direct investment and to become a full member of the global economic community.

The U.S.-Vietnam relationship has undergone a similar transformation. U.S. Presidents now regularly visit our once sworn enemy. United States' engagements with Vietnam can and should continue in order to promote a more open and prosperous Vietnam. This will better the lives of the Vietnamese people. Yet, as the U.S.-Vietnam relationship matures, the Government of Vietnam must understand that U.S. principles of democracy, freedom, and human rights will never soften by impressive economic growth rates.

The unacceptable arrest of four innocent Vietnamese citizens by the government for exercising their right of free expression is evidence of how far Vietnam must come before it can be considered a genuine friend of the United States.

The resolution we are considering today demonstrates our commitment to human rights, democracy, and the rule of law in Vietnam. It does this by calling for the immediate release of these political prisoners, urging the Government of Vietnam to comply with international standards of human rights, and considering the implication of its actions for the broader relationship between the United States and Vietnam.

I strongly support this resolution, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH) and ask unanimous consent that he be allowed to manage the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Vietnam has long been known as a major violator of human rights. The U.S. House of Representatives went on record in the 109th Congress condemning and deploring the violations of human rights in Vietnam and strongly urging the Vietnamese Government to consider the implications of its human rights abuses for the broader relationship between the United States and Vietnam. I point out parenthetically that the House almost a year ago to the day passed a resolution that I sponsored similar to this one, H. Con. Res. 320, on April 6, 2006. There was some initial improvement. Regrettably, there has been a snapback to its original and even worsened situation when it comes to human rights observance. That is why I have sponsored H. Res. 243—calling on Vietnam to immediately and unconditionally release Fr. Ly, Mr. Dai, Mrs. Whan and other political prisoners and prisoners of conscience.

Mr. Speaker, the U.S. Department of State in its "Country Reports on Human Rights Practices" notes that the human rights record in Vietnam remains "unsatisfactory," and that government officials continued "to commit serious abuses." The U.S. Commission on International Religious Freedom stated in its 2006 annual report that Vietnam "continues to commit systematic and egregious violations of freedom of religion and belief."

However, in November 2006, pursuant to a boatload of assurances and solemn promises that the human rights situation would improve dramatically, Vietnam became the first country to be removed from the list of Countries of Particular Concern, so designated pursuant to the International Religious Freedom Act. Late last year, the U.S. Congress agreed to Vietnam becoming an official member of the World Trade Organization, and a group of Asian countries at the United Nations has nominated Vietnam as the sole regional candidate for a nonpermanent seat on the U.S. Security Council.

Despite this flurry of international recognition and tangible economic benefit, despite the hopes of many, including and especially the Vietnamese people, Vietnam has reverted to its repressive practices and has arrested, imprisoned, and imposed lengthy prison sentences on numerous individuals whose only crime has been to seek democratic reform and respect for fundamental human rights in their country.

The crackdown in Vietnam, Mr. Speaker, on religious and human rights activists is unconscionable and of course it is unnecessary. I have been to Vietnam, Mr. Speaker, on many human rights trips, and chaired several hearings on it as well. But on one of the most recent trips, I actually met with Father Nguyen Van Ly who recently got 8 years in prison; I also met with Nguyen Van Dai and about 60 other human rights activists and religious leaders and people who are pressing for reform in that country.

I was struck by how smart, talented, and kindhearted these people were. I believe they are Vietnam's best and brightest and bravest. I was amazed how they harbor no malice, no hate towards the government; nor do they hate the government leaders. They only want a better future for their country, and each and every one of the people I met with was committed, and is committed, to peaceful nonviolent reform.

But just one month ago, on March 30, the government sentenced Father Ly to 8 years imprisonment after subjecting him to a sham trial for distributing "antigovernment materials."

When I met with Father Ly he was under house arrest, he sounded just like the activists I had met and spoke to during the dark years of the Warsaw Pact and the Soviet Union. During those years of domination by communism, men like Vaclav Havel, Lech Walesa, and Anatoly Shcharansky—people who, like the folks in Charter 77 in the Czech Republic—only wanted freedom, democracy, and human rights. None of them wanted violence, and yet we see that men like Father Ly now get 8 years imprisonment on top of the 13 years he has previously served in the Gulag on trumped-up charges. Jailing dissidents is a window into the malice and evil of the government of Vietnam.

As I mentioned, attorney, Nguyen Van Dai, a tenacious campaigner for human rights who uses the law, international and domestic, to press his cause, nonviolently—he's totally nonviolent, hates violence, abhors it, stands up and tries to use the law to try to get remedies for his clients. He, too, is now awaiting a trial which will be another kangaroo court and a sham deal at that.

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Another human rights lawyer, Le Thi Cong Nhan, is a labor activist. And according to reports, she too now will undergo another one of these bogus trials.

We know that Vietnam, due to our robust trade and recently enacted PNTR and their ascension into the WTO, we know that trade will increase between the United States and Vietnam. So when this lawyer seeks to be an activist for what the ILO and all of us in this room believe to be fundamental freedoms like collective bargaining, the secret police raids her office and drags her away. She is now awaiting another one of these kangaroo trials.

Another victim of the crackdown is Le Quoc Quan. Here's a person who just returned to Vietnam in early March after completing a fellowship right here in Washington at the National Endowment for Democracy. He was arrested on March 8, apparently for the crime of engaging in research on civil society development at NED. And all of us who know NED know what a great, completely transparent and human rights rule of law oriented organization NED is, a group funded, by this Congress and by the executive branch. It's a great organization. Quam goes back to victim and is basically arrested soon after his arrival and now he is awaiting a trial as well.

Mr. Speaker, a little over a year ago, a group called Block 8406 devised a statement of human rights principles. It reminds me of Charter 77. Brave men and women banded together united by a statement of principles, human rights concerns. We've seen such expressions in Cuba, we've seen it all over the world in despotic countries. These brave men and women sign on the dotted line, in a way not unlike our own forefathers who signed the Declaration of Independence. In Vietnam's case, they are pertaning for reforms. And openness. And I have read it. It is very, very simple and eloquent and to the point. It's all about human rights and democratization. And for being part of 8406, other activists are now being caught in this dragnet.

I would note parenthetically, Father Ly was also a signer of this Block 8406 a manifesto on Freedom and Democracy for Vietnam. The 8406 stands for April 8, 2006. That's when they founded this courageous organization.

H. Res. 243, the resolution before us, Mr. Speaker, is intended to send a critical and timely message to the Vietnamese government that these serious violations of basic human rights are absolutely unacceptable and bring profound dishonor on the government of Vietnam.

These human rights violations cannot be overlooked. They cannot be trivialized. These human rights violations which are ongoing, and they occur as we meet here today, cannot continue without equally serious consequences. It also urges our Government to make human rights a top priority in our bilateral relations with Vietnam. I do believe this recent snap back to human rights abuse underscores the unwitting naivete on the part of some who think if we just trade, if we just open our pocket books, dictatorships will automatically matriculate into democracies and freedom loving human rights respecting countries. It hasn't happened anywhere. Not in the PRC, it has not happened in Vietnam and it is not happening anywhere where that naive view is embraced.

So we've got to send some clear messages. Human rights do matter. And we will stand up for those who are mistreated. We will stand with the oppressed and not with the oppressor.

Finally, I've heard it from informed and very reliable sources that some of the recent jailees, the human rights activists that are now behind bars suffering torture and mistreatment, that they are being told that the United States really doesn't care about them; that we've walked away. I have heard this on a couple of occasions from people who have very good inside information. They are actually being taunted with that kind of mantra.

I want to tell the presecuted—you are not forgotten. It's a bipartisan expression today, you are no forgotten. We care deeply about these human rights activists and we will not forget you. And we will do all that is humanly possible, God willing, to effectuate your release and hopefully, some day, see a free and democratic Vietnam.

At this point in the Record, I would like to include 8406—manifesto on Freedom and Democracy for Human Rights.

Manifesto 2006 on Freedom and Democracy for Vietnam by 118 Democracy Activists Inside Vietnam—April 8, 2006

Dear Compatriots Inside and Outside of Vietnam: We, the undersigned, representing hundreds of Vietnamese democracy activists inside Vietnam and all those Vietnamese citizens yearning for True Democracy for Vietnam, hereby unanimously proclaim the following:

I. THE CURRENT REALITIES OF VIETNAM

1. In the August 1945 Revolution, the entire Vietnamese nation made a choice for national independence and not socialism. Vietnam's Declaration of Independence on September 2, 1945 did not contain a single word about socialism or communism. The two mainsprings behind the success of that Revolution were the Vietnamese people's aspiration for national independence and also the desire to fill the power vacuum that existed after the Japanese surrender on August 15, 1945, following their overthrow of the French colonial administration on March 9, 1945.

It is thus clear that the Vietnamese communists had abandoned the main objective of the August Revolution. As a result, the Vietnamese peoples' aspiration for self-determination was disregarded. There have been two occasions, one in 1954 in North Vietnam and the other in 1975 in all of Vietnam, when there were good opportunities for the Vietnamese nation to set a new course towards a true democracy. Sadly, the Communist Party of Vietnam (CPV), failed to take advantage of those opportunities. This failure is due to the well-known fact, as propounded by Lenin, that once a dictatorship of the proletariat has been installed, its very first function is to foster violence and repressive terror!

2. On September 2, 1945 in Hanoi, Ho Chi Minh, President of the Interim Government

of the Democratic Republic of Vietnam, solemnly declared to the [Vietnamese] nation and the world that: "All men are created equal, endowed by their Creator with certain inalienable Rights, among them the Right to Life, Liberty and the pursuit of Happiness," undying words taken from the U.S. Declaration of Independence of 1776. Interpreted broadly, this sentence can mean that all nations are created equal and that they are entitled to Life, Freedom and Happiness. The 1791 French Declaration on Human and Civil Rights also proclaims: "All people are born free and have equal rights, and they must remain free and equal in all rights." These are undeniable truths . . ." (This quote is taken directly from the September 2, 1945 Vietnamese Declaration of Independence).

Nevertheless, the communist government of Vietnam began to trample upon these sacred rights the moment they came to power.

3. By February 1951, the Vietnam Workers Party (VWP, now rechristened the CPV) proclaimed in a Manifesto at its Second Party Congress that: "The ideology of the VWP is Marxism-Leninism." This was something that was even more clearly expressed in the Party Bylaws, under the rubric of "Goal and Leading Principles": "The Vietnam Workers Party takes the ideology of Marx-Engels-Lenin-Stalin and the thought of Mao Zedong in combination with the revolutionary realities of Vietnam to be its ideological foundation and compass for all Party activities.

Since then, especially in the North after 1954, and in the entire country after April 30, 1975, the specter of Communism has been imposed on the Vietnamese nation. For all practical purposes, this specter has been used to deprive the Vietnamese people of all their human rights. And even today, its overwhelming influence is evident in the spiritual as well as the material spheres of the Vietnamese nation.

II. UNIVERSAL LAWS AFFECTING ALL SOCIETIES

1. History has demonstrated that under every totalitarian regime, whether communist or non-communist, all democratic rights and freedoms are mercilessly repressed, the difference being only in the degree of repression. Unfortunately, to this day the Vietnamese nation is still one of the few that is under the rule of a totalitarian communist regime. This fact is unabashedly declared in Article 4 of the Socialist Republic of Vietnam (SRV) Constitution, which says: "The CPV. . . follows Marxism-Leninism and the thought of Ho Chi Minh, and it is the leading force of the state and society." It is on the basis of this article that democratic rights and freedoms of the Vietnamese people have been extremely curtailed.

2. The power structure in Vietnam rejects competition and totally minimizes the possibility of its replacement by something else. This record has helped accelerate the degeneration of government, and its transformation from what it started out to be. Because there are no rules and principles regarding fair competition in the current political culture of the country, election after election, people have not been allowed to choose the most deserving individuals and political parties to represent them. For that reason the leadership, management and operational set-ups become ever more corrupt, and can now be compared to a creaky piece of equipment from the center down to the localities. As a result, Vietnam is now a nation that has fallen way behind other nations in the region and in the world. In the prevailing environment, this shameful national performance and other nation-wide problems are beyond correction. The problem of all problems, the source of all evils, resides in the fact that the CPV is now the one and only political force leading Vietnam! The realities of history have shown that any country, once it has fallen into the orbit of Communism, ends up in ruin and misery. The Soviet Union itself, the very cradle of world communism, has, together with other former Eastern European countries valiantly overcome its own weaknesses to rediscover the correct path leading them forward.

3. We all understand that no one can remake history, but it is possible to redirect its course. What is even more important is that through history's lessons, one can find the correct orientation for the nation's future. The path chosen by the CPV for the Vietnamese nation was designed in haste, and thoughtlessly imposed. That is why today, it is necessary to choose once again a new path for our nation. And a path chosen by the entire nation must necessarily be better than the one chosen by just one person or one group of persons. Given that the CPV is, after all, only one component of the nation, it should not claim to speak on behalf of the entire nation! Considering that for almost half a century, from 1954 to 2006, the ruling party in Vietnam has usurped the voice of the nation, it is by no means a legitimate government! Why? Because there had simply not been a single free election during all that time in Vietnam.

On the basis of the above realities and the stated universal laws, being fully conscious of our responsibilities as citizens, and faced with the nation's fate, we would like to declare the following to our compatriots both inside and outside of Vietnam:

III. OBJECTIVE, METHODS AND SIGNIFICANCE OF OUR STRUGGLE

1. The highest objective in the struggle to fight for freedom and democracy for the Vietnamese nation today is to make sure that the present political regime in Vietnam is changed in a fundamental way, not through incremental "renovation" steps or, even worse, through insignificant touch-ups here and there. Concretely speaking, it must be a change from the monolithic, one-party, noncompetitive regime that we have at the present time to a pluralistic and multiparty system; one in which there is healthy competition, in accordance with the legitimate requirements of the nation, including at least a clear separation of powers among the Legislative, Executive and Judicial branches of government. This would be in tune with international criteria and the experiences and lessons Mankind has learned from highly respected and successful democracies.

The concrete objective is to re-establish the following fundamental rights of the people:

The Freedom of Information and Opinion as defined in the United Nations' International Covenant on Civil and Political Rights, ratified on December 16, 1966, and endorsed by Vietnam on September 24, 1982, Article 19.2: "Everyone shall have the right to freedom of opinion; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." This means that political parties, organizations and individuals all have the freedom to express their opinions through the printed media, radio, television and any other mass media without having to wait for prior approval by the government.

The Freedom to Assemble, form Associations, Political Parties, Vote and Stand for Elected Offices as defined in the International Covenant on Civil and Political Rights, Article 25: "Every citizen shall have the right and the opportunity (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (b) to vote and to be elected in genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors." This means that political parties of every orientation are allowed to fairly compete in a genuine pluralistic and multiparty democracy.

The Freedom to participate in Independent Labor Unions and the Right to Legitimate Strikes in accordance with the International Covenant on Economic, Social and Cultural Rights ratified by the United Nations on December 16, 1966, Articles 7 and 8: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work . . ., the right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests . . . [including] the right to strike . . ." These Labor Unions must be independent of, and in practice, not subservient to the state.

The Freedom of Religion as defined in the International Covenant on Civil and Political Rights, Article 18: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or adopt a Religion or Belief of his choice, and the freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." These religions must also operate independently; they cannot be made the instruments of the state.

2. The method of this struggle must be peaceful and non-violent. The Vietnamese nation must itself be actively engaged in it. Of course, we are extremely thankful for the warm and ever more effective support of all our friends in the world. Using modern information media and through ever larger international exchanges, we will seek in every way to help our compatriot to fully understand the issues involved. Once this has been achieved, they surely will know how to act appropriately and effectively.

3. This struggle is meant to make the Right Cause triumph over the Bad Cause, and, Progress over Backwardness. There are popular movements that are currently trying to use the laws of life and the tendencies of our time in order to defeat those evil forces that are trying to go against these tendencies and laws. Whether the CPV marches hand-in-hand with the Nation or not will depend on whether it is objective, fair, enlightened and modest enough to accept the principle of equality in a fair competition. The one-party political regime must be once and for all buried in the dustbin of history. From such a departing point, the Vietnamese nation will be able to find its best citizens and the most capable political organizations after each election to lead it. The "total triumph of the right cause" principle will be established, and one's individual life will become better, our society more humane, and our Compatriots will live together on more friendly terms.

We hope that this Manifesto would foster the positive contributions of our compatriots living outside of Vietnam and the support of our international friends. We are sincerely grateful and call on the United Nations, national parliaments, governments, international organizations and our friends all over the world to continue supporting enthusiastically and effectively this fully legitimate struggle. This will soon help bring our Fatherland, Vietnam, to stand shoulder-to-shoulder with civilized, moral, prosperous and free countries in today's community of Mankind—Unanimously declared in Vietnam on 8 April 2006.

Dr. Nguyen Xuan An, Hue; Teacher Dang Van Anh, Hue; Prof. Nguyen Kim Anh, Hue; Writer Trinh Canh, Vung Tau; Teacher Le Can, Hue; Teacher Tran Thi Minh Cam, Hue; Teacher Nguyen Thi Linh Chi, Can Tho; Teacher Nguyen Viet Cu, Quang Ngai; Writer Nguyen Dac Cuong, Phan Thiet; Teacher Tran Doan, Quang Ngai; Teacher Ho Anh Dung, Hue; Dr. Ha Xuan Duong, Hue; Attorney Nguyen Van Dai, Hanoi; Dr. Ho Dong, Vinh Long; Businessman Tran Van Ha, Da Nang; Dr. Le Thi Ngan Ha, Hue; (Mrs.) Vu Thuy Ha, Hanoi; Teacher Tran Thach Hai, Haiphong; Teacher Dang Hoai Anh, Hue; Dr. Le Hoai Anh, Nha Trang.

Prof. Nguyen Ngoc Anh, Da Namg; Rev. F.X. Le Van Cao, Hue; Rev. Giuse Hoang Can, Hue; Rev. Giuse Nguyen Van Chanh, Hue; Prof. Hoang Minh Chinh, Hanoi; Dang Quoc Cuong, MA, Hue; Businessman Ho Ngoc Diep, Da Nang; Ms. Le Thi Phu Dung, Saigon; Prof. Truong Quang Dung, Hue; Ex-Col. Pham Que Duong, Hanoi; Kt (Architect?) Tran Van Don, Phan Thiet; Rev. Phero Nguyen Huu Giai, Hue; Teacher Le Thi Bich Ha, Can Tho; Teacher Le Nguyen Xuan Ha, Hue; Eng. Do Nam Hai, Saigon; Kt (Architect?) Tran Viet Hai, Vung Tau; Eng. Doan Thi Dieu Hanh, Vung Tau; Teacher Phan Thi Minh Hanh, Hue; Writer Tran Hao, Vung Tau; Teacher Le Le Hang, Hue.

Nurse Che Minh Hoang, Nha Trang; Teacher Le Thu Minh Hung, Saigon; Rev. Gk Nguyen Van Hung, Hue; Teacher Le Thi Thanh Huyenh, Hue; Mai Thu Huong, MA, Haiphong; Candidate Nguyen Ngoc Ke, Hue; Nguyen Quoc Khanh, MA, Hue; Prof. Tran Khue, Saigon; Writer Bui Lang, Phan Thiet; Mr. Le Quang Liem, Head, Traditional Hoa Hao Buddhist" Church, Saigon; Rev. G.B. Nguyen Cao Loc, Hue; Teacher Ma Van Luu, Haiphong; Rev. Tadeo Nguyen Van Ly, Hue; Teacher Cao Thi Xuan Mai, Hue; Writer Ha Van Mau, Can Tho; Writer Le Thi Thu Minh, Can Tho; Teacher Nguyen Anh Minh, Saigon; (Mrs.) Bui Kim Ngan, Hanoi; Rev. G.B. Le Van Nghiem, Hue; Rev. Dominic Phan Phuoc, Hue.

Rev. Giuse Cai Hong Phuong, Hue; Eng. Ta Minh Quan, Can Tho; Rev. Giuse Tran Van Quy, Hue; Dr. Tran Thi Sen, Nha Trang; Eng. Hoang Son, Haiphong; Prof. Nguyen Anh Tai, Da Nang; Dr. Ta Minh Tam, Can Tho; Pastor Pham Ngoc Thach, Saigon; Teacher Van Ba Thanh, Hue; Tran Manh Thu, MA, Haiphong; Writer Hoang Tien, Hanoi; Rev. Tephano Chan Tin, Saigon; Writer Ton Nu Minh Trang, Phan Thiet; Dr. Nguyen Anh Tu, Da Nang; Teacher Le Tri Tue, Haiphong; Businesswoman Nguyen Thi Hanh, DaNang; Prof. Dang Minh Hao, Hue; Writer Tran Manh Hao, Saigon; Rev. Giuse Nguyen Duc Hieu, Bac Ninh; Teacher Van Dinh Hoang, Hue.

Prof. Nguyen Minh Hung, Hue; Teacher Phan Ngoc Huy, Hue; Teacher Do Thi Minh Huong, Hue; Nurse Tran Thu Huong, Da Nang; Prof. Nguyen Chinh Ket, Saigon; Teacher Nguyen Dang Khoa, Hue; Ex-Major Vu Kinh, Hanoi; Teacher Ton That Hoang Lan, Saigon; Dr. Vu Thi Hoa Linh, Saigon; Rev. Phero Phan Van Loi, Hue; Teacher Nguyen Van Ly, Haiphong; Teacher Cai Thi Mai, Haiphong; Teacher Nguyen Van Mai, Saigon; Teacher Phan Van Mau, Hue; Teacher Ma Van Minh, Hue; Dr. Huyen Ton Nu Phuong Nhien, Da Nang; Dang Hoai Ngan, MA, Hue; Teacher Le Hong Phuc, Haiphong; Eng. Vo Lam Phuoc, Saigon; Pastor Nguyen Hong Quang, Saigon.

Rev. Augustino Ho Van Quy, Hue; Dr. Vo Van Quyen, Vinh Long; Hoa Hao Lay preacher Le Van Soc, Vinh Long; Rev. Phao Lo Ngo Thanh Son, Hue; Eng. Do Hong Tam, Haiphong; Prof. Nguyen Thanh Tam, Hue; Teacher Nguyen binh Thanh, Hue; Hoa Hao Lay preacher Nguyen Van Tho, Dong Thap; Prof. Dr. Tran Hong Thu, Saigon; Ex-Officer Tran Dung Tien, Hanoi; Teacher Nguyen Khac Toan, Hanoi; Teacher Che Thi Hong Trinh, Hue; Dr. Doan Minh Tuan, Saigon; Nurse Tran Thi Hoai Van, Nha,Trang; Teacher Ngo Thi Tuong Vi, Quang Ngai; Ho Ngoc Vinh, MA, Da Nang; Teacher Nguyen Le Xuan Vinh, Can Tho; Eng. Lam Dinh Vinh, Saigon.

Mr. Speaker, I reserve the balance of my time.

Mr. SIRES. Mr. Speaker, I have no further requests for time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. Wolf) who has been a leader on global human rights for 27 years, and that especially relates to Vietnam.

Mr. WOLF. Mr. Speaker, I thank Mr. Smith, and for Mr. Smith's faithfulness to be over here.

This institution is frankly changing. It is changing before our eyes. This institution, on both sides of the aisle, almost doesn't seem to care anymore on these issues of fundamental human rights. This institution needs a little bit of Ronald Reagan.

Many of you voted to give this government PNTR. Read the letter. The conditions have changed dramatically. They're worse today than when you gave them PNTR. And yet this place is almost empty. Nobody seems to care anymore.

Father Ly is in jail. The American Ambassador ought to be fired. This administration has done a horrible job.

Let me just read some of the things that have gone on since we gave them PNTR and the President went over there. February 18, 2007, the second day of Lunar, Father Ly was banished to a remote secluded area. Does the Congress care? Does the administration care?

March 5, 2007, security forces in Saigon told Mrs. Bui Ngoc Yen that they had an order to arrest her husband.

March 8, 2007. Reverend Nguyen Cong Chinch were brutally assaulted by the security forces.

March 8, 2007, two prominent human rights activists and lawyers, Mr. Nguyen Van Dai and Ms. Le Thi Cong Nhan were arrested in Hanoi, told they would be detained for 4 months.

March 9, 2007 Mr. Tran Van Hoa, a member of the People's Democracy Committee, summoned by the security forces and threatened with "immeasurable consequences," that's in quotes.

March 10, 2007, Do Nam Hai, an engineer writing under the pen name Phuong Nam, one of the leading members of the Alliance for Democracy told by security forces he could be indicted any time.

March 10, the same day, state security forces raided the home of Ms. Tran Khai Thanh, a writer.

March 12, 2007, do you get a pattern here? Can anyone see a pattern sort of developing here?

The Congress gave them MFN. Probably a majority on both sides gave them MFN. But do you see a pattern here?

March 10, state security forces.

March 12, lawyer Le Quoc Quan, a consultant on local government for the World Bank was arrested in his hometown.

April 5, 2007 the Vietnamese authorities in Hanoi rudely prevented Congresswoman Loretta Sanchez, from your side of the aisle, from meeting with several dissidents' wives at a gathering organized at the Ambassador's house.

Now this Ambassador, frankly, and Mr. Lantos, and we have a bill that's coming up, this Ambassador has failed to turn the American Embassy into an island of freedom. During the days of Ronald Reagan, one of the greatest presidents we have ever had, not only in modern times, but in all times, turned the American Embassy in Moscow into an island of freedom that dissidents felt comfortable coming, and they were invited.

This Ambassador is just the opposite. He's silent. Dr. Martin Luther King said silence is the real danger. You expect the silence of your enemies, but you don't expect the silence of our friends.

Furthermore, the Hanoi government still has a large number of dissidents that are in jail.

Lastly, and I'm going to read a letter that I'm going to put in the Record that we sent to Secretary Rice the other day. The Vietnamese American community, a young but energetic group comprised of more than 1 million citizens, should be included in future dialogues with U.S. government officials. They know the history, the culture and the values of Vietnam. They also scrutinize the history and the tactics of communism and the Communist government's habits at the negotiating table.

I sincerely believe that the history of Vietnam must inform our approach to this and all other aspects of foreign policy. And the Vietnamese American community is a tremendous asset in this regard. Quite frankly, this administration, when Ambassador Marine leaves, ought to put a Vietnamese American in who understands these issues. So I'm going to submit this in the Record.

But these are important issues. This Congress just can't give these people human rights. And frankly, there is a whole shift taking place. I saw the other day, and if I'm wrong, I'll correct it for the record, that Steven Spielberg is now representing the Chinese government for the Olympics. One of Spielberg's greatest movies was the movie that he did with regard to what took place by Nazi Germany, Schindler's List.

Well, now there's a Schindler's list operation going on in China. There are 42 Catholic bishops that are in jail with China, with priests. And for those who might think it might be amusing, China is the one that's trying to do nothing with regard to the genocide in Darfur. 400,000 people have died. The head of China goes to Khartoum 2 months ago with a bold announcement. The announcement is they are going to build a new palace for the Sudanese that are bringing about genocide. Genocide in Darfur.

There are 46,000 house church leaders, leaders, committed leaders, house church leaders that are in jail in China today. In Tibet, it's against the law to have a picture of the Dalai Lama, and the Chinese public security police sent three public security police to my district spying on Rebiya Kadeer. If you read the Washington Post editorial last week, spying on Rebiya Kadeer in Fairfax County. Her three kids have been arrested. She's a Muslim. Her three kids have been arrested. So I just see, and I want to thank Mr. SMITH for doing this, but frankly, for the Congress just to grant MFN to this fundamentally evil government, and for us to just sort of move on and just kind of not care anymore, it just is really troubling. When we fail to speak out for the least, we fundamentally fail to speak out for everyone. And so let me just say, I didn't know this was coming up, and I just caught it and came over here. I want to thank Mr. SMITH for his faithfulness in being involved. And frankly, any Member that voted to give these guys PNTR, on both sides of the aisle, man, you've got a great responsibility now to really do something on these people. These are dissidents that are in jail. They are being suffered.

And frankly, I end by saying we ought to do more the way that Ronald Reagan did in the 1980s. Speak out on human rights, religious freedom and those values. And with that, you ought to call a role call vote on this because, frankly, this government is so dense that if they see a voice vote they won't even think it it's important. There ought to be a roll call vote so we can send a message on behalf of Father Ly, a Catholic bishop, a Catholic priest who's done nothing, and all these other people. And frankly, this ambassador ought to be shown the door. And we ought to put somebody in who represents the values of this country. Quite frankly, it ought to be a Vietnamese American who can go over there and advocate on behalf of those who are being persecuted.

DEAR SECRETARY RICE: I am writing to express my deep concern regarding the worsening human rights situation in Vietnam in recent months. After joining the World Trade Organization in January 2007, the politburo of the Vietnamese Communist Party (VCP) has carried out a large-scale brutal campaign of arrest against the nascent movement for democracy in Vietnam. Ignoring all international criticism and strenuous protests of the Vietnamese people, inside Vietnam and abroad, the communist regime in Hanoi has shamefully pushed ahead with its crackdown. The following events were particularly disconcerting to me:

On February 18, 2007, the second day of the Lunar New Year, which is the most sacred time in Vietnamese culture, the communist security forces raided Father Nguyen Van Ly's office within the Communal Residence of the Hue Archdiocese. Father Ly was later banished to a remote, secluded area in Hue.

On March 5, 2007, security forces in Saigon told Mrs. Bui Ngoc Yen that they had an order to arrest her husband, Professor Nguyen Chinh Kiet, who is a leading member of the Alliance for Democracy and Human Rights in Vietnam. Professor Kiet was in Europe at the time campaigning for democracy and human rights in Vietnam.

On March 8, 2007, Reverend Nguyen Cong Chinch and his wife were brutally assaulted by security forces of Gia Lai Province in the Central Highlands, who then arrested Reverend Chinch on undisclosed charges.

Also on March 8, 2007, two prominent human rights activists and lawyers, Mr. Nguyen Van Dai and Ms. Le Thi Cong Nhan, were arrested in Hanoi and were told that they would be detained for four months as part of an undisclosed investigation.

On March 9, 2007, Mr. Tran Van Hoa, a member of the People's Democracy Party in Quang Ninh Province, and Mr. Pham Van Troi, a member of the Committee for Human Rights in Ha Tay, were summoned by security forces and threatened with "immeasurable consequences" if they do not stop their advocacy for human rights in Vietnam.

On March 10, 2007, Do Nam Hai, an engineer writing under the pen name Phuong Nam and one of the leading members of the Alliance for Democracy and Human Rights in Vietnam, was told by security forces that he could be indicted at any time for activity against the State.

Also on March 10, 2007, state security forces also raided the home of Ms. Tran Khai Thanh Thuy, a writer, on the grounds that she advocated for "people with grievances" against the government. They took away two computers, two cell phones, and hundreds of appeals that she had prepared for victims of the government's abuses.

March 12, 2007, lawyer Le Quoc Quan, a consultant on local governance for the World Bank, Asian Development Bank, UNDP, and Swedish International Development Agency, was arrested in his hometown, Nghe An, less than a week after he returned from a fellowship at the National Endowment for Democracy in Washington, D.C. His whereabouts are unknown at this time.

On April 5, 2007, the Vietnamese authorities in Hanoi rudely prevented Congresswoman Loretta Sanchez (D-CA) from meeting with several dissidents' wives at a gathering organized at the U.S. Ambassador's home. The police reportedly used very hostile and undignified manners to intervene in the meeting.

Furthermore, the Hanoi communist regime is still imprisoning many political dissidents and labor advocates such as Nguyen Vu Binh, Huynh Nguyen Dao, Truong Quoc Huy, Nguyen Hoang Long, Nguyen Tan Hoanh, Doan Huy Chuong, the religious leaders of the Unified Buddhist Church of Vietnam, Cao Dai, Hoa Hoa, and more than 350 lay people of the Protestant churches in the Central Highland.

The Vietnamese-Americans in my district, as well as all across the country, are very angered and distressed by what they perceive as a new and aggressive plan of the Hanoi government to reverse the progress of human rights in Vietnam. They believe that Ambassador. Marine and his staff are not doing enough to stop these blatant violations of human rights.

It seems to me that the Vietnamese government is conducting this crackdown on advocates of human rights and religious freedom because it believes that the U.S. has no further leverage in the region. Now that Vietnam has been admitted to the WTO, and met with the Holy See, they believe they can respond in this brutal fashion to supporters of democracy and freedom and we will not respond.

I hope that you will make clear to the Vietnamese authorities that we will not stand by while this violence and intimidation continues. I believe the State Department should consider putting Vietnam back on the list of Countries of Particular Concern, and perhaps also consider canceling the planned visit of the Vietnamese president and prime minister later this year if the human rights situation in Vietnam has not improved.

I appreciate the recent comments by Sean McCormack at Voice of America expressing deep concern about the March 30 trial and sentencing of Father Ly. I ask that you continue pressing these issues with the Vietnamese government, including the need to respect the basic human rights of all Vietnamese citizens, especially the freedom of information, freedom of expression, and freedom of religion. The Vietnamese people should be able to choose their own leaders through free and fair elections and to use the Internet freely without any censures or restrictions.

I also ask that you encourage the Vietnamese authorities to release all political prisoners and religious leaders who are currently imprisoned because of their peaceful expression of their ideas or to fight for their religious beliefs. Among these prisoners are Father Nguyen Van Ly, Pastors Nguyen Cong Chinh and Hong Trung, lawyers Nguyen Van Dai, Le thi Cong Nhan, Le Quoc Quan, Messiers Truong Quoc Huy, and Nguyen Hoang Lon.

Lastly, I believe the Vietnamese-American community, a young but energetic group comprised of more than one million citizens, should be included in future dialogues with U.S. government officials. They know the history, culture and values of Vietnam. They also have scrutinized the history and tactics of communism and the communist government's habits at the negotiating table. I sincerely believe that the history of Vietnam must inform our approach to this and all other aspects of foreign policy, and the Vietnamese-American community is a tremendous asset in this regard. I respectfully request that you invite a small representation of the Vietnamese-American community to join the U.S. delegation in next month's human rights dialogue.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From washingtonpost.com, Apr. 26, 2007]

INHERITED PERSECUTION: CHINA IMPRISONS THE SON OF A HUMAN RIGHTS ACTIVIST

Last week China sentenced Ablikim Abdureyim to 9 years in prison. His crime? Having a human rights activist for a mother.

His mother, Rebiya Kadeer, a Nobel Peace Prize nominee, had been warned. When she was released from her imprisonment in 2005 to the United States, she was told to keep quiet about China's treatment of Uighurs, a Turkic-language Muslim minority. Or else. Instead, for the past 2 years this former entrepreneur has been shouting from the rooftops about China's oppression of her people. She has talked to Congress, the European Parliament and anyone else who will listen about the forced abortions, the harassment and killings, the thousands of Uighurs imprisoned for supposed treason or "terrorism." She herself was imprisoned for 6 years for mailing publicly available newspaper articles to her husband in America, an act China deemed "endangering of state secrets." Right now the Chinese government can't get its hands on her, so it is going after her children in China instead.

Ms. Kadeer's sons Alim and Kahar Abdureyim were convicted last fall of "tax evasion," which she says they confessed to after being tortured. Ablikim Abdureyim, the son sentenced last week, was officially convicted in January of "instigating and engaging in secessionist activities." According to the state-run news agency Xinhua, these "secessionist activities" chiefly consisted of asking Yahoo's "Uighur-language webmaster" to post articles on its site—a peculiar allegation considering that Yahoo has neither a Uighur-language webmaster nor a Uighur-language site.

The Chinese Embassy claims that Ablikim Abdureyim's "legal rights were protected during the trial" and that the trial was open to the public. But his family says that he was denied a lawyer (against Chinese law) as well as any contact with his family since his arrest last August. His family was not even notified about his trial; relatives officially learned of it only when Xinhua ran an article about his conviction nearly 3 months after the fact. If, despite the evidence, China still wants to claim that Mr. Abdureyim's trial was "open" and fair, fine: Let it prove it by giving him an open and fair appeal.

Mr. SMITH of New Jersey. Mr. Speaker, I just yield myself 2 final minutes to close.

First of all, let me thank Mr. WOLF, Chairman WOLF for his very eloquent and passionate statement. And I think by injecting China into this debate as well, there is a modus operandi by both of those countries to talk a good game about human rights while doing absolutely nothing, as a matter of fact, by doing just the opposite. It is doublespeak. It is Orwellian, and unfortunately, it is what is happening on the ground today.

Let me also say that when I visited dissidents, several of whom were under house arrest in Ho Chi Min City, Hue and Hanoi, I was struck by the heart breaking vulnerability of those individuals and their families, because the secret police don't just go after the individual. They target their families, their kids, their brothers their sisters-in-law, their nephews and nieces. It is widespread. The bullies inflict maximum, they being the communist regime, maximum pain on the individual and his or her family.

I'll give you an example of just how it works. One of the individuals who downloaded "What is Democracy" from the Internet, which was on the U.S. embassy Web site, translated and then resent it out, got 5 years in prison. He was recently let out. But his wife Vu, who I met in a Hanoi restaurant with at least three bully boys sitting about 5–10 feet away taking her picture, from the secret police, told me again and again how fearful she was that she would be targeted—and hit. She rides a motor bike; she feared that they would run her down. Modus operandi, again, of the secret police.

□ 1630

Sure enough, just a few weeks ago, she was hit on the road by the police. Would you say that was an accident? If you think that is an accident, I will sell you the Brooklyn Bridge.

Mr. Speaker, human rights abuse is getting worse in Vietnam. It is widespread. It is pervasive. And it has got to be stopped. We need to speak out with one voice. The administration needs to speak out with one voice.

This resolution has a number of action clauses in it. I hope it is taken seriously both in Hanoi as well as down at Foggy Bottom.

We need to help those suffering individuals. We are their last best hope. Let's work for them because they deserve our—and Vietnam's—respect and protection.

Mr. SIRES. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my good friend from New Jersey for the time.

I rise in support of Mr. SMITH's resolution.

I was listening to another dear friend whom I greatly admire, Mr. WOLF, and I want to thank once again Mr. SMITH of New Jersey and Mr. WOLF of Virginia for consistently being the voices for the oppressed throughout the world.

Martin Luther King said, "An injustice anywhere is an affront to justice everywhere." And that is what this resolution is about. The men and women who are languishing in the prisons in Vietnam, those being tortured, the people being tortured because of their religious beliefs, because of their views on issues, because of their political aspirations for democracy, they are being tortured systematically; and that regime needs to be condemned not only by history but by the Congress of the United States. And that is why I support so strongly this resolution by Mr. SMITH.

And it is appropriate, as Mr. WOLF did, to bring out the torture also being committed by the regime in China, mainland China. That is also a fascist communist regime. These regimes continue to be communist, but by opening the economy, they manage to get massive investments from Big Business throughout the world.

And I heard Mr. WOLF talk about how now Mr. Spielberg apparently is lobbying for the Chinese communist regime. It doesn't surprise me, after having met for hours with Fidel Castro and having said that that was one of the greatest experiences of his life, comparable to the birth of his child. So it doesn't surprise me.

It doesn't surprise me about Big Business going into Vietnam and China and getting profits from the exploitation of the workers by the communist regimes.

So I want to simply thank the gentleman for the time, and I am in strong support of this resolution. It is consistent with the best traditions of the Congress of the United States.

Mr. WOLF. Mr. Speaker, I would like to share with our colleagues a letter I recently sent to Secretary Rice regarding the recent crackdown on advocates of human rights and religious freedom in Vietnam. Even now, Vietnamese authorities are continuing to harrass these activists, including by blocking our ambassador's meetings with the wives of detained dissidents. We must speak out against this repression.

DEAR SECRETARY RICE: I am writing to express my deep concern regarding the worsening human rights situation in Vietnam in recent months. After joining the World Trade Organization in January 2007, the politburo of the Vietnamese Communist Party (VCP) has carried out a large-scale brutal campaign of arrest against the nascent movement for democracy in Vietnam. Ignoring all international criticism and strenuous protests of the Vietnamese people, inside Vietnam and abroad, the communist regime in Hanoi has shamefully pushed ahead with its crackdown. The following events were particularly disconcerting to me.

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I hope that you will make clear to the Vietnamese authorities that we will not stand by while this violence and intimidation continues. I believe the State Department should consider putting Vietnam back on the list of Countries of Particular Concern, and perhaps also consider canceling the planned visit of the Vietnamese president and prime minister later this year if the human rights situation in Vietnam has not improved.

I appreciate the recent comments by Sean McCormack at Voice of America expressing deep concern about the March 30 trial and sentencing of Father Ly. I ask that you continue pressing these issues with the Vietnamese government, including the need to respect the basic human rights of all Vietnamese citizens, especially the freedom of information, freedom of expression, and freedom of religion. The Vietnamese people should be able to choose their own leaders through free and fair elections and to use the Internet freely without any censures or restrictions.

I also ask that you encourage the Vietnamese authorities to release all political prisoners and religious leaders who are currently imprisoned because of their peaceful expression of their ideas or to fight for their religious beliefs. Among these prisoners are Father Nguyen Van Ly, Pastors Nguyen Cong Chinh and Hong Trung, lawyers Nguyen Van Dai, Le thi Cong Nhan, Le Quoc Quan, Messiers Truong Quoc Huy, and Nguyen Hoang Lon.

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Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Mr. BLUMENAUER. Mr. Speaker, as chair of the U.S.-Vietnam Caucus, dedicated to strengthening the bilateral relationship between the United States and Vietnam, I strongly support efforts to help Vietnam improve its human rights record and I support this resolution. Nothing would do more for this important relationship that continued steps by Vietnam towards respect for free speech, human rights, religious freedom and democratization. I have raised this issue at the highest levels of Vietnam's government and continue to do so at every opportunity.

However, given that Vietnam has made significant progress over the last decade, I wish that we could have passed the version as introduced, which focuses on the steps Vietnam needs to take, rather than this Committee-passed version which now includes unhelpful language about placing certain sanctions and restrictions on the U.S.-Vietnam relationship. I continue to believe that the path of engagement and honest dialogue will be a more fruitful avenue for the advancement of human rights and democracy in Vietnam.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support for H. Res. 243. The imprisonment of political prisoners and prisoners of conscience by the Republic of Vietnam is unconscionable. I join my colleagues in urging the communist regime in Hanoi to cease with these repressive actions.

Father Nguyen Van Ly and human rights attorneys Nguyen Van Dai and Le Thi Cong Nhan were arrested earlier this year for allegedly disseminating propaganda against their government. Their actions were peaceful and nonviolent, and are protected by the Vietnamese Constitution. In the 12th round of human rights talks between our government and the government of the Republic of Vietnam last week, the assistant to the Vietnamese foreign minister attempted to highlight their achievements in this arena, citing the protection and execution of basic rights and freedoms of their people.

Mr. Speaker, these words are not enough. We need action. The government of Vietnam needs to show us their commitment to providing basic human rights to their citizenry by releasing these Vietnamese patriots. Their alleged crimes amount to nothing more than advocating freedom of religion, speech, movement and association; these actions should be celebrated, rather than punished by their government.

I support this resolution and call upon the Socialist Republic of Vietnam to immediately and unconditionally release these political and religious prisoners. Further, I call upon their government to embrace differing opinions, and ensure their government's vitality through the strength of its principles, rather than the strength of its police force.

Mr. HONDA. Mr. Speaker, on Monday, April 30, 2007, Vietnamese Americans across the nation observed the 32nd anniversary of the fall of Saigon to North Vietnam, marking the end of the Vietnam war. There are now more than 1.12 million Vietnamese Americans living in the United States. They overcame many hardships to rebuild their lives, created thriving communities, contributed to the diversity and well-being of our country and worked towards their American dreams.

They have not forgotten that their former compatriots, family members, and friends in Vietnam are still being denied the basic freedoms that America has fought so hard for. Vietnamese Americans of different generations are actively working with their counterparts in Vietnam to create a more open, democratic society that is free of oppression and religious persecution.

The United States, in good faith, granted Vietnam permanent normal trade relations with the assurances that Vietnam was and will continue to improve its human rights records. Vietnam expressed its desire to create stronger, bilateral relations with the United States. However, despite these assurances, Vietnam has significantly increased the level of its detention, harassment, and oppression of political activists in the past several months since its accession into the World Trade Organization. They have blatantly disregarded their own claims that they will be actively engaged in promoting and protecting human rights with the United Nations Human Rights Council.

On May 2, 2007, the U.S. House of Representatives passed House Resolution 243, calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience. The resolution further urges the Government of Vietnam to comply with internationally recognized standards for basic freedom and human rights and adhere to the rule of law.

In voting in favor of House Resolution 243, my thoughts were with Father Nguyen Van Ly, a well-known peaceful political dissident, who was shown in an alarming video being physically silenced by Vietnamese guards at his anti-propaganda trial. The literal image of free speech being smothered has been broadcasted to the world and the United States cannot stand quietly by. The list of those dissidents being harassed, threatened, and detained continues to grow as Vietnam attempts to quiet political dissidents prior to their general elections this May.

I urge the Department of State to adopt the re-designation of Vietnam as a Country of Particular Concern for its continued oppression of religious freedom, as recommended by the United States Commission on International Religious Freedom. It is my hope that the Vietnamese government will consider how their actions are viewed by the world, and that they immediately cease their detention and harassment of peaceful, democratic activists.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of H. Res. 243, which calls on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience.

Mr. Speaker, as a co-sponsor of this resolution, I am extremely concerned and saddened by the resumption of repressive tactics of the Vietnamese Government. It was only six months ago that the State Department's Office of International Religious Freedom removed Vietnam from its "Countries of Particular Concern" list, a list mandated by the International Religious Freedom Act which we passed in 1998. However, despite their removal from this list, the Vietnamese government instead chose to resort to arbitrary arrests and detentions of religious community leaders and human rights activists.

Father Nguyen Van Ly, a founder of the Committee for Human Rights in Vietnam, was arrested for what authorities called, "conducting propaganda activities to harm the security of state." Father Nguyen Van Ly has spent nearly thirteen years in prison for the fight for religious freedom and democracy in Vietnam. Just last month, two prominent Vietnamese human rights attorneys, Mr. Nguyen Van Dai and Ms. Le Thi Cong Nhan, were arrested for "spreading anti-government propaganda."

Mr. Speaker, the United States prides itself on the promotion of democracy, good governance, protection of human rights and religious freedom, and the advancement of the rule of law. We cannot look the other way when a "Most Favored Nation" is committing the grossest of human rights violations against its citizens. Congress cannot ignore the blatant disregard Vietnam is displaying towards its own people while it continues to detain and silence Vietnamese lawyers, democracy activists, and human rights advocates. As Vietnam aspires to integrate itself with the global economy, I believe it must also understand that the United States and the rest of the world is watching their actions and we condemn their atrocious digression and disregard for the most basic human rights.

Mr. SIRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and agree to the resolution, H. Res. 243, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF CINCO DE MAYO

Mr. SIRES. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 347) recognizing the historical significance of the Mexican holiday of Cinco de Mayo.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 347

Whereas May 5, or Cinco de Mayo in Spanish, is celebrated each year as a date of great importance by the Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom;

Whereas Cinco de Mayo has become one of Mexico's most famous national holidays and is celebrated annually by nearly all Mexicans and Mexican-Americans, north and south of the United States-Mexico border;

Whereas the Battle of Puebla was but one of the many battles that the courageous Mexican people won in their long and brave struggle for independence and freedom;

Whereas the French, confident that their battle-seasoned troops were far superior to the almost amateurish Mexican forces, expected little or no opposition from the Mexican army;

Whereas the French army, which had not experienced defeat against any of Europe's finest troops in over half a century, sustained a disastrous loss at the hands of an outnumbered, ill-equipped, and ragged, but highly spirited and courageous, Mexican force;

Whereas after three bloody assaults upon Puebla in which over a thousand gallant Frenchmen lost their lives, the French troops were finally defeated and driven back by the outnumbered Mexican troops;

Whereas the courageous and heroic spirit that Mexican General Zaragoza and his men displayed during this historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination;

Whereas the Cinco de Mayo holiday is not only the commemoration of the rout of the French troops at the town of Puebla in Mexico, but is also a celebration of the virtues of individual courage and patriotism of all Mexicans and Mexican-Americans who have fought for freedom and independence against foreign aggressors;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States is built by people from many nations and diverse cultures who are willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close spiritual and economic ties between the people of Mexico and the people of the United States, and is especially important for the people of the southwestern States where millions of Mexicans and Mexican-Americans make their homes;

Whereas in a larger sense Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said, "El respeto al derecho ajeno es la paz" ("The respect of other people's rights is peace"); and

Whereas many people celebrate during the entire week in which Cinco de Mayo falls: Now, therefore, be it

Resolved, That the House of Representatives recognizes the historical struggle for independence and freedom of the Mexican people and requests the President to issue a proclamation recognizing that struggle and calling upon the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SIRES) and the gentleman from Indiana (Mr. BURTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SIRES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIRES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

I would like to begin by applauding the efforts and the leadership of the author of the resolution, Congressman JOE BACA, who is also the chairman of the Congressional Hispanic Caucus.

Mr. Speaker, the Cinco de Mayo holiday commemorates the May 5, 1862, victory of a vastly outnumbered Mexican Army under the command of General Ignacio Zaragoza over Napoleon III's regiments at the Battle of Puebla.

The triumph of the Mexican people over the French in this battle has come to symbolize the fight for freedom and justice. To most of us in the United States, this holiday is expressed through the enjoyment of Mexican and Mexican American culture, the food, the music, and the customs. This resolution encourages continuing those celebrations, but it also reminds us that Cinco de Mayo is a tribute to the contributions that the Mexicans and

Mexican Americans have made and continue to make across our Nation.

We take pride in these achievements and in the continuing dedication of thousands of Mexican American men and women in uniform.

Cinco de Mayo reminds us that the foundation of the United States is built by people from many nations and diverse cultures willing to fight and die to make ours a stronger and freer world.

I urge my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to congratulate Mr. BACA, my good buddy, for sponsoring this resolution. And I want to say very briefly that our side supports moving forward with this resolution of the gentleman from California, which recognizes the historical significance of Cinco de Mayo.

Our good neighbors to the south, Mexico, and we here in the U.S.A. have many things and values in common, and we ought to celebrate and share them together, as this resolution does today. Cinco de Mayo is an important holiday celebrated to commemorate May 5, 1862, the date Mexicans fought the Battle of Puebla to end their struggle for independence and freedom.

So let us recognize the historic struggle for independence and freedom of the Mexican people as symbolized by this important holiday and celebrate and rejoice together the holiday of Cinco de Mayo.

Mr. Speaker, I reserve the balance of my time.

Mr. SIRES. Mr. Speaker, I yield 5 minutes to the gentleman from California's 43rd District, chairman of the Committee on Agriculture's Subcommittee on Department Operations, Oversight, Nutrition, and Forestry.

Mr. BACA. Mr. Speaker, I thank my friend and colleagues and my friend ALBIO SIRES for yielding me the time. I would also like to thank Chairman LANTOS and Ranking Member ROS-LEHTINEN and then, of course, my friend DAN BURTON and the leadership for their support and their effort in bringing this bipartisan resolution to the floor.

I rise today in support of H. Res. 347, a resolution honoring the significance and impact of Cinco de Mayo. This Resolution 347 recognizes the Cinco de Mayo holiday, which commemorates May 5, 1862, the date in which the Battle of Puebla was fought by Mexicans who were struggling for their independence and freedom.

While Cinco de Mayo commemorates the Mexican Army's victory over France in this key battle, it was also but one of many battles for the courageous Mexican people who won their long and brave struggle for independence and freedom.

Today the Cinco de Mayo holiday is not only the commemoration of the defeat of the French foreign army, it is also a celebration of virtues of individual courage and patriotism of all Mexicans and Mexican Americans who have fought for freedom and independence against foreign aggressors.

Cinco de Mayo is also a day to celebrate the rich cultural heritage that Latinos have brought to the United States. Latinos are the fastest growing minority population in the country, representing 45 million people, 17 percent of the total population. The Latino community has made many important contributions in all aspects of life: the arts, sports, the business world, sciences. Latinos have also fought in all American wars beginning with the Revolutionary War, earning 41 Medals of Honor overall. In World War II, 500,000 Hispanics fought, 65 Puerto Ricans fought. Thirteen Medals of Honor, 11 Mexican Americans, one Puerto Rican. Today there are over 30 Latino Members in the United States Congress. This statistic points to what a driving force the Latino community has become in our country economically, socially, and politically.

Cinco de Mayo also provides us with a great opportunity to look back at our own heritage as Americans. We must remember that our country was built by people from different homelands with different diverse cultures held together by common bond with a willingness to fight and die for freedom.

Unfortunately for Latinos, there are many inequities that have put our communities at a social and economic disadvantage. My colleagues and I in the Congressional Hispanic Caucus are working together in a bipartisan basis to end these barriers to increase opportunities for Latinos, particularly in areas of education, health care, homeownership, and equal representation in corporate America. As Americans, we must unite to achieve these common goals.

In a large sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez once said: "The respect of other people's rights is peace."

I ask my colleagues to support H. Res. 347.

Mr. SIRES. Mr. Speaker, I yield 3 minutes to the gentleman from the 15th District in Texas, chairman of the Education and Labor Subcommittee on Higher Education, Lifelong Learning, and Competitivness, and member of the Committee on Foreign Affairs (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of House Resolution 347, and also I rise to honor a true hero who gave his life to free his country from foreign oppression.

Ignacio Zaragoza Seguin was born in 1829 near what is now Goliad, Texas, a community in my congressional district.

In 1862 French troops began a march to capture Mexico City. They met the Mexican forces led by a courageous and well-trained 33-year-old general at the city of Puebla, Mexico, in a battle that lasted the entire day of May 5, 1862. Under General Ignacio Zaragoza's leadership, the vastly outnumbered Mexican Army forced the withdrawal of Napoleon III's army, the premier army in the world.

□ 1645

French Army losses were heavy, but Mexican troop casualties were few. The costly delay in Puebla, Mexico helped shorten the French intervention. It also helped preserve the American Union as it kept the French Army too busy to directly aid the Confederacy with troops during the U.S. Civil War.

General Zaragoza and his troops received a hero's welcome in Mexico City. While visiting his sick troops, Ignacio contracted typhoid fever and died on September 8, 1862 at the age of 33, only a few months after the great battle against the French.

President Juarez declared May 5, Cinco de Mayo, a national holiday in his country. Today, we celebrate Cinco de Mayo throughout Mexico and around the world, but I hope that as we celebrate it, we remember the courage and sacrifice of this true hero.

I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H. Res. 347. I rise to recognize the historical importance of the Mexican holiday Cinco de Mayo. The fifth day of May, or Cinco de Mayo, is a special day because it represents the importance of freedom, liberty and determination for the people of Mexico and for Mexican-Americans. It was on that day, May 5, 1862, that untrained, outnumbered, and outgunned Mexican forces—determined to protect their land—successfully defended the town of Puebla against the French.

The quest for an independent Mexico started on September 16, 1810, when the people of Mexico, following the will to become a free nation, refused to submit to Spanish rule. The struggle went on for 10 years. Finally, in 1821, the first independent Mexican government was established.

But being an independent nation was not easy. Over the years, Mexico received economic support from several nations, France and England among them. Later on, even Spain supported the new country. Thus, Mexico became heavily indebted to foreign powers. Due to ongoing political unrest caused by many groups struggling for power, Mexico was not able to pay back the loans. On July 17, 1861, President Benito Juarez issued a moratorium in which all-foreign debt payments would be suspended for a period of two years, with the promise that after this period, payments would resume.

In 1862, France, Spain, and England dispatched their fleets to Mexican shores pursuing not only money but also land rights as payment for their loans. A government representative greeted them and explained that Mexico acknowledge its debts, but had no funds to pay them. They were offered payment warrants in exchange.

The Spaniards and the British decided to accept the warrants and withdrew from the scene. But the French government's representative did not accept the offer and ordered his troops to invade the country and head toward Mexico City, the nation's capital. They had to cross through the state of Puebla to get to the capital.

Mexican President Benito Juarez. reacted immediately and prepared the defense. He commanded Ignacio Zaragoza, a young and brave General, to fortify the City of Puebla and repel the French invaders.

The battle was by no means even. France, under Louis Napoleon's rule, had the world's most powerful army, and sent more than six thousand men to invade Mexico. But the courage and the love of freedom impelled the Mexican people to fight back.

General Ignacio Zaragoza led 5,000 ill-equipped Mestizo and Zapotec Indians called Zacapoaxtlas. On the 5th of May 1862, the forts of Loreto and Guadalupe, in the city of Puebla, became the scene of the historical defeat of the great European army. Against overwhelming odds, they managed to drive back the French army, achieving a total victory over soldiers deemed among the best trained and equipped in the world and embarking on the end of the European domination in America.

For Mexico, this day has come to represent a symbol of Mexican unity and patriotism in the history of Mexico. In our country, Cinco de Mayo is also a celebration of the rich cultural heritage Mexican Americans have brought to the United States.

Hispanics are the fastest-growing minority group in the United States. According to the most recent data available, the estimated Hispanic population in the U.S. is 42.7 million—constituting 14 percent of our nation's population.

Hispanics now own a record number of small businesses—1.6 million, with annual revenues of more than $221 billion. Small businesses create two-thirds of American jobs, and the fastest-growing small business sector is Latino-owned firms.

Today, there are 30 Hispanic Members in the United States Congress, including 24 Democrats, many of whom are Mexican-American, representing constituencies in all regions of the country, from California to New York, from Arizona to Illinois, from Colorado to Florida.

These gains and numbers tell us that Hispanics are a driving force in our country—economically, socially and politically. Hispanics share the common goals with all other Americans of freedom, opportunity, and a chance to build a better life. In pursuing these aspirations, Hispanics have made important contributions to life in the United States in the fields of culture, sports, entertainment, business enterprise, science, politics and others.

On Saturday, May 5th, millions of Americans will join our neighbors to the south in celebrating Cinco de Mayo. On this day, we are reminded that all people—regardless of their race, color, or gender—have enriched cultures and are worthy of respect and self-determination.

I am happy to be here today to celebrate this momentous day and to recognize the values, traditions, and positive contributions of the Mexican culture. I urge all members to join me in supporting H. Res. 347, and commemorate the historical significance of Cinco de Mayo.

Mr. BURTON of Indiana. Mr. Speaker, I yield back the balance of my time.

Mr. SIRES. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and agree to the resolution, H. Res. 347.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE CITY OF CHICAGO FOR BEING CHOSEN TO REPRESENT THE UNITED STATES TO HOST THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. SIRES. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 118) congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 118

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be "Stir the Soul," and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits and growth;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SIRES) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SIRES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SIRES. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I would first like to commend our colleague from Chicago, RAHM EMANUEL, for introducing this important resolution. His efforts to win our Nation the 2016 Olympic games are greatly appreciated.

Mr. Speaker, the 2004 summer Olympic games in Athens unfolded before the eyes of hundreds of millions of people around the world, with some watching in person, but many more on television every night. It is fair to say that the Athens games were a success, despite fears of terrorism or that key Olympic venues would not be ready. Athens was prepared to receive thousands of athletes and officials from around the world. The Olympic spirit thrived as athletes lived out their dreams.

This resolution before the House seeks to bring the summer Olympic spirit we witnessed in Athens here to America for the first time since 1996 in the Atlanta Olympic games. This measure urges the International Olympic Committee to choose the United States entry of Chicago to host the 2016 summer Olympics.

Mr. Speaker, the Olympics bring together people from all over the world. And when they arrive in Chicago, they will find a culturally diverse city ready and willing to host athletes and spectators from every nation.

Chicago already has developed a public transportation infrastructure to ensure that visitors from the United States and abroad can easily get to the Olympic games. Once in Chicago, athletes and spectators alike will be able to move seamlessly through all Olympic venues and practice facilities.

The Olympic games will be held in the heart of Chicago so that everyone can enjoy Chicago's beautiful waterfront and park system. Hosting the Olympic games will also bring important economic benefits to Chicago and position it to hold important sporting events in the future.

Mr. Speaker, Chicago is a beautiful, thriving American city eager to carry on the Olympic tradition. When the International Olympic Committee meets to choose the site of the 2016 summer games, I urge committee members to choose Chicago.

Mr. Speaker, I strongly support this resolution, and reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with this week being Olympic Week in America in our Nation's elementary schools, there is no better time for us to extend our congratulations to the City of Chicago for being selected to represent the United States in the competition to host the 2016 Olympic and Paralympic games.

Chicago is a world-class city, known for its culture, history, people and love of sports, and pizza, and the Bears and the Bulls.

In addition, it boasts renowned architecture and a significant transportation infrastructure and numerous venue options for major events such as the Olympic games.

This is the first step in the international process whereby the final selection for the site of the games will be made in October 2009. Chicago's likely rivals in the 2016 competitions include Rio de Janeiro, Rome, Tokyo, Madrid and Prague. Other than Miami, of course, I can think of no better city to represent the United States of America in its bid for the Olympics games than Chicago.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SIRES. Mr. Speaker, I yield 4 minutes to the member of the Ways and Means Committee from the Fifth District of Illinois, RAHM EMANUEL.

Mr. EMANUEL. I thank my colleague from Miami. I can think of no other city if Chicago didn't have it than Miami. And also my colleague from New Jersey.

You know, both of you have mentioned something about Chicago's physical beauty. The reason we are so proud, those of us from Chicago, of hosting the Olympics is not only our physical beauty, but I think you will see the character of our people in this greater part of Chicago, not just the city, but the suburbs, the entire metropolitan community, come together and host this Olympics and be the representation for the United States as we go forward in 2009 and try to win for Chicago and the greater Chicago area the ability to host these Olympics.

We do have a physically beautiful city. Its architecture is world renowned; its lakefront is known to everybody. In fact, Chicago is known as the third coast between both the Pacific on the west side and the Atlantic on the east side. It is known as the third coast in America, sitting on Lake Michigan and part of the Great Lakes. It has a great physical beauty, but its strength comes from the character of the people. And I cannot think of anything better for city that hosts, any time you go to one of its public schools we have across the city 50 some odd languages being spoken, Chinese being spoken in the school, Arabic being taught in the school.

Different languages from all over the world. People come to Chicago. It is the quintessential American city. There is no better place for us to have as our standard bearer for the United States than Chicago for 2016 to host the Olympics. And it is my hope, and great hope, that it would become the city and be the nominee in 2016 in the selection by the Olympic Committee.

You know, Carl Sandburg, the great poet, once said about Chicago, "Stormy, husky, brawling. We are the city of big shoulders." That is Chicago.

We have a great mayor, who is a great mayor of a great city with great people. And you can see it in the pride that everybody felt that we were selected by our colleagues from around the country to be the city to host the 2016 Olympics. Our sports teams, known as the Chicago Cubs, Bulls, Bears, the White Sox, Blackhawks, and the Sky and the Fire, our soccer teams. And I hope, as we go to 2009, that we do have and will receive from the international community the nod to represent the Olympics and show to the rest of the world what all of us know in Chicago and all of those who come to our city know, that we are a great city, with a great mayor, with a great people that will do right by the world in hosting the Olympics.

I want to thank my colleagues for letting me offer this resolution.

Mr. SIRES. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield such time as he may consume to our Speaker, Speaker HASTERT, the gentleman from Illinois.

Mr. HASTERT. I thank the gentlelady from Miami.

Mr. Speaker, this is one of the great opportunities that comes along once in a lifetime, the chance to host the Olympics and Paralympic games.

You know, the Olympic movement is something that I have been a part of most of my life, as a wrestling coach, as an honorary vice president of the American Olympics Games, and as one who worked in the trenches over the years to help found USA Wrestling.

I have always said the Olympic movement is a bright light that brings people together through sports. The game celebrates the spirit of sportsmanship, a spread of a message of unity that inspire generations of children all over this world.

I had the honor and privilege of being at the Munich games and the Montreal games and the L.A. games. Chicago is a unique city. As the previous speaker said, it is the "city of big shoulders." It is a city of the crossroads of our Nation, a city of great architecture, of great beauty and of great people. And it is the commitment of people coming together to say we can do this; the will to succeed, the will to be the hosts to the world and showcase what this country is all about, what our athletes are all about, what the American spirit is all about.

We will see the Olympics coming up in places like China, in Beijing, we will see the Olympics in London, but this is our one chance to bring the Olympics back to this country, to be the host of the world and saying folks, we believe in the Olympic movement, we believe in this great opportunity, but we will do the best in the world to make this happen and to make it a success.

I ask also, ladies and gentlemen, that it is understood that this is the work of a lot of people. I want to congratulate our Mayor Daley and all of the others, Pat Ryan and others, who led up that committee to make sure that they can tell the story to the U.S. Olympic Committee so they would get this.

I urge the adoption of this resolution.

Mr. Speaker, this is one of those opportunities that comes along once during a lifetime—the chance to host the Olympic and Paralympic Games.

The Olympic movement is something I have been a part of most of my life—as a wrestling coach, as Honorary Vice President of the American Olympic Movement, and as one who worked in the trenches to help fund USA Wrestling.

I have always said that the Olympic movement is a bright light that brings people together through sports. The Games celebrate the spirit of sportsmanship, spread a message of unity, and inspire generations of children all over the world.

For the athletes, it is the ultimate level of competition—the opportunity to test themselves against the best the world has to offer in their respective sports.

A Midwestern city has not hosted the games since St. Louis in 1904, so it's a great honor for Chicago to be selected to represent the United States in the competition for the 2016 games.

And in a bit of irony, Chicago was actually chosen as the host city in 1904, but it was later moved to St. Louis to coincide with the World's Fair.

Mr. Speaker, I cannot think of a more welcoming, diverse and inspirational place than Chicago and the State of Illinois to serve as host for the 2016 games.

Over 30 million foreign and domestic visitors come to Chicago every year. It's a city with a rich immigrant history, and we all know what a great sports town it can be. In fact, The Sporting News named Chicago as the best sports city in the United States for 2006.

I want to congratulate Mayor Daley on all his hard work and I look forward to working with him and my colleagues in the Illinois delegation and the Congress to make this bid a reality.

I strongly urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. I would like to yield as much time as she might consume to Mrs. BIGGERT from Illinois.

Mrs. BIGGERT. I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H. Con. Res. 118.

Last month, the United States Olympic Committee selected Chicago as the official U.S. candidate for hosting the 2016 Olympic games. It's been over 100 years since the Midwest hosted these games, and I am pleased to report that the Nation's heartland is ready, willing and able to do so again.

I have lived in the Chicago area my whole life and I can't imagine a better location for the summer Olympics. The people are welcoming and they are sporting spirit is high. A national hub of water, railroad and air, the "Windy City" has a diversity of culture and community that reflects the very best of America. And as host of the 2016 games, Chicago will serve as the Nation's emissary to the world, just as it did once during the World's Fair of 1893.

Director of Works for that historic fair, Daniel Burnham, once famously said, "Make no little plans. They have no magic to stir men's blood, and probably themselves will not be realized. Make big plans, aim high in hope and work."

From reversing a river to building the world's tallest tower, Chicagoans have a heritage of big dreams. And in keeping with its motto for the 2016 games, "Stir the Soul," Chicago's visions for the Olympics will be a dream the whole country can share in.

To Mayor Daley, Patrick Ryan, the chairman of the Chicago Olympic Committee and all its members, I would like to extend my personal congratulations. Without their hard work and dedication, securing this nomination would not have been possible.

I thank the gentleman from Chicago (Mr. EMANUEL) for sponsoring this resolution and the gentleman from Illinois, our former Speaker HASTERT, for his hard work in gaining such attention.

I would also like to thank the efforts of all of our friends on the Illinois delegation, every one of whom helped in this cause tremendously by letters of support and by cosponsoring the resolution before us today.

□ 1700

The International Olympic Committee will be making its final selection in 2009. I invite all my colleagues from across the Nation to unite behind Chicago and commit to doing our part to bring the 2016 Olympic games back to America.

Mr. Speaker, I support H. Con. Res. 118, and I urge my colleagues to do the same.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIRES. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding. I am delighted that I managed to make it here.

Mr. Speaker, I want to thank my friend and neighbor from the Fifth Congressional District of Illinois, Mr. RAHM EMANUEL, for introducing this resolution.

I rise in support of H. Con. Res. 118, congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the IOC to select Chicago as the site of the games.

I can speak with some authority on Chicago's qualifications to host those games because I am privileged to represent most of the proposed sites: Soldier Field, the United Center, U.S. Cellular Field, Navy Pier, McCormick Place, Grant Park, Douglas Park, Monroe Harbor, and facilities at Northwestern University and the University of Illinois.

The Olympic Village will rise on land in the Seventh District. And although the site of the future olympic stadium and currently home to the DuSable Museum of African American History, Washington Park is not in my district, it is right adjacent to it.

So with all due modesty, this assemblage of sports facilities is certainly one of the finest in the world. Then you add to that our infrastructure, our world-class architecture, our cultural and historical treasures and our matchless lakefront, and you have yourself the makings of a spectacular set of games.

Now, mix in our sports fan base. The Seventh District is home to the Chicago Bears, the Chicago Bulls, the Chicago White Sox, and the Chicago Blackhawks. Mix in the fact that for the 2006 Chicago Marathon, starting and ending in the district, we had 40,000 runners and 1.2 million spectators. Mix in the fact that Chicago hosted the 2006 International Gay Games. Mix in the fact that Chicago was the first host to the Special Olympics in 1968, and you will understand that our toddlin' town is for sure a sports town.

Mr. Speaker, the Olympic Games are about fierce, all-out athletic competition. But they are also about the greater goals of the Olympic movement: Fairness, peace, education, and friendship. The people of Chicago have a long and proud history of leadership in these struggles, nationally and internationally.

Mr. Speaker, Chicago is ready, willing and able to make America the proud host of the 2016 games. So I join with the mayor of the city, the Governor of the State, all of the business and community leaders in urging passage not only of this resolution, but in urging the Olympic Committee to select Chicago as the site for 2016.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H. Con. Res. 118, which congratulates Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games and encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games. I can not think of a better city than my hometown of Chicago to represent the United States in its bid to win the 2016 Olympics Games.

Chicago is a great American city that is rich in diversity, culture, tradition and history. The City is home to nearly 3 million residents that represent hundreds of different nationalities and ethnicities . . . a truly international city. Chicago's vibrant communities, sound infrastructure and extensive transportation network make it the perfect fit for the 2016 Olympics.

The Olympic Games are a great opportunity for the world to come together and put aside their differences to celebrate the achievements of athletes. The Olympics have been able to transcend cultural, religious and political boundaries by making all of us realize that there is more that unites us than divides us, which could also be said for the City of Chicago. The Games have also played a significant role in creating social and political change in the United States and across the globe.

I would also like to congratulate Mayor Daley and Governor Blagojevich for securing this victory on behalf of the City of Chicago and I wish them continued success in their efforts to win this bid in front of the International

Olympic Committee in 2009. I am confident that the rest of the world will realize what we already know-that Chicago is the ideal city to host the 2016 Olympic Games. I urge my colleagues to support H. Con. Res 118.

Mr. SIRES. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 118.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 334, by the yeas and nays;

H. Con. Res. 112, by the yeas and nays;

H. Res. 298, by the yeas and nays.

The vote on H. Res. 243 will be postponed until tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY COLLEGE MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 334, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 334.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 270]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Brady (PA)
Brown-Waite, Ginny
Cubin
Davis, Jo Ann
Engel
Fattah
Hoyer
Kennedy
Lampson
McMorris Rodgers
Ortiz
Sestak

☐ 1730

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY. Mr. Speaker, on rollcall No. 270, H. Res. 334, I missed the vote. Had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEAS OF A NATIONAL CHILD CARE WORTHY WAGE DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 112, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 112.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 345, nays 73, answered "present" 1, not voting 13, as follows:

[Roll No. 271]

YEAS—345

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker

Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—73

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Bilbray
Blackburn
Blunt
Boehner
Bonner
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Everett
Fallin
Flake
Franks (AZ)
Gingrey
Goode
Granger
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
McHenry
Miller (FL)
Miller (MI)
Miller, Gary
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Rogers (AL)
Rohrabacher
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Walberg
Wamp
Westmoreland
Wilson (SC)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—13

Brady (PA)
Brown-Waite, Ginny
Cubin
Davis, Jo Ann
Dingell
Engel
Fattah
Hoyer
Lampson
Marchant
McMorris Rodgers
Ortiz
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1739

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMENDING THE UNIVERSITY OF FLORIDA GATORS FOR THEIR HISTORIC WIN IN THE 2007 NCAA MEN'S BASKETBALL TOURNAMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 298, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 298.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, answered "present" 4, not voting 13, as follows:

[Roll No. 272]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)

Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—4

Barrow
Kingston
Linder
Space

NOT VOTING—13

Brady (PA)
Brown-Waite, Ginny
Calvert
Cubin
Davis, Jo Ann
Engel
Fattah
Lampson
Marchant
McMorris Rodgers
Ortiz
Sestak
Weller

☐ 1748

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SESTAK. Mr. Speaker, I am required to be absent from votes this day, May 1, 2007, for a pressing engagement in my District. Had I been present, I would have voted "yea" on the following bills: H. Res. 334, H. Con. Res. 112, and H. Res. 298.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 268

Mr. TIERNEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 268.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1429, IMPROVING HEAD START ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–116) on the resolution (H. Res. 348) providing for consideration of the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–117) on the resolution (H. Res. 349) providing for consideration of the bill (H.R. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–118) on the resolution (H. Res. 350) providing for consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. Res. 40

Mr. McINTYRE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.J. Res. 40.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FLORIDA GATORS 2007 MEN'S BASKETBALL CHAMPIONSHIP

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. CORINNE BROWN of Florida. Mr. Speaker, I rise first of all to thank the 415 "yes" votes for the Florida Gators, and we will continue to work on the four present, teaching them good sportsmanship.

Mr. Speaker, I rise today to congratulate my University of Florida basketball team for winning back-to-back NCAA basketball championships. The Gators basketball team is the first to successfully defend their basketball championship since 1992. Go Gators.

The Florida Gators teams that won those championships exhibit teamwork and sportsmanship rarely seen in college sports. This is the first time in the history that the exact same starting five was able to repeat the championship. No one left to be stars in the NBA. They came back to prove to the world that the University of Florida's win was no fluke, and the Florida Gators are a championship team that have made history.

Let's talk history. The Gators' win was the first time in college sports history that identical match ups and the results were the same. Florida's Lee Humphrey also set the all-time NCAA tournament record for three-point field goals made with 47, and Florida's Corey Brewer was the tournament's Most Outstanding Player. Coach Billy Donovan became the third-youngest coach at the age of 41 to win two titles. The Gators finished with a 10-game winning streak and haven't lost a post-season game in 18 tries, including sweeping the Southeastern Conference tournaments the last 2 years.

Coach Billy Donovan should deserve credit for building the team from scratch and teaching the players how to win and how to act like champions. This success at Florida opens other opportunities, but he has chosen to remain a Florida Gator. Coach Donovan is truly a great coach and a great leader. To close, I would just like to say, it's great to be a Florida gator.

A SAD ANNIVERSARY FOR THIS COUNTRY

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, in a few minutes, the President of the United States will veto the legislation to hold the Iraqi government responsible and accountable for the benchmarks that they promised their citizens and the citizens of this country. Tonight, after 24,000 U.S. soldiers have been wounded, 3,212 have been killed, and the country has descended into a bloody civil war, what we now see is the basis on which the President told this country he wanted the surge in the escalation was that he would hold the Iraqi government responsible.

In January, he said he would hold the Iraqi government to the benchmarks as announced, and that if no progress is made, they would lose the support of the American people. The fact is that no progress has been made, and the Brookings Institute has shown us that situation.

What we see now, as Secretary Rice says, that the administration believes that holding the Iraqis accountable to these benchmarks that they establish as the price of the surge "doesn't allow us the flexibility and creativity we need to move forward."

You can be creative all you want but unless the Iraqis know that there are consequences, and that is what this legislation said, that if you can't reach these benchmarks, if you can't establish a civil society, then we will withdraw our troops.

Right now, under President Bush's proposal under Secretary Rice's proposal, what we see as the only people paying the price are the American soldiers. Those are the only people paying the price tonight.

Today marks a sad anniversary for this, country.

Four years ago today, President Bush declared that the mission in Iraq was accomplished and that major combat operations in Iraq were over.

Since that time, 24,270 U.S. soldiers have been wounded, 3,212 have been killed, and the country has descended into a bloody civil war that we cannot stop nor should we referee.

It is time for America to redeploy it's troops from Iraq.

That's why today, Congress sent a bill to the President's desk that would do just that: to redeploy from Iraq.

It's what a majority of the American people want, and it's what a majority of the United States Congress wants.

But instead of ending the war, the President is pursuing a war with no end in sight.

He refuses to hold the Iraqi government accountable for the benchmarks it promised to achieve: to establish a government supported by its people that can provide for its own security.

In January, the President said that "If the Iraqi Government does not follow through on its promises, it will lose the support of the American people."

Well Mr. President, the Iraqi's have not followed through, and your war has lost the support of the American people and a majority of the United States Congress.

According to a study by the Brookings Institute, there has been "no progress thus far" achieving the administration's benchmarks.

Yet, despite the President's promise in January to "hold the Iraqi Government to the benchmarks it has announced," the administration has flip flopped.

On Sunday, Secretary Rice said the administration believes that holding the Iraqis accountable "doesn't allow us the flexibility and creativity that we need to move this forward."

You can be creative as you want, but unless the Iraqis know that there are consequences to not living up to their end of the bargain, American Soldiers, taxpayers will continue to make all of the sacrifices and bear all the costs. And that is unacceptable.

Optimism is not a strategy. Ignoring the facts and misleading the country is not a path to victory.

It is time for the Iraqi's to be held accountable, and to take charge of their own country.

And it is time that the President yield to the will of the Nation, and end our occupation of Iraq now.

MISSION ACCOMPLISHED ANNIVERSARY

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, 4 years ago, President Bush stood on the deck of the USS *Abraham Lincoln*, in front of a banner that said "Mission Accomplished," and told us that a major combat operation had ended. Since then, 3,200 United States troops have died in Iraq, and almost 25,000 have been wounded, and countless Iraqis.

The President has said that he will veto a bill very shortly that sets a goal for ending the occupation of Iraq signaling his insistence on an open-ended commitment to a failed policy. Rather than change course, the administration offers only increasingly desperate rhetoric about victory and surrender.

The fact is, you cannot win an occupation just as there is no way that the United States can win a civil war. The American people recognize that this failed policy is making our Nation and the world less safe, even if the Bush administration refuses to recognize this.

Mr. Speaker, the American people are squarely behind our efforts to end the occupation of Iraq and to bring our troops home, and history will record the President's veto of those efforts with the same ridicule as it does his remarks 4 years ago.

INCREASED TERRORIST ATTACKS AND THE WAR ON TERROR

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, the Country Reports on Terrorism released by the State Department yesterday indicate that terrorist attacks increased by 25 percent last year, and more than 40 percent more people were killed. In these most dangerous times, this tells us we can't afford to take our focus off the global war on terror. Still, exactly 4 years after the President proclaimed mission accomplished aboard the USS *Abraham Lincoln*, his failed Iraq policy persists in overextending our armed forces and in refusing to compel Iraq to take responsibility for their own security and future.

Today, when the President vetoes withdrawal provisions supported by a majority of Americans, he places another's obstacle in the way of what should be our priority mission, winning the global war on terror. We know the administration's stay-the-course policy in Iraq is a failure. We know it has taken our eye off the war on terror.

Now we have the numbers to back up that statement and the proof we need to stop the President from compounding this Nation's single greatest foreign policy mistakes. I encourage my colleagues to consider the hard and irrefutable evidence by the State Department, thereby advancing our withdrawal from Iraq.

OUR TROOPS NEED FULL FUNDING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, my colleagues, the Senate gave overwhelming unanimous consent for General Petraeus to implement his strategy in Iraq. We all agree, on both sides of the aisle, he is the best we have. In fact, he has written a manual dealing with terrorists.

So why do the Democrats want to withdraw funds to support him starting the first of July? Even as we speak, the troops have to reallocate funds and prioritize their missions, because they don't have the full funding. In fact, they will run out of money shortly. So why do the Democrats not allow General Petraeus to do his job? General Petraeus intends to report back in September with a complete report on how we are doing. That is a very short amount of time, in fact, 5 months away.

He deserves a chance, and he deserves full funding for this Congress through the fiscal year 2007. So I urge Congress, after the President vetoes this bill, to come back and give a clean bill so that the President can get full funding for our troops, at least through fiscal year 2007.

THE PRESIDENT'S PLAN DOESN'T WORK, SIGN THE BILL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, that's the value of this great country, it is that the will of the people can be heard by those of us who represent them. The will of the people always will be to bring our soldiers home.

It's interesting that our colleagues are talking about funding that doesn't exist when they know full well that there is funding until July of 2007 minimally. But, really, the message of the Democrats, the legislation of the Democrats, is not to micromanage, it is a bill that this President, who declared victory 4 years ago on an aircraft, should sign, because it leaves the logistics of the war to the generals, but it indicates that the people have spoken, it's time to bring our troops home.

Does this body recognize that the Maliki government has begun to purge generals trained by this United States military, who have shown themselves to be balanced and fair, who have shown them themselves to fight against insurgents. The Maliki government is a complete collapse, it is a failure.

It is time now to reorder the government to allow allies that are in the surrounding areas to work. It is important for Secretary Rice to be in Iran, to talk to those in Iran and to make sure that we have a plan that works. The President's plan doesn't work. Sign the bill.

☐ 1800

HONORING JACK VALENTI

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, I rise this evening to say farewell to a great friend and a great American, Jack Valenti, who passed away last Thursday.

When Jack spoke, people listened. His soaring eloquence and remarkable intellect made this town a better place and all of us better legislators. How lucky we were to know him and to have him as a resource and a friend.

Jack served in President Lyndon Johnson's administration, and made his name and reputation early. Jack quickly became known as a hard worker, making friends with both Democrats and Republicans alike. When Jack resigned his White House position and became president of the Motion Picture Association of America, his star really began to shine.

We are going to miss Jack Valenti, a person that had the ability to bring people together, a person that had the ability to let people understand that we all need each other.

Jack, we are going to miss you, but I am certain you will be screening pictures in heaven.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LISA BEAULIEU—TEXAS POLICE OFFICER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, peace officers are the last strand of wire in the fence between the law and the lawless. They do society's dirty work for us. They are a cut above the rest of us because of who they are and what they do.

For Lisa Beaulieu, becoming a police officer was her life's ambition. She wanted to protect and serve the citizens of the community that she loved. Lisa worked hard at becoming a peace officer, and it didn't come easy for her. To gain experience, she worked as a jailer in Dayton, Texas while putting herself through the police academy at Lamar Institute of Technology. And when she graduated, Lisa got a job as a dispatcher at the Beaumont Police Department. To gain more experience as a law enforcement officer, Lisa became an unpaid part-time reserve officer with the Kountze Police Department in Texas. After years of determination, Lisa was hired by the Beaumont Police Department as a patrol officer in 2001.

For 6 years, Officer Lisa Beaulieu was, as many officers are, the first line of defense between the good and the evil of our community. She was dedicated to her job, and she took it seriously. Friends of Lisa stated that, when off duty, she was a girly girl. She loved the color pink, she always had manicured nails and pedicured toes, and had a closet full of shoes. Lisa had a smile that could light up a room and a great sense of humor, often telling men that would hit on her that she was just a driver's education instructor. She was dedicated to the family she had and her friends, and she cherished the moments she spent with them. She was also an avid animal lover, housing two dogs that she adopted from the animal shelter.

During the devastation of Hurricane Rita, Lisa took care of the citizens of Beaumont and her law enforcement family. She worked long, tireless 12-hour days, patrolling the hurricane's aftermath and caring for the residents of Beaumont. For her fellow officers, she turned her own garage into a makeshift shelter, offering them a place to come and get some rest before heading back into the disaster zone.

Friends stated that when she put on her uniform, however, she was all business. She was fearless and Texas tough, invincible when she wore the badge of a peace officer. Known as the type of officer who would set an example for others, Lisa's police file was filled with commendations from Chief Tom Scofield.

Around 1 a.m. Friday morning, April 27, the seasoned Officer Beaulieu responded to the scene of a motorcycle accident on the Eastex Freeway in Beaumont. She began directing traffic around the accident, allowing motorists to pass. While controlling the accident scene and out of the darkness of the night, a car driven by 24-year-old Willie McCray slammed into Officer Beaulieu, knocking her over the guard rail and onto the road below, killing her. She became the first female police officer in Southeast Texas killed in the line of duty.

Mr. Speaker, this is a photograph of Lisa Beaulieu. The Beaumont Texas community was stunned by the loss of this veteran peace officer. Some news reports, however, have tried to portray the person who ran over Lisa as the victim instead of her. McCray was not the victim, he was the offender. McCray's driver's license was suspended and he had no liability insurance. He had been arrested eight times for minor crimes. And the worst part, McCray was allegedly drunk and believed to be high on marijuana when he was blasting down the road. McCray has been charged with the intoxicated manslaughter in the death of this peace officer of Texas. He robbed the Beaumont community and Officer Beaulieu's family of a dedicated law officer.

Yesterday, I had the honor to attend her funeral, where over 1,000 citizens, law enforcement officers, firefighters, emergency personnel throughout Southeast Texas were all in attendance showing their support for their fallen comrade. The peace officers present wore a black ribbon of sorrow across their badges as they paid a last farewell to Lisa Beaulieu.

Mr. Speaker, Officer Beaulieu exemplified what it meant to be a peace officer. She was a protector of the innocent, the community, and her fellow peace officers. Officer Beaulieu wore the badge with pride, honor, and courage. The people and peace officers of Texas are saddened by the loss of one of their dedicated servants.

As a former Texas judge, I have known a lot of peace officers in my day, and some of them were superior peace officers. Lisa was one of those superior officers. Officers like Lisa Beaulieu serve us well and are on duty in the middle of the night so that the rest of us can sleep with safety and security.

And that's just the way it is.

HONORING JACK VALENTI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Members of the House, I rise today to express my gratitude for having known and worked with Jack Valenti, who passed away last week after a lifetime that included serving as a pilot in the United States Army Air Corps, flying 51 combat missions as the pilot commander of a B–25 attack bomber, a man who was a senior aide in the Lyndon Baines Johnson White House, serving as the first special assistant to President Lyndon Johnson, and as president of the Motion Pictures Association of America.

In 2004, Mr. Valenti reflected on his extraordinary career when he said, "I'm the luckiest guy in the world, because I spent my entire public working career in two of life's classic fascinations, politics and Hollywood. You can't beat that," he said.

Nothing about Jack Valenti was average. He started his adult life as an Army B-25 pilot in World War II, flying many combat missions over Italy. He returned from the war with numerous decorations, including the Distinguished Flying Cross and the Air Medal with four clusters representing additional awards.

After the war, while working full time, Jack Valenti earned a Bachelor of Arts from the University of Houston, and then went on to Boston where he earned a Master of Business Administration from Harvard University.

Known as one of the most influential lobbyists in Washington, he headed the Motion Picture Association for 38 years. During that time, I had the opportunity to work with him on a number of projects, including the Digital Millennium Copyright Act, which ensured protection for intellectual property in order to allow the rollout of digital technology. Mr. Valenti is also well known for creating the film rating system which assigned for the first time a rating to films. In other words, he created a system that would let them voluntarily categorize their films rather than requiring that we do it by legislation.

His political career was by no means mundane, either. Before he went to the Motion Picture Association, he served as the first special assistant to President Johnson, and was in the motorcade on November 22, 1963 when President Kennedy was assassinated in Dallas. He then boarded Air Force One with President Johnson and was there for the famous picture of President Johnson being sworn in, and he became President Johnson's special assistant.

After a lifetime of achievement, while most people would be more than ready to retire, Jack Valenti turned his energy toward a cause he had been concerned about for many years, and began leading in the fight against HIV and AIDS. He became president of the nonprofit Friends of the Global Fight, whose main goal is to support the global fund to fight AIDS, tuberculosis, and malaria. Thankfully, we will all be able to read about Jack's enormous accomplishments and fascinating life, because he just finished his memoir before passing, which is entitled, "This Time, This Place: My Life in War, the White House and Hollywood." It will soon be published.

While most people with this amount of influence may be too busy for many, Jack Valenti defied this stereotype by continuing to be both a mentor and friend to almost everyone with whom he came in contact. He kept his promises, promptly returned phone calls, and is described as generous, loyal, and honest by those who knew him. It is an understatement to that say Jack Valenti will be sorely missed.

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 105th day since a great injustice took place in this country. On January 17 of 2007, two U.S. Border agents entered Federal prison to began serving 11-year and 12-year sentences respectively. Agents Compean and Ramos were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our borders into Texas.

These agents never should have been prosecuted; yet, the U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler. The illegal drug smuggler, who received full medical care in El Paso, Texas, was permitted to return to Mexico and is suing the Border Patrol for $5 million for violating his civil rights. Mr. Speaker, that is a joke. He is not an American citizen, he is a criminal.

The same U.S. Attorney's Office in Western Texas also prosecuted another law enforcement officer, Deputy Sheriff Gilmer Hernandez, who was doing his job to protect the American people.

☐ 1815

This makes no sense. Mr. Speaker, citizens across this country, and many of us in Congress want to know why does a Federal prosecutor in Western Texas choose to go after law enforcement officers while protecting illegal aliens who commit crimes?

The American people have not forgotten Agents Ramos and Compean, who should have been commended instead of indicted. I am encouraging citizens across this Nation to continue calling the White House and ask the President to use his authority to immediately pardon these two heroes.

Many of us in Congress are concerned about the Federal prosecutor in this case and the justification for the criminal charges brought against these agents.

Mr. Speaker, Senate Judiciary Chairman PATRICK LEAHY has already approved Senator DIANE FEINSTEIN'S request for an investigation of this case. And in recent testimony before the Senate Judiciary Committee, Attorney General Gonzalez promised to fully cooperate with an oversight hearing on the agents' case.

I want to thank Mr. Greg Barnes on the staff of the House Judiciary Committee for taking time last week, at my request, to meet with Mrs. Monica Ramos, the wife of Agent Ramos and his father, her father-in-law, Mr. Joe Loya.

I also appreciate that Chairman JOHN CONYERS took time to say hello to Ms. Ramos and her father.

Mr. Speaker, I am encouraged that the House Judiciary Committee is seriously looking at holding hearings to investigate the injustice committed against these border agents. And that is why it is so important, Mr. Speaker, that the House look seriously at what happened to these men, who should be rewarded for trying to protect the American people, not serving time in a Federal prison.

Mr. CONYERS. Will the gentleman from North Carolina yield to me?

Mr. JONES of North Carolina. Yes, sir, I'd be delighted to yield to the chairman.

Mr. CONYERS. First of all, I wanted to congratulate the gentleman on the persistence and integrity with which he has followed this matter.

I have had this brought to my attention. I did have an opportunity to meet with some of the family, and I want to assure you that we are coordinating our activities with the Senate Judiciary Committee with those of my House Judiciary Committee; and I promise to keep you fully apprised as this matter moves forward.

I congratulate you, not just for what you have done for these two officers, but what you have done for law enforcement officers across this country. It's important that the kinds of concerns you have raised are known to all of our men and women who carry badges and weapons defending us, not just at borders, but in every State in the Union.

I thank you from the bottom of my heart.

Mr. JONES of North Carolina. I thank the chairman. You are very generous, and thank you so much.

MISSION NOT ACCOMPLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tonight I rise to commemorate an important event in the ongoing occupation of Iraq. On May 1, 2003, 4 years ago today, President Bush, the Commander in Chief, strode across the deck of the USS *Abraham Lincoln* and declared that the United States mission in Iraq was accomplished.

Mission accomplished. Mission accomplished? I don't think so. Let's review what has and what has not happened in Iraq since May 1, 2003.

American troops were not met in the streets with flowers as welcoming liberators. Instead, they've met with sniper attacks and IEDs. 3,351 American servicemen and women have given their lives, and nearly 25,000, probably more, have returned home seriously wounded.

This administration has hidden the caskets of those who have perished, and forced the wounded to rehabilitate in mold-infested, rotting facilities. Are those actions of a grateful Nation? Does this mean mission accomplished?

What about the weapons of mass destruction? Where are they? Nobody knows. Even former head of the CIA, George Tenet, is now backing away from his "slam dunk" comment.

Yellow cake? Aluminum tubes? Al Qaeda ties to Saddam? An ousted CIA agent and a jail term for a senior administration official? It is as if this administration has been living in Alice's world of Wonderland.

The mission is yet to be accomplished. An accomplished mission would have brought peace and democracy to the Iraqi people. Neighborhoods would be free, not walled off, and a bomb would not have been set in the Iraqi Parliament building.

Estimates range upward from 50,000 Iraqis killed and tens of thousands of refugees fleeing to neighboring countries like Syria. This is not how to promote peace and democracy.

Let's see. Thousands, tens of thousands of refugees, and the United States allowed 7 or 8 Iraqi refugees into our country last month. We've made all those refugees happen, and we are doing nothing to help them.

It takes a small protection force to go to the market in Baghdad, and the Secretaries of State and Defense must make surprise visits to Iraq because their security might not be insured otherwise.

So I have to ask, Mr. Speaker, what mission was accomplished? The destruction of the Iraqi infrastructure? The mass exodus of the educated and wealthy from Iraq? The mission of alienating the United States on the global stage? The rise of hatred in countries who might have been our ally?

This is unacceptable, and the American people know it. They sent that message loud. They sent it clear last November, and it echoes unheard in the White House.

What is clear, Mr. Speaker, is that this mission is not accomplished. The ultimate mission to be accomplished is to bring our troops home. Then we can say, "Mission Accomplished."

HONORING THE LIFE OF CHIEF PETTY OFFICER GREG BILLITER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, it's the most solemn duty that I have to honor those who have served our Nation, those who have answered the call of this generation, as us in prior generations have, to answer to that call to be ready to serve and to deploy.

I rise today to honor a great American, Navy Chief Petty Officer Greg Billiter. Greg was a native of Villa Hills, Kentucky, a graduate of Covington Latin, and a true fan of his hometown teams, the Cincinnati Bengals and the Cincinnati Reds.

Greg was tragically killed in action in Northern Iraq during combat operations. He leaves behind his young son, Cooper, a caring wife, loving family and a legacy that will be honored for generations to come.

For Cooper, as you grow into a man, know that your dad loved you. He was a great American. He cared about you and he answered the call of this Nation.

I had the opportunity to visit with his family, and they all conveyed similar sentiments of a brave, dedicated and heroic sailor.

When I asked his wife, April, about Greg she told me that he truly loved what he was doing. April said, "He was extremely patriotic, and felt that it was important for him to be part of the war and to help the other soldiers who were serving there." His bravery and ultimate sacrifice remind us that they were all part of a larger mission.

His parents told a local newspaper that he really felt he was helping to make Iraq a safer place, especially for the children. As an explosive ordnance demolition specialist, he made a tremendous difference in the lives of many, many civilians, military personnel, and especially those children. We wonder today how many will grow up in the future and have a future because of Greg's call and his willingness to answer that call and to go and serve. Indeed, his mother said that he loved what he was doing. He felt what he was doing was right, and he knew that he made a difference.

I stand here today to honor his heroic work in Iraq and in the United States Navy, and to thank him and his family for making that ultimate sacrifice. We've lost a great American in Greg, but his work will live on. Thank you, Greg. Thank you April, Cooper, Pat, and Barry, for sharing your husband, father, and son with our Nation. We are forever indebted to him.

As Jesus spoke in John 15:13, no greater love has a man than this, that he lay down his lives for his friends. Indeed, Greg literally did that every day in his work to protect other service members, to protect civilians, to make a difference.

Greg's reputation as a chief was quite clear. Many of his fellow shipmates came into the funeral and showed a strength of solidarity that was impressive and moving to this old soldier.

I have spent many years in uniform and been with thousands and thousands of soldiers, sailors, airmen and Marines, and one thing spoke out clearly to me was that Greg epitomized the warrior ethos of the civilian who went into the military, who answered the call of the Nation, who grew in character, and was an exemplar in all that he did, representing the will of the founders of this Nation.

Indeed, it was clear to me, from his sailors, from his family, that he was a leader, that he was a mentor, that he was a friend, that he was a proud son, that he was a loving husband and father. He was the epitome of all that we call dear and great and honorable in this land.

WALL STREET LEAVES MAIN STREET BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tonight the President of the United States says he will veto funding for our troops, for veterans health care, and even for victims of Hurricane Katrina. He still refuses to work with Congress to do what is necessary to resolve the quagmire in Iraq, and to win the hearts and minds of people across the Arab and Islamic world.

His policies are breeding terrorism. His policies are forcing higher gasoline prices in our country. His policies are forcing the import of a billion more barrels of petroleum every year into our country from the most undemocratic regimes in the world, and his foreign policies are a total failure.

Meanwhile, here at home, our economy seems to be moving in opposite directions at the same time. On Wall Street, things have never been better. The stock market has record to all time records. Last week the Dow Jones Industrial Average surpassed 13,000 points for the first time in history. The Standard & Poors index has climbed at an annualized rate of 13 to 14 percent for the first four months of this year. Everything's coming up roses for the investment class.

But it's a different story on Main Street. Yes, it's a different story in the real world, where our constituents see gasoline prices just challenged the $3 a gallon mark again.

The stock market might be soaring, but consumer sentiment is in the dumper. The Conference Board reported last week that consumers confidence fell to its lowest level since last August.

Economic growth has slowed. The Gross Domestic Product, we learned last Friday, increased at a weak 1.3 percent annual rate for the first quarter of this year.

Traders on the floor of the New York Stock Exchange might be irrationally exuberant, but families in the Midwest are increasingly worried. Chances are, they won't make ends meet this time with a home equity loan.

The National Association of Realtors reported today that sales of existing homes fell unexpectedly in March to their lowest level in 4 years. New construction down sharply in the first quarter of this year, and late payments on subprime mortgages increased by 35 percent in the first quarter of this year.

The foreclosure crisis that has hit Ohio and Michigan very hard threatens to spread to other parts of our economy. So much is clear, the housing bubble has burst.

Paul Krugman, the economist and New York Times columnist wrote about this "economic disconnect" between Wall Street and Main Street in yesterday's edition. He started by quoting Edward Lazear, Chairman of the Council of Economic Advisor who says what's good for corporations is good for America.

□ 1830

And workers will benefit from this growth in productivity. The problem with that is it's not true. High profits haven't led to high investment. Rising productivity hasn't led to high wages. And I might add free trade agreements haven't led to free trade.

Even the investment banking company, Morgan Stanley, unwittingly acknowledged this brutal fact. In a recent newsletter, Joseph McAlinden, their chief global strategist, bragged with a laughable chart that wages have soared 4 percent at an annual rate. Well, when wages soar at 4 percent, barely keeping pace with inflation, what happens when you discount for prices? I doubt that if stocks were soaring by 4 percent that he would say it is a great thing. I guess it all depends on your perspective. Median workers' earnings adjusted for inflation have been static since this President took office, and the economy feels anything but great to most Americans. They would say, "Show me the money." The fact is, on Main Street, wages have barely kept pace with inflation, and workers, if they are lucky enough to hold on to their benefits, have to pay increasingly larger costs for them. Meanwhile, corporate profits have more than doubled since 2000. And according to Krugman, corporate profits as a share of national income reached their highest levels in American history last year.

That is what happens when productivity increases while wages remain static. Corporate profits soar and stock prices follow but not workers' wages. Wall Street reaches record heights because companies are turning around and reinvesting those profits not in new machinery and jobs, but in making more money on our outsourced jobs.

It is time that Main Street holds Wall Street accountable.

SALUTING HOLLYWOOD, FLORIDA'S PUBLIC SERVICE RECOGNITION WEEK AND RECOGNIZING NATIONAL SAFE KIDS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, public service is among the most noble and demanding of professions, and excellence in the delivery of public service helps to keep the city of Hollywood, Florida, strong and prosperous and a wonderful place in which to live and work.

The effectiveness and efficiency of government depends, in large measure, on public employees whose task it is to provide, on a daily basis, a broad range of services of the quality required and expected by the public. Quite often the importance of the public service that is rendered by public employees and the exemplary manner of their performance are often forgotten or overlooked.

Public employees and volunteers, through their commitment to excellence and diversity of skills, have made great contributions to the City of Hollywood in areas such as public safety; recreational activities; neighborhood revitalization; and the delivery of water, sewer, and solid waste services.

The City of Hollywood recognizes the contributions made by public employees as well as volunteers at all levels of city government and finds it fitting to set aside a special time to honor and thank these dedicated individuals who perform such vital roles.

Public Service Recognition Week is being celebrated from May 7 through May 13, 2007, and salutes approximately 1,700 City of Hollywood employees who devote their time and talents to public service and who "do whatever it takes" to help citizens attain a high quality of life, and the numerous volunteers who contributed approximately 22,632 hours of volunteer service.

To provide even better service to the public, the City of Hollywood has committed to an organizational cultural change to enhance customer service and employee involvement and has initiated this process through the employee-guided strategic plan created by Hollywood City Manager Cameron D. Benson, a wonderful man, I might add.

With that said, Mr. Speaker, I am honored to pay tribute to the City of Hollywood, Florida, in its celebration of Public Service Recognition Week.

Now, Mr. Speaker, additionally, I also rise today to recognize National Safe Kids Week. This is an issue that is near and dear to my heart as a mom with three young children. This year National Safe Kids Week will be held from April 28 through May 6, 2007. That is the week that we are in now. National Safe Kids Week is a joint partnership between Safe Kids Worldwide and its founding sponsor, Johnson & Johnson. This week of public education activities has been held annually for 19 years and draws much-needed attention to accidental childhood injury, a leading killer of children 14 and under.

This year's National Safe Kids Weeks' theme is "Make it a Safe Kids Summer." The start of summer is known by emergency personnel as "trauma season" since accidental deaths and serious injuries to children increase dramatically. An average of 17 children a day, or 2,143 children in total, died from May to August, 2004, due to injuries, many of which could have been prevented.

Safe Kids Worldwide research indicates that five of the most common causes of children's accidental injury deaths in summer are drowning, which increases 89 percent in the summer over the monthly annual average; biking, which increases 45 percent; falls, which increase 21 percent; motor vehicle passenger injuries, which increase 20 percent; pedestrian injuries, which increase 16 percent.

In fact, almost 60 percent of total children's accidental injury deaths from May to August from 2001 to 2004 came from these risk areas. Events led by Safe Kids coalitions are taking place in more than 300 communities across the Nation in order to educate parents and families about how to keep kids safe during the summer, especially when participating in these activities. As my home State of Florida, drowning prevention is an important concern of mine as a parent and as a legislator. In fact, drowning is the leading cause of unintentional injury-related death to children in the summer months in Florida.

My most rewarding victory, Mr. Speaker, came from the passage of the Florida Residential Swimming Pool Safety Act. I was honored to sponsor this law as a State legislator, which has helped to save countless numbers of children from accidental injury and drowning in Florida pools. As the majority of drownings and near drownings occur in residential swimming pools and in open water sites, I hope that more States work to address water safety in their communities.

Recently I introduced similar Federal legislation here in the House of Representatives. My legislation, the Pool & Spa Safety Act, would provide grants to States that pass such comprehensive safety laws and also support drowning prevention educational programs, among other provisions. Along with my colleague Representative FRANK WOLF, we hope this bill will be passed before another "trauma season" occurs for our Nation's children. I encourage my colleagues to lend it their support.

I also urge my colleagues to support National Safe Kids Week and to work with your State or local Safe Kids coalition to prevent these accidental injuries to children not only in the summer months but throughout the year.

INTRODUCING THE DALIT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, this afternoon I introduced a resolution calling for the United States to address the ongoing problem of untouchability in India. Last December Prime Minister Manmohan Singh recognized the similarities between untouchability in his country and Apartheid in South Africa. It is now time for this Congress, Mr. Speaker, to speak out about this ancient and particularly abhorrent form of persecution and segregation, even if it is occurring in a country many consider to be one of America's closest allies. This Congress must urge an end to the social discrimination and injustice faced by the nearly 250 million people known as Dalits and Tribals in India.

Although the Indian constitution guarantees fundamental rights and freedoms for all Indians, the untouchables continue to face widespread social and caste injustices. Article 17 of the Constitution outlaws untouchability. However, despite numerous laws enacted for the protection and betterment of the Dalits and Tribals, they are still considered outcasts in Indian society and are treated as such.

At best, untouchability involves social segregation, including separate educational facilities and drinking water and restaurants. This is a sad and familiar tune to many of us familiar with the history of our own country. At worst, untouchability entails widespread violence against untouchable women, especially in the form of rape with impunity, being targeted for abortions, and comprises the majority of temple prostitute and women trafficked from India.

The untouchables are poor, Mr. Speaker. Their most basic needs are not fulfilled, and they face great difficulties in accessing employment, education, food, and health care. Most are among the poorest people on the face of the Earth, living on less than $1 per day. Moreover, Dalit women are often sold into bondage, prostitution, and there is an increasing religious persecution against the Dalits and untouchables who change their faith. In 2005, USAID stopped funding an organization after it was revealed that they were preventing many of these women from leaving prostitution. In a recent instance, a whole Dalit village was forced to leave their tribal land because they had converted to Christianity in a state that had laws against conversion.

Mr. Speaker, this resolution is a direct statement by the United States Congress that untouchability is an unacceptable practice on the part of America's largest trading partner and close ally. We appreciate that Prime Minister Singh and many others have recognized that this is a serious social problem that needs to be confronted, and we urge the rest of Indian society and American diplomats, aid workers, and businesses working in India to do the same and to work toward the eradication of casted discrimination in India.

This resolution encourages our government to work with India to find new approaches to an age-old problem. Moreover, Mr. Speaker, this resolution will ensure that we as a government and we as an American people in no way encourage or enforce caste discrimination and untouchability through our policies with India or through foreign aid or direct aid in any way.

And I urge my colleagues to join me in calling on the Indian government and the world community to look with compassion upon India's untouchables and reach out to one of the poorest and most oppressed peoples on the face of the Earth.

THE DEMOCRAT LEADERSHIP'S PLAN FOR FAILURE IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate so much the opportunity that my leadership has provided in me in allowing me to come and share some comments this evening on the floor on what is truly a momentous and historic day for our Nation.

Within the last hour, as you know, Mr. Speaker, I understand that the President has fulfilled the promise that he made to the American people. That is to uphold and preserve and defend the Constitution of the United States; and in so doing, he has vetoed the legislation that was passed by the Democrat majority recently, last week, to provide not just funding for our troops in harm's way but also to make 535 commanders in chief here in Congress and to spend an extra 20-odd billion dollars on what was supposed to be a clean, clear definition of the amount of resources needed by our troops to keep themselves safe and out of harm's way in both Iraq and Afghanistan. So within the last hour the President has vetoed that legislation, and this Congress will take up that veto tomorrow.

Curiously, today we have had Members of the majority party come to the floor over and over and over again and express a peculiar amount of glee, glee that is highlighting their policy of failure and their policy of defeat. Frankly, I don't understand it, Mr. Speaker. Many of my constituents talked to me this past weekend when I was home and said they didn't understand it either. It was peculiar from their standpoint to understand and difficult to understand how the majority party in this Congress could believe that abandoning our troops in harm's way was an appropriate thing to do. And, consequently, I am as perplexed as they with the policy that this majority party has put in place.

The policy that they have put in place, as is clear to everybody and we will talk about that a bit this evening, is to ensure defeat and to ensure failure of our troops. And it seems to be all, all, for politics, which is probably as sad and distressing as anything, Mr. Speaker.

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The Democrat leadership continues to be committed to a plan for failure in Iraq, and they seem to be doing it, as I say for political points, scoring political points, political partnership, political grandstanding, whatever you want to call it.

And some might ask, well, how can you be so certain of that? Well, Mr. Speaker, we get example day after day after day. And the most recent example is what happened today, and that is, that the bill that this Congress passed, this majority passed last week to provide artificial timelines and specific benchmarks for our troops on the ground and to add incredible billions of dollars of pork to the war supplemental, the bill was passed last week, and they did not send it to the White House until today. Now, the President took his responsibility seriously and he vetoed that and turned that bill around rapidly.

But why, why, the American people are asking, why did it take nearly a week to send that bill to the White House? Every day that goes by, every day that is added on to our troops and our military not having the resources that they need to be able to protect themselves, to be able to continue the mission that they have defined, every day that goes by that makes it so that they have to rob from Peter to pay Paul, every day that goes by that makes it so that they are unable to repair munitions and armaments, every day that goes by is costly to our men and women in the military, and costly in a way that costs lives. And so every day that goes by, by design, is a flawed policy, is a policy for failure, and is clearly a policy that is grounded in politics only.

So the question has to be asked, Mr. Speaker, well, why did it take 5 days to send that bill to the President? Well, what we have seen today is the answer to that question; and that is, that the other side, the majority party, clearly wanted to score their political points, to take advantage of a May 1 anniversary that they would define, to distort that terribly, but to take advantage of that anniversary for political points. It is sad, Mr. Speaker, it is truly, truly very sad.

I came to the floor last Wednesday, when this House passed the bill, and I talked about it being a sad and a sobering day for America, and a shame. And I talked about it being a shame because the policy that this majority party has adopted is a policy that sends the wrong message to our troops, it sends the wrong message to our allies, and yes, Mr. Speaker, it sends the wrong message to our enemies. Because to our troops it says that we don't believe in you. We don't believe you can accomplish your mission. We don't believe that you have the ability to do what you say you can do. We don't believe in our general that we supported and endorsed by unanimous vote in the Senate just this year. The message to our troops says, "We don't believe in you."

To our allies, the message is one that, I think if you look at it seriously, Mr. Speaker, is one that nobody would want to send. Because what it says to our allies is, with this majority party you can no longer trust the commitment and the word of the United States of America. That is what it says to our allies. I don't think that is the message, Mr. Speaker, that we ought to be sending around the world in this dangerous time.

But probably the most important message is the message that it sends to our enemies. To our enemies it says, if you happen to have a difference with the United States of America and you believe that the destruction of the United States of America is at the core of your belief, then all you have to do is wait, all you have to do is wait; America will give up. That is the wrong message, Mr. Speaker. That is the wrong message. And it will ultimately end up in a more dangerous world if it is allowed to succeed.

If that message is allowed to succeed by the policies of this Nation, it will ultimately end up in a more dangerous world. It will certainly end up in a more dangerous Middle East. And it will end up, I believe, and many scholars and experts in the military believe that it will end up causing greater amounts of casualties for the American people, and certainly for our military who will have to engage in a way and in a manner that is almost incomprehensible to us right now.

Most of us in this Chamber, who we are privileged to serve, but most of us have members of the military who have come from our district; all of them have sacrificed to serve. They have recognized the importance of service to our Nation. They have stood up and they have said, I hear the call. If you talk to them, most of them will say that they are not in favor of the kind of policy that has been adopted by this majority party. One of them has been very open about that in this letter that I am going to read. It comes from a Lieutenant Jason Nichols, United States Navy, who is serving currently in Baghdad, in Iraq.

The statements by the majority leader in the United States Senate recently about the war being lost have hit a nerve, they have struck a cord on the part of our men and women in the military. They have struck a cord across this Nation, Mr. Speaker. And the cord that they have struck is one that says, how on earth can we have a majority party, a majority leader who makes that kind of statement in the middle of conflict when our men and women are in harm's way? What kind of leader is that?

This letter, as I say, comes from Lieutenant Jason Nichols, United States Navy, it is addressed to Senator REID. And he says, "Senator REID, when you say we've lost in Iraq, I don't think you understand the effect of your words. The Iraqis I speak with are the good guys here, fighting to build a stable government. They hear what you say, but they don't understand it. They don't know about the political game, they don't know about a Presidential veto, and they don't know about party politics. But they do know that if they help us, they are noticed by terrorists and extremists, and they decide to help us if they think we can protect them from those terrorists. They tell us where caches of weapons are hidden. They call and report small groups of men who are strangers to the neighborhood, men that look the same to us but are obvious to them to be a foreign suicide cell.

"To be brief, your words are killing us. Your statements make the Iraqis afraid to help us for fear we will leave them unprotected in the future. They don't report a cache, and its weapons blow up my friends in a convoy. They don't report a foreign fighter, and that fighter sends a mortar onto my base. Your statements are noticed, and they have an effect.

"Finally, you are mistaken when you say we are losing. We are winning, I see it every day. However, we will win with fewer casualties if you will help us. Will you?"

Respectfully, Lieutenant Jason Nichols, United States Navy.

Do you hear that, Mr. Speaker? The message that we are sending to our enemy, as I said, is all you have to do, if you oppose the United States, is just wait. But it is more than that, isn't it, Mr. Speaker? As Lieutenant Nichols said, quote, "To be brief, your words are killing us." Mr. Speaker, who is "us" in that letter? Who is "us"? "Us," Mr. Speaker, are the brave men and women who stand up and fight on behalf of the United States of America, who stand up and defend our liberty and our freedom.

Mr. Speaker, there are some people in my district who wonder why the action of Members of Congress who will make those kinds of statements, why that isn't defined as treason. I get asked those questions at home. They are tough to answer. They are tough to answer. I ask you, Mr. Speaker, why? Why? Why do we have leaders that make those kinds of statements?

It is not just members of the military that are saying that this policy that's being adopted and the kind of language that's being used are detrimental to our Nation and to our alliances and to our men and women in harm's way. There are all sorts of press reports and press opinions, editorials across this Nation that say what on earth are the Democrats doing? What on earth is the majority party doing?

The Chicago Tribune described the Democrat surrender bill as "Self-Defeating." They had in an editorial on the 27th of April, just 4 or 5 days ago, "Establishing a timetable now would be self-defeating. A new defense secretary and a new commander on the ground should have time and flexibility to see if they can succeed where their predecessors failed," which is exactly what Americans believe. But there is this peculiar glee on the other side of the aisle that they are accomplishing something for political gain; however, that something puts America at greater risk.

The Chicago Tribune goes on to say, "President Bush will veto the spending bill approved by Congress this week because it contains a timetable for withdrawing U.S. combat troops from Iraq. He is right to do so." Mr. Speaker, this isn't a paper that is known to be terribly supportive of this President, but they understand the consequences of the actions of this majority party, they understand that they put us at greater risk.

And finally, the editorial from the 27th of April from the Chicago Tribune goes on to say, "Establishing a congressionally mandated timetable for withdrawal would straitjacket the ability of General Davis Petraeus, the top commander on the ground, to pursue the stabilization of Iraq as events and conditions warrant.

"Senator HARRY REID said recently the war is lost. This legislation would all but guarantee it."

So in addition to having a certain amount of glee with the actions that are occurring, Mr. Speaker, I would suggest that the Democrat leadership in both the Senate and the House is vested in the defeat of the United States in Iraq. They are now on record as being in favor of the defeat of the United States. It is a very peculiar strategy, Mr. Speaker. And the only way it makes sense is if you believe that this Congress ought to act for short-term political gain by a given political party; that is the only way it makes sense. No other way could it be deemed as being appropriate for the policy of this Nation to hamstring, to handcuff, to tie the ability of our generals on the ground in Iraq and Afghanistan to make decisions. It seems truly that failure and defeat are the goal of the majority party. How sad, how sad for a once proud party in this Nation to have failure for the United States be their new strategy.

The Wall Street Journal sees it similarly. They say that Washington Democrats are taking ownership of the defeat in Iraq. In an editorial on April 25, just last month, they say, "In calling for withdrawal, Mr. REID and his allies, just as with Vietnam, may think they are merely following polls that show the public is unhappy with the war. Yet Americans will come to dislike a humiliation and its aftermath even more, especially if they realize that a withdrawal from Iraq now will only make it harder to stabilize the region and defeat Islamist radicals. And they will like it even less should we be required to re-enter the country someday under far worse circumstances."

It is peculiar, when you think about it, Mr. Speaker, because what you hear from the other side, what you hear from the Democrat majority in all of their discussion and all of their points, their political partisan points that they make about this, all that you hear is about this issue of failure. You never hear about what the next step is.

We are going to talk about that a little bit tonight, about what the next step ought to be, about the consequences for failure. Because it is important that the American people appreciate that the decisions made in this Congress will affect this Nation for a long period of time if the decisions aren't made in the light of day and with eyes wide open about what the consequences of failure in this day and time in the Middle East will be.

The Wall Street Journal also went on to say, "At least Mr. Bush and his commanders are now trying to make up for previous mistakes with a strategy to put Prime Minister Maliki's government on a stronger footing, secure Baghdad and the Sunni provinces against al Qaeda, and allow for an eventual honorable U.S. withdrawal. That's more than can be said for Mr. REID and the Democratic left, who are making the job for our troops more difficult by undermining U.S. morale and Iraqi confidence in American support."

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It gets to the issue of what kind of message, Mr. Speaker, we are sending to our allies.

The San Diego Tribune was another paper that weighed in on this issue. They went on to describe the Democrat surrender bill as "a sham that is detrimental to our efforts." They said, "The Democratic campaign is a textbook lesson in why the war cannot be managed by a committee of 535 bitterly divided lawmakers. The Constitution gives Congress control of the Federal purse strings, to be sure, but this authority has never been an effective instrument for directing forces in a combat zone. The Constitution gives that authority to the commander-in-chief alone."

This brings up the interesting issue, Mr. Speaker, of how this Congress can believe that it ought to be having 535 commanders-in-chief. It doesn't make any sense, because it puts every one of the Members of Congress who believe that they know better what ought to go on on the ground in a position that ties the hands of our generals.

It is not unusual for the Democrat party to believe that Congress knows best. Oftentimes their decisions affect people in kind of peripheral and tangential ways. In this decision, Mr. Speaker, it affects our military men and women who are putting themselves in harm's way very directly and adversely.

Now, I want to be clear that those of us in the Republican Party believe that this is an appropriate debate for Congress to have. It is appropriate for Congress to say, as the paper that I just cited says, that Congress has the power of the purse string, and it is appropriate for Congress to say, if it so desires, if the majority party so desires, that we ought not fund the troops anymore in Iraq or in Afghanistan or wherever else this majority party deems that it is not appropriate for us to fund troops. That is an appropriate debate. That is a clear debate, that is a clear vote, which is why we asked for a clear vote, a clean vote, on the war supplemental. Because, Mr. Speaker, when that happens, then it is very clear what people are voting upon. That, yes, we believe there ought to be resources available for our men and women in harm's way; or, no, we do not. That is a clear vote.

We muddy the waters and we confound the issue and we do a disservice to our Constitution and we do a disservice to our men and women in the field, certainly, when we put arbitrary timelines and benchmarks in a bill that clearly, clearly, is not appropriate, and makes it so that the Constitution becomes undermined.

The San Diego Union Tribune goes on to say more on April 26. General Petraeus was here, who is the Commander of American forces in Iraq on the ground. He visited this Congress last Wednesday and was not given the opportunity to speak to the House of Representatives as a whole in this Chamber. In fact, it is curious, Mr. Speaker, because the Speaker of this House went out of her way to visit the President of Syria on a visit recently to the Middle East, but she didn't go out of her way to visit with the American commanding general when he visited Congress.

So, the San Diego Tribune last week said, "Yesterday's pleas to lawmakers by General David Petraeus, the top commander in Iraq, not to micromanage the war were brushed off without serious consideration in the House's partisan stampede. Meanwhile, essential funding for the troops has been sidetracked by the phony legislative exercise playing out on Capitol Hill."

That is what I mentioned, Mr. Speaker, that the only rational conclusion that one could come to about why we are going through this process, why we are going through this "sham bill," as the San Diego Union Tribune calls it, why we are going through this exercise and putting the American people and our troops in harm's way through this exercise, is all about politics. It is all about politics. How sad, Mr. Speaker. How sad.

The Union Tribune concludes, "And even though this sham bill is merely a political show, the Democratic majorities in the House and Senate managed to lard it up with nearly $25 billion in wasteful pork, most of it entirely unrelated to war funding."

So, Mr. Speaker, it is not just our men and women in the field who say that this is a wrong-headed policy. It is not just those of us on the minority side of the aisle who say that this is a wrong-headed policy and it sends the wrong message to our troops and to our allies and to our enemies. It is cogent individuals across this Nation who have come to that same conclusion.

The opportunity to come to the floor is a true privilege and a great opportunity to share with the American people what our belief is about this supplemental war bill, and I am pleased to be joined by a colleague, the gentlelady from Tennessee, Congresswoman BLACKBURN, who is a true leader in this House and has been a true leader on this issue, because she understands and appreciates the importance and the consequences of the decisions that we make as they relate to our troops in the field and as they relate to our Nation and to our future liberty and our future freedom.

I am so pleased you would join us this evening. I look forward to your comments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia so very much. I appreciate his diligence on the issue.

Mr. Speaker, as we have been through this issue and with our troops, I have got a letter with me tonight that I received from one of our men and women that is in Baghdad who is thanking me for the support and thanking so many Members of the

House for their support in standing with them and their families and supporting our troops. I think it is so interesting how they have viewed this and kind of the filter they view this issue of our troop funding from.

As I read that letter and as I have been home over the weekend and talked to so many of my National Guard families, talked to so many of the military families that call Tennessee's Seventh District home, one of the things that has been mentioned repeatedly is, "Marsha, I hope that people in Washington look at this debate and that they take a little bit of a historical view to this and focus on what should be some lessons learned." Because there are lots of lessons learned, or should be lots of lessons learned in this, Mr. Speaker.

One of the ones that was highlighted for me by one of my constituents is that we have to realize when you go back and you look at the decade of the nineties and look at the view that then President Clinton took of the military, saying, well, the wall has come down. Well, we have survived these threats. Well, let's reduce funding to the military. Well, let's reduce funding on intelligence. Let's put it into domestic programs, social service programs.

Then the unintended consequence, I am sure he would say, is when you look at what happens when you have to go back through that rebuilding process. When you hear from those in our intelligence agencies and in the FBI and the CIA that say, my goodness, it takes 5 years for us to develop an asset in these countries. When you hear from our men and women in uniform about the importance of maintenance, maintenance on those posts, maintenance on that equipment, R&D and how that should have been continued. When they point to equipment and artillery that didn't get developed. We have to look at that as a lesson learned and realize, yes, indeed, you do get peace through strength, and you maintain it by being certain that you are ever-vigilant and that you are always making certain we fulfill the constitutional duty to provide for the common defense.

There are lessons learned, and I hope that this body does take it seriously, and I hope that our friends across the aisle will join us and say let's be fair to our military, to those families and to those troops, because for the debate that has taken place, for the rhetoric that has been spewed, for some of the statements that have been made, there are many of them that can look at this and say they are not being fair to us and they are not being fair to the job that we would do.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentlewoman's comments. I am struck by the general sense by the majority party, or seeming sense by the majority party, that their actions don't really make any difference to date. In fact, the delay we have already had, I have heard from some folks in the military that they are not able to keep up some of the repair of some of the equipment in other areas, not in the field of war right now, but in other areas, which makes us less safe as a nation.

I was wondering if you had anybody you talked with who was giving a similar story?

Mrs. BLACKBURN. Yes, and I appreciate the gentleman yielding. Yes, indeed, we hear this regularly, not only from our Guardsmen, but we also hear it from those that are on active duty, that are moving forward and readying for another deployment. They talk about how they work to make ends meet, and they talk about how deeply it hurt the ongoing progress of developing different equipment and protocols as funding was cut through the nineties.

I think another thing that we have to remember, and this has been highlighted by a couple of my constituents who are so wonderful and love keeping up with the issue, is we have to remember on September 11, 2001, we were not under a George Bush budget. We were still under the last Clinton budget. The focus was shifting for that budget that was going into place on the first of October in 2001.

Actually, Mr. Speaker, I think everybody realizes that prior to September 11, this Nation had responded to acts of terrorism as civil disobedience. September 11, all of that changed and we called it what it is, and that is a war. Because no one can deny, and I do think it is foolhardy to stand and say, oh, there is no such thing as a global war on terror. Everybody knows there is, because they know we have a very dedicated, very focused enemy. You can listen to their own words. They want to annihilate us and end our way of life.

I think it would not be wise for us to let that go unattended. We are right to respond with diligence and tenacity and focus to make certain that we defeat the radical Islamic jihadists who want to tear our Nation and our communities apart by the very fabric that holds them together.

Mr. PRICE of Georgia. I appreciate those comments, because it is an incredible privilege and honor to represent a nation where we have men and women who are willing to stand up and serve, to volunteer to stand up and serve to protect the freedoms that you describe, which is why in my district people are so confounded by the kind of policy that is being pushed by the majority party at this point. Because what they see is a majority party now that is saying to our troops, we don't believe in you, we don't believe you can accomplish your mission. It is saying to our allies that you can't believe in the commitment of the United States. And it says to our enemies that all you have to do is wait. It is very strange policy.

I yield to the gentlewoman.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, indeed, we see that. The message that it sends, actions do speak louder than words. We heard that as children growing up, "your actions are going to say more about your intent than the words that you speak." And we know that.

The message that it is sending by the actions is one that does not serve us well, in my opinion. It is one that causes our intent to be called into question, because we know what the enemy would do with us if they were given the chance. We have to realize that we have to be vigilant and we cannot let down our guard, not for a minute, not for an hour, not for a day. We have to continue to work to defeat this enemy.

So many of my constituents have called about the bill. I brought a copy of the bill today to the floor with me, and here it is. It is I think 93 pages when we printed the whole thing out. It is not that difficult to read. I can even read parts of it without my reading glasses, the print is big enough, and I like that. It makes it a little bit easier to focus on.

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For constituents who are watching tonight and want to follow along through the debate with us, I would encourage them, go to thomas.loc.gov. That is all you have to enter in your search engine. When you get in thomas.loc.gov to query the site, enter "H.R. 1591." That is the number on this bill. I do encourage individuals to go in and pull this down so they can see what is contained in here.

Now some of the comments that I have had, and you mentioned this earlier, our colleagues on the other side of the aisle, the Democrat majority, ran railing against pork spending. From so many of our families I have heard: How in the world could they have drafted a bill that had money for all of these different interests? It sounds like a grocery list when you talk about beef and cheese and dairy products and spinach and shrimp. And when you look at the intent or what we have come to believe that they want to do, which was not put it through PAYGO rules, not put it through regular order, but slide it in here because they felt this was something Members couldn't refuse to vote for.

How unfair to our troops and our military families, to put this on their back and saddle them with this $24 billion worth of pork barrel spending. It is not what they said they were going to do; and quite frankly, I don't think that is the kind of change that the American people wanted to see.

Mr. PRICE of Georgia. I appreciate you bringing up the extra $20-plus billion in the bill. And I am not often struck by the candor of some of our friends in the Democratic Party, but I was moved and struck by the candor of the chairman of the House Ways and Means Committee, Mr. RANGEL, who was on one of the Sunday shows. I think it was "Meet the Press" with Mr. Russert. And Mr. Russert said: Why did you put all of that money in the bill? And Chairman RANGEL, to his remarkable credit of candor said "because we needed the votes."

So it is clear that the reason that the extra $20-plus billion of pork spending is in that bill is because, exactly as you said, they believe that people won't be able to vote against the bill if that kind of pork spending is in it.

Mrs. BLACKBURN. That is right. It is so unfortunate. What we need is a clean bill that allows a good debate over how we are moving forward in Iraq.

I think it has been striking to see the Senate confirm and give a vote of support for General David Petraeus who is commanding our efforts in Iraq, a very scholarly general. He truly is a leader for our men and women and for the Iraqis. He has great respect from them.

But then to turnaround and say we are going to second guess or Monday morning quarterback your decisions and we are not going to give the funding and we are not going to give it in a timely manner. As the gentleman from Georgia was so eloquently stating earlier, there comes a time when you have to look at it and talk about what their intent is, and if they even trust the troops, if they even trust the commanders in the field to have the flexibility that they need to respond.

Certainly today we have seen and have noted the demise of al-Masri who is the head of al-Qaeda in Iraq. Now I know that it is probably a subject that the majority doesn't want to talk about, that al-Masri was killed in Iraq, had been found there and had been working there. So it leads one to ask the question: What was he doing in Iraq? Why was he in Iraq? And why was it that he met his death in Iraq?

Well, the answer to that question is he was there because he and the other terrorists and the other terrorist groups all tell us the central front of the global war on terror is in Iraq. This is where they are fighting it.

Mr. PRICE of Georgia. I thank you once again for pointing out this incredibly prescient and clear perspective on this issue, if people in the majority party would just step back and take a look. And that is why it is important that you pointed out that the bill number is H.R. 1591 and how to find it online at www.thomas.loc.gov, and I urge people to look at the area in the bill that has the artificial time lines and benchmarks. What we oftentimes hear from our friends on the other side of the aisle is there is no specific time line; but the bill is very specific. It says by October 1, we will begin to bring the troops home.

So it is clear that their mission is politics. The majority party's mission is politics. There can be no other reason for the remarkably foolish, if you want to support the United States, the remarkably foolish policy that they put on the table. The only reason can be politics, and short-term politics at that.

Mrs. BLACKBURN. One of the things that is so disappointing to me, having as many veterans and as many military families and members of the military as I have in my district, one of the things that is disappointing to me is they may want to do this over and over and over and delay the funding that gets to those troops.

One of the things that it always brings to mind, if you don't want to get the money to them and you don't want to get it to them in a timely manner, and you want to push benchmarks on our troops, then you have to be able to answer some questions. You've got to answer the question: What is going to happen if we leave?

Mr. PRICE of Georgia. Absolutely.

Mrs. BLACKBURN. What is going to happen if we leave Iraq? What are the Iraqi people going to do if we leave Iraq? What is going to happen in the Middle East?

Somebody asked me earlier today, asked me, how many more people have to die? I said that is the question to ask the terrorists: How many more people have to die?

But what we do know is that we cannot let down our guard. We do have to continue to fight. We have to realize terror and the war on terror is a new enemy. They do not have a headquarters. They do not show allegiance to a country. They do not wear a uniform. They are an illusive enemy.

Right now they are saying the central battle front is Iraq. September 11, 2001, we know where that central battle front was.

Mr. PRICE of Georgia. Exactly.

Mrs. BLACKBURN. We know. And what we have to do is be certain that we meet our obligation to our men and women in uniform and that we send a message to every terrorist that is breathing on the face of the earth that we will not stop.

Mr. PRICE of Georgia. I thank the gentlelady because it is the question that needs to be asked, and it is a question that our friends on the other side of the aisle asked all the time about what the President asked once Saddam fell, what next? What we ask them now, given our current situation: Where is your strategy? If you succeed with your policy of ending the funding for the troops and ending our involvement in Iraq, what next? What happens then?

There are some very good scholarly individuals who have looked at this, and they have said what they believe will happen next. In fact, the chart that I have here shows what the National Intelligence Estimate, the NIE, says will happen if we fail in Iraq. That is important because that group, the National Intelligence Estimate, is the group that our good friends cite all of the time, incorrectly, I might add oftentimes, but they cite them as the source for information about what ought to be done in Iraq.

But what the National Intelligence Estimate has said that the consequences of failure in Iraq would be: "Coalition capabilities, including force levels, resources, and operations remain an essential, stabilizing element in Iraq." Essential stabilizing element in Iraq.

Last week when General Petraeus was here and what he said, and it was so distorted by our friends on the other side of the aisle, but what he said on April 26 was: "As I noted during my confirmation hearing, military action is necessary but not sufficient. We can provide the Iraqis an opportunity, but they will have to exploit it."

He also said: "And again I note that we are just really getting started with the new effort."

He went on to say: "Success will take continued commitment, perseverance and sacrifice, all to make possible an opportunity for the all-important Iraqi political actions that are the key to long-term solutions to Iraqi's many problems. And because we are operating in new areas and challenging elements in those areas, this effort may get harder before it gets easier."

Mr. Speaker, that is the kind of information that is imperative for this Congress to appreciate and recognize and utilize in its formula for where we go from here. If we ignore that kind of information from our general that was unanimously approved by our Senate, if we ignore that kind of information, we do so at our peril.

So what happens if we have failure in Iraq, according to the National Intelligence Estimate, well, one, Iraqi security forces would be subject to sectarian control. What does that mean? That means in essence the nation breaks into three warring factions, three warring factions, and some would say that is what is happening right now. The difference is there would be no stabilizing influence whatsoever, and the estimates are that ten of thousands if not hundreds of thousands of Iraqis would be slaughtered. Mr. Speaker, that is a sobering assessment. That is a sobering assessment.

Secondly, interference by neighboring countries in an open conflict is what the National Intelligence Estimate says is likely with failure in Iraq. What does that mean.

Mr. Speaker, as you well know, what that means is that the conflagration, the battles, the war in Iraq becomes a war in the larger Middle East in a way that can only be described as a nightmare not just for the Middle East but for peace in the world, for peace in the world.

The National Intelligence Estimate went on to say there would be massive civilian casualties and population displacement, as I mentioned before. The estimates range from tens of thousands to hundreds of thousands of individuals slaughtered, killed, murdered, in sectarian violence that would put the kind of violence that we are seeing right now, which is horrendous, but it would make it seem like just a prelude, just a prelude.

Fourth, the al Qaeda in Iraq would plan increased attacks inside and outside Iraq.

This is important because if al Qaeda, if in the larger war on terror which we sometimes or oftentimes in this Chamber seem to lose sight of, but if in the larger war on terror the terrorists, the Islamic terrorists whose stated desire is to wipe Israel off the map and to end our way of life, that is their stated desire, not my opinion, that is their stated desire. If we fail in Iraq, what results is a haven of significant size and significant ability to attract terrorists in a way and to allow them the opportunity to plot for significant violence and attacks both inside and outside Iraq.

Mr. Speaker, as we saw outside Iraq doesn't just mean next door. It means around the world. As we saw on September 11, around the world can mean violence and horrendous activities visiting our shores when we least expect it.

Finally, the National Intelligence Estimate says there will be spiraling violence and political disarray, including Kurdish attempts at autonomy in Kirkuk. What that means is the nation breaks apart. And if Iraq breaks apart in the way that the National Intelligence Estimate has stated would be the likely outcome of failure in Iraq, if that nation breaks apart, what happens is it becomes a magnet for terrorism and a terrorist haven in the Middle East, a less stable Middle East, a more endangered Middle East, an emboldened enemy, a likely scenario that would bring about significant violence upon our shores once again.

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So, Mr. Speaker, the consequence of the actions that have been adopted by this majority party, by this bill that the President has vetoed this evening, the consequences of moving forward with that same kind of legislation, which the majority party has threatened to do, and "threatened" is the right term because it threatens to place, Mr. Speaker, at greatest risk and in greater harm's way, if we continue along that path, what we do is bring about a less stable Middle East, certainly a less stable Iraq, a greater threat to Israel and other Nations in the Middle East and certainly a greater threat to the United States.

I was quoting earlier, Mr. Speaker, from some news reports and newspapers from around the Nation on what they believed was the essence of this bill that the President has appropriately vetoed this evening.

The Washington Times said that, "The Democrats' lack of interest in the real-world impact of their legislation is reflected in their shabby treatment of the commander of U.S. forces in Iraq, Lieutenant General David Petraeus. Last week, House Democratic leaders initially declined General Petraeus' invitation to brief Members, reversing themselves only after coming under fire from Republicans. And by tying funding for the war to a surrender bill that the President will veto, the Democrats are showing studied contempt for our troops in the field."

Studied contempt, Mr. Speaker, which brings me back to the original letter that I read from Lieutenant Jason Nichols, who clearly appreciates this studied contempt, but also takes it to the next step and describes what that studied contempt does. I quote Lieutenant Nichols once again, "To be brief, your words are killing us."

A powerful statement, Mr. Speaker, and we ought to be listening. We ought to be listening to the brave men and women who stand up to defend our liberty.

The Washington Times went on to say on April 26, "When it came to the 150,000 U.S. troops now fighting in Iraq, lawmakers included enough poison-pill language to ensure a presidential veto which will in turn delay much-needed support for military operations in Iraq."

In another paragraph in that same article on April 26, "To satisfy the MoveOn.org types, particularly in the House, the bill stars the pullout as early as nine and a half weeks from now. In an effort to provide political cover for House 'Blue Dogs' from more conservative districts who want to vote with Mrs. Pelosi, it contains troop-withdrawal language that sets a 'goal' for pulling out rather than a deadline."

However, Mr. Speaker, if you read the bill H.R. 1591, what it states, indeed, is a hard and fast deadline.

I want to quote one more individual who has stood tall and taken a lot of heat for it, and this is Senator JOSEPH LIEBERMAN who last week wrote in the Washington Post that the Democrat surrender bill is "dangerously wrong."

He went on to say, "And today, perversely, the Senate is likely to vote on a binding timeline of withdrawal from Iraq. This reaction is dangerously wrong. It reflects a fundamental misunderstanding of both the reality in Iraq and the nature of the enemy we are fighting there. What is needed in Iraq policy is not overheated rhetoric but a sober assessment of the progress we have made and the challenges we still face."

He went on to say on April 25 of this year, "Indeed, to the extent that last week's bloodshed clarified anything, it is that the battle of Baghdad is increasingly a battle against al Qaeda. Whether we like it or not, al Qaeda views the Iraqi capital as a central front of its war against us."

Finally in that article, Mr. Speaker, Senator LIEBERMAN said, "In the two months since Petraeus took command, the United States and its Iraqi allies have made encouraging progress on two problems that once seemed intractable: tamping down the Shiite-led sectarian violence that paralyzed Baghdad until recently and consolidating support from Iraqi Sunnis, particularly in Anbar, a province dismissed just a few months ago as hopelessly mired in insurgency."

So, Mr. Speaker, where do we go from here? Well, I think that it is time for the majority party to regroup, to reassess, to appreciate that what they have done is spent four months on a policy that is candidly shameful; that brings about a discredit and a disservice to our troops; that sends the wrong message to our allies saying that you cannot trust the United States of America; and certainly sends the wrong message to our enemies saying that if you oppose the United States and you are in a conflict, all you have got to do is wait because the United States will not live up to its commitment.

So, Mr. Speaker, what we need to do from here, the President has vetoed this bill this evening. I would challenge the leadership in the majority party to bring the House together. I would challenge the Senate to work together in a bipartisan way and come up with a bill that the President can sign and to do so in very rapid fashion. Every day that we delay makes it more harmful for our troops, makes it so they know not whether or not they will get the resources that they need to carry on their mission, makes it less predictable, continues to erode their morale because of the comments like the ones by the Senate majority leader last week. So we must in short order come together and pass a bill that the President can sign.

Mr. Speaker, regardless of what you believe, what one believes about the nature of this battle and whether or not it is indeed the central front of the war on terror, it is incumbent that we live up to our responsibilities, to our oath as Members of the United States House of Representatives, that we live up to the responsibility and the duty that we have. That primary responsibility is to preserve and to protect and to defend the United States.

I would suggest, Mr. Speaker, that one of the issues about preserving and protecting and defending the United States is making certain that the men and women who stand up and volunteer to protect our liberty and our freedom deserve all of our support and the resources that they require to protect themselves and to carry out their missions.

So, Mr. Speaker, I challenge the leadership of the House and the Senate to make certain that this week we act to bring forth a bill that will pass both chambers of this Congress, and that the President can sign, that does a credit and honors our troops; that sends the correct message to our allies, and that is, that you can count on the word of the United States of America; and sends the correct message to our enemies, and that is, that if you engage the United States in military battle, that you have met an enemy that you cannot defeat.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come before the House once again, especially this evening.

As you know, the 30-Something Working Group, we come to the floor to bring forth the truth on behalf of the American people, not just Independents or not just Democrats, not just Republicans, but on behalf of the American people.

I am so glad to be joined once again by my good friend from Niles, Ohio, Mr. TIM RYAN, and I am always excited about being on the floor with him. I am excited by the fact that, Mr. Speaker, today that there was a conference report signed to support our men and women that are in harm's way in Iraq, Afghanistan, and in areas where they are staging to move into theater, one that brings about the equipment and support, going above and beyond what the President called for, but it also had benchmarks to bring about the kind of standards that the American people are crying out for.

It happened today at 3 p.m., and I am very proud of not only the Speaker but Majority Leader HARRY REID over in the Senate, Senator REID. I think it is also important for us to realize that in both chambers it passed by a bipartisan vote. I think it is also important to note that as soon as we were able to get that conference report signed, that the President, one of his first actions was to announce officially his veto of that legislation, saying tomorrow that Democrats and Republicans will come together at the White House to discuss where we can compromise.

Let me just say this before I yield to Mr. RYAN. I understand that there is a discussion that is going on about who is right and who is wrong, but I think it is very, very important to understand especially on the date that Mr. RYAN is going to address in a minute, some 4 years ago, where there was a great announcement of accomplishment and now to continue to move on under that light of saying trust me, that everything is going to be okay, I think that those days are over. I am not saying they are over. The American people are saying they are over.

One time here on the floor, Mr. RYAN went down a litany of things, and actually I was checking out some of your work on YouTube recently, and it had the one when you came and you said, forgive me for questioning what the President says or what the Republican majority at that time had to say about the fact of liberators and paying for the war and on and on and on.

It continues, but the American people are now saying, Mr. Speaker, that we understand this Commander in Chief but we need the Congress to stand up and be the Congress, asking for accountability.

So, with that, I know that we have a number of things to talk about here this evening, and we also have some fresh quotes from former brass because, of course, if you are enlisted or you are inside, you cannot speak truth to power or speak your mind. This information has just been released not only publicly but to those of us here in Congress. We want to share that with the Members.

Also, I want to add that the death toll in Iraq is 3,351; wounded in action, returned to duty is up 13,875; and wounded in action and not returning to duty is 11,215. That is the latest at 10:00 a.m. today. As you know, when we come to the floor, we give that report of that information because I think the Members need to understand that this is not a political issue. This is a serious issue that is facing the country and also facing the men and women in uniform and their families.

So I do know that the American people are, and a super majority of them are, 100 percent behind accountability and also oversight. I think it is important that we have that, and the President is asking for a blank check.

The thing that I am disappointed about is that the President had an opportunity to share something great with the country about a dialogue, but he decided to misrepresent what is in the legislation. I think that as we continue to talk about this tonight, that we continue to share with the Members, because every time we take a vote, the vote gets greater on behalf of accountability. I am hoping that we can meter up enough on both sides of the aisle to make sure that we hang in there with the men and women in harm's way and those that may be placed in harm's way and not wince to the President on some sort of floating politics that is going on right now.

I hope they have a true dialogue. I am not about the political part of this. I am about the action part of this and making sure that our men and women have what they need.

Mr. Speaker, we have done what we said we would do: make sure that they are funded; make sure that they have the equipment that they need; make sure that the men and women that went over into harm's way, that the Department of Defense regulation as it relates to the downtime that they are supposed to have with their families, that they will have it and that if the Department of Defense was going to exit from that, then there has to be a reason why they were going to exit, for not holding their end of the deal when these men and women signed up as volunteers.

So it is very, very important that those of us here in Congress make sure that within this democracy that many of these individuals are fighting for and making sure and those before them, the veterans, making sure we can salute one flag, that we honor them through our courage and integrity when it comes down to this very issue.

Mr. Speaker, I yield to Mr. RYAN.

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Mr. RYAN of Ohio. I appreciate that, and I think you are exactly right. There was a misrepresentation of the facts of the legislation that was put forth to the White House. I think it's important for us, for us to go over in a snapshot of what the supplemental bill did that the President just vetoed.

What this bill did was increase by $1.7 billion the amount of money that was going to defense health care for the troops. What it did was it increased veterans spending by $1.7 billion above what the President wanted. We tried to make law the benchmarks that the President set up for progress in Iraq on January 10, his benchmarks, and he vetoed that.

Now, the President is vetoing his own statements, if that is not confusing enough. The key component of this piece of legislation is the piece that says that our troops can't leave here and go to Iraq if they don't have the proper body armor, if they don't have the proper equipment, if they don't have Humvees that are up armored, and if they don't have the amount of rest that they need. That is what the President just vetoed.

I think this is a pretty sad day in American history when you have the President of the United States trying to win a PR battle and using the troops as hostage. Those are not my words, those are the words of General Paul Eaton, who just said, after the statement, this is what he is saying on the President's veto, "This administration and the previously Republican controlled legislature have been the most caustic agents against America's Armed Forces in memory. Less than a year ago, the Republicans imposed great hardship on the Army and the Marine Corps by their failure to pass the necessary funding language. This time, the President of the United States is holding our Soldiers hostage to his ego. More than ever apparent, only the Army and the Marine Corps are at war—alone—without their President's support."

Terrorism around the globe is up 25 percent. Stop doing what you are doing to make terrorism increase by 25 percent. Enough of the scare tactics that if we don't fight them there, they are going to come here and get us. The same scare tactics that they have been trying to employ for the past 5 years, this is the same group of people who told us, as was stated earlier, that the oil money would be used for reconstruction, it would only cost $50 billion, and now we are upwards of some $500 and some billion after the 2008 budget, going to be greeted as liberators. All of the statements that have been made in the past 5 years have been wrong, colossal mistakes.

The same people that said the mission was accomplished are the same people that are now telling us we don't want any timetables, we don't want any deadlines, we don't want any goals for when we maybe should possibly, at some point, get out of Iraq and redeploy out. We don't want any of that. They expect, after all these mistakes, all of these blunders, that somehow we are going to trust them.

I am sorry, but you know what? Between now and when the President decides it's time to get out, how many more soldiers are we going to lose? How many more kids are we going to go up and see at Walter Reed who have brain injuries and post-traumatic stress?

That's the difference between today and a year from now. That's the difference between a deadline and an open-ended war, kids getting killed and innocent Iraqis getting killed. You know, I think that this is the height of arrogance that this veto showed by the President.

Mr. MEEK of Florida. Let me just add to what you just said. Members may be in their office watching, or walk here on the floor and say, what's Mr. RYAN and Mr. MEEK talking about, like we are independent individuals that just come to the floor just to say that we are upset.

I must say that a number of Americans live through the people they respect in government, be it Republican or Democrat. Sometimes they lead into this political process. People they get involved in government for different reasons. Some folks say I am going to latch on to this individual, or I am going to latch on to that individual. It might have been John F. Kennedy for someone else. It might have been Ronald Reagan for another lady, or whatever the case may be.

It may be Speaker of the House, who knows. But they get involved in government for whatever reason. We got involved in government because we are the same folks that went and signed up at the supervisor of elections to run for office, because we wanted to do something about what was happening here in Washington D.C. and represent the people, not just Democrats, not just Republicans, not just independents, but the people, and those that are yet unborn.

I think it's also important, when we start looking at these issues, we can just open today's Washington Post, May 1. This is May 1, and this is Tuesday. Front page, April, toll, is the highest of 2007 for U.S. troops, 100 U.S. troops in a month.

Mr. RYAN of Ohio. Can I interrupt you and just make a highlight? In the President's speech today he said that the incident levels are down.

Mr. MEEK of Florida. I hear what you are saying.

Mr. RYAN of Ohio. I hear you too.

Mr. MEEK of Florida. What is so very important for everyone to understand here, that this is above and beyond politics right now. For the President to say, the President is making a political statement, he is making a political statement because he once said, as long as I am President, we are not going to pull back any troops from Iraq. Just because he made that statement doesn't necessarily mean that should be the case.

We live in democracy, last I checked. No one stopped me walking down the street. No one kicked in my door, because I have rights. I think it's important that the President understands that we live in a democracy. So, really, in my opinion, it's hard to talk directly to the President about something when he has made a statement, and he has said, I am going to stick by it.

This is not stick by your guns, you know, stick by whatever, however the song goes. It's not appropriate to use when you talk about the man, but it's stick by whatever statement you made. I think it's important that people understand that we are going to the table of compromise, which the President said we were going to compromise, he didn't sound like someone who really wanted to compromise in this statement at 6:10 today.

He sounded like a person saying I am going to veto this, and they can come to the hill and the bottom line is the Congress is trying to do this, this and this. That is not looking at compromise, that is looking at keeping some sort of word that he has made. If you want to talk about word, I think it's important.

The good thing I like about the 30-Something working group members is the fact that the CONGRESSIONAL RECORD and past statements are so very, very important to today's reality.

The President said, in his comments, that he didn't believe the time lines, and he spoke out very forcefully against them. Yet in 1990, on June 5, then Governor Bush said about President Clinton, I think it's important for the President to lay out a timetable as to how long they will be involved and when they will be withdrawn, talking about another conflict.

It's good enough for President Clinton. It's not good enough for him. It's one thing for you, it's an old saying, it's one thing for you to ask somebody, you tell someone to do something when you are not willing to do it. I think it's important, after all of this death, after all of the conflict that is going on in Iraq, in the middle of the winter, in the middle of the civil war, the American people are crying out. If it was political, and men and women weren't losing their lives, and Walter Reed didn't get a plane load of injured soldiers and Marines and airmen and the Coast Guard and sailors, then I would say, well, let's play the political role.

As far as I am concerned, when I talked to my friends on the Republican side of the aisle, I share with them, because I think there is some good Members that are there that want to speak their mind. When they see me in the hall or see in the cafeteria, they say, Kendrick, you know, you were on the floor the other day, you made a lot of sense.

I say, why don't you vote differently. Why don't you vote in the emergency supplemental to send the troops the money? Because the more bipartisan votes we have, the harder it will be for the President to do what they are doing.

Listen, to the Republican minority, you guys are on your way to a permanent minority in the U.S. House of Representatives and the Senate following the President on this issue of don't ask any questions, just give me a blank check. The American people, unelected a number of Republican Members of the House and Senate last Congress. Why? Because they were rubber stamping everything that the President of the United States wanted.

You have witnessed this. We have seen the difference. Now we have the opportunity to lead in a bipartisan way. We send a bill to the President, he says he is going to veto it because he doesn't like it, and he misrepresents what the bill does. I think it's important, as we go through this whole discourse of how we are going to carry out for the next, how we are going to carry out the mission in getting the men and women what they need, I think it's important that we have a little truth that rises up out of all of this misinformation.

Mr. RYAN of Ohio. I totally agree with you. I think the first step for most people who find themselves in a massive hole and going in the wrong direction, or following someone who continues to lead them down the wrong road, is to not follow that person any more.

What the Democratic Congress has provided is what the American people sent the majority of the Democrats down here for in November, and that is to take this war in another direction, take our foreign policy in another direction. That is what this supplemental bill has done. The American people wanted us to take care of the veterans, and we increased $500 million for post-traumatic stress disorder, $500 million additional for brain injuries, that is what the American people wanted, for us to fix the veterans's problem.

They wanted to make sure, they got tired of hearing about kids over there without body armor. So we made sure that no kid could go over there, or soldier or adult who is going to Iraq will not be over there without the proper equipment, body armor, up-armored Humvees, the proper rest when they get back, for over a year, let them rest. We gave the American people what they wanted, and what the troops deserved.

To have that vetoed by a President who has been wrong on every single major foreign policy and domestic issue over the past 6 years doesn't make any sense to the American people, and it certainly doesn't make any sense to us. You look, and it's getting better. You hear this all the time, it's not getting better.

It's not. If it was getting better, do you think you would have this uproar from the American people? Do you think you would have all of these new Members of Congress if things were getting better?

In a report that just came out, National Counterterrorism Center, terrorist incidents in Iraq rose by 91 percent from 3,468 in 2005 to 6,630 in 2006 and getting worse. Innocent Iraqis are getting killed all the time, and they believe it's because the American soldiers are there, because the American presence is there. That is what they believe, and we are saying we need to redeploy out of these major centers and stop policing a civil war. That is exactly what's happening.

One of the things we wanted to do in the supplemental that the President just vetoed is hold the Iraqi government accountable for training their own soldiers. You know, the President has always said, when they stand up, we stand down. Then they keep telling us that the Iraqi soldiers are standing up, but we are not standing down, which means they are not standing up.

We wanted to put benchmarks in there so that the Iraqi soldiers would have to meet them or were leaving. Now, you can't give people open-ended situations in which they can get out of. All we are trying to do is hold the Iraqi government responsible.

I don't like saying it, because I didn't support this war from the beginning. To go in there and knock everything around and then say you are not doing what you are doing, but the bottom line is, if you do not get yourself trained, if you do not, as a country, get your police force ready, and your military ready, we can't stay here forever.

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And, Mr. Speaker, I don't think that is too much to ask. And the response from the President through his Secretary of State, Secretary Rice, signaled Bush's opposition to, "Any war spending bill," check this out, "that penalizes Iraqi's government for failing to make progress." We are not going to punish them for failing to make progress. Are we in a therapy session here?

Mr. MEEK of Florida. Will the gentleman yield?

Mr. RYAN of Ohio. I will be happy to yield.

Mr. MEEK of Florida. You know, a mayor of a U.S. city has to carry out accountability for Federal money; State governments have to account for the dollars and the progress of programs, block grant dollars, that we send to the States. Here on U.S. soil, they have to be accountable to the Federal Government. If they are not accountable, they may very well lose, what? Federal funding.

Mr. RYAN of Ohio. That is right.

Mr. MEEK of Florida. And what the President is saying, and this blank check; you know, Mr. RYAN, I really think that the President thinks that he has a rubber stamp Congress. I think that is what he is thinks, because that is what he is used to.

It is almost like having a situation if you are a small business owner and you come in and you have a shop in one county and you spend most of your time over in the other county, you come over to your other shop and you notice the way they are doing business and there aren't any accountability measures on productivity, there are no accountability measures on spending. And you are wondering why this shop, the shop in the opposite county that you are very seldom at is running on time or being cost effective, and then you come in and you say that there should be change; but then, better yet, the manager of that shop says, well, why should we change? I know we are not doing things the way you want us to do it and we know that we are spending a lot of money over here. Why should we change? Well, that is what we have right now.

The President is saying that the Iraqi elected officials and the Iraqi government don't have to be accountable and their feet should not be held to the fire. But, better yet, we have mayors, governors, State legislators, county commissioner, parish, what have you, they have to be accountable or they lose their funding or don't get their funding when you are in a war that is costing $500 billion and counting.

When you look at these issues, Members, you can't help but say something is not right here. These are the people that are here in the United States of America, States, cities, counties that have to be accountable through Federal law and Federal appropriations. And over here, we have the Iraqi government. 3,351 of our men and women that have died, over 26-plus thousand that have been injured. And wasted money. And 100 soldiers that died last month alone. And we don't want accountable measures over here. We want to trust the administration on it, and we just want to say don't put any benchmarks there, don't even put any real goals there, don't do anything, don't ask any questions, just send us the money; you don't know what you are doing.

Well, I tell you this much. As long as this majority is here in this House of Representatives that passed a bipartisan bill, sent it to the White House, that had accountability measures in it, my prayer tonight is going to be for those that will be there at the negotiating table there in the White House come tomorrow morning that, on both sides, that they hold the interests of the American people before you hold the interests of someone that made a promise in Iraq, in a foreign land, to say that we are going to have as much flexibility that we are going to have, and accountability measures don't need to be in place.

It couldn't come at a worse time, Mr. RYAN. The newspaper is full and the media is full of how the American people have not been told the truth. It is sickening. I feel that it is something that I didn't do in the minority. Maybe I didn't understand something in the last two Congresses that I was a part of, of watching all of this lack of information that has been given to Congress and how the administration has gotten away with this, and they have gotten away with saying, "I am sorry, that is all. What do you want from us?" We lost e-mails, CIA agents have been outed, clandestine operations abroad have been jeopardized. Men and women, there have been cover-ups. I am talking about testimony before Congress just weeks ago, things have been covered up with friendly fire of certain individuals that signed up to defend this country. Meanwhile, we are sitting here being nice guys and nice ladies and not standing and hold their feet to the fire.

This is the reason why we have a U.S. House of Representatives, the reason we have a U.S. Senate, the reason why there are three branches of government, where we don't have kingdom politics where one just says this is the way it is going to be, like it or not.

Well, I have got a message for the White House and I have also got a message from the American people. The bottom line is we live in a democracy. We would love to sit down at the table of compromise so that we can come out with a work product. But don't sit there saying what you are not going to do and what you are going to do before you sit down at the table. At least the leadership here is saying that we are going to make sure that there is accountability and that there are benchmarks there for progress, and make sure the U.S. taxpayer dollars are being sent, not just some sort of slogan of saying, well, you know, I am trying to command from over here. I mean, it didn't make sense, Mr. Ryan. But the bottom line is, the thing that is good about this whole thing is that if this was a year ago, it wouldn't even be a debate. It wouldn't even be discussed. Accountability? Oh, no. The majority would say, we wouldn't do that. And now we have the accountability, we have the strength of the majority in the Senate and the strength of the majority here in the House.

But if there was a political question, like I said before, and one would sit back and just let it play out and say, well, one day we will get to that point. We cannot afford to get to that one day. We have to do this now. Not several months from now, now. The American people demand it, the U.S. troops deserve it, our veterans deserve it.

There are dollars in this emergency supplemental that fix Walter Reed and start to fix the veterans services in this country. There are dollars in here that help make sure that the men and women have the proper training and the equipment before they get to the field. Wow, Mr. Ryan, there is a revelation there, that we will have equipment and that we would make sure that striker forces have what they need of making sure they have a commander and a gunner and a driver, the essentials, that are trained in those categories before that striker vehicle pulls out of Camp Victory. Wow, there is something, that we are actually going to do what we said we are going to do, and we are going to take the Department of Defense's own regulations, Mr. Ryan, and put it into Federal law in this emergency supplemental; of saying that if you are going to spend these dollars, this $124-plus billion, that you are going to be accountable in these ways, Department of Defense.

The reason why the President doesn't like this, Mr. Ryan, is the fact that it is actually doing what it said that he would do, and he doesn't want his words to actually come to fruition when it comes down to the way he described it. He came here at this podium, Mr. Ryan, we were sitting right out here. He came to that podium and said: We are going to hold the Iraqi government accountable. We are going to make sure that they train the troops. All of these things that he said, we took note as the Congress and put it into the emergency supplemental. And I think it is important that everyone understands what that is.

One other thing, Mr. Ryan. The bill provides $21.1 billion for military health care, more than what the President requested; $900 million of that for posttraumatic stress disorder, $661 million to prevent health care fees increasing on our troops, $20 million to address the problem at Walter Reed. It provides $1.8 billion for more veterans health care, more than what the President has called for. I want to add again, $595 million to address the backlog maintaining the VA health care facilities, $250 million to hire additional personnel for the administration for VA health care, for the health care system, $229 million for treatment for the growing number of Iraqi and Afghanistan veterans, $100 million for mental health care in veterans assistance, $83 million to speed up the processing of claims for veterans returning back from Iraq and Afghanistan. It also provides other additional above what the President calls for as it relates to supporting of the troops.

And I think it is important that people understand, $2 billion for more strategic reserve readiness funds, which $1 billion is for Army National Guard equipment shortfalls. This is very, very important. $1.1 billion for more military housing and $3 billion more for making sure that there is mine resistant ambush protection, what we call MRAPs, for troops in Iraq.

Mr. Ryan, the reason why the President is talking about additional spending, I want to make sure that every veteran in the United States of America understands that he is talking about the money that I just described and then some.

So, Mr. Speaker, I know that the President is used to having bills come to his desk that he can't even wait for it to get through the door before he signs it in tax cuts for the billionaires and those super wealthy. But this time he had legislation that's before him or he had legislation before him that he vetoed it that would have helped everyday Joe and Sue that signed up to serve this country in the way that this country asked them to serve. And, doggone it, if we can't stand behind them, then something is really wrong.

And I am really glad, Mr. Ryan, that I am not just speaking on the behalf of the "if we could, we would." But I can tell you this. What the majority leader is doing when he sits down in the Senate with the President tomorrow and the Speaker of this House what she is doing when she sits down with the President of the United States tomorrow, I want them to feel that they are wearing the breastplate of righteousness to be able to go to the President and say, these are average people, they are not sons and daughters of millionaires and billionaires. And, you know something? They are going to have rights, too. They have rights. And they have the right to be represented, and they will be represented. And I am so happy that we are going toe to toe with the President of the United States, not for politics, but for the country and for the folks that their mom and dad, they may only own one pickup truck, some of them wanted to go to college but couldn't afford to go to college, some might have gone to college and went into the Marines or to the Army or to the Navy or to the Air Force or into the Coast Guard. Those that are serving in theater as officers, we owe it to them. That is the bottom line. They deserve the representation.

I know that the President is used to getting a blank check so Halliburton can spend all the money they want to spend and burn trucks and then get paid by the Federal Government. That will no longer happen, not under this watch, not as long as we have a Democratic majority in this House and a bipartisan spirit that is willing to send him the bill.

I don't want to challenge the President to veto another bill. I want to challenge the President to come to the table and sit down, and let's have a sensible conversation and let's come up with a work product that we can all live with. It is not going to all be that he wants, it is not going to be all that we want. But doggone it, Mr. Speaker, when they rise from that table and we get the report, the rest of us, Members of Congress, the integrity of what we have sent to the White House when it comes down to accountability, when it comes down to performance, and when it comes down to holding the Iraqi government accountable and assisting our men and women that have served and those that are coming back from theater when they need veteran services, that must be there. That has to be there. And if the President doesn't allow it, then I would say our leadership should not allow him to have his way.

As far as I am concerned, it is a no-brainer; and that is the reason why the American people overwhelmingly support our position, Mr. Ryan. When I say our position, I am not saying the Democratic majority's position, I am saying the position of the bipartisan legislation that we passed through House and Senate.

I want to thank you for your patience, sir, because I thought it was very, very important that we talk a little bit about what the President did veto and what's in the legislation so that folks don't get the misrepresentation that has been given to them over the last hour or so from the White House.

Mr. RYAN of Ohio. And let's be clear about this whole issue of deadlines. There was a deadline that came out of the House version, for the political junkies that are paying attention, Mr. Speaker. There was a hard deadline that came out of the House version, not in the Senate version. And the compromise that just went to the President had the goal, just the goal of maybe getting out of Iraq. No hard deadline, just the goal, because we knew that he would veto a hard deadline. And as much as we don't like it, he is the President of the United States. But there is the goal of leaving. This President, Mr. Speaker, can't even think about the goal of getting out of Iraq. He doesn't even want to talk about it.

There is no deadline in this supplemental that he just vetoed, no hard deadline at all. The language said, the goal of getting out. So let's be very, very clear.

Now, when people ask, well, why do we need to get out. People I think feel why. There's a lot of really good examples, not just from Democrats as some of our friends may like to think, but from a variety of others.

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Here's what is happening in Iraq, as the Washington Post reported. "A department of the Iraqi Prime Minister's Office is playing a leading role," this is the Iraqi Prime Minister's Office, playing a leading role "in the arrest and removal of senior Iraqi Army and National Police Officers, some of whom had apparently worked too aggressively to combat violent Shiite militias, according to U.S. military officials in Baghdad. Since March 1, at least 16 Army and National Police Commanders have been fired, detained or pressured to resign. At least 9 of them are Sunnis."

So now they are removing police and military people that are cracking down on the wrong, somehow the wrong group of terrorists. And some folks say this is not like Vietnam.

How about Senator HAGEL, leading Republican, conservative. I read today he had an 85 percent rating from a conservative think tank. So he is clearly a conservative Republican. He just got back from Iraq. Here's what he says in Mr. Novak's column of yesterday, or 2 days ago. "This thing is coming undone quickly, and Maliki's government is weaker by the day. The police are corrupt, top to bottom. The oil problem is a huge problem. They still can't get anything through the parliament. No hydrocarbon law, no deBaathification law, no provincial elections."

That's CHUCK HAGEL, our friend in the Senate, our colleague in the United States Senate. Republican from Nebraska; 85 percent conservative rating from a conservative group here in Washington.

We're saying that we need to change direction, Mr. Speaker. We're saying that the Iraqi government has had over 4 years to try to piece this thing together, and that we've done all that we can do. And the American people do not want to lose any more soldiers to this war. And we want a deadline. We want to get out. We want to get out with respect. We want to get out with dignity, we want to get out and protect our troops.

But it turns out that the presence of the United States in Iraq is inciting violence. We're inciting the civil war. We're the ones being attacked, as well as others around. And in April, it's been the sixth highest month of American soldiers getting killed in the entirety of the war.

Let's fix this. Let's go in a new direction. This is not time for bravado. This it not time for ego. This is time for the American people to come together and the Congress to come together, the President to recognize that this has not worked, and for us to try to re-establish some level of credibility in the world. And this President needs to listen to the will of the American people.

And I want to make one final point, because we have this tremendous debate in the country that is not always framed the right way. But I want friends who we run into in the street, and someone says I'm pro-choice and I'm pro-life, and I think we're all pro-life. But the debate has been framed as such that pro-life Americans take their role and their issues very seriously.

And I find it extremely ironic, as a pro-life Democrat who voted for the partial birth abortion bill, that this President has two vetos. His one veto is on stem cell research, because that's a pro-life issue. And his second veto is to continue a war in which thousands of American soldiers have been killed and injured, and in which tens of thousands, if not hundreds of thousands of Iraqi citizens, innocent, many of them, have been killed. And by keeping this open-ended, by keeping this open-ended, we know that there will be more death and destruction.

So I find it ironic that this President has two vetos; one pro-life, supposedly, and the other pro-war. And how they reconcile that on the other end of Pennsylvania Avenue, I'll have no idea. But I think it is important for us to recognize how sometimes dysfunctional the philosophy, Mr. MEEK, of this President and this administration has been.

And so, let's, on the anniversary of "Mission Accomplished," and recognizing the failures of the past, let's do what Americans do, and that's fix the problem. Americans are full of problem solvers, and that's what we do in this country. We fix things, whether it's the car or the computer, or the truck, we fix things.

And I hope that the President will find it in his heart to sit down with Speaker PELOSI, to sit down with Leader REID and the leadership from this Congress, and draw on the knowledge of IKE SKELTON, the Chair of our Armed Services Committee, who's been in this institution, I think, over 30 years. Draw on the knowledge of JACK MURTHA, who's been in this Congress almost 40 years on the Defense Appropriations Committee. And stop listening to those people who got us in this situation.

I yield to my friend.

Mr. MEEK of Florida. You know, Mr. RYAN, it's interesting. You mentioned Chairman MURTHA. Chairman MURTHA was fine with the administration as long as he was voting with the administration in the minority, being the ranking member on Defense Appropriations. They didn't have a problem with him. As a matter of fact, he was held up as a hero, decorated veteran, longstanding member of the Defense Appropriations Committee in the House, ally, called to the White House for his advice.

As soon as Mr. MURTHA figured out that, not only was the intelligence that the Congress was given was inaccurate, and as soon as he figured out that we could not win "war militarily," and he went through a long assessment in figuring this out, and talking with professionals and talking with generals, talking with those that are still enlisted, going into theater, that's what you're supposed to do as an appropriator, making sure the American taxpayer dollars are being spent appropriately; making sure that what they're telling you here on Capitol Hill is actually reality, is the actual reality out in the field.

A lot of folks look to the Middle East when they think of the war. Well, the effects of the war are felt right here in this country. You go to the military bases and you talk to these families. It's hard to go to many of these military bases because you see the children, you see the husband or the wife that's left behind. You see those that have lost their loved one, or those that are now, have their loved one coming back without an arm or a leg, or mentally affected by going into theater without the necessary time back home to recover mentally and physically from being in the middle of a civil war. I think it's important for us to realize that and understand that there's great gravity on this issue.

And the President may believe, in his own mind and also within his advisors that are standing around him, that he has to stick to his guns, he has to, you know, it's a fight at the OK Corral or here in the Capitol city. It's not a fight. We're all Americans. We're all on the same side. We salute one flag.

I think it's important for us to understand that there are some folks here, some of them wear blue jeans, some of them wear, you know, shop at big box stores and small stores in the small town, some folk never walked in a mall before, and if they walked in a mall they couldn't afford many of the things that are in the mall. These are a number of our, a super majority of the folks that are represented within the Armed Services. They aren't the only ones that serve their country, but many of them are financial challenged. And their voice is just as strong as the next person, or should be.

And so when we talk about just the simple things on behalf of the men and women in uniform and making sure that we bring some sense to this, because if the President had his way, we would be there, my children's children will have an opportunity to see this war continue.

And I think it's very, very important that we talk about accountability; not talk about it, act on it. And that's what we're doing. We're acting on it.

Let's look at what the President is all concerned about. The President must determine that substantial progress, I must add, is made on security, political and reconstruction benchmarks by July, 2007. Well, the President can just say, well, you know, I think that's fine. I think we're making progress.

If the President cannot certify progress, redeployment must start by July with a goal of being completed, and it has to be certified, that if in July, certification is made, redeployment of U.S. troops may begin by August 1 of 2007, with a goal to be complete within 180 days, by March 31, 2008.

This is sending a message to the Iraqi government that they have to whip themselves in shape; they have to make sure that we train the troops. Now, this is combat, this is not cutting off training. Training will continue. The things that will take U.S. troops out of harm's way will continue.

We're patrolling the streets of Baghdad. We're patrolling the streets of Tikrit and other places. You hear reports of security forces, Iraqi security forces, it's very slim. But you hear an uptick in U.S. troops that are taking place, I mean, that are taking place right now. And so I think it's all important that we understand that accountability measures are in place.

Now, Mr. RYAN, when we talk about accountable. It's interesting. On the prescription drug plan there were benchmarks. You had to be enrolled by a certain date. And if you weren't enrolled by a certain date then there would be penalties for not enrolling by a certain date.

It's very, very important that Americans and the Members of this Congress understand that anything, to bring about progress, has to have benchmarks and goals.

To kind of just say, well, hey, here's $1 million. Don't worry about it. We don't care if you provide what you say that you're going to provide. We don't care how you spend it. You use your own discretion. You spend it. We're not going to say anything.

Well, that's been the case for about 4 years in this Iraq war. And now we're saying that we want to march by a different drummer's beat, one of accountability, one of making sure the integrity of what we tell the American people is actually, you actually see it, you actually are able to follow through with that, what you said that you were going to do, that you actually do it, Mr. RYAN.

And the problem is that the President is finding himself having to be accountable. And I can tell you right now that the political question, it's not an issue here, because the election took place last November. The people have spoken, so we don't even need to get on that issue.

Mr. RYAN of Ohio. Can I share with the American people and our colleagues one more? First, I thought it was interesting, and our crack staff here, the President gave his speech in front of the Jefferson Memorial. We've got a great quote, 1789, when Jefferson wrote a letter to Madison talking about war. "We have already given one effectual check to the dog of war, by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

And I think it would be appropriate, if Mr. Bush is going to use President Jefferson as a backdrop, that he should recognize at least his philosophy on some of these issues.

But a quote from General John Batiste, retired general. Today, and this is on his response to the President's veto. "The President vetoed our troops and the American people. His stubborn commitment to a failed strategy in Iraq is incomprehensible. He committed our great military to a failed strategy in violation of basic principles of war. His failure to mobilize the Nation to defeat worldwide Islamic extremism is tragic."

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"We deserve more from our Commander in Chief and his administration." That is Major General John Batiste, retired general.

It has been a pleasure being here with you today. I hope this week, with the leadership of Leader PELOSI, that we continue to stand strong behind the American people. And you can be assured, Mr. Speaker, that when Ms. PELOSI and Mr. REID are there tomorrow negotiating that they will be representing the will of the American people, the 65 percent of the American people that want a deadline to get us out.

30somethingdems@mail.house.gov for any e-mails that the Members may want to send us. The charts that we have here, some we showed tonight and some we didn't, are all on our Web site www.speaker.gov/30something. And, again, the e-mail address is 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Reclaiming my time, Mr. RYAN, I thought you made some very good points when you read the comments from the general, when you talked about the Jefferson backdrop and all today.

General Petraeus, whom I know and I have seen in theater, which I have been to Iraq twice, yes, he is a man that we all feel very good about. We know that he is carrying out a mission on behalf of his country. But we should not ride on the back of his accomplishments as a general and a commander in the field to justify the policy that is being carried out by this administration.

I tell you this, Mr. RYAN, that historians, in the very near future, are going to look back at this time and are going to wonder where the leaders were when this war and this moment right now that we are speaking in was taking place. When I used to play football, we used to have a saying, "The blind leading the blind and the two shall fall in the ditch." The bottom line is if you know that the policy has been wrong, the intelligence has been inaccurate, and that everyone that has left the administration has just about written a book about when the lie was told and how they heard it first and when it was said, I think it is important that people understand and that the Members of this House understand how history will reflect on your vote and your lack of leadership or your leadership. One of the two. If you want to listen to someone else, and I talked to my friends on the minority side, the Republican side. There are some of their former colleagues right now watching us in this debate here on the floor and wishing that they could take their vote back and stand up to the administration. Maybe, just maybe, they would still be in Congress.

Mr. Speaker, I will close on this point: The bottom line is that it is time for leadership. It is time for Members on both sides of the aisle and especially on the minority side of the aisle, the Republican side of the aisle, to go see the wizard, get some courage, and come back to this floor and back the will of the American people for accountability for our men and women in harm's way and making sure that we hold to the integrity of what the President said he would do and making sure that we hold the Iraqi government's feet to the fire as though we would hold the mayor of Youngstown, Ohio's, feet to the fire or Sioux City, Iowa. We are going to hold their feet to the fire for Federal dollars. Why can't we hold Iraqi government's feet for Federal dollars? And the President is saying don't hold their feet to the fire and don't hold my words, whatever I have said in the past, as though I meant what I said. And the bottom line is that we have a responsibility.

So as we carry out that responsibility tomorrow morning at the White House, I hope that we are at the table of compromise but also holding to the integrity of what we originally sent to the President.

There has already been compromise. The language changed from when we passed it here on the floor and it went to the conference committee. Some language was changed then because the President didn't like it, and then it came to the floor and we voted for that. And now it is to the White House, and the President says he still doesn't like it. Now we are about to sit down again with the President to talk about these issues. And then maybe, just maybe, there may be another vote here on the floor and the President may say he still doesn't like it.

So when it comes down to the speech of who is letting the troops down, I think it is going to become more and more evident to the American people and to the Congress that we have a problem on the executive branch end of not being at the table of compromise for real on behalf of our men and women in uniform. We are doing our job. Let's continue to do it.

With that, Mr. RYAN, Mr. Speaker, I want to thank the leadership for allowing us to come here to address the American people in the U.S. House once again. It was a great honor.

THE BIPARTISAN CAMPAIGN REFORM ACT AND PEAK OIL

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to spend the first few minutes this evening talking about oral arguments that were recently made before the Supreme Court. It was on the Wisconsin Right to Life, Incorporated, versus the Federal Election Commission.

Now, it is not clear from that title what we are talking about. What we are really talking about is a test of the constitutionality of a clause in the Bipartisan Campaign Reform Act that prohibits any issue advocacy advertising, electioneering they call it, 30 days before a primary and 60 days before a general election.

Now, in the State of Maryland in a nonpresidential year, our primary is in September, and it is, as a matter of fact, less than 60 days before the general in November. So we are prohibited from issue advocacy ads 30 days before the primary, which are added immediately to the 60 days before the general. So for 90 days, 3 months, before the election, we cannot communicate with our constituents.

I would submit, Mr. Speaker, that few people are seriously considering the next election 90 days before it occurs. So for all practical purposes, we in Maryland, and many other States like us that have primaries close to the general election, are almost completely prohibited from communicating with our constituents through issue advocacy ads.

This is political speech, and what this Bipartisan Campaign Reform Act does is to deny political speech 30 days before a primary and 60 days before a general election.

I think to put this in context to see how really important this is, we need to go back to the founding of our country and to understand why our Founding Fathers came here.

Most of them came for one or both of two reasons to escape tyrannies in the country that they lived in. One of these was the tyranny of the church. In the British Isles it was the Anglican Church, and on the continent it was the Roman Church. And in most of the country there was a state church. And these state churches, the Anglican Church in England and the Roman Church on the continent, could and did oppress other religions. So our Founding Fathers came here to escape that tyranny.

They also came here to escape the tyranny of the crown. And it is incredible to us. We can't understand it because we live in a whole different culture. But almost every country from which our Founding Fathers came had a king or an emperor which claimed and was granted divine rights. What that said was that the rights came from God to the king and the king would give what rights he wished to his people. Some magnanimous rulers gave considerable rights to their people; others gave very few. So our Founding Fathers came here intent on escaping those two tyrannies.

So it is no accident that after writing the Constitution in which it was very clear that this was to be a government of the people, by the people, and for the people, as Abraham Lincoln said four score and seven years later, and that the government was to reflect the wishes of the people, that the people through collective government would govern themselves. That was really quite implicit in the Constitution because article I, section 8 of the Constitution gave very few rights to the Federal Government.

But the ink was hardly dry on the Constitution before they wondered if people would really understand that what they wanted was a very limited Federal Government and that they wanted most of the rights to belong to the people. So it is no accident, I think, that in that first amendment, which they wrote, that they addressed both of these tyrannies. From the very beginning, they wanted to make it crystal clear that we were to have freedom of religion, and they say it very simply, that they wanted to avoid what they came from, what they came here to escape, and that was an established religion, a religion established by the government. So they said very simply "Congress shall make no law respecting an establishment of religion."

I don't know why we have trouble understanding that, Mr. Speaker. It is just plain English. It has nothing to do with a wall of separation between Church and State. Indeed, our Founding Fathers were deeply religious people, and they believed that we should have religious people running our government. President Adams said that our Constitution was written for a religious people which serves the purposes of no other. So it is no surprise that in the first amendment they addressed both tyrannies actually. "Congress shall make no law respecting an establishment of religion." Don't establish any State religion. And, furthermore, let everybody worship freely. They said "or prohibiting the free exercise thereof."

And then they addressed the tyranny of the crown. And I have here an article that was written by James Bopp, who was the primary person to argue this case before the Supreme Court. He said that the American government was to be an act of self government by the people and the first amendment was to ensure the people's participation in their own government by protecting the four indispensable democratic freedoms of speech, press, assembly, and petitioning the government. Thus the first amendment was intended to deprive the government of the power to silence criticism of official actions, which is precisely what this well-intentioned but, unfortunately, otherwise directed Bipartisan Campaign Reform Act does. It limits the criticism of the people who are making our laws, of anybody in the government or anybody running for government.

The first amendment says it this way: "or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Mr. Speaker, this is a very important case before the Supreme Court. It is just not an issue of political speech, which, by the way, was the speech that our Founding Fathers most wanted to protect. And how ironic that a law that concerns elections is a law which strikes down the very speech freedom that our Founding Fathers most wanted to protect.

But this is significant beyond that, Mr. Speaker, because if our Congress can deny this right to the American people, what else can it deny? We are a great, free country, 1 person out of 22 in the world and we have a fourth of all the good things in the world. How did we get here? I think it is very instructive to ask that question and to have it answered for my satisfaction. You may come to different conclusions. But I think there are two major reasons that we are this very unique country, this 1 person out of 22 in the world, less than 5 percent of the world's population that has a fourth of all the good things in the world. And I think that both of the reasons that we are this great, free country are addressed in this first amendment. Our Founding Fathers believed that God sat with them at the table when they wrote the Declaration of Independence and the Constitution and the amendments, and I think they were right. And I think we put at risk who we are when we deny the religious role in the establishment of our country.

□ 2045

And the 10 commandments are coming down from the court house walls. Nativity scenes appear less and less frequently in public places. And we are now, of all things, going to debate whether it's okay to say "under God" in the Pledge of Allegiance to the Flag. Mr. Speaker, I reread the Declaration of Independence recently, I think it is well to read that every so often, and I noted that God is mentioned four or five times there. I wonder if our courts might declare the Declaration of Independence unconstitutional.

There is, on a lighter side, a really great clause here. I have no idea what the king had done, but I think that there could be no better description of our regulatory agencies, and I don't know how our Founding Fathers could have been so prophetic in describing our regulatory agencies; this is what they said, Mr. Speaker. "He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance." They had a way with words, didn't they? And I think that there could be no more concise definition of the unfortunate frequent application of our regulatory agencies and their limitation of the rights of the American people.

Well, I would encourage Americans everywhere to listen, to watch for the report of the Supreme Court. They promise to hand down their decision sometime before the end of the court's term in June. This is a very important decision, it goes beyond just this case of "Washington right to life." Just what was that case? The right to life people were sending out educational information. And unfortunately, one of the Senators was running, and since always right to life, abortion and so forth are issues in political campaigns, the FEC decided that this was prohibited advertising, although I don't think that either Senator was even mentioned in the advertising. And so the right to life committee there, I think very appropriately, has decided to make this a Supreme Court test.

Indeed, when this law was passed many people thought that it was unconstitutional. The President thought that it was unconstitutional and said so, that the court would strike down this provision. Indeed, I think those who wrote the law thought that this provision was probably unconstitutional because they put into the law language that said that if any one part of the law was struck down, that the rest of the law was still applicable. That appears in very little of our legislation. It's an indication, I think, that they felt that this part of their legislation was on pretty shaky constitutional ground.

So I would encourage you to watch this. This is a very important decision, not just for this case, but I think that that will be read very broadly as an indication of how much power does the Congress have to infringe on our constitutionally—our God-given liberties, by the way. These came from God, they didn't come from our Constitution. All the Constitution seeks to do is to make sure that the government can't take them away from us.

I want to spend our remaining time, Mr. Speaker, talking about a subject that was highlighted today in the ACORE, the American Council on Renewable Energy, "The Outlook on Renewable Energy in America." And there are several recent articles that deal with this. There was a very interesting exchange between T. Boone Pickens and Steve Forbes. T. Boone Pickens believes that the world has reached its maximum capacity for producing oil; that try as hard as we wish, the oil-producing countries will not be able to increase their production of oil, and this phenomenon is called peak oil. And T. Boone Pickens said several weeks ago that he believes the world has reached peak oil. Steve Forbes took exception with that and indicated that he believed that the marketplace could take care of this. And if it didn't find more oil, it would find alternatives to oil so there would be no decrement in our growth when we're growing at roughly 2 percent a year in energy use. By the way, that 2 percent a year may not sound like much, but that doubles in 35 years, it's 4 times bigger in 70 years and it's 8 times bigger in 105 years. Now the world will still be here in 105 years, and my great, great grandchildren will still be alive in 105 years. I don't have the foggiest notion where we would get 8 times the energy compared to the energy that we are using now. So clearly that is not a world we should look forward to. T. Boone Pickens had an interesting discussion with Steve Forbes; and if you use those two names on a Google search, you will pull up their conversation.

There are many people who seem to worship the marketplace, they believe that it is both omniscient and omnipotent, it is all wise and all powerful. I point out to them that there are some things that even God can't do; God can't make a square circle, and the marketplace can't make oil where there is not oil. And the marketplace cannot provide alternatives to oil faster than technology will permit us to do that.

There is an interesting article, and this one appeared on March 25 in the Washington Post. This was really an interesting article. It says, "Corn Can't Solve Our Problem." Corn, of course, is the source of ethanol, which is an alternative renewable energy. And the article pointed out that if we took all of our corn ground, every bit of it, no tortillas for Mexicans and no food for pigs and cows and chickens and no cornbread for us, all of our corn is made into ethanol, that if you discounted that for the fossil fuel input, which they said was 80 percent. By the way, there are some scientists who believe that we use more energy in producing ethanol from corn than we get out of the ethanol. I generally use 75 percent in my discussions, this article said 80 percent. But if you discount the ethanol you produce by 80 percent, it would displace 2.4 percent of our gasoline. Now, that's making all of our corn into ethanol. It would displace, after you discounted it for the fossil fuel input, because you are just burning fossil fuel in another form if you don't do that, if you discounted for fossil fuel input, it would displace 2.4 percent of our gasoline.

The authors of the article pointed out something very interesting. They said if you are really interested in saving gasoline, you could save that much gasoline by tuning up your car and putting enough air in your tires. And I heard nobody who disputed that. So if we use all of our corn for ethanol, you could save as much gasoline by simply tuning up your car and putting air in the tires.

Then on April 5 there was another very interesting article that related to these renewables, and this was an article in the Wall Street Journal, upper right, very important, above the fold. It says, "A Dying Giant: Mexico Tries to Save a Big Fading Oil Field." "Canterell's Drop Off Faster Than Expected, Turning to Technology" is the title of the article. Canterell was the name of a Mexican fisherman who kept getting his nets fouled in crude oil, and he would take these nets to Pemex, and he knew who was at fault because there was only one oil company in Mexico, and said look what you did to my net, and they would give him a new net. And he came in so frequently they finally said, gee, we didn't think we were spilling that much oil. And they asked him, where is this oil coming from? And he says, come and I will show you. And so he took them and showed them oil kind of bubbling up out of the ocean and they drilled there. This was named after him, the Canterell oil field. It was the second largest one in the world. The largest one in the world is the Ghawar oil field, the granddaddy of all oil fields, producing still, down from what it was at its peak, still producing 5 million barrels of oil a day. Canterell, until 2 years ago, produced 2 million barrels a day. In the last 2 years, it has dropped off 20 percent in production. Thus, the article, upper right in the Wall Street Journal on April 5.

Obviously, if we don't have oil, we're going to have to find alternatives, so this relates to the subject of this conference today on alternative renewable energy.

And then May 1, there is an article about Hugo Chávez "aims to weaken the U.S.," it says, "China to get preference with oil from projects now under state control." And he was celebrating his nationalization of the fields of four companies. I think that maybe all the oil now in Venezuela has been nationalized.

In addition to nationalized oil, he made the point that he was going to make China, with whom he is partnering, a preferred customer for his oil, and it would be shipped there rather than the United States. And his aim is to hurt the United States.

This pending critical shortage of oil has resulted in a common cause by five groups in this country. The "peak oil" group is just one of the groups that have common cause. And I wanted to spend just a moment talking about these people of common cause, all of whom want to move from fossil fuels to renewables, for different reasons.

The first group are those who are concerned about national security. A letter was sent by Boyden Gray and 29 others, Jim Woolsey, a number of retired four star admirals and generals to the President, this was a couple of years ago, saying, "Mr. President, the fact that we have less than 2 percent of oil in the world and we use 25 percent of the world's oil and we import about two-thirds of what we use is a totally unacceptable national security risk. We really have to do something about that."

The next slide is on this same subject, and this is a statement by Condoleezza Rice, a very interesting statement. "We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is—I will use the word 'warping' diplomacy around the world." Concerned About National Security. So this is one of the groups that has common cause, Concerned About National Security.

The next chart shows a second group. This group has a lot of visibility now. Al Gore came here to the House 2 or 3 weeks ago and testified before our Science Committee. This is the group that believes that greenhouse emissions, primarily CO_2 produced by burning these fossil fuels which were sequestered away, some believe as much as millions of years ago when the sun shone on subtropical seas, as in the North Sea, in ANWR, in Prudo Bay, very different world then. And the algae-like organisms grew and dropped to the bottom and silt came in and the tectonic plates opened up, this is the conjecture of how we got our gas and oil. And this was moved down to a depth where there was the right temperature, the right pressure with a rock dome over the top to contain the gas, which is why you don't find gas and oil everywhere; that with time this then was converted into gas and the volatiles, of course, were oil. Well, these are the climate change, the global warming people who really want to move from fossil fuels to the renewables. Because when you are using a renewable, you release the same amount of CO_2 perhaps, but that's the CO_2 that was sequestered in the spring. If you're burning this in the fall, you are releasing the CO_2 that was sequestered in the spring and summer while the plant was growing, so there is no net increase, it's simply recycling of the CO_2. So this is the second group that has common cause.

A third group that has common cause are the peak oil people. And this is a classic name here, Hubbert. In 1956, M. King Hubbert predicted that the United States would peak in oil production in 1970. That was considered to be totally ridiculous. The United States was then king of oil, producing I think more oil than any other, and exporting a lot of oil at that time. And just as he predicted, in 1970 we peaked in oil production, and we've been going downhill ever since.

The red curve here, by the way, is the Soviet Union. They kind of fell apart when they came unglued and now they are going to have a second small peak. And a little later we will have a chart which shows you relatively the amount of oil which each of the major oil-producing countries in the world has.

We have two bills, and my next slide is one of those. This is a bill which our office has filed. This is to support Federal research development demonstration and commercial application activities to enable the development of self-powered farms. Our rationale is that if a farm can't be energy independent, we face a very grim future.

□ 2100

This is because as fossil fuels become less and less available, we have to move more and more to alternative fuels. Many of those are going to be produced on the farm, so if the farm can't be energy independent, we are going to have some tough times ahead. So this bill challenges our American farmers to become independent, and there will be prizes for doing that.

The second one is a broad act, America's Energy for America's Future, the bipartisan DRIVE Act as it is called, the acronym, Dependence Reduction Through Innovation in Vehicles and Energy Act, H.R. 60. So there are a number of bills before Congress. These are two important ones.

What I want to do now is to go through three reports that we have had, the first one in February of 2005, the second one in September of 2005 and the third one just released in February of 2007. These reports all say, and I have a few slides from each of these so you can see, Mr. Speaker, that they were delivering the same message to the American people. Paraphrasing what they said, each of these studies concluded that peaking of oil is imminent, if not present, with potentially devastating consequences.

Let's look at the first slide. This is from the Hirsch Report. The first of these reports, February of 2005, is the Peaking of Oil Production: Impacts, Mitigation and Risk Management. This is by the very big, prestigious SAIC, Science Applications International Corporation, and Robert Hirsch was the project leader, so this is frequently referred to as the Hirsch Report.

These are some quotes from that report. They said that "the peaking of world oil production presents the United States especially and the world generally with an unprecedented risk management problem." Unprecedented. That "the economic, social and political costs will be unprecedented."

Another authority in this area, Kenneth Deffeyes, says that "the least bad outcome of oil peaking will be a deep worldwide recession that may make the thirties look like good times." Then he goes on to say, "If you don't like that, try the Four Horsemen of the Apocalypse: War, famine, pestilence and death."

A second chart here from the Hirsch Report, and I will just read the highlighted part here, "oil peaking presents a unique challenge," they say. And then they make the statement "the world has never faced a problem like this." There is no precedent in history to guide us. Unprecedented. "The world has never faced a problem like this."

The next chart is another quote from the Hirsch Report. "We cannot conceive of any affordable government-sponsored crash program to accelerate normal replacement schedules."

What they are talking about, any program that would provide energy from other sources to make up for the energy that won't be there once we have reached peak oil production, and the world's demand for energy keeps going up at about 2 percent, doubles in 35 years, four times bigger in 70 years.

The next chart shows us we are not going to drill our way out of this. This is a very interesting chart. When the Reagan Administration came in, we knew that M. King Hubbert was right. We were already 10 years down the other side in 1980, it peaked in 1970. Ten years down the other side of Hubbert's Peak, and we knew something was wrong.

What the administration proposed, and this was my second favorite president, by the way, but he was wrong in this. What the administration proposed was to incent the American oil producers to go out and drill for oil. So we gave them some tax incentives. This is what the drilling was, and, boy, did they drill. But notice, the more they drilled, the less oil they got, because we went from positive, producing a bit more than we needed, to negative, not producing as much. If the oil is not there, drilling won't find it.

By the way, we really drill for oil in our country. We have drilled more wells in our country than all the rest of the world put together. In spite of drilling all those oil wells, currently I think 530,000 operating wells, 4,000 wells in the Gulf of Mexico, more than four times as many as all the wells in Saudi Arabia, in spite of that, we have not reversed the prediction of M. King Hubbert that our country would peak in 1970, and then it was down, down, down.

The next chart is a schematic which I think depicts the situation and where we are. This is a 2 percent growth here. By the way, you can make this very steep, we simply compress the abscissa, or make it very shallow, this has a long scale on the abscissa. But it doubles in 35 years. This has been following a roughly 2 percent increase in use. Obviously, up until today we have been able to produce as much oil as we are using. It costs more because there are some tentative shortages. That is why the price of oil has gone up.

So once we get near the peak and the demand keeps going up and the production is leveling off, that yellow area represents a gap between the amount of oil which is available, the green part of the curve, and the amount of oil we would like to use, which is this ever-increasing 2 percent growth rate.

Many people believe that what we ought to do is to fill that gap. I don't think, Mr. Speaker, we can fill the gap, and I don't think it would be productive to try to fill the gap, because there is only so many options out there for filling the gap.

I have 10 children, 15 grandchildren, and 2 great grandchildren. Wouldn't it be nice if I left them a little energy? Which is why I don't vote to drill in ANWR and I don't vote to drill offshore until they convince me that the energy they get from those projects is going to be invested in alternatives. Because we have known for 27 years, since 1980, we have known that M. King Hubbert was right about the United States. We peaked in 1970. Down, down, down since then. He predicted that the world would be peaking about now.

I ask you, Mr. Speaker, if he was right about the United States, which is clearly a microcosm of the world, why shouldn't he be right about the world and why shouldn't we be doing something about that?

Well, in their report, I think unwisely, the Hirsch Report looked at ways of filling the gap. The next chart shows a stylized approach at filling the gap.

What it shows is when you decide to start doing these things, you won't get anything for quite a while. We have, what, about 3½ years before you get anything. So you have to anticipate the need before you start.

Notice that enhanced oil recovery, coal to liquid, heavy oil, gas to liquid, these are all finite resources. They won't last all that long. The only renewable one, the only one that will continue there is efficient vehicles. So they now are trying to fill the gap with clearly finite resources. There is only so much oil. If you get it there, it won't be there later. There is only so much coal. If you liquify it now, you won't liquify it tomorrow. There is only so much heavy oil. If you use it now, you won't be using it later.

The second chart from the Hirsch Report shows something very interesting, and we don't have time this evening to look at all of the information on this chart. But they are making an assumption here, which this is repeated from the Energy Information Agency, this is not what the Hirsch Report is predicting, by the way. They are repeating information from the Energy Information Agency. And somehow the Energy Information Agency, which stands not quite alone, but near live alone in this view, believes that we will find as much more oil as all the oil that now exists which is recoverable.

If we find that much oil, it will simply push peaking out to 2016. This chart was in 2000, and if we didn't find any more oil, it was going to peak then and start down, which is about what M. King Hubbert had predicted.

By the way, conventional oil probably peaked about then, but we are now getting a lot of oil from things like the Canadian tar sands, the heavy oils, the heavy sour oils and so forth. So we are now getting a fair amount of oil from what is called unconventional oil sources. But the conventional oil probably has already peaked.

They show another very interesting thing here, that if you use enhanced oil recovery and get it more quickly, you may move the peak out, what, about 20 years. But notice what happens after that. You can't pump it later if you pumped it now, and look how it falls off after they have used enhanced oil recovery to get it sooner.

The next chart is a very interesting one. This is projections by the Energy Information Agency. There is a lot we could talk about on these charts, because they are using data from the USGS and the USGS was using a frequency thing, which somehow gets translated to P here. I guess if you don't write clearly, F can look like a P. I have no idea how they got from frequency to P.

They say that we have three possibilities for the amount of oil that we are going to find in the future. The P is for probability. They say that there is the 95 percent probability. They say the mean is the 50 percent probability, if in fact it is probability. Obviously if it is 95 percent probable, it is a whole lot more probable than 50 percent probable. But they somehow take these frequency figures that USGS used, and what they did with frequency was simply make a lot of assumptions and they ran models from these assumptions and they ran these things many times and they got different numbers. So the frequency indicates the number of times that they predicted that quantity of oil. So this has to do only with their simulations and not with reality in the field.

But somehow Energy Information Agency translated the F to P and to 95 percent probability, 50 percent probability, which they said was the mean. Now, if it is a frequency thing, the 50 percent thing could be the mean, but in probabilities it doesn't make any sense.

They were predicting in, what, a little bit before 2000, that if it followed the 95 percent probability, you would get that much oil. If you followed the 50 percent probability, it would follow this line, which they said was the most probable. And the 5 percent probability would follow this line.

What they didn't do, of course, was to include the other half. When you see the path of a hurricane it is a pretty narrow for today. Tomorrow it will be uncertain, because we are uncertain about it. The 50 percent has another line which goes down here and the 5 percent another line that goes down here. Really a big funnel. If you are only 5 percent certain what the future is going to be, obviously it is a big range that you are looking at.

But look at what the actual data points follow. The actual data points follow, as you would expect them to, follow the 95 percent probability, because that is what 95 percent probability means. It is more probable than 50 percent probability.

The next chart shows, and this again is from the Hirsch Report, we are going to go over two more of these reports quickly. This is the Hirsch Report. They here have listed the projections of some of the world's experts on when we would reach peak oil.

Notice this first group, 2007, 2009, 2007, 2009, 2010, 2010, then 2010 to 2020, and then a couple of them, one no visible peak and then CERA and Shell say it would be after 2020 or 2025 or after.

The next chart shows a very interesting chart produced by Cambridge Research Associates. This is the CERA, Cambridge Energy Research Associates. They produced this chart to try to convince the reader that they shouldn't have any confidence in the predictions of M. King Hubbert. Let's look at this.

The total U.S. production is the red. The green is the actual lower 48, which, by the way, is what M. King Hubbert predicted. He didn't have in his prediction any oil from Alaska or any oil from the Gulf of Mexico. He was looking just at the lower 48. And the yellow ones here are Hubbert's lower 48 prediction.

He said that it would follow a curve like this, and the lower 48 actually followed a curve as shown by the green squares there, and CERA says that proves that M. King Hubbert was wrong and you shouldn't have any confidence in it. I think the average person looking at that says, gee, those green ones are pretty darn close to the yellow ones and he may a pretty good prediction, didn't he?

Now why did the red ones deviate from it? That is because we found a bunch of oil in Prudo Bay. A fourth of our total oil production came from Prudo Bay. So there was a little kick here in it. But notice, down, down, down after that. There was just a blip in the slide down the other side of Hubbert's Peak produced by this huge oil find in Prudo Bay from which a fourth of our oil has come from the last number of years. And you can't even see there the contribution of that fabled oil discovery in the Gulf of Mexico which is now being pumped by about 4,000 wells.

The next chart is a chart by CERA, and they put this in an article in which they said that this whole peak oil notion was a farce and them are debunking it. But, boy, when I looked at that chart, it looks like it has a peak to me. It goes up and it goes down. And they said it is going to be an undulating plateau.

□ 2115

By the way, they now are predicting, using the USGS figures, that we are going to find as much oil as all the oil that exists which is recoverable in the world.

Leherrere says that this is absolutely implausible considering all the advances we have had in discovery of oil, computer modeling and 3-D seismic and so forth.

If we don't find that extra oil, and you can make up your mind whether you think we are going to find it or not, we would have been peaking about here. Boy, that is about now, isn't it.

If we find much more oil, we will be peaking later. They have an enormous amount of oil from unconventional there. Maybe, maybe not. We are getting a million barrels a day from the Canadian tar sands. That is a part of the 84-85 million barrels a day that we are burning, a little more than 1 percent. And that is not sustainable because they are using huge amounts of energy from natural gas which will run out. The vein will shortly be ducking under a big overlay so they will have to develop it in situ rather than shovel it out with a shovel that shovels 100 tons, they dump it in a truck that holds 400 tons, and they take it and cook it to get this real heavy, stiff oil out. When it flows, they then mix it with a volatile so it will keep flowing in the pipelines. They know it is not sustainable, and they are going to run out of natural gas. They are thinking about building a nuclear power plant; and, furthermore, shortly they will need to develop in situ and they have no idea how to do that.

Now we are going to look at some charts from the second study. All three of these studies are saying essentially the same thing: The peaking is either present or imminent with potentially devastating consequences if we don't do something about it.

The question everybody needs to be asking is why aren't we doing anything meaningful about this? We are barely nibbling at the margins of the problem, and this is a huge problem.

The U.S. Corps of Engineers, experts Colin Campbell, Jean LaHerrere, Brian Fleay, Roger Blanchard, Richard Duncan, Walter Youngquist and Albert Bartlett, who is no relative of mine, and I wish I had some of his genes. If you do a Google search for Albert Bartlett and energy, you will pull up the most fascinating one-hour lecture I have ever heard. He has given it over 1,600 times. It is honed to perfection. You will be fascinated by it. Please pull it up and read that article.

They have all estimated that a peak in oil production will occur around 2005. This is concurred with by the CEOs of several companies.

The next chart is another one from the Corps of Engineers, and they are quoting Jean Leherrere. The USGS estimate implies a fivefold increase in discovery rate and reserve addition for which no evidence is presented. This is his quote. "Such an improvement in performance is, in fact, utterly implausible given the great technological achievements of the industry over the past 20 years, the worldwide search, and the deliberate effort to find the largest remaining prospects."

This is a repeat of the chart that we just looked at. It shows the peaking currently if we don't find this additional oil, and it shows that if we find as much more oil as all of the oil we have found now, that the peak is pushed out to only 2030 or so. It is most unlikely that will happen.

Another chart from the Corps of Engineers study, this is the second of these big studies, let me just refer to the underlying part. "A careful review of all of the estimates leads to the conclusion that world oil production may peak within a few short years after which it will decline. Once peak oil occurs, then the historic patterns of world oil demand and price cycles will cease." With limited supply, the price of oil will go who knows where.

The next chart, again from the Corps of Engineers study. "Oil is the most important form of energy in the world today. Historically, no other energy source equals oil's intrinsic qualities of extractability, transportability, versatility and cost. The qualities that enabled oil to take over from coal as the frontline energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then."

Just a word about the quality of this oil. One barrel of oil has the energy equivalent of 12 people working all year. You pay just a little over $100 for it refined. You are hiring the equivalent of a person working for you for a whole year for less than $10. If you have some trouble getting your mind around that, imagine how far that gallon of gasoline or diesel, still cheaper, by the way at $3 a gallon than water in the grocery store, how far that takes your car or your SUV.

I drive a Prius. A gallon takes me about 50 miles. How long would it take me to pull my Prius 50 miles? I can't pull it unless it is on the level, and then I work really hard and go very slowly. If it is uphill, I couldn't do it without a come-along and hooking it to the guardrail or a tree or something and inching it up the hill. How long would it take me to pull my Prius that 50 miles that a gallon takes me.

Another way of looking at the quality of fossil fuels is to recognize that if a strong man works hard all day, you can get more work out of an electric motor for less than 25 cents worth of electricity. That may be humbling to recognize that we are worth less than 25 cents a day in terms of fossil fuel energy; but that is why they say in this report, "Historically, no other energy source equals oil's intrinsic qualities."

My next chart, this is a fairly recent article and they say, "The current price of oil is in the $45-57 per barrel range." It is now $64, $65, $66. "It is expected to stay in that range for several years." It didn't, it went up to $78. It has now dropped. There was a fear factor that looks like it was about $18 because it pretty quickly dropped from $78 to $60 when the fear factor went away.

Oil prices may go significantly higher and some have predicted $180 a barrel in a few years. This is from the Corps of Engineers study, and they are a very credible organization.

Now I am going to move to a third study, a GAO study. I asked for this study because I wanted to see if it corroborated the conclusions drawn by the other two studies. This one came out in February 2007, and it was embargoed for 30 days and then it came out a month or so ago. "Crude oil. Uncertainty about future oil supply makes it important to develop a strategy for addressing a peak and decline in oil production."

This is their curve for Hubbert's peak, peaking about 1970. This is the increased production from Prudhoe Bay, but down, down, down. Now we are at about half of the oil we were producing in 1970. That is in spite of the fact that we have drilled more oil wells than all of the rest of the world put together.

The next chart is very interesting. This chart has only the top 10. We are not in the top 10. This lists the top 10 companies on the basis of oil production and reserves. Here it is on the basis of production and reserves.

Our big oil companies, ExxonMobil, Royal Dutch Shell, BP, you see those names on the pumps, they produce this much. They don't even appear in the top 10 over here. They don't have any meaningful oil reserves. They are pumping somebody else's oil. The top 10 reserves over here are Luke Oil, 2 percent, and then all of the rest of the top 10 are guess where, Saudi Aramco, National Iranian, Iraq National, Kuwait, Venezuela, Dubai, and so forth. Libya, Nigeria.

The next chart shows the same kind of data in a pie chart. Some people like to look at pie charts. This is the world oil reserves, OPEC and non-OPEC nations.

Now we have blown up the OPEC nations here to see who owns most of the oil. Obviously Iran, Saudi Arabia, Kuwait, Venezuela and so forth contain the oil there. By the way, Saudi Arabia is not included in that pie chart because it is so big it stands alone.

The next chart shows pictorially what these have shown in these little pie charts. This is what the world would look like, the world according to oil, and this is what the geography of the world would look like if the nation had square miles relative to the amount of oil it has. If the amount of oil determined the size of a country, this is what our world would look like.

Boy, look at Saudi Arabia. It dominates everything. The United States, we are squeezed over here, but we are in good shape compared to India. Look at India with a billion people and China with 1.3 billion. Boy, are they dependent on somebody else's oil.

Russia, a huge oil exporter, but they don't have that much oil compared to the Middle East countries. This is very sobering. What it shows is that most of the oil in the world, and the President said it very well in his State of the Union message, most of the oil in the world is controlled by countries that don't even like us. Just look at the names of these countries, and you can figure that out.

Venezuela dwarfs us. They have several times as much oil as we have. Alaska, that is pretty big, a half or third of what we have in the lower 48.

The next chart, this is from a very interesting speech that I hope to spend an hour talking about next week here on the floor. It was given 50 years ago by Hyman Rickover in 1957. He said some really fascinating things in that speech.

Mr. Speaker, you will be amazed at how prophetic Hyman Rickover was. He is the father of our nuclear submarine. We generally think of him in that venue, but he was wise beyond his time relative to energy. You will be amazed at the predictions and observations he made.

"High energy consumption has always been a prerequisite of political power." Boy, look at where the political power is going to be if political power is relative to the amount of enery you have. Just think of that last chart that we looked at.

"Ultimately, the nation which controls the largest energy resources will become dominant." I read that and I thought of China who is now going around the world buying oil wherever they can find it for sale. In terms of the economies of buying oil, whoever has the dollars today buys it and it doesn't matter who owns it. That may change in the future. That may be a very true statement in the future.

"If we act wisely and in time to conserve what we have," and we obviously didn't do that. I have made the observation that when we found that incredible wealth in the ground, we should have stopped as a culture and asked: What can we do with this to get the most good for the most people for the longest time? That is clearly not what we did.

With no more responsibility than the hog who found the feed room door open or the kids who found the cookie jar, we just pigged out. We want to continue doing that. The call now is to drill, drill, drill.

As I mentioned earlier, I have 10 kids, 15 grandkids, and 2 great-grandkids. I am going to leave them an incredible debt. Not with my votes. Look at them, and I didn't do it. But am I also going to leave them a world largely devoid of easily accessible energy, which is why, again, I don't vote to drill in ANWR and offshore.

"If we act wisely and in time to conserve what we have and prepare well for the necessary future changes, we shall ensure this dominant position for our own country."

We haven't done that.

☐ 2130

Because we have not done that, we now have a real challenge. By the way, I have no doubt that the American people, with proper leadership, which I do not see a whole lot of for the moment, can meet this challenge. We are the most creative, innovative society in the world.

A couple of real quick charts here because our time is running out.

This chart looks at proven oil reserves by investment risk, and about a third of this pie chart; there is no investment because it is not allowed by the companies that own it. Then there is high investment risk. In some of the other countries, you make an investment risk like Hugo Chavez just did. They take the facilities away from you and nationalize them. There is a tiny piece of the pie chart here that has a low investment risk.

The next one looks at political risk, how unstable are these countries, what is the political risk. Boy, more than a third of it high risk, nearly a third of it minimum risk. So you look at these two risks, and that really means that we need to look carefully at the future.

Next chart, and this is an interesting one. This is a prediction of when we will peak. Now, several authorities here do not have any idea exactly when, but they said it could occur as early as this and maybe as late as that, but all of these have occurred before 2020. All of these have occurred before 2020. Very few believe that peaking could not occur before 2020.

The next chart, and I wish we had more time to look at this because this is a fascinating chart. This chart shows the discovery of oil. These bar graphs are the discovery. Obviously you add up all those bars, you will get the total amount of oil that we have found. You will get the same thing if you put a smooth curve over there. The area under the curve will equal the oil we have found.

The solid black line here is the oil we have used. Now, obviously up until about 1980 we were finding more than we use, but since then, we have been borrowing from what we found and we are now peaking.

And what will the future look like? They are predicting here we will find it not smooth like that, but on average that much, less and less. Most experts believe, by the way, we have found about 95 percent of all the oil we will find.

What will the future look like? We can change a little of the detail, but we cannot pump what is not there. If you use enhanced oil recovery, you may extend this out a little bit and it will drop off very quickly, as you saw on that chart.

The next chart is one which I really think is very productive to look at, and

Hyman Rickover mentions this. In 8,000 years of recorded history, and we have here only the last 400 or so years of recorded history, roughly 400 years, but in 8,000 years of recorded history, the age of oil will occupy about 300 years. We have been about 150 years into the age of oil. Hyman Rickover in his speech of 50 years ago said that we are about 100 years in what will be called a golden age, and clearly it has been a golden age.

World population, if we put it on this chart, exploded at just about that rate, and if we reach peak oil, it will drop off the other side as quick as we have gone up. Notice what happened in the 1970s, Arab oil shock, more efficiency. If that had not happened, by the way, we would be in even more trouble today because up until the Carter years we had used as much oil every decade as we had used in all of previous history. That means if we had used half the oil, which is I think where we are now, you would have 10 years at current use rate.

Well, what do we do? I would just like to note in the remaining minutes that we have here, that I believe America is up to this challenge. There is no exhilaration like the exhilaration in meeting a big problem and overcoming it, and properly motivated, we are the most creative, innovative society in the world.

I said there were five groups early on. I mentioned only two of them. The two other groups that have common cause in moving to alternatives, one of those is the environmentalists that believe that our air is polluted enough; why would you want to burn more fossil fuels and pollute it more. The other is a group who is longing for a return to dominance in manufacturing. We are very creative. We could become a major exporter of the technology for exploiting these renewable alternative sources.

So there are these five groups. I do not want to argue with whether we have global warming or not because what they want to do for global warming is exactly what we need to do for peak oil. It is exactly what we need to do for national security. It is exactly what we need to do to clean up our air. It is exactly what we need to do to have some manufacturing superiority again. So these five groups have common cause.

We need to buy time by an aggressive conservation program. We need to use it wisely, to invest the time and energy in renewables that will pay off. The benefits, of course, I have indicated. We will now be a major exporting country again.

The last chart, and I am sorry we do not have time to look at this more, but we are very much, and I will close with this, like the young couple that has gotten a big inheritance. Fifteen percent of what they spend they earn, 85 percent is from the inheritance, and it is going to run out. Fifteen percent of what we use, more than half of that nuclear power, is renewables. The 85 percent is fossil fuels which will not last. So the big challenge is the challenge the young couple has. Obviously in the future they are going to have to either spend less or earn more, and that is exactly the challenge we have.

Last chart, and I really want to look at this one in the moments we have here. It is not like we are going to be living in a world that is not comfortable. Interesting chart here, it shows on the ordinate how satisfied you are with life. On the abscissa, it shows the amount of energy you consume. We are way out there in the far right. We use more energy per capita than anybody else in the world. But notice, all these countries, 20 some of them that use less energy than we, which are happier with their station in life than we are. You do not need to use the amount of energy we use to be happy.

We have a really challenging future. I think we are up to it with proper leadership.

IMMIGRATION POLICY

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, today was May Day, and there were demonstrations across America in favor of a more open immigration policy, an immigration policy that I might add has already resulted in 15 to 20 million illegals being present in our society. The American people need to pay very close attention to this issue.

Several weeks ago, the President of the United States took advantage with Congress being out of session to give a major immigration policy speech down along the border in Arizona. Flanked by dozens of border patrol officers, President Bush stuck to the usual script, securing the border, yes, but first a guest worker program must be set up that includes giving Social Security benefits to illegals, to those people who have been working here illegally, and of course, part of the program must be to legalize the status of those millions of illegal immigrants who already reside in our country.

I have observed in my 30 years in Washington that when a President initiates a major policy speech on a controversial issue while Congress is in recess, it usually is because what he is advocating is indefensible and that he is seeking to minimize criticism.

While the President was posturing with the border patrol, we Members were back in our districts listening to the pleas of our constituents. The American people are begging their government to save their families from the onslaught of illegal immigration.

Instead of meeting with America's elite who live behind gates and work at corporate boardrooms and whose kids attend private schools, President Bush should be talking to people who are watching their children's public schools, their community hospitals and the security of their own neighborhoods being brought down by a massive flow of foreigners, illegally establishing themselves in our country.

If this President pushes through his so-called comprehensive immigration plan, which will legalize the status of those who have broken our laws and are in this country illegally, America's current 15 to 20 million illegal residents within a decade will mushroom to another 40 to 50 million.

Wake up, America. We are about to lose our country. Wake up, America. The President and Congress are not watching out for you.

The comprehensive immigration legislation that is being bandied around town by this President and by Members of Congress will be a green light to 100 million people throughout the world to do anything they can do to get to our country because we do not have the will to stop them. No matter how impenetrable the defense, no matter how diligent the border patrol, there will be no stopping them. Give them benefits, give them jobs, give them health care, give them every right to the treasures that belong to the citizens and legal immigrants who are in our country and they will come from overseas, and there will be nothing that we can do to stop them because we have given them the greatest incentive to come here, even though they are breaking our laws in doing so.

Tens of millions of new illegals are bringing down the wages of our middle class, some carrying disease right into our schools and communities, some criminals, many in need of Social Security, education and health benefits, all to be taken, of course, from the resources that are dedicated to Americans so that our American people and legal immigrants will have these resources available to them. That is where all of that is going to come from. Who is going to pay the price? The American people will pay the price, not the American elite, the American people.

Wake up, America. You are about to be assaulted, and your elected representatives are not on your side. No one will stop the horde if this so-called comprehensive bill goes through. Who is going to stop them? Not the border patrol.

And what about the border patrol, America's most important defense in this battle against such an invasion? While the President stood with border patrol agents down in the Yuma sector in Arizona, praising them for their hard work, saying how proud he was of them, the border patrol agents were painfully aware that two of their fellow officers languish in Federal prisons. They are being held in solitary confinement for doing their job, the job that the President claims he wants the border patrol agents to do.

It is the President's appointees who have perpetrated upon this border patrol the worst miscarriage of justice that I have ever witnessed. Ignoring pleas for mercy and pleas for justice, ignoring the clear misconduct of his protégé, U.S. Attorney Johnny Sutton, the President has backed up his employees at the expense of border patrol agents, especially these two, Ramos and Compeon.

The President has permitted his Justice Department to throw the book at these two border patrol agents for stopping a drug dealer, and perhaps, just perhaps, maybe there was some procedural errors that they were involved in. This administration turned what is, at worst, procedural violations, that they did not file the reports, even though there are questions as to whether their supervisors should have filed the reports or not; in fact, the rule states that the supervisors will file such reports, that this administration has turned that lack of proper paperwork into felonies that have put Ramos and Compeon, two border patrol agents who have well-served our country, defended our families with their lives, they are now languishing in prison for 11 years of hard time.

President Bush backs up his appointees who either incompetently or maliciously chose to prosecute our law enforcement officers, while at the same time, I might add, chose to grant immunity to the drug smuggler who they stopped.

U.S. Attorney Johnny Sutton claims that he had no choice in this matter, the biggest lie of all. U.S. Attorney Johnny Sutton had plenty of choices to make, and as a prosecutor, that is what prosecutors do. They make mistakes on who to prosecute. That is one of the fundamental decisions they have to make. He was faced with a decision, either prosecute the drug dealer who had $1 million worth of drugs that he was smuggling into our country, or prosecute the border patrol agents by turning their procedural mistakes into breaking the law, and thus, into felonies for supposedly covering up the breaking of the law.

Our U.S. Attorney chose to give immunity to the drug smuggler who was, of course, smuggling $1 million worth of drugs into our country, but not to give immunity to the border patrol agents for procedural missteps.

□ 2145

That was his decision. He decided, our U.S. Attorney decided to back the drug smuggler and destroy the Border Patrol agents, and he knew exactly how that decision would affect the lives of Ramos and Compeon.

Agents Ramos and Compeon should have been commended for their courageous service in stopping an illegal drug smuggler from bringing in over $1 million worth of drugs into our communities. If they had stopped a terrorist with a nuclear bomb, I am sure by now they would be national heroes. Instead, the President refuses to take a sober look at the facts of this case and issue pardons for these men, the pardons that justice demands and the American people are crying out for, and the Border Patrol, throughout this country, is looking at as a sign whether this President supports the job they are doing.

But, of course, they won't issue any pardon. Even to let these men out on bond pending their appeal would require an admission that some loyal Bush appointee was wrong.

Instead, the President continues to back his long-time buddy at the Justice Department, Johnny Sutton, even though the decision he made, instead of going after the drug dealer, to go after the Border Patrol agents and destroy their lives, was obviously a bad call.

The President has ignored the rotten smell that is coming from this case. He has ignored the fact that the Department of Homeland Security operatives went to Congress and intentionally lied to Members of Congress on investigative subcommittees, claiming that Ramos and Compeon had joked about going out and shooting a Mexican the day they intercepted this drug dealer and the incident ensued.

Ramos and Compeon are Mexican Americans. They are Americans of Mexican descent. Their wives are Americans of Mexican descent. Their children are Americans of Mexican descent. Yet we had members of the Department of Homeland Security from this administration lying to Congress saying these men wanted to go out and shoot Mexicans. They lied over and over again, and this administration has lied over and over again, dealing with the Ramos and Compean case.

What we have here is a situation where the supervisors who were on the scene within minutes of them stopping this drug dealer, and when he escaped over the border, those supervisors did not ask Ramos and Compeon about the incident. Ramos and Compeon didn't comment, because they knew that procedures were that they would have had to do 5 or 6 hours worth of more work, filling out more paperwork, bringing in the FBI.

Both the supervisors and Ramos and Compeon knew that this would have just created a lot more work for them on their own time. They decided not to do it, because the guy had gotten away, so why report that shots were fired, and they didn't even think they had hit him.

Well, making it worse, of course, as we know, the supervisors, who were actually threatened by the U.S. attorneys, the prosecutors in this case, were threatened that if they did not testify against Ramos and Compeon, and claimed that, in fact, there was an attempt to cover up this incident, rather than just being a case of where they were trying not to have to put themselves in a position where they were going to have to do all this more paperwork, they threatened the supervisors to put them in jail. Of course, the supervisors buckled. They didn't want their lives to be destroyed.

Well, let me put it this way. What we have got here, failure to report, to file a report, is a procedural violation. It is not a crime. This U.S. Attorney chose to go after the Border Patrol agents instead of the drug dealer. He chose to make a procedural violation into a crime, into a felony.

Again, threats were made against the supervisors, so what do you have there? A witness being threatened by the prosecution. We have seen this across our country. We know when prosecutors try to get somebody and squeeze them to say what's the truth or not the truth in order to protect themselves. They will stretch the truth.

So either they went along, the supervisors went along on the assault on Ramos or Compeon, or they too would be prosecuted. Everybody hears this, gets the picture. The whole thing stinks. Ramos and Compeon are taking a fall to demonstrate to all Border Patrol agents that if they use their guns to secure our borders, even from drug smugglers, they will be destroyed. They will be targeted and destroyed by this administration because that is this administration's policy.

Yes. Now, what does that policy mean? Where did that come from? If Border Patrol agents can't use their guns at the border, how can we control our borders?

Now, of course, the Border Patrol agents are afraid, and, rightfully so, to get out of their car if they see a potential drug dealer driving across. What a horrible message, what a horrible decision. Yet this President has to stick with his appointees.

Clearly, border security is not a priority for this administration. There may be well some other priority at work, some other agenda that we don't know about. Granting immunity to this drug smuggler, granting immunity to the people who smuggle drugs, human traffickers, which happened in another case, I might add, where another law enforcement officer ended up in jail, doing this, while granting immunity to the human traffickers and the drug smugglers, suggests the bizarre nature of this administration's border and immigration policy.

If anybody denies it or defies it who works for the Border Patrol or anyone else in the government, this administration, through Ramos and Compeon, through his prosecutors, have made it clear that anyone who defies their policies will be vilified and destroyed. Note, U.S. Attorney Johnny Sutton, Johnny Sutton, the U.S. Attorney labeled Ramos and Compeon in the media as "corrupt." There are quotes around corrupt.

This is the U.S. Attorney himself, not the prosecutors who were filing or arguing the case. The U.S. Attorney labeled Ramos and Compeon corrupt, a clear lie. Neither of these two agents have ever been accused of corruption.

Ramos, a 10-year veteran of the Border Patrol, an officer in the Naval Reserve, had been nominated Border Patrol agent of the year. He was nominated for that award. To be considered for that award, just prior to this incident, this is a corrupt officer? Ramos and Compeon are clean. They have never been accused of that. Yet the U.S. Attorney is on the radio calling them corrupt.

Something stinks about that situation, doesn't it. U.S. Attorney Johnny Sutton lied and claimed that Ramos and Compeon were corrupt, and then he threw the book at them.

At the same time, he gave a professional drug smuggler a "get out of jail free" card and had his prosecutors lie to the jury telling them that the drug smuggler was a novice who was only trying to raise money to buy medicine for his sick mother. That's what the jury was told when the prosecutors at that time knew, they made that argument to the jury, that this was a novice at one time to raise money for a sick mother, they knew that drug smuggler had already been involved in a second drug smuggling incident that they knew of.

This is while he was under immunity for the load that he had been intercepted for bringing into the country by Ramos and Compeon. By the way, it's not just Ramos and Compeon, of course. We are talking about a border and immigration policy by this administration that is bizarre, that is incomprehensible, that is totally confused and leads to many, many questions. Why is, for example, why is this President, if, yes, Border Patrol and immigration control issues are important to him? Why is the President holding the security of our borders hostage to, basically, making sure that we can't proceed with defense and other border security measures unless we also pass a bill that includes the provision of legalizing the status of 15 to 20 million people who are already in this country illegally?

What do those two issues have to do with one another? If he believes in the security of the border, why is he demanding also that in order to secure the border we have to legalize the status of 15 to 20 million illegals, by the way, which will lead to a massive hoard of new illegals, of course, that no fence will stop. No one is being fooled by this call for a comprehensive reform.

It is a code word for amnesty, legalizing the status of those who are here illegally. The President has destroyed his own credibility by playing such word games as defining amnesty in a way such that nobody accepts the definition. It is a totally unacceptable and irrational definition of the word "amnesty."

Why the President has chosen over and over again to try to play that kind of word game, I don't know. The chaotic and confused picture of this comprehensive border policy, and the things that are going on in our border, suggests that there are other forces that are at play. What are those forces? There are certainly very powerful interest groups that play here in Washington, and there may well be a hidden agenda that is being foisted on the American people.

The President's own words suggest this. During the February 14, 2007, press conference, President Bush said the following, "I believe that in order to enforce the borders, we need a temporary worker program so that people don't try to sneak into the country to work, that they can come in an orderly fashion and take the pressure off the Border Patrol agents that we have got here so that the Border Patrol doesn't focus on workers that are doing their jobs that Americans won't do, but are focusing on terrorists and criminal elements, gun runners, et cetera, to keep the country, both of our countries, safe, Mexico and the United States, safe."

Mr. Speaker, I am not really sure that it's the responsibility of the United States government, to have a high priority of keeping Mexico safe. Just what is being proposed, how will that affect Mexico at the expense of the American people?

Just whose interest is our government representing? During his Yuma speech, the President proclaimed the border "should be open to trade and lawful immigration and shut down to criminals and drug dealers and terrorists and coyotes and smugglers and people who prey upon innocent life."

How does that square with the President's U.S. Attorney and long-time friend and protege, Johnny Sutton, who he backs to the hilt, throwing the book at our Border Patrol agents and other law enforcement officers over procedural errors, but at the same time letting drug smugglers go, letting people who are smuggling illegal immigrations into our country go?

Of course, that is not the only thing, Ramos and Compeon and what's going on with our law enforcement. The policies themselves are incomprehensible.

According to a recent AP story, 98 percent of all illegal border crossers are not even prosecuted, 98 percent. Between October 1 of 2000 and September 30 of 2006, nearly 5.3 million illegals were simply escorted back across the Rio Grande and turned loose. Well, no wonder they don't give up, and they end up coming back a second or third or fourth time.

The Justice Department claims it has "higher priorities than going after ordinary illegal immigrants." They said they elected to pursue a more elective strategy going after drug smugglers and criminals. Really? Tell that to Border Patrol agents Ramos and Compeon, who are languishing right now, right now as we speak, in solitary confinement in Federal prisons, all because U.S. Attorney Johnny Sutton, close friend and protege of the President, decided to grant immunity to the drug smuggler in order to testify against the Border Patrol agents.

Not only did Sutton allow this criminal to get away with it once, as I stated, this very same drug smuggler was involved with a second shipment. He has probably been involved with many more shipments of drugs.

But, they knew that he was involved with a second shipment even before Ramos and Compeon went to trial, and that information was kept from the jury. Let me repeat that, information that the very same drug smuggler that had been stopped by Ramos and Compeon, that very same man who now Ramos and Compeon are being tried for at that moment for violating procedures because he was just a novice, a man who had never done this before, this was his first attempt at drug smuggling. The fact that they knew of a second load that would have already happened by the time of the trial, that was kept from the jury.

The jury was presented by the prosecutor, a lie, that this man was obviously a novice, and had never been involved in drug smuggling before. The jury was told the drug smuggler was, as I say, first-time novice, to pay for his mother's medicine.

□ 2200

And the U.S. Attorney knew that he had already been involved in a second drug load, and that was kept from the jury. Something really stinks about this case. This is the same U.S. Attorney that has been claiming all along, along with the prosecutors, that the drug smuggler wasn't armed.

Now, we know that both of the Border Patrol agents suggest that as the drug smuggler is running away from them to get across the border, he turned in a way that appeared to be aiming something in their direction, and they didn't have much time to think about it and they fired their weapons. Now, whether or not he had a gun is impossible to prove. He got away. He went across the border. We have only the word of the drug smuggler that he was not armed. And, again, the drug smuggler is not only believed, but his story is backed up by the U.S. prosecutors over the word of two veteran law enforcement officers, one who served this country for 10 years in the Border Patrol, the other 5 years, both of them veterans of our military. And they believed the drug dealer, in order to destroy the Border Patrol agents. And then, again, we hear over and over again, and presented in trial, that the drug smuggler was unarmed. Yet it is only his word that suggests that. And I might add this; the drug smuggler's family has stated to journalists that this drug smuggler had always been armed when smuggling drugs, and he had been doing so since he was 14 years old.

Now, let's put that in perspective. Does anyone really believe that a drug smuggler in that area is going to be in possession of a $1 million asset, these drugs, and he won't have anything there to defend those assets on either side of the border? Our U.S. Attorney believes the drug smuggler when he says he is unarmed, and destroys the Border Patrol agents when they say they thought he was aiming something at them. To this day, the smuggler is free from prosecution. He has never been charged with a crime, and is awaiting a potential settlement in his $5 million lawsuit against the Border Patrol.

Now, let's recap. Two Border Patrol agents are languishing in solitary confinement in Federal prisons for 11 years, while the illegal drug smuggler whose van was abandoned contained $1 million worth of narcotics, he was granted immunity; he has been given free medical care, and provided an unconditional border crossing card, which was more than likely used when he smuggled a second stash of drugs into the United States before Ramos and Compean went to prison. And we are supposed to believe that this President wants to free up our Border Patrol agents from just normal duties so they can go after the real criminals?

By the way, at Ramos and Compean's trial the prosecutor belittled the Border Patrol agents for thinking that they should be out trying to stop drug smugglers. And that prosecutor, belittling them in front of the jury, said if they wanted to stop drug dealers, they should have joined the DEA, the Drug Enforcement Agency. This is our prosecutor that is supposed to be representing us belittling these two men for stopping a drug dealer with $1 million worth of drugs, saying that they should have gone and joined the DEA if they wanted to stop drug dealers. To suggest all of this represents a confused, chaotic, and contradictory border strategy and immigration policy is to put it mildly.

During the Ramos and Compean trial, the lead prosecutor bragged how section 1325 cases are not even prosecuted. What are 1325 cases? Improper entry by an alien. It states any alien who enters or attempts to enter the United States at any time or any other than as designated by Immigration officers shall be fined under title XVIII or imprisoned for not more than 2 years, or both.

The law is clear, but the law is not being enforced. The law isn't being enforced. Our Border Patrol agents are under attack even if they stop drug dealers, much less other people. The other people who are just coming across, we are not enforcing that. Millions have been returned without having to pay any penalty at all. So why not come back a second and third time until they succeed?

And why isn't the law being enforced? And because the law hasn't been enforced, the situation at the border is out of control. Surprise, surprise. If you don't enforce the law at the border, it's out of control. Tens of millions of people are here who shouldn't be here.

Now, who is to blame? Yes, I think the top person in our government and all the people in our government who have been supporting these policies are to blame. Whether it is President Bush, President Clinton, or Members of leadership in Congress, the law hasn't been enforced, and it has been very clear that it has not been enforced. This has not been an accident that we have 15 million to 20 million illegals in our country creating horrible situations for driving down wages, destroying education, et cetera, et cetera. More and more people are coming across our borders without any type of consequence because it has been a policy not to enforce that law, the policy of this administration for the last 6 years. Of course, who did they prosecute but the Border Patrol agents if they didn't do their paperwork right.

Well, what is going, of course, we have more and more people crossing the border. Those who are here and get here illegally begin to realize that they are able to find work, and they are actually getting jobs that pay them more money than they would have in the countries from which they come, Guatemala, Mexico, El Salvador, China, and elsewhere. So they realize they can get work here and get paid more. And they also realize that they are able to get free services from the Federal, State, and local government. The taxpayers of the United States are going to provide them services they could never get at home, health care, education, housing, et cetera. It is a bonanza for these people.

Now, they are not bad people. Let me state for the record and be very emphatic about this. A huge proportion, maybe 90 percent of all illegal immigrants coming to this country are likely to be wonderful human beings. If we were in their spot, we would be coming across the border, too. They are not at fault for wanting to come here, and they are not at fault for coming here to better the lives of their families, to better their own lives. That's not their fault. We don't dislike them for that at all. The people to blame here, the people to be upset with are the policymakers who permitted this massive flow of people into our country; because, even though these are good people coming in, they are having a horrible impact on our society. A horrible impact. And it is up to us to represent the interests of the people of the United States, even though these good people who would like to come here by the tens of millions all around the world are good people. And my heart goes out to them. But my job and our job should be to protect the interests of the people of the United States. And there is nothing wrong with that. There is nothing selfish with that. There is nothing selfish with wanting to protect our children and make sure the health care and resources go to our children and our families.

But the word has gone out all over the world that they can get jobs, they can get benefits. And I will tell you this. If the word goes out that we are going to legalize and we end up legalizing the status of those who are here illegally, the flow of illegals that is now coming into our country will turn into a tidal wave. We have trouble controlling our borders now. If we legalize the status of 10 million to 15 million illegals in our country as what is being advocated in this supposed comprehensive immigration plan, it will make the situation so much worse, so much more out of control, it will be a catastrophe for this country. Ten years from now, we will have lost our country to tens of millions of new people who are consuming all of the resources we put aside for our elderly, for our young people, for our children, for our families.

Wake up, America. You are being betrayed. We are being told that our Border Patrol agents are going to secure our borders: Just pass the comprehensive bill, then we will secure the borders. Well, first of all, those are two unrelated issues. But then, on top of it, we know now that our government is prosecuting the Border Patrol agents or anyone else who gets in the way of the hordes of illegals that are now flooding into our country at this level. This is total insanity and is already doing, as I say, great harm to the people of our country. And no doubt, even though the President was there with our Border Patrol agents, our defenders in the Border Patrol and elsewhere are demoralized.

And it is not just Ramos and Compean why our defenders are demoralized. What about the case of Edwards County, Texas? Deputy Sheriff Gilmer Hernandez, another American of Mexican descent.

□ 2210

He too was prosecuted and imprisoned under the direction of Johnny Sutton. Anybody catch a pattern here?

In this case, Deputy Hernandez tried to protect himself from a van full of illegals who tried to run him over after a routine traffic stop. He shot out the tires, and in the process, an illegal hiding behind the van's wheel well sustained a minor injury.

Once again, our government chose to ignore the immigration crime there of human trafficking. You had human trafficking laws that were being violated by those illegals who were driving that van and taking those people in. And our U.S. attorney chose to go after the deputy. Not only did the coyotes get away, the injured illegals have already been rewarded with $100,000 and green cards to match.

Deputy Hernandez now sits in prison. The illegals are now living in Austin, Texas, $100,000 richer. This is bizarre. This is twilight zone stuff.

These aren't idiots that have designed this policy. These are people who have the wrong goals in mind, who are not representing the interests of the people of the United States, and are certainly not appreciative of our defenders.

We're being told that the Justice Department's priority is to pursue criminals and human traffickers, yet we hear about that case that I just mentioned.

Our defenders are afraid to defend us. And they're not afraid to defend us. That's not just a policy that just happened. It's not just happening that they are afraid to defend us. This administration and the powers that be have set out to intimidate the Border Patrol and to make them fearful to enforce the law.

At the same time we are emboldening those who would break our laws. So it's been the policy, perhaps for a decade, perhaps more than a decade, but certainly during this entire administration, to intimidate those who are defending us at the border and embolden those who would cross the border illegally.

By the way, in both of the aforementioned cases, our Justice Department determined that the illegal aliens coming across this country, one, a drug smuggler, the others coyotes smuggling illegals across the country, that their civil rights were violated.

There's something wrong with this picture when our government is protecting the so-called civil rights of people who are smuggling drugs into our country and carrying loads of illegal immigrants into our country in violation of our law. Something is totally wrong with this picture.

If controlling the borders is a priority, why is this President, again, using border security as a wedge to achieve other goals? And his other goals, of course, amnesty to those who are here illegally and setting up a guest workers program.

Again, whose interest is our government representing?

Economist Robert Samuels pointed out some of the horrible impact of this policy that we have had that has brought so many illegals into our country. He claims that what we are doing, you know, some people say we are bringing in cheap labor, but he suggests we are importing poverty, and that that importation of poverty is having a dramatically negative impact on our country. If this country continues to allow uneducated, unskilled workers to come here illegally, it will bankrupt America, and we are in the process of bankrupting America.

According to a report released by the Heritage Foundation, 50 to 60 percent of illegal immigrants are high school dropouts. 4.6 million U.S. households are headed up by immigrant dropouts. The Pew Hispanic Institute Center estimates that 49 percent of high school dropouts are illegal immigrants.

The Heritage report estimates that the cost to the American taxpayer over the lifetime of a high school dropout is $1.1 million per dropout. Because of the government benefits they receive versus what they pay back into the system in taxes, the net cost, per year, for all of these illegal alien dropouts that are coming here, high school dropouts, these poverty-stricken people, the net cost to us per year is $397 billion, almost $400 billion a year.

Put that in perspective. Of all the things we try to finance in this Congress and can't find an extra $25 million for breast cancer research.

Put it into the context with the millions of illegals who are working here in the United States off the books, who do not pay their share of the taxes, but will still reap the benefits of government programs, from welfare to health care to Social Security to public schools and housing.

This is a catastrophe, a catastrophe not just in the making, but a catastrophe in reality that we are living right now. I see it happening in my own Southern California district every day.

And what are those consequences? Let's just note. In my area, the schools, the quality of education is going down. For the ordinary people who depend on public schools, their kids are getting shortchanged. The emergency rooms in hospitals are closing up and health care's going down.

Our criminal justice system is being inundated and, we have, I'm not sure the exact number. I think it's 50 percent of all the felons, it might be 75 percent of all the felons where there are warrants of felons that they are looking for are illegal immigrant felons.

It's breaking down our criminal justice system. If you get raped or murdered or run over by a drunk in California in my area, it's likely it's been done by someone who should never have been there legally in the first place.

Our government is betraying the interest of our people. It's not protecting our people. Yet, politically, our government is dominated by powerful forces who want these high levels of immigration, legal or illegal.

This has been no mistake. People didn't just close their eyes and say, oh my gosh; there's 15 to 20 million people here illegally. No, it has been a policy decision made by people that we will support, that they will support the policies that have created this monstrous threat.

It is not an accident. It is not something that just happened. The policy decisions were made by an elite, but the American people were kept in the dark about these decisions.

Now, who was it? Who's behind this flow into our country?

First of all, business wants cheap labor. When I say that, that doesn't mean that they just want cheap labor from people who are coming here illegally. That means they want the people who are coming here illegally to bid down the wages of our own people.

So not only are the illegals working for less money, but now the American working people have to take less money, because their job will be given to an illegal. So big business wants cheap labor. They want the illegals to depress wages. That is a very powerful force.

The liberal left coalition, which runs the Democratic party, wants more illegals as well. They want the political clout that a massive influx of low class and highly manipulated immigrants will provide their power structure. So you've got big business interests and business interests and the liberal left democratic establishment. Now, that is a one heck of a tough coalition. And it's about as tough as it gets.

And yes, the political and economic elites have benefited from this. Yeah. The democratic elites have got their political tools. And the businessmen have the people who cut their lawns, be nannies to their children, change the sheets in their hotels, do everything that they need to have done at a much lower wage, and give them the opportunity to give themselves huge pay raises. They give themselves levels of pay that CEOs never would have gotten years ago.

You know, CEOs used to get about 10 times as much as working people in their companies. Now they give themselves hundreds, if not thousands of times more than the people working in their company.

But of course the people in their company can't really push too hard because they can be replaced, many of them, by people from overseas. We can get H1B visas and flood the market with Pakistanis or Indians to do computer work. If our people won't accept 50 or $60,000 we can flood the market with H1B visas and we can make sure that the computer people from our country, you know, that they are going to have to accept lower wages, or we'll give it to the Pakistani or the Indian.

□ 2220

That is illegal. What about the legal people who come here who even work for less than that Pakistani or Indian who comes in with an H-B1 visa?

These elites who, as I say, live behind closed gates and don't have their kids in public schools, they are doing things that destroy the well-being of their fellow citizens.

We see cities that are not only turning a blind eye to illegals, but they are welcoming illegals into our country. Recently, San Francisco Mayor Gavin Newsom vowed to maintain San Francisco as a "sanctuary city" for illegals, and he will do everything he can to provide sanctuary for those illegals. He is discouraging Federal authorities from conducting any immigration raids. Well, in whose interest is this mayor watching out for and the others who talk about these sanctuary cities? There are hundreds of these sanctuary cities across our country. The employers know it. Rental companies know it. The illegals know it. The word is going out all over the world. There are sanctuary cities. If you can make it there, you have got it made. And there will be a treasure of benefits for you as well, and the local government is going to protect you. Well, by proclaiming their moral superiority in protecting illegals, what are they doing? They are in reality committing a monstrous crime not just against the American people but against all those people overseas, perhaps 100 million people now waiting in line overseas to come here legally. They are waiting in line to come here legally, but yet we have got the mayor of San Francisco who is siding with the guys who cut in line in front of those people who are waiting to respect our laws and to come here to be Americans in the legal way.

If the people who are here illegally have their status legalized and if we have people protecting those people who are here illegally, what does that tell the millions of people who are waiting overseas? It tells them they had better not wait. They are fools. This mayor of the city of San Francisco isn't protecting illegals. He is actually accosting, actually committing a crime against the people who are waiting in line overseas. He is favoring those people to break the law over those who stand in line and wait to obey the law. He is siding with the lawbreakers rather than siding with those immigrants from overseas who would like to come here and follow our laws. He is not just protecting the unfortunate people of the world. He is siding with that group of people over those unfortunate people who would obey our laws and come here.

The prosecution of Ramos and Compean has not gone unnoticed, as well as the sanctuary cities I am talking about, the actions of the mayor of San Francisco. Yes, couple that with the prosecution of Ramos and Compean, and what we have got is there are good people all over the world as well as some bad people, but good people even who are saying that they can come here now. Let's get to the United States because the United States doesn't have the will to stop us. These are good people, but they will consume our resources that we should have for our own people, and they will depress the wages of the American worker, and they will bring diseases right into our schools that we have a long time ago conquered. And the breakdown of our borders will have been lost not only just to the good people who will flood across and be out of control but to drug dealers who have noticed Ramos and Compean and the Border Patrol agents and also to terrorists. You can bet that the terrorists around the world have noticed the chaos on our southern border.

Mr. Speaker, in the coming weeks, Congress will begin debate on the Flake-Gutierrez bill. This flawed bill almost guarantees a legalization of the status from 12 to 15 million illegal immigrants already in the United States. The bill requires illegals to pay fines and sit through English classes in order to claim that it doesn't qualify as an amnesty. However, the 1986 Immigration Reform Act required the exact same thing: a waiting period, fines, mandatory English classes. And no one can deny that that was an amnesty bill.

The bottom line is the Flake-Gutierrez bill, if it passes, you can skip the line, skip it totally, all those people waiting in line overseas, and buy your citizenship for a whopping $2,500. Under this legislation right now, illegals who seek amnesty do not have to pay back taxes nor do they have to wait the current 10-year period before re-entry into this country after they have been caught here illegally. Flake-Gutierrez will permit the newly minted residents, legal residents now because they have now been made legal residents, to apply for billions of dollars in public assistance. The Heritage Foundation estimates the fiscal cost to the taxpayers of such an amnesty will be $30 billion a year. Newly legitimized residents, legalized residents, will also receive Social Security benefits based on their work while they have been here illegally. Since most illegal immigrants worked under fake Social Security numbers or stolen ones, it will create unknown costs to the Social Security Administration.

And, of course, President Bush has already made a secret agreement with Mexico that we had to dig out of the administration with Freedom of Information requests. That secret agreement was that any new legalization of status will include giving those illegal Mexicans who worked in the United States Social Security benefits for their time when they have worked in the United States, but that has been kept hush hush.

By the way, Social Security isn't just a retirement plan. It is also a survivors' benefit. And you can imagine how many morticians from around the world are going to be sending their letter into Social Security, saying somebody worked in your country illegally for this year. He died and please start sending your thousand dollar checks to his children at this address. This is a catastrophe not only in the making. This is a catastrophe that is already before us. This bill could pass and destroy our Social Security system.

Perhaps the worst element in this is that, contrary to claims otherwise, the bill does not send illegals back to the back of the line. Currently, there are over 3 million aliens who have already been approved for green cards but are still waiting overseas, waiting for sometimes up to 23 years, to come here legally. Under this bill millions of illegals who claim to have been here illegally since 2006 can keep working legally now in the U.S. and will be eligible for permanent residence. So they will be here legally, and then they can apply for permanent residence in 8 years. People who have played by the rules will still have to wait for their green cards oversees. So why should they wait in line at all?

As I say, this is going to give us tens of millions of new illegals pouring into our country, destroying our social infrastructure, our schools, our hospitals, our retirement systems. The last amnesty in 1986 resulted in 15 to 20 million new illegals pouring into our country. This amnesty will give us 50 million or more. The Heritage Foundation estimates that 100 million new people will be here after 10 years as a result of this immigration reform. Wake up, America. We are losing our country. We are being betrayed. Who is representing the interest of the American people?

The President has often mentioned the reason most illegals come here is to do work that most Americans won't do. However, Flake-Gutierrez specifically allows employers to lay off Americans and replace them with new foreign workers as long as those Americans were laid off 90 days before they decided to bring the new people in. Employers are also absolved of any form of civil or criminal liability related to the prior employment of illegals. And as long as the incentive to work and benefits exist, illegals will flood into our country.

I have been a consistent advocate for tough employer sanctions. Yet Flake-Gutierrez prohibits State and local governments from punishing employers who have hired illegal immigrants or from requiring them to use an employment verification system or from requiring that that system be used to verify the legal status of renters or public benefits applicants or people who are undergoing background checks.

□ 2230

It dramatically reduces the civil penalties for employers who knowingly hire or continue to employ illegals, or who fail to comply with the employment verification system already approved by the last Congress. As a matter of fact, section 301 of the bill, employers can avoid using the verification system altogether simply by saying they are hiring private contractors.

This legislation is tantamount to the surrender of America's ability to control our territory from any foreigner who wants to come here. It is an immigration catastrophe, a nightmare for America's most vulnerable, our vulnerable middle class, a nightmare. Frighteningly, President Bush is supportive, as are many corporate-minded Republicans, and almost every Democrat that I know, although there are a few, hopefully, coming over to our side who understand how this is hurting their constituents. As I say, a handful of Democrats have signed on to the bill to pardon Ramos and Compean.

But by and large, the Republican leadership, the President, the Democratic leadership, the Democratic Party and most Members of Congress are in favor of this type of "comprehensive bill" and have not been helpful in saving Ramos and Compean.

Who is watching out for the American people? Well, it is up to us, the United States. And what we can do is make sure that everyone talks to their representative and talks to their Senator, and does so aggressively, not in a low voice, but in an aggressive voice because you're protecting your families and your children and you're protecting your country in the future.

We are up against a powerful political coalition. They are using examples saying, oh, we need these illegal aliens to work; there are jobs Americans won't take. There are jobs that Americans won't take at the pay level that these big businessmen want to give them. And don't tell me that if we paid janitors more money, that we can't find people to be janitors. I was a janitor years ago. You go back, and janitors are making the same amount of money as I made when I was a janitor 40 years ago, yet the income of our country, the GNP, has quadrupled. They have been left out because a horde of illegals have come into this country and bid down their wages.

Now, why is it that people who are janitors or people who work with their hands, people who work in regular middle-class jobs shouldn't be able to enjoy the fruits of our country, that their wages should be depressed, they should be frozen out of having a better living for their family? Then they say, well, there are jobs they won't even do, like picking fruits and vegetables. We've got more people between the ages of 18 and 40, young, healthy men housed in prisons in the middle of our agricultural areas who could profit by working. They could earn enough money to pay for their own incarceration and pay for a little restitution. But those ideas are too creative. No, no, no. Instead, let's just bring the illegals across, that will keep everybody's wages down and we can control them and they will be off the chart.

Well, let me suggest this; we've been given a false dichotomy saying that we have to offer a legalization status, an amnesty, or we have to have massive deportations. It's either legalization or deportation. That is the most serious of all of the lies that are being told today about immigration because that is not true. We do have an alternative; there is an alternative to just deporting. We don't want to have sweeps of law enforcement through foreign neighborhoods, but we can just make sure that we have ID cards, we have Social Security cards, that we have ID cards that can't be tampered with so we can prove who we are dealing with. We can have a verification system so that employers will know who they're employing and we can hold those employers accountable. And we can also make sure that illegals who don't have the benefits cards, these identities that show they are eligible, cannot get the health care, the education, the housing, the Social Security and retirement benefits that are due to American citizens and people who are here legally.

If we do not give the jobs and the benefits to people who are here illegally, they will go home. Just as soon as you give it to them, they will come. If you don't give it to them and they find trouble earning a living, supporting their families, they will go home. It's called attrition. That is the decision we have to make. Creating a false dichotomy, saying it's either going to be legalization or deportation, that's the type of word game that is unfair in this debate. It's just like calling amnesty something that it isn't, saying that this is not an amnesty when it clearly is.

We must be able to say no to people who are using the scarce resources that are meant for our people. These resources belong to the American people, whether it is our education establishment, our health care, job training, housing, retirement benefits, these are things that belong to the American people. We must protect the interests of our people and say no to people who would consume those things that are meant for our own people.

This is not mean-spirited selfishness. And probably that is the greatest debate of all, because people are playing on it as if we're trying to push us into letting more and more illegals come in here and destroying our system, like just to say, if you try to stop it, you're being mean-spirited and nasty. Americans don't like that. Americans don't like it at all, of course they don't. We are as generous as any people in the world. But it is not selfish to take care of your own family. It is not selfish to take care of your own community. It is not selfish to take care of your own country before you expend the resources and take care of people elsewhere in the world. It is not selfish, it is being responsible.

And we, as representatives of the people of the United States, owe it to the people of the United States to be watching out for them, watching out for their interests. If we don't do it, no one is going to watch out for the interests of our people. I am afraid that tonight it's up to us, the people. Either we will speak out; we will rise with a righteous rage and oppose this immigration travesty that is about to be foisted upon us or we will suffer grave consequences. Within 10 years, our country will have been lost. Ten, 20, 30, 40, 100 million new people here, some of them terrorists, some of them criminals, most of them good people, but still, people who don't deserve to be consuming those resources that we have built and saved and created for our own people.

So with that, I close and ask the American people to wake up and pay attention.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COHEN). All Members are reminded that personal abuse, innuendo, or ridicule of the President is not permitted.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. HOYER) for today and the balance of the week on account of a family medical need.

Mr. ORTIZ (at the request of Mr. HOYER) for today and May 2 on account of personal health.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. WESTMORELAND) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Kentucky, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today and May 2.

Ms. ROS-LEHTINEN, for 5 minutes, May 2.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. POE, for 5 minutes, May 7 and 8.

Mr. BURTON of Indiana, for 5 minutes, May 2 and 3.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1591. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 2, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1408. A letter from the Chief Administrative Officer, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2006 through March 31, 2007 as compiled by the Chief Administrative Officer, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 110-28); to the Committee on House Administration and ordered to be printed.

1409. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Native American Graves Protection and Repatriation Act Regulations — Future Applicability (RIN: 1024-AC84) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1410. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Glacier Bay National Park, Vessel Management Plan Regulations (RIN: 1024-AD25) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1411. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil, Gas, and Sulfur Operations in the Outer Continental Shelf (OCS) — Plans and Information — Protection of Marine Mammals and Threatened and Endangered Species (RIN: 1010-AD10) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1412. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Western Great Lakes Populations of Gray Wolves as a Distinct Population Segment; Removing the Western Great Lakes Distinct Population Segment of the Gray Wolf From the List of Endangered and Threatened Wildlife (RIN: 1018-AU54) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1413. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 030607F] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1414. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No. 061109296-7009-02; I.D. 030607B] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1415. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 032607F] received April 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1416. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 031507E] received April 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1417. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 ft (18.3 m) LOA Using Pot or Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 032807A] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1418. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Red Snapper Management Measures [Docket No. 061121304-7053-01; I.D. 112006B] (RIN: 0648-AY87) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1419. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 032107B] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1420. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 040607B] received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1421. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Trimester I Fishery for Loligo Squid [Docket No. 061124307-7013-02; I.D. 112106A] received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1422. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 040607A] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1423. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2007 Gulf of Mexico Commerical Fishery of Tilefishes [Docket No. 040205043-4043-01; I.D. 040607F] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1424. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fish and Seafood Promotion Act Provisions; Seafood Marketing Councils [Docket No. 040720212-6238-02; I.D. 040204A] received April 25, 2007, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1425. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5262-02; I.D. 090105A] (RIN: 0648-AT48) received April 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1426. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; 2007 and 2008 Final Harvest Specifications for Groundfish [Docket No. 070213032-7032-01; I.D. 112206B] received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1427. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision and Reformatting of Requirements for the Authorization to Use International Transport Standards and Regulations [Docket No. PHMSA-2005-23141 (HM-215F)] (RIN: 2137-AE01) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1428. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Inspection Authorization 2-year Renewal [Docket No. FAA-2007-27108; Amendment No. 65-50] (RIN: 2120-AI83) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1429. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30547 ; Amdt. No. 467] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1430. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30543 Amdt. No. 3212] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1431. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30540; Amdt. No. 3209] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1432. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30539 Amdt. No. 3208] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1433. A letter from the Deputy Director for Regulations, Office of Pipeline Safety, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: Design and Construction Standards to Reduce Internal Corrosion in Gas Transmission Pipelines [Docket No. PHMSA-2005-22642] (RIN: 2137-AE09) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1434. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30542 ; Amdt. No: 3211] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1435. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30541 Amdt. No. 3210] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1436. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries Distressed Asset/Debt Tax Shelters UIL: 9300.99-05 [LMSB-04-0407-031] received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1437. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Concise General Statement Appeals Settlement Guidelines [Notice 2004-30] (RIN: UIL NO.: 9300.36-00) received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1438. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Concise General Statement Applicable Federal Rates — May 2007 — received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1439. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clean Renewable Energy Bonds [Notice 2007-06] received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1440. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — [26 CFR 601.201]: Rulings and determination letters (Also: Part 1, 25, 103, 143) [Rev. Proc 2007-26] received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1441. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 2007 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 110-30); to the Committee on Ways and Means and ordered to be printed.

1442. A letter from the Board of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2007 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund And Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 110-29); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to he Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 348. Resolution providing for consideration of the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes (Rept. 110–116). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 349. Resolution providing for consideration of the bill (H.R. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes (Rept. 110–117). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 350. Resolution providing for consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes (Rept. 110–118). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. Tom Davis of Virginia) (both by request):

H.R. 2080. A bill to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education; to the Committee on Oversight and Government Reform.

By Ms. NORTON (by request):

H.R. 2081. A bill to amend the District of Columbia Home Rule Act to increase the salary of the Chief Financial Officer of the District of Columbia; to the Committee on Oversight and Government Reform.

By Mr. REYES:

H.R. 2082. A bill to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. GORDON (for himself and Mr. Pickering):

H.R. 2083. A bill to amend the Energy Policy and Conservation Act to improve energy standards for home appliances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HENSARLING (for himself, Mr. Ryan of Wisconsin, Mr. Campbell of California, Mr. Herger, Mr. Barton of Texas, Mr. Bilbray, Mr. Shadegg, Mr. Lamborn, Mr. Burton of Indiana, Mr. Cantor, Mr. Goode, Mr. Akin, Mr. Gingrey, Mr. Poe, Mr. Pitts, Mr. Price of Georgia, Mrs. Blackburn, Mr. Garrett of New Jersey, Mr. Mack, Mr. Rohrabacher, Mr. Brady of Texas, Mr. Radanovich, Mr. Mario Diaz-Balart of Florida, Mr. Cole of Oklahoma, Mr. King of Iowa, Mr. Feeney, Ms. Foxx, and Mr. Barrett of South Carolina):

H.R. 2084. A bill to reform Federal budget procedures, to impose spending safeguards, to combat waste, fraud, and abuse, to account for accurate Government agency costs, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Ways and Means, Appropriations, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FALLIN (for herself and Mr. BOREN):

H.R. 2085. A bill to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVID DAVIS of Tennessee (for himself and Mr. CARNEY):

H.R. 2086. A bill to enhance the integrity of the United States against the threat of terrorism; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. MCGOVERN, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. HIGGINS, Mrs. LOWEY, Mr. MORAN of Virginia, Mr. CONYERS, and Mr. COHEN):

H.R. 2087. A bill to improve the No Child Left Behind Act of 2001, and for other purposes; to the Committee on Education and Labor.

By Mr. EVERETT (for himself, Mr. BONNER, Mr. ROGERS of Alabama, Mr. ADERHOLT, and Mr. MARSHALL):

H.R. 2088. A bill to require the Secretary of Agriculture to provide cost-share payments in support of on-farm water conservation projects to enhance regional water availability and quality; to the Committee on Agriculture.

By Mr. JEFFERSON (for himself, Mr. ALEXANDER, Mr. BAKER, Mr. BOUSTANY, Mr. JINDAL, Mr. MCCRERY, and Mr. MELANCON):

H.R. 2089. A bill to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Mr. KLINE of Minnesota (for himself, Mr. HAYES, Mr. RAMSTAD, Mrs. BACHMANN, Mr. JONES of North Carolina, Mr. ABERCROMBIE, Mr. PETERSON of Minnesota, Mr. LOBIONDO, Mr. WALZ of Minnesota, Mr. ELLISON, Mrs. BOYDA of Kansas, Mrs. GILLIBRAND, Mr. OBERSTAR, and Mr. WILSON of South Carolina):

H.R. 2090. A bill to establish the National Guard Yellow Ribbon Reintegration Program; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. ENGLISH of Pennsylvania, Mr. KANJORSKI, and Ms. PRYCE of Ohio):

H.R. 2091. A bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mr. BACHUS):

H.R. 2092. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MEEHAN (for himself and Mr. SHAYS):

H.R. 2093. A bill to amend the Lobbying Disclosure Act of 1995 to provide for additional reporting by lobbying firms; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mr. MORAN of Kansas, Mr. THORNBERRY, Mr. BOSWELL, Mr. TIAHRT, and Mrs. BOYDA of Kansas):

H.R. 2094. A bill to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR (for himself and Ms. CORRINE BROWN of Florida):

H.R. 2095. A bill to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 2096. A bill to sunset Federal laws and regulations which treat the American people like children by denying them the opportunity to make their own decision regarding control of their bank accounts and what type of information they wish to receive from their banks, and for other purposes; to the Committee on Financial Services.

By Mr. ROTHMAN:

H.R. 2097. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES:

H.R. 2098. A bill to provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility; to the Committee on Oversight and Government Reform.

By Ms. SUTTON:

H.R. 2099. A bill to authorize the Secretary of Health and Human Services to order a mandatory recall of any product that is regulated by the Food and Drug Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TANCREDO:

H.R. 2100. A bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, Education and Labor, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself and Mr. BURTON of Indiana):

H.R. 2101. A bill to prohibit after 2008 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARNEY (for himself, Mr. DENT, Mr. GERLACH, Mr. HOLDEN, Mr. MURTHA, Mr. PATRICK MURPHY of Pennsylvania, Mr. ALTMIRE, Mr. SHUSTER, and Mr. KANJORSKI):

H. Con. Res. 135. Concurrent resolution recognizing Pennsylvania hunters for their continued commitment to safety and for setting a new State safety record in 2006; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself, Ms. BERKLEY, Ms. BORDALLO, Mr. ANDREWS, Mr. MCNULTY, Mr. BURTON of Indiana, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. MCCOTTER, Mr. SESSIONS, Mr. TANCREDO, Mr. BOYD of Florida, Mr. GRAVES, and Mr. TOWNS):

H. Con. Res. 136. Concurrent resolution expressing the sense of Congress regarding high level visits to the United States by democratically-elected officials of Taiwan; to the Committee on Foreign Affairs.

By Ms. BERKLEY (for herself, Mr. RAMSTAD, Mr. WEXLER, Mr. CHABOT, and Mr. ROHRABACHER):

H. Con. Res. 137. Concurrent resolution expressing the sense of Congress relating to a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

By Mr. CUMMINGS:

H. Con. Res. 138. Concurrent resolution supporting National Men's Health Week; to the Committee on Oversight and Government Reform.

By Mr. FRANKS of Arizona (for himself, Ms. KILPATRICK, Ms. NORTON, Mr. SCOTT of Virginia, Mr. AKIN, Mr. BURTON of Indiana, Mr. SALI, Mr. PAYNE, Mr. RUSH, Mr. KUCINICH, Mr. CHABOT, Mr. MCGOVERN, Mr. LEWIS of Georgia, and Ms. CLARKE):

H. Con. Res. 139. Concurrent resolution expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India; to the Committee on Foreign Affairs.

By Mr. ISSA (for himself and Ms. WATSON):

H. Res. 346. A resolution expressing the sense of the House of Representatives that Jack Valenti should be recognized for his contributions to public service and public entertainment; to the Committee on Oversight and Government Reform.

By Mr. BACA (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARDOZA, Mr. HINOJOSA, Mr. SERRANO, Mr. GENE GREEN of Texas, Ms. LEE, Mr. LANTOS, Mr. COSTA, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. SIRES, Mr. FORTUÑO, Mr. ORTIZ, Mr. GRIJALVA, Ms. LINDA T. SÁNCHEZ of California, Mr. BERMAN, Ms. ROS-LEHTINEN, Ms. SOLIS, Mrs. NAPOLITANO, Mr. BECERRA, Mr. MEEKS of New York, Mr. REYES, Mr. GUTIERREZ, Mr. CUELLAR, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. FARR, Mr. RODRIGUEZ, Mr. PASTOR, Mr. SALAZAR, and Mr. BURTON of Indiana):

H. Res. 347. A resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on Foreign Affairs. considered and agreed to.

By Mr. SULLIVAN:

H. Res. 351. A resolution expressing the sense of the House of Representatives that

Federal authorities should strengthen and vigorously enforce all existing immigration laws; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. RAHALL, Mr. PETRI, Mr. COSTELLO, Mr. COBLE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DUNCAN, Mr. CUMMINGS, Mr. BAKER, Mrs. TAUSCHER, Mr. BROWN of South Carolina, Mr. BOSWELL, Mrs. CAPITO, Mr. HIGGINS, Mrs. MILLER of Michigan, Mr. CARNAHAN, Mr. BUCHANAN, Mr. LIPINSKI, Ms. MATSUI, and Mr. ALTMIRE):

H. Res. 352. A resolution supporting the goals and ideals of National Public Works Week; to the Committee on Transportation and Infrastructure.

By Mr. CUMMINGS (for himself, Mr. ISSA, Mrs. CAPPS, Mr. CAPUANO, Mr. TOWNS, Mr. MICHAUD, Mr. BOSWELL, Mr. GRIJALVA, and Mr. BURTON of Indiana):

H. Res. 353. A resolution expressing the sense of the House of Representatives that there should be an increased Federal commitment supporting the development of innovative advanced imaging technologies for prostate cancer detection and treatment; to the Committee on Energy and Commerce.

By Mr. DEAL of Georgia:

H. Res. 354. A resolution to recognize the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia; to the Committee on Transportation and Infrastructure.

By Mr. FALEOMAVAEGA (for himself, Mr. LANTOS, Mr. RAHALL, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BERKLEY, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. CANNON, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. CROWLEY, Mr. DELAHUNT, Mr. ENGEL, Mr. GALLEGLY, Ms. HIRONO, Mr. HONDA, Mr. MANZULLO, Mr. MCKEON, Mr. MEEKS of New York, Mr. PAYNE, Mr. SHERMAN, Mr. SIRES, Ms. WATSON, and Mr. WEXLER):

H. Res. 355. A resolution recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders; to the Committee on Foreign Affairs.

By Mrs. MALONEY of New York (for herself, Mr. WEXLER, Mr. GALLEGLY, and Mr. BILIRAKIS):

H. Res. 356. A resolution expressing the sense of the House of Representatives that the Former Yugoslav Republic of Macedonia (FYROM) should stop the utilization of materials that violate provisions of the United Nations-brokered Interim Agreement between the FYROM and Greece regarding "hostile activities or propaganda" and should work with the United Nations and Greece to achieve longstanding United States and United Nations policy goals of finding a mutually-acceptable official name for the FYROM; to the Committee on Foreign Affairs.

By Mr. MCCARTHY of California:

H. Res. 357. A resolution supporting the goals and ideals of the Intermediate Space Challenge in Mojave, California; to the Committee on Education and Labor.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. COSTA, and Mr. CARDOZA):

H. Res. 358. A resolution recognizing the significance of the contribution of the Brotherhood of the Badge to the Global War on Terror through its provision of surplus law enforcement equipment to Iraqi police forces; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H. Res. 359. A resolution expressing the sense of the House of Representatives that Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Oversight and Government Reform.

By Mr. SIMPSON (for himself and Mr. SALI):

H. Res. 360. A resolution recognizing the 70th anniversary of the Idaho Potato Commission and expressing the sense of the House of Representatives that an Idaho Potato Month should be established; to the Committee on Oversight and Government Reform.

By Ms. WATSON (for herself, Mr. ISSA, Ms. KILPATRICK, Mr. MARKEY, Mr. LAMPSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. DINGELL, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. FERGUSON, Mr. PAYNE, Mr. RANGEL, Mr. COBLE, Mr. LANTOS, and Mr. WEXLER):

H. Res. 361. A resolution recognizing and honoring Jack Valenti and expressing the condolences of the House of Representatives to his family on his death; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. DEGETTE, Mr. WEINER, Mr. MATHESON, Mr. BRALEY of Iowa, Mr. PALLONE, Mr. PERLMUTTER, and Mr. HINOJOSA.

H.R. 23: Mr. DENT, Ms. HOOLEY, Mr. HIGGINS, Mr. PICKERING, Mr. HINCHEY, Mr. PERLMUTTER, Mr. FATTAH, Mr. WILSON of Ohio, Mr. RYAN of Ohio, Mr. WU, Mrs. WILSON of New Mexico, and Mr. PAYNE.

H.R. 24: Mr. MCNERNEY.

H.R. 46: Mr. SCOTT of Georgia and Mr. TOWNS.

H.R. 50: Mr. MARSHALL.

H.R. 65: Mr. HILL and Mr. ADERHOLT.

H.R. 67: Ms. JACKSON-LEE of Texas and Mr. FILNER.

H.R. 82: Mrs. BLACKBURN, Mr. CARNAHAN, Mr. HODES, Mr. LOEBSACK, Mr. MAHONEY of Florida, Mrs. MUSGRAVE, Ms. SHEA-PORTER, and Mr. TURNER.

H.R. 102: Mr. MEEKS of New York.

H.R. 135: Mr. COSTA.

H.R. 171: Mr. MORAN of Virginia and Ms. DELAURO.

H.R. 174: Mr. MORAN of Virginia.

H.R. 196: Mr. LIPINSKI and Mr. LARSON of Connecticut.

H.R. 197: Mr. MARKEY, Mr. FRANK of Massachusetts, Mrs. DRAKE, Ms. HERSETH SANDLIN, Mr. DELAHUNT, Ms. WOOLSEY, Mr. PAUL, Mr. BERMAN, Mr. LARSON of Connecticut, Mrs. TAUSCHER, and Mr. HIGGINS.

H.R. 233: Ms. ZOE LOFGREN of California.

H.R. 241: Mr. MACK.

H.R. 281: Mr. BRALEY of Iowa, Mr. SPACE, and Mr. LEVIN.

H.R. 287: Ms. GINNY BROWN-WAITE of Florida.

H.R. 288: Ms. GINNY BROWN-WAITE of Florida.

H.R. 297: Ms. HARMAN.

H.R. 343. Mr. PLATTS.

H.R. 359: Ms. NORTON.

H.R. 368: Mr. BONNER, Mr. DAVID DAVIS of Tennessee, Mr. TIM MURPHY of Pennsylvania, Ms. BORDALLO, Mr. HASTINGS of Florida, Mr. GALLEGLY, Mr. BARTLETT of Maryland, Mr. PORTER, Ms. GINNY BROWN-WAITE of Florida, Mr. WALZ of Minnesota, Ms. WOOLSEY, and Mr. BOREN.

H.R. 402: Mr. PEARCE.

H.R. 406: Mr. CARNAHAN, Mr. LOEBSACK, Mr. RYAN of Ohio, Ms. WASSERMAN SCHULTZ, and Ms. KILPATRICK.

H.R. 457: Mr. POE.

H.R. 505: Mr. YOUNG of Alaska and Mr. GRIJALVA.

H.R. 506: Mr. ENGLISH of Pennsylvania, Mrs. EMERSON, Mr. HINOJOSA, Mr. HIGGINS, and Mr. MORAN of Virginia.

H.R. 507: Mr. SIRES, Mr. HASTINGS of Florida, Mr. BOUCHER, Mrs. MALONEY of New York, Ms. ZOE LOFGREN of California, Mr. CAPUANO, Mr. TERRY, Mr. BOREN, and Mr. DEFAZIO.

H.R. 552: Ms. HERSETH SANDLIN, Mrs. LOWEY, Mr. TAYLOR, Mr. SMITH of New Jersey, Mr. BERRY, and Mr. REHBERG.

H.R. 566: Mr. HINCHEY.

H.R. 579: Mr. SPACE, Mr. LAMPSON, and Ms. HOOLEY.

H.R. 583: Ms. HOOLEY and Mr. RYAN of Wisconsin.

H.R. 618: Mr. MILLER of Florida.

H.R. 621: Mr. MICHAUD, Ms. BALDWIN, and Ms. SHEA-PORTER.

H.R. 624: Mr. NADLER, Mr. LEWIS of Georgia, Mr. HONDA, and Mr. WEINER.

H.R. 628: Mr. WILSON of South Carolina.

H.R. 654: Mr. NADLER and Mr. WEINER.

H.R. 661: Mr. FRELINGHUYSEN.

H.R. 670: Mr. FORTUÑO.

H.R. 678: Mr. HONDA.

H.R. 690: Mr. OLVER and Mr. RAHALL.

H.R. 695: Mr. BAIRD, Mr. SPACE, Mr. HINOJOSA, Mr. MEEK of Florida, and Mr. MEEHAN.

H.R. 698: Mr. LATOURETTE, Mr. PLATTS, Mr. RENZI, Mr. HARE, Mr. BARROW, and Mr. BLUNT.

H.R. 711: Mr. GONZALEZ and Mr. DAVIS of Kentucky.

H.R. 718: Mr. SIMPSON and Mr. GORDON.

H.R. 728: Mr. ALLEN, Mr. SPACE, Mr. GOHMERT, and Mr. TERRY.

H.R. 729: Ms. MATSUI and Mr. BLUMENAUER.

H.R. 748: Mr. BLUMENAUER and Mr. PLATTS.

H.R. 751: Mr. MILLER of Florida.

H.R. 758: Mr. MICHAUD.

H.R. 760: Ms. KILPATRICK, Mr. JACKSON of Illinois, Mr. FATTAH, and Mr. MILLER of Florida.

H.R. 768: Mr. BOOZMAN.

H.R. 769: Mr. BOOZMAN.

H.R. 771: Mr. MCKEON and Mr. CALVERT.

H.R. 776: Mr. CUMMINGS.

H.R. 782: Mr. SHUSTER, Mr. MCHENRY, and Mr. SPRATT.

H.R. 784: Mr. TURNER, Mr. RAHALL, and Mr. TERRY.

H.R. 805: Mr. KENNEDY and Ms. LORETTA SANCHEZ of California.

H.R. 808: Mr. HINCHEY.

H.R. 811: Mr. CARNEY.

H.R. 840: Mr. MEEK of Florida and Ms. NORTON.

H.R. 869: Mr. HOLDEN, and Mr. CARNEY.

H.R. 881: Mr. GORDON.

H.R. 882: Mr. DELAHUNT, Mr. CAMP of Michigan, and Mr. BOREN.

H.R. 891: Ms. HOOLEY, Mr. HONDA, Mr. FRANKS of Arizona, Mr. HIGGINS, and Mr. LIPINSKI.

H.R. 916: Mr. EMANUEL, Mr. GALLEGLY, and Mr. BOREN.

H.R. 938: Mr. ADERHOLT and Mr. GERLACH.

H.R. 940: Mr. MATHESON.

H.R. 943: Mr. BOREN, Mr. HINCHEY, Mr. TURNER, Mr. HONDA, Mrs. GILLIBRAND, and Mr. MOLLOHAN.

H.R. 947: Mr. FILNER.

H.R. 964: Ms. WATSON.

H.R. 971: Mr. CAPUANO, Ms. HOOLEY, Mr. HALL of Texas, and Mr. DAVIS of Kentucky.

H.R. 980: Mr. MURPHY of Connecticut, Mr. INSLEE, Mr. LINCOLN DIAZ-BALART of Florida, Ms. HIRONO, Mr. SHULER, Mr. HINOJOSA, and Mr. KUCINICH.

H.R. 982: Mr. BLUMENAUER, Ms. BORDALLO, Mr. HOLT, Mr. BOOZMAN, Mr. RUSH, and Ms. SCHWARTZ.

H.R. 989: Ms. FOXX and Mr. LATOURETTE.

H.R. 1014: Ms. ROS-LEHTINEN, Mrs. CHRISTENSEN, Mr. THOMPSON of Mississippi, Mr. PASTOR, Ms. BALDWIN, Mr. ALTMIRE, Mr. BONNER, Mr. MCGOVERN, Ms. WATSON, Mr. WAMP, Ms. SHEA-PORTER, Mr. SESSIONS, Mr. BISHOP of Utah, Mr. SOUDER, Ms. LEE, Ms. WASSERMAN SCHULTZ, Mr. ENGEL, Mrs. MYRICK, Mr. TOWNS, Mrs. BLACKBURN, Ms. PRYCE of Ohio, Mr. NEAL of Massachusetts and Mr. MICHAUD.

H.R. 1023: Ms. WASSERMAN SCHULTZ and Mr. PASCRELL.

H.R. 1026: Mr. LAMPSON.

H.R. 1029: Mr. LOEBSACK, Mr. AKIN, Mr. GOODE, and Mr. MICA.

H.R. 1064: Ms. MOORE of Wisconsin, Mr. WYNN, Ms. ZOE LOFGREN of California, Mr. MEEKS of New York, Mr. LOEBSACK, Mr. MCCOTTER, Mr. SCOTT of Virginia, Ms. ROS-LEHTINEN, Mr. CUMMINGS, Mr. KIND, Mr. ALLEN, and Mr. CARNEY.

H.R. 1069: Mr. DAVIS of Illinois and Mr. TOWNS.

H.R. 1072: Ms. BALDWIN.

H.R. 1073: Mrs. CAPPS and Ms. SCHWARTZ.

H.R. 1074: Mr. STUPAK.

H.R. 1076: Mrs. BIGGERT.

H.R. 1081: Mr. BRALEY of Iowa.

H.R. 1082: Ms. HIRONO, Mr. LANTOS, and Mr. ABERCROMBIE.

H.R. 1088: Mrs. JO ANN DAVIS of Virginia.

H.R. 1092: Mr. LEWIS of Georgia, Mr. NADLER, Mr. BURTON of Indiana, and Ms. WASSERMAN SCHULTZ.

H.R. 1098: Mr. CARNEY, Mrs. CAPITO, and Mr. DENT.

H.R. 1103: Ms. LORETTA SANCHEZ of California and Mr. HINOJOSA.

H.R. 1108: Mr. COSTA, Mr. HOLDEN, Mr. HINOJOSA, Mr. SMITH of Washington, and Mr. WALZ of Minnesota.

H.R. 1110: Mr. BISHOP of Utah and Ms. MATSUI.

H.R. 1113: Mr. JINDAL and Mr. GORDON.

H.R. 1115: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PEARCE, and Mr. TERRY.

H.R. 1137: Mr. BISHOP of New York.

H.R. 1147: Mr. SAM JOHNSON of Texas and Mr. HULSHOF.

H.R. 1188: Mrs. CAPPS and Mr. WAXMAN.

H.R. 1190: Mr. MCNULTY, Mr. ENGLISH of Pennsylvania, Mr. LOBIONDO, Mrs. CAPPS, Mr. HOLDEN, Mr. BERRY, Mr. HASTINGS of Florida, Mr. GERLACH, Mr. MEEKS of New York, Mr. WAMP, Mr. AL GREEN of Texas, Mr. MCCAUL of Texas, and Mr. MEEK of Florida.

H.R. 1192: Ms. ZOE LOFGREN of California, Ms. HOOLEY, and Mr. HASTINGS of Florida.

H.R. 1193: Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. REYNOLDS, Mr. HASTINGS of Florida, and Mr. EHLERS.

H.R. 1194: Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. JORDAN, Mr. NEUGEBAUER, and Mr. CUMMINGS.

H.R. 1222: Mrs. DAVIS of California.

H.R. 1223: Mr. PLATTS.

H.R. 1232: Mr. YOUNG of Florida and Mr. DAVIS of Illinois.

H.R. 1239: Mr. WATT, Mr. KIRK, Mr. ROTHMAN, and Mr. BARROW.

H.R. 1248: Mr. SMITH of New Jersey.

H.R. 1261: Mr. WAMP, Mr. CONAWAY, and Mr. SESSIONS.

H.R. 1270: Mr. FRANKS of Arizona.

H.R. 1272: Mr. MCINTYRE.

H.R. 1280: Mr. SERRANO.

H.R. 1283: Mr. MITCHELL, Mrs. JONES of Ohio, Mr. LOEBSACK, Mr. MEEHAN, and Mr. MARSHALL.

H.R. 1293: Mr. TERRY, Ms. NORTON, Mr. HERGER, Mr. BOUSTANY, Mr. MOORE of Kansas, and Mr. BOREN.

H.R. 1300: Mr. COSTA and Ms. ROYBAL-ALLARD.

H.R. 1303: Mr. GOHMERT, and Mr. BRALEY of Iowa.

H.R. 1304: Mr. PASTOR, Mr. MOORE of Kansas, Mr. MCHENRY, Mr. MCHUGH, and Mr. FEENEY.

H.R. 1314: Mr. NEUGEBAUER and Mr. MILLER of Florida.

H.R. 1324: Mr. POE.

H.R. 1338: Ms. HIRONO, Mr. COURTNEY, Mr. COHEN, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. SMITH of Washington, Mr. ENGEL, Ms. ROYBAL-ALLARD, Mr. DELAHUNT, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Ms. WATSON, Mr. LANGEVIN, and Mr. ROTHMAN.

H.R. 1343: Mr. BOREN, Mr. DOYLE, Mrs. CAPITO, Mr. DAVIS of Illinois, Mr. THORNBERRY, Ms. VELÁZQUEZ, Mr. GEORGE MILLER of California, Mr. REHBERG, Mr. MURPHY of Connecticut, and Mr. SMITH of Washington.

H.R. 1344: Mr. LARSON of Connecticut, Mr. BOUCHER, Mr. VAN HOLLEN, Ms. DELAURO, and Mr. ALLEN.

H.R. 1350: Mr. JACKSON of Illinois.

H.R. 1352: Mr. MILLER of North Carolina.

H.R. 1353: Mr. COSTA.

H.R. 1359: Mr. WELDON of Florida.

H.R. 1391: Mr. PASTOR, Mr. ALLEN, and Mr. HIGGINS.

H.R. 1400: Mr. FORBES, Mrs. JONES of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. ISRAEL, Mr. LUCAS, Mr. BISHOP of Georgia, Mr. HOYER, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. WALSH of New York, Mr. RYAN of Wisconsin, Mrs. LOWEY, Mr. LATOURETTE, Mr. SARBANES, Mr. LINCOLN DAVIS of Tennessee, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BACHMANN, Mr. WYNN, Mr. REHBERG, Mr. LAMPSON, Mr. COOPER, Mr. FOSSELLA, Mr. CAMP of Michigan, Mr. WILSON of Ohio, Mr. COURTNEY, Mr. JINDAL, and Mr. POE.

H.R. 1409: Mr. ETHERIDGE.

H.R. 1414: Ms. SCHAKOWSKY and Ms. NORTON.

H.R. 1421: Mr. ROGERS of Kentucky, Mr. MANZULLO, and Mrs. CUBIN.

H.R. 1422: Mr. MCDERMOTT.

H.R. 1439: Mr. MCGOVERN, Mr. RAHALL, Mr. EDWARDS, and Mr. CROWLEY.

H.R. 1461: Mr. WYNN, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. FATTAH, Mr. WAXMAN, and Mr. MEEK of Florida.

H.R. 1469: Ms. HERSETH SANDLIN, Mr. GONZALEZ, and Mr. DOYLE.

H.R. 1474: Mr. EVERETT, Mr. TERRY, Mr. BUTTERFIELD, Mr. HINOJOSA, Mr. MORAN, of Virginia, Mr. LUCAS, and Mr. DAVIS of Kentucky.

H.R. 1481: Mrs. DRAKE, Ms. BORDALLO, and Mr. DAVIS of Illinois.

H.R. 1498: Mr. ALLEN.

H.R. 1509: Ms. BERKLEY.

H.R. 1519: Ms. JACKSON-LEE of Texas and Mr. GENE GREEN of Texas.

H.R. 1527: Mr. ENGLISH of Pennsylvania.

H.R. 1534: Mr. FARR.

H.R. 1535: Ms. JACKSON-LEE of Texas.

H.R. 1537: Mr. KAGEN, Mr. STUPAK, Ms. HERSETH SANDLIN, Mr. POE, and Mr. HONDA

H.R. 1542: Mr. HONDA, Mr. WEXLER, and Mr. CARNAHAN.

H.R. 1551: Mr. SESTAK, Ms. KILPATRICK, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, and Ms. NORTON.

H.R. 1554: Mr. GOODE and Mrs. DRAKE.

H.R. 1556: Mrs. CUBIN, Mr. PENCE, Mr. INGLIS of South Carolina, and Mr. WELDON of Florda.

H.R. 1560: Ms. KAPTUR.

H.R. 1576: Mr. COSTA, Mr. VAN HOLLEN, and Mr. ENGLISH of Pennsylvania.

H.R. 1586: Mr. HASTINGS of Washington.

H.R. 1589: Mr. MORAN OF KANSAS, MR. TIM MURPHY of Pennsylvania, Mr. WELCH of Vermont, Mr. KINGSTON, Mr. KANJORSKI, Mr. TERRY, Mrs. DAVIS of California, Mr. BOSWELL, and Mr. OBERSTAR.

H.R. 1627: Mr. CONAWAY.

H.R. 1636: Mr. RAHALL.

H.R. 1644: Mr. HIGGINS, Mr. CAPUANO, and Mr. MORAN of Virginia.

H.R. 1645: Mr. JOHNSON of Georgia and Mr. VAN HOLLEN.

H.R. 1647: Ms. HOOLEY, Mr. GILLMOR, Mr. BISHOP of Utah, Mr. HINOJOSA, Mr. BOREN, Mr. DAVIS of Kentucky, and Mr. WILSON of Ohio.

H.R. 1653: Mr. JACKSON of Illinois.

H.R. 1655: Mr. CAPUANO.

H.R. 1660: Mr. LAMBORN.

H.R. 1687: Mr. WAMP, Mr. VAN HOLLEN, Ms. ESHOO, and Mr. SIMPSON.

H.R. 1692: Mr. DAVIS of Illinois.

H.R. 1700: Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. LARSON of Connecticut, Mr. RAHALL, Mr. WU, Mr. DELAHUNT, Ms. WATSON, Mr. SIRES, Mr. MORAN of Virginia, Mr. SESTAK, Mr. HOLDEN, Mr. SHULER, Ms. HIRONO, Mr. CUELLAR, Mr. LAMPSON, Mr. ELLSWORTH, Mr. MOORE of Kansas, Mrs. CAPPS, Mr. HILL, and Mr. DONNELLY.

H.R. 1702: Mr. COHEN.

H.R. 1707: Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ALLEN, and Mr. DAVIS of Illinois.

H.R. 1709: Ms. SCHAKOWSKY, Mr. HIGGINS, and Mr. PUTNAM.

H.R. 1716: Ms. GRANGER and Mr. GILCHREST.

H.R. 1727: Mr. MCHUGH, Mrs. EMERSON, Mr. RANGEL, Mr. MEEHAN, Mr. RAMSTAD, Mr. CAPUANO, Mr. DENT, Mr. TERRY, Mr. TIERNEY, and Mr. WALZ of Minnesota.

H.R. 1728: Mr. PALLONE and Ms. SCHAKOWSKY.

H.R. 1731: Mr. BOOZMAN, Mrs. DAVIS of California, Mr. INSLEE, and Mr. PLATTS.

H.R. 1732: Mr. CUMMINGS.

H.R. 1746: Mr. KLEIN of Florida, Mr. MEEK of Florida, Mr. COHEN, Ms. WATSON and Mr. SMITH of New Jersey.

H.R. 1747: Mr. BUTTERFIELD.

H.R. 1755: Mr. KUCINICH.

H.R. 1756: Mr. MITCHELL and Mr. ADERHOLT.

H.R. 1761: Mr. WOLF.

H.R. 1767: Ms. HERSETH SANDLIN, Mr. BOREN, Mr. MCCAUL of Texas, Mr. SAM JOHNSON of Texas, and Mrs. MYRICK.

H.R. 1772: Ms. HERSETH SANDLIN, Mr. LARSON of Connecticut, Mr. PAUL, Mr. KUHL of New York, Mr. PLATTS, Mr. HIGGINS, Mr. HINOJOSA, and Mr. FILNER.

H.R. 1773: Mr. CARNEY, Mr. KAGEN, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, Mr. BAIRD, Mr. COSTELLO, Mr. BOSWELL, Mr. LATOURETTE, Mr. MITCHELL, Mr. LIPINSKI, Mr. HIGGINS, and Mr. MURTHA.

H.R. 1776: Mr. POE and Mr. MICHAUD.

H.R. 1779: Mr. ALTMIRE, Ms. SCHAKOWSKY, Mr. FILNER, Mr. COURTNEY, Mr. STARK, and Mr. MCINTYRE.

H.R. 1781: Mr. SARBANES, Mr. MICHAUD, and Mr. ALEXANDER.

H.R. 1797: Mr. MCHUGH.

H.R. 1824: Mr. BOOZMAN.

H.R. 1827: Mr. BLUMENAUER.

H.R. 1843: Ms. BALDWIN, Mr. CAPUANO, Mr. BISHOP of New York, Mr. RUPPERSBERGER, Mr. LARSON of Connecticut, Mr. BARTLETT of

Maryland, Mr. LATOURETTE, Ms. DELAURO, and Mr. BONNER.

H.R. 1857: Mr. BISHOP of Utah.

H.R. 1869: Mr. SIRES, Mr. CANNON, Mr. EDWARDS, and Mr. SCOTT of Georgia.

H.R. 1877: Mr. MCNULTY, Mr. DINGELL, Ms. HIRONO, and Mr. MCCOTTER.

H.R. 1881: Mr. GENE GREEN of Texas, Mr. FRANK of Massachusetts, Mr. GORDON, Mrs. GILLIBRAND, and Mr. PLATTS.

H.R. 1884: Mr. GENE GREEN of Texas, Mr. MICHAUD, Ms. HIRONO, Mr. BOUCHER, Ms. ZOE LOFGREN of California, Mr. SOUDER, and Mr. DEFAZIO.

H.R. 1900: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1901: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1902: Mr. GONZALEZ.

H.R. 1909: Mr. GRIJALVA.

H.R. 1915: Mr. KNOLLENBERG.

H.R. 1930: Mr. CAMPBELL of California.

H.R. 1932: Mr. MEEKS of New York, Mr. SHIMKUS, Mr. THOMPSON of Mississippi, Mr. BONNER, and Ms. ROS-LEHTINEN.

H.R. 1940: Mr. WAMP, Mr. BAKER, Mr. HERGER, Mr. CONAWAY, Mr. WILSON of South Carolina, Mr. SESSIONS, Mr. BRADY of Texas, and Mrs. MYRICK.

H.R. 1941: Mr. MARIO DIAZ-BALART of Florida, Mr. ENGLISH of Pennsylvania, Mr. EHLERS, Mr. KLINE of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. PAYNE, Mr. PENCE, and Mr. WOLF.

H.R. 1942: Mr. WELDON of Florida, Mr. HENSARLING, Mr. HOEKSTRA, Mr. PEARCE, Mr. POE, Mr. BILBRAY, Mr. FORTENBERRY, Mr. KUHL of New York, Mr. CARTER, Mr. MARCHANT, Mr. LUCAS, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mrs. BLACKBURN, Mr. BARRETT of South Carolina, Mr. PRICE of Georgia, Mr. PITTS, Mr. FLAKE, Mr. GINGREY, and Mr. BARTON of Texas.

H.R. 1944: Mrs. CAPPS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. HOLT, Mr. ELLISON, Mr. PETERSON of Minnesota, Mr. MCGOVERN, Mr. PERLMUTTER, Mr. SOUDER, Mr. LEVIN, Mr. HINCHEY, Mr. MCDERMOTT, Mr. FATTAH, Mr. ADERHOLT, Mr. WELCH of Vermont, Mrs. MALONEY of New York, Ms. CARSON, Ms. KILPATRICK, and Mr. EMANUEL.

H.R. 1945: Mr. STARK and Mr. EHLERS.

H.R. 1952: Ms. HIRONO.

H.R. 1953: Mr. DOYLE and Ms. BERKLEY.

H.R. 1956: Mr. TOWNS.

H.R. 1961: Mr. MILLER of North Carolina.

H.R. 1965: Mr. LARSON of Connecticut.

H.R. 1975: Ms. ZOE LOFGREN of California, Mr. UDALL of Colorado, Ms. BALDWIN, and Mr. SCHIFF.

H.R. 1976: Mr. ALTMIRE.

H.R. 1992: Mr. GEORGE MILLER of California, Mr. FATTAH, Ms. SUTTON, Mr. BAIRD, Mr. KILDEE, Mr. GENE GREEN of Texas, Mr. ELLISON, Ms. LINDA T. SÁNCHEZ of California, and Mr. LYNCH.

H.R. 2005: Mr. BOSWELL.

H.R. 2015: Mr. ROTHMAN, Mr. WEINER, Ms. Velázquez, Mr. GRIJALVA, Mr. KIRK, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. HODES, Mr. SESTAK, Mrs. JONES of Ohio, and Mrs. NAPOLITANO.

H.R. 2017: Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, and Mr. FILNER.

H.R. 2019: Mr. BISHOP of Georgia, Ms. WATSON, Ms. LEE, and Mr. JEFFERSON.

H.R. 2032: Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. FILNER, Ms. LORETTA SANCHEZ of California, Mr. OLVER, and Mr. LaTourette.

H.R. 2034: Mr. BOUCHER, Mr. MCNULTY, Mr. GRIJALVA, and Mr. HIGGINS.

H.R. 2039: Mr. MCDERMOTT.

H.R. 2060: Mr. BOUCHER, Mr. MCDERMOTT, Mr. ELLISON, Mr. BARTLETT of Maryland, Mr. GRIJALVA, Mr. REICHERT, Ms. SHEA-PORTER, Ms. BALDWIN, Mr. FILNER, Mr. HONDA, Mr. COURTNEY, Ms. WOOLSEY, Mr. CAPUANO, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. DEFAZIO, Mr. KILDEE, and Mr. JACKSON of Illinois.

H.R. 2065: Ms. DELAURO, Mr. BUTTERFIELD, and Mr. ELLISON.

H.R. 2066: Mr. KIND and Mr. ALLEN.

H.R. 2075: Mr. DAVIS of Alabama and Mr. SHAYS.

H.R. 2077: Mr. REGULA.

H.R. 2078: Mr. REGULA.

H.J. Res. 30: Ms. MCCOLLUM of Minnesota.

H. Con. Res. 21: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 75: Mr. JONES of North Carolina and Mr. MORAN of Virginia.

H. Con. Res. 80: Ms. SCHWARTZ, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. SMITH of Washington.

H. Con. Res. 94: Mrs. CAPPS.

H. Con. Res. 112: Mr. STARK and Ms. JACKSON-LEE of Texas.

H. Con. Res. 115: Mr. MCINTYRE.

H. Con. Res. 129: Mr. MCDERMOTT, Mr. HIGGINS, Mr. WALZ of Minnesota, Mr. BERMAN, Mr. ARCURI, and Mr. KLEIN of Florida.

H. Con. Res. 133: Mr. POMEROY and Mr. MELANCON.

H. Res. 100: Mr. UDALL of Colorado, Mr. LYNCH, Mr. SMITH of Washington, and Mr. MEEK of Florida.

H. Res. 101: Ms. ROYBAL-ALLARD.

H. Res. 111: Mr. PLATTS and Mrs. BACHMANN.

H. Res. 121: Mr. ELLISON, Mr. CUMMINGS, Ms. CARSON, Mr. PLATTS, and Mr. NADLER.

H. Res. 146: Mr. MORAN of Virginia and Ms. ROYBAL-ALLARD.

H. Res. 158: Mr. SALI.

H. Res, 164: Mr. POE.

H. Res. 171: Mr. ACKERMAN, Mr. WILSON of South Carolina, Mr. COBLE, and Mr. GUTIERREZ.

H. Res. 183: Ms. NORTON and Ms. SCHAKOWSKY.

H. Res. 186: Mr. MARIO DIAZ-BALART of Florida, Ms. LORETTA SANCHEZ of California, and Ms. LEE.

H. Res. 194: Ms. LINDA T. SÁNCHEZ of California, Mr. MEEKS of New York, Mr. PRICE of North Carolina, and Mr. SERRANO.

H. Res. 216: Mr. COLE of Oklahoma, Mrs. BLACKBURN, Mr. MCHENRY, Mr. ALTMIRE, Mrs. MYRICK, Ms. GRANGER, Mr. CANTOR, Mr. DENT, Mr. KUHL of New York, Mr. CARNEY, and Mr. CAMP of Michigan.

H. Res. 223: Mr. GRIJALVA, Mr. PLATTS, Mr. RENZI, Mr. ROYCE, Ms. NORTON, Mr. FEENEY, Mr. HOEKSTRA, Mr. GONZALEZ, Mr. PRICE of Georgia, Mr. WOLF, Mr. CARNEY, Mr. BARTON of Texas, and Mr. RAMSTAD.

H. Res. 227: Mr. PRICE of North Carolina.

H. Res. 231: Mr. JORDAN, Mr. GOHMERT, Mr. CARTER, and Mr. BARTON of Texas.

H. Res. 247: Mr. NADLER, Mr. WEINER, Mr. CLAY, Mr. HARE, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Mr. DOGGETT, Mr. PERLMUTTER, Ms. MOORE of Wisconsin, Ms. WATSON, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. COURTNEY, Ms. MCCOLLUM of Minnesota, Mr. PALLONE, Mr. BERMAN, Mr. JACKSON of Illinois, Mr. SCHIFF, Mr. HODES, Ms. BALDWIN, Mr. DELAHUNT, Mr. WEXLER, Mr. SCOTT of Georgia, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Mr. SHERMAN, Mr. BRALEY of Iowa, and Ms. LEE.

H. Res. 250: Mrs. JO ANN DAVIS of Virginia, Mr. FEENEY, Ms. FOXX, Mr. MCCAUL of Texas, Mr. KING of Iowa, Mr. BRADY of Texas, Mr. MACK, Mr. FORTUÑO, Ms. FALLIN, Mr. BARTON of Texas, Mr. DOOLITTLE, Mr. FORBES, Mr. TANCREDO, Mr. FLAKE, Mrs. CUBIN, Mr. HERGER, Mr. BOOZMAN, Mr. WELDON of Florida, Mr. HUNTER, Mr. REYNOLDS, and Mr. LAMBORN.

H. Res. 257: Mr. CALVERT, Ms. DELAURO, Mr. GORDON, Mr. BUCHANAN, Mr. MORAN of Virginia and Mr. FORBES.

H. Res. 258: Mr. SIRES, Mr. MITCHELL, and Mr. MORAN of Virginia.

H. Res. 272: Mr. NADLER, Mrs. JONES of Ohio, and Ms. MATSUI.

H. Res. 281: Ms. SCHWARTZ, Mr. CONAWAY, Mr. MEEKS of New York, Mr. TERRY, Mr. EMANUEL, Mr. GILLMOR, Mr. ENGEL, Mr. MELANCON, and Mr. MCCAUL of Texas.

H. Res. 282: Mr. GUTIERREZ, Mr. HARE, Mr. ANDREWS, Mr. COSTELLO, Mr. GENE GREEN of Texas, Mr. UDALL of New Mexico, Mr. ARCURI, Mr. CHANDLER, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. VISCLOSKY, Mr. MOORE of Kansas, Mr. FATTAH, Mr. RAHALL, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. COURTNEY, Mr. SMITH of New Jersey, Mr. ALLEN, Mr. ALTMIRE, Mr. CLAY, and Mr. SCOTT of Georgia.

H. Res. 287: Ms. ESHOO.

H. Res. 291: Mr. HINCHEY, Mr. ROYCE, Mr. BAIRD, Mr. SCHIFF, Ms. SUTTON, Mr. SHULER, Mr. SOUDER, Mr. DANIEL E. LUNGREN of California, Mr. TERRY, Mr. MEEKS of New York, and Mr. MILLER of Florida.

H. Res. 295: Ms. WATSON, Mr. BURTON of Indiana, Mr. FLAKE, and Ms. ROS-LEHTINEN.

H. Res. 296: Mr. SHAYS and Mr. JOHNSON of Georgia.

H. Res. 316: Mr. CALVERT and Mr. ENGLISH of Pennsylvania.

H. Res. 325: Mr. TERRY.

H. Res. 326: Mr. PETERSON of Minnesota and Mr. ROSKAM.

H. Res. 333: Mr. CLAY and Ms. SCHAKOWSKY.

H. Res. 334: Ms. MCCOLLUM of Minnesota, Mr. BLUMENAUER, Ms. WATSON, Mr. KELLER, Mr. DENT, Mr. JOHNSON of Illinois, Ms. BORDALLO, Mr. FILNER, and Mr. SHULER.

H. Res. 338: Mr. BURTON of Indiana, Mr. GILLMOR, Mr. CROWLEY, Mr. FALEOMAVAEGA, Mr. HINOJOSA, Mr. VAN HOLLEN, Mr. WU, and Mr. TANNER.

H. Res. 340: Mr. TERRY.

H. Res. 345: Mr. HALL of New York and Mr. RANGEL.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representatives WU and GINGREY, or a designee, to H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 40: Mr. MCINTYRE.

H. Res. 268: Mr. TIERNEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1867

OFFERED BY: MR. HONDA

AMENDMENT NO. 1: At the end of section 3, add the following new subsection:

(h) GLOBAL WARMING EDUCATION.—

(1) INFORMAL EDUCATION.—As part of Informal Science Education activities, the Director shall support activities to create informal educational materials, exhibits, and multimedia presentations relevant to global warming, climate science, and greenhouse gas reduction strategies.

(2) K-12 INSTRUCTIONAL MATERIALS.—As part of Discovery Research K-12 activities, the Director shall support the development of K-12 educational materials relevant to global warming, climate science, and greenhouse gas reduction strategies.

H.R. 1867

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 2: At the end of the bill, add the following new section:

SEC. 19. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

H.R. 1867

OFFERED BY: MR. MCNERNEY

AMENDMENT NO. 3: At the end of the bill, add the following new section:

SEC. 19. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) IN GENERAL.—The Director is authorized to establish a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions to enhance the quality of undergraduate science, mathematics, engineering, and technology education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, mathematics, engineering, and technology;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding for instrumentation is an allowed use of grants awarded under this section.

H.R. 1867

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 4: At the end of section 3, insert the following new subsection:

(h) REDUCTION.—Each of the amounts authorized to be appropriated or made available under this section shall be reduced by 1 percent.

H.R. 1867

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 5: At the end of section 3, insert the following new subsection:

(h) LIMITATION.—None of the funds authorized under this section may be used for research related to—

(1) archives of Andean Knotted-String Records;

(2) the accuracy in the cross-cultural understanding of others' emotions;

(3) bison hunting on the late prehistoric Great Plains;

(4) team versus individual play;

(5) sexual politics of waste in Dakar, Senegal;

(6) social relationships and reproductive strategies of Phayre's Leaf Monkeys; and

(7) cognitive model of superstitious belief.

H.R. 1867

OFFERED BY: MR. EHLERS

AMENDMENT NO. 6: At the end of the bill, add the following new section:

SEC. 19. SENSE OF THE CONGRESS REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Congress that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

H.R. 1867

OFFERED BY: MR. FLAKE

AMENDMENT NO. 7: Strike section 6.

H.R. 1867

OFFERED BY: MS. MATSUI

AMENDMENT NO. 8: At the end of the bill, insert the following new section:

At the end of the bill, insert the following new section:

SEC. 19. COMMUNICATIONS TRAINING FOR SCIENTISTS.

(a) GRANT SUPPLEMENTS FOR COMMUNICATIONS TRAINING.—The Director shall provide grant supplements, on a competitive, merit-reviewed basis, to institutions receiving awards under the Integrative Graduate Education and Research Traineeship program. The grant supplements shall be used to train graduate students in the communication of the substance and importance of their research to nonscientist audiences, including policymakers.

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Director shall transmit a report to the Committee on Science and Technology of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate, describing how the activities required under subsection (a) have been implemented. The report shall include data on the number of graduate students trained and the number and size of grant supplements awarded, and a description of the types of activities funded through the grant supplements.

H.R. 1867

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 9: In section 3(a)(1), strike "There" and insert "Except as provided in paragraph (3), there".

At the end of section 3(a), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2007 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2008 is less than $17,309,400,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2008 is less than $3,923,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2008 is less than $6,791,700,000.

In section 3(b)(1), strike "There" and insert "Except as provided in paragraph (3), there".

At the end of section 3(b), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2008 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2009 is less than $17,614,200,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2009 is less than $4,312,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2009 is less than $6,710,300,000.

H.R. 1867

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 10: At the end of section 3, add the following new subsection:

(h) LIMITATION.—None of the funds authorized under this section may be used for research related to—

(1) the reproductive aging and symptom experience at midlife among Bangladeshi Immigrants, Sedentees, and White London Neighbors; and

(2) the diet and social stratification in ancient Puerto Rico.

H.R. 1867

OFFERED BY: MR. GARRETT OF NEW JERSEY

AMENDMENT NO. 11: At the end of section 3, add the following new subsection:

(h) REDUCTION.—Each of the amounts authorized to be appropriated or made available under this section shall be reduced by 0.5 percent.

H.R. 1867

OFFERED BY: MR. KIRK

AMENDMENT NO. 12: At the end of the bill, add the following new section:

SEC. 19. STUDY ON MERCURY LEVELS.

The Director shall solicit proposals for annual research on mercury levels in each of the Great Lakes, with details on the trend and source of mercury in the water levels and aquatic life.

EXTENSIONS OF REMARKS

HONORING FREDERICK COUNTY COMMONWEALTH ATTORNEY LAWRENCE AMBROGI

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. WOLF. Madam Speaker, it is my pleasure today to recognize Frederick County Commonwealth's Attorney Lawrence R. Ambrogi on the occasion of his retirement after nearly four decades of public service.

It has come to my attention that Larry will not be seeking re-election in November and I want to take this opportunity to recognize his decorated career. A graduate of American University Law and Randolph Macon College, Larry was appointed as the county commonwealth attorney in 1969 and elected in 1971. As the third longest serving attorney in the history of the Commonwealth, Larry is highly respected member of the law enforcement community and has received numerous awards and recognition for his work. Larry has dedicated his professional life to public service and will be sorely missed by Frederick County and the Shenandoah Valley community as a whole.

Larry is a man of high moral character, a true Virginia gentleman, family man, and loyal friend. I would be remiss today if I didn't also recognize Larry's dedication to his wife, Carole, and how proud he is of their children, Lawrence and Elaine, and their many grandchildren. I suspect that as Larry prepares for retirement he is looking forward to spending more time with his family. I ask that my colleagues in the House rise today and join with me in recognizing the outstanding career of Lawrence Ambrogi.

RECOGNIZING MATT PIERCE FOR HIS SELFLESS DECISION TO FOREGO HIS LAST FOOTBALL SEASON AT OLE MISS TO ENTER THE ARMY

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Matt Pierce, a young man from Mobile, Alabama, who has made the selfless decision to forego his final football season at Ole Miss in order to be commissioned as a second lieutenant in the United States Army.

A former UMS-Wright football star, Matt was the MVP of the 2001 4A State championship game. As a child, he dreamed of playing football in the Southeastern Conference and, after walking on at Ole Miss and being redshirted his freshman year, Matt's dream came true. In just his sophomore year, he started in the game against the University of Alabama.

With his final football season just months away, Matt chose to forego his fifth season in order to join the Army and do "something important."

Madam Speaker, it is this type of story that should make us pause and give thanks to God that there are still young men like Matt Pierce. His actions personify the very best America has to offer. I feel certain his many friends and family, as well as his former teammates at UMS-Wright and Ole Miss, share the pride of a grateful Nation.

I urge my colleagues to take a moment and pay tribute to Matt Pierce and his selfless devotion to our country and the freedom we enjoy. We need more people like Matt Pierce in this world—a true inspiration to all Americans.

RECOGNIZING THE RETIREMENT OF ROBERT F. HORAN, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the retirement of Fairfax County chief prosecutor Robert F. Horan Jr. Having served 10 terms, he is the longest serving prosecutor in the history of the Commonwealth of Virginia and one of the very best in America. His dedicated service to law enforcement in northern Virginia is without equal. I am sure the decision to step down after 40 years was extremely difficult given his dedication to public service and to the people of Fairfax County.

I have had the pleasure to call Bob my friend for many, many years. When Bob was first elected as the county's Commonwealth's attorney in 1967, he and his wife Monica made the decision to raise their family right here in northern Virginia, they have watched Fairfax County grow from a rural farm county into a bustling suburb and the most populous county in Virginia. Bob and Monica's three boys, Robert F. Horan III, Kevin, and Timothy all reside locally and are a testament to their father's fondness for the northern Virginia area.

Bob's accomplishments as chief prosecutor are legendary. He has tried and won several high profile cases including the 1993 sniper shooting at CIA headquarters as well as the Washington sniper case against Lee Boyd Malvo. Bob has received numerous awards and recognitions, and rightfully so. I have inserted for the RECORD a recent Washington Post article which details his unparalleled career.

Perhaps more important than all of his courtroom successes is the way that Bob conducts himself both inside and outside of the courtroom. Bob is a man of the highest moral character, a true Virginia gentleman, a family man, and loyal friend. Bob is a legend in the law enforcement and with Bob's retirement, an era is truly coming to an end in Fairfax County. I suspect that as Bob prepares for retirement he is looking forward to spending more time with his wife, 3 children, and grandchildren, T.J., Maggie, and Jennifer. We wish him the best and thank him for his dedicated service to the people. I ask that my colleagues in the House join with me in recognizing the outstanding career of Robert F. Horan, Jr.

[From Washington Post, Apr. 15, 2007]

AFTER 40 YEARS PROSECUTING CRIMES, RETIREMENT IS SCARY PROSPECT

(By Tom Jackman)

It's hard to picture Robert F. Horan Jr. as a defense attorney. But there was a time, in the mid-1960s, when the man who would become Fairfax County's chief prosecutor for 40 years worked on the other side of the courtroom.

Then, in 1966, while he was representing a man charged with sexual assault, the Supreme Court ruled that suspects must be advised of their rights, a precursor to the Miranda case. Horan argued that his client's confession was illegal, a judge threw it out and the man ultimately was acquitted.

"Which kind of soured me on the system," Horan said. "For the police to have taken an honest statement from the guy, and it gets thrown out, that didn't sit well."

A year later, the chief judge of Fairfax asked him to be the commonwealth's attorney. And he has been ever since.

Last week, Horan (D) announced that he will not seek an 11th term. Horan said he will resign in late summer or early fall rather than serve out his term, clearing the way for his chief deputy, Raymond F. Morrogh (D), to run as the acting commonwealth's attorney in the November general election.

Horan agonized over his decision to step down when he would have been unopposed. He said his declining hearing has troubled him, particularly in whispered bench conferences, and he noted that he would be 75 at election time.

But still, even after he decided to retire, he was ambivalent about leaving a job he clearly loves. "I'm not totally happy with it, I concede that," he said. "My wife is happy with it."

His wife, Monica, also played a role in keeping the New Jersey native in Northern Virginia in the early 1960s, paving the way for him to become the longest-serving prosecutor in the state and an institution among prosecutors nationwide.

After Horan graduated from Georgetown's law school in 1961, he was faced with the decision of staying in the area or returning to New Jersey. But to obtain a law license in New Jersey, a six-month clerkship was required.

Horan and his wife had one child and a second on the way. "I couldn't afford to be a clerk for six months," he said. "So we stayed in Virginia and never regretted it."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Horan spent two years as a Fairfax assistant prosecutor and two years in private practice. He was appointed the county's top prosecutor in March 1967, when Ralph G. Louk stepped down. He faced opposition in 1967, 1971 and 1975 but not again until 1995. And not since.

In 1967, the county was still partly rural, with vast undeveloped stretches and some large cattle farms. "There were no stoplights in Seven Corners," he recalled of the now complicated intersection near Falls Church. Horan had five assistant prosecutors that year. Today, he has 22, still a low number compared with surrounding counties.

But remarkably, "the assistants' caseloads are roughly what they were when I had five," Horan said. As the county's population exploded from about 450,000 in the late 1960s to more than a million today, the crime rate has steadily fallen. Homicides now number between 12 and 20 annually, the same as in the 1970s. Burglaries and larcenies, which totaled 24,000 in 1980, are down to about 15,000 annually.

Horan has a couple of theories. One is that older, more marginal neighborhoods such as Blevinstown, just outside Fairfax City, where local feuds tended to erupt into violence, have been bulldozed and replaced by communities of higher incomes and education. Another is that ambulance service is faster and better equipped, as are the teams in local emergency rooms. "Many more people survive gunshots now," Horan said.

One thing that hasn't changed in Horan's four decades is how he runs his office. He keeps the number of prosecutors to a minimum. He doesn't share police reports, witness statements or witness lists with defense attorneys. And he's not afraid to make tough decisions.

"His office could use many more assistant prosecutors," said Robert C. Whitestone, an experienced Fairfax defense attorney. He said the low number of prosecutors sometimes keeps them too busy and pushes them into courtrooms unprepared. Loudoun County, with a population about one-fourth of Fairfax's, has 16 assistant prosecutors.

Horan said the state Compensation Board determines how many are allocated across the state and sets a starting salary of about $43,000, which Fairfax supplements to about $50,000. "Virginia does criminal prosecution on the cheap," Horan said.

He said that when he first took office, "it had become trendy to have your own investigators. I said I don't believe that's the way to do it," and he hasn't. Instead, he relies on Fairfax police.

The officers closely follow Horan's lead, guarding their information more tightly than virtually any other police department in the region, because Horan has insisted they not provide defense attorneys with any ammunition. Those who violate his instructions are prone to severe tongue-lashings.

Horan said the county police force has maintained high standards and excellent performance throughout his tenure. "The Washington Post always wants to criticize me because I've never charged an officer with murder," Horan said. "I'm proud of the fact they haven't been charged. It means they're doing their jobs."

In recent years, pickets stood outside the Fairfax courthouse to protest Horan's decision not to charge a Prince George's County officer with a fatal shooting, and the family of a slain Fairfax man denounced Horan's refusal to charge a Fairfax officer with his death. But it's nothing new to Horan.

He cited controversial cases dating to the early 1970s, when an officer fatally shot a man in a 7-Eleven in Herndon, sparking riots, and another when an officer killed a teenage burglar. In both, there were no charges, to loud complaints by some. "It's part of the job," he said with a shrug.

Another part of the job is successfully taking on a case when the county, or the world, is watching. No one has questioned his skill there, even defense attorneys.

"He's a brilliant prosecutor," Whitestone said. Said defense attorney Peter D. Greenspun: "My clients will be glad he's not around to prosecute them."

U.S. Attorney General John D. Ashcroft chose Horan to prosecute one of the first sniper cases, against Lee Boyd Malvo, and Horan brought home a capital murder conviction without any witnesses identifying the shooter, although the jury did not impose the death sentence. In 1997, he obtained a death sentence against Mir Aimal Kasi, who killed two people outside the CIA in 1993.

Horan said his most satisfying case was the prosecution of Caleb D. Hughes for abducting 5-year-old Melissa Brannen in 1989. Hughes was convicted of abduction with intent to defile; Melissa has not been found.

"That was a really tough case to try," Horan said. "It stayed with me for a lot of years."

Of those that have not been solved, the one that bothers him the most is the death of Gwen Ames, 17, who was found strangled near Lake Anne Plaza in Reston in 1972.

Horan noted some interesting changes in the courts over 40 years. The arrival of Miranda v. Arizona, the Supreme Court ruling requiring police to inform suspects of their rights, changed the tenor of pretrial complaints from police beatings to police failure to "Mirandize."

And the introduction of sentencing guidelines, giving defendants a better idea of how much jail time they might face, has reduced the amount of cases that go to trial to perhaps 10 percent, Horan said.

Horan reduced his own caseload from about 20 a year, mostly homicides that he often began working on the day they occurred, to three or four annually. In recent years, with the increase in guilty pleas, he had no trials.

But he clearly still loves the courtroom. He will handle the double-murder death penalty trial of Alfredo R. Prieto, set for late May.

He's leaving reluctantly. "My only fear is I've known guys who loved what they were doing," Horan said. "They hung it up and they were dead in a year."

He loves playing golf; he drives a Mercedes-Benz 240 sedan he won in a charity event in 2002 when he nailed a hole-in-one. But he doesn't think golf can fill his time, and "there's not a job in the world as interesting as this one."

"I haven't even given any thought to what's next," Horan said. "I'm sure I'll find something to do."

HONORING LINDA R. HALL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Linda R. Hall, in celebration of her 20th anniversary with the Baltimore City College High School Choir.

Linda Hall, a native of Baltimore, MD, has taught music education in the Baltimore Public School System since 1976. She assumed the position of choral director at the Baltimore City College High School in Baltimore in 1987. She is the artistic director for the school's four choirs: the Mixed Chorus, the Concert Choir, the Singing/Swingin' Knights, and the Knights and Daze Show Choir.

Under Ms. Hall's direction, the City College choirs have delighted audiences throughout Europe: in Verona, Italy at the International Choral Music Days Festival, the United Nations Climate Change Conference in Milan, Italy, as well as other performances in Rome, Spain, and France. The choirs perform extensively along the eastern seaboard of the United States, competing and performing in numerous festivals. The choirs have consistently won superior ratings, awards and trophies for their performances. Early in 2007, the choirs were used in the promotional package and on the Web site for the Disney Honors Program.

Among the many awards Ms. Hall has received are the Shenandoah University Alumnae of Excellence Award, the Excellence Merit Achievement Initiative for Maryland's Minority Students Award, the Baltimore City Council's Teacher of the Year Award, and the Outstanding Teacher Award from Baltimore City College. Her greatest reward she says, "comes from working with students who have a passion for singing and a talent waiting to be developed."

Linda Hall has served as minister of music and guest conductor for many churches and choirs including the Baltimore County Honors Choir, the Prince Georges County Honors Choir, and in the summer of 2005, the American Choral Directors Association Voices United Summer Conference Festival Chorus.

Madam Speaker, I ask that you join with me today to honor Ms. Linda R. Hall. She is an outstanding and dedicated member of the faculty at Baltimore City College High School She has shown a unique and committed work ethic in teaching young people in choral arts education for over 30 years. It is with great pride that I congratulate Linda Hall on her 20th Anniversary as Choral Director at Baltimore City College High School.

RECOGNIZING HARLEM UPTOWN RENAISSANCE'S CONTRIBUTION TO THE NEW HARLEM RENAISSANCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an article, "Harlem's Uptown Renaissance Experience," published April 3, 2007, by the CaribNews. The article, written by Robert Rodney, celebrates the Uptown Restaurant's contribution to the new Harlem Renaissance.

During the Harlem Renaissance, also known as the New Negro Movement, African American art, literature, music, and culture came to the fore. Beginning sometime around 1919, depending on which historian you reference, and ending in the mid 1930s, the Harlem Renaissance was a time for celebrating all things black. Harlem, the community, provided all those who visited, with pulsating excitement and unparalleled liveliness while cultural productions by African Americans gained world wide attention while redefining blackness.

In addition to the contributions of literary heroes like Zora Neale Hurston, Countee Cullen, and Langston Hughes; artistic achievements of masters like Romare Bearden, Aaron Douglass, and William H. Johnson; intellectuals and visionaries like James Weldon Johnson, Marcus Garvey, and Jessie Fauset, the cultural production of food, typically associated with African people throughout the Diaspora, was also celebrated during the Harlem Renaissance.

The Uptown Renaissance Restaurant, which opened its doors in 2004, is quickly gaining recognition for its blend of authentic soul food, savory steaks, and hearty salads. Serving food that one would easily find at popular House-Rent Parties—where hosts would welcome guests into their homes in exchange for financial contributions that would be used to pay rent—the Uptown Renaissance Restaurant is contributing to the revitalization of Harlem in what most people are calling the New Harlem Renaissance.

It is important to remember the past, especially as we continue to shape our future. I encourage everyone to visit the Uptown Renaissance Restaurant. Tell them I sent you.

[From the CaribNews, Apr. 3, 2007]

HARLEM'S UPTOWN RENAISSANCE EXPERIENCE

(By Robert Rodney)

The Uptown Renaissance restaurant opened its door in April of 2004, as "the Ultimate Blend of Steaks, Soul Food and Salads". The restaurant boasts a delectably comprehensive menu from breakfast through dinner, where hearty and tasty servings are the order of the days and nights with customers coming back for more. Owners and operators of the Uptown Renaissance restaurant, the husband and wife team of Rene and Claudia Calliste pride themselves on an all-Halal meat service, a pork free environment complimented by healthful whole wheat breads as stable or accompaniments to respective dishes. From Monday through Thursday, the doors of Uptown Renaissance are open from 7 a.m. to Midnight, on Friday and Saturday, they are open around the clock. The establishment astutely recognized the importance of their community, and therefore remained sensitive to its needs by ensuring that the clientele from the surrounding community continue to feel welcome while simultaneously catering to consumers from all areas.

The other day I had the pleasure of visiting the Uptown Renaissance restaurant to dine and experience one of their specialties, the Barbecue Fish. Now, let me tell you this, I am a Jamaican and a lover of fish and I have consumed fish that have been prepared in many different ways; escoveitched, fried, roasted, jerked, you name it I have had it, but never barbecued.

So I'll admit that I was a little skeptical about having barbecue fish but I was pleasantly surprised by the presentation, the generous servings and most of all the taste. This meal was comprised of well seasoned fried breaded whiting covered with a nice, not too heavy barbecue sauce served with generous portions of collard greens, sweet yams, macaroni and cheese with corn bread on the side. I totally enjoyed this meal and now had discovered a new way of having my favorite fish thanks to Uptown Renaissance. I would definitely recommend this dish to all fish lovers.

I also enjoyed the ambiance of the place, I found it to be very relaxing with an intimate tone. The service I must say was very pleasant and professional and the prices for the portions that you are served cannot be beat.

I would encourage every one to go to the Uptown Renaissance and experience a new trend in dining. Rene, Claudia, Eleanor and crew are always ready to welcome and give you the royal treatment.

The Uptown Renaissance Restaurant is located at 108 West 116th Street, in Harlem, New York.

HONORING DR. CHARLES DARLAND

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Dr. Charles Darland, an exemplary individual and friend from my congressional district, on the occasion of his 20-year anniversary as pastor of the Immanuel Baptist Church in Elizabethtown, Kentucky.

Raised in West Palm Beach, Florida, Dr. Darland first came to Kentucky in the mid 1970's to complete a Masters Degree of Divinity at the Southern Baptist Theological Seminary in Louisville. He later earned a Doctorate in Philosophy from the same institution. Dr. Darland's Christian mission first brought him to Grace Baptist Church in Independence, Kentucky. In 1987, he was called to the Immanuel Baptist Church in E1izabethtown.

Dr. Darland's wife, Suzanne, continues to play an important role in his ministry, sharing his passion for the Lord and dedication to his congregation. The couple has also been blessed with three fine sons: Jesse, Daniel, and Joel.

It is my great privilege to honor Dr. Charles Darland today before the entire U.S. House of Representatives for his dedicated service to the spiritual needs of members of the Baptist faith and the community at large. He is an outstanding citizen worthy of our collective honor and appreciation.

INTRODUCTION OF THE FREEDOM TO BANK ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. PAUL. Madam Speaker, I am pleased to introduce legislation repealing two unconstitutional and paternalistic Federal financial regulations. First, this legislation repeals a Federal regulation that limits the number of withdrawals someone can make from a savings account in a month's time without being assessed financial penalties. As hard as it is to believe, the Federal Government actually forces banks to punish people for accessing their own savings too many times in a month. This bill also repeals a regulation that requires bank customers to receive a written monthly financial statement from their banks, regardless of whether the customer wants such a communication.

These regulations exceed Congress's constitutional powers and violate individual property and contract rights. Furthermore, these regulations insult Americans by treating them as children who are unable to manage their own affairs without Federal control. I urge my colleagues to show their respect for the Constitution and the American people by cosponsoring this legislation.

TRIBUTE TO VETERAN CONGRESSIONAL AIDE JUDITH BREWER

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. MCHUGH. Madam Speaker, I rise today to honor my Legislative Director, Judith Brewer, for her 34 years of excellent service as a Congressional staff member and to wish her well upon her retirement. I also wish to thank her for the 26 years she served the citizens of northern New York, 14 of which were as a member of my staff.

After graduating from the University of Maine cum laude with a B.A. in political science, Judi began her career in 1973 when she joined Congressman Fred B. Rooney's staff as a Staff Assistant. Five years later, she joined the House Select Committee on Aging's Subcommittee on Retirement Income and Employment, where she served as a liaison between the subcommittee chairman, older Americans, and Federal agencies. Judi next served as Projects Assistant in Congressman Harold T. Johnson's office.

Judi began serving the people of northern New York in 1981 when she became a Legislative Assistant in my predecessor, Congressman David O'B. Martin's office. In that capacity, Judi developed significant expertise in policy areas of great importance to northern New York, including dairy, education, health care, and labor.

When I came to Congress in 1993, I was fortunate that Judi decided to continue her excellent service to the people of northern New York as a member of my staff. For the past 14 years, they, as well as I, have been the beneficiary of Judi's compassion, dedication, expertise, kindness, humor, and professionalism. Accordingly, I profoundly thank Judi and wish her the very best as she enters retirement.

HONORING KATHERINE CARNEY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Katherine Carney upon receiving the Commonwealth Academy's Recognition for Educators, CARE, Award.

The CARE award honors outstanding educators from across the United States for their unrelenting work to enhance the lives of their students. Kathe, a teacher at Neabsco Elementary School, is honored for her work in promoting diverse learners in the spirit of the "No Child Left Behind Act."

Although she began her career teaching English literature, Mrs. Carney's passion and gift lay with teaching the neediest students. In 1994, at PACE West, a self-contained special education school, she taught students with serious emotional and behavioral needs. In addition to the 8–13 subjects she taught a day, she took on roles as a mentor, advisory committee member, and the school's administrator of various special education testing regimens. Devoted to reading, Mrs. Carney noted a void of books at her school, and was shocked to find no library at PACE West. She took it upon herself to initiate, organize, and develop the PACE West library, which housed 2,000 volumes upon her departure.

After 7 years at PACE, Mrs. Carney joined the staff at Swans Creek Elementary School. She taught a self-contained class for students in the 2nd–5th grade with learning disabilities, speech, language and vision impairments, and other health challenges. Again, Mrs. Carney mentored her fellow teachers and established the school's Learning Disabilities Program.

In 2003, Mrs. Carney joined the faculty at Neabsco Elementary School, teaching 4th and 5th graders who are emotionally disturbed. The administration at Neabsco quickly realized her abilities and tasked her to be the case manager of the Instructional Consultant Team and a member of the Child Study Team. Mrs. Carney has received numerous commendations at Neabsco, including being named 2007 Neabsco Teacher of the Year and was nominated to be 2007 Dale City Teacher of the Year.

Over her distinguished career, Mrs. Carney has demonstrated great resolve, patience, and a unique ability to make a positive difference in the lives of her students. Working with students with these needs is trying; however, every day is a new opportunity for Mrs. Carney and her students. No incident or past history is ever carried back into the classroom; this includes the time where an inadvertent swing of a baseball bat left her in a full leg cast for months.

It is dark when Mrs. Carney arrives at school and dark when she leaves. Her devotion to her students is immeasurable. Whether it is tutoring for the science fair on a Saturday, meeting with a concerned parent late at night, or counseling former students on life altering decisions, Mrs. Carney always makes herself available to those in need. Through her tender approach and no-nonsense outlook, Mrs. Carney has made a difference in the lives of countless youths in Prince William County.

Madam Speaker, in closing, I would like to commend and congratulate Mrs. Carney for being recognized as one of the 2007 CARE awardees. I call upon my colleagues to join me in applauding Kathe on all her accomplishments and in wishing her continued success in the years to come.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE REPUBLIC OF GHANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RANGEL. Madam Speaker, I rise today in honor of the 50th anniversary of the independence of the Republic of Ghana. On March 6, 1957, Ghana became the first country in Africa south of the Sahara to gain independence from colonial rule. The theme for the anniversary is: Championing African Excellence. There are three main objectives for the jubilee celebrations, which are: celebrate and commemorate Ghana's landmark achievement as the first country in Black Africa to attain independence from colonial rule; reflect on the evolution, development, achievements and drawbacks of the country over the past 50 years; and to look forward to the future vision of excellence in all fields of endeavor in the next 50 years towards the centennial anniversary of the nation.

Year-long activities marking the Golden Jubilee have been scheduled, beginning in January 2007 and ending in December 2007, with monthly themes including: Reflection, African Unity, and Heroes of Ghana. April's theme is "Our Nation, Our People," and I would like to enter into the RECORD this article, regarding another "first" for Ghana, reported by BBC News International on April 24, 2007, entitled "La Scala Brings Beethoven to Ghana." It details the recent visit to Ghana by Milan's La Scala orchestra and chorus and speaks about the hopes of expanding the appreciation of classical music to other countries in sub-Saharan Africa.

The Republic of Ghana continues to experience economic growth and the government continues to work on improving the energy generating capacity of the country. Recently an Educational Reform Program has been implemented, which primary vision is to align education to national aspirations to develop disciplined, socially conscious and well-rounded Ghanaians who can hold their own as global citizens anywhere. All these efforts promise that Ghana will reach its goal of excellence in all fields as they look towards the centennial anniversary. I urge fellow members to continue to support Ghana's independence by working towards victory over poverty, disease, gender in equality, and lack of education.

LA SCALA BRINGS BEETHOVEN TO GHANA

(By David Willey)

Italy's famous La Scala orchestra has played in sub-Saharan Africa for the first time.

The venue: Accra's 1,400 seat ultra-modern National Theatre.

The occasion: celebrations marking the 50th anniversary of Ghana's independence.

The cast: Daniel Barenboim and 160 members of the orchestra and chorus of Milan's La Scala.

The programme: Beethoven's Ninth Symphony, the Choral, whose Ode to Joy has become the official anthem of the European Union.

ELECTRIC

The evening began in an unusual way, with the beating of a traditional tribal drum, a traditional Ghanaian welcome.

It ended with a standing ovation for the prestigious orchestra and their equally famous conductor.

A member of the Ghanaian organising committee told me he remembered having music appreciation lessons at school 50 years ago, when Ghana was still a British colony, but he could not remember any similar event in his lifetime.

Most of the audience were invited to attend, with the few hundred tickets actually put on sale costing between US $30–50, well beyond the reach of the pockets of the average Ghanaian.

In sub-Saharan Africa, 60 per cent of people live on less than two US dollars per day. So, unsurprisingly, the auditorium was packed with local officials and diplomats.

A quick trawl around Accra's teeming markets confirmed earlier suspicions—that the Ghanaian capital completely lacks CD shops selling classical music.

While African faces on the crowded stage were limited to two, one the African-American bass-baritone Kevin Deas, and the other, the soprano Measha Brueggergosman, a Canadian national.

The impact of the music on those lucky enough to be present was, however, electric.

Daniel Barenboim, the musicians and the four soloists (who included La Scala newcomer and rising British star, tenor Ian Storey) gave their all. They had time for only a single rehearsal, but their performance was impeccable.

Barenboim told me during rehearsal: "The problem is, you cannot articulate the content of music in words. This can only be expressed through sound. This is what I hope we are bringing to them."

This extraordinary event was the result of a casual invitation to Daniel Barenboim in New York last December by Ghana's highest-profile international figure, Kofi Annan, former UN Secretary General and a friend of La Scala's new "maestro" conductor.

The president of Italy, Giorgio Napolitano, and the Mayor of Milan, Letizia Moratti, also helped to make Kofi Annan's dream come true.

SPIRITED RENDITION

Annan was beaming afterwards at the Ghanaian President's post-concert party in Accra's State Banqueting Hall.

"In international affairs, you have to learn how to create pillars and foundations in order to realise dreams," he said.

At the post-concert party some of La Scala's violin players playfully took over from a local Accra orchestra, giving a spirited rendition of Guantanamara.

But was it really worth the vast expense ($500,000) to charter an Airbus and fly this huge and talented company 6,000 miles across the Mediterranean Sea and the Sahara desert to Ghana, and back, for a single Beethoven performance?

Barenboim says emphatically "yes". He would like to return to Africa, either with La Scala or to give a series of solo piano recitals in various African countries.

The former child prodigy, who has replaced Riccardo Muti as conductor at La Scala, and who built up the now famous West-East Divan orchestra of Israeli and Palestinian musicians, believes music may hold the key to bridging the North-South cultural, and even economic, divide.

"You have to listen to the other players if you want to play in an orchestra," he said.

But as one of the first violins in the orchestra whispered to me as we were flying back high over the Sahara desert, while she had enjoyed this unique experience, she was not so sure that a charity concert in Milan to raise money for Ghana might not have been preferable.

The audience shouted for more after the Accra concert, but a performance of this quality of Beethoven's Ninth hardly lends itself to an encore.

Now we shall have to see whether Daniel Barenboim's ambitious dream of stimulating a demand for classical music in Africa is going to be fulfilled.

It will require a lot of money, and a lot of politics. The encore is not yet assured.

TRIBUTE TO MR. RONALD CALERY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. STUPAK. Madam Speaker, I rise to honor a constituent and friend of mine, Mr. Ronald Calery, who has spent a lifetime fighting poverty, serving as a voice for those least fortunate and defending the powerless in our society. This week, Mr. Calery will be recognized for his efforts with the prestigious Terrence DuVernay Award, which recognizes career excellence in the field of affordable housing.

Mr. Calery has served for 35 years as Executive Director with the Chippewa-Luce-Mackinac Community Action Human Resources Authority (CAHRA) Inc. Before his appointment to the position of Executive Director, he served the agency as a founding member of the board of directors. The Chippewa-Luce-Mackinac CAHRA administers a number of critical programs that attack poverty head on. Among its vital services, the organization provides quality housing that is affordable to low income and moderate income persons.

Ron Calery's leadership of the Chippewa-Luce-Mackinac Community Action Human Resources Authority has strengthened this organization, making it one of the most effective community action agencies in the state. Under his leadership, the Chippewa-Luce-Mackinac Community Action Agency has assisted local entities to improve existing housing and develop new housing units.

Perhaps one of Mr. Calery's most notable contributions was the construction of Avery Square Complex, a project that served to help revitalize downtown Sault Ste. Marie. The project has been widely recognized as a housing model throughout the State of Michigan. Mr. Calery has also worked closely with county and local governments, helping to spur the construction of moderate cost housing in several rural communities. He planned a housing development in Sault Ste. Marie, and is currently planning moderate cost housing in St. Ignace.

While the Duvernay award which Mr. Calery will receive focuses upon efforts to provide affordable housing, Mr. Calery's service to the public, the Eastern Upper Peninsula (V.P.) and the State of Michigan extends well beyond affordable housing issues. His service to the state and his community has been extensive.

At one time or another, he has been a driving force in just about every organization that plays a positive role in the Eastern U.P. He served on the Tri-County Small Business Loan Committee, helping to spur small business in Chippewa, Luce and Mackinac Counties. As President of the John F. Kennedy Chippewa County Retarded Children's Association, he helped to expand activities and programs for handicapped children. He served on the State board of directors for the Michigan Association for Retarded Children. He spent 4 years in a non-partisan position as an elected City Commissioner for Sault Ste. Marie, Michigan. As the Chairman of the Tri-County Recreation Commission and the Sault Ste. Marie Parks and Recreation Commission, he helped ensure that positive recreation opportunities abound in the Sault Ste. Marie region. He also coached Soo PeeWee Hockey.

No matter what project Mr. Calery takes on, he never takes "no" for an answer. He never retreats from a challenge. Instead, Ron Calery is known for pausing, examining the various obstacles, assembling a new coalition, seeking different funding arrangements, and ultimately finding a solution to achieve the goal. Regardless of what it takes, once he decides that a project or program can have a positive impact on his fellow citizens, he is relentless in seeing the project brought to fruition. The affordable housing projects, programs to eliminate poverty, and efforts to improve the living conditions for-residents of Michigan have all been challenging, but never once has Ron Calery shirked from the challenge.

When a project he has worked upon is complete or a program is successful, this humble man does not leap forward to take credit. Instead, Mr. Calery always steps aside to commend the work of others and compliment the fine leadership they have provided.

On Tuesday, May 1, 2007, Mr. Calery will be recognized by his colleagues for a career spent helping others. His many friends will gather to say thank you for all that Ron Calery has accomplished. Across Michigan, many other citizens will be unable to attend, but they, too, will be thanking this warm man for his many kindnesses. Madam Speaker, as Ron Calery receives this well-deserved award, I would ask that you and the entire U.S. House of Representatives join me in saluting, congratulating, and thanking him for his selfless service to others.

INTRODUCTION OF LEGISLATION AMENDING STATUTE 'ESTABLISHING EISENHOWER MEMORIAL COMMISSION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. MOORE of Kansas. Madam Speaker, joined by Representatives JERRY MORAN, THORNBERRY, BOSWELL, TIAHRT and BOYDA, I am today introducing legislation which would make a variety of technical changes to the statute establishing the Eisenhower Memorial Commission.

The Eisenhower Memorial Commission was created by the U.S. Congress in 1999 as a bipartian commission for the purpose of considering and formulating plans for the location, design and construction of a permanent memorial to Dwight D. Eisenhower to perpetuate his memory and his contributions to the United States. Since being fully appointed in 2001, the Commission considered 26 different sites in the District of Columbia. In 2005, it selected a site between the Department of Education and the National Air and Space Museum, two institutions resulting from and greatly influenced by President Eisenhower's leadership. In 2006, Congress approved the memorial's location within Area I, in compliance with the Commemorative Works Act. The Commission secured full approval for the selected site following extensive review by the National Park Service, the National Capital Memorial Advisory Commission, the National Capital Planning Commission, and the Commission of Fine Arts.

Since its inception, the Commission has also taken great care to study and analyze the Eisenhower legacy. It produced a report by leading scholars and experts on Eisenhower that provides a definitive statement on the transcending elements of Eisenhower's enduring legacy. He ranks as one of the preeminent figures in the global history of the 20th century. Dwight Eisenhower spent his entire life in public service. His most well-known contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President. Although Ike grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created NASA, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added Hawaii and Alaska to the United States and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent federal troops into Little Rock, AR to enforce school integration. He diffused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War. A career soldier, Eisenhower championed peace, freedom, justice and security, and as President he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask what's best for America.

Eisenhower's legacy provides hope to all of us—like him, through education and public service, we as a Nation and individually can rise to meet any challenge. The Eisenhower Memorial Commission now needs to move into the design phase. As design begins, the Commission's organization, specifically with regard to contracting and staffing, needs to be updated and revised to enable efficient management and responsible stewardship. This legislation provides for the necessary reorganization. The legislation enables the Commission to retain the services of full, part-time, and volunteer staff as government employees, without the restrictions of the competitive service requirements. It also provides the authority for the Commission's Executive Architect to manage technical and administrative aspects of design and construction. It provides for staff to be released on the completion of the memorial and enables the Commission to work in collaboration with federal agencies. In addition, the legislation will allow the Commission to receive direct appropriations, easing the burden on both the Commission and federal agencies that previously served as conduits for Commission funding. I have also enclosed a detailed justification of the proposed legislation for your review.

Very similar legislation, S. 890, has been introduced by Senator DANIEL INOUYE of Hawaii, who serves with me and Senator TED STEVENS on the Executive Committee of the Eisenhower Memorial Commission. I am joined today in introducing this measure by Representatives JERRY MORAN, THORNBERRY and BOSWELL, who serve as members of the Eisenhower Memorial Commission, and by our fellow Kansans serving in the U.S. House, Representatives TIAHRT and BOYDA.

A TRIBUTE TO TAIWANESE PRESIDENT CHEN SHUI-BIAN

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. TANCREDO. Madam Speaker, Taiwan President Chen Shui-Bian recently announced that his country plans to pursue full membership in the World Health Organization. I wish President Chen and the 23 million people of Taiwan the best of luck in this endeavor, and I hope that all Americans will support their effort.

Taiwan has a modern, world-class health care system and has lent its talents and resources in the field to people around the world. Taiwan's expertise and contributions to world health are particularly important at this time when people, products, and threats to health and safety can travel great distances in relatively short periods of time.

The WHO's mission is ". . . the attainment by all peoples of the highest possible level of health." Providing accurate information about the spread of health threats is a critical part of that mission.

Last year, however, the WHO disseminated an inaccurate map which classified Taiwan as an area affected with human cases of the bird flu—even though no cases had been documented on the island. Unfortunately, because the WHO—like many organizations pretends that Taiwan is a part of China, the WHO depicted Taiwan as an "infected area" because there had been an avian flu outbreak on the Chinese mainland. This is not only unfair, it is dangerous.

Madam Speaker, I am sure that the intent of the WHO is not to knowingly disseminate false information about such a dangerous health threat—yet because of Chinese pressure to exclude Taiwan from this body, that is exactly what happened. And unfortunately, unless the problem of Taiwan's exclusion from this body is remedied, this could easily happen again.

When China and the WHO play politics with people's health, it isn't just dangerous for Taiwan, it is "bad medicine" for the whole world. I hope that the Administration recognizes this fact, and I hope they will actively support Taiwan's bid for full membership in this world body.

IN RECOGNITION OF NICK NEMETH

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. TANCREDO. Madam Speaker, today I am honored to recognize Nick Nemeth of Chapparal High School in Parker, Colorado. As a sophomore, Mr. Nemeth received an invitation to attend a 10-day National Young Leaders Conference this summer in Washington, DC.

Mr. Nemeth has demonstrated outstanding academic and leadership qualities as a young man, and is an archetype of his school and community. Completing the academic school year first in his class, he was chosen as a National Scholar, an honor presented to less than one percent of all qualified high-school students.

Students chosen to attend the National Young Leaders Conference are hand selected based on both their academic achievement and recommendations by educators, mentors, and community leaders.

The National Young Leaders Conference is a forum for promising youth designed to inspire and foster their full leadership potential. Supported by over 400 members from the U.S. Congress, this program provides young men and women a rare opportunity to gain an insider's perspective into the legislative and political process of Washington D.C. This unique interaction and exposure enables them to formulate valuable perspectives which will help them guide their communities into the future.

Madam Speaker, it is my distinct pleasure to acknowledge one of Colorado's own as one of America's young leaders. Please join me in congratulating Mr. Nemeth and wishing him well in his future endeavors.

RECOGNIZING MRS. VAUGHAN INGE MORRISSETTE FOR HER SIGNIFICANT PHILANTHROPIC CONTRIBUTIONS TO THE CITY OF MOBILE AND THE STATE OF ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BONNER. Madam Speaker, in life, there are givers and there are takers, and it is with personal pride and pleasure that I recognize someone who is always giving and always doing for others, Mobile's own, Vaughan Inge Morrissette. In this vein, I rise today to salute Vaughan and offer her our heartfelt thanks on behalf of the people of south Alabama for a lifetime of exemplary philanthropic service to both the city of Mobile and the state of Alabama.

For some 40 years, Vaughan has dedicated a considerable amount of her time toward the advancement of education, the arts, and history by serving as trustee, board member, and even as chairman of numerous organizations in the state and throughout the nation.

Shortly after graduating from Sweet Briar College in Virginia in 1954, Vaughan began to make a name for herself in the all-important area of volunteerism. Ironically, it was some forty years later than Vaughan would be named to the board of directors of her alma mater. She served Sweet Briar in this capacity from 1996–2002.

In 1973, Vaughan became a member of the Colonial Dames, serving on the Conde Charlotte Museum House Committee, trustee for the friends of Sulgrave Manor, center head, state president, and national board member. She currently serves on the Dumbarton House Fund for the Future and is actively involved in the Colonial Dames' Vision Committee, a national committee designed to help state societies emulate the success of Alabama's. From 1987 until 1996, she served as trustee for Washington and Lee University in Virginia, and has also served on the board of directors for Spring Hill College in Mobile.

With an obvious desire to help others, Vaughan has served in similar capacities as chairman of Mobile Infirmary Medical Center, president of the Junior League of Mobile, and as a vestry member of St. Paul's Episcopal Church.

While her family obviously comes first, Vaughan has a genuine love for Mobile where she currently serves as board chairman of both the Mobile Museum of Art and the Alabama School of Math and Science Foundation. She also serves on the board of directors for the Alabama Archives and History Foundation, American Village and Citizenship Trust, Alabama Department of Archives and History, and as trustee of the Carnival Museum in Mobile. She is also trustee for the Alabama Institute of the Deaf and Blind Foundation and director of the Alabama Arts Council.

Madam Speaker, as I mentioned earlier, Vaughan's involvement is not just at the local and state level, but at the national level as well.

For years she has represented the state of Alabama on the Mount Vernon Ladies Association of the Union, a prestigious group which bears the responsibility for maintaining and preserving President George Washington's home at Mount Vernon. Through their network of contacts throughout the country, as well as their considerable efforts, funds are raised privately so that Mount Vernon continues to be completely maintained without the help of taxpayer dollars. Vaughan served as regent of the Mount Vernon Ladies Association of the Union from 1994–1997.

She has also included a stint on the board of directors for AmSouth Bank.

Madam Speaker, Vaughan Morrissette has dedicated practically her entire life to the service of others in south Alabama, all-the-while being a devoted wife, mother to four children, and grandmother to 11 wonderful grandchildren.

When her husband, the late H. Taylor Morrissette, passed away in 1990, Vaughan picked up the mantle and has, more times than one can count, made her beautiful home available to entertain visiting dignitaries and others who were looking to make Mobile and south Alabama home. In many ways, she has been a one-person chamber of commerce, always promoting Mobile, always speaking positively about where our community is going. It is very safe to say that Vaughan is always looking forward with confidence that Mobile's best days are ahead.

Madam Speaker, as I said at the beginning of this tribute, some people in life are givers; others are takers. Make no mistake, Vaughan Inge Morrissette has spent practically her entire life giving, and I ask my colleagues to join with me in thanking Vaughan for her commitment to so many wonderful philanthropic missions.

I know her family and her many friends join with me in praising her many accomplishments. On behalf of all who have benefited from her good heart and generous spirit, permit me to extend thanks for her many efforts over the past four decades in making Mobile and south Alabama a better place to live and work.

HONORING CHERYL A. WUENSCH

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Cheryl A. Wuensch, in celebration of her ordination as a Methodist Minister in the Baltimore Washington Conference of the United Methodist Church on May 26, 2007.

Nearly 20 years ago, she wrote on a scholarship application: "the first time my heart heard the Gospel was in her classroom." To some degree, that statement was true. While she was very active in high school youth group, she did not begin the process of owning a mature faith in Christ until she attended an undergraduate university. Cheryl double majored in political science and religion, with a vague interest in attending law school and a burning desire to immerse herself in the life, teachings, and world of Jesus. Ultimately, she felt the Spirit's call to pursue a vocation of teaching, seeking advanced degrees in the New Testament at Yale and Princeton. Cheryl taught various courses in the New Testament and related areas at Princeton Theological Seminary and at Lancaster Theological Seminary for several years.

Cheryl has spent the past 9 years at Timonium United Methodist Church, 2 years as program director and 7 years as Associate Pastor. Her primary areas of spiritual giftedness are in teaching and preaching, leading worship, shepherding, and outreach/evangelism. One of her fundamental philosophies is to equip others for ministry based upon their own giftedness.

Cheryl fervently believes that the Gospel can be embodied in new and lifechanging ways through outreach oriented mission activities. She led several trips to Appalachia with approximately 40 youth and adult volunteers. She participated in a trip to Costa Rica with a group from the Baltimore North District. Timonium United Methodist Church continues to be active in two soup kitchens in Baltimore City and sponsored a Habitat House for 11 consecutive years. Over the years, Cheryl focused a great deal on pastoral care and visitation, including ministering to the sick and dying, working with young couples, performing many weddings and baptisms. She has the ability to adapt to a variety of worship settings, enjoying both a traditional liturgy as well as preaching and leading worship in a contemporary setting.

Madam Speaker, I ask that you join with me today to honor Ms. Cheryl A. Weunsch. She is an outstanding and dedicated member of the Baltimore Washington Conference of the United Methodist Church. Through her tireless efforts in over 9 years of service to the community of the Timonium Methodist Church, she has shown a unique and committed work ethic that few can emulate. It is with great pride that I congratulate her on her ordination as a Minister in the Methodist Church.

. . . AND HOW ARE THE CHILDREN?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the record an article titled ". . . And How Are The Children?" published in Witness for Justice on April 9, 2007.

The article highlights a monumental gathering of over 50 organizations that came together to sponsor the annual Ecumenical Advocacy Days Conference in Washington, DC. The theme of the conference was ". . . And How Are The Children?" The answer, offered by executive minister M. Linda Jaramillo is "the children are not doing so well."

Included in the article are abominable facts that speak to the crisis facing our nation's children. For example, 9 million children are without health care. That is more than the total population of large states like Georgia, Minnesota, and Virginia. Almost 90 percent of these children live in working households, most in two-parent families; a fact which destroys the myth that only those from broken homes are without access to essential resources like health care.

We owe it to our children, to ourselves, and to our country to stop the senseless neglect experienced by far too many of our most precious resource—the future of our nation. The article endorses the call to conscience and action sponsored by the children's defense fund. I too am in support of their efforts and will do all I can to advance this critical issue.

[From Witness for Justice #315, Apr. 9, 2007]

". . . AND HOW ARE THE CHILREN?"

(By M. Linda Jaramillo)

How are the children? This is an African proverb, but it is not an uncommon question for us in our culture. We often greet one another with hello, followed by asking the question, "How are you and how are the kids?" This question can be directed to a parent, a teacher, a grandparent, an aunt, an uncle, or anyone who spends time around children. It doesn't matter if we are actual birth parents because "the children" are really part of all our lives, so it seems that we should be asking that question to everyone we greet. However, I wonder if we listen long enough to find out how the children really are?

A few weeks ago, over 50 organizations jointly sponsored the annual Ecumenical Advocacy Days Conference in Washington, DC. This year's theme was ". . . And How Are the Children?" Over 800 persons attended, sharing information and stories about critical justice issues that have serious impact on children all around the world. As I went through the days of workshops and discussions asking the question, I have to answer that " . . . the children are not doing so well."

Distinguished theologian, Dietrich Bonheoffer said it best when he wrote, "the test of the morality of a society is how it treats its children." I would have to confess that our nation, the richest nation in the world, has failed this moral test. We have failed by directing billions of dollars to engage in war rather than investing in the future of all children. We can make excuse after excuse about how we spend our public dollars, but we cannot excuse our disregard for children. We cannot respond and say that the children are doing fine.

For example, there is no excuse for 9 million children to be without health insurance in this country. Almost 90 percent of these children live in working households, most in two parent-families. Parents are working hard, sometimes taking on two jobs to provide shelter and food for their children. These parents often have to make the choice between feeding their families and taking them to the doctor or to the dentist. These 9 million children belongto all of us. How they are is everyone's responsibility.

Nine million children. That is more than the entire population of states like Georgia, Virginia, Indiana, Arizona, Minnesota, or New Jersey. That is more than the total population of almost any single city in this nation. These 9 million children come from rural, urban, and suburban communities. These 9 million children represent all races and are of every age under 18.

". . . And How are the Children?" We can do something to help make them better by joining the Healthy Child Campaign to cover all children with health insurance this year. Get involved.

Sign the Call to Conscience and Action at http://www.childrensdefense.org.

HONORING GIL COLYER

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to Gil Colyer, a resident of my district, who is retiring from the Hardin County Sheriffs Office this month after a remarkable 52-year career.

Gil Colyer first joined law enforcement in 1953, serving as a military policeman during his service in the Army. In 1955, he was assigned to the Louisville Police Department, where he would spend the next 21 years. Upon retirement from the Louisville PD in 1976, Gil moved back to Elizabethtown, his home town, and took a job as an officer in the Elizabethtown Police Department, where he remained for an additional 20 years before taking his current position as bailiff for the Hardin County Sheriff's Department.

Gil's dedication to the Hardin County community over the years has been a true inspiration to all who know him. Attorneys, police, and even prisoners maintain an abiding respect for Mr. Colyer. His vast knowledge, work ethic, and attention to detail exemplify true professionalism, a standard appreciated by his fellow officers and members of the public.

I would also like to congratulate Gil and his wife, Alma, as they are celebrating their 50th wedding anniversary next week. I join countless other neighbors in Hardin County in wishing them a very happy and healthy retirement.

It is my great privilege to recognize Gil Colyer today, before the entire House of Representatives, for his lifetime of service to Hardin County. He is an outstanding American worthy of our collective honor and appreciation.

APPRECIATION OF FAIR HOUSING/ FINANCIAL LITERACY MONTH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RUSH. Madam Speaker, April is both National Fair Housing Month and National Financial Literacy Month, and I rise today to acknowledge both of these important goals and to highlight a serious issue that both of the these areas address—home foreclosure

Many of us have seen the recent reports of a skyrocketing increase in the number of foreclosures and of people losing their homes. Across the country thousands of families have had the American dream of homeownership snatched away.

In the 1st Congressional District of Illinois, which I am privileged to represent, many of my constituents have fallen victim to increases in adjustable rate mortgages, high-cost home equity lines of credit, and predatory loans which have made their dreams of home ownership turn into nightmares.

Homes in Chicago have entered into foreclosure at an alarming rate: currently, Chicago homeowners are in foreclosure at more than twice the national average. One in every 471 homeowners is in foreclosure: that compares with 1 in 1,030 for the Nation.

In 2006, Cook County, Illinois had 19,522 foreclosures, up 35 percent from 14,506 in 2005 and above its peak of 18,612 in 2002.

These are staggering statistics and they have a devastating effect on our neighborhoods. As foreclosures rise our communities diminish, local property values drop, people move out and vacant homes become magnets for crime.

Madam Speaker, we must find solutions to the problem of home foreclosures that are in the best interests of lenders and financial institutions, local and state governments, and most critically, our families and communities.

Homeownership is one of the principal tools by which families build generational wealth. If done wisely, a person may use their home to leverage financial dreams of entrepreneurship, property acquisition, and paying for higher education. But, in order to achieve these goals, consumers must have the tools of financial literacy.

In conclusion Madam Speaker, Congress must put the tools of financial literacy into the hands of all people and create fair housing policies, that protect consumers from the pitfalls of financial ruin and foreclosure.

I encourage my colleagues to use Financial Literacy and Fair Housing Month as a catalyst for immediate passage of federal predatory lending measures that put people before profit.

A TRIBUTE TO MS. PATSY SPIER

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to one of my constituents, Ms. Patsy Spier of Centennial, Colorado. Ms. Spier, a former Peace Corps volunteer, was recognized by both the Federal Bureau of Investigation's Office for Victim Assistance with the "Strength of the Human Spirit Award," as well as by the U.S. Department of Justice with the "Special Courage Award."

Ms. Spier was among a group of schoolteachers who were attacked while based in Indonesia in 2002. Patsy and several others were severely wounded in the attack, while three were killed, including her husband Rick. When investigators concluded that there was a strong possibility that the Indonesian military had been involved, Ms. Spier began to lobby Members of Congress and the Departments of State and Defense to gain attention to her fight for justice. Working with several legislators, including myself, she was twice able to successfully block U.S. funding toward a military training program for the Indonesian military. Having gained the support of the Indonesian president, she was also successful in her pursuit of a life sentence for the leader of the attack.

Patsy should be commended for her bravery, determination and commitment to justice. I wish her all the best in her future endeavors.

CONGRATULATIONS TO GRACE AND NICK VITORI

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BOEHNER. Madam Speaker, I rise today to congratulate, thank, and recognize my constituents Grace and Nick Vitori. Nick and Grace are a testament to the innate goodness of human nature, the overwhelming positive effect individuals may have on the community and the can-do spirit of America.

For sixty-one years Nick and Grace have been the owners of Vitori's Marketplace in Middletown, Ohio and in less than a month, after some seventy-eight years in business, this landmark grocery, this priceless slice of Americana will close its doors. Nick and Grace are as much a Middletown landmark as the grocery they own. After serving in World War II Nick left college to take over Vitori's from his ailing father, Pasquale, also known as Patsy, who opened Vitori's in 1929. Nick and Grace have been watching over Vitori's ever since. Undoubtedly Middletonians will miss Nick's famous ham salad, Grace's smiling and kind face behind the cash register, and their trademark red jackets.

Through good and bad, Nick and Grace and Vitori's Marketplace has loyally, thoughtfully and generously served their neighbors. Few in Middletown can say their lives haven't been touched by Nick and Grace, and their retirement is certainly well earned.

Grace and Nick Vitori are a testament to the American ethos, to the spirit of community and a devotion to others. I consider it an honor to represent Grace and Nick in Congress, and I wish them a long, happy and healthy retirement.

HONORING ADRIENNE HALL

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mrs. CAPPS. Madam Speaker, today I rise with my fellow Co-Chair of the Women's Caucus, Congresswoman CATHY MCMORRIS RODGERS, to join with the members of the Kennedy School Women's Leadership Board in their salute to our friend, Adrienne Hall As we applaud the heights to which women have ascended, whether that is Speaker of the House or President of Harvard, we would like to highlight the many advocates who labored for our benefit. As our generation tallies its contribution to the advancement of women and girls in America and around the world, we proudly recognize the role played by Adrienne Hall. Adrienne has been tireless in her devotion to advancing the status of women.

Adrienne is also a trailblazer of entrepreneurship. Not only in her professional career, but also in her service to the community has she been a fountain of creativity. She currently chairs the board of the Women Presidents' Organization, but her fingerprints are found on many of the most respected and effective women's organizations in the world, including the role she played as a founding member of the Committee of 200 and her involvement and leadership in the International Women's Forum and the Leading Women Entrepreneurs of the World.

Adrienne has also been a seminal part of the Women's Leadership Board at Harvard University's Kennedy School of Government. This organization supports Harvard's efforts to attract, train and nurture women to become effective leaders around the world. It is fitting that Harvard has established the Adrienne Hall Women's Mentorship Fund to honor Adrienne in perpetuity and to continue the mentorship and leadership she has embodied. The Mentorship Fund will ensure that her tenacity in pursuit of equal opportunity and justice continues for women in generations to come.

TRIBUTE TO THE LAW ENFORCEMENT COMMUNITY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great respect and heartfelt gratitude that I take this time to honor the brave men and women of our law enforcement services. It is with the deepest admiration that I pay tribute to the men and women throughout Northwest Indiana and the entire country who have made the ultimate sacrifice in the line of duty. Each year, the Highland, Indiana Fraternal Order of Police, Donald R. Sheppard Lodge Number 122, and the Highland Police Department honor these individuals for their courage and their commitment to protecting their communities at all costs. Annually, two fallen officers of the Highland Police Department, Officer Donald R. Sheppard, killed in the line of duty in November 1971, and Officer Robert J. Markley, killed in the line of duty in March 1978, are remembered for their service to the Highland community and for their sacrifice.

This year, the Highland Fraternal Order of Police and the Highland Police Department will recognize these fallen heroes, as well as all of the law enforcement officers across the United States, who have given their lives for the protection of our great country. These fine men and women will be honored at a memorial service during Law Enforcement Memorial Week, on Saturday, May 12, 2007, at the Highland Town Hall/Police Department.

As a nation, we owe an enormous debt of gratitude to the men and women of the law enforcement community. Currently, there are over 870,000 law enforcement officers in the United States. Each day, these selfless individuals start their shifts with one goal in mind: to serve and to protect the citizens of their communities. The one constant they face is the uncertainty of what each day will bring, knowing all too well that in any situation, there is the potential for danger. Still, these everyday heroes honor the commitment they have made to the people they serve.

Law enforcement officers throughout the nation have always exemplified dedication and loyalty, not only to those they serve, but to each other as well. Throughout the United States, many law enforcement organizations will hold memorials to honor their fallen brothers and sisters. In Indiana alone, more than 345 officers have been killed in the line of duty, while the total number of fallen officers in the United States is over 17,900.

These real life heroes are remembered for their courage and bravery as they gave their lives to protect their communities and our way of life. These men and women exemplify the valor and strength of our country and its citizens.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending and acknowledging the men and women of the law enforcement community, both in Northwest Indiana and throughout the United States. I also ask that you join me in honoring the memory of all fallen law enforcement officers throughout the United States, especially Officer Donald R. Sheppard and Officer Robert J. Markley, for making the ultimate sacrifice for their communities. These selfless individuals are worthy of the highest honor and respect.

TRIBUTE TO DR. LEE ROBERSON

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. WAMP. Madam Speaker, today I rise in tribute to a special life that ended this week after 97 years of service to the Lord Jesus Christ. Dr. Lee Roberson, longtime pastor of the Highland Park Baptist Church and founder and Chancellor Emeritus of Tennessee Temple University in Chattanooga, Tennessee, persevered in faith for years to reach the world, teach and preach the Gospel and inspire generations to be bold in their work for the Lord here on earth. Dr. Roberson made significant contributions to all aspects of our society and leaves a great legacy of service to others for all in our nation to follow.

In his presence, you felt as though you were with Moses himself. Steadfast and deliberate, Dr. Lee Roberson made a mark on this world and lifted up the Kingdom of God. Rarely will you meet a man who made a greater impact on the world around him than Dr. Roberson. We stand on his shoulders at the foot of his Savior's cross thanking God for his life and knowing that heaven will be even more glorious when we meet him there. We celebrate his 97 years of life.

JOINING THE CONGRESSIONAL CAUCUS ON INDIA AND INDIAN AFFAIRS

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. ELLISON. Madam Speaker, Indian Americans have contributed greatly to the vibrancy, creative thought, and diversity of our Nation. The large and growing population of Indian Americans in Minnesota has enriched our neighborhoods and communities and continues to play an important role in improving the lives of all Americans. It is with these advances in mind that we celebrate the growth of relations between the United States and India and look forward to promoting a closer friendship amongst our two countries.

I'm proud to join the Congressional Caucus on India and Indian Affairs and look forward to working with my fellow Members of Congress through the promotion of our shared values and concerns. I stand with India and Indian Americans in promoting peace, prosperity, and happiness for all the world's people.

IN REMEMBRANCE OF LANCE CORPORAL DANIEL R. SCHERRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. KUCINICH. Madam Speaker, I rise today in memory and honor of Lance Corporal Daniel R. Scherry. He served our country courageously until his death on April 16, 2007. His brief but passionate career is an inspiration to the community and the brave Marines who continue to fight.

Daniel, born in Cleveland, was a graduate of Rocky River High School. He was an invaluable member of the varsity football team, where his determination and leadership helped the Pirates transform into a dominant football team. Daniel's presence extended off the playing field as he continued to mentor the students of his alma mater before he was deployed to Iraq.

After his graduation in 2005, Daniel continued to be an active member of the community and enrolled himself as a student at the Tri-C Fire Academy. He received hands-on training and underwent intensive classes that fueled his desire to serve our country. In April 2006, Daniel fulfilled his dream and enlisted in the Marine Corps.

In September, Daniel was assigned to the 1st Battalion, 2nd Marine Regiment, Regimental Combat Team 2 of the 2nd Marine Division, II Marine Expeditionary Force in Camp Lejeune, NC. Daniel served as an infantry mortar man and his diligence and hard work did not go unnoticed. Within his first year of duty, Daniel was quickly promoted twice to the level of Lance Corporal.

Lance Corporal Daniel Scherry is survived, but greatly missed by his parents, siblings, and extended family.

Madam Speaker and colleagues, please join me in honoring serviceman Lance Corporal Daniel Scherry. He is an American hero and his sacrifice will always be remembered by the lives he touched.

RECOGNIZING APRIL 25, 2007, AS DENIM DAY IN LOS ANGELES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Ms. SOLIS. Madam Speaker, I rise today to join with Peace Over Violence, the Sexual Assault Awareness Campaign in Los Angeles, and the Los Angeles City Council in recognizing April 25, 2007, as Denim Day in Los Angeles.

Denim Day was established to show solidarity with rape victims everywhere. In an outrageous court decision in 1997, an Italian judge argued that because a woman was wearing tight jeans that her attacker forced her to remove herself, then the crime was not rape. Appalled by the verdict women in the Italian Parliament protested, by wearing denim to work. Their willingness to stand up for the rights of victims of sexual assault and rape empowered communities around the world to do the same.

For 9 consecutive years, sexual assault awareness advocates throughout Los Angeles have come together through Denim Day activities to call attention to the terrible crimes of rape and other sexual assaults and to say to the world that there is never an excuse. Domestic violence, rape, and sexual assault affect women, children, and men of all racial, cultural, and economic backgrounds. While one person, organization, agency or community cannot eliminate sexual assault alone, together we can educate our communities to prevent these attacks.

I will continue to fight for the rights of victims of sexual assault and domestic violence, and express my strong support for all programs aimed at the elimination of all violence against women. I am honored to recognize April 25, 2007, as Denim Day in Los Angeles and encourage everyone to wear jeans in support of the victims and the fight against domestic violence and sexual assault.

INTRODUCTION OF THE FARM RESERVOIR ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. EVERETT. Madam Speaker, I am introducing legislation today, along with my colleagues Representatives ROBERT ADERHOLT, JO BONNER, MIKE ROGERS, and JIM MARSHALL, to assist American farmers in dealing with drought conditions and enable them to increase their farm productivity. The need for on-the-farm drought management has become increasingly evident as farmers and the government struggle to keep ahead of the effects of Mother Nature. The drought conditions for the 2005 and 2006 crop years underscored the devastating toll natural disasters have on our Nation's farmers and ranchers. The current approach of providing ad hoc disaster assistance is inadequate and does not give farmers the certainty they need. The Farm Reservoir Act would provide cost-share assistance to agricultural producers for the construction of small reservoirs on their farms.

By combining sound planning with the right resources, agricultural producers can reduce the impact droughts have on their operations. Small on-farm storage reservoirs are an economical way to save water for summer use. The collection and storage of surface water during the off-season, when rainfall and stream levels are typically high, can make irrigation possible in areas where direct pumping from streams, lakes, or wells during the growing season is not feasible. Because these reservoirs are small, the engineering and construction cost per acre-foot are less than big on-stream reservoirs. Additionally, they are more acceptable from an environmental perspective, because they are off-stream and do not block streams or disturb riverine habitats.

In addition to protecting our Nation's farmers from the costly effects of drought, enhancing their irrigation capacity will allow our farmers to expand production to more acres and increase the productivity of existing acres. Cost-share assistance to construct small, environmentally-friendly, reservoirs located on the farm will provide us with the tools necessary to grow additional bio-fuel crops; which will allow us to wean ourselves from foreign oil. This will reduce harmful greenhouse gas emissions by increasing the availability of the cleaner burning fuels these crops produce.

SPOKANE NAMED 2006 ABILENE TROPHY WINNER

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to commend the Spokane community for their work in supporting Fairchild Air Force Base in Washington State. On April 12, 2007, Spokane was selected as the 2006 Abilene Trophy winner during the Phoenix Rally at MacDill Air Force Base, Florida.

The Abilene Trophy, sponsored by the Abilene, Texas, Chamber of Commerce, recognizes the community that provides the most outstanding support to an Air Mobility Command unit. The 92nd Air Refueling Wing at Fairchild is one of 11 Air Mobility Command bases eligible to compete for the Abilene Trophy in the United States.

The Abilene Chamber of Commerce noted Spokane's standout support for our troops at Fairchild, particularly through programs such as Operation Spokane Heroes and the Honorary Commanders program.

As a member of the House Armed Services Committee, I am committed to keeping our Nation and communities safe by ensuring we have a trained and equipped military. Since taking office, one of my top priorities has been to protect and expand the mission of Fairchild Air Force Base. The people of Spokane share that priority and recognize the importance of supporting our men and women in uniform and their families.

Madam Speaker, I rise today to recognize Spokane and the members of this community for their outstanding support of Fairchild Air Force Base. I invite my colleagues to join me in congratulating the Spokane community on this great achievement.

ACCEPT TAIWAN INTO THE WHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SIMPSON. Madam Speaker, I rise today to express my support for Taiwan's efforts to participate in the World Health Organization. Taiwan's participation in the WHO is a health issue rather than a political issue. Taiwan has been directly impacted by many of the new, global health threats that have swept Asia since 2002. During the outbreak of Severe Acute Respiratory Syndrome, or SARS, Taiwan saw one of the highest incident rates of infection. More recently, Taiwan has reported incidences of avian flu outbreak, a disease which presents a global threat.

For many years, in my district, Idaho State University hosted a unique program providing a language and cultural education program for junior diplomatic officers in the Ministry of Foreign Affairs. I spent time discussing the American political system and current events in Taiwan with the junior diplomats, and they taught me a great deal about Taiwan's political system and the challenges it faces. As Taiwan deals with new arising health threats, the lessons that I learned from the young diplomats reminded me of the importance of ensuring that all people throughout the world can access resources to fight potential pandemics.

Madam Speaker, global health pandemics recognize no borders. Taiwan has been seeking observer status at the WHO since 1997. Other non-sovereign entities, such as the Holy See, maintain observer status. Protecting people's health is not a political issue, and gaining access to global health organizations should not be a political issue either. Safeguarding world health requires the participation of everyone in the international community. Madam Speaker, I urge the international community to accept Taiwan into the WHO community this year.

HONORING MICHAEL D. THOMAS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to honor Michael D. Thomas, who was killed on April 27, 2007 in Hirat Province, Afghanistan, in support of Operation Enduring Freedom. Michael was a sniper, a weapons sergeant and a combat medic assigned to the 1st Battalion, 7th Special Forces Group, Fort Bragg, North Carolina, and was killed when his unit came under rocket-propelled grenades and small-arms fire.

I did not have the privilege of knowing Staff Sergeant Thomas personally but by all accounts he was a dedicated family man who was devoted to serving his country. He grew up in Seffner, Florida and joined the military police in 1991, serving in Somalia and in Korea. After already having served in the military police for 13 years and with only 3½ years until he could retire, he volunteered to be a Green Beret. At 34, Michael was one of the oldest in his unit which earned him the nickname "Gramps."

Michael was a highly decorated soldier. His awards and commendations include the Army Commendation Medal, the Army Achievement Medal, the Good Conduct Medal, the National Defense Service Medal, the Korean Defense Medal, the Parachutist Badge and the Special Forces Tab.

Michael was an avid Tampa Bay Buccaneer fan who visited the team's training camp whenever he could. I've been told that he decorated his Fort Bragg room with Buccaneer memorabilia, including signed footballs and helmets. He was also an accomplished guitarist who liked watching movies and going for long walks with his wife, Teresa.

Madam Speaker, my heart aches for Michael's family. He leaves behind his wife, Teresa, his children, Diana and Craig; his sisters, Krista and Cassie, and his parents, Debbie and Robert Kirpatrick. May God bless the Thomas family and continue to watch over the country that Staff Sgt. Thomas so loved. We shall never forget him.

TRIBUTE TO MS. PAIGE E. McMANUS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to Ms. Paige E. McManus, former staff director for the Subcommittee on Disability Assistance and Memorial Affairs of the Veterans' Affairs Committee, who recently concluded 13 years of honorable service in this body.

During my tenure as chairman of the Veterans Affairs Subcommittee on Benefits in the 107th Congress, my colleagues and I were direct beneficiaries of Ms. McManus's counsel on legislative, policy, budgetary, and oversight matters.

Ms. McManus's considerable expertise served the subcommittee in many thematic areas. She oversaw the $24 billion per year Department of Veterans Affairs disability compensation and pension entitlement program, including herbicide-related disabilities, cold weather-related disabilities, Persian Gulf undiagnosed illnesses, disabilities common to ex-POWs, adapted housing and automobile benefits for seriously disabled veterans, Medal of Honor special pension benefits, and Merchant Mariner benefits; the surviving spouse programs, including dependency and indemnity compensation, Survivor Benefit Plan, and CHAMPVA; burial benefits and services under VA's National Cemetery Administration and the State Cemetery Grants Program, as well as policy matters associated with Arlington National Cemetery and the American Battle Monuments Commission; and national insurance programs, such as Veterans' Group life Insurance and Servicemembers' Group life Insurance.

Ms. McManus's longstanding work at the direction of Veterans' Affairs Committee leadership on the creation of the World War II Memorial and VA's National Shrines initiative, enactment of special combat pay, or concurrent receipt, and dependency and indemnity compensation for remarried spouses proved especially meritorious. The legislative road traveled by each of these measures was long and exceptionally arduous. Ms. McManus's advice and perseverance added great value. The depth and breadth of her policy expertise and advice indeed proved hard to match.

Madam Speaker, Paige McManus has exemplified the highest ideals of public service serving the Committee with honor, integrity, and energy. Thank you, Paige, for your many years of dedicated service to the United States Congress and to our Nation.

A HUMANITARIAN CRISIS IN BURMA

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. TANCREDO. Madam Speaker, a humanitarian crisis is occurring in Burma where political dissidents and ethnic groups are being suppressed. The existence of over 1,000 political prisoners, the practice of land confiscation and forced migration, demonstrates the totalitarianism with which this military government rules over its people. Citizens are being imprisoned for peaceful opposition while state members continue to violate fundamental rights to property and security. The house arrest of non-violent, prodemocracy activist Aung Sang Suu Kyi demonstrates this oppressive state of affairs.

Practices like forced evictions and internal displacement cements military control, especially in ethnic areas, at the expense of basic freedoms. I am here today to ask the government of Burma to address these numerous concerns. The government must draft a constitution with the input of all political actors, including members of the National League for Democracy. Land use, property rights, and political rights are issues that must be addressed. Human rights abusers must be punished and civilians brought to justice under a government that defends their freedoms.

HONORING ARMY STAFF SERGEANT ROBERT SPEED, SR. OF MOBILE, ALABAMA, A WWII HERO RECENTLY AWARDED THE DISTINGUISHED FLYING CROSS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BONNER. Madam Speaker, I rise today to pay tribute to Army Staff Sgt. Robert Speed, Sr., who was recently honored with the Distinguished Flying Cross for his service and sacrifice in defense of our great country during World War II.

Sgt. Speed and the entire B–24 crew: 1st Lt. James E. Jatho, 1st Lt. Edward L. McNally, 2nd Lt. George N. Croft, 2nd Lt. Theodore D. Bell, Technical Sgt. Jay T. Fish, Technical Sgt. William A. Magill, Staff Sgt. Frank G. Celuck, Staff Sgt. William F. Maxson, Jr., and Staff Sgt. Daniel P. Toomey distinguished themselves by extraordinary achievement while participating in aerial combat on July 15, 1944. The B–24 crew in the 779th Bomb Squadron, 464th Bomber Group, 15th Air Force took off from Pantanella, Italy, to take part in what was to become the heaviest day of bombing the oil refineries near Ploesti, Romania.

The crew encountered heavy anti-aircraft fire—severely damaging the plane—and causing the loss of one engine. Sgt. Speed, a gunner on the B–24 Liberator, courageously manned his gun position and remained at his station throughout the remainder of the flight, which went deep into enemy territory. The mission was successful—the Uniera Sperantza oil refinery and enemy refining capacity were heavily damaged.

The day following this mission, the crew continued to demonstrate courage and devotion to duty when it took part in a raid on Weiner Neusdorf, Austria. During this mission, their plane was shot down, and Sgt. Magill was killed in action. The surviving crew members were captured and taken as prisoners of war and held for the remainder of the war.

Almost 63 years later, the nine surviving members of the crew were awarded the Distinguished Flying Cross.

Madam Speaker, the life and actions of Sgt. Speed personify the very best America has to offer. I feel certain his many friends and family, as well as his comrades in the United States Army, are taking this opportunity to remember his many accomplishments. I urge my colleagues to take a moment and pay tribute to Sgt. Robert Speed and his selfless devotion to our country and the freedom we enjoy.

Make no mistake; Robert Speed is a true American hero.

HONORING JESSICA LONG

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Jessica Long, in celebration other selection as 2006 U.S. Paralympian of the Year by the United States Olympic Committee.

Jessica Long was born in Siberia and was adopted from a Russian orphanage at the age of 13 months along with her brother Joshua by Steven and Beth Long of Middle River, Maryland. Because of lower leg anomalies, her legs were amputated when she was 18 months old. She learned to walk with prostheses and has been unstoppable ever since. Long has been involved in many sports including gymnastics, cheerleading, ice skating, biking, trampoline, and, of course, she loves to swim. She began swimming in her grandparent's pool before joining her first competitive team in 2002. The next year, Jessica was selected as Maryland Swimming's 2003 Female Swimmer with a Disability of the Year. Jessica made the international swimming world take notice at the 2004 Paralympic Games, winning three gold medals. Only 12 years old at the time, Jessica was the youngest athlete on the U.S. Paralympic Team.

Jessica had a phenomenal year in 2006 with a long list of impressive accomplishments. She set five world records and earned nine gold medals at the 2006 International Paralympic Committee Swimming World Championships in Durban, South Africa in December. Her gold medal performances were in free style relay (world record), 100-meter backstroke, 100-meter freestyle (world record), 100-meter fly (world record), IM relay, 100-meter breast stroke, 200-meter IM (world record), 400-meter freestyle (world record), and 50-meter freestyle. She also set three world records at the 2006 U.S. Paralympic National championships in August; two world records at the GTAC Open in Ypsilanti, Michigan, in May; two world records at the Belgian Open in Antwerp, Belgium in May; and four world records at the Spring Can-Am in London, Ontario, in April. She currently holds world records in 12 events, one as part of a relay. She is Swimming World's 2006 Disabled Swimmer of the Year and was named a finalist for the Women's Sports Foundation's Sportswoman of the Year.

Madam Speaker, I ask that you join with me today to honor Ms. Jessica Long. She is an outstanding and dedicated member of the United States Paralympic Team. In spite of her disability, she has shown a unique and committed work ethic in sports training and competition. Jessica has shown the world that no limitation can prevent an individual from achieving great success. It is with great pride that I congratulate her on her selection as the 2006 United States Paralympian of the Year.

TRIBUTE TO JACK VALENTI

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Ms. MATSUI. Madam Speaker, the loss of Jack Valenti is a blow not only to his family and friends; it is also a tragedy for the motion picture industry and for the entire country. Jack embodied the American values we hold most dear: he was thoughtful, he was loyal, he was forthright, and he was exceptionally committed to his family.

Jack was also a brave and decorated soldier, and his service during the Second World War instilled in him an unshakeable devotion to our country and to the principles for which it stands. Returning from the European theater, he continued to defend and promote these values as a public servant, and helped to guide our Nation through one of its darkest hours. While serving as a special assistant to President Lyndon Johnson directly after the assassination of John F. Kennedy, Jack's steadying influence played a central role in helping the country grieve, understand, and heal.

However, perhaps his greatest contributions came later in life, once he became the motion picture industry's consummate Washington, DC representative. Jack's name will forever be associated with the movies, not only because his personality reflected the way that films can inspire and cheer us, but because so much of what we enjoy in today's movie theaters we can attribute to his years of tireless and effective advocacy.

As a Californian, I am particularly aware of the debt of gratitude that we owe to Jack. The enduring importance of Hollywood in our culture, the rating system which protects our children from inappropriate content, the very majesty of film itself, all of these are parts of Jack's legacy. His life is a prime example of the good that can come from combining the idealism and fantasy of film with the determination and focus of the American work ethic.

I extend my deepest condolences to Mary Margaret and to the rest of the Valenti family. Though there is little solace that can be offered during a time of mourning such as this, I hope it comforts them to know that Jack's contributions will forever be a part of the fabric of American culture. While his presence will be sorely missed, Jack's legacy will always be relevant and vibrant so long as movies continue to entertain, motivate, and inspire.

HONORING THE CANYON HIGH SCHOOL COWBOY FOOTBALL TEAM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. McKEON. Madam Speaker, before the school term ends this year in the Santa Clarita Valley, I wish to recognize the coaches and athletes of Canyon High School's football program for their outstanding performance during the 2006 high school football season. Canyon High School's varsity football team completed their season by defeating the De la Salle Spartans of Concord, the No. 1-ranked high school team in the Nation, with a score of 27–13 to clinch the first California State Division I championship in 79 years.

MaxPreps, a California-based national high school sports information web site, lauded Canyon High School's football program and ranked Canyon High School's football program as the 10th best in the Nation. This ranking was achieved amongst a field of over 15,000 schools nation-wide. The ethos of this tightly knit team should serve as an example to all those aspiring to greatness.

The level of devotion and resolve displayed by coaches and players of Canyon High School's football program is exemplary. I would like to commend the coaching staff, including Harry Welch, Dave Ends, Chris Rzewuski, Monterio Witherspoon, Bryan Wilson, Tim Hollinger, Ken Wheeler, Mike Civita, Rod Baltau, Robert Hendricks, Billy Omahen, and John DiLuigi, for their energy, enthusiasm and expertise. Congratulations are also due to Coach Harry Welch for winning the California Coaches Association's 2007 State of California Football Coach of the Year award.

I would like to recognize the individual members of Canyon High School's champion football team. Chad Adams, Britt Briscoe, Joshua Carvalho, Brandon Chandler, Sean Crane, Chris Duncan, Eric Ernenputsch, Jordan Ferguson, Sean Gavin, Jonathan Hammock, Garret Hernandez, Joshua Hickman, Michael Hollinger, Eric James, Jesse Kelley, Mario Mestizo, Ryan Nichols, Brandon Reeves, Brice Reiner, Danny Robinson, Kenny Shanahan, Mike Spagnola, Danny Valdez, Justin Wallace, Adam Woodard, and Trevor Yslas.

In addition, congratulations are due to returning players for their second year of championship play. They are: Fares Albichara, Ben Armbruster, Anthony Arriaga, Michael Blanco, Christopher Chapman, Michael Cooper, John DiLuigi, Mike Harker, Nic Jurado, Anthony King, Christopher Kingsbury, Randy Lemus, Ben Longshore, Michael Loucks, Nick Madia, Cipriano Maldonado, Andrew Martinez, Blake McMartin, Julian Murillo, Nick Peterson, Michael Pyne, Dillon Schelske, Kenny Suber, Mark Urbina, Marc Valdez, AJ Wallerstein, Sean Ward, and Stephen Wirthlin. Their hard work and perseverance has taught them to balance academics and athletics and I applaud their efforts.

Coach Joe Paterno, current Head Coach of Pennsylvania State University, once said, "When a team outgrows individual performance and learns team confidence, excellence becomes a reality." Exemplifying all that is right with team spirit, the Canyon High School Football team is a stellar example of fortitude, courage, and tenacity. They have proven that by doing what is necessary, then going on to what is possible, they were able to accomplish what many thought would be impossible. Madam Speaker, I ask my colleagues to join me in honoring the Canyon High School football team for their triumphant season and to wish them best of luck in all their future endeavors.

SENATE—*Wednesday, May 2, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, light of the world, give the Members of this body Your light. Shine Your light to help them see the truth. Shine Your light so they can see the path You desire them to travel. Shine Your light so they can see themselves as they truly are and not take for granted the freedoms they enjoy. Shine Your light so they may live expectantly, open for what You will do or give. Shine Your light so they may see You in all Your majesty and love. Lord, fill this Chamber with the light of Your presence, enabling each Senator to discern and do Your will.

We pray in Your radiant Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 2, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will now begin a 60-minute period of morning business, the majority controlling the first half, Republicans controlling the final portion. Following the usage of all morning business, we will resume consideration of S. 1082, the FDA authorization legislation.

Yesterday, Senator DORGAN offered an amendment relating to drug reimportation. A cloture motion was filed on that last night. The cloture vote will occur tomorrow morning. Amendments in the second degree to the Dorgan amendment would have to be filed 1 hour prior to the cloture vote. I hope other Members who have amendments will file them as quickly as possible, to work with the managers. We have Senators KENNEDY and ENZI who are handling the legislation. They have a good relationship. They have done a lot already on this complicated legislation.

Yesterday, I indicated to the staff on both sides of the aisle that it may be necessary to have votes as early as noon on Monday. I hope we can finish the FDA bill tomorrow. If we can, then likely there would be no votes and we would move to other legislation, which would be WRDA, which has passed the House overwhelmingly. It came out of committee under the guidance of Senators BOXER and INHOFE, and we should be able to finish that bill next week.

Immigration is still on line to come up in the last 2 weeks of this work period. Next Wednesday, a week from today, I will rule XIV legislation that will put us in line to move to this during the last 2 weeks of this work period. It is legislation that is badly needed. We have had numerous meetings of Democratic and Republican Senators that have been going on for about 3 months. Progress has not been as we anticipated on either side, but we are going to move to this. Something has to be done. If we don't complete this legislation over here, then it certainly won't be done this year. Next year, a Presidential election year will make it very difficult. The three areas, of course, that are of concern are border security, and it is necessary that we visit that to see what can be done; with temporary workers, a pathway to legalization for the 12 million people who are here with bad paper; then we have to finally make sure we do something to make sure the employer sanctions aspect of the law is meaningful. At the present time, it is not. We have a lot to do there. I have had conversations with Senator KENNEDY, Senator LEAHY, and a number of other interested Senators over the last several weeks, including Senator KYL and others on the Republican side.

Mr. President, the President did veto the spending bill we sent him last night. It is unfortunate, but he did veto it. There will be a veto-override vote in the House tonight, it is my understanding.

The first piece of legislation dealing with another bill to send to the President will come to us from the House. I have had a number of consultations with Speaker PELOSI. At this stage, we are going to wait and see what happens at the White House today. The ball is in the President's court. He has to come forward with something that is satisfactory to Democrats and a significant number of Republicans.

There has to be some change of direction in the war. We find ourselves in the middle of a civil war where hundreds and hundreds of people are being killed each week, where we are losing soldiers at a rate that is untoward even in this war. Last month was the highest casualty rate this year. In the 51 months of the war, it is one of the highest casualty rates. So it is something for which we have to carry the wishes of the American people into legislation and change this war and bring our troops home.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority, the second half of the time under the control of the Republicans.

The Senator from Washington is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mrs. MURRAY. Mr. President, we are now in the fifth year of the war in Iraq. Once again this year, the President failed to include an honest cost of the war in the budget he sends to Congress every year. Why is that so important at this time? If the President had initially sent to Congress a realistic budget instead of one that is intended to make his fiscal policies look less irresponsible, our men and women in the service wouldn't be faced with debate after debate after debate on emergency spending bills to pay for the cost of the war. Unfortunately, again, he did not send us a budget that was honest and paid for the war. So what we have now is an emergency spending bill for Iraq and other emergencies.

Unfortunately, last night—and sadly, in my opinion—the President decided to say no to our men and women in Iraq, to our veterans, to victims of Katrina, and to many other people who needed this measure passed and signed by him.

Democrats understand that our troops and their families should not pay for the President's budget games. That is why we passed funding for the emergency supplemental at record speed—faster, in fact, than the Republicans did in the last 2 years. Back in 2005, the Republican Congress didn't send the President emergency funding until May 10. In 2006, the Republican Congress did not send an emergency funding bill until June 15. Not only did we send the White House a bill earlier than ever, we sent legislation that contained more funds than the President requested and all the money our troops need. Unfortunately for our troops, yesterday, 4 years after President Bush declared "mission accomplished" and 12 days after it was reported that 104 American servicemembers died in April, making it the deadliest month since the surge began, the President decided to veto that bill. With that, he decided to delay the funding for our troops.

Included in that bill were billions of dollars to help solve the problems facing our men and women in uniform when they return home. The President didn't ask for those critical dollars. In fact, he has never included our wounded warriors as a cost of the war. Their families and now both Houses of the Congress understand the obligation to our heroes and have included them as a cost of war in this bill.

The bill we sent to the President provided money to improve Walter Reed and other VA facilities that we know are in disrepair and money to help increase access to medical and mental health services for our returning soldiers. More than $143 million was included to improve the VA's polytrauma center, which, among other things, would have helped the VA better diagnose and treat the increasing number of traumatic brain injuries which have emerged as a signature wound of this war.

The legislation also provided $100 million for the VA to target areas where mental health care is lacking. According to the VA's own statistics, more than 35 percent of returning Iraqi and Afghani veterans who have sought care have done so for mental health problems. We provide the funds in the bill we sent to the President. Unfortunately, he said no.

Additionally, we put in $61 million for hiring and training of new compensation and pension claims adjudicators. That is important money because we are hearing from far too many of our returning soldiers that it is taking them months to get the benefits they have earned. These new claims processors will help address that growing backlog of claims. Unfortunately, last night the President said no.

What we have today for our veterans, 4 years after President Bush declared "mission accomplished," he decided to veto this bill. He decided to delay funds that would have addressed the problems facing our veterans.

Not only did Democrats send the President funding earlier than ever, we listened to the military leaders, we listened to the Iraq Study Group, and we listened to the American people and included a provision to redeploy our forces from the Iraqi civil war. Americans overwhelmingly oppose the President's escalation plan. General Abizaid, General Casey, and other top former officials have made clear that a surge will not be a solution to a civil war in Iraq. Reportedly, the Joint Chiefs of Staff were not in favor of escalation, and even Colin Powell opposes the escalation. In fact, Colin Powell, who we know saw combat in Vietnam, said:

> I am not persuaded that another surge of troops into Baghdad for the purposes of suppressing this communitarian violence, this civil war, will work.

GEN John Abizaid, former commander of U.S. Central Command, said:

> I do not believe that more American troops right now is a solution to this problem.

The Iraq Study Group, made up of Republicans and Democrats, called for the redeployment of our forces. But the President ignored all of them. He decided instead to escalate the number of troops in Iraq.

This escalation is in its third month, and so far the results are not promising. The Iraqi Government reported that violence from February to March increased. Officials said the number of car bombings in Baghdad is rising. According to the U.N., sectarian violence in the capital has not declined one bit. Officials have also reported that sectarian violence outside the capital has increased. As I mentioned, 104 American troops died in April—the deadliest month since this surge began.

The redeployment provision this Democratic-led Congress included in the bill provided the President with an opportunity to force Iraqis to finally take responsibility for their own country. We are in the fifth year of this war, and Iraqis have yet to stand up for themselves. They are not policing their own streets. They are not running their own army. Their Government is a mess. Something has to be done to show them they have to get their act together, they have to take ownership of their own future.

That is what the redeployment provision did in our bill. It said to Iraqis: After 5 years—5 years—and thousands of U.S. lives, you have to take responsibility for your future. It said: You must stand up.

Well, unfortunately, for America's security, 4 years after President Bush declared "mission accomplished," and after we have lost 3,351 troops, the President, last night, vetoed the bill. By doing so, he ignored calls from military experts and the American people for redeployment and the need to make clear to the Iraqis they have to take responsibility for their own future.

The President asked our Nation for patience after the first and second years of this war. Then he asked the American people for more time after the third year, and more time after the fourth year.

This year, the fifth year of the war, he is now again asking us for patience, for the American people to just stand by as more of our young men and women die and as the Iraqis continue to shirk their responsibility for their own country.

It is clear our troops are now policing an open-ended civil war. Now, more than ever, we need a new direction in Iraq. Unfortunately, yesterday, and, sadly, the President vetoed a bill which did provide a way forward. In doing so, he withheld millions of dollars for our troops and for our veterans and ignored the advice of military leaders and the Iraq Study Group and, importantly, the will of the American people.

Today the President stands alone against the vast majority of Americans desperately seeking a new direction in Iraq. It is now up to him to come to the negotiating table and provide the American people with a real strategy for success.

Mr. President, we also have before us today a bill on the FDA.

Can I ask how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has only about a half a minute remaining.

Mrs. MURRAY. Mr. President, I see another colleague on the Senate floor, and I ask him how much time he is going to need.

Mr. BROWN. Five or ten minutes. Go ahead.

Mrs. MURRAY. Mr. President, I ask unanimous consent for an additional 5 minutes to speak to the FDA bill that is in front of us today.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

FDA REAUTHORIZATION

Mrs. MURRAY. Mr. President, all of us in the Senate share the same goal of making sure the Food and Drug Administration stays as the gold standard for drug safety and effectiveness, and the legislation that is before the Senate today moves us toward that goal.

Throughout our country, researchers, scientists, and doctors are making 21st century medical advances, and the legislation we are looking at will ensure we have a 21st century FDA. It provides the resources, the authority, and the oversight to ensure that safe drugs move from the lab to our medicine cabinets without delay.

Like other Members of the Senate, I worked on the FDA reforms back in the 1990s. Those reforms responded to the challenges we faced then. The bill before us now responds to the challenges we face today.

In recent years, we have seen a lot of problems at the FDA with drug approval and postmarket surveillance. The bill we have addresses those challenges and ensures the FDA has the resources and the tools to promptly and thoroughly review new drugs and medical devices.

The bill reauthorizes and improves two pieces of legislation that will be critical in providing a timely review process. It creates a new system to actively monitor drugs after they have been approved by the FDA. It strengthens science at the FDA and, importantly, improves transparency. It improves oversight and information about clinical trials, and it works to prevent potential conflicts of interest among advisory committee members.

Like many Americans, I was shocked at the recent revelations concerning drugs that posed risks to public safety but remained on the market for far too long. This legislation moves to address those concerns by instituting strong, new protections, including postmarket studies that will be made available to the public. I believe this new transparency and vigorous oversight is the right path toward restoring public confidence in the FDA.

The bill takes critical steps also to improve medical care for our children. The Best Pharmaceuticals for Children Act that is included in this bill uses incentives and regulations to put America's children first. It builds upon the legislation we enacted back in 1997 that ensures pediatric medicine is a priority and that information on pediatric drugs is readily available. It extends and improves a program that has undertaken nearly 800 studies and has helped to provide pediatric labeling information for 119 drugs.

The Pediatric Research Improvement Act included in this bill is another critical component of improving pediatric care. It provides needed safety measures through mandatory clinical trials. It will help to continue pediatric oversight programs that have required trials for more than 1,000 pediatric drugs since 1998. All too often, doctors are not given guidance on the proper dose of prescription drugs for children. This bill is going to eliminate that guesswork so our children get the right doses for safer, more effective treatment.

The bill also provides help to our Nation's children through the Pediatric Medical Devices Safety and Improvement Act. Every year, we see these wondrous technological improvements in medical devices. However, sometimes those improvements do not account for the needs of the children and the pediatricians who treat them. What that means is essential, often lifesaving devices do not meet the size or the scope or the needs of sick children. This bill will push manufacturers to develop and produce devices that are safe and effective for children and infants. Through incentives and investor outreach, this bill will ensure that exciting advances in lifesaving devices are not just limited to adults.

This legislation also delivers greater safety while providing better access. I believe it will improve the way we deliver safe innovative health care in America, and it is really my hope it will also begin to restore confidence in the institutions that safeguard our public health.

The American public deserves nothing less than the gold standard of care from our FDA. When a nervous parent or worried senior visits their corner pharmacy, they deserve to know the product they buy on that shelf has been approved by a thorough and complete process. When a patient begins to take a new drug, they deserve a system that has actively tracked that drug and provides the patient with information on any risks they might face. Everyone—drug companies, researchers, patients, and doctors alike—deserves a system that supports an efficient and timely FDA approval process.

So I am very eager to move this legislation forward and get it to a vote so we can begin to deliver what the American people deserve. I hope this Senate moves quickly on this bill and we are able to move it along in the process very shortly in the Senate.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

TRANSEA ACT

Mr. BROWN. Mr. President, our trade policy is fundamentally flawed. Years of wrongheaded trade pacts have sent millions of jobs overseas, devastated our communities, and opened our Nation too often to serious homeland security concerns.

When we open our borders to trade, as we should, we open them to national security threats. Congress must assure the American people we have done everything within our power to protect their safety and their health and their welfare and to promote fair trade.

It is estimated that less than 10 percent of foreign cargo is inspected before entering our country. We must both ensure that our ports are operated securely and with clear lines of accountability, unlike the deal to transfer operation of six U.S. ports to a state-owned company controlled by the United Arab Emirates that this administration approved just last year.

The decision to allow a UAE-controlled company to run our ports had significant national security implications. The UAE was, and still may be, a financial and travel outlet for known terrorists. It was not until leaders in both parties in the Senate and in the House of Representatives called attention to this enormous blunder that this deal was stopped.

It is imperative Congress take steps to ensure our homeland security needs are secured every bit as much as our economic well-being.

Today, I am introducing, with Senator BYRON DORGAN of North Dakota, the Trade-Related American National Security Enhancement and Accountability, TRANSEA, Act.

This act requires the Office of the United States Trade Representative, in collaboration with the Departments of State, Homeland Security, and Justice, to submit a report to Congress detailing the national security considerations of proposed trade agreements prior to commencing and after concluding those trade negotiations.

The bill also requires future trade agreements negotiated by the administration to include a national security waiver that allows the President to suspend any terms of the agreement should it be required in the interests of U.S. national security.

Lastly, as a final safeguard, the legislation creates a new Congressional Executive Commission on Trade Security, requiring the appointment of Commissioners by both political parties in both Chambers of Congress.

The Commissioners will be charged with annually certifying that the terms of the free-trade agreement do not pose a threat to our Nation's national security interests. Should the Commission find that compliance with the agreement would pose a threat, the President will be obligated to exercise his or her waiver to the extent necessary to ensure the safety and the security of the United States of America.

In a post-9/11 world, U.S. economic policy can simply no longer be viewed in the narrow scopes of bottom lines and profit margins. Homeland Security Secretary Michael Chertoff said, in 2006:

> We have to balance the paramount urgency of security against the fact that we still want to have a robust global trading system.

We can do both. It is the responsibility of our Government to ensure that while opening markets for our exporters, as we should, our first priority remains the safety and the security of the American people.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia is recognized.

IRAQ

Mr. ISAKSON. Mr. President, I rise today to address the war supplemental which was vetoed last night at 10 minutes after 6 by the President. It is my understanding that today leaders from both sides of the Senate will go to the White House, this afternoon, to begin talking about where we go next.

I rise today to talk a little bit about what has got us to where we are, why we are where we are, and what, in my judgment, as one Member of the Senate, we need to be focused on.

I am glad the President vetoed the war supplemental with timelines for withdrawal. It is absolutely wrong to tie the money to support our troops to arbitrary timetables that have nothing to do with success or failure but only to do with the declaration of a cause being lost. We should never declare, as Members of the Senate, our cause to have been lost. And we should never hold hostage the money for our troops based on arbitrary deadlines or thresholds.

It is, however, important for us to debate the war on the floor of the Senate. I hope when the next supplemental comes, it will be a supplemental that goes to support our men and women who have been deployed in defense of freedom, to give them everything they deserve and everything they need without strings and complication. To do so will not keep us in the Senate from debating the war, but it will clearly separate the money to support our troops from whatever the course that debate may take.

We have a long history in this country of many great Americans taking exactly the same position. One of those great Americans, Walter George, a Member of the Senate, from Georgia, a Democrat, in 1955—when Dwight Eisenhower was President of the United States of America and Adlai Stevenson had been his first opponent, and would be his second opponent in the 1956 Presidential election—the big issue of the day was the issue of Quemoy and Matsu and Red China's attempt to expand its influence on those islands and the policy of the United States of America and our President, Dwight Eisenhower. In Time magazine, April's issue, 1955, Walter George, Senator, Democrat from Georgia, a man in whose legacy and in whose shadow I now serve, said the following:

> If it would advance the cause of peace, I would be happy for the President to declare his policy. But how would it advance the cause of peace to inform the enemy of what we intend to do?
>
> I know one thing—

George said, and I continue to quote—

> if we do fulfill our high mission and our high destiny, it will be because we have resolved to do our dead level best to advance peace, to advance security, to shore up a shaky world. Only by doing that can we vindicate the sacrifice of those who died on land and at sea, and fulfill the hopes of men and women in every free land.

It has been 52 years since that statement was made, but it could never ring more true than it rings today. Walter George was absolutely right, and Walter George, a Democrat, came to the defense of Dwight Eisenhower, a Republican who was President, when Dwight Eisenhower was being forced to play our hand in a critical issue of the day. We should never force our chief executive officer, nor should we force our generals, nor our troops in the field, by declaring our hand before the cards are dealt.

There are a few other quotes I wish to share with my colleagues as I lead up to the point I want to make this morning, and these are contemporary quotes and these are quotes about Iraq. These are quotes about the supplemental. These are quotes about our brave men and women in harm's way. The first is by General Lynch, the commanding officer of the third ID. When asked about whether funding should be tied to an arbitrary timetable for withdrawal, he said:

> Ultimately, a precipitous withdrawal would increase the probability that American troops would one day have to return to Iraq and confront an enemy that is even more dangerous than today.

He is absolutely correct. Every time this country waited or every time it determined to withdraw from a conflict or looked the other way from a challenge of evil, it only had to muster itself in greater numbers and fight with greater losses at a greater day in the future.

General Lynch continued:

> No matter how frustrating the fight can be and no matter how much we wish the war was over, the security of our country depends directly on the outcome in Iraq. The price of giving up there would be paid in American lives for years to come. It would be an unforgivable mistake for leaders in Washington to allow policies and impatience to stand in the way of protecting the people of the United States of America.

I could not say it better myself.

Lastly, for quotes from contemporaries, Gary Kurpius, commander of the Veterans of Foreign Wars, said the following:

> The time to debate the war is not in front of a microphone making irresponsible statements, and it's certainly not in the funding bill that keeps our troops alive. If our troops need funds, it is the responsibility of Congress to provide them the money. Debate the war elsewhere.

My last quote is from an e-mail I got from Captain Schratt, on the ground with the U.S. Army in Baghdad right now, a couple of weeks ago when this debate was going on. He e-mailed me and said: I see they are debating whether or not they can not support the war and still support me. He said: Please tell them I am the war.

That is the truth. Our troops are the war. They are deployed and they are fighting and their funding should not be restrained or constrained or in any way hinged on political gymnastics. Those gymnastics belong in the speeches on this floor and the dialogue we have with our administration.

Now, it is my understanding there are some who are talking about a second supplemental to come, to be an incremental supplemental, maybe 60 days at a time. I would implore the Senate to consider not doing that because that brings uncertainty to our troops in the field and only partial funding on a daily or on a 60-day basis, which is wrong. There are others who are talking about maybe benchmarks—not timetables for withdrawal but benchmarks for the achievement of the Iraqi people. That may or may not be wise, depending on what those are, and I will reserve judgment, but I will tell my colleagues one thing. A lot of us around here have selective memories and have forgotten the fact that we have had some benchmarks.

In fact, when we went into Iraq, the President of the United States, George W. Bush, declared three succinct benchmarks. He said: When we deploy our troops, we will do the following: A, we will search and find the weapons of mass destruction that the U.N. and the entire world believed were there, and in fact we found the remnants and the evidence, although never the smoking gun. Then, second, he said: We are going to give the Iraqi people a chance to hold free elections and determine a new Constitution and self-determine their future. The Iraqis have held three elections. They have a parliament. They have established a self-determined democracy in their way of doing so, and it is functioning. Then the President said: Our third goal will be to train the Iraqi Army so that it can protect and defend that fledgling Government and we will come home.

Those are three benchmarks. Two of the benchmarks have been achieved. The third benchmark is what the surge is intended to accomplish.

Today in downtown Baghdad and in Anbar Province, American troops are sleeping and eating and deployed in the neighborhoods—not in bases—side by side with Iraqi troops. The securing of neighborhoods is taking place, the holding of neighborhoods is taking place, and the rebuilding of those neighborhoods is soon to follow. In the months ahead, if we remain committed to the cause, if we fund our troops, we have the opportunity to reduce the violence, to allow the reconciliation that is so necessary.

So as people debate whether we ought to put benchmarks in supplemental appropriations for our men and women in harm's way, I hope they will recognize we have benchmarks, three that we established when almost every Member of the Congress voted to go into Iraq, two of which have been completely met and satisfied and a third is partially there and will ultimately be achieved if we don't pull the plug and we continue to fund our troops.

War is never fun and it is always controversial. There is not a one of us in this room who does not wish war was ever necessary. But we know as we look back upon history, as Walter George, the Senator from Georgia, said: We have to honor the lives of those who were lost on land and sea to preserve freedom and liberty and democracy for the people of the United States of America. We are at such a day today with our battle in Iraq and in the overall war on terror. Iraq is but a battle in that war. We don't need to send signals that we will quit; we don't need to declare that we have lost. We need to declare the resolve to see the mission through. There are 140,000 brave men and women deployed in Iraq right now committed to the cause. When they come home and I talk to them, to the man and to the woman, they all say: We are there for the right reason. We are making progress. Continue to support me, and we will do the job.

So as the leaders go to the White House today to discuss with the President where we go next, as we look to what we do in this supplemental, let's resolve to fund our troops. Let's resolve to do it without condition on our troops. Let's resolve to do it without declaring defeat but instead in the interest of and with a commitment to victory. Then, if we have debate—and we should and we must—let's have it on the floor, unattached to funding, not restricting our troops but deciding what our course will be and the absolute objective to be, rather than a conditional debate that only sends a message to our enemy that our resolve may be lost and we may be turning the other way. As Walter F. George said in 1955, an American Democratic Senator from Georgia, in support of a Republican President, we should honor the lives that have been lost and stay true to our commitment, and it will never be in our interests to declare to our enemies what our intentions might be.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, 3 months ago, the President of the United States asked Congress to pass an emergency war spending bill that would provide our brave men and women in uniform with the funds and the flexibility they need to succeed in what has been called the central front on the war against al-Qaida in Iraq. Instead, this body helped pass a bill that substitutes the opinions of politicians for the judgment of our military commanders. The bill Congress passed was, in my view, unacceptable, and late. Eighty-five days after the President had requested the funds on an emergency basis, Speaker PELOSI finally forwarded the bill to the President yesterday. It was no surprise that the President vetoed the bill within hours because he had said he would, and so the outcome was predictable.

The President, in his address to the Nation last night, made it very clear that it remains his desire to work with Congress to resolve this matter as quickly and expeditiously as possible. Today, he is holding a bipartisan meeting with congressional leaders at the White House for that purpose.

We have known for weeks that this legislation was flawed and that we would find ourselves in this place—a bill that included a surrender date, when we tell our enemies we would simply give up, and one larded with porkbarrel spending in order to secure the votes of recalcitrant Members who were unwilling to vote for this flawed bill on its merits.

The President outlined these shortcomings last night.

First, he said the bill would mandate an artificial deadline for troops to begin withdrawing from Iraq. The withdrawal could start as early as July 1 and would have to start no later than October 1 regardless of the situation on the ground. The language in the bill defies sound military logic and, I would say, common sense itself. It makes no sense to tell the enemy when you plan to start withdrawing. Setting a deadline for withdrawal is setting a date for failure, and it would be irresponsible. As the President made very clear last night, setting this deadline for withdrawal would also demoralize the Iraqi people and encourage the killers across the broader Middle East, such as al-Qaida, and send a signal that America will not keep its commitments.

Second, the bill would impose impossible conditions on our commanders in combat. After forcing most of our troops to withdraw, the bill would dictate the terms on which the remaining commanders and troops could engage the enemy. American commanders in the middle of a combat zone would have to take fighting directions from politicians thousands of miles away in Washington, DC.

Third, as I mentioned, the bill is loaded with billions of dollars of nonemergency porkbarrel spending that has nothing to do with fighting the war on terror and which demeans the importance of this particular legislation, designed as it is to support our troops who are literally in harm's way.

Democratic leaders know that many of us in Congress disagree with their approach and their desire to use this bill as an opportunity to make a political statement about their opposition to the war. Yet we know there are not enough votes to override a veto. It is time to put politics behind us and support our troops with the funds they need. Some have confused the need to debate, which I agree with, with cause for delay, which I disagree with. There should be no cause for delay in getting these emergency funds to our troops, and the debate will indeed continue.

In February, we began sending the first of the reinforcements that General Petraeus, the new commander in Iraq, requested. Not all of these reinforcements have arrived; roughly half of them have. As General Petraeus said just last week, it will be at least the end of the summer before we can assess the impact of this new operation, the Baghdad security plan, or surge. We ought to give General Petraeus's plan a chance to work.

In the months since our military has been implementing this plan, we have actually begun to see some important results. General Petraeus noted that one of the most important indicators of progress is the level of sectarian violence in Baghdad. He reported that, since January, the number of sectarian murders has dropped substantially. Spectacular suicide attacks that have caused great suffering in Iraq continue because these attacks are largely the work of al-Qaida, the Sunni extremists—the enemy that everyone agrees we should be fighting, or at least some say we should be fighting. At the same time, they would impose arbitrary deadlines, imposing a surrender date on our troops.

The objective of these al-Qaida attacks is to reignite the sectarian violence in Baghdad and breaking support for the war here at home. That was the goal of al-Zarqawi, whom we were fortunate to be able to take out of the fight, and that is the fight now of the remaining al-Qaida extremists in Iraq. General Petraeus explained it this way:

> Iraq is, in fact, the central front of al-Qaida's global campaign.

It just boggles my mind, Mr. President, for some of us to stand here on the floor and say we ought to withdraw our troops from Iraq when, in fact, al-

Qaida—the enemy that hit innocent Americans and killed 3,000 of them on September 11, 2001—considers Iraq to be the central front in their campaign against the West. Al-Qaida's role makes the conflict in Iraq far more complex than a simple fight between Iraqis. Many also belong to the same terrorist network, as I said, that attacked us on September 11, 2001. Were we to leave prematurely, were we to leave a power vacuum in Iraq, al-Qaida would no doubt, as they did in Afghanistan earlier, use that power vacuum as an opportunity to regroup, to plan, to train, to recruit, and then to export additional terrorist attacks against the United States here on this continent.

We need to give our troops all of the equipment and training and protection they need to prevail. Without a war funding bill, the military has to take money from some other account—notably, the Air Force or Navy—just in order to make sure the Army has the resources they need, so the troops can have the equipment they need, so they can rotate back on a timely basis and come home to the loving arms of their families, to repair existing equipment. And worst of all, in one sense, failing to send this money on a timely basis to the military hurts the military families who are waiting behind, anxious, as we all understand, for the welfare and safety of their loved ones. Our troops and their families deserve better.

So I hope that after the last 86 days, which have been characterized by political theater and gamesmanship, where some have been more focused on the 2008 election and trying to find ways to gain political advantage, I hope Republicans and Democrats, the legislative branch and executive branch, can come together and do what we should have done months ago—get the funds to the troops as soon as possible, without the surrender deadline, without tying the hands of our military commanders and making their opportunity for success impossible, and without the porkbarrel spending that demeans the noble sacrifice of these brave men and women.

Mr. President, I yield the floor and yield back our remaining time.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we yield back all morning business time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

Landrieu amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

Dorgan amendment No. 990, to provide for the importation of prescription drugs.

AMENDMENT NO. 1010 TO AMENDMENT NO. 990

(Purpose: To protect the health and safety of the public)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. CARPER, Mr. NELSON of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ, proposes an amendment numbered 1010 to amendment 990.

At the end of the amendment, add the following:

SEC. ___. PROTECTION OF HEALTH AND SAFETY.

This title, and the amendments made by this title, shall become effective only if the Secretary of Health and Human Services certifies to Congress that the implementation of this title (and amendments) will—

(1) pose no additional risk to the public's health and safety; and

(2) result in a significant reduction in the cost of covered products to the American consumer.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am offering this amendment for myself, as well as for these cosponsors: Mr. CARPER, Mr. NELSON of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ. This is an amendment to the amendment proposed by Mr. DORGAN.

Improving the health and quality of life for Americans is very important to all of us, and access to safe and effective prescription drugs is a major step in accomplishing these goals. With recent scientific advances, a number of medical therapies have been made available to treat and, in some cases, to cure diseases. We want Americans to continue to have access to safe and effective drugs that are approved by the Food and Drug Administration.

But we must not create opportunities for potentially dangerous drug products from foreign countries to reach the American consumer. For example, counterfeit products, those that have been tampered with or those of unknown origin, should not be brought into this country. I am concerned that allowing the importation of prescription drugs would allow such risks to become more likely.

The amendment proposed by the Senator from North Dakota will put in jeopardy the process we now have to ensure the safety of prescription medications and protect the health of the American people.

I am offering this second-degree amendment to require the Secretary of Health and Human Services to certify that the importation of drug products will not pose additional risks to Americans and will, indeed, lower costs to consumers.

If, as some argue, a policy of importation is safe and will reduce costs, this amendment should not be a problem.

We have debated this issue before on several previous occasions. For example, during the consideration of annual appropriations bills for the Department of Agriculture, the Food and Drug Administration, and related agencies, when considering the Greater Access to Pharmaceuticals Act, and even during the debate and passage of the Medicare Modernization Act of 2003, a similar amendment to require the safety of imported drugs was considered and unanimously approved each time.

In all these instances, the Senate has adopted this amendment by a unanimous vote. The safety of the American consumer must be our No. 1 priority. These safeguards should also be applied to this proposal.

We should be certain that any change we make in the law does not result in less protection in terms of the safety of the drugs supplied to the American people and will, indeed, make prescription drugs more affordable. Liberalization of protections that are designed to keep unsafe drugs out of this country, especially considering the terrorist threats we face now, should occur only if the necessary safeguards are in place. This amendment will ensure that the concerns of the last two administrations regarding safety and cost-effectiveness are addressed prior to the implementation of this proposal.

Counterfeiting of drugs has become a more common practice throughout the world, and the transshipment of these counterfeit products through Canada is one of the most serious dangers we face. The Canadian Government itself has said that drug products shipped to Canada for resale in other countries do not fall under the Canadian regulatory system, and they can provide no assurance as to the safety or authenticity of such drugs.

In fact, President Bush yesterday released a Statement of Administration Policy strongly opposing any provision that allows the importation of drug products outside the current safety system of the Food and Drug Administration. The statement declares that the President's senior advisers would recommend that he veto the bill if this provision is included.

Mr. President, I ask unanimous consent that a copy of the Statement of Administration Policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 1, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 1082—FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

(Sen. Kennedy (D)-MA)

The Administration strongly supports reauthorization of the Prescription Drug User Fee Act (PDUFA) and the Medical Device User Fee and Modernization Act (MDUFMA). These two programs account for nearly one quarter of the Food and Drug Administration's (FDA) annual budget and support more than 2,000 Agency employees who work diligently to ensure the safety and efficacy of the medical products on which the American people rely. Reauthorizing PDUFA and MDUFMA will enhance FDA's ability to more efficiently and effectively regulate drugs, biological products, and medical devices, a critical component of the Agency's public health mission. Additionally, the Administration is committed to reauthorizing the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), which have provided invaluable information to the Agency about medical products' interaction with pediatric populations.

The Administration shares the goal of S. 1082 to provide FDA with the appropriate tools and resources to enhance the safety and efficacy of the products the agency regulates. However, the Administration has serious concerns with S. 1082 in its current form and will work with Congress to address them as the legislative process moves forward.

The Administration appreciates that portions of S. 1082 are consistent with the Administration's recommendations for reauthorization, which strengthen FDA's ability to ensure the safety and availability of new drugs and medical devices, create a new program for review of television advertisements, and strengthen post-market review. These user fee programs expire at the end of the current fiscal year, and their timely reauthorization is critical to the ability of FDA to continue to carefully and expeditiously review and approve new drugs and devices to benefit the health of the American people.

The Administration is committed to further improving drug safety through better tools for surveillance of drug events, improved scientific tools for evaluating drug safety problems, and better means of communicating drug safety problems to providers and patients. However, the Administration is concerned that the bill, as written, would require significant resources to implement burdensome process changes that will not contribute meaningfully to improving drug safety. For example, the prescriptive timeframes to develop and process Risk Evaluation and Mitigation Strategies are particularly burdensome and are not likely to contribute to improving drug safety. Additionally, the Administration is concerned about the provision in S. 1082 that would use increased user fees to fund certain additional drug safety activities that were not agreed to during the statutorily required Agency-industry negotiations. This provision reopens and is inconsistent with the Administration PDUFA proposal that was developed through extensive consultation.

There are other provisions in S. 1082 that also raise serious concerns. Specifically, the bill would make changes to the BPCA and PREA to reduce the incentives to conduct clinical trials for children, thus reducing the effectiveness of the program. It also would impose administrative burdens that would make the programs inefficient and in many ways unworkable. These provisions would reduce the flexibility the agency needs to conduct these programs, require an inefficient duplication of scientific expertise, and cause delays in the review of pediatric assessments. Both BPCA and PREA have been very successful in providing the necessary incentives for drug companies to conduct pediatric clinical trials to improve our understanding of how drugs work in children, thus enhancing the quality of their medical care. BPCA and PREA should be extended without modification.

Potential Amendments: Follow-on Protein Products and Importation of Prescription Drugs

The Administration supports the goal of making safe and effective drugs available and affordable for American consumers. While some in Congress may be interested in attaching legislation related to follow-on protein products to this bill, the Administration believes that these complex issues should be considered thoroughly through a robust scientific, regulatory, and legal discussion. Sufficient discussion has not yet occurred and should not be abbreviated for the convenience of a particular legislative vehicle. Any legislative proposal considered to authorize a regulatory pathway for follow-on protein products must, as a first priority, ensure the safety and efficacy of the resulting products, thus protecting patient safety. Furthermore, it should also include adequate intellectual property protections for innovators, in order to maintain the research enterprise that has generated life-saving medications. The Administration believes further discussion must take place before addressing these issues in legislation. The Administration strongly opposes the inclusion in this bill of any provision related to follow-on protein products.

The Administration would also strongly oppose any provision that might be added on the Senate Floor regarding the importation of prescription drugs that does not address the serious safety concerns identified in the December 2004 Department of Health and Human Services Task Force Report on Prescription Drug Importation. The Administration believes that allowing importation of drugs outside the current safety system established by the FDA without addressing these serious safety concerns would threaten public health and result in unsafe, unapproved, and counterfeit drugs being imported into the United States. As a result, if any such importation provision were included in the final version of the bill presented to the President, the President's senior advisors would recommend that he veto the bill.

The Administration strongly opposes the inclusion of any unrelated provisions that would disrupt the timely reauthorization of the user fee program. The Administration looks forward to working with Congress to reauthorize PDUFA and MDUFMA expeditiously to avoid any disruptions to these successful programs.

Mr. COCHRAN. Mr. President, these conditions contained in this amendment are the same as those the Senate has previously adopted on other occasions on other bills. I urge the Senate to again support this language and approve this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Mississippi for his cooperation. For the information of our colleagues, if we get cloture on the Dorgan amendment tomorrow, sometime prior to the expiration of the 30 hours, we will vote on the Cochran amendment. That is a notice for Members about when we will address this issue. I thank the Senator.

The Senator from Colorado raised important issues during the markup, and he has a very significant amendment to offer to the Senate. I hope we will hear from him at this time.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 982

Mr. ALLARD. Mr. President, I ask unanimous consent to lay aside the pending amendment, and I call up amendment No. 982.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 982.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike provisions related to market exclusivity)

Strike subparagraphs (D) and (E) of section 402(a)(6).

Mr. ALLARD. Mr. President, first, I thank the chairman, Senator KENNEDY, and the ranking Republican, Senator ENZI, for the bipartisan way in which they have worked in the committee, of which I am a new member. It is the HELP Committee, standing for Health, Education, Labor, and Pensions. I appreciate the opportunity to have offered this amendment in committee, as well the opportunity to offer it on the floor. It is a very important committee.

The bill, coming out of committee, can withstand some improvement. I know both Senator ENZI and Senator KENNEDY have sat down and made many changes that I think will help relieve some of the concerns we have about the bill. That is now in the form of a managers' amendment which is before the Senate.

The issue I remain concerned about is an issue that was in the original bill.

It remains in the bill, in the managers' amendment, and that is an amendment to the Best Pharmaceuticals for Children Act passed in 1997. This is an incentive program we put in place for the last decade that says to the pharmaceutical industry that if you would put some effort into getting children's medications, pediatric medications properly labeled for the market, then we will give you, in effect, an extension of 6 months on your patent rights. This has been an extremely successful program. For the life of me, I don't understand why the bill's sponsors feel it is important to put this provision in the bill.

This is a chart that reflects the drug studies that have been completed for kids, which equates to more drugs available for pediatricians to use in treating childhood diseases. As one can see, the red square on the chart is with no incentives, and very little effort was being made. But when the 6-month exclusivity provision was provided in the Best Pharmaceuticals for Children Act, we can see how dramatic the increase was and how the marketplace responded to this incentive.

In my view, we should not be removing or reducing the incentive for any pharmaceutical company to invest in children. Right now, with what the current managers' amendment has in it, it takes the 6-month exclusivity and reduces it to 3 months, and it has it applied to those that are referred to as the blockbuster drugs. In my view, I think we need to make sure everybody understands how very important this program is. If we go messing with it, we are going to reduce the incentives that are in it that have been working so well.

The Best Pharmaceuticals for Children Act allows the FDA to grant drug sponsors pediatric exclusivity. This is 6 months of additional market exclusivity—as I said, an extension basically of the patent rights—in exchange for conducting and submitting reports on pediatric drug studies. Current law is working. There is no reason I see to change significantly a program that is working.

The goal of the program is to develop additional health information on the use of such drugs in pediatric populations so they can be administered safely and effectively to children. This goal is reflected on this chart as being reached. Also, using pediatric research and development legislation to attack large pharmaceutical companies, in my view, is an abuse of power at the expense of kids. The data shows pediatric legislation has resulted in a substantial increase in pediatric prescribing information on the labels of those products, which have fulfilled the requirements necessary to be granted the pediatric exclusivity extension.

Here is what the GAO study on the Best Pharmaceuticals for Children Act has said about how the program has been working for the last decade. This study was issued on March 22 of 2007, so it is a current evaluation, and here is what they say:

> Prior to enactment of the Food and Drug Administration Modernization Act of 1997, which first established incentives for conducting pediatric drug studies in the form of additional market exclusivity, few drugs were studied for pediatric use.

Very few were done, as reflected on the chart.

> As a result, there was a lack of information on optimal dosage, possible side effects, and the effectiveness of drugs for pediatric use. Almost all the drugs—about 87 percent—that have been granted pediatric exclusivity under the Best Pharmaceuticals for Children Act have had important labeling changes as a result of pediatric drug studies conducted under this Act.

As a result, exclusivity is working. In fact, it is working so well that, in my view, with increased exclusivity we may have even had more research and development in the area of pediatric pharmaceuticals. But that issue is for another day.

My amendment doesn't request an increase in what has been working. We merely ask that we return in this piece of legislation to that exclusivity-linked period, which is 6 months, which has been working so very well under current law.

Some Members want to try to damage the blockbuster drug companies by reducing the exclusivity for those businesses, but in reality the ones who are really being hurt are our kids because we take away the number of choices a pediatrician has in providing drug therapy for those kids who could be seriously ill.

I ask my colleagues to support me in my amendment and to return us to the 6-month exclusivity and away from the 3-month exclusivity period we currently have in the managers' amendment.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, in a few moments we will hear from Senator DODD, who was the architect for the whole undertaking in terms of testing for children, and also for the children's prescription drug program which has been immensely successful. He deserves great credit for it. I am sure he gets a great deal of satisfaction from it. It was bipartisan, with Senator DeWine, going back many years, and certainly Senator CLINTON has added an additional dimension to this whole proposal. But Senator DODD has studied this issue very carefully, and he really is the originator of the concept. He has followed it closely, and he will speak to the Senate on this matter in a very short time.

I see my friend from Ohio on the Senate floor, who also wishes to address it, but I will just say a brief word. I believe what we have in the legislation, which was earlier fashioned by the Senator from Connecticut, is the way to go, and I would hope the Allard amendment will not be accepted.

One of the major elements in the FDA bill is the program providing incentives for developing the new drugs, and Senator DODD, Senator CLINTON, Senator ALEXANDER, and many others have been champions of this program, as was our former colleague, Senator DeWine. The reauthorization of an effective program is an opportunity to strengthen those aspects that work well and to improve those that need adjustment. Senator DODD took up this challenge and renewed the information about how the program has worked over the years since Congress last reviewed it.

He found that companies were sometimes rewarded with billions of dollars in additional sales in return for doing studies that cost them only a few million. Clearly, one must provide incentives to develop new drugs for children, but we must be responsible in doing so. That is why in this reauthorization, Senator DODD included a proposal to adjust the period of market exclusivity for drugs that generate over a billion dollars in sales. If they generate over a billion dollars in sales, these blockbuster drugs will receive only 3 months of exclusivity instead of 6 months, available to other drugs.

The Allard amendment would delete this sensible provision and give all drugs the full 6 months. That could be worth billions of dollars for a major medication. Those extra 6 months don't just apply to sales for use in children, they apply to all sales. That means a heart drug tested in children would get 6 months protection from competition, so it can wrack up big returns.

The amendment we face embodies a policy that has no proportionality. It gives the same broad protection to a drug such as Lipitor or Xanax as it does to a specialty drug that might be helpful in treating ear infections in children. Senator DODD's proposal has that sense of proportional reward, but the amendment overturns it. That is the wrong approach, and I hope the Senate will reject it.

Mr. President, I see my friend and colleague from Ohio wishes to address this issue, and I yield the floor.

Mr. BROWN. Mr. President, I thank Senator KENNEDY, and I want to join my colleagues, and I will precede Senator DODD and join him and Senator KENNEDY and others in urging a "no" vote on the amendment offered by the Senator from Colorado.

Drugmakers, as we know, have exclusive rights to market a prescription drug under a patent. That means no generic drugs are allowed on the market. There is no price competition and nothing to prevent drugmakers from charging top dollar for their products. Top dollar, as many of our constituents know all too well, for a prescription drug can be breathtaking. A 30-day supply of Nexium, the little purple pill, costs about $193; a 30-day supply of Exelon, an Alzheimer's drug, is $214; a 30-day supply of Pravachol, a statin drug, is $168. Under current law—under current law—drugmakers are rewarded an additional 6 months of competition-free time on the market when they agree to evaluate a prescription drug for use in children—6 months.

That is a tradeoff. It is a tradeoff the House and Senate agreed to, where adult consumers of this drug—adult consumers of the drug—are denied a less costly generic version of, for example, Prilosec, for an additional 6 months. This means their out-of-pocket health care costs—or their employer, or their insurance company, or the government—are significantly higher than they otherwise would be. That is the tradeoff.

At the same time, drugmakers agree to conduct pediatric testing they wouldn't have done voluntarily, sometimes for reasons all their own, and those tests provide invaluable information to pediatricians for the proper use and dose of medicines prescribed to children. That was the agreement—the 6-month exclusivity agreement. That incentive has worked to increase, we all agree, the number of pediatric tests drugmakers conduct. That is important. Pediatricians now have access to new information that has enabled them to make better use of prescription drugs to help our Nation's children.

My colleague, Senator DODD, championed the 6-month exclusivity law in his efforts in this area, as did my predecessor in the Senate, and so many others, and their work has improved the lives of children. Needless to say, the Senator from Connecticut would not arbitrarily or recklessly make changes to the pediatric exclusivity law. It was his idea and his work. He clearly isn't going to compromise it. But he is recommending one change, and this amendment, the Allard amendment, undoes that change, which is included in S. 1082.

He is recommending if a drug generates more than $1 billion in revenues—that is, it is a blockbuster drug—if the drug generates more than $1 billion in revenue, that drug should receive an additional 3 months of market exclusivity instead of 6 months. The reason is both simple and compelling.

It costs about $13 million—think about these numbers—it costs about $13 million to conduct pediatric testing on a new drug. If a drugmaker is taking in $1 billion a year on that drug, $13 million is about 1 percent of their revenues on that drug. Giving that drugmaker an additional 6 months of market exclusivity on a $1 billion drug costs health care consumers and taxpayers—the taxpayers who cover the cost of public health programs such as Medicare, Medicaid, and the VA—it costs them millions of dollars each day.

This is not, as Senator ALLARD said, a provision to punish the drug companies. It is a provision to help people with their out-of-pocket drug costs. It is a provision to help taxpayers who fund Medicare, Medicaid, and the VA. It is a provision to help those businesses that are funding health care and drug plans for their employees.

The Federal Government could do it another away. The Federal Government could reimburse drugmakers for the cost of pediatric tests. It could reward them with a 600-percent profit on conducting those tests, and it would still cost appreciably less than rewarding them an additional 6 months of exclusivity. That is why we made the decision not to do it that way. But in light of the astounding imbalance between the cost of conducting a pediatric test—$13 million—and the reward that 6 months of exclusivity provides when it comes to a $1 billion drug, Senator DODD recommended we cut that in half. We provide 3 months of exclusivity for billion-dollar drugs instead.

It is still a breathtaking reward: A $1 billion drug gets a 3-month exclusivity instead of a 6-month exclusivity for a $13 million test—a breathtaking reward for one pediatric test, but it is measurably more justifiable than the 6-month moratorium on price competition.

Common sense, fiscal responsibility, and the fact that all of us in this Chamber report to U.S. taxpayers dictate that we support Senator DODD on this modest change in his own program. The Allard amendment gives $1 billion drugs a 6-month exclusivity instead of 3. The logic is, if 6 months of market exclusivity is working to prompt drugmakers to conduct pediatric testing, we shouldn't change it. By that logic, we might as well give drugmakers 100 years of market exclusivity. I am sure that would work, too.

The point is, we have to draw the line to encourage pediatric testing, which this will, and to save money for our employers, for our taxpayers, and for senior citizens' out-of-pocket costs. When a drugmaker earns hundreds of millions of dollars, in many cases out of the pockets of U.S. taxpayers, for a pediatric test that costs about $10 million, that is unnecessary, it is unjustifiable, and it is outright wrong.

Please vote for common sense, for protecting our children, for U.S. taxpayers, for consumers, and against the Allard amendment.

Mr. ALLARD. Mr. President, the Senator from Wyoming, who is managing the time, has granted permission for me to speak for 5 minutes.

Mr. President, I forgot to ask unanimous consent that the following individuals be added as cosponsors on my amendment: Senator BOND, Senator HATCH, and Senator ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I would like to respond to this concern about drug companies investing relatively little and having huge returns. That doesn't apply to every drug.

Obviously, when you are developing a product for the market, there will be some that work out rather easily and the development costs may not be too much. But there are other drugs that require a substantial amount of work and analysis, and a considerable amount of thought has to go into the labeling. When those costs get high and when you hit those, the profit margin is not so large. I hate to see us pick out a few companies that may have had a windfall and then punish our children and say we are going to take away an incentive that has resulted in 80 percent of the children's drugs that have come to the market being approved and getting the proper licensing they require.

In my view, we pick out a few outrageous circumstances and then we try and take away an incentive that has been working so well for us.

My point, again, is why mess with that incentive when it is working so very well? As I had indicated here on the charts, we had such tremendous results in getting children's pediatric drugs to the market. This allows the pediatrician more choice in selecting therapies for their patients. It means better medicine. I also believe that the more products you have on the market, the more competition you have, and the more competition you have, that then holds down the price of drugs. What we need to do is rely on the markets to control the price of drugs, to control supply. I hate to see the Government or this Congress try to apply any kind of artificial parameters that somehow or other would mean we would have fewer drugs for the treatment of our kids and their ailments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise today in support of this amendment by Senator ALLARD which would strike a cap on pediatric research incentives for blockbuster drugs with more than $1 billion in annual sales. That sounds like a lot. We are going to quibble here about whether they get 3 months of additional time or 6 months of additional time. They have had 6 months of additional time.

Incidentally, this is one time per drug. This is not every time they can come up with a child's use they can extend another 3 months or 6 months; this is one time on any drug, they can get an extension of 6 months.

Now we are going to decide that a company that comes up with a really great drug is only going to get 3 months versus 6 months because they make $1 billion in annual sales? Three months' worth would be $250 million in annual sales, and that sounds like a lot, but when you figure out what is profit out of that, it is a much smaller number.

I congratulate Senator DODD for originally coming up with this incentive. He came up with the idea for 6 months, and it worked. You have seen the chart that shows how dramatically there was an increase in the number of drugs that were studied for kids and how proper doses were derived for kids. The Allard amendment ensures that pediatric studies that are essential to our children's health and well-being will continue to take place, that they will continue the same as they have with the same incentives and the same requirements. Under current law, in exchange for performing a pediatric study, a manufacturer can receive an additional 6 months of market exclusivity, one time per drug. This is a powerful incentive to ensure pediatric studies are completed. The substitute amendment we are debating today limits this exclusivity to just 3 months, and I am concerned that this will reduce or limit the number of pediatric studies. Senator ALLARD's amendment would revert back to current law. If we support and pass the amendment of Senator ALLARD, we go to current law, so manufacturers can receive the additional 6 months of market exclusivity.

Before incentives, there were very few pediatric studies. In the 7 years before Congress authorized incentives, only 11 pediatric studies were completed; 7 years, 11 studies—embarrassing. But at least 132 pediatric studies were completed, and more are ongoing. The current incentive system works.

This is not an abstract policy issue. Pediatric drug studies can mean the difference between life and death for our children. For example, initial research indicates that Viagra, which is a blockbuster drug, can work miracles for children with pulmonary fibrosis, a rare and potentially fatal lung disorder. Viagra seems to relax and expand blood vessels in afflicted children's lungs. Incentives spurred Pfizer to perform studies that are now underway and could save approximately 28,000 children who might otherwise die or suffer greatly. Without powerful incentives, such studies might not get done.

The Democratic witnesses at the HELP Committee's—the Health, Education, Labor, and Pension Committee—recent hearing agreed that caps are a risky experiment. The number—zero incentives, 11 studies; strong incentives, 132 studies—that speaks for itself. Reducing incentives will certainly reduce the number of pediatric studies. We should not undercut a system that is proven to help kids and then say we are improving the program. I don't think so.

I strongly agree we need to do everything we can to make health care more affordable and accessible, but harming a worthwhile program that saves kids' lives is the wrong way to do it. It is wrong to play the politics of drug pricing at the expense of our kids. We should protect these incentives which are proven to work.

Again, I congratulate Senator DODD for coming up with the idea of providing these incentives. I wish to note for the record it was at 6 months that we provided that. I ask that you support the Allard amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me first begin by thanking Senator KENNEDY and Senator ENZI for including the Best Pharmaceuticals for Children Act and the Pediatric Medical Device Safety and Improvement Act in the bill before us. I congratulate them, particularly Senator KENNEDY for his efforts of putting all this together, this major legislation which is going to be so important for the health and well-being of all our citizenry. I am very grateful to him, and to Senator ENZI as well, for leading the minority on this issue and making it possible for us to be here today to discuss these issues.

My friend from Colorado and I worked together on this issue. I appreciate the comments about the effort we made over the past decade or more to try to do what this bill was designed to do and has done, and that is to increase the clinical trials and testing of products used in our younger Americans—children.

In too many cases, prescription drugs were being tested for adults, and there was an assumption that a smaller dosage of that product would be all that was necessary to take care of children. Obviously, that was not the case, as we heard in significant testimony over the years.

Countless hours have gone into the work on this legislation. The Presiding Officer has been a tremendous help. I thank him for his efforts, along with others on this committee helping us put this together.

It must be an Ohio tradition. As he has heard me say on occasion, Senator BROWN has been tremendously supportive, working on this issue. He was active on the issue when he served in the other body, and he brought his talents and knowledge to the issue when he arrived here recently. His predecessor, Senator DeWine, was my cosponsor on this bill for a decade, on a bipartisan basis putting the legislation together that has produced the results which have been identified by Senator ALLARD and Senator ENZI already this morning.

We find ourselves here having worked very carefully together on a bipartisan basis for more than a decade to craft legislation. None of us are claiming perfection here. The idea was to try to induce the industry to step forward and do something they had not done before—to test their products in children. We were not certain when we started out how this would actually work. Ten years ago, we saw a situation where the majority of drugs being used in children were not being tested for their use.

Children are not simply little adults. The results of drug studies conducted under the Best Pharmaceuticals for Children Act have shown they should not be treated as such. The initiative contained in the bill before us on pediatric medical devices is a similar effort to ensure children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance.

Senator DeWine, as I mentioned, and I authored this bill more than a decade ago, at a time when only 11 drugs on the market that were being used for children had actually been tested and studied for that use. Prior to the enactment of this legislation a decade ago, pediatricians were essentially flying blind because they lacked information regarding the safety and effectiveness of drugs they were prescribing. It was often the children who suffered the most.

What we have learned over this past decade after 10 years of experience is that children have been exposed to ineffective drugs, ineffective dosing, overdosing, or drug side effects that were previously unknown. In 10 years, nearly 800 studies involving more than 45,000 children in clinical trials have been completed as a result of this legislation. Useful new pediatric information is now part of product labeling for more than 119 drugs.

In sum, there has been a 20-fold increase in drugs studied in infants, children, and adolescents as a result of the legislation I authored 10 years ago. Children with a wide range of diseases such as HIV/AIDS, cancer, allergies, asthma, neurological and psychological disorders, and obesity can now lead healthier and more productive lives as a result of new information about the safety and efficacy of drugs they use to treat and manage their diseases when previously there was none. This successful program for children will expire on the 30th of September unless we reauthorize it.

I have spent months crafting a proposal to reauthorize this legislation, which is now reflected in the underlying bill. It had been my hope that this initiative would continue in that bipartisan tradition that began more than a decade ago. Fashioning legislation when there are 100 of us here, trying to come up with ideas, and yet balance disparate views and opinions. There are some, frankly, who would have no periods of exclusivity and believe the industry ought to be doing this as a matter of obligation to one out of four Americans. You have heard from others who think we ought to provide extended periods of exclusivity, longer than 6 months. It is not easy to fashion these compromises here, where you can put something together that does what we want to do, all the while ensuring that the program can continue to generate more benefits than were originally contemplated. There has to be some limitation in terms of how we deal with all this.

I thank Senators KENNEDY, HARKIN, BINGAMAN, MURRAY, REED, CLINTON, and BROWN, who all cosponsored the legislation I introduced which, as I previously mentioned, has been incorporated on this bill.

Mr. President, I will ask unanimous consent that these letters be printed in the RECORD so my colleagues will know the bill we are considering is not something we threw together haphazardly. This was major, extensive work with major organizations in this country that spend every waking hour working on children's diseases and issues that affect their health. I am grateful to the AIDS Alliance for Children, Youth & Families; the American Academy of Child and Adolescent Psychiatry; American Academy of Pediatrics; the American Brain Coalition; American Pediatric Society; the American Psychiatric Association; the American Thoracic Society; the Arthritis Foundation; the Association of Medical School Pediatric Department Chairs; Children's Cause for Cancer Advocacy; Elizabeth Glaser Pediatric AIDS Foundation; National Association of Children's Hospitals; National Organization for Rare Disorders; Society for Pediatric Research—the list goes on.

I ask unanimous consent to have printed in the RECORD two letters from this myriad of organizations which every day are involved with children's health and are strong advocates of what we are doing here and respectfully disagree with the amendment offered by Senator ALLARD today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 17, 2007.

Hon. EDWARD KENNEDY,
Hon. CHRISTOPHER J. DODD,
Hon. MICHAEL B. ENZI,
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, ENZI, DODD AND CLINTON: As organizations working to ensure better health care for the nation's children, we write to thank you for your longstanding commitment to children's health and to express our support for legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA) and to improve children's access to safe medical devices. We are very pleased that BPCA and PREA reauthorization language and S. 830, the Pediatric Medical Device Safety and Improvement Act, have been included in the Chairman's mark of S. 1082, the "Food and Drug Administration Revitalization Act," for consideration by the Senate Health, Education, Labor and Pensions Committee tomorrow.

Over the past decade, Congress has enacted bipartisan legislation that has dramatically increased the number of drugs tested and labeled for children. The results from BPCA are extraordinary—over 336 requests have been generated for over 780 pediatric studies, resulting in over 115 new drug labels for children. Sen. Dodd's BPCA reauthorization language strengthens this very successful existing program in several important ways, including ensuring prompt label changes, requiring that all study protocols and results be made public, improving adverse events reporting for children, and identifying and addressing important gaps in treatments for children's diseases. In addition, the BPCA language includes a reasoned approach to address the small percentage of drugs for which the exclusivity provision has far exceeded the incentive it was intended to provide pharmaceutical companies.

S. 993, the Pediatric Research Improvement Act (PRIA), introduced by Sen. Clinton and included in the Chairman's mark, reauthorizes the Pediatric Research Equity Act of 2003 (PREA), which requires drug manufacturers to test their products for use in children. This law ensures that children are not a therapeutic afterthought and has generated impressive and invaluable safety and dosing information for children. Since the 2003 passage of PREA, 55 drugs have new or improved pediatric labeling. These drugs range from treatment of ear infections to the prevention of rejection of organ transplants. S. 993 places children on equal therapeutic footing with adults by creating the presumption that medicines coming onto the market for illnesses and conditions that occur in children will be labeled for pediatric use and be available in formulations (e.g., liquids, chewable tablets) that children can take.

The Pediatric Medical Device Safety and Improvement Act of 2007 provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults, many essential medical devices used extensively by pediatricians are not designed or sized for children. According to pediatricians, the development of new medical devices suitable for children's smaller and growing bodies can lag 5–10 years behind those for adults. S. 830 improves incentives for devices for small markets—while still preserving the ability to ensure the safety of new products once on the market. It provides assistance to innovators, streamlines regulatory processes, and elevates pediatric device issues at the Food and Drug Administration (FDA) and the National Institutes of Health.

Despite support for the Chairman's mark, we are disappointed that a key provision to make PRIA permanent has been omitted. As this legislation moves to the floor of the Senate, we urge you to restore the permanent authority of the FDA to ensure that children have properly studied medications as a matter of fact, not chance.

We are grateful for your longstanding leadership and commitment to improving the health of our nation's children and look forward to working with you toward swift Committee action and passage of these pediatric therapeutic bills by the full Senate.

Sincerely,

American Academy of Pediatrics; Elizabeth Glaser Pediatric AIDS Foundation; AIDS Alliance for Children, Youth & Families; American Academy of Child and Adolescent Psychiatry; American Brain Coalition; American Pediatric Society; American Psychiatric Association; American Thoracic Society; Arthritis Foundation; Association of Medical School Pediatric Department Chairs; Children's Cause for Cancer Advocacy; National Association of Children's Hospitals (N.A.C.H.); National Organization for Rare Disorders; National Research Center for Women and Families; Society for Pediatric Research.

MAY 1, 2007.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: As organizations working to ensure better health care for the nation's children, we write to express our support for your legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA), which has been included in S. 1082, the "Food and Drug Administration Revitalization Act." Since its original enactment in 1997, this legislation has directly resulted in an extraordinary increase in the number of drugs tested and labeled for children. In the past ten years, BPCA has prompted over 780 pediatric studies and yielded 115 new drug labels for children, fundamentally changing the practice of pediatric medicine and the quality of health care for our nation's children.

Since the inception of BPCA, Congress has recognized the need to ensure that it strikes the appropriate balance between cost to consumers and benefits to children. This year we have the data to show that we can adjust the exclusivity provision without losing pediatric studies. In February, the Journal of the American Medical Association (JAMA) published a study of the profits drug manufacturers received from the additional 6 months of pediatric exclusivity. The study found that "the Pediatric Exclusivity Program overcompensates blockbuster products for performing clinical trials in children."

The approach taken by your BPCA reauthorization legislation appropriately addresses the small number of products for which the benefit of additional exclusivity has far exceeded the incentive it was intended to provide. By limiting exclusivity only for those products with sales over $1 billion, your proposal can address concerns about excessive profits without jeopardizing the extraordinary benefits of BPCA for children's health. The adjustment will significantly reduce the overall cost of pediatric exclusivity to consumers. We therefore oppose Senator Allard's amendment to strike this reasonable exclusivity adjustment from S. 1082.

We are grateful for your leadership and commitment to improving the health of our nation's children and look forward to swift passage of BPCA by the full Senate.

Sincerely,

AIDS Alliance for Children, Youth & Families; American Academy of Child and Adolescent Psychiatry; American Academy of Pediatrics; American Brain Coalition; American Pediatric Society; American Psychiatric Association; American Thoracic Society;

> Arthritis Foundation; Association of Medical School Pediatric Department Chairs; Children's Cause for Cancer Advocacy; Elizabeth Glaser Pediatric AIDS Foundation; National Association of Children's Hospitals (N.A.C.H.); National Organization for Rare Disorders; Society for Pediatric Research.

Mr. DODD. To anyone offering to flyspeck this proposal and offer variations to it, I would say that months and months have gone into this legislation which we think has had the dual effect of ensuring that the ramifications of expanding the length of exclusivity, as some have proposed, have been carefully considered along with proposals to limit the length of exclusivity to 3 months for all drugs, as others have proposed. The bill before us balances many viewpoints on this program and is a proposal that 15 major organizations involved with the effort strongly support.

Throughout the 10-year history of the Best Pharmaceuticals for Children Act, Congress has recognized the need to ensure it strikes the appropriate balance between the cost to consumers and benefits to children. By instituting a 5-year sunset in both the original legislation in 1997 and the first reauthorization in 2002, Congress was acknowledging the ongoing need to evaluate the cost of the incentive under this act to consumers in relation to the benefit of having medications properly studied and labeled for children.

The 6-month incentive of exclusivity has been very successful in generating pediatric studies. Yet after 10 years, experience and data have shown us that for a small number of drugs, pediatric exclusivity has far exceeded the carrot that was designed to encourage people to move forward.

In February of this year, the Journal of the American Medical Association published a study of the profits drug manufacturers received from the additional 6 months of pediatric exclusivity.

The study found that most of the drugs studied under the Best Pharmaceuticals for Children Act in recent years received relatively modest returns. In fact, data shows that many drugs came close to breaking even with respect to financial returns on investment for conducting pediatric trials. In one place they may have had a negative return.

However, the study also found, and I quote them here, that "the pediatric exclusivity program overcompensates blockbuster products from performing clinical trials in children."

S. 1082 contains a very reasonable, workable mechanism to address cost concerns. By adjusting exclusivity from 6 months to 3 months only for those products with U.S. sales over $1 billion, I think S. 1082 can address consumer concerns about excessive profits without jeopardizing the extraordinary benefits of this legislation.

I don't think it is too much to ask. That is why we have the sunset provisions in this program, to be able to go back and analyze how this is working every 5 years. So for those products in excess of a $1 billion, we shorten exclusivity. I am satisfied.

Pfizer, a leading drug company in this country, supports this proposal. The producer of the largest blockbuster drug in the world says this is a good compromise. Why are my colleagues having a hard time? If a major drug company who has benefitted under this exclusivity and manufactured blockbuster drugs says this bill is a sound compromise, what is the problem my colleagues have with this proposal?

If Pfizer, a company that has benefitted from this program says this balance is a healthy one, why can't my colleagues be happy with it?

This bill is a good bill. It has done a good job for people. But let's remind ourselves that we also have a responsibility to consumers. And when consumers find themselves in a situation where they can't afford lifesaving medicines, then it is time for us to strike a balance. This bill has a sunset provision in it. I am for the sunset provision. I am for it because we need to come back again in 5 years and assess where we are on this issue rather than make a determination that in perpetuity this is a program and a balance that makes sense forever.

According to the Congressional Budget Office, eliminating the exclusivity adjustment, as the amendment offered by my colleague from Colorado would do, would increase the cost of exclusivity to the Federal Government by $50 million over 10 years. So in addition to the consumers, taxpayers are going to be asked to pay an additional $50 million under the Allard amendment.

Again, if we have drug companies saying they think this proposal is a good balance, why are we adding a $50 million pricetag to the taxpayers with the Allard amendment, not to mention the cost of these drugs increasing as a result of extending exclusivity from 3 months to 6 months for products with sales in excess of $1 billion?

As I said, this is something I have worked on for a long time in a bipartisan fashion: to strike a balance as we've tried to do for 10 years between benefits to children and cost to consumers. To now say all of us who have worked on this program are wrong, all of the organizations involved with children's health are wrong, and drug companies that have benefitted from this program are wrong—but we know best. We know best. We think those billion-dollar products deserve to be protected. We think the taxpayers should foot the $50 million bill and the cost of these drugs are irrelevant in this debate. Well, they are not irrelevant.

We may do great damage to something we are trying to achieve after a decade of hard work on a bipartisan basis to put this together. I say respectfully to my friend from Colorado and the Senator from Wyoming, we have worked hard to strike these balances. It is not easy. These are complicated issues. It requires cooperation on both sides of the aisle to get the job done. That is what I have done for a decade with Members of that side of the aisle to see to it that we have a good, strong bill. The result is a program which has gone far beyond what we anticipated might happen.

The slight adjustment we have made after analyzing this bill after 10 years is little to ask. If one of the largest beneficiaries of the program is satisfied, and if the organizations who support this program believe it is all right, why are we adding a $50 million pricetag and asking consumers to pay more?

I urge my colleagues to reject the Allard amendment when the vote occurs. I thank Senator KENNEDY and others who have worked so hard to make this possible. This is a very important piece of legislation, and one that can do an awful lot of good. The amendment offered by my colleague from Colorado puts that at risk. Our children in this country deserve better than what he is offering, which is to try to break up the delicate balance I have tried to put together for a decade.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my dear colleague from Tennessee for allowing me to go first, and also my two colleagues on the Democratic side, Senators CARPER and STABENOW.

I ask unanimous consent that Senator ALEXANDER be permitted to go next and then Senator CARPER and then Senator STABENOW.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I think it would be useful if we rotate it back and forth.

Mr. HATCH. I think we have an agreement among the four of us.

Mr. KENNEDY. If the Senator from Delaware is satisfied, that is fine with me.

Mr. ENZI. One of the things we are trying to do is keep the debate on the children's amendment so we can get a conclusion to the children's amendment before time deadlines come up. So if those who wanted to speak on other issues can reserve their time until later, that would be very helpful.

Mr. HATCH. I would add to that request the Senator from Oklahoma after Senator STABENOW.

Mr. KENNEDY. We still have the Pastore rules in effect, which means the debate on the first 2 hours is supposed to be on matters which are subject to it. I mean it is not generally enforced, but Senator ENZI and I are trying to move forward.

The PRESIDING OFFICER. Is there objection to the unanimous consent request from the Senator from Utah?

Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleagues, including the two managers of the bill on both the Democratic and the Republican side.

I rise in support of the Allard amendment. I want to take a few minutes to talk about pediatric testing and research provisions included in this bill. I have strongly supported both the Best Pharmaceuticals for Children Act and the Pediatric Research Improvement Act.

As my colleagues know, current law provides 6 months of exclusivity for drugs that do research and development in the area of pediatric use. I am very interested in keeping it that way. That has proven very efficacious in the Hatch-Waxman bill. It keeps companies involved in developing great drugs for children in this area. So it is a very important part of this.

I was deeply involved in those negotiations in 1997 with my former colleague, our former colleague, Senator Mike DeWine. I have supported these efforts from Ohio Senator Mike DeWine that brought additional pediatric testing of prescription drugs to our attention during consideration of the FDA Modernization Act of 1997. He fought long and hard to encourage drug companies to conduct clinical trials on pediatric uses of their drugs.

His efforts paid off and this program has been extremely successful. As a result, pediatric drugs are safer and more effective for children. The bill before us today reduces the 6-month exclusivity period for blockbuster drugs to 3 months.

I emphasize again this market exclusivity has provided the incentive needed to increase research and development for pediatric drugs. We used the same type of an approach on the orphan drug bill many years ago. At that time there were only a few orphan drugs. Today there are over 300 being developed. It is the same principle here.

The Allard amendment restores current law and provides 6 months of exclusivity for all drugs. As I mentioned last night, my good friend and colleague from Connecticut, Senator CHRIS DODD, has also shown great leadership on this issue when FDAMA was being considered in 1997. He held a hearing on this issue earlier this year with his ranking Republican member, Senator LAMAR ALEXANDER, who has served long and well on this committee.

That hearing was very insightful, and I believe many of us are trying to do the right thing as we reauthorize both programs. I urge my colleagues not to lose sight of the purpose of these two programs as we make decisions on this part of the bill. We want good solid information about the safest way to prescribe drugs for children.

By giving companies market exclusivity to conduct clinical trials, we will know the safest dosage levels for children. So let's not lose sight of the original purpose of these programs: to help children have the safest dosages for prescriptions.

Now, it is no secret I support the Allard amendment. I would just like to add a few more facts. Nearly two-thirds of the drugs prescribed for children have not been studied and labeled for pediatric use. I know the importance of accurate clinical information about a drug's use in the pediatric population. This smaller body mass and higher metabolic rates of children mean they often respond differently to drug dosing than adults do.

A drug that is safe and effective in adults may not always be safe for children. The question is not whether we should study the safety of drugs for children but how we make that research happen.

In 1997, Congress considered this issue and created an incentives program for companies to study the use of their drugs in pediatric populations. The program offers an additional 6-month patent protection or exclusivity to drug manufacturers to help recoup the cost of investing in these critical pediatric studies. It is a win-win situation. Drug companies have the incentive to invest time and extra resources for a small share of the market, and, more importantly, children get the research they need.

The evidence is that the incentives for exclusivity should be maintained, not lowered. Despite the fact that the bill providing the incentive for pediatric studies was enacted a decade ago, nearly two-thirds of the drugs prescribed for children have not been studied and labeled for pediatric use.

We have had a great deal of study about the need for this incentive and how it should work.

The fact remains that there is a persistent public health need for accurate clinical information about how adult drugs will work in children.

Children are not adults, for reasons that the Senator from Oklahoma, Dr. COBURN, has well explained to this body.

Much of what our colleague from Connecticut, Senator DODD, has just said underscores the need for a continued, strong, exclusivity provision.

The statistics he cited about the success of this program are truly remarkable and a significant milestone in the history of public health.

The only place where there seems to be disagreement on Best Pharmaceuticals for Children Act is the exclusivity period for what some define as "blockbuster drugs." I know the Senator may call the 6 months period "gouging" but that "gouging" may very well be the incentive that has led to the FDA receiving more than 400 proposed pediatric-study requests and receiving 144 completed studies.

Those who support the Senator's amendment—and I know it is well-intentioned—suggest that without the 6 months' incentive, the pediatric testing will still continue and will be robust. Who knows if this is true?

I wonder if we want to call their bluff and take away this powerful incentive? I don't think we can take that chance.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, first I would like to congratulate Senator DODD and others who over the past 10 years have developed this piece of legislation. It has been remarkably effective. I think it is important as we talk about this that we remind ourselves what we are saying. What we are saying is, we live in this country with all of these wonderful pharmaceutical drugs for adults, but in many cases, before this legislation had been enacted, doctors were flying blind. They were guessing about the effect of these drugs on children.

That sometimes had very unfortunate results. I know that in my home State of Tennessee a drug for whooping cough was given to a number of children. There had been a clinical trial for the effect it would have on adults but not on children. And the children were so seriously harmed by the drug that the Centers for Disease Control later found that the drug was the reason they needed stomach surgery.

So it is remarkable that 10 years ago Senator DODD and others—Senator DeWine, Senator HATCH, and many others who have been mentioned—came up with the idea that if we strike this balance that Senator DODD has referred to several times and give the companies that make the drugs a little more time, 6 months with their patent, that they in return would then conduct trials on these drugs on how they affect children.

No one knew at that time exactly what would happen. They were guessing. This is long before I came to the Senate. But they guessed well. As a result, as has been said, about one-third of the drugs that are given to children now have had testing and trials for use in children. Now doctors, when we bring our babies and grandbabies in, have a better idea of what they are doing. They are guessing less. It is better for the children.

In my family we have two new grandchildren under the age of 2. Senator DODD, being younger than I am, has two children who are young like that. Maybe he has heard what I have heard. My mother used to say to me when I would go to the babies and they were happy, she would say: "Son, don't try to make a happy baby happier."

In effect, what she was saying is, leave it alone if it is happy. Well, this is a happy piece of legislation for which Senator DODD and others should have a lot of credit. My suggestion would be let's not try to make a happy piece of legislation happier. It is happy because one-third of medicines are being studied, and doctors know more about what they are giving to their patients who are children.

What the Allard amendment would do is keep the law the way it is. It is the bill that is on the Senate floor that would change things.

I understand this is an estimate, but I listened to the testimony. The Senator from Connecticut suggested we are all racing here at the last minute and changing it. Wait a minute. We had a hearing on this some time ago. It was a terrific hearing. I was there. We heard various points of view, a lot of celebration about the effect of this act over the last 10 years. The only reason I was not a cosponsor of this legislation was because I wanted to hear the testimony about what the effect would be of changing this law that is a happy law that has worked so well for so long. As a result, it created the situation where a third of the children have drugs that doctors know more about.

After listening to all the testimony, if I were going to change the law, I would make the incentive 7 months or 8 months or 9 months. Why would I do that? The reason is, at the hearing it was said that while a third of the drugs that are administered to children have had been tested for use in children, probably we need two-thirds of the drugs that are ready for adults to have that sort of testing. In other words, we are about halfway where we want to go if we want to have drugs that are tested to see what their effect will be on children.

So my question was, if giving 6 months' incentive has gotten us halfway where we want to go, then maybe to get all the way where we want to go, we should go to a 7 months' or 8 months' incentive. But my feeling at the end of the hearing was, well, the existing law has worked well by providing an incentive of 6 months. Let's leave it like it is. The end result of the legislation that is on the floor is not to leave it like it is but to change it, to reduce it from 6 months to 3 months, which is exactly backwards.

What the effect of this reduction will be is to reduce the opportunities for tests of drugs for children, which would fail to move us along toward the goal of having two-thirds of drugs studied for use in children.

I applaud Senator DODD. I give him great credit for this. When he retires from the Senate in another 30 years, this will be one great feather in his cap, as well as for Senator CLINTON and others who have worked on this. But I would go back to what my mother said: "Don't try to make a happy baby happy." Let's not try to make a happy piece of legislation happy. Let's leave it the way it is. It has worked for 10 years. Let's let it work for another 5 years the way it is. Adopting the Allard amendment would keep it the way it is.

I have one suggestion for Senators KENNEDY and ENZI, if I may. Maybe they would want to consider it as part of the managers' amendment. We heard testimony at our hearing that perhaps our goal should be someday to get two-thirds or three-fourths of the drugs that are for adults studied for use in children. Today it is one-third. I think it would be useful for us at a future time to know exactly what our goal ought to be. Maybe it ought to be 90 percent. Maybe it ought to be 50 percent. But I wanted to suggest to the Senator from Massachusetts and the Senator from Connecticut that we might want to include in this legislation asking the FDA or the appropriate agency to study what percent of drugs approved for adults should also be tested for children, what is that proper goal, so that the next time this issue comes up we have some informed judgment about it. A quick review of the medical literature shows there hasn't been any such study. I could be corrected if there has been. If there hasn't been, I suggest we make that a part of the legislation. I make that simply by suggestion, not amendment. I intend to vote for the Allard amendment, and I have stated the reasons why. If we have a happy piece of legislation, let's keep it happy. That will do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 990

Mr. CARPER. Mr. President, I wish to change the subject for a moment, if I may. The overall subject is the same; that is, the legislation that is before us. I salute Senators KENNEDY and ENZI and their staffs for providing an excellent piece of legislation. It was not an easy thing to do on a difficult subject. I thank them for their efforts and for getting us to this point.

Yesterday evening, our colleagues and friends, Senators DORGAN and SNOWE, filed an amendment to S. 1082 that would allow for reimportation of prescription drugs from Canada and from certain other countries. In previous years, a number of us, including me, supported reimportation legislation, so long as the Secretary of Health and Human Services certifies that the reimportation of prescription drugs can be done both safely and cost-effectively.

Earlier this morning Senator COCHRAN filed a second-degree amendment to the Dorgan-Snowe legislation that seeks to require that certification in the context of this legislation that is before us today. Senator COCHRAN's amendment would require the Secretary of Health and Human Services to certify that the provisions within the Dorgan-Snowe reimportation program would pose no additional risk to the public's health and safety.

In addition, the Cochran amendment would require the Secretary of Health and Human Services to certify that this reimportation program would result in a significant reduction in the cost of prescription drugs to the American consumer. So there are two goals. These few lines that Senator COCHRAN just introduced were passed by unanimous consent 4 years ago in 2003. In 2002, this language passed the Senate by a vote of 99 to nothing. It is clear, at least to me, from these past votes that this is not the first time the Senate has taken up this issue and, again, with some consensus.

Since the last time reimportation was before this body, Senators DORGAN and SNOWE have worked hard to address many of the safety concerns folks had raised in previous iterations. I commend both of them and their staffs for working diligently to try to address a number of these concerns. I believe they have made significant progress. For instance, concerns were voiced earlier that the FDA would not have enough funds to operate a reimportation program. To provide the FDA with additional resources, the revised Dorgan-Snowe proposal would increase user fees paid by those drug wholesalers and pharmacies participating in the program from 1 percent to 2.5 percent of the total price of the drugs that are reimported. This moves us closer to ensuring that FDA will have the resources they need to operate this program effectively.

Senators DORGAN and SNOWE's new legislation would also allow the FDA more time to phase in the number of drug exporters and importers that want to participate in the program. A slower phase-in would give the FDA more time to ensure that the importers and exporters are aboveboard and should help alleviate concerns that we would unknowingly allow unscrupulous vendors into this reimportation program.

Although Senators DORGAN and SNOWE address a number of the drug safety concerns, I believe a couple of possible shortfalls remain, especially when it comes to stopping the proliferation of counterfeit, adulterated drugs. Specifically, this legislation relies on what are called paper pedigrees to show a drug's chain of custody, but there is no guarantee that these paper pedigrees could not be forged to hide possible counterfeiting, possibly leaving American consumers with a less safe drug supply. Moreover, this bill relies on what some believe are unproven and untested anticounterfeiting technologies to guarantee drug safety. While I give credit to my friends for trying hard to build safety into the proposal, it is not yet clear that anticounterfeit technologies, which the proposal relies so heavily upon, is yet at the point of being both widely available and, more importantly, cost effective.

In addition, it is unclear to me if this reimportation program would give the FDA the authority to conduct inspections of foreign manufacturing plants. It is unclear to me whether the countries permitted under this bill to export drugs into the United States have the same kind of safety and quality control standards that we enjoy at home.

In the end, drug reimportation will only work if we are able to ensure that the drugs we import are as safe as those manufactured and sold in the United States. If the Secretary of Health and Human Services, the person who directly overseas the FDA to ensure the public's health and safety, is not prepared to certify that the importation is safe, then that gives me pause, and I believe it should give us pause. We don't have a reimportation program operating right now, but the incidence of drug counterfeiting and adulterated drugs still exists. In the last few years, prescription drugs that contained bogus or dangerous ingredients as well as actual drugs that were deceptively labeled to hide their origin have made their way into the United States. For example, 4 years ago, counterfeits of the cholesterol drug Lipitor were found in the United States and made their way to a number of American consumers. Recently, FDA warned consumers about counterfeit drugs from multiple Internet sellers.

Many would argue that the FDA already has its hands full. If that is true, how do we in good faith add another layer of complexity such as reimportation to an already overburdened and underresourced system without also demanding that the Secretary of Health and Human Services certify that reimported drugs are safe for American consumption.

Similar to most of my colleagues, I am not opposed to reimportation, but I do firmly believe that despite the very real progress that has been made with respect to the earlier Dorgan-Snowe proposal, some uncertainties remain in the revised legislation they offered yesterday. Because of those remaining concerns, I support the Cochran amendment and ask my colleagues to do the same.

Similar to some of my colleagues, I have held in my hands medicines that appear to be the same as the prescription medicines manufactured in this country. They were the same size, same shape, same color. They have the same markings. The wrapping and the materials they come in are the same. They appear to be, for all intents and purposes, the same legitimate prescription medicines. They were not. In some cases, they contained materials that were unsafe, and in other cases they contained materials that were not helpful to the person suffering from a particular malady. I would like to say that those concerns for that kind of behavior have gone away. They haven't. The profit motives for those who would like to sell bogus drugs, counterfeit drugs, the economic attraction of doing that is enormous. As a result, I think we need to proceed with caution.

I again commend Senators DORGAN and SNOWE. They are trying hard. Their staffs are trying hard to get us to the point where the Secretary of Health and Human Services can actually certify that we can reimport these drugs in a way that is safe and cost effective. We will be voting later today to determine whether we have gotten that far. The Cochran amendment made sense before, and I think it still makes sense.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, for the benefit of the Members and the greatest convenience, we will vote on the Allard amendment at 12:25. What I would like to do is propose a consent agreement that we vote at that time. I know the Senator from Oklahoma and the Senator from Michigan want to talk. We have 35 or 40 minutes. Probably Senator ALLARD and Senator DODD would want to make a comment before we get to the vote.

I ask unanimous consent that at 12:25 the Senate vote in relation to the Allard amendment 982 and that the time until then be for debate with respect to the amendment, with the 40 minutes divided as 20 minutes being divided equally between Senator ALLARD and Senator DODD and 20 minutes between the Senator from Michigan and the Senator from Oklahoma; furthermore, that no amendments be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 1011

Ms. STABENOW. Mr. President, first, I ask unanimous consent that the pending amendment be temporarily set aside and call up amendment No. 1011 for the purposes of offering the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW], for herself, Mr. THUNE, Mr. LOTT, Mr. BROWN, and Mr. KOHL, proposes an amendment numbered 1011.

Ms. STABENOW. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To insert provisions related to citizens petitions)

At the appropriate place, insert the following:

SEC. . CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

"(r) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

"(1) IN GENERAL.—

"(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

"(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

"(ii) NO DELAY OF CONSIDERATION.—The receipt of a petition is not just cause to delay consideration of an application submitted under subsection (b)(2) or (j) and consideration of a petition described in clause (i) shall be separate and apart from the review of an application submitted under either such subsection.

"(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 30 days after the submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

"(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

"(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

“(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

“(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

“(3) VERIFICATIONS.—

“(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: ‘I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; and (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about ________________. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: . I verify under penalty of perjury that the foregoing is true and correct.’, with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

“(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: ‘I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents. I further certify that the information upon which I have based the action requested herein first became known to me on or about . I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: ________. I verify under penalty of perjury that the foregoing is true and correct.’, with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

“(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

“(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

“(B) the number of petitions that were submitted during such period;

“(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

“(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

“(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

“(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

“(7) DEFINITION.—For purposes of this subsection, the term ‘petition’ includes any request to the Secretary, without regard to whether the request is characterized as a petition.”.

Ms. STABENOW. First, Mr. President, I thank Senator KENNEDY for his incredible leadership and work on this very important legislation, and Senator ENZI, as well, for his leadership and work and partnership with Senator KENNEDY on this legislation. I also thank Senator DODD for his years of advocacy for children. I join with him in opposing the Allard amendment, and believe Senator DODD has given us the first step as to where we need to go in terms of more medicines being available for children. I thank him for all of his leadership.

Mr. President, I today am offering an amendment—a bipartisan amendment, with Senator THUNE, as well as Senator LOTT and Senator BROWN; we also have Senator KOHL joining us—to close a loophole that the brandname pharmaceutical companies are using to prevent competition by delaying the entry of generic drugs.

Our amendment is based on the citizen petition provision that is included in a bill Senator LOTT and I introduced last session and again this session, but it has been greatly improved by contributions from Senator BROWN. I particularly thank him for his hard work and contributions to this amendment.

The citizen petition process is intended to allow citizens to raise legitimate issues regarding drug products, and it is very important we have that. However, the brandname pharmaceutical companies have increasingly used citizen petitions to delay access to safe, effective, and affordable generic drugs.

Simply put, citizen petitions have become PhRMA petitions to block consumers from having access to affordable medicines, unfortunately. The cost to employers, consumers, health insurance plans, and Government health plans, as a result of delayed entry of generics, amounts to hundreds of millions of dollars—and in some cases billions of dollars.

For that reason, our amendment has the support of a very broad range of consumer groups, business groups, labor, pharmacy, and other organizations, including the AARP, the chain drugstores, General Motors, Ford, DaimlerChrysler, the AFL–CIO, the Alliance for Retired Americans, CalPERS, the National Committee to Preserve Social Security and Medicare, Families USA, the Pharmaceutical Care Management Association, the UAW, and the Coalition for a Competitive Pharmaceutical Market, which is a broad coalition of our employers and insurers across the country.

What would our amendment do? Our amendment would, first, preserve the right to file citizen petitions and raise legitimate safety issues. This is very important. We do nothing to take away the citizen petition. It would reduce the filings, though, of frivolous citizen petitions, and it would stop frivolous petitions from delaying generic entry—and thus costing businesses, consumers, and taxpayers—by allowing needed competition to bring down prices in the pharmaceutical market.

It would do so by, first, requiring the generic approval process to move forward while a petition is considered, unless the petition has raised legitimate public health concerns about the drug.

Second, it would require that final action on a petition be taken within 6 months of the petition being received.

Third, it would require petitions to be signed and include a verification that the petitioner has taken reasonable steps to ensure all relevant information is included in the petition and whether any payments have been made in exchange for filing the petition. This is very important.

And, fourth, it would ensure transparency surrounding FDA's decisions on whether to delay generic drugs on the basis of a citizen petition.

Our amendment improves upon the language in the Stabenow-Lott bill in that it sets timelines for FDA to evaluate petitions and absolutely ensures that if it is a legitimate public safety issue, then medicines will not be approved unless and until the safety issues are resolved.

Why do we need this amendment? Any person or organization can file a citizen petition with the FDA raising concern. We certainly want people to be able to do that. However, the process right now is being used in ways that are unintended.

The Medicare Modernization Act closed a lot of loopholes that the brandname companies were using to delay generics from going into the marketplace. So, unfortunately, they have looked to another tool. They are now using these frivolous citizen petitions.

Between passage of the Medicare Modernization Act and April 30, 2006, brandname companies filed 45 citizen petitions requesting that the FDA delay approval of a competing generic drug. Of the 45 petitions, the FDA has ruled on 25 of them. Of the 25 petitions, 92 percent of them were denied.

The brandname companies often file these petitions right on the eve of the generic drug being approved, making it very clear that delay is the goal. These are "11th hour" petitions, as they have been called, and 12 of those "11th hour" petitions—12 of them—were denied in whole and 1 in part by the FDA.

What do the petitions ask for? Do they raise new and important issues? Unfortunately, the answer is no. Although the petitions are filed before or after a generic drug has received tentative approval from the FDA, they commonly simply request additional studies or additional data, based on mere speculation by the brand companies.

The FDA typically will not approve a generic drug until all the underlying issues of a citizen petition have been addressed. As a result, although the FDA regulators provide that citizen petitions should be addressed within 6 months—and that is what our amendment says—the average review time is 10 months. And 10 months means lots of lost dollars. It leaves consumers paying more, businesses paying more, and insurers paying more.

The fact is the vast majority of petitions filed by brand companies have nothing to do with science and everything to do with delaying generic drugs, stopping the competition. Consumers lose as a result of that.

In December 2005, Merrill Lynch released a report analyzing brand company use of the FDA citizen petition processes. The analysis involved a review of citizen petitions filed by brand companies since 2001. They said there was a "sharp uptick" in the number of citizen petitions filed by brand companies in 2004 and 2005 and,

> In many instances, the filing of [these citizen petitions] by branded companies coincided with the expiration of a product's patent (or other marketing exclusivity) effectively delaying generic competition for months and sometimes years.

Why is this important? Well, I want to give you a few examples.

Flonase is a drug that is used to treat nasal symptoms and allergies. It is a very commonly used drug. In this case, the brand company filed multiple citizen petitions in an effort to delay the generic competition, a lower priced drug, from going on the market. All three citizen petitions were denied.

According to the FDA:

> [The brand company] has not articulated sound public policy grounds for supporting a stay. In addition, [the brand name company] has not demonstrated that the delay resulting from the stay is not outweighed by public health and other public interests.

In other words, no sound public policy, but, unfortunately, the delay took months to resolve.

The following quote from Gary Buehler, Director of the Office of Generic Drugs at FDA, was reported in the New York Times on February 23, 2006:

> The agency was required to consider the petitions and to write responses. That took time and delayed the approval [process].

So what happened? Even though all of these petitions were denied by the FDA, it took so much time, and generic entry was delayed by 656 days, and the brand company was able to get $1.65 billion more in sales.

We see with all of these drugs shown on this chart delays that have, in fact, allowed the brandname company to be able to continue sales. Unfortunately, these higher costs are paid by our seniors, consumers, and businesses that offer medication, as well as by insurers themselves.

We have not only large delays, but even in the case of 5 days, $17 million more in sales. So there is great incentive to use delaying tactics in order to be able to continue this process.

Mr. President, I see my time is up. Let me say this amendment was carefully constructed to allow citizen petitions to continue. The overwhelming evidence from the Federal Trade Commission, the Office of Inspector General, as well as the FDA, and others—the overwhelming evidence is we are seeing this as a new loophole that is being used to delay effective competition and lower cost medicine from going into the marketplace. We can fix that and keep the citizen petition for legitimate issues. We certainly want that. We certainly are concerned about safety, as is the FDA. But it is time to close this loophole.

I thank my colleagues who are cosponsoring this amendment and urge support for the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 982

Mr. COBURN. Mr. President, I rise to speak for a minute in support of Senator Allard's amendment. I also want to recognize Senator DODD's work, and I believe he truly cares about us getting pharmaceuticals to children. But I think the bill as written today has some very great risks for our children.

I practice medicine. I can remember 25 years ago, for so many of the drugs, we did not know what we were doing as they related to children. We had sometimes great outcomes and sometimes poor outcomes as to the availability and knowledge of pharmaceuticals for children.

We have a system that started 10 years ago that has been highly successful. Mr. President, 144 drugs have now been studied in kids. We know what we are doing with 144 drugs. With 25 of those drugs, we now know not to use them for children.

How did we get there? We created an incentive that said: We will give you a 6-month patent extension if you will study pediatric indications and do a study on pediatric patients for this drug. It worked. As a matter of fact, it worked great.

Now, I am having trouble understanding, as a physician, the therapy Senator DODD wants to put on this. He is back to practicing medicine the way we did pediatrics 25 years ago with his amendment. I certainly hope he is right if he wins because there are going to be a lot of children in trouble if he is not.

What his amendment actually says is, if you made $1 billion off a drug, you only get a 3-month extension. I can see how we could look and say they are making too much money. But only 1 out of every 10 drugs we studied in pediatrics was a blockbuster drug. So what is happening with these high-profile drugs they are making a lot of money off of is they are the things that are funding the other 130 studies of drugs that are not blockbusters, that are not profitable.

So what Senator DODD has put in this bill—and I know it is well-meaning—is to limit that profitability, hoping drugs will become more reasonable, and gambling—a very risky gamble—that the research on pediatric drugs will continue with that 3-month extension.

He may be right. But as someone who cares for kids in my own practice, I am not willing to take that gamble. I am not willing to say: What if he is wrong? What if the studies go from 144 to 15?

Now that we are seeing all these new drugs coming out, we are not going to have a study for kids? We are going to take away opportunities for young children to have the benefits of a new drug because they are not studied? Or we are going to use the drugs anyhow, even though they are not indicated and we do not know what we are doing, in a hope—not in a knowledgeable, scientific way but in a hope we are doing some good?

We have a system that has worked very well. Senator DODD was supportive of that system. I do not know that he is right. He could be right. But the question will be: What if he is wrong? What if the next 100 drugs that come out for maladies that could have an application for children—especially some very small used drugs, specialty drugs for chemotherapy, and have a very low incidence of usage in kids—what if they are not available? What if they are not made available? How many children are not going to get that drug? Now the system is paying for 90 percent of the studies on drugs that aren't the blockbusters, and we are going to cut the incentive in half. It may work. I don't know where the knowledge is, the scientific inquiry, or the study that says that going from 6 months to 3 months is the right amount. What about 2 months? What about 1 month? What about 5 months? We don't know. So what are we going to do? We are now going to go back and practice on pediatric drug studies the way we used to practice on children. We are going to guess.

What the Allard amendment says is: We are not real happy there is this amount of tremendous profit, but we do understand that the profit off the blockbuster drugs is actually paying for 90 percent of the studies on nonblockbuster drugs for kids, that we are going to take away that incentive. It is really comforting as a physician to know now what I didn't know before in terms of giving a kid a medicine and knowing how it is going to be metabolized, knowing its half-life, knowing it is different in a child and being able to dose it correctly, and confidently saying to a parent: I have given you something that is going to fix your child, that is going to cure this illness, and I know you are not going to have a side effect from it.

What we have done has worked. Why would we mess with it unless we know? I have listened to this debate. I don't see anybody telling me how we know we are not going to disincentivize further drug studies. If somebody can show me that, then I will be happy to vote against the Allard amendment. But there is not anybody who can show me scientifically that we are going to have another 144 drugs studied if we cut this in half. Maybe we will, maybe we won't. I can't see into the future, but I am cautious enough to know I love the progress we have made.

If we change this, if we change it—and it sounds as if, from the debate here, the Allard amendment isn't going to be approved—we better darn sure know what we are doing, and we better darn sure say that taking money away from drug companies in terms of extending patents is not going to have a negative impact in terms of positive benefits.

I am not the greatest defender of the drug companies. I authored the first bill that was signed by President Clinton which allowed reimportation of drugs into this country. Why did I do it? I think we need to have a worldwide market on pharmaceuticals. We don't. We have a controlled market everywhere except in this country. The American taxpayers end up subsidizing the research and subsidizing the profits. But I also recognize that some of these drugs' profits are the very things that allow me to now give comfort to a mother and a father when they have a very sick child.

I hope Senator DODD has the wisdom to know that he has done it just right and that there is not going to be one cancer chemotherapeutic agent that wasn't studied in children because it is not a blockbuster drug, and now that we are going to cut it to 3 months, that there will still be an incentive to make sure that the next child with a sarcoma or the next child with an aplastic anemia or the next child with a leukemia that is resistant to bone marrow transplant or anything else is going to be able to have the medicine.

We are going to go back to the way we practiced medicine 10 or 12 years ago. We are not going to know, and we are going to shoot from the hip and pray and hope. What we have today is we don't have to pray and hope anymore. We now have the studies.

I don't know the answer to it, and I am not saying Senator DODD is wrong, but I think a legitimate question to ask is. What if he is wrong? What if he is wrong? How many children aren't going to have drugs? How many children are going to have a drug complication? How many children are going to have a drug interaction? How many children's lives aren't going to be saved because we decided the drug companies are making too much money and we are going to tell them how much they should make?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, if I may, I would like to divide my 10 minutes, and I would like to spend a few minutes on another part of the bill, the Pediatric Medical Device Safety and Improvement Act.

I thank Senator KENNEDY and Senator ENZI for including this bill which I authored in the underlying legislation.

The pediatric medical devices provision of the underlying bill is not subject to an amendment, but I want my colleagues to know what we have done with this provision, which is a complementary piece of legislation dealing with a similar set of issues as under the Best Pharmaceuticals for Children Act. That is, ensuring that medical devices used in children are safe and designed specifically for children. One of the fundamental hurdles with respect to children is that the market for products designed for them is relatively small. However, I believe the proposals in the underlying bill will make a huge difference in the lives of children.

This initiative provides a very comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance.

Like drugs, where for too long children were treated like small adults and were just given reduced dosages, many essential medical devices used by pediatricians are not designed or sized for children, and that has been the case for many years. Pediatric providers have had to resort to jury-rigging or fashioning makeshift device solutions for pediatric use. When that is not an option, providers may be forced to use more invasive treatments or less effective therapies. This legislation addresses the need to promote pediatric device development by providing incentives to manufacturers while at the same time equipping the Food and Drug Administration with appropriate authority to monitor and ensure the postmarket safety of medical devices used significantly in children.

One such example which highlights the need for this legislation is a device known as the Vertical Expandable Prosthetic Titanium Rib, a device invented, developed, and brought to market by Dr. Robert Campbell, Professor of Orthopaedics at the University of Texas Health Science Center. Dr. Campbell appeared before the Health, Education, Labor and Pensions Committee in late March and testified about the arduous 14 years it took to bring the titanium rib to market. Dr. Robert Campbell made remarkable breakthroughs with this technology but the hurdles he faced were, at times, seemingly insurmountable.

I want to put up a photograph of a boy named Devin Alvarez, of Hialeah Gardens, Florida, which shows the remarkable difference this device has made for him. Devin was born with six ribs missing and a very small left lung and kidney. At birth, the doctors did not believe he was going to survive his first night. In May 2002, Devin underwent titanium rib implant surgery and the curve of his spine was reduced to 45 degrees. Devin stood straight for the first time in his life and, at present, Devin is a very typical 9-year-old boy who enjoys playing sports such as golf and baseball.

Again, remarkable ideas for pediatric medical devices happen regularly, but the incentives to transform ideas into new FDA-approved devices simply don't exist. So the motivation for the Best Pharmaceuticals for Children Act legislation 10 years ago dealing with pharmaceutical products for children is the same motivation behind this legislation—to encourage the medical device industry to develop and to engage in the kind of research to allow these technologies to emerge.

In describing the pediatric medical devices bill which is now included in this legislation, Dr. Campbell, who has been so instrumental in all of this, said:

> This bill represents an historic step forward for children's medical and surgical devices similar to those steps taken on drugs. It will help future medical inventors of pediatric devices to avoid my mistakes and my frustrations so that they can get their devices "off the napkin," if you will, and into the pediatric patients who need them, in a safe and timely fashion.

I thank my colleagues from Massachusetts and Wyoming for working hard to make sure this will be a part of the underlying bill. I am grateful to them. It is my understanding that concerns have been raised by some in the medical device industry regarding a particular provision of the bill related to equipping the Food and Drug Administration with authority to ensure the safety of medical devices in children once they are already on the market.

The provisions in the bill mirror the recommendations made by the Institute of Medicine in its 2005 report on pediatric medical device safety. The Institute of Medicine found serious flaws in the current postmarket safety surveillance of these devices and the provisions in my bill correct those serious flaws. I am disheartened by those who would attempt to deprive children and physicians with information that pertains to device safety.

I think we have made some tremendous advances for children and their families in this legislation.

Mr. President, I ask unanimous consent that relevant material relating to the medical device provision of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELIZABETH GLASER PEDIATRIC
AIDS FOUNDATION,
Washington, DC, March 5, 2007.

Hon. CHRISTOPHER DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to thank you for your leadership in introducing the Pediatric Medical Device Safety and Improvement Act of 2007 and offer our strong support for this legislation, which will improve the health and well-being of children across the country.

This legislation will ensure that children enjoy the same protections as adults do when using necessary medical devices. Over the last few decades, countless innovative medical device products have been developed as a result of cutting-edge research and new technologies. As you know, children are being left out of the equation. Many challenges limit children's access to safe and effective medical devices, including differences in size, weight, metabolism rates, etc. With very few devices available for pediatric use, pediatric providers must resort to fashioning make-shift devices for their patients. Left with no alternative options, providers may be forced to use older or less optimal interventions, which can be less effective and could pose greater risk.

The Pediatric Medical Device Safety and Improvement Act of 2007 recognizes the urgency for greater development of medical devices created with children's special needs in mind. It provides a comprehensive approach to improving children's access to medical devices and includes provisions to assist innovators with technical and financial resources, streamline the regulatory processes, elevate pediatric device issues at the FDA and NIH, and improve incentives for devices for small pediatric populations—while still preserving the ability to ensure the safety of new products.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you to ensure that children across the U.S. benefit from this important piece of legislation.

Sincerely,
PAMELA W. BARNES,
President and Chief Executive Officer.

THE SOCIETY FOR CARDIOVASCULAR
ANGIOGRAPHY AND INTERVENTIONS,
Washington, DC, March 15, 2007.

Hon. CHRISTOPHER J. DODD,
Chair, Subcommittee on Education and Early Childhood Development, Senate Committee on Health, Education, Labor and Pensions, Washington, DC.

DEAR CHAIRMAN DODD: I am writing to express our support for passage of your Pediatric Medical Device Safety Act of 2007. We greatly appreciate your efforts to expand pediatric patients' access to safe medical devices. Your proposal will be an important step forward.

The Society for Cardiovascular Angiography and Interventions is a professional association representing over 3,700 invasive and interventional cardiologists. SCAI promotes excellence in cardiac catheterization, angiography, and interventional cardiology through physician education and representation, and quality initiatives to enhance patient care.

Fortunately, cardiovascular disease is far less common in the pediatric population than it is in the adult population. This good fortune does however frequently lead to unique challenges for the pediatric interventional cardiologist who treats these patients. Some of the challenges are clinical and we are more frequently solving those problems, saving children's lives and avoiding the trauma of surgery. Other challenges, and perhaps the most frustrating ones are related to obtaining the safe medical devices necessary to treat these patients. Devices that are available to our colleagues in Europe are not available in America. We support the FDA's efforts to ensure that only safe and effective medical devices are used on patients in our country, but when the entry barriers into the American markets are so high that manufacturers refuse to enter—some patients suffer and die needlessly. Required is an appropriate balance between the sometimes mutually exclusive goals of safety and availability.

We are especially pleased that your legislation will require the FDA to issue guidance to institutional review committees (IRCs) on how to appropriately consider the use of the humanitarian device exemption (HDE) at their institution. When HDE devices are not part of an ongoing trial, IRCs (which focus on reviewing the care of patients in trials) are sometimes confused.

We believe that giving the FDA explicit statutory authority to extrapolate from adult to pediatric patients in appropriate situations could help FDA officials expedite their review of some pediatric medical devices.

We applaud the provision that allows companies to make a profit on HDE devices designed for children. This change will encourage the development of more devices by providing an opportunity for profit and also by reducing concerns about audits, specifically those using different assumptions which could determine a profit was made when a manufacturer calculated their financial situation differently. We note that the 4,000 cap is arbitrary and far below the 200,000 patient limit that is placed on orphan drugs. We believe that more devices could be made available to pediatric patients and those with congenital heart disease if that cap is raised. We encourage you to consider such an increase either as a part of this legislation or broader FDA reform legislation.

We also understand that there are some concerns on the part of industry about the section 522 provisions of this proposal. As clinicians, we are not in a position to evaluate the precise impact of those provisions but we certainly hope those concerns can be resolved.

We look forward to working with you and your staff to support passage of this legislation and thank you once again for your efforts. Our Senior Director for Advocacy and Guidelines, Wayne Powell will be coordinating this effort for the Society and he may be reached at (202) 375-6341 or wpowell@scai.org.

Sincerely,
GREGORY J. DEHMER, M.D., FSCAI,
President.

FEBRUARY 28, 2007.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR SENATOR DODD: On behalf of the 60,000 primary care pediatricians, pediatric medical subspecialists, and surgical specialists of the American Academy of Pediatrics who are committed to the attainment of optimal physical, mental and social health and well-being for all infants, children, adolescents, and young adults, we write today to express our gratitude and support for the "Pediatric Medical Devices" legislation. This legislation is an important step towards improving the process for the development of needed pediatric medical devices.

Children and adults often suffer from many of the same diseases and conditions, however their medical device needs vary considerably. Children are not just small adults and medical device technologies manufactured for adults often do not fit the needs of children. This problem forces pediatricians to "jury-rig" adult medical devices that are often too large, in order to make them fit smaller bodies. This practice, however, is not always effective and leaves children without optimal treatment. Additionally, children's device needs vary considerably due, not only to size, but also to different rates of growth, anatomy, physiological differences and physical activity levels.

This legislation offers incentives to device manufactures to create needed medical devices specifically designed to meet the needs of pediatric patients and it gives the FDA the authority to require post-market studies to ensure continued efficacy and safety of these devices. The need for pediatric medical devices to treat or diagnose diseases and conditions affecting children is clear; it is essential that medical devices be manufactured with children's needs in mind.

Thank you for your continued commitment to improving the health and well-being of children. We look forward to working with you as this important legislation moves through Congress.

Sincerely,
American Academy of Pediatrics.
American Pediatric Society.
Association of Medical School Pediatric Department Chairs.
Society for Pediatric Research.

STRYKER CORPORATION,
Washington, DC, March 6, 2007.

Senator CHRISTOPHER J. DODD,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DODD: On behalf of Stryker Corporation ("Stryker"), I am pleased to announce our support for your legislation to improve the availability and safety of pediatric medical devices—the Pediatric Medical Device Safety and Improvement Act of 2007. Like you and your colleagues, we want our children to have access to the fullest and best range of possible medical treatments, even if that means doing or inventing something new just for them.

We view this as our responsibility both as the leading manufacturer of orthopaedic oncology prostheses in the United States and as a global medical technology company with a significant presence in other medical specialties, including craniofacial deformities such as cleft lip and palate. We take pride in partnering with and sponsoring a range of medical organizations, including one which last year was able to provide free cleft lip surgeries to 8,531 children in 23 countries. The surgery took only about 45 minutes and cost $750 per child, but the corrective surgery changed, in a positive way, forevermore the lives of each and every child and the lives of their families, too.

We sincerely appreciate your leadership role on children's issues. We take very seriously not only our commitment to children with cancer and craniofacial deformities but also our responsibility to ensure that our devices are safe and effective for use in pediatric patients.

As you may know, there has been significant progress over the past two decades in the management of patients with musculoskeletal cancers that has improved both the survival rates and quality of life of afflicted individuals. Twenty years ago, the standard treatment for any primary malignant bone and soft tissue sarcomas of the extremity was amputation of the affected arm or leg. Since that time, Stryker is proud to have partnered with leading pediatric oncology surgeons to develop limb-sparing, surgical solutions, including the implantation of a growing prosthesis that can be elongated to account for children's growth.

As with cancer, the treatment of craniofacial deformities is an area in which Stryker has also significantly improved and broadened its range of available medical products and solutions. With continued innovation of new and improved craniomaxillofacial technologies, Stryker hopes to continue to transform the lives of children with craniofacial deformities, such as craniosynostis and cleft lip and palate.

It is our hope that your legislation will further spur the evolution of novel health care solutions for children. The bill's efforts to streamline approvals for devices with pediatric indications, improve incentives for the development of devices for small pediatric populations, and encourage the establishment of non-profit consortia for pediatric device development should be commended.

Stryker stands ready to assist you in your drive to stimulate the further development of child-centered medical technologies while closely monitoring the safety of such products after they have entered the market. Thank you again for your leadership on this important issue, and we look forward to working with you to advance your bill as medical device reauthorization legislation moves forward in the 110th Congress.

Sincerely,

Ed Rozynski,
Vice President,
Global Government Affairs.

Advanced Medical
Technology Association,
Washington, DC, March 6, 2007.

Hon. Christopher J. Dodd,
Chair, Subcommittee on Education and Early Childhood Development, Senate Committee on Health, Education, Labor, & Pensions, Washington, DC.

Dear Chairman Dodd: On behalf of the Advanced Medical Technology Association (AdvaMed), I am writing in support of the Pediatric Medical Device Safety Act of 2007. We particularly appreciate your willingness to work together with all stakeholders in the development of this legislation. Your bill is an important step in ensuring expanded access to medical devices for children.

As you may know, AdvaMed represents over 1,300 of the world's leading medical technology innovators and manufacturers of medical devices, diagnostic products and medical information systems. Its member companies are devoted to helping patients lead longer, healthier, and more productive lives through the development of new lifesaving and life-enhancing technologies.

AdvaMed fully supports the development of medical devices for pediatric patients. Your bill goes a long way to encourage the development of pediatric devices. As your legislation is considered, AdvaMed would like to continue to work with you to strengthen your legislation to enhance development of and access to pediatric devices. For example, we have a number of proposals to highlight existing FDA regulatory tools that could improve the number of devices cleared and approved for pediatric use. We also have recommendations to improve the proposed pediatric Humanitarian Device Exemption (HDE) and propose a compassionate use provision for extremely small pediatric populations to enhance your legislation.

Sec. 522 of the Federal Food, Drug, and Cosmetic Act (FFDCA) provides the FDA with broad authority to require postmarket surveillance for any product for which FDA has concerns. We believe that the FDA's authority under Sec. 522 is sufficient to cover pediatric patients. In fact, we are concerned that the language in your bill may unintentionally reduce access to medical devices for pediatric patients.

Finally, although we recognize and appreciate your efforts to restrict the types of studies in your postmarket database to only "scientific" studies, we believe the language in your bill duplicates both the database that FDA is currently working to establish and the clinical trial registry legislation and legislation currently being contemplated by the HELP Committee.

In closing, thank you once again for your work on ensuring access to medical devices for children. We look forward to working with you on these and other improvements to your legislation as the bill moves through the Committee and the Senate.

Sincerely,

Stephen J. Ubl.

Respironics, Inc.,
Murrysville, PA, August 16, 2006.

Hon. Mike DeWine,
Russell Senate Office Building,
Washington, DC.

Dear Senator DeWine: Respironics, Inc. is a global medical device company based in Pittsburgh, Pennsylvania. We are the worldwide leader at anticipating needs and providing valued solutions to the sleep and respiratory markets. We employ approximately 4,700 employees and have annual sales in excess of one billion dollars.

In our business, we often are called upon to work with pediatric patients. Based on this work, it is clear that changes are needed to facilitate an improvement in the availability of diagnostic and therapeutic medical devices for children.

Currently, a draft of a bill entitled "To improve the process for the development of needed pediatric medical devices" is being circulated among some Senators for discussion. After reviewing this bill, Respironics believes that the changes contemplated by this bill could help improve the availability of medical devices for children. Therefore, Respironics supports enactment of the bill.

We hope that you will join Respironics in supporting this important legislation.

Sincerely,

David P. White, M.D.,
Chief Medical Officer.

Breas Medical AB,
Mölnlycke, Sweden, August 17, 2006.

Hon. Christopher J. Dodd,
Hon. Mike DeWine,
Russell Senate Office Building,
Washington, DC.

Dear Senators Dodd and DeWine: On behalf of Breas Medical, I would like to thank you for your efforts to expand the availability of medical devices for children. We appreciate your long-standing leadership on behalf of children and welcome your interest in ensuring that they are not left behind when it comes to critical medical advances. Our devices were developed in Europe and are available for home use in the pediatric population there. We have partnered with companies in the United States, including Sleep Services of America, and now have FDA approval for device use in adults. We are seeking approval for the use of our devices in children where there is a great need.

While children and adults suffer from many of the same diseases and conditions, their device needs can vary considerably. Cutting-edge research and revolutionary technologies have led to the development of many innovative medical products, however, very few are designed specifically for children. We support your efforts to address the barriers to pediatric device development through legislation, particularly in the following areas:

1. Improving the ability of the Food and Drug Administration (FDA) to track how many and what types of devices are approved for children each year;
2. Streamlining pediatric device approvals by allowing the extrapolation of adult data to support pediatric indications, as appropriate;
3. Encouraging device manufacturers to create products for conditions that affect small numbers of children by removing existing restrictions on profit;
4. Improving federal support for pediatric device development by creating a coordinated research agenda and establishing a contact point at the National Institutes of Health to help innovators access existing funding;
5. Improving pediatric device availability by establishing demonstration grants to promote pediatric device development, including connecting inventors and manufacturers, product identification, prototype development, and testing; and
6. Improving post-market safety of pediatric devices by allowing FDA to call for postmarket pediatric studies, establishing a publicly accessible database of postmarket studies, and giving FDA the ability to require studies longer than 3 years if needed to answer longer-term pediatric questions.

Thank you for your leadership and commitment to this issue. We look forward to working closely with you toward passage of legislation to improve children's access to medical devices.

Sincerely,

ULF JÖNSSON,
President.

SELEON, INC.,
Baltimore, MD, September 23, 2006.

Hon. MIKE DEWINE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DEWINE: On behalf of Seleon Inc., I want to encourage you to continue your efforts to improve access to medical therapies for children by introducing the bill, "to improve the process for the development of needed pediatric medical devices" this fall.

Seleon Inc., a medical device manufacturing company, strongly supports this bill. Thank you for your ongoing support of children's health and this important issue.

Sincerely,

MICHAEL LAUK, Ph.D.,
President.

ELIZABETH GLASER PEDIATRIC
AIDS, FOUNDATION,
Washington, DC, April 17, 2007.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.
Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.
Hon. MICHAEL B. ENZI,
U.S. Senate,
Washington, DC.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, ENZI, DODD AND CLINTON: As organizations working to ensure better health care for the nation's children, we write to thank you for your long-standing commitment to children's health and to express our support for legislation to reauthorize the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA) and to improve children's access to safe medical devices. We are very pleased that BPCA and PREA reauthorization language and S. 830, the Pediatric Medical Device Safety and Improvement Act, have been included in the Chairman's mark of S. 1082, the "Food and Drug Administration Revitalization Act," for consideration by the Senate Health, Education, Labor and Pensions Committee tomorrow.

Over the past decade, Congress has enacted bipartisan legislation that has dramatically increased the number of drugs tested and labeled for children. The results from BPCA are extraordinary—over 336 requests have been generated for over 780 pediatric studies, resulting in over 115 new drug labels for children. Senator Dodd's BPCA reauthorization language strengthens this very successful existing program in several important ways, including ensuring prompt label changes, requiring that all study protocols and results be made public, improving adverse events reporting for children, and identifying and addressing important gaps in treatments for children's diseases. In addition, the BPCA language includes a reasoned approach to address the small percentage of drugs for which the exclusivity provision has far exceeded the incentive it was intended to provide pharmaceutical companies.

S. 993, the Pediatric Research Improvement Act (PRIA), introduced by Senator Clinton and included in the Chairman's mark, reauthorizes the Pediatric Research Equity Act of 2003 (PREA), which requires drug manufacturers to test their products for use in children. This law ensures that children are not a therapeutic afterthought and has generated impressive and invaluable safety and dosing information for children. Since the 2003 passage of PREA, 55 drugs have new or improved pediatric labeling. These drugs range from treatment of ear infections to the prevention of rejection of organ transplants. S. 993 places children on equal therapeutic footing with adults by creating the presumption that medicines coming onto the market for illnesses and conditions that occur in children will be labeled for pediatric use and be available in formulations (e.g., liquids, chewable tablets) that children can take.

The Pediatric Medical Device Safety and Improvement Act of 2007 provides a comprehensive approach to ensuring that children are not left behind as cutting-edge research and revolutionary technologies for medical devices advance. Like drugs, where for too long children were treated like small adults, many essential medical devices used extensively by pediatricians are not designed or sized for children. According to pediatricians, the development of new medical devices suitable for children's smaller and growing bodies can lag 5–10 years behind those for adults. S. 830 improves incentives for devices for small markets—while still preserving the ability to ensure the safety of new products once on the market. It provides assistance to innovators, streamlines regulatory processes and elevates pediatric device issues at the Food and Drug Administration (FDA) and the National Institutes of Health.

Despite our support for the Chairman's mark, we are disappointed that a key provision to make PRIA permanent has been omitted. As this legislation moves to the floor of the Senate, we urge you to restore the permanent authority of the FDA to ensure that children have properly studied medications as a matter of fact, not chance.

We are grateful for your long-standing leadership and commitment to improving the health of our nation's children and look forward to working with you toward swift Committee action and passage of these pediatric therapeutic bills by the full Senate.

Sincerely,

American Academy of Pediatrics.
Elizabeth Glaser Pediatric AIDS Foundation.
AIDS Alliance for Children, Youth & Families.
American Academy of Child and Adolescent Psychiatry.
American Brain Coalition.
American Pediatric Society.
American Psychiatric Association.
American Thoracic Society.
Arthritis Foundation.
Association of Medical School Pediatric Department Chairs.
Children's Cause for Cancer Advocacy.
National Association of Children's Hospitals (N.A.C.H.).
National Organization for Rare Disorders.
National Research Center for Women and Families.
Society for Pediatric Research.

Mr. DODD. Mr. President, let me go back, if I can, to my proposal on the Best Pharmaceuticals for Children Act and the objections raised by my colleague from Colorado to it. Just for the record and so we understand what we are talking about, according to a study recently published in the Journal of the American Medical Association that looked at the costs and benefits of these pediatric trials. It showed that the overwhelming majority of drugs studied under this incentive program are not blockbusters.

In fact, the study found that less than 20 percent were. That leaves .80 percent of drugs completely unaffected by the underlying bill which the Allard amendment seeks to amend. To be clear, the proposal in the underlying bill that would adjust exclusivity from 6 months to 3 months affects less than about 20 percent of drugs studied under this program. Using data from this recent study, 80 percent of drugs studied under BPCA—those which do not fall into the blockbuster category—the 6 months' exclusivity would remain unchanged. It doesn't change that at all; only in cases where there has been over $1 billion in prior year drug sales will the underlying bill change the exclusivity to 3 months.

This is to strike a balance. Obviously, I feel very strongly, having authored this legislation, about ensuring that appropriate clinical trials occur to protect children's health. Our notion was, when we wrote the legislation 10 years ago, that the 6 months of exclusivity would be the carrot that would incentivize the industry to go forward. There were some concerns expressed at the time that 6 months wasn't going to be anywhere near enough and that we would need more exclusivity. Some in the industry suggested a year or even 3 years of exclusivity. We settled on 6 months as the appropriate balance at the time.

What happened, of course, is we had this wonderful explosion of work that occurred. It resulted in nearly 800 clinical trials involving more than 45,000 children, with new pediatric labeling information on more than 119 drugs where previously there was none. I recall the debate on this program ten years ago very well, the industry said: Six months is never going to be enough; none of us will step up to the plate on this. And they really argued very strenuously for something longer than the 6 months. In fact, the 6 months has worked well, and almost all requests issued to drug companies to conduct pediatric trials under this program have been accepted.

What I have had growing concern about is the 20 percent of drugs receiving exclusivity where the profit realized as far exceeded the carrot intended to provide to drug companies. So to strike that balance between the cost to taxpayers and the benefits to children, we are saying that where sales of a drug being studied under this program exceed $1 billion in prior years, the company can get 3 months' exclusivity.

I don't know what the right answer will be on this issue. Neither me nor my colleague from Oklahoma can say with absolute certainty. But I recall the debate 10 years ago when many said 6 months will never be enough. Six months has done very well by the industry, as it turned out.

So by striking this balance and having the sunset provision which I strongly support in this legislation—and I have from the beginning—it will allow us to review periodically how we are doing with all of this.

There is an increase in Federal spending of $50 million over 10 years as a result of the Allard amendment. I can't invoke a point of order because the impact on federal spending is outside our current budget window, but the Allard amendment comes with a $50 million pricetag to taxpayers.

I believe this program is working well. We think by adjusting the length of exclusivity from 6 months to 3 months for a limited number of drugs, we are striking the right balance. The 5-year sunset will give us a chance to assess the program again and make a judgment: How are we doing here? Are we getting more or less of what we thought we would in the process? At that time, we will make a judgment again as to how we ought to go forward.

It is not easy to strike these balances. I know my colleagues who have engaged in these debates, try to come up with answers that will satisfy the various elements and concerns various Members have. That is what Mike DeWine and I did 10 years ago and why I had such a good partner in this where we struck that balance. Mike was under a lot of pressure to have a lot more than 6 months of exclusivity. I was under pressure in saying: Why do we give them any exclusivity? So we compromised on 6 months to see what happened. We got great results.

I would love to predict with absolute certainty that what we craft here will produce those same results. I can't say that absolutely. But based on the analyses of others who have looked at this, their conclusion is this is a pretty healthy balance between consumer interests, taxpayer interests, and the needs of children. We will see what happens over the next 4 or 5 years as to whether this is continuing to produce the desired results. I believe it will. I think we will get that.

Here again, based on recent data, under my proposal, 80 percent of drugs studied under this program will see no change in the exclusivity award of 6 months. Again, for the 20 percent of drugs in the blockbuster category, they can receive 3 months of exclusivity. I still believe many will go forward, given that incentive.

So respectfully I say to my friend from Colorado—we serve on two committees together and we work well together on a lot of issues here. I respect him immensely. I do not question at all his motivations in offering this amendment. This disagreement is over the impact of his language versus the language I have crafted in this legislation as part of the committee print.

So I urge my colleagues to reject the Allard amendment and to stick what with what we put together in the underlying bill. It is a good balance between taxpayer interests, consumer interests, and the interests of children and their families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I understand I have 10 minutes allocated to me. I would like to take 4 minutes and allocate those to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, let me say, as Senator DODD finishes, that nobody has worked more tirelessly than he on behalf of children's health and specifically as it relates to prescription drugs. He did list a long list of people, including taxpayers and so forth.

This is about children, plain and simple. It is one group. It is our children, this country's kids. In 1997, I authored what became the Food and Drug Cosmetic Modernization Act. Prior to that, there weren't any clinical studies done for pediatric purposes. It was on the heels of that that Senator DODD and others created the exclusivity—exclusivity that Senator ALLARD is not changing. What we are changing is in the base bill and going from 6 to 3 months.

The reality is that, prior to the enactment, we didn't have companies that were studying the right dosages, what side effects there were, and whether it was effective in children. Sure, we had it for adults but not for kids. We have made tremendous progress. Under this pediatric exclusivity, though, we would cap it at 3 months. Companies that exceeded a dollar value—we pulled this out of the sky. Why $1 billion and not $2 billion? If it was $2 billion, why not $4 billion? Why not $100,000? The reality is that none of us knows. There is no expert who can tell us what is the right amount of incentive needed for a company to go through the types of trials to get these indications for kids. Why? Because every drug is different, and, more importantly, every child is different. So if we are going to err, I suggest that we err on the side of what has worked. Eighty-seven percent of all pediatric drugs have pediatric indications. It has been the carrot of 6 months.

Members will come to the floor and vote for or against the Allard amendment. I believe it is crucial that if we err, we err on the side of what already has worked and what continues to work. If Senator DODD prevails, I hope he is right. I hope he is right because we won't know, until this bill sunsets, whether in fact the incentive wasn't great enough for companies to go through this process to find out the indications for children.

The people who will suffer because of our willingness to arbitrarily change will be the kids. That is the same group I started with—the ones we should be solely focused on. It was the kids when this was created 10 years ago; it should be the kids today. If we are going to err, let's err on the side of the kids and not use this as a way to potentially alter the profitability of an industry or a given company. Let's make sure that the true beneficiary of the work of this body is in fact the children of this country.

I thank the Senator from Colorado for yielding me the time.

I yield the floor.

Mr. ALLARD. Mr. President, I join my colleagues in recognizing the fine work that Senator DODD has done in the area of children and children's health. He recognized one decade ago how important it was to have incentives in place for drug companies to properly label drugs so they are available and a physician has some guidance when they are putting therapy out.

I particularly thank Dr. COBURN for bringing a message to the floor that reflects his practical experience, in a period of time when there weren't a lot of drugs specifically labeled for children, to help him establish the proper dosage and to be aware of the side effects that may happen to various age groups. Also, I thank the Senator from North Carolina for his comments.

I think I bring a certain degree of practical experience to this debate as a veterinarian. We are frequently put in a position where we have to recommend drugs for therapy without having had research done. You have to extrapolate what you think might happen. The drug companies will do research on those products on which they can make a profit. I am talking about veterinary prescription drugs right now. There is a plethora of medications available in the human market. Many times, in treating eye conditions or some exotic problem in a species where there isn't much of a market, we have to take the scientific literature that we know, and perhaps we know what the reaction may be in humans or maybe in some other species, where the drug company has done the research to reflect what the adequate dosage is, and we extrapolate that and predict as best we can what the reaction and how effective that drug may be at a certain dosage.

I think our children's health is too valuable to put a physician in a position where they have to make those sorts of subjective evaluations. I happen to believe the incentives we put in place a decade ago are working. That belief is substantiated by people who have looked at the program—the Best Pharmaceuticals for Children Act—and what happened as a result of that. I am not the only one who believes that. We had a study by the GAO, whose responsibility it is to look at programs to see whether they are working. They give this program a strong A. It is working. I don't think we ought to be messing with a program that has worked. Three months may be adequate, but there are a lot of other drugs that we have to still get on the market.

Several years back, during the Reagan administration—and it might have been President Reagan who said it—there was a general belief in Washington that if it is making a profit, let's tax it; if it is working, let's regulate it to death. Here is a program that is working because we have backed off on the rules and regulations. I don't think we ought to be making a decision, in light of the work that has yet to be done in moving pediatric medications to the market, to mess with this. Maybe 10 years from now it might be even more appropriate; I don't know. This is, to a certain degree, subjectivity. I think we have a huge need in making sure we have adequate medications available to treat children.

I agree with many of my colleagues that we should not be messing with a program that works, and we need to support this. I also wish to point out that this doesn't have an impact. There is not a budget point of order on this particular amendment. It doesn't add to the deficit of this country. So it is a program we can move forward on, without increasing the cost to the Federal Government.

I hope my colleagues will join me in supporting this most important amendment because it is very important, it is important to the practitioner who is trying to provide the best care that scientists will allow him to provide to patients—in this case, children. If we don't keep these choices available for the practitioner, then what happens is he doesn't have the options he should have to give the best care to our children?

So for our children's health in the future, I think we need to pass this amendment and go back to current law, which has been working so very well for us today.

Mr. KENNEDY. Mr. President, I ask unanimous consent that we be able to proceed for 2 minutes. I yield myself 1 minute and 1 minute to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the benefit of the membership, we are having a good, substantive debate this morning. We are going to vote on this amendment in a few minutes.

Because of the meetings of the leadership at the White House, we will not be able to have votes until 4 o'clock this afternoon. That doesn't mean that Senator ENZI and I are not prepared to move ahead in lining up some other amendments. We have that intention.

After this vote, the next vote will be at 4 o'clock. If there are those who have additional amendments, we ask them to come over. We are moving along. We have several items that are almost complete, which we will include. If there are any final amendments, we hope Senators will be in touch.

I thank my friend and colleague from Wyoming for his good cooperation and for making progress on a very important bill for the health and safety of American families.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I, too, encourage people to get their amendments to us, so we can talk about the amendments. The amendment process is a difficult thing around here because it doesn't allow for some of the tweaks noticed by people who have expertise in that area. If we get to talk about them first, sometimes there can be modifications to them before they are put in. We want to move this along and have some things to vote on at 4 o'clock today. I hope everybody will cooperate on it.

I thank Senator KENNEDY and his staff and my staff who have been working together with anybody who has an amendment. They were working at 3 and 4 o'clock this morning on different things, trying to get them ironed out so that it would be possible to move the bill forward.

Mr. President, what's wrong with limiting exclusivity for blockbuster drugs? It is the exact opposite of what we should do. The whole point of the law is to leverage the large adult market for the benefit of the smaller kids' market. The effect of the cap will be to discourage companies from studying the effects of the most-widely used drugs on kids. Seventy-five percent of the drugs are not being studied under the current incentive. We need more studied, not less.

Are not companies only studying blockbuster drugs that make the most money, not the drugs needed most in kids? No. According to a Tufts University study, only about 10 percent of drugs with pediatric exclusivity are blockbusters. GAO says most products obtaining exclusivity have annual sales of less than $200 million.

Do companies get to choose the drugs they study? What is to stop companies from "cherry picking" to make money, not help kids? No drug is eligible for pediatric exclusivity unless FDA requests, in writing, a pediatric study of the drug. FDA's decision is based on whether more information about safety and efficacy for children is necessary.

Doesn't the Duke/JAMA study demonstrate that 6 months of additional exclusivity is a windfall? It's been said that a cynic is someone who knows the cost of everything, and the value of nothing. That applies here. The Duke/JAMA study concluded that the financial benefit of exclusivity for blockbuster drugs often exceeded the cost of the pediatric study. This completely misses the point. This law is not about micromanaging drug company profits. It's about helping kids. In fact, the very last sentence of the study reads: "Clearly, however, the greatest return of the exclusivity program is the benefit derived in obtaining new information relevant and applicable to the care of children, and this benefit should not be compromised."

Companies can spend only a few million dollars on a study and get many millions in return. Shouldn't the reward be equal to the amount spent on studies? The incentive is designed to raise the priority of pediatric studies among all the competing research priorities for drug development within companies. Just covering the cost of the studies will not do it—the drug company knows it can put those same dollars into the development of a drug for adults that will earn much higher profits. Incentives work by making pediatric study more attractive than other studies for drug companies.

Aren't windfall profits unfair? No. The benefits to kids, and to society in general, from pediatric studies far outweighs the cost.

What are workability issues with the exclusivity cap? FDA says the cap has "serious workability issues." It is unclear how FDA will obtain the right type of sale data or how the data's accuracy can be verified. FDA would spend lots of time litigating the validity of exclusivity decisions, and less time making drugs safe for kids.

Why shouldn't we restrict excessive drug company profit? The problem is not excessive profits. The problem is that most drugs aren't tested for kids. It is wrong to play the politics of drug pricing at the expense of kids.

Mr. ALLARD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—41

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Voinovich
Warner

NAYS—53

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCaskill
Menendez
Mikulski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Brownback
Domenici
Johnson
McCain
Murray

The amendment (No. 982) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 990

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I offered an amendment yesterday that a number of my colleagues have spoken on, both in favor and against. When I laid down the amendment yesterday, I did not speak on it, so I wish to take some time to describe what the amendment is, why it is important, and why those who have spoken against it are wrong.

Let me describe, first of all, what the amendment is about, and let me do it, if I might, by asking unanimous consent that I be allowed to show on the floor of the Senate two bottles of medicine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, these two bottles of medicine contain Lipitor. Most people know about Lipitor. It is a cholesterol-lowering drug. This particular prescription drug is produced in Ireland, and it is sent from that production point, in a plant, by the way, that is approved by our Food and Drug Administration. We inspect that plant, as we do others. So they produce an FDA-approved drug—this drug has been approved—in a plant in Ireland that has been inspected by the FDA. These two bottles of medicine containing Lipitor, 20 milligrams, identical bottles with a difference in color, are sent to two different places in this case but sent to many places around the world. This one is sent to the United States to be sold to consumers in the United States that want to lower their cholesterol. This one is sent to consumers in Canada for those Canadians who wish to take Lipitor to lower their cholesterol.

There is a difference. Oh, not in the medicine, not in the bottle, and not in the instruction. What is the difference? The American consumer is told: You have to pay twice as much. Let me say that again. The difference is the price. The Canadian consumer is told: You pay half the price. The American consumer is told: You pay double the price.

Now, I use the Lipitor as an example only to describe a very significant problem. We have price controls on prescription drugs in this country. Those price controls are not established by the Government. They are not established by the Congress. These price controls are imposed by the pharmaceutical industry.

I have a problem with the pharmaceutical industry saying to the American consumer: We have a deal for you; we want you to pay the highest prices in the world for prescription drugs. We are going to sell them all over the world: Italy, Japan, Germany, France, China. We are going to sell our prescription drugs, and in almost every circumstance, in other countries, we are going to give them a lower price. But to you consumers in the United States, we say: You pay the highest prices.

Let me give you a couple of examples, and I will use Canada, but I could be using any number of countries around the world. Lipitor. We pay 96 percent more. Plavix, 46 percent more. Prevacid, 97 percent more than if you were to buy it in Canada. Zoloft, 52 percent more. It goes on and on.

I said yesterday that I actually sat on a bale of straw on a farm talking to a bunch of folks, and there was a fellow in his 80s sitting on a straw bale talking about life and things, and he said: You know, Mr. Senator, my wife has been fighting breast cancer for 3 years. Every 3 months, we have driven to Canada to buy Tamoxifen because we save 80 percent by buying Tamoxifen to help my wife fight her breast cancer—we save 80 percent by buying it in Canada. So every 3 months, for 3 years, we have been driving back and forth to Canada because it is the only way we can afford that drug. He said: How do you justify that? How do you explain the difference in price? I said: I can't. It doesn't make any sense to me.

I don't come here to be critical of the pharmaceutical industry, I come here to be critical of their pricing policy. Their pricing policies are unfair to the American consumer. Yes, the pharmaceutical industry produces miracle drugs; a fair amount of them are produced with research we pay for through the American taxpayer at the National Institutes of Health. Others are produced with the research and development done by the drug industry themselves. But I would say that miracle drugs offer no miracles to those who can't afford to buy them, and that is the point.

What is fair pricing for pharmaceutical drugs, and why is it so unfair at this point to the American people? I introduced a piece of legislation with many of my colleagues, and let me read a list of the bipartisan cosponsors, Republicans and Democrats, who sponsored the legislation that we introduced in this Congress, the very legislation I have now offered as an amendment to this bill. Let me go through a list of some of the names. Myself, Senator SNOWE, Senator KENNEDY, Senators STABENOW, BINGAMAN, FEINSTEIN, NELSON, KOHL, SCHUMER, INOUYE, BROWN, SANDERS, Senators GRASSLEY, MCCAIN, SPECTER, COLLINS, DURBIN, PRYOR, LEVIN, LEAHY, TESTER, CONRAD, MCCASKILL, JOHNSON, CASEY, BOXER, SALAZAR, CLINTON, LINCOLN, FEINGOLD. Thirty-three sponsors for this legislation that I have offered as an amendment here today.

Let me now begin to describe a few of the opponents' arguments and then respond to them. My colleague, Senator COCHRAN, came out and offered an amendment that says in order for this to be effective, the Secretary would have to certify that it poses no additional risk to the public health and safety. Well, that is an amendment that is designed to kill the bill because the Health and Human Services Secretary will not certify to anything.

Does anyone think the Health and Human Services Secretary or the FDA or anybody is going to certify that the chicken feed served to 3 million chickens with contaminated material from China, which now goes into our food source that humans are eating in this country today, that poses a risk? Or how about we say that we want them to certify that the vegetables imported into this country from Mexico pose no additional risk? Does anyone think anybody is going to certify to that? Do you, really?

I could go on at great length. Does anybody know of any circumstance in which any part of our food supply is certified by anybody saying that the import of this poses no additional risk? No. So this is an amendment designed to make this inoperative.

What my amendment does is actually make our drug supply safer with respect to the importation. Because the fact is people are now going back and forth across the border, those who can get there by car. Most Americans can't, but most are bringing prescription drugs back across the border for a 3-month supply. This makes that even safer.

I am going to go through a number of the safety areas here, but first let me say this. I understand that the pharmaceutical industry wants to continue its pricing policies. I understand that. It is perfectly understandable. I have some differences with them.

In the morning, perhaps while you are brushing your teeth or shaving, getting ready for work, you might turn on the television and what do you hear them saying on television? They say, well, you need to go talk to your doctor. You are brushing your teeth and thinking, why on Earth should I go talk to my doctor? Because the television advertisement says that you need to see if the little purple pill is right for you. You need to ask your doctor whether you ought to take the purple pill. I don't know what the purple pill is, but you get this urge that you think, maybe I should go ask somebody. If everybody is taking the purple pill, maybe I should find out if the purple pill is right for me. Maybe it is right for my colleague from Wyoming or West Virginia. Maybe we all ought to be taking the purple pill. I don't know.

If they ever describe what the purple pill does, they also have to then describe what the potential risks might be of the pill. But in most cases, the TV just says, go talk to your doctor to see if it is right for you. So we have a lot of advertising going on, and we dramatically increase the use of prescription drugs. Go talk to any doctor and ask them if patients are coming to them and telling them what kind of prescription medication they want to take because they heard it on television. Go ask a doctor, and I tell you what the doctor will say. Absolutely.

Of course, these are medicines that you can only get because a doctor has said you need them and, therefore, I prescribe them. Television advertising is creating a demand. I am not here with an amendment on television advertising, but I am observing that every morning they ask whether the purple pill, or whatever other medicine they are talking about, is right for you and that you ought to be visiting with your doctor about it.

In addition to the issue of demand, there is the issue of pricing. I don't know. Somebody doesn't have to give me five reasons or three reasons or even two reasons. I want somebody to give me one reason, just one, that says we think it is perfectly defensible that the American people ought to be charged the highest prices for prescription drugs. Or in the specific case I mentioned, we think it is perfectly defensible that the American consumer taking Lipitor ought to be charged twice as much as the Canadian consumer. Give me one reason. I am not asking for five, just one reason. I can't believe there is one person on the floor of this Senate that has the ability to construct one thoughtful reason in support of that policy.

Let me put in the Record a letter the AARP has written yesterday. Let me read a little bit of it:

> On behalf of the AARP's more than 38 million members, we urge you to support the Dorgan-Snowe importation amendment. This amendment provides for the safe, legal importation of lower price prescription drugs from abroad.
>
> In the quest for lower-priced prescription drugs, many Americans are already importing prescription drugs from abroad. [The Dorgan-Snowe] amendment would create a framework for the safe, legal importation of prescription drugs that will better protect the health and pocketbooks of those desperate for lower-priced prescription drugs. We are also very pleased to see that the [Dorgan-Snowe] amendment includes a number of safety requirements including inspections and measures to prevent the counterfeiting of imported drugs.

I ask unanimous consent that the entire letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

AARP,
April 30, 2007.

Hon. Byron Dorgan,
U.S. Senate,
Washington, DC.

Dear Senator Dorgan: AARP is pleased to endorse your importation amendment to S. 1028, the Prescription Drug User Fee Amendments of 2007. Your amendment will provide for the safe, legal importation of lower-priced prescription drugs from abroad. We applaud your continued leadership on this important measure to help reduce prescription drug costs.

Brand name prescription drug prices continue to rise at unsustainable rates. AARP's latest Rx Watchdog report released in March 2007 found that manufacturers' prices for nearly 200 of the brand-name medications most commonly used by older Americans rose 6.2 percent in 2006—nearly twice the 3.2 percent rate of general inflation. These prescription drug price increases particularly burden the tens of millions of Americans who lack access to affordable prescription drug coverage.

In the quest for lower-priced prescription drugs, many Americans are already importing prescription drugs from abroad. Your amendment would create a framework for the safe, legal importation of prescription drugs that will better protect the health and pocketbooks of those desperate for lower priced prescription drugs. We are also very pleased to see that your amendment includes a number of safety requirements including inspections and measures to prevent the counterfeiting of imported drugs.

We believe the phase-in set forth in your amendment will enable better management of those important new activities. It is important that any importation system begin with Canada. However, ultimately in order to be sustainable, any importation system would have to go beyond Canada. Finally, no importation system could function if entities (particularly pharmaceutical manufacturers) were allowed to shut off or manipulate supply of their product. Your amendment grants the Federal Trade Commission the authority to prevent such abuse.

We understand that there may be attempts to limit consumers' ability to import prescription drugs by attaching a certification requirement to your amendment. AARP believes that your amendment strikes the right balance between providing a workable system of importation while at the same time ensuring the safety of imported pharmaceuticals. Thus, we believe that any amendment that would require Administrative certification in any form would be nothing more than an attempt to prohibit the implementation of an importation system. We oppose such a change to your amendment.

As you know, our members widely support legislation that would allow for the safe, legal importation of prescription drugs. They have expressed strong interest in knowing how their elected officials vote on key issues that affect older Americans. As part of our ongoing effort to let our members know of action taken on key issues, we will be informing them how their Senators vote on your amendment when it comes to the Senate floor.

We look forward to working with you and your colleagues on both sides of the aisle to enact this needed legislation. If you have any further questions, please feel free to contact me, or have your staff contact Anna Schwamlein Howard of our Federal Affairs staff at 202-434-3770.

Sincerely,

William D. Novelli,
Chief Executive Officer.

Mr. DORGAN. It is interesting to me that those who have spoken against this come to the floor of the Senate with the specter of counterfeiting. Counterfeiting exists at this point. My amendment will make it less likely. This puts in place the very safety features and the very capability to try to shut that down. But if they are talking about counterfeiting that is existing now, it is existing without these kind of safety precautions on importation.

Let me describe a man, a very courageous man named Dr. Peter Rost. He came to testify at a hearing we held on the subject of reimportation. Peter Rost was responsible for a region in northern Europe where they did this routinely. They had an approach in Europe called parallel trading. If you are in Germany and want to buy a prescription drug in France, that is not a problem. If you are in Italy and want to buy a prescription drug in Spain, that is not a problem. They have done this for a couple of decades. Dr. Peter Rost was in charge of a region in northern Europe. He said:

> I never once—not once—heard the drug industry, regulatory agencies, the government or anyone else saying that this practice was unsafe. And personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

This from Dr. Rost. He actually paid a price for speaking out and speaking the truth. He actually was working for Pfizer Pharmaceuticals at the time. He has had a little problem with his employer, but that is another story perhaps for another day. But Dr. Rost said it right, in my judgment.

Let me, if I might, show this quote from Tommy Thompson, former Health and Human Services Secretary. He says:

> The law is this: In order to import drugs from any country, and especially Canada, I have to certify that all those drugs are safe. That's an impossible thing. If Congress wants to import drugs, they should take that provision out, because the Secretary of Health and Human Services cannot certify that all drugs coming into America are safe.

Let me tell you something about Tommy Thompson. I like Tommy Thompson. He was a Governor from Wisconsin. That's a guy with spirit. I kind of like him. In fact, I think he is thinking about running for President. I probably will not vote for him because I am going to vote for a Democrat in this coming election, but I like Tommy Thompson. Do you know what he said to me at the elevator, right outside this Senate door after he left Health and Human Services? He was getting off the elevator as I was coming on the elevator, and I had been down to see him about this issue of reimportation of prescription drugs. I said: Secretary Thompson, why don't you work with us to get this done?

He said: I can't.

He explained there are lots of things going on, including the White House makes the call on this policy, et cetera. At any rate, after he left as Secretary of HHS, he was coming off an elevator out here and I was getting on the elevator. We said hello. I like him. I think he was a good Secretary.

He turned around and said to me: BYRON, he said, keep going on that imported drug issue. You are right about that. You are right about that.

That is after he left office. He comes from Wisconsin. He knows. That is a State that borders Canada. He knows his constituents are able to just go miles up into Canada and seek prescription drugs for a fraction of the price.

Let me respond for a moment to this issue of safety because my colleague from Mississippi and others have spoken about it. David Kessler, he served for 8 years as FDA Commissioner. He is a terrific public servant. In my judgment, there has been none better than Dr. Kessler over at the FDA. Here is what he said:

> [The Dorgan-Snowe bill] provides a sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that imported drugs meet those standards and are not counterfeit.

Let me make one with respect to this. A couple of my colleagues stood on the floor and said: Well, you would create a giant bureaucracy in order to do this. That is interesting. The Congressional Budget Office actually scored this bill we have introduced. Do you know what the score was? This will save $50 billion in a 10-year period.

Mr. BYRD. With a "b"?

Mr. DORGAN. With a "b," $50 billion; just over $5 billion of that savings is to the Federal Government; just about $45 billion of that savings is to the American consumer. Is that an illusion? No, that is the score we have.

We come to the floor of the Senate and the question is asked: Whom do you stand for? Whom do you stand with? Some will say: You know what, we believe—they will not say that. I do not believe they will stand and say: We believe the current surprising strategy is right, by which Americans are charged the highest price. I don't think they will say that. I think what they will see is we think there are serious safety issues with this.

Let me again refer back to the expert who would perhaps know more about this than any other American. I have heard things read on the floor of the Senate by the assistant this or the assistant that. The last assistant we had come over to a hearing I held had not even read the bill. That is some assistant. At any rate, we don't have to worry about assistants. Let's worry about Dr. David Kessler, who I think is the preeminent authority. He said we can do this; we can do this, and it will make the drug supply in this country safer.

I wish to talk about the issue of safety. It is not as if prescription drugs are not coming into this country from other countries. They, of course, are. Our pharmaceutical industry, and others, manufacture all over the world and then they ship these drugs into our country to be sold here. But there is a law that prohibits anyone other than the manufacturer to ship them in. Lipitor is made in Dublin, Ireland; Nexium is made in France; Tricor is made in France; Actos is made in Japan; Vytorin is made in Singapore and Italy and the United Kingdom. Those are pills made elsewhere, the medicines are made there and they are shipped here. Are they safe? Sure. I believe they are safe. I believe we have an enormously safe drug supply, despite the fright that is discussed on the floor of the Senate about counterfeiting.

Is counterfeiting an issue? Sure, it is. It has nothing to do with this subject. Counterfeiting exists now and we have to take action and steps to fight it and we should fight it aggressively. But the fact is, this legislation that we introduce has a range of safety features that will guarantee the safety of FDA-approved prescription drugs that are imported into this country.

First of all, we provide that only FDA-approved medicines with a "chain of custody" will be sent into this country. Dr. Mark McClellan, who used to head the FDA, and I was very critical of him because he continued to speak as if he represented the pharmaceutical industry instead of regulating it as head of the FDA, he and I had substantial differences, but even he said the chain of custody in Canada is safe, almost identical to the chain of custody for prescription drugs in the United States.

If that is the case, and he said it, then tell me with respect to this risk, I go to a little one-room drug store in Emerson, Canada, with a woman named "Sylvia" and a number of other senior citizens. We take a little bus up to a one-room drugstore in Emerson, Canada, and they bring their prescriptions.

That drug store has a licensed pharmacist, as the drug store a few miles south of the border has, a licensed pharmacist and a chain of custody from the drug manufacturer to the wholesaler to the retailer to the drug store. We go to that drug store and Sylvia and her friends buy prescription drugs at a fraction of the price they would have bought it in Fargo, ND, that morning. Tell me, is there a risk in that transaction? The answer is no. Don't represent there is because there is not.

The chain of custody is nearly identical. I am speaking now of Canada. Tell me there is a risk and you are wrong, there is not.

All the protestation on the floor of the Senate on this issue is protestation in support of the pharmaceutical industry. I like the industry. I have been helpful to them. I support research and development tax credits to find new prescription drugs. I have done a number of things to say I want us to be able to have a successful pharmaceutical industry in this country. But I am not willing to go so far as to say it is OK to me, I will be quiet if you decide the pricing strategy is we are going to price our prescription drugs at the highest prices for the American consumer. I will not sit in this chair and say it is fine with me. It is not, and that ought not be fine for any Member of the Senate. It should not.

Mr. BYRD. No. No.

Mr. DORGAN. Let me make some comments on safety. One-quarter of the prescription drugs taken in this country are produced outside this country in foreign manufacturing plants. In the last 5 years, the FDA has inspected more than 850 foreign drug factories in 41 different countries. The drug industry wants to take advantage of the global economy to manufacture their drugs in lower cost countries, but they do not want a licensed U.S. pharmacist and drug wholesalers to be able to take advantage of the global economy to get the best price for the American consumer.

Let me say that again. The pharmaceutical industry wants to take advantage of the global economy for the purpose of their manufacture and profitability, but they do not want a licensed U.S. pharmacist or licensed wholesaler to be able to access those same drugs from a licensed wholesaler or pharmacist in another country in order to pass along lower prices to the American consumer. I do not think that is right.

We have addressed all the issues that have been raised by two former Secretaries of Health and Human Services, saying in order for me to certify, we need to have this and that. We have addressed those safety issues in this legislation. Yet if you listen to the opponents who stand on the floor of the Senate with the talking points, there are safety and security issues and all these issues—I mean I have gotten the talking points, too, from the pharmaceutical industry. Heck, if I were in their position, I would want to keep this situation as long as possible. You have a good deal, don't give it up.

But one of my colleagues yesterday, speaking on the floor, said: The people who are offering this amendment—and again this amendment goes from Senator KENNEDY to Senator MCCAIN to Senator GRASSLEY to Senator STABENOW back and forth, Republicans and Democrats. One Senator, one of my colleagues, stood up and said there are political motives.

I said I hope you don't mean that, and I hope you will withdraw that. This is a thoughtful serious debate. There are plenty of people who feel strongly in opposition to my amendment. Fine. But then you should stand and debate the proposition that you support. We support the current situation. We support the circumstance in which a pricing policy that prices the prescription drugs higher for the U.S. consumer is already with us. That ought to be the proposition you stand and support.

You ought not stand and say there are significant safety issues here because that is not the case. It is not.

There is much to say, and a number of my colleagues will continue to debate this issue. My own view is this is a hard issue to get passed on the floor of the Senate. I say that having had some experience with it.

I must say I admire the pharmaceutical industry. They have been tough opponents. They feel strongly about their profitability. They say a couple of things. No. 1, this is unsafe. It is not. No. 2, it would somehow exacerbate counterfeiting. It will not. Counterfeiting now exists. We need to address that, but this would in many ways make the supply of drugs safer. They say a number of other things they believe—that this would cause the American people to change their buying habits in ways that would be unhelpful to them. They believe you do not have a chain of custody that you can control or see that is transparent. That is not true.

You know, I mentioned earlier about this issue of the industry itself. I want the pharmaceutical industry to succeed. They succeeded. This has been a very successful industry. They have made a great deal of money. But on this issue of research and development, I want them to engage in research and development. We are doing it here in the public sector of the NIH. We turn that material over to the pharmaceutical industry. They do research and development. Good for them. They spend a massive amount of money on promotion and development. I think that is of some concern for a number of people, but I am not here saying I do not want the pharmaceutical industry to succeed. There are those who also say, in addition to safety and other issues, they will say, all right, if you do not allow a pricing policy that prices prescription drugs at the highest level for the American consumer, it will mean less research and development by the pharmaceutical industry.

The fact is, more research and development has gone on in other countries in which they charged lower prices for the same prescription drugs. So how does that hold water? It does not. My hope is, at long last, perhaps, this Senate will stand up for the interests of the American consumer. At long last, we can put to bed these specious arguments about safety because they are not applicable. Read the bill. These arguments about safety are not accurate. Let's put to bed this connection between counterfeiting. It is not accurate. Let's also stop talking about how this would shut off research and development. That is not accurate.

Let's talk about what this bill would do, what this piece of legislation, this amendment we have now offered is. It would save about $50 billion over 10 years, $5 billion a year. It would probably require the drug industry to reprice for sure because, the fact is, if they are pricing at the highest levels to the American people, and they say that is the only way they can recover their costs, perhaps others ought to be paying more to recover costs. I don't know. I am saying that the industry, I believe the top seven U.S. pharmaceutical companies, a couple of years ago made $34 billion together. The industry has done very well. But there are a whole lot of folks in this country who haven't.

It was about 9:30 one night in a tiny town north of Highway 2 in North Dakota. I had a town meeting. At the end of the town meeting, an older woman came up to me, and she was probably in her early eighties. She said: Mr. Senator, may I speak to you? I said: Sure. She grabbed my elbow with her hand. She began to speak. Her eyes welled up with tears and her chin began to quiver. She said: I am in my eighties. I don't have much money. She said: I have got heart disease and diabetes. My doctor prescribes medicines for me that are too expensive. I cannot afford them. Is there any way you can help me, Mr. Senator? Is there a way you can help me?

This woman, with tears in her eyes, was asking: Is there someone who can help me manage this disease of mine because I cannot afford these medicines?

We have taken steps to try to be helpful. I might say that some in the drug industry have taken steps by offering programs to low-income people. It is not enough. But I commend those who have and recognize it. But we should not have to do that in this country. We should not have the highest prices for prescription drugs. We should not have an 80-year-old woman driving to Canada to pay four-fifths less in cost for Tamoxifen to treat her breast cancer. That should not happen.

So let's do this. Let's create a regime of safety—which we have done. Wonder about it? Go talk to Dr. David Kessler. You find a better expert, you tell me his name. We have created a regime of safety here that will work. Then let us decide to proceed, as Europe has done, as others have done, to allow the global marketplace to work for real people, to work for ordinary folks, not only the big interests. The big interests always do well. At the end of the day, when all of the dust settles, and all of the shouting is over, guess who almost always wins. Yes: Them that's got is them that gets and I ain't got nothing lately. I think that was Ray Charles.

Isn't that always the case? When the dust settles, the big interests always win. Let's hope when the dust settles here tomorrow morning, and we have a vote on something that is important, is something that will help a lot of American people, millions, tens of millions, hundreds of millions, let's hope when the dust settles here, ordinary Americans will say, you know what. We won today in the Senate. Hallelujah, we won a vote in the Senate. Let's hope that is the case tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, there is not much I can add to the brilliant remarks made by Senator DORGAN. I think he, in a very comprehensive manner, made clear why the Senate and this country should move to prescription drug reimportation. I think he very ably answered the objections that we know are sure to come and made the case as well as could be made.

I want to touch on some personal reflections on this issue. Some years ago, as the Congressman then from the State of Vermont—and I live an hour and a half away from the Canadian border. My State borders Canada. Some years ago, I put together what, in fact, turns out to be the very first bus trip to take constituents over the Canadian border to buy low-cost prescription drugs.

All of us have days which are transformative where something happens we will never forget, and that is the day I will never forget. On that day we took a busload of Vermonters, mostly women, many of the women struggling with breast cancer. We went from St. Albans, VT, to Montreal, Canada. I will never forget the look on the faces of those women who were struggling for their lives when they bought breast cancer medicine at 10 percent of the cost they were paying in the State of Vermont. The drug was Tamoxifen, a widely prescribed drug for those people who are struggling with breast cancer.

These women walked in fighting for their lives, many of whom did not have a lot of money. They walked in there and they could not believe, literally could not believe, the cost of that medicine which they needed to keep them alive. At that moment some years ago—it may well have changed since then—the cost was one-tenth what it was in the United States of America.

The question is a very simple question: How do you have a drug manufactured by a company, manufactured in the same factory, put in the same bottles, sold in Canada, in some cases for one-tenth the price that same medicine is sold in the United States of America? How possibly can that happen?

Now, as it occurs, I am not a great fan of unfettered free trade. I have very serious concerns about what our trade policy is doing in terms of throwing American workers out on the street, moving plants to China and other low-wage countries. But I am always amazed that on the floor of Congress, when it comes to representing the interests of multinational corporations, people are always speaking about how great unfettered free trade is; it is not a problem; American workers going down the street; workers in China paid 30 cents an hour. That is okay. That is part of globalization.

Well, why isn't it part of globalization that prescription drug distributors and pharmacists can pick up FDA safety-approved medicine at a fraction of the price they are currently forced to pay, and lower the cost of prescription drugs in this country very substantially? Why is that not a process of globalization that every Member of the Senate should be supporting?

We should not kid ourselves as to what this debate is about. I think most Americans understand that large multinational corporations have enormous power over the Congress. You have big oil running up recordbreaking profits, receiving tax breaks and corporate welfare. You have credit card companies with tremendous power over what goes on in Congress, able to charge Americans 25, 28 percent usurious interest rates. You have insurance companies blocking national health care efforts so all of our American people can have health care as a right of citizenship. But at the top of the list of powerful, greedy special interests, at the top of that list, that very impressive list, stands the pharmaceutical industry. They are at the top.

So when you talk about powerful interests, look at the pharmaceutical industry and the impact and the power they have in terms of what goes on here in Congress. Since 1998, the pharmaceutical industry has spent over $900 million on lobbying activities: $900 million since 1998. That is more than any other industry in the United States of America.

It is hard to believe, but there are now over 1,200 prescription drug lobbyists right here in America, many of them right here on Capitol Hill. That amounts to more than two lobbyists for every Member of the House and the Senate. They have us well covered. These people are paid top dollar as lobbyists. These are former leaders of the Republican Party, former leaders of the Democratic Party.

Let me tell you, they are hard at work today. They will be hard at work tomorrow. What they have done successfully, year after year after year, is when an effort comes up in the House and an effort comes up in the Senate, they descend like locusts into the offices of Members of Congress and say: Don't vote for change. Keep the status quo alive. Make sure the American people continue to pay the highest prices for medicine in the entire world.

Since 2000—I don't know if you are supposed to talk about these things on the floor of the Senate. I will. Since the year 2000, the pharmaceutical companies have contributed almost $250 million in campaign contributions. Let me repeat that. Since the year 2000, the pharmaceutical companies have contributed almost $250 million in campaign contributions.

What this debate is about is not just whether we are going to lower the cost of medicine in this country and save billions and billions of dollars for the consumers of our country, for people with acute and chronic illnesses, for our seniors; it is also about whether the Congress of the United States is, in fact, prepared to stand up to the most powerful, the greediest special interest in the United States of America.

In my view, the time is long overdue for us to begin to make some fundamental changes in our prescription drug policies in this country. The time is long overdue for us to lower the price of medicine for our people, which not only will help people, of course, pay for their prescription drugs, it will lower the entire cost of health care in the United States.

We spend far more money per capita on health care than does any other country on Earth. If we lower the cost of prescription drugs, we will have an impact on that.

Tomorrow I will be speaking at greater length on this issue, but I think the arguments are so clear that prescription drug reimportation makes sense. The idea, as Senator DORGAN has mentioned, that somehow we can import tomatoes and lettuce from farms in Mexico and in Latin America, that is okay, but we cannot reimport prescription drugs from Canada with FDA regulations, that is impossible, makes sense to nobody at all. Food coming in from China, no problem; FDA-regulated prescription drugs coming from Canada, oh, my word, it can't be done. Give me a break. Of course, it can be done.

What this issue is about is not drug safety. What this issue is about is the profits of the pharmaceutical industry and the enormous power they have over Congress. Now is the time for us to say to the drug companies: You have dominated what goes on year after year after year. You, in the drug industry, wrote the prescription drug Medicare bill. You have resisted year after year every effort to reform how we price medicine in the United States.

Maybe the year 2007 might be the moment in which Members of Congress have the courage to stand up and say enough is enough. Let's support the men and women and children, the seniors of our country. Let's lower the cost of prescription drugs. Let's pass prescription drug reimportation.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, thank God for BERNIE SANDERS, the Senator from Vermont. Thank God. Sail on, brother.

I thank the Chair.

Mr. SANDERS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I will have a lot more comments on this bill at a later time. In light of the comments by the Senator from North Dakota about the importance of reading the bill, I wasn't sure that I had read the most recent copy of it. I think I have the most recent copy of it now. It is a fascinating 140 pages that is being attached to our 300-page drug safety bill. The reason I am checking it is because in the past we have noticed some strong implications for safety problems with drug importation, and I want to make sure we are not opening the door for even more safety problems. I had hoped that the bill on safety wouldn't have to get into the safety of imported drugs, but I can see that is not the direction we are going. I am more than happy to address it.

I am fascinated by the discussion today because the people who normally are talking about free trade are now talking about some restrictions. That would be my side of the aisle. Those who normally rail at any kind of opening of the market to anyplace outside of the United States are the ones who are supporting this bill. It is kind of a reversal of situations.

I have heard the Senator from North Dakota talk about the way the Canadian Government is subsidizing the grain in that country and how that gives them an unfair advantage in the United States market and how we have to be sure that doesn't happen. Yes, the Canadian Government subsidizes. Yes, the Canadian Government gives an unfair advantage to their citizens. On drugs, the Canadians do some interesting things, too. They are a very small, limited market compared to the United States.

Sometimes in business when you are trying to price things, you say: I could pick up a little bit more in the market if I changed my price a little bit. But I am only willing to go after the fringe in order to do that. That is kind of what has happened in Canada. Canada has made it a little more difficult for the drug companies because they say: We are going to negotiate the price. I love that word "negotiate." Normally that means there is a little give and take on both sides and some advantages that are picked up on both sides in order for the outcome that is derived.

In terms of pharmaceuticals, usually "negotiation" is the code word for "price fixing." That is what they have done in Canada. They have fixed the price. If you want to be able to sell your drug up there, they will tell you what bid you better come in at and they are willing to have various pharmaceuticals bid against each other for the right to enter that fringe market, a small portion of what is in the United States but a potential customer. If you can cover your costs and pick up a few more sales, perhaps you can increase profits. It is a little accounting trick, but it happens. But they negotiate the price.

There are five drugs for heart that do similar things. They make the five drugs for heart bid against each other. That means one or two of them will win the bid. If your doctor prescribed one of the other three in Canada, you are out of luck. The decision by the doctor is taken away because you will get a good price on the pharmaceutical that may not be quite right for you, but it will be cheaper than what you could have gotten. That is not the way we work it in the United States. We try to have competition between all of the different products and hope that brings the price down.

There is some positive indication that it does bring the price down. We have the Medicare plan D. When they did the calculations on how much that was going to cost, it was considerably higher than what it actually came in at when there was competition among the providers, who in some cases represent more people than Medicare or Medicaid or the veterans and negotiate prices, but they negotiate realizing that we are forcing them to provide all of the pharmaceuticals, not just one or two out of five. If they are providing a plan, they have to provide for the prescription drugs.

When I was doing hearings across Wyoming, I had a little surprise almost at every meeting that I had to explain Medicare Part D. That was somebody saying: I can't get the prescriptions I really want. I was doing all of this promotion before Part D even went into effect. So I knew something was wrong with that kind of a response. It occurred to me that maybe those were veterans. We negotiate the price on drugs for veterans. That means when the Government is doing it, they have to say: You know, I don't think your price is low enough so we are just not going to make that available to our people.

Did you know that a whole bunch of veterans are taking prescriptions under plan D because they can't get what they want under veterans? It is an interesting situation. When you negotiate these things, you change some of the dynamics and you do not make everything available. I don't think we in the United States are going to settle for just having some, although if we can tap the cheap one in Canada where they fix the price, that will lend an advantage to people in the United States. I am ready to admit that. I am ready to admit if we didn't have restrictions on ethanol and subsidies in this country, we would bring in a whole bunch of ethanol from Brazil. But we are going to protect the ethanol. Again, it is a different group of people who are talking about that than are talking about drug importation.

Let me get back to drug importation because that is important. The Senator from North Dakota several times—in fact, all the time—used to say "where are all the dead Canadians" when he was talking about safety. That is what my colleague from North Dakota used to come down to the Senate floor and say when he was talking about importation. He always asked that question. It may have escaped the notice of those of us in this body that he didn't ask that question anywhere in yesterday's debate or today's debate. Why not? Because two summers ago, five people in Hamilton, Ontario, died from taking counterfeit Norvasc. Norvasc is a blood pressure drug taken by millions upon millions of people who rely on it for their health and well-being. Since so many people take it, it is a target for counterfeiters looking to make a quick buck. I know he did say that counterfeiting is going to happen anyway. Probably. It happens in virtually every industry, and there are some countries that actually specialize in it. But imagine opening an opportunity for counterfeiters, an opportunity for them.

In the portions of the bill I have gotten through already, I know there are some pretty tight restrictions on who can be an exporter and who can be an importer and how packages will be labeled and all of those sorts of things. It is a marvelous effort to try to tighten it up so that what you buy is what you think you are getting. But how many of us, when the program was to first start, would know what to look for or even who to order from in order to be sure the drugs we are getting are safe? How do you do that? It is a tremendous opportunity for counterfeiters. We already have a problem with counterfeiters. There is no way you can write off the counterfeit argument.

I ask unanimous consent that I be able to show some three-dimensional objects on the Senate floor, the same as the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I will leave this on the desk so people can take a look at it. This is the Norvasc product with which the Canadians had a problem. It killed people. I want Members to take a look at the packaging. I have the external packaging. I have the internal packaging. I have the pills themselves. I challenge anybody to see the difference. We are going to put some special labels on anything that gets shipped into the country. I am sure nobody would ever be able to counterfeit any labels that were coming into the country. It just couldn't happen. There are now dead Canadians, and it saddens me to say that I believe there will be even more. These unfortunate individuals got their fake pills from a brick-and-mortar pharmacy. If that is what is happening when you buy drugs in person in Canada, who knows what you might get when ordering from a Web site that says it is in Canada but could really be based anywhere in the world.

In fact, some of the drugs that have been intercepted by the FDA have come through Canada but actually were from Saudi Arabia. Communication worldwide is transparent these days. Whom you think you are ordering from is not always whom you are ordering from. Right now that practice is referred to as hiding the maple leaf.

I would like to invite my colleagues to visit with me when I am finished my remarks. I have these pills I would like them to take a look at. There are other examples, too.

So anybody who holds up two bottles and says, this one is this and this one is this, they can't be sure if the one that is being imported is really from the country they are talking about. It has to be a concern. That has to be tightened up. There have to be some ways people can really tell.

There is also a difference between whether you are importing for an individual or you are importing for a pharmacy. If you are importing for a pharmacy and they get a counterfeit load, it is not just one person who dies. It is the whole community, everybody who is taking that medication. So there needs to be some concern with these things.

As I said earlier, we all want to have affordable drugs. We would like to bring down the cost of medicine every way that we possibly can. But a counterfeit or tainted drug is unsafe at any price.

I want to add another thing on the counterfeit drugs. You can take the pills and you can grind them up and do a chemical analysis of one pill against the other, and they will come out identical. Now, part of the problem is the way you put these together to make them dissolve properly so what you need in your bloodstream gets into your bloodstream.

A number of the imported drugs that have been confiscated are shown they will not even dissolve. If you take a pill, and it goes completely through your whole system, you could die. It is a serious problem. It looks good, it even checks out good, but there are processes for putting these things together.

From my brief reading of the bill, I am also worried about some of the biologic information that may be in there that could be imported as well.

The Food and Drug Administration Revitalization Act is about restoring the trust of the American people in the FDA. That is where it belongs. We should have a lot of concern.

There is an amendment that is going to come up everybody is working on right now to make sure it would work, and it talks about some increased safety with food. Now, food, some of it, such as tomato packaging, is pretty well there. It is not put in another container. It is hard to fake. But there can be problems. We had problems with spinach in this country. We have a big problem with pet food right now, and it is because of China.

China—how much do you trust them with your drugs? We have been trusting them with our pet food, and they are killing our pets. It took a little thing called melamine that increases the protein count in the food. It does not increase the protein, it just increases the protein count. It makes it look like a much richer food than it is. Unfortunately, it kills. Unfortunately, they have not just been using it in pet food; they have it in their regular food chain, and children—young children—got it, and the children died. When they checked on it, they found out they died of starvation, even though they had what should have been a good protein diet. There was a little melamine in it, and it was starvation rather than poisoning.

But if they do that to food products, how much would we worry about drug products that come in from there? I know there are some limitations on where they can come from, but if they get into the European Union, there does not appear to be any constraint on it then, and it could be transferred on over to the United States. So throwing our borders open to drug importation would, instead, falsely place trust in criminals trafficking in illegal pharmaceuticals.

I think the American people deserve better. I hope we do not make this move at this point in time, and that we constrain the bill to those things we know will add safety to our pharmaceuticals and medical devices and things for children in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I join with the ranking member of the HELP Committee—the Health, Education, Labor, and Pensions Committee—in raising the concerns and agreeing with the concerns he has raised about the reimportation proposal which has come forward from the Senator from North Dakota, which has been debated on this floor a number of times.

The issue, of course, is the safety and efficacy of products which Americans buy. The FDA has been given the responsibility and has executed that responsibility extraordinarily well to make sure when an American citizen buys a pharmaceutical product or a medication, it is what it says it is and it does what the doctor prescribes.

If you start buying medications internationally, you are in the position where you have no capacity for the FDA to monitor that purchase. So the drug may be represented to be an FDA-approved drug, but it could easily not be. In fact, case after case has been discovered of adulterated and changed medication coming into this country under the representation the medication which is being purchased is medication which has been approved by the FDA. So you are basically opening up a massive loophole in the area of safety for the American citizenry.

Now, the demand for this comes from the cost of the drugs. People want to be able to go across the border to Canada, which is obviously a very sophisticated nation, and buy a pharmaceutical product there, which costs significantly less than the same pharmaceutical product may cost in the United States. That is a natural instinct of the market economy and of people. But critical to this exercise, of course, is the ability to get a safe drug.

If you go across the border, and you buy a pharmaceutical product which is alleged to be one thing, and it turns out to be another thing, the damage it causes you is going to be economically much more significant than the savings which you may have accomplished by purchasing that drug across the border.

Also, it should be noted that with the Part D pharmaceutical program which we now have relative to Medicare, the pressure—because pharmaceutical products are now insured and people receive them under the insurance plan as created under the Part D program, which has been an extraordinary success to supplying pharmaceuticals, though its cost remains extraordinarily expensive for the next generation of Americans—but pharmaceutical products are now available under an insurance program to most American seniors, and, as a result, if you are a senior, one of the people most likely to use a large number of drugs, and most often are on a fixed income and have problems purchasing drugs as a result of the fixed income situation—those issues were addressed by Part D to a large degree relative to the senior purchasing drugs; and it did create the ancillary problem of creating a huge cost which has to be borne by the next generation—but relative to the supplying of drugs, the pressure which was forcing people to take the chance of purchasing a drug internationally has been relieved to some degree, significantly in the area of senior citizens.

I proposed language which would create a safe pharmaceutical approach, where you would create an Internet pharmacy approach, where you would create a regime under the FDA where people could go on the Internet and buy pharmaceutical products knowing they have been approved by the FDA.

Today, unfortunately, that is not the case. If you go on the Internet, and you purchase something through a pharmaceutical firm off the Internet, you do not know whether that product—even though it may be represented to be FDA-approved—is FDA-approved because there is no way to certify the site you are purchasing from is an FDA-approved supplier.

So this reimportation bill is essentially going to create an atmosphere where those Internet pharmacies are going to become basically the "wild west" of supplying drugs in this country, and you are going to see people going on to these Internet pharmacy sites and purchasing drugs they think are being represented as an American-approved drug that has been reimported—and is at a lower price—but may actually be a totally adulterated drug which will do significant harm to you.

We have seen instances of that already—dramatic instances. Case after case has been reported of people being significantly harmed and in some instances dying as a result of buying pharmaceuticals off the Internet that turned out not to be what they were represented to be from international sites.

So at a minimum, this reimportation proposal, which has received significant support in the past because it has a motherhood name on it—even though it might be actually creating significant problems for children and for other people in this country as a result of the risk it puts people at—at a minimum, this proposal should be subject to creating some sort of a regime where FDA has the ability to monitor and to approve and to make available to the public the knowledge that Internet pharmaceutical sites have been approved by the FDA. That is what my amendment does. It tries to address that.

So we should not move forward precipitously in the way that is proposed by the Senator from North Dakota. We should not be supporting this simply because it has a nice name on it and because he can hold up two bottles which are the same drug but costs differently in a managed economy in Canada and a market economy here in the United States. We should, rather, set up a structure where FDA can be sure that when you buy that pharmaceutical product through an Internet site that is international or from a Canadian pharmacy, that you are getting what they claim you are getting, so when you take that drug, you benefit from it and are not harmed by it.

This all, however, gets to a bigger issue. Probably, there is not time right now to go into it in depth. But the bigger issue is, where do pharmaceutical products come from? Where do all these amazing products, the biologic products that are saving lives in this country and are creating such a much better lifestyle come from? Remember, they do not come from trees, and they are not grown in North Dakota in the sugar beet fields. They are developed through processes which involve years—years of investigation and research.

The average pharmaceutical product in this country takes 12 years and $800 million to bring to the market. Think about that: 12 years and $800 million before you can produce a product Americans can take. That is a pharmaceutical product. If you are getting in the biologics area, which is a much more complicated area, it takes even longer. It is even more complex, and in many instances it is even more expensive.

It is these products that are changing the life expectancy of people and making the quality of life of people so much better. We have basically gone from a medical regime in this Nation where invasive action was always the first call, was always the first event, where you basically went under the surgical knife, to a regime where you are given pharmaceuticals or biologics to try to address a very serious illness. It is a huge step, an exponential step in the direction of better health care and a better lifestyle for Americans and for the world.

Where are these products developed? Well, they are developed here in the United States. Why are they developed here in the United States? Why are almost all the major pharmaceutical breakthroughs and all the biologic breakthroughs coming in the United States? Because we have a market system which allows people to take the risks to develop those products.

We do not fix prices, as they do in Canada or in England, at a rate that is so low that nobody would be willing to invest in developing that product because the return on that investment is too low. We allow people who make the investment, who take the risk, who put the 12 years in, who invest $800 million, to get a reasonable return on their investment and on their effort. As a result, we have the explosion in advances in technology, in medical technology, in biologics, and in pharmaceuticals.

It is a result of the fact that people who want to take that risk, and who have the ability to pursue that type of opportunity to make life better for people by creating these pharmaceutical products and these biologic products, have the capacity to get resources to do it. It is called capital markets.

Now, capital does not flow for goodwill. People do not invest in things because it makes them feel good, in most instances. People invest where they are going to get the best return on the dollars they invest, or a reasonable return on the dollars they invest. So we have to maintain an atmosphere in this country where people are willing to put money—cash, capital resources—into the investment and research and development of pharmaceutical and biological and device products.

But if you listen to the other side of the aisle, almost every proposal they come forward with seems to be of the view that these products are grown in some wheatfield in North Dakota, that they do not take any effort, that they do not require any capital, they do not require any expertise, research, or time. All they require is to be price fixed, to be limited in their ability to be distributed relative to the price that is charged.

Time and again, the other side of the aisle has come forward with proposals which basically undermine the incentive for capital to flow into these research areas. Believe me, if capital is disincentivized from going into these areas because they do not get a reasonable return, they will go somewhere else—they will go into developing software, into gaming, into whatever it is that happens to give them a reasonable return, into investing in some other country's activities in some area.

Capital does not flow out of goodwill into pharmaceutical production, into biologic production, into device production. It flows into those accounts because they expect a reasonable return.

Now, sure, the countries of Canada, England, and the European common market, to some degree, are living off of the fact that we give people a reasonable return on our pharmaceuticals and biologics in this country. That is absolutely true, and it is reasonably disgraceful. In fact, in Canada, they threaten to take people's patents away if they don't—they basically capture American patents if they don't sell these drugs at a price which nobody would have invested in them in the first place to produce them were the price fixed at that level. But that is their policy.

Now, we could subscribe to that policy, which is what the other side of the aisle wants us to do. They proposed it in Medicare negotiations, they proposed it now and passed it here in the child drug review. They proposed it in this reimportation, and they proposed it in the negotiated language relative to Medicare, and in biologic generics. In all of these areas they are basically saying: Well, drugs must appear in the marketplace. We don't have to be concerned with the fact of getting capital into the investment exercise. We don't have to be concerned with the fact that it takes years and years to research these products and hundreds of millions of dollars to bring them to the market, they just appear. We can basically, for lack of a better term, kill the goose that is laying the drug or the biologic or the pharmaceutical or the device that is saving people and not worry about it.

Well, that is not true. If you were to follow all of the proposals from the other side of the aisle, or even a significant amount of them, we would see investment in this area start to dry up. We would see a contraction of the production of pharmaceuticals that save lives, of biologics that save lives, of devices that save lives. We would see fewer and fewer of those coming to the American people and to the world because people wouldn't invest in that activity any longer, or the investments would be significantly curtailed because money would flow in other directions.

This concept of the marketplace totally escapes the other side of the aisle. This concept that drugs have to actually have some flow of capital behind them to be produced because it takes so long to get them to the market, and it takes so much money to actually research them—and that is especially true in biologics and equally true in devices. It totally escapes the other side of the aisle. Their idea is, we have a good line, we have a motherhood statement, let's let people go buy the drugs somewhere else at a price that is fixed at which nobody would have ever produced the drug in the first place if that was the price. Let's negotiate so we have a regime of price setting at the Federal level, which basically eliminates the capacity for that drug to be competitive.

Let's create a biologic generic which basically wipes out the capacity of the true biologic to actually come to the market and be successful. Let's create an atmosphere where testing on children of the drugs will basically not have a fiscal return which will make it worthwhile to test them on children. Let's do all of those things in the name of the motherhood language of getting a better price for drugs for Americans, ignoring the fact that what you are actually going to end up doing is dramatically limiting the number of drugs coming to the market for Americans, and therefore significantly impacting the quality of life of Americans and our ability to advance the dramatic and revolutionary activity that we are seeing in bringing biologics to the marketplace, which are basically curing and have the potential to cure diseases which have been extraordinarily threatening to the American population for so long.

It makes no sense, if you look at the substance of the issue, what they are proposing. It is totally inconsistent. They are saying they are doing this to help people. What they are actually ending up doing is harming not only the people of today who won't be able to get the drugs because they won't be produced but people in the future because the drugs won't be brought to the market. There is a blindness to the fact that market forces are at work. I guess it is just a function of the fact that you want to get out a good press release, so you are going to send it out. Of course, anybody who takes the position I just outlined is immediately demagogued, and the pejorative tool of the drug industry is thrown out there.

Well, I am hardly that, since I was one of the few people in this Chamber who actually aggressively opposed and tried to stop the Medicare Part D Program, which was the biggest windfall the drug industry ever got and which was voted for by many of my colleagues on the other side of the aisle and which ended up putting an $8 trillion bill which is unpaid for onto our children's future.

More importantly, the reason I take the position I take is because I believe very strongly that America should not give up its lead in one of the industries where it is at the cutting edge and where it is producing jobs and where it is producing the intellectual capital that is going to keep us a vibrant, strong economy. In addition, we should not give up an industry or undermine an industry and geniuses and creative individuals who are producing products which are saving lives and are giving people a better livelihood. So I am not going to sign on to these various jingoistic proposals which are brought to the floor for the purposes of putting out good press releases about how I did this or that for motherhood at the expense of undermining the quality of care for future generations by basically limiting dramatically the ability of people to get capital who want to be creative, who want to invest, and who want to do research in the area of producing biologic products, pharmaceutical products, and medical devices.

That is why I take the position I take, to say nothing of the fact that if you start haphazardly importing products from the Internet and from countries such as Canada, as strong as Canada is, without any FDA oversight or approval of those products, you are going to harm a lot of people at the end of the day. A lot of people are going to be hurt, and some people are going to die as a result of buying products which have not gone through FDA approval and which are not subject to FDA oversight because they are bought from a pharmacy or a provider in Canada, and that product may have come out of India or it may have come out of Afghanistan. It may have come out of Pakistan. It may be adulterated, and it may kill. The same can be said by a factor of 10 relative to purchasing on Internet pharmacies.

So there are some big issues at play. There are big issues at play relative to the future of the health of Americans on the issue of importation, on the issue of negotiation and Medicare, on the issue of biologic generics, and on the issue of making sure that children are adequately tested relative to the application of drugs which are brought to the market. There are big issues relative to safety and big issues relative to whether this country remains on the cutting edge of producing products that help people and give them a better lifestyle with a biological, pharmaceutical, or medical device. We shouldn't just pass these proposals willy-nilly for the sake of putting out a nice press release.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1018

Mr. DEMINT. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1018.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the notification provision with respect to drugs deemed to have risk evaluation and mitigation strategies)

In section 214(b)(3)(B) of the bill, insert ", except with respect to the drug Mifeprex (mifepristone), such assessment shall be submitted 6 months after the applicant is so notified" before the period at the end.

Mr. DEMINT. Mr. President, my amendment calls for the Food and Drug Administration to conduct an assessment of the risk evaluation and mitigation strategy, which we refer to as REMS, for Mifeprex, commonly known as RU–486, within 7 months of the effective date of this legislation.

According to the legislation before us, any drug that is currently on the market with restrictions on its distribution or use, which includes RU–486, would be required to have a risk evaluation and mitigation strategy. This means that RU–486 would be subject to periodic assessment of how well the risk management plan, including its restrictions, is working. Unfortunately, the bill does not establish a deadline for the risk evaluation for RU–486.

The current RU–486 abortion regimen was approved by the Food and Drug Administration in September of 2000. Since that time, the regimen has been linked to the deaths of seven women, including three Americans. The public has learned since November of 2004, through the release of documents by the FDA through a Freedom of Information Act request, that over 1,000 additional women have experienced adverse effects from the RU–486 regimen, including 9 life-threatening incidences, 232 hospitalizations, 116 blood transfusions, and 88 cases of infection. It should be noted this dangerous drug is attacking young, healthy women.

I also want to point out the approval process for RU–486 was highly irregular in the first place. The drug regimen was approved under FDA subpart H, which is a regulation that applies to certain new drugs used for treating serious or life-threatening illnesses. While certain conditions may arise during pregnancy that are dangerous, pregnancy itself is hardly a serious or life-threatening illness.

The RU–486 regimen actually requires the use of two drugs: RU–486, which kills the child, and misoprostol, which causes the uterus to expel the dead baby. G.D. Searle, the manufacturer of misoprostol, never sought to have its drug approved by the FDA for abortions. Nevertheless, the FDA, in what appears to be an unprecedented decision, mandated that misoprostol be used for unapproved "off-label" use in an abortion regimen along with RU-486.

Finally, the FDA approved the RU-486 regimen based on data submitted from clinical trials in which there was no control group comparison. This directly violates Federal law and appears to be unprecedented as well.

In my opinion, the FDA has not done enough to curb the use of this deadly drug, and for far too long the FDA has put politics ahead of science and ahead of women's health. When the Clinton administration expedited the approval process for RU-486 in the final days of its tenure, many medical professionals expressed serious concerns about the FDA's rush to bring RU-486 to market. Since then, the statistics have proven these concerns to be well-founded.

The legislation we are considering today has everything to do with drug safety. Yet we have a drug on the market that has killed several women and injured many others. My amendment simply sets a 7-month deadline for the FDA to assess the risk evaluation and mitigation strategy for RU-486. Given all the adverse events associated with this drug, this is the least we can do.

This is not an abortion issue, it is a women's health issue. Even those who support abortion agree there are serious problems with this drug. Let me read several quotes from abortion supporters which were part of a New York Times story that ran last year: "None of these women should be dying; it's shocking," said Dr. Peter Bours, an abortion provider in Portland, OR, who is rethinking whether to offer pill-based or medical abortions.

Dr. Warren Hern, an abortion provider in Denver, said the latest reports demonstrated that abortions by RU-486, or Mifeprex, were far riskier than the surgical ones. "I think surgery should be the procedure of choice," Dr. Hern said. "Pills," he said, "are a lousy way to perform an abortion."

I quote again from another source: "The complications associated with RU-486 far exceed the complications of surgical abortion," said Dr. Damon Stutes. He is an abortion provider in Reno, NV. He refuses to offer pill-based abortions.

Dr. Stutes, whose clinic has been bombed, said he was uneasy about agreeing with abortion proponents on anything. But the truth is the truth, he said.

Another quote:

> One needs to tell patients that the medical procedure, even though it seems more natural, may be more likely to result in death.

That is Dr. Phillip G. Stubblefield, a professor of obstetrics and gynecology at Boston University.

It is clear that even the supporters of abortion believe this drug is dangerous. It also appears that even the leader of the abortion industry—Planned Parenthood—supports actions by the FDA to further examine the safety of the drug. Dr. Vanessa Cullins, vice president for Medical Affairs at Planned Parenthood, told the San Francisco Chronicle:

> We are glad there will be continuing investigations by the FDA. We will work with the CDC, the FDA, and academicians to figure this out.

The FDA needs to quickly complete its risk evaluation on RU-486. That is what my amendment guarantees. I urge my colleagues to support it. I understand that Senator KENNEDY will accept a voice vote on this. I look forward to supporting it, along with all of my colleagues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

AMENDMENT NO. 990

Mr. DORGAN. Mr. President, I have listened to some of the debate on the floor of the Senate in opposition to the amendment I have offered with many colleagues dealing with the reimportation of prescription drugs. Especially entertaining was to hear the Senator from New Hampshire, Mr. GREGG, describe North Dakota wheatfields. The Senate is a place of fascinating and interesting debate. I expect we will have more of that in the coming hours, leading up to a vote tomorrow on a cloture motion on this amendment.

The continued and insistent reference to this amendment posing safety risks, or risks of unsafe prescription drugs, is at odds with everything we know to be the case. I described Dr. David Kessler, and I suggested if anybody knows a more important, better informed expert than Dr. David Kessler, who was head of the FDA for nearly 8 years, tell me his or her name. I described the statement that Dr. David Kessler made that says this will make the prescription drug supply safer. In fact, the regime of safety we have put into this amendment is appropriate, important, and will mean that we will be able to allow reimportation without a safety risk.

Despite the evidence, we continue to hear this issue. I was thinking, as I was listening to this a while ago, about the Lincoln-Douglas debates, when Lincoln became enormously exasperated at one point and he said to Douglas: Tell me, how many legs does a horse have?

Douglas said: Well, four, of course.

Lincoln said: Now, if you were to call the tail of a horse a leg, then how many legs would a horse have?

Douglas said: Well, five.

Lincoln said: You see, that is where you are wrong. Just because you call the tail a leg doesn't make it a leg at all.

The same principle holds true now on the floor of the Senate. You can say what you want, but that doesn't make it true. Safety issues? That doesn't exist in the amendment we are talking about. This will make the drug supply safer. While I am speaking of Lincoln and Douglas, let me say something else that Lincoln said, which has always been interesting to me. He was describing his opponent's arguments. He said: Your argument is as thin as the homeopathic soup made from boiling the shadow of a pigeon that has been starved to death.

Wasn't Abraham Lincoln wonderful? That description can still exist for some of the arguments we are hearing these days on some of these issues.

I hope my colleague was not serious a few moments ago when he said this is an amendment that is not worthy and is put out by a bunch of people who want to put out press releases and aren't concerned about the safety of the drug supply. My colleague surely doesn't mean to say that Senators GRASSLEY, MCCAIN, SNOWE, and COLLINS on his side and Senators KENNEDY, STABENOW, BROWN, and so many on our side—the 33 Senators who have come to a serious issue with a thoughtful proposal—did so because they want a press release. My colleague knows better than that. He perhaps ought to tell the Senate he knows better than that.

I respect those who disagree with this amendment. I hope they will respect as well our determination to correct something we see as a serious problem. When my colleague says we don't want to give up our lead, describing our lead in pharmaceuticals and the development of prescription drugs, I don't want to give that up. Let me tell you another lead we don't want to give up; that is, the lead in providing the highest prices in the world to the American consumer who needs prescription drugs. That is a lead we ought to relinquish right now. I wonder if my colleague would agree with that.

Mr. President, this is an interesting debate, a useful debate. It will conclude tomorrow with the vote. My colleague from Michigan, Senator STABENOW, has gone across the bridge that connects our two countries, taken busloads of senior citizens and has been involved in this issue for many years, believing that we ought to insist on fair pricing for prescription drugs for the American people. I am pleased that she was one of the people who helped put together the bill introduced by 33 Senators, and I am pleased that she is a strong advocate for the amendment that we have added to this piece of underlying legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise to support the amendment we have put together, led by the Senator from North Dakota. I thank him for his passionate leadership and advocacy and the way he is able to speak in very commonsense terms about what this is all about. What we are talking about is common sense. We are talking about whether we have the most competition that will allow the best price for people related to their medicine. I also am looking around for Senator BROWN, who is also here to speak. I thank him publicly for his help on another amendment that relates to competition and closing patent loopholes relating to generic drugs. I thank him again. Senator BROWN has been a wonderful advocate on these issues.

I find it so interesting whenever we hear that we cannot lower the price of prescription drugs without losing research. Let me comment on that first. Here is what is happening today as it relates to the development of new medicine. We all want that. We all want that, those of us who supported overwhelmingly, the 63 Members of the Senate who voted for stem cell research to provide new lifesaving research and tools for our researchers. We came together and said, yes, we want new lifesaving research.

That is not what this debate is about. The debate is about whether there is going to be a closed market to folks who get to set the price without competition or whether there will be competition so people can afford to buy medicine. The reality is that our structure is such right now, as it relates to the way we bring drugs to market, that you start with basic research, of which last year $29 billion was paid for by the American taxpayer—$29 billion. Now, the industry then added another $39 billion, according to the PhARMA Web site. They are allowed to write off their research as a business expense, or take an additional amount—the R&D tax credit on top of that to write off their research. So the taxpayers are paying, it is fair to say, the majority of what it costs in basic research right now for new lifesaving medicine.

Personally, I am willing to do that because I think it is incredibly important. It is in our public interest. Having all of us together as taxpayers invest in the National Institutes of Health and other lifesaving research makes sense to me. After we do that, we allow the companies to take that information and research and begin to develop medicine. That is fine, too. We then allow up to a 20-year patent, so that the company that does this development can recoup their costs without the same kind of competition from a generic company, another kind of company. So we give them a privileged status. We cover their costs, after we as taxpayers have helped them or may have fully funded the research done in the beginning. So we go through all this, and all that I ask on behalf of the people of Michigan and all I think we are asking for is, when they get done with the patent, people be able to afford to buy the medicine and that we have the kind of competition that allows that to happen.

One piece is to make sure patents are not extended beyond 20 years unfairly by manipulation. I will have an amendment that deals with closing some loopholes. The other is to make sure we open our borders to allow our pharmacies, our hospitals, our medical schools; all those who are providing prescription drugs to consumers, to be able to purchase those and get the best price.

In Michigan, it may be from Michigan or it may be from Ohio or Wisconsin, but it may be 5 minutes across the bridge in Canada. In fact, Mr. President, that is what we find 5 minutes across the bridge. I have had a lot of opportunities to put seniors on buses to go to a pharmacy in Canada to see the fact that you are looking at 30-, 40-, 50-percent cheaper prices. I think of my sister-in-law when I say this. She was diagnosed with breast cancer, and thank God is doing well and has recovered. But when I look at the drug Tamoxifen that many breast cancer patients are required to take, or are asked to take, in Michigan, the last time I looked, it was about $360 a month for that medicine. Five minutes across the bridge, it is $60. That is a huge difference. That is a huge difference in somebody's ability to get the treatment they need for breast cancer. That can be replayed over and over again as it relates to medicine.

Now, what is also interesting is that prescription drugs are being brought across the border every day legally by the companies themselves. Lipitor, which was developed in Michigan—and I am proud of that—is manufactured in Ireland. They bring it back. There is no argument about safety when they are bringing it back. We have, right now, around the world, from Slovakia to China to India, medications that are being brought into this country by the companies themselves, under safe conditions.

Our legislation puts into place safety requirements that will allow the same thing to happen if it is a wholesaler, a pharmacy doing business with another pharmacy. There is no rocket science here. The very same safety provisions can be put into place. We also know that, in doing that, it is important to put that language directly into this bill. It is important. We have put in there a chain-of-custody requirement to ensure that drugs are handled not only by authorized persons but shipments must use anticounterfeiting technology to assure the products' integrity.

We do a number of things that relate to registering with the FDA and agreeing to strict requirements to ensure safety. But those requirements are not all in the bill. Why is that? Because we know that in the past we have seen—we see again now—a second-degree amendment to say that citizens cannot get the best price, and pharmacies cannot do business with pharmacies across the border, unless the Secretary certifies safety. And we know that for whatever political reasons, that has not happened over the years. That is actually current law.

To get beyond the politics of this, we have worked on a bipartisan basis, with wonderful bipartisan support, to actually put the safety provisions that are required into the bill so the certification by the Secretary is not necessary.

We have had legislation passed by the Senate with wonderful bipartisan support in the last few years on related issues that involve reimportation. Last July, 68 Senators voted for an amendment to prohibit U.S. Customs and Border Protection from stopping individuals from importing FDA-approved drugs—individual reimportation.

I thank Senator VITTER for his leadership. I have been pleased to work with him on this issue of individuals being able to import medicines for themselves. Senator VITTER and I also worked together to make sure trade agreements cannot be used as a backdoor way to stop reimportation of cheaper prescription drugs into this country.

We are already on record as supporting this effort to lower prescription drug prices and create competition. It is my hope that, once again, in this bill we will reaffirm that we support the FDA creating safety regimens—we know they exist—to be able to bring medicine safely into the United States from other countries, and we will no longer allow a group—it is the only group I know that is able to stop trade at the border. Everyone talks about free and open trade, and yet in Michigan you can bring auto supplies back and forth every day, you can bring all kinds of agricultural products, you can bring anything back and forth across the border except medicine, except prescription drugs, unless you are a drug company. Drug companies can, but if you are somebody trying to make sure you get the lowest possible prices to consumers through a pharmacy, a hospital, medical school, or other businesses, you are not allowed to do it. It doesn't make any sense.

I believe we need to take off this protectionism which has been in place for years which has put consumers and businesspeople, frankly, into a situation where they are paying higher prices for medicine than they should.

This is not about research. I conclude by saying that according to SEC filings, 2½ times more is spent on marketing and advertising brand-name prescription drugs in the United States than is spent on research. This is not about research. We as taxpayers are leading the way on funding research, and we all support doing that. This is about competition versus protectionism and whether consumers will get the very best price for lifesaving medicine.

I urge the adoption of our amendment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

AMENDMENT NO. 1018

Mr. BROWN. Mr. President, I understand there is no further debate with respect to the pending amendment No. 1018, so I ask that the amendment be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. Reserving the right to object.

Mr. BROWN. Mr. President, amendment No. 1018 is the DeMint amendment.

Mr. COBURN. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 1018) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. LEAHY. Mr. President, will the Senator from Iowa yield to me for 1 minute?

Mr. GRASSLEY. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Mr. President, I thank my dear friend from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

AMENDMENT NO. 990

Mr. GRASSLEY. Mr. President, I am a cosponsor of Senator DORGAN's amendment called the Pharmaceutical Market Access and Drug Safety Act. We want to add the provisions on the importation of drugs to this measure. Obviously, I support that effort. That legislation is the result of a collaborative effort by this Senator, Senator DORGAN, Senator SNOWE, and Senator KENNEDY to finally make drug importation legal in this country. This is one effort which I hope the new Democratic Congress can finally get passed because last time, my own party did not want to see this passed, even though I worked hard to get that done.

Now is the time for us to make this happen. This is a golden opportunity this year to get it done. I think we are well on the way to getting it done.

I have been a longtime proponent of drug importation. In the years 2000, 2002, and 2003, I supported amendments permitting importation of prescription drugs from one country—Canada.

In 2004, Senator KENNEDY and I worked together on a bill that would authorize drug importation, but it did not survive the partisan politics of that year.

I then introduced my own drug importation bill in 2004 with the number S. 2307. After introducing my bill, I began working in conjunction with the efforts of Senator DORGAN, Senator SNOWE, and Senator KENNEDY. So in this provision before us, we combined our efforts so that we could all get behind the same bill and have a better chance of getting it passed. Of course, that is where we are, working together this very minute.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots level, as it shows up in my 99 town meetings I have every year in each of our 99 counties, and I have been doing that for 26 years. So I think I have a feel for what the grassroots of my State wants Congress to hear.

This is one issue about which I constantly hear, although I am probably hearing it a little bit less now that we have the Part D provisions of the Medicare bill because for people who couldn't afford drugs, who maybe relied on imports or at least drugs from other countries, they are able to get them a little better through the subsidization under the Part D Program. But I still hear about this issue, and that is why I am still working to get it passed. So this needs to be a top priority in Washington as it is at the grassroots of America.

I have long advocated allowing American consumers access to safe drugs from other countries, but I have not looked at this solely or even most importantly as a health issue. I have looked at it more often as a free-trade issue. Imports of any kind coming into our country create competition and keep domestic industry of all segments of our economy more responsive to the consumer, giving the consumer what they want at a price they are willing to pay and a quality they care about.

In the United States, we seem to import anything that the consumer wants to buy in America, but we don't do it for pharmaceuticals. So why not, with this legislation, do for pharmaceuticals what we do for everything else American consumers want to buy? That is what breaking down the barriers to trade is all about. That is where our country has been for 50 years, breaking down barriers to trade around the world. Yet we keep this barrier up. Consumers in the United States then pay far more for prescription drugs than those in other countries.

If Americans could legally and safely access prescription drugs outside the United States, then drug companies would be forced to reevaluate pricing strategies. More competition would have an impact. They would no longer be able to gouge the American consumer by making them pay more than a fair share of the higher costs of research and development, which is a resource we need for research and development, but why should just the American consumers pay for that?

It is true that pharmaceutical companies do not like the idea of opening up America to the global marketplace. They want to keep the United States closed to other markets in order to charge higher prices here. However, with this amendment, prescription drug companies will be forced to be competitive and establish fair prices in America.

The drug companies will try to find, of course, loopholes to protect their bottom line, but I think our amendment is comprehensive enough to keep that action illegal. It would not allow, for instance, manufacturers to discriminate against registered exporters or importers. It would prohibit drug companies from engaging in any activities to restrict, to prohibit, or to delay the importation of a qualifying drug. The amendment would give the Federal Trade Commission the authority to prevent this kind of possible abuse of the system.

I also understand that there will be an attempt to kill this amendment, as it has been, I believe, in the years 2000, 2002, and 2003, by an amendment that would require a certification about health and safety. That amendment is designed to kill the underlying Dorgan amendment. It is a clever amendment and for sure can legitimately be determined to be a poison pill.

Our efforts develop an effective and safe system that gives Americans access to lower prices. This amendment requires that all imported drugs be approved by the Food and Drug Administration. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs from that country.

The amendment requires all exporting pharmacies and importing wholesalers to be registered with the Food and Drug Administration, as well as being inspected. It gives the authority for the FDA to inspect entire distribution chains of imported drugs, and it sets very stringent penalties for violation of the safety requirements in this bill, including criminal penalties and up to 10 years in prison.

Don't be fooled by the poison pill amendment to which I just referred. Voting for that amendment is a vote to kill drug importation.

With the Dorgan amendment, we are going to get this job done because we need to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry.

I think Americans have been waiting for this for a long period of time. When a country such as ours allows every other product to come into this country that the consumer wants for the best price and the best quality, there is no reason we should make an exception for pharmaceuticals. We must make sure they have access to these affordable prescription drugs. So I urge my colleagues to support the Dorgan amendment.

Mr. COBURN. Mr. President, I want to chime in for a minute on this amendment, and I want to set a little background. Why do we want to import prescription drugs? What is the reason behind it? The reason is that there is not a true international market in pharmaceuticals. Senator STABENOW quoted a figure of $29 billion worth of Government research. That is not quite accurate. There is $29 billion that goes to NIH, but that is not all related to drug development. Probably half of that is. So we do have a great investment in drugs. There is no question that the American consumer subsidizes the pharmaceuticals of almost every other nation in this world. So the purpose behind this amendment is a good one.

I would draw attention to the fact that Senator BROWN and I passed a drug reimportation bill in the late 1990s that became law, and President Clinton signed it. Donna Shalala, however, under the same guidelines, refused to carry out that mandate—that bill is still on the books, by the way—claiming there was nothing they could do that would make them safe and that they could assure they were safe.

I am going to vote for this amendment, and I think it is right that we should develop a worldwide market on pharmaceuticals, but I am not sure we are going to accomplish this. Having authored the first bill on drug reimportation when I was a Member in the House, what I have seen is that the problem is much bigger than what we are attacking. I find it kind of peculiar and strange that we haven't gone a little further. What really needs to happen is we need to tell all our friends around the world that tell the pharmaceutical companies what price they will pay for drugs, we need to tell them what price we will pay for their products. As soon as we did that, guess what. There would be a worldwide market on pharmaceuticals. We may get there through reimportation, but I don't think so. I think it is going to get squeezed down. I think greed conquers technological difficulty almost every time.

So I think this is a good step, but if we really want to solve this problem, let us put an amendment on the floor which says that any country that essentially fixes the price on pharmaceuticals, their products coming into our country will have their prices fixed. Can you imagine if we were to tell BMW what they are going to get for a BMW 531, or Volkswagen what they are going to get for one of their vehicles, or Toyota what they are going to sell a car for? That is essentially what they are doing to the pharmaceutical industry in this country.

I believe this is a good amendment, and I am supportive of reimportation, but I don't believe it solves the problem. I don't want the American people to think that if we pass this, all of a sudden the price of drugs is going to come down. It will not. It is great that we are doing it, but we are not going far enough. We need to ask the administration to carry out the strength of their ability through Executive orders to create true competition throughout the country and throughout the world on pharmaceutical prices.

Regardless of all the precautions and the well-thought-out plans of Senator DORGAN—and I know Senator BROWN has worked on this for years, as has Senator STABENOW and Senator VITTER and several others—I believe they will get around it. I believe they will sign contracts for fixed quantities of drugs, and then the countries that have the potential to take a drug that was produced here or produced by a manufacturer that is based out of this country, they will limit the amount of drugs that are available to them based on the contract they sign for the number of drugs. So we will have made everybody feel better, but we will not really have created a worldwide market for pharmaceuticals. That is what I think we have to do.

I would like to put out to the author of this amendment, as well as the sponsors, that we ought to think bigger on how to handle this because what we really have is one industry where there is not true free trading. We are not ever going to get the benefits, we are not ever going to relieve the burden of the American consumer, who is paying to subsidize drugs in Germany, in England, in France, and in Japan, we are not ever going to take that burden off until we really create a true worldwide market in pharmaceuticals. I am just hesitant to believe this is going to accomplish it.

Like I said, I am going to vote for it. I believe it is a step in the right direction, but I think we need to be more bold. If we really believe in the benefits of international free trade, then we should do whatever is in our power to insist it become an international market for pharmaceuticals. That way, the pharmaceutical companies won't have to use the only market there is in our country to subsidize the variable costs and the research that they contribute to a lot of the drugs that come today.

So I am supportive, I think it will pass, but I would reach out to the other Members who are interested and say: Let's do something bigger. Let's do something that will really fix it and do it fairly quickly. We will have a thriving pharmaceutical industry that way. It truly will be based on competition. Intellectual properties that are truly researched and supported by the country—we as Americans, if we have done that, we will get the better benefit from it if we have a true international market. I think the drug companies would like to see that as well.

I understand they are trying to get return on invested assets. I believe it is important that everyone has a fair price for a pharmaceutical and that people make money when they sell a pharmaceutical. But we have to have an international market, and we have to solve it that way.

I thank Senator BROWN for allowing me the time, and I yield the floor.

AMENDMENT NO. 985

Mr. BROWN. Mr. President, I thank Senator COBURN for his always innovative approach and his support of this and for all he does in working on health care issues generally and especially on prescription drugs.

Mr. President, I ask unanimous consent that the pending amendment be set aside, and on behalf of Senator BROWNBACK and myself, I call up amendment No. 985.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Mr. BROWNBACK, proposes an amendment numbered 985.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a priority drug review process to encourage treatments of tropical diseases)

At the appropriate place, insert the following:

SEC. ___. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

"(a) DEFINITIONS.—In this section:

"(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

"(2) AIDS DRUG.—The term 'AIDS drug' means a drug indicated for treating HIV.

"(3) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

"(4) NEGLECTED OR TROPICAL DISEASE.—The term 'neglected or tropical disease' means—

"(A) HIV, malaria, tuberculosis, and related diseases; or

"(B) any other infectious disease that disproportionately affects poor and marginalized populations, including those diseases targeted by the Special Programme for Research and Training in Tropical Diseases cosponsored by the United Nations Development Program, UNICEF, the World Bank, and the World Health Organization.

"(5) PRIORITY REVIEW.—The term 'priority review', with respect to a new drug application described in paragraph (6), means review and action by the Secretary on such application not later than 180 days after receipt by the Secretary of such application, pursuant to the Manual of Policies and Procedures of the Food and Drug Administration.

"(6) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a tropical disease product that entitles such sponsor, or a person described under subsection (b)(2), to priority review of a new drug application submitted under section 505(b)(1) after the date of approval of the tropical disease product.

"(7) TROPICAL DISEASE PRODUCT.—The term 'tropical disease product' means a product that—

"(A) is a new drug, antibiotic drug, biological product, vaccine, device, diagnostic, or other tool for treatment of a neglected or tropical disease; and

"(B) is approved by the Secretary for use in the treatment of a neglected or tropical disease.

"(b) PRIORITY REVIEW VOUCHER.—

"(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product upon approval by the Secretary of such tropical disease product.

"(2) TRANSFERABILITY.—The sponsor of a tropical disease product that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a new drug for which an application under section 505(b)(1) will be submitted after the date of the approval of the tropical disease product.

"(3) LIMITATION.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product was approved by the Secretary prior to the date of enactment of this section.

"(c) PRIORITY REVIEW USER FEE.—

"(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a drug that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

"(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the anticipated costs to the Secretary of implementing this section.

"(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

"(4) PAYMENT.—

"(A) IN GENERAL.—The fee required by this subsection shall be due upon the filing of the new drug application under section 505(b)(1) for which the voucher is used.

"(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection is not included in such application.".

Mr. BROWN. Mr. President, I rise today to offer the Brownback-Brown amendment, No. 985, which provides incentives for pharmaceutical companies to develop and manufacture treatments for neglected tropical diseases. According to the World Health Organization, more than 1 billion people—that is one of every six people worldwide—are affected by at least one neglected tropical disease. In addition, neglected tropical diseases claim roughly 500,000 lives every year. However, less than 1 percent of the roughly 1,400 drugs registered between 1975 and 1999 treated such diseases.

This disparity is obviously due to the lack of financial incentives for pharmaceutical companies to bring neglected tropical disease treatments to market because these diseases disproportionately affect low-income countries, mainly in Africa. Creating incentives for companies to invest in treatments for these diseases is not only in our country's national interest, but it is consistent with the longstanding tradition of this country of caring for those less fortunate around the world.

This amendment would award a priority review voucher to any company that brings a neglected tropical disease treatment to market. Priority review is an existing FDA process by which drugs are reviewed in 6 months as opposed to the average time of 18 months. This priority review voucher would be transferable and could be applied to any drug in a company's pipeline.

This voucher, which would be worth hundreds of millions of dollars for a company with a new blockbuster drug, would also benefit consumers. That is because it would give consumers earlier access to a new prescription drug. Most importantly, creating incentives for pharmaceutical companies to develop and manufacture neglected tropical disease treatments will obviously save lives.

I commend Senator BROWNBACK for his hard work on behalf of impoverished populations who desperately need our attention. He is offering Members of this body the opportunity to simultaneously save lives in developing nations, get U.S. consumers access to new medicines more quickly, and engage the drug industry in a win-win proposition. It is a rare opportunity, and I urge Members on both sides of the aisle to support the Brownback-Brown amendment.

AMENDMENT NO. 1011

Mr. President, I would like to make a few comments on two other amendments, the first being the Stabenow amendment, which I have also cosponsored, along with Senators LOTT and THUNE. That amendment will save U.S. taxpayers hundreds of millions of dollars while restoring the integrity of the citizen petition process. That is important because the citizen petition process is fundamental to our Nation's democratic system.

Under U.S. law, individuals and organizations have the right and should have the right to petition the Federal Government, which is another way of saying they have a right to communicate their views and have their views heard. The Federal Government is, after all, an employee of the American people. Americans absolutely should have the right to weigh in on Government policies and actions.

Unfortunately, some brand-name pharmaceutical companies have regularly exploited the citizen petition process, filing frivolous petitions solely for the purpose of delaying the approval of generic drugs. They have been quite successful at it. Since 2003, brand drug companies have filed dozens and dozens of citizen petitions trying to stop or delay FDA approval of competing generic products. Ninety-five percent—roughly 19 in 20—of these petitions have been denied outright. What about the other 5 percent? FDA either hasn't acted on them or has approved them in whole or in part because they had no other choice—the brand companies had simply reiterated a factual issue that had already been addressed by FDA. In other words, even the approved petitions, the approved 5 percent, were frivolous.

While drugmakers waste FDA's time and taxpayers' money, American patients are forced to continue paying top dollar—the name-brand price—for the medicines they need. Frivolous citizen petitions have created delays that often range from 11 to 15 months, preventing price competition for drugs that generate millions of dollars in revenue each day. American consumers—American taxpayers, who help finance Medicare, Medicaid, and VA health care—can't afford it. These costs are borne not just by consumers and taxpayers but also employers.

I have worked closely with Senator STABENOW to make sure this amendment doesn't interfere with the right of individuals or companies to petition FDA and that the amendment ensures these individuals that the concerns raised in their petitions will still be taken seriously by FDA. What this amendment does do is fight back against the unjustifiable and costly delays caused by frivolous petitions submitted for the express purpose of blocking price competition in the marketplace.

No one, not the drug industry or any other industry, should be allowed to make a mockery of one of our democratic rights—the right to petition our Government—particularly at the expense of patients and taxpayers. Ms. STABENOW's amendment, cosponsored by Senator THUNE and Senator LOTT, will put a stop to a tactic which is as costly as it is unethical. I urge every Member of this body to support it.

AMENDMENT NO. 990

Mr. President, I also would briefly speak out on the Dorgan reimportation amendment, joining Senators GRASSLEY and STABENOW and so many others in both parties in supporting the reimportation amendment.

Some time ago, about 10 years ago, from my northeast Ohio congressional district when I served in the House of Representatives, along with the Presiding Officer, I used to sponsor bus trips to Canada where we would take mostly senior citizens to a Canadian drugstore right across the river from Detroit—Windsor—which was about a 3- or 4-hour bus drive from Lorain County, where I lived. We would take a busload of 40 seniors and others—mostly seniors, as I said. We would buy prescription drugs in Canada—same dosage, same package, same drug manufacturer, for half or even sometimes a third the cost because the Canadian Government directly negotiated on behalf of 30 million Canadians, negotiated directly with the drug company for specifically less expensive drugs. It was clear to me then that reimportation was legislation we needed so seniors did not have to go to Canada; instead, that wholesalers, the Drug Marts and the CVS's of the world and the mom-and-pop drugstores can negotiate, could get those prices wholesale from Canadian drugmakers or companies and bring those prices significantly down for American consumers.

As Senator COBURN said, when we were House Members we passed legislation 8 or 9 years ago. That legislation was never implemented the way it should have been. The Dorgan amendment will save money for America's seniors, for America's drug consumers, for prescription drug users. It is an important amendment, and I ask for support for the Stabenow amendment, the Dorgan amendment, and the Brownback-Brown amendment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I stand today in support of an amendment to S. 1082 offered by Senator DORGAN and several of our colleagues. This amendment is identical to a bill sponsored by the Senator from North Dakota, a bill I am proud to cosponsor.

We have a serious problem today with drug prices all across our land. The American people have asked us to do something constructive about this crisis. Why is it Americans pay the world's highest prices for prescription drugs? This is simply not fair, and I have to believe we can do better in America. While the issues contributing to prescription drug prices are many and complex, this amendment, the Pharmaceutical Market Access and Drug Safety Act, offers a genuine and workable piece of the solution.

It is no secret to anyone that Americans already import many prescription drugs, and I have heard from constituents in my home State of Pennsylvania about buying drugs outside of this country. A recent study shows that would cost from 35 to 55 percent less than constituents of mine are paying. They can pay a much lower price if they are able to get prescriptions from another country. Seniors who are living on limited incomes are especially vulnerable and need to cut costs wherever they can.

We all know the high cost of health care across all of our States is prohibitive for so many vulnerable citizens—children, working families, and older citizens. The reality is when the monthly budget has been spent on necessities such as food or childcare, doctors' visits, housing, transportation—when all those costs are incurred, many families do not have money left over for medicine. These individuals may have no choice but to forgo needed medicine and hope for the best.

Another recent study found 43 percent of uninsured Americans ages 19 to 64, and even 18 percent of insured adults, did not fill a prescription because of cost. This is in the richest country in the world. We can do a lot better than that, and we must do better than that.

I support this legislation because it gives us the opportunity to help families in America, and to do so safely. There are a number of safety features that are intended to guarantee that only safe and effective—let me say that again, only safe and effective—FDA-approved drugs are imported across our borders. These safety features are comprehensive. For purposes of time, I want to highlight a few.

First, this act allows only the importation of FDA-approved medicines with a chain of custody, to ensure that drugs are handled only by authorized persons. In most cases, the medicines that are imported under this act are identical to the medications sold in the United States—literally the same medications made by the same manufacturers.

Exporters would be required to maintain detailed records and a sample of each lot sent to the U.S., so that the FDA can conduct testing on any lot at any time. The FDA would have broad authorities, including the power to cease importation of a drug or to suspend a registered exporter without notice. The FDA also has the authority to inspect all facilities in the chain of custody of a drug.

The bottom line is this bill gives the FDA broad authority and the resources to ensure that imported drugs are in fact safe. It is unacceptable that working parents have to make a choice between medicine they cannot afford for their child and making the rent payment on time. It is unacceptable that older citizens have to choose between paying for needed medication and paying for food.

This Chamber can do something about this challenge, can do something about this Hobson's choice so many families face every day in America. The Dorgan amendment provides an effective regulatory framework to ensure that imported drugs are safe for our families. I urge all my colleagues to support this amendment which will provide an invaluable piece of the solution to making FDA-approved prescription drugs affordable for everyone.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

(The remarks of Mr. INHOFE are printed in today's RECORD under "Morning Business.")

Mr. INHOFE. Mr. President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The senior Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise in support of the amendment that has been introduced by Senator DORGAN with whom I have joined as a cosponsor regarding drug importation.

First of all, I commend Senator DORGAN for his longstanding leadership and advocacy on this issue which has been for the better part of a decade. Regretfully, we are still at a point where we have been unable to pass legislation that would create a drug safety regime for drug importation.

That is the purpose of our amendment, Members of the Senate, as we today consider legislation to address an essential new function in how the FDA will finance the cost of reviewing new drugs; that is, the critical process of bringing new medications to market to Americans.

At the same time, this bill has directly raised a number of issues in how we assure that drugs are as safe as they should be, how we can bring new low-cost generic biologics to market. Key to this debate on this legislation that is pending before the Senate is the adage, which we have heard time and time again, that is: A drug which is not affordable is neither safe nor effective.

The simple fact is, even with the new Part D prescription drug benefit as part of the Medicare Program that has been in place for more than 2 years now, we still have at least 60 million Americans overall that today pay the full price of medications, have no help whatsoever because many have no health insurance or their insurance does not provide coverage for prescription drugs.

At the same time, the price that Americans are paying is the highest price in the world. For those of us who are fortunate to have prescription drug coverage, the estimated cost of medications is part of the major exorbitant increase in the cost of health care.

Many of my colleagues have recognized that our system lacks competition that would assure our constituents more affordable access to lifesaving medications. That is why I am very pleased to join with the Senator from North Dakota, and we have the support of a bipartisan group of colleagues in the Senate, along with Senators GRASSLEY and KENNEDY and Senators McCAIN and STABENOW who are unified with us in supporting this bipartisan approach.

Today, our voices echo those of 8 out of 10 Americans who are calling for safe importation. After nearly 3 years of awaiting Senate consideration of our legislation in 11 related hearings on this subject in the Senate, we simply must move forward. The reason is abundantly clear. We know the cost of health care is rapidly rising in America.

Prescription drug prices have contributed to that exorbitant increase. Compared to 1990, nearly twice as much of our health care dollar goes to medications. As the GAO has readily told us, the cost of prescription drugs commonly used by seniors has consistently increased at two to three times the rate of inflation, as indicated by this chart, when you are comparing brand drugs, generics, and the CPI.

That is why we can no longer afford to postpone any action. We have acted before. We acted on legislation back in 2000. Then we also took action with respect to the Medicare Modernization Act in 2003 which created a Part D prescription drug program. We have found the requirements for the Secretary of Health and Human Services to certify the safety and savings of drug importation have blocked any action; it has become a roadblock to safe importation.

While FDA was unable to point to a single individual harmed by Canadian drugs—and in Europe, where they have had a track record of more than 30 years of parallel trading—it has proven that this trade can be conducted safely.

Time and time again, they have demonstrated that their process of parallel trading has worked without any harm to their consumers. Without a doubt, Americans would not be turning to imports if there was not substantial savings. Indeed, the CBO has told us that countries from which we would import under this bill would pay 35 to 55 percent less for a brand prescription drug. Let me repeat that—35 to 55 percent less than we pay today.

In other words, American consumers are paying 35 to 55 percent more than foreign consumers when it comes to medications. That is remarkable. We have seen so many objections to this legislation for the better part of a decade. That is why we have taken it upon ourselves to develop a regime that has been incorporated in this amendment and in our legislation that would address every facet, every issue that is associated with safety in order to allow drug importation to occur.

As I said earlier, the European Union has already engaged in parallel trading for three decades without incident. As seen here on this chart, where we have incorporated 31 different key safety provisions in our legislation, and compare that to the Medicare Modernization Act that passed in 2003 that created the Part D prescription drug benefit to the Medicare Program, only 6 provisions that related to safety were incorporated in that landmark initiative.

We include 31 different initiatives to address every single safety-related issue that has emerged in this debate. Whether it has been on the floor of the Senate, whether it has been in the course of hearings or elsewhere, we have addressed every safety-related issue to create a regime that should create the assurance that this can be done safely and without harm to Americans so they can benefit from lower priced medications.

Americans deserve to have the lower priced medications. The FDA can conduct this program. They can conduct this regime. They should work proactively to assure these drugs are safe. We give them the means and the wherewithal and the resources in order to accomplish this. We comprehensively address the various concerns that have been raised months and years about drug importation so we can get something done.

People say: Well, let's just certify safety. Well, as I have said earlier, it is a roadblock. It is an impediment to get anything done. It essentially becomes the poison pill. We have tried certification. We have given the Secretary of Health and Human Services under two administrations—this administration and the previous administration—the ability to do that, to certify it. They are unwilling to do so because they have said they do not have the resources, they do not have the means.

Well, we are giving them the means and the resources. But to pass another amendment that simply calls for the Secretary of Health and Human Services to certify drug importation is a roadblock. It is a road to nowhere with respect to this initiative. That is why Senator DORGAN and I took a different route.

We address all the safety questions. We do not certify to ensure safety, we take action with these provisions. What we do is employ the measures to actually make drug importation safe.

Opponents claim importation will cause harm. But they fail to note that the greatest threat to the safety of Americans is the inability to take a drug as it is prescribed. That exacts a toll on thousands, if not millions, of Americans each and every year, not to mention lives lost.

Some say Americans would receive drugs from illegitimate sources, but under our legislation, Americans will receive imported drugs from 32 countries with high standards. In most cases Americans will purchase an imported prescription drug from their local pharmacies just as they do today. The pharmacies will receive these drugs from the U.S. wholesalers which import them. These wholesalers will have been registered. They will be inspected. They will be monitored by the FDA. This higher level of safety is also a first step in establishing a higher standard for handling of prescription drugs right here in the United States where we have had the preponderance of problems.

Our legislation allows individuals to directly order medications using an FDA-registered and approved Canadian pharmacy. Again, just as with wholesalers handling prescription drugs, the FDA will examine, register, and inspect these facilities on a frequent basis. The FDA will assure the highest standards for such functions as making sure the medical history is recorded of the individual, verifying prescriptions, and tracking the shipments.

Some say consumers will get medications they should not be getting. Regardless of whether one purchases imported drugs from the local pharmacist or uses a Canadian pharmacy, we assure that a legitimate prescription and a qualified pharmacist will be vital ingredients to ensuring safety. In fact, we have many standards incorporated in this legislation in which it would occur.

We adopted language that had been introduced by the Senator from California, Mrs. FEINSTEIN, with respect to Web sites and domestic Internet pharmacies so that we assure that properly licensed pharmacies and pharmacists are behind Web sites that are offering these medications.

Some say importation will allow unapproved drugs to enter the United States. Again, on that point, our legislation is abundantly clear. Every drug received will always be FDA-approved. If any difference exists in a foreign drug, even the most minute, our legislation assures FDA will evaluate the product and determine its acceptability. If the drug is not bioequivalent to a U.S. drug, the Secretary may reject approval of that medication.

Some say we will import counterfeits. The truth is, today the FDA does not know even the level of domestic counterfeiting where, as I said earlier, the preponderance of the problem exists. It is simply not employing the very anticounterfeiting technologies which our legislation demands in order to ensure that we protect against the threat of counterfeits. The fact is, we employ technologies today like the ones we use now for twenty-dollar bills. We can use the same for prescription drugs.

Moreover, this bill supports development of future anticounterfeiting and track-and-trace technologies, very effective methods which we hope will be used to protect all drugs. For those who say consumers would not know who has handled the imported prescription drug, again, our bill requires a chain of custody, a pedigree to be maintained and inspected to help ensure the integrity of imported medications. A pedigree for prescription drugs was mandated, believe it or not, by law in 1988 and still has not been implemented by the FDA. Under our legislation, at last we will require pedigrees to be implemented for all medications.

Some opponents will even attempt to alarm Americans about the countries from which we import drugs, citing Latvia, Estonia, Slovakia, and members of the European Union. But consider that another member is Ireland where Lipitor is made. Again, I call your attention to this chart which indicates the European Union and other countries from which we import drugs designated in blue. They either meet our standards or have even higher ones, ones as you can see in this chart, all of the blue countries from which we would import. They have our standards or they exceed our standards.

In contrast, this chart denotes the countries in red from which, again, our manufacturers import medications. That is interesting. The FDA inspects pharmaceutical manufacturing plants in these countries denoted in red. These are countries from which manufacturers will import products. It includes China, India, Bulgaria, Jordan, and other countries. In fact, they have lower standards. So what I have indicated, based on what this map shows, is that we have the blue countries from which we would allow importation of drugs that would be FDA-approved, facilities inspected, documented. We would have pedigrees and technologies to track the shipments. These are countries that meet or exceed our standards. Today we already have FDA pharmaceutical manufacturing plants in these countries in red that, in fact, have lower standards. So we already, amazingly enough, allow medications to come in from countries that have lower standards. Why do we? Because they are inspected by FDA. So the same process can't work for countries that meet or exceed our standards already, that already have a track record in parallel trading in and amongst their own countries, and we can't do it today for those countries when FDA already does it for other countries that have lower standards? Because that is where many of our medications are manufactured. That is where our manufacturers import and FDA inspects those facilities before those medications enter the United States. So this is already done. It is done with countries that have lower standards, and we find that acceptable. Yet we say we are not finding it acceptable from countries that already have a track record of parallel trading amongst their own country without injury to any of their consumers over the last 30 years that meet or exceed our standards. It simply doesn't make sense.

We are setting a model for improving safety because we are saying we are going to create 36 different measures for establishing safety for the American consumer to assure all those concerned that we have the measures in place and the resources with which to do it. So to those who say importation is unsafe, we show them how it shall be safe under our legislation. It sets a model and a standard.

Some say consumers will not see significant savings. But drugs imported under this program will be labeled as imports so consumers will have the opportunity to do some comparative shopping. They will be able to take those prices and do a side-by-side comparison between the imports and those medications they buy in the United States. Consumers have become well aware of foreign pricing and the competition that exists between imported and wholesalers. We know they will achieve consumer savings; there is no question. That is why so many Americans, including many of my constituents from the State of Maine who have been able to access medications from Canada, have had to take bus trip after bus trip. They have been compelled to do that in order to achieve savings because of our unwillingness to address this issue in the Senate and the overall Congress. This legislation should have been accomplished a long time ago.

In terms of savings, it should be interesting to note the independent analysis of the Congressional Budget Office which has confirmed that the savings, indeed, should be substantial—not surprising. It would be very substantial, indeed. They estimate a 10-year direct savings alone of $50 billion to the American consumer—$50 billion. That is probably on the conservative side. The Federal Government stands to save $6.1 billion in the Medicare and Medicaid Programs alone. This is only the savings that CBO projected from purchases of imports. With increased competition in our markets, we could indeed save more, having competition, having the pharmaceutical industry have some competition in their pricing. Understand, individuals can't import medications. Pharmacists can't import medications. Only manufacturers can. So we are saying: Let's set a standard. Let's allow imports that benefit the individual consumer with safety-related provisions put in place.

In fact, in a recent Commerce Committee subcommittee hearing, we had the opportunity to hear from a number of experts. We heard from a pharmaceutical economist who estimated that importation could result in a 12- to 20-percent reduction in domestic drug costs. That is an annual savings, not over 10 years, of up to $40 billion per year, as competition is created for consumer savings. So as a direct result of the competition that would develop as a result of importation, consumers alone could save up to $40 billion a year.

So at a time when health care spending is reaching 16 percent of GDP and is climbing, this competition is an imperative. It is central. It is central to the consumer who is facing double-digit increases in prescription drugs. Prescription drugs are not getting cheaper in America. They are getting more expensive. As I said, the American consumer is spending 35 to 55 percent more than the foreign consumer. Health care spending is 16 percent of the GDP. Much of the increase in health care spending is attributed to the rising cost in prescription drugs.

So that is why this becomes all the more important to the American consumer and, indeed, to the Federal Government that will save $50 billion over 10 years and 6 billion alone in Medicare and Medicaid spending. That is important to our own interests and to our budgetary concerns about the growth in these respective programs.

Some have argued that we haven't provided the resources necessary to run an importation program. But we have established a means of financing, a small fee based on the value of imported drugs which will now be set at a cap of 2.5 percent. We have always agreed that the FDA should have adequate resources. In fact, we heard from previous Secretaries of Health and Human Services, we don't have the resources to certify safety. So now we are providing a certification for that by including this cap of 2.5 percent for a fee on the total import of medications. This is what CBO has indicated to us would be necessary in order to accomplish and implement these safety-related measures. We think it is important the FDA have the resources that are essential for regulation, for monitoring inspections of both domestic wholesalers, who would import the prescription drugs, as well as the Canadian pharmacies from which American consumers could order.

Some say our bill is intended to adopt Canadian prices. Again, quite the contrary. We open importation to 32 countries which meet our safety standards. We are not simply adopting the price of another country. Rather, we are purchasing in a world market. That is a critical point. We are allowing American consumers to benefit from worldwide prices because of the competition that would be allowed. Obviously, something is happening in other countries where we want to import these medications because they are paying 35 to 55 percent less than American consumers. Why should that be the case? These are countries, by the way, that meet or exceed our standards when it comes to drug safety. Yet American consumers are paying 35 to 55 percent more for the same medications.

Some say we compel manufacturers to sell the product. But our bill is very clear on that specific point. We never compel any manufacturer to sell any particular product. But when a manufacturer chooses to sell product, the bipartisan bill prohibits discriminatory acts against pharmacists and wholesalers who sell these medications. Those actions have reduced supplies of essential drugs for some Americans, at peril to their health.

We are saying they cannot take action that discriminates against a pharmacy because they have sold those drugs to an American consumer. They are not penalized because their supplies are cut off by the manufacturer as a means of punishment and discrimination.

Now, some say importation will threaten research and development. But the fact is, manufacturers will invest just as other industries do, in order to develop innovative products and remain competitive. The taxpayer is a partner in that investment. The American taxpayer is a partner. The taxpayer makes investments in research and development. In fact, we fund nearly $30 billion a year to do basic and applied research at the National Institutes of Health alone—$30 billion.

So as you can see on this chart, as to R&D spending from all the companies, we—the United States consumer and taxpayer—fund and underwrite much of their research and development.

As I said earlier, other industrialized countries pay 35 to 55 percent less for their drugs. But because of the higher prices Americans pay for their medications, the American consumer ends up paying $99 billion more for their prescription drugs each year than otherwise would be the case. Let me repeat that. Because we pay 35 to 55 percent more than foreign consumers, American consumers end up paying $99 billion more for their medications.

With all that additional profit, the industry spends about $9 billion more on research and development than they do in Europe. That is 10 cents return on the dollar for all that added profit margin. So while the American consumers spend $99 billion more for their prescription drugs than foreign consumers, in Europe, for example, American pharmaceuticals spend only $9 billion more—from that $99 billion—on research and development than they do in Europe. We spend only $9 billion more here than they do in Europe on research and development. That means American pharmaceuticals are netting $90 billion more, that they are only investing $9 billion more in research and development.

So it is not undercutting their ability for research and development, not to also mention, by the way, the American taxpayer invests more than $30 billion at the National Institutes of Health alone for basic research as well.

In fact, if you look at the R&D spending of the largest pharmaceutical firms—as indicated again by this chart—it is not markedly different from many other firms. If you look at other firms, such as Intel, Microsoft, Lucent, and others with high research and development costs and relatively low production costs, their research and development spending averages about 14.3 percent of gross revenues—not much different—yet their products are highly competitive, very competitive. You have seen the software, cell phones, computers, laptops, whatever. You have seen the very competitive pricing today, yet they make an investment of 14.3 percent for research and development as a percentage of their gross revenues.

Yet, paying the world's highest prices for drugs does not ensure additional research, but it certainly does decrease access to drugs. So while they do not invest in considerably more research and development—since we pay $99 billion more in prices for prescription medications, and they only spend $9 billion more on research and development, and the taxpayer spends $30 billion at NIH alone, as I indicated; but even, comparatively speaking, it is 14.4 percent of their gross revenues that are invested in research and development—if you compare that to, as I said, Intel, Microsoft, Lucent, and other companies, which is 14.3 percent, you find more competitive products in the technology arena. Their prices are coming down. The American consumer is not benefiting from the investments that are being made by the pharmaceuticals, yet it is a highly profitable industry. So we are not seeing the same benefits that would yield lower prices for the American consumer.

Now, in conclusion, let me say, I hope this Senate will adopt this amendment that creates the kind of safety regime that would ensure drug importation will become a reality. Simply certifying safety on the part of the Secretary of Health and Human Services has been tried and yet has never accomplished that goal. It has been an impediment to drug importation. It has occurred twice in the last 10 years, and for whatever reasons the Secretaries in the previous administration and this administration have concluded they will not certify the safety regime because there has been no safety regime. It could be done, but it has not been done through the agencies. FDA could do it. It has not accomplished it. It has not implemented it. It has not had the impetus to pursue it. That is why we have taken it a step further. This legislation has been examined, reexamined, based on the concerns that have been expressed by those who have been opposed to it in the past saying they have concern about safety.

We understand that. So we have gone a step further and incorporated every safety-related measure possible that is achievable, measurable, and provide the FDA with the resources to accomplish it.

The Senate has voiced its view to provide market access on this issue on many occasions, even by virtue of passing the certification standard. Obviously, I think there has been an indication on the part of the Senate to support some type of initiative that allows for drug importation. But we want to mitigate the concerns that have been expressed repeatedly about the issues of safety by incorporating all of those measures in this amendment that is pending before the Senate.

In fact, 68 Members of this body voted to adopt the amendment that was offered by the Senator from Louisiana, Mr. VITTER, to the Homeland Security appropriations bill. But we need more than to simply allow importation. We must provide an effective framework that will address the concerns that will ultimately ensure the safety of our consumers.

Sixty-eight Members of this body supported blocking the Customs agency from banning drug importation, so it is obvious Members of this Senate truly want to pass a measure that will allow for drug importation. That is why I think this legislation logically affords us the ability to provide the safety and, at the same time, allow consumers in America to benefit from competition, from lower prices, based on the track record and the experience of other countries that have been adopting this approach for many decades.

Competition is what is missing in this process. It will work for the consumer. To date, the process has not worked for the consumer where they have benefited from lower prices for medications because there has been no competition. Competition has been virtually absent. I note the comment of the former Pfizer CEO, Hank McKinnell, who wrote:

> Competition is good medicine for economies. . . . Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retailing, entertainment—and I'll show you lower prices, higher quality, more innovation, and better customer service. There's nary an exception. Okay, there's one. So far the healthcare industry seems immune to the discipline of competition.

Those are the words of the former Pfizer CEO, Hank McKinnell.

It is indeed time to make competition work to benefit consumers and taxpayers. Americans deserve and will seek out affordable life-sustaining medications. We must assure that access is safe. That is what we accomplish in this amendment that is pending before the Senate.

Again, I thank my colleague from North Dakota, Senator DORGAN, for his leadership on this question and for all those who are supporting this initiative.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senate majority whip.

AMENDMENT NO. 1022

(Purpose: To ensure the safety of human and pet food.)

Mr. DURBIN. Mr. President, in a brief period of time I will be offering an amendment which I hope to bring to a vote very shortly, perhaps in the next 15 or 20 minutes, depending on the wishes of the chairman of the committee and the ranking member, Senator ENZI.

This amendment relates to the issue of food safety. This has been one of my concerns for a long time as a Member of the House and the Senate. I know everyone across America trusts that the food they buy for their families and everyone in their house is safe, that they can eat it and not get sick.

We all know what has happened over the last several months. Whether we are talking about contaminated E. coli in spinach, salmonella in peanut butter, or the latest pet food contamination, people are asking questions of Members of Congress and this Government: Are we doing our job? What is happening here? Why are so many dangerous food products showing up so frequently? How can we protect ourselves?

For many years I have thought the real answer is to tackle the whole issue. I have said it before on the floor, 12 to 15 different Federal agencies inspect our food—imagine that—and they all have different standards. Some inspect food every single day. Go to a meatpacking plant, poultry processing plant; the food is inspected every single day, every minute of every day, as it passes along those lines by the U.S. Department of Agriculture.

Fish is another story. Fish is inspected by the Food and Drug Administration. How do they inspect it? By what they call the "sniff test." They lean over and smell the fish, and if they have what they call a "head snap," they know they have a bad load of fish. Sounds kind of comical, but it is what we get down to, by and large, in terms of inspecting fish.

So when you go throughout our Government and look at different products and how they are inspected, it makes no sense why different agencies are doing different parts of the food chain. From a consumer's point of view, I do not want to know there are 12 or 15 different agencies at work, with their lights on, in Washington, with a lot of different employees. I want to know there is one good agency, scientifically driven, that is making the right call as to whether there should be an inspection every day, every month, every year—whenever.

They do not have that today, and the system breaks down. What we have seen happen over the last several months is a clear indication that our food safety system—as good as it may be—needs to be a lot better. So I am offering this amendment on food safety.

I thank the Senator from Wyoming who has been very cooperative and helpful in making certain this is a bipartisan amendment. There is nothing partisan about food safety. We should all agree that the goal is one both parties share, all Americans share. Senator KENNEDY has given me the time to offer this amendment on this important bill early on, and I certainly appreciate it. Senator ALLARD from Colorado, a veterinarian, has been involved in this negotiation, as has Senator HARKIN, the chairman of the Agriculture Committee. Many people have come together to take a look at this and make sure it is moving in the right direction.

There was an early warning. The early warning came a few weeks ago when we had a pet food crisis. People who own dogs and cats know what I am talking about. All of a sudden there was a suspicion that the food you were giving your dog—that animal you love, an animal that is part of your family—could be poisoning that animal. Well, for 90 million Americans that is a big deal, and they were concerned about it. So we started looking into why this pet food was contaminated.

That crisis was an early warning signal to America. It was a warning signal that we came to learn had a lot to do with the imports coming into America. More and more imports of food products are coming in from overseas. If you believe we have inspectors sitting in China and France and Germany and Brazil taking a look at these things as they come off the assembly line, taking a little test sample and running it to the lab, you are wrong. It does not happen. In fact, once the shipment is on the boat, or on the plane, coming to America, the odds are 99 to 1 no inspector will ever look at it before it is put into a food product—99 to 1. Only 1 to 1.5 percent of food products sent to America is actually inspected by our Government.

Now, we look at what came over from the Chinese and find out they were adding a chemical to wheat gluten, a protein product called melamine. Melamine is a chemical derived from coal, which is used in the manufacturing of plastic. It has no business in anything that is edible. It was put into the shipment of protein, this wheat gluten, in order to enhance its value because when they tested this wheat gluten on its arrival, this melamine chemical indicated the presence of nitrogen, therefore, more protein, and, therefore, it was worth more. They would sprinkle in the melamine and make more money off the shipment. If this were the end of the story, you would say: Well, that was a pretty nice move; they just made a bigger profit off the shipment. It wasn't the end of the story. It turns out that wheat gluten, when used for pet foods, is toxic. Over 4,000 animals died across America because of melamine and possibly other contaminants. We are still investigating.

So we went to find out how it got into the shipment, and the Chinese did not cooperate. They have started to. I am glad they have. They have agreed to visas for our inspectors. But this pet food crisis was a warning sign, a signal to us in America that this dramatic increase in imports of food products leaves us vulnerable. Today, it was your cat or your dog. Tomorrow, it could be someone in your family whom you love. So we address part of this in this bill.

Secondly, it is an indication that the Food and Drug Administration doesn't have the authority or the resources to do their job as well as they should. This is a great agency. They have an awesome responsibility. We heap more and more responsibility on them each year, we provide them very little by way of additional resources, and they are being stretched to the absolute limit. Of course, this pet food crisis is an early warning that the whole food safety system has to be investigated and honestly looked at. So this is a start. It is an effort to try to make a difference.

I wish to thank Senator KOHL from Wisconsin and Senator BENNETT from Utah. When the pet food crisis came out, they called a timely hearing after our Easter recess, and we started working on this amendment just at that moment, and thanks to them for realizing the importance of this issue.

I also thank those who helped us draft this legislation—the Center for Science and the Public Interest, the Humane Society, which has been terrific from start to finish, the American

Veterinary Medical Association, and the Coalition for a Stronger FDA.

Special thanks, while I am giving out bouquets here, to my staffer David Lazarus. This young staffer has really put his heart and soul into this effort. It is his first major legislative undertaking, and I commend him for the very fine job he has done.

Let me say very briefly what this amendment will do. First, it deals with pet food because we have just come off of a pet food crisis, but it doesn't stop there because this contamination doesn't stop with pet food. Sure, we found it in the cans of dog food and cat food, but guess what. It ended up in livestock feed. It ended up moving into the feedlots for hogs, turning into pork products we buy in the store. It ended up in poultry plants, being fed to chickens. We are naive to believe that any problem in the pet food industry can't possibly make it to the human food side of the equation. It can. God forbid that it ever does. We hope we have stopped it in this instance, but it is pure luck if we were able to save ourselves from that calamity this time. We don't want it to happen again.

There are provisions in this amendment which go directly to the pet food issue, provisions which require the FDA to update their labeling standards for pet food, including nutritional and ingredient information, working closely with the American Association of Feed Control so that the representations on the labels of these cans of pet food are honest representations about what is good for your animal and what is safe. Also, it requires that the Secretary of Health and Human Services establish an enhanced system capable of detecting food contamination and outbreaks of pet illness and death.

This amendment also requires the FDA to develop an efficient, effective communication plan to coordinate with veterinarians and consumers, owners across America, so that we can find out if we are dealing with a need for a recall. Recall data would be consolidated and presented in a searchable format. They were recalling pet food so quickly that if you went to the FDA Web site, you had to plow through all of the corporate press releases to figure out just exactly what was a dangerous product. When I mentioned this to the FDA, they changed their Web site, and we put it into law, to make sure they are consumer friendly and have up-to-date information consumers can understand.

We work with the Secretary as well and the States on activities and programs to improve the safety of raw agricultural commodities. We go beyond just pet food into all edible products, agricultural products. What we attempt to do is to have the Secretary share resources with the States to improve State food programs and help States establish standards for inspection. Fifty States, 50 standards, is unacceptable. There should be one scientific matrix we follow so we know that whether the product comes from Oregon or Illinois or New Hampshire, that it is safe.

We also establish something that I think is historic. It applies to pet and human food as well. It is an adulterated food register, to collect information on cases of food adulteration and suspected adulteration that are potentially dangerous and improve the speed by which consumers learn about them. We want an early-warning system, and in this age of computers and the Internet, we can achieve it.

I believe this is critically important. In this case, there was a Canadian company called Menu which made dog food. Menu discovered in the middle of February that the cats and dogs were turning up their noses at their product, and then they found those that were eating their products started to show signs of illness, and then some of the animals died. Do you know how long it took them to report this to the Food and Drug Administration? Three weeks. Three weeks, while their products spread across Canada and North America, on the shelves of stores, and unsuspecting customers were buying them, they weren't reporting them. Our law now requires reporting within 2 days, and if they fail to report, they face civil penalties, which I hope will be imposed on a timely basis so that we let all companies know this kind of delay is intolerable.

We also do something here that is important. If we find evidence of adulterated food, we report it as well to Homeland Security. Why? Well, Governor Tommy Thompson told us why. When he left as Secretary of Health and Human Services under this administration, he said: I find it unimaginable that someone hasn't tried to use our food supply—the terrorists haven't turned to our food supply to cause injury and death. He understood, as I do, and everyone should at this moment, it is a vulnerability for America we need to avoid. So this food registry will move us into a notification phase so the Department of Homeland Security can at least have notice if there is a problem.

We also require better access to business records for the investigation to get to the bottom of it. Where did it come from? How is it used? How can we contain the need?

We talk about a sense of the Senate in this amendment that points in another direction, maybe going beyond this current crisis into looking at an overhaul of our whole food safety system, and we require the Secretary of Health and Human Services to report annually to Congress with information about their inspections and enforcement.

I am going to yield the floor at this point, and I again thank Senators KENNEDY and ENZI for their help on this important legislation.

I wish to tell my colleagues that there were things I wanted to add in with this amendment, but in the interest of avoiding political conflict and in the interest of not slowing down this important legislation and in the interest of making certain we did achieve something today, I am saving those arguments for another day.

One of them is the issue of mandatory recall, which I think our Government should have the power to do and currently does not. Our Government and its agencies do not have the power to recall contaminated food from the shelves. I believe that law needs to be changed. It is not included in this amendment. We will save that debate for another day.

Again, my thanks to my colleagues.

Madam President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. ENZI, Mr. KENNEDY, Mr. ALLARD, and Mr. NELSON of Florida, proposes an amendment numbered 1022.

Mr. DURBIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. DURBIN. Madam President, before yielding the floor, of course I will leave it to Senator ENZI and Senator KENNEDY for the timing of this rollcall, but I am ready at any time for it to be called after they have had a chance to make a statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the Senator from Illinois, Mr. DURBIN, for his tremendous work and creativity and willingness to make revisions to his amendment so that we can clear up outstanding concerns or clarify outstanding concerns people might have had with it. I think we are at the point where that is the case. I would like to make a few comments on it myself.

Food safety is an issue that affects us all. It is not a partisan issue. We all want the safest food supply possible. It is, instead, our shared goal, a goal that requires cooperation and teamwork through a complicated process, and we have had that.

For many of us, the safety and reliability of our food system is something we all too often take for granted. Day by day, we consume our favorite beverages, enjoy a quick snack, or sit down to a meal at a local restaurant. We rely on a system of checks and balances that takes place behind the scenes that we are often unaware of until something goes wrong. Then and only then do we realize how dependent we are on the food safety system that is supported by the activities carried out by the Federal, State, and local government agencies, as well as by the food industry itself. Together, they inspect, test, research, and monitor our food supply from the farm or ranch where it is produced to the family dinner table where it is consumed. The type and amount of oversight they exercise depends on the food product, and the degree of regulatory scrutiny they demand is commensurate with the degree of risk.

In addition to these longstanding authorities and the activities of food safety, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 required the Food and Drug Administration to register food processors, inspect their records, and detain adulterated food. It also requires the Food and Drug Administration to issue regulations to ensure the safety of imported foods.

Food safety has been making news lately. From E. coli in fresh spinach to salmonella in peanut butter to melamine-contaminated pet food, we hear a constant drumbeat of food safety problems.

The United States has one of the best food safety systems in the world, but even in the best of systems, there is room for improvement. Those improvements can take many forms. For example, we can address how food becomes contaminated in the first place, and we can make advances in the processing and handling of food. Our surveillance, testing, and reporting systems represent areas we should evaluate, as well as internal and external communications. Interagency cooperation and coordination between Federal and State officials is critical in identifying, tracking, and responding to outbreaks of foodborne illness.

The amendment offered by my colleague, Senator DURBIN, contains several important elements in that response, but it is the beginning, not the end, of the process of food safety. This amendment does a number of important things. It establishes standards for pet food and sets up early-warning systems for any problems with pet food. The amendment improves communications systems about all food recalls, and it coordinates State and Federal activities on fresh and processed produce. Finally, the amendment creates a database of instances of adulterated food so that the FDA can better track patterns of problems and target its limited resources where they are most needed.

I am pleased we are able to work across party lines to develop an amendment today that we can all support, and I ask unanimous consent to be a cosponsor, along with Senator ALLARD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. However, there is much more work to be done. This amendment is a good first step on the road to a comprehensive response to food safety.

In March 2005, Senator KENNEDY and I announced that we were working to develop a comprehensive response on another FDA issue, which is drug safety. The bill on the floor this week is a direct result of that announcement and that pledge to work together. So when I pledge today to work to develop a comprehensive response on food safety, you can have some sense that I do mean that. I want my colleagues to work quickly and diligently to get this amendment to the point where we can accept it. I know we have it scheduled for a vote at the moment, too.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I wish to join with Senator ENZI and thank our friend and colleague, Senator DURBIN, for his strong leadership on this issue. This is an issue of enormous importance to families across the country.

As Senator ENZI just mentioned, over a year ago we made a strong commitment to the Senate that we were going to work on this drug safety issue, and we have come here in a bipartisan way to put forward a very strong bill that will ensure greater safety for American families in the area of prescription drugs. I think we are here to say that we will join with our friend and colleague from Illinois to build on what is an enormously important amendment and commitment to ensuring that we are going to have food safety as well as pet food safety in this country.

I think this amendment, as has been outlined by Senator DURBIN and Senator ENZI, reaches the heart of the challenges we face. One is on the issue of surveillance. We understand that is an essential aspect, whether it is food safety or prescription drugs, or whether it is in the area of avian flu, bioterrorism—whatever the challenge that is out there, surveillance is the first thing that needs to be done. We know that today the system is grossly inadequate.

Second, we know the information about food and food safety is scattered through a number of agencies and through a number of different kinds of delivery systems, and that the coordination between the Federal and State is loose. In all of these areas, this amendment addresses these issues and questions in a very effective way, to bring common sense to and put real teeth into the safety provisions.

The pet food standards that are in this legislation are strong and effective and would be very much appreciated by all Americans who are concerned about this issue. The standards are variable at the present time. The reporting is not good today, and this particular amendment is particularly responsive to that kind of challenge.

Finally, this addresses the central concern all of us have read about and are concerned about, which the Senator has spoken to, and that is the issue of importation. When you add up all of those kinds of elements, we find this is a very solid and meaningful amendment. I think it strengthens the legislation immensely. We have every purpose, as we move forward, to find ways we can provide even a greater kind of protection and safety to the food supply for American families.

I commend the Senator from Illinois. I think we will be ready to have a vote on this at the earliest time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that Senators KOHL, CANTWELL, SCHUMER, and BIDEN be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to vote in relation to the Durbin amendment No. 1022; that no other amendments be in order prior to the vote; that the time until then be equally divided and controlled between Senators KENNEDY and ENZI; and that the vote be scheduled for 4:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, we expect the vote at 4:30, for our colleagues. After that, we are going to have a conversation with those who have been primarily interested and concerned about the whole issue of biologics. So I give the assurance we are going to address that issue in a timely way. That will ultimately be part of this legislation.

We also will be able to report on progress we have made on several other amendments. There are a few items that are going to necessitate our attention through the evening. We had a very good debate earlier today on the children's provisions; we had an important vote and discussion on that.

This addition this afternoon is enormously important, and I think the time that has been taken to work through this legislation has made it even stronger and better than I think it otherwise might have been. I am grateful to all of our colleagues who are working with us on both sides of the aisle, and particularly the staffs. We are moving forward. We are going to be busy this evening trying to work through some of the items, and we will have the cloture vote tomorrow and the follow-on Cochran amendment.

There is a glimmer in sight about reaching a conclusion to this legislation. Again, we are very appreciative of all who have helped us up to this point.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MODIFICATION TO AMENDMENT NO. 1022

Mr. DURBIN. Madam President, we found a typo on page 5 in the amendment that we want to clear up before the amendment is considered.

I ask unanimous consent to modify the amendment as submitted to the Senate. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification is as follows:

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. _04. STATE AND FEDERAL COOPERATION.

(a) IN GENERAL.—The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of fresh and processed produce so that State food safety programs involving the safety of fresh and processed produce and activities conducted by the Secretaries function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

(1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and

(2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of the State food safety programs is not unsafe for human consumption.

(b) ASSISTANCE.—The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

(1) advisory assistance;

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I rise today and would like to briefly speak about Senator DURBIN's amendment regarding food safety. I was happy to cosponsor this amendment, and I agree with all of the sentiments expressed by the Senator earlier today.

This amendment deals with many of the underlying problems that allow food safety issues, such as the ones we have dealt with in recent months that have affected not only humans, but their pets as well.

It requires the FDA to set standards for pet food and to update them as necessary, and it directs the Secretary of Health and Human Services to establish a system capable of detecting pet food contamination and outbreaks of pet illnesses and death—this will prevent the type of confusion that continues to surround the recent melamine outbreak, and will help detect these problems much earlier. It requires FDA to develop effective communication plans to coordinate with stakeholders during outbreaks of both pet and human foods, so people know what is going on—quickly—and know what to do. It directs the Secretary to work with States to collaborate on activities and programs that assist in improving the safety of raw agricultural products such as spinach, which was the cause of a major food safety recall last fall. Importantly, it requires FDA to establish a registry to collect information on cases of potentially dangerous food adulteration to help get any dangerous food off of the shelves more quickly and to allow FDA to target inspection resources where most needed.

This amendment does many important things—and takes many important first steps. I know that Senator DURBIN would have liked this amendment to go a little further, and I agree with his sentiments, but it is important to at least take the first step.

In March of this year, I held a hearing in Madison, WI, on food safety issues at the FDA. The Commissioner of FDA attended, as well as the Director of the FDA's Center for Food Safety. At that time, I pointed out that outbreaks of foodborne illness caused by produce have doubled since 1998. During this same time, the FDA's food budget has suffered. The number of people getting sick is going up, but the number of inspections and food safety tests being conducted is dwindling. So too are the number of food inspectors and overall staff at the FDA's Center for Food Safety. Imports have risen dramatically over the years, but the FDA is only able to inspect less than 1 percent of them.

Events after that hearing seemed to exacerbate what I pointed out. The recent pet food scare, and the ongoing melamine investigation, serve as constant reminders that we have been taking this issue for granted, assuming that the FDA has the authority and funding necessary to do its job, when that is clearly not the case.

Senator DURBIN's amendment begins to take care of some of the problems with FDA authority and actions.

As the chairman of the Agriculture Appropriations Subcommittee, 'which has jurisdiction over the FDA's budget, it is my job to make certain that the FDA has the money to carry out its vital role of protecting our food. The Food Center at FDA doesn't have user fees from industry to boost its funding—it all comes from the Congress, and has been stagnant for far too long.

I have been working diligently to make sure that when the fiscal year 2008 Agriculture Appropriations bill is written, food safety will be one of its highlights. I do not believe the administration has ever requested enough funding for food safety at the FDA, this year notwithstanding. I plan to correct that. It may not happen all in the first year being fiscally responsible can be tough—but it will happen. We will provide a significant increase to the FDA this year, so they can implement some of what Senator DURBIN's amendment proposes, and quite simply, so they can hire inspectors where they are needed, to do the necessary research to prevent outbreaks from occurring wherever possible, and so we don't continue to see large recall notices in our newspapers every day. It is not a problem that can be fixed immediately, but I fully intend to meet my end of the obligation in making sure that FDA has the money that it needs, and can use responsibly, to tackle this problem head on.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, pursuant to the unanimous consent request, I ask that the roll be called on amendment No. 1022.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1022, as modified, offered by the Senator from Illinois.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—6

Biden
Brownback
Dodd
Graham
Johnson
McCain

The amendment (No. 1022), as modified, was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. VITTER. Madam President, I ask unanimous consent that the pending amendment be set aside and that I may call up amendment No. 983.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. KENNEDY. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. KENNEDY. I object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 983

Mr. VITTER. Madam President, I renew my unanimous consent request that any pending amendment be set aside and that amendment No. 983 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes amendment numbered 983.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require counterfeit-resistant technologies for prescription drugs)

At the end of subtitle E of title II, insert the following:

SEC. . COUNTERFEIT-RESISTANT TECHNOLOGIES FOR PRESCRIPTION DRUGS.

(a) REQUIRED TECHNOLOGIES.—The Secretary of Health and Human Services shall require that the packaging of any prescription drug incorporate—

(1) radio frequency identification (RFID) tagging technology, or similar trace and track technologies that have an equivalent function;

(2) tamper-indicating technologies; and

(3) blister security packaging when possible.

(b) USE OF TECHNOLOGIES.—

(1) AUTHORIZED USES.—The Secretary shall require that technologies described in subsection (a)(1) be used exclusively to authenticate the pedigree of prescription drugs, including by—

(A) implementing inventory control;

(B) tracking and tracing prescription drugs;

(C) verifying shipment or receipt of prescription drugs;

(D) authenticating finished prescription drugs; and

(E) electronically authenticating the pedigree of prescription drugs.

(2) PRIVACY PROTECTION.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any information that may be used to identify a health care practitioner or the prescription drug consumer.

(3) PROHIBITION AGAINST ADVERTISING.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any advertisement or information about prescription drug indications or off-label prescription drug uses.

(c) RECOMMENDED TECHNOLOGIES.—The Secretary shall encourage the manufacturers and distributors of prescription drugs to incorporate into the packaging of such drugs, in addition to the technologies required under subsection (a), overt optically variable counterfeit-resistant technologies that—

(1) are visible to the naked eye, providing for visual identification of prescription drug authenticity without the need for readers, microscopes, lighting devices, or scanners;

(2) are similar to technologies used by the Bureau of Engraving and Printing to secure United States currency;

(3) are manufactured and distributed in a highly secure, tightly controlled environment; and

(4) incorporate additional layers of non-visible covert security features up to and including forensic capability.

(d) STANDARDS FOR PACKAGING.—

(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of prescription drugs, the Secretary shall require manufacturers of prescription drugs to incorporate the technologies described in paragraphs (1), (2), and (3) of subsection (a), and shall encourage manufacturers and distributors of prescription drugs to incorporate the technologies described in subsection (c), into multiple elements of the physical packaging of the drugs, including—

(A) blister packs, shrink wrap, package labels, package seals, bottles, and boxes; and

(B) at the item level.

(2) LABELING OF SHIPPING CONTAINER.—Shipments of prescription drugs shall include a label on the shipping container that incorporates the technologies described in subsection (a)(1), so that members of the supply chain inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

(e) PENALTY.—A prescription drug is deemed to be misbranded for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the packaging or labeling of the drug is in violation of a requirement or prohibition applicable to the drug under subsection (a), (b), or (d).

(f) TRANSITIONAL PROVISIONS; EFFECTIVE DATES.—

(1) NATIONAL SPECIFIED LIST OF SUSCEPTIBLE PRESCRIPTION DRUGS.—

(A) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a list, to be known as the National Specified List of Susceptible Prescription Drugs, consisting of not less than 30 of the prescription drugs that are most frequently subject to counterfeiting in the United States (as determined by the Secretary).

(B) REVISION.—Not less than annually through the end of calendar year 2010, the Secretary shall review and, as appropriate, revise the National Specified List of Susceptible Prescription Drugs. The Secretary may not revise the List to include fewer than 30 prescription drugs.

(2) EFFECTIVE DATES.—The Secretary shall implement the requirements and prohibitions of subsections (a), (b), and (d)—

(A) with respect to prescription drugs on the National Specified List of Susceptible Prescription Drugs, beginning not later than the earlier of—

(i) 1 year after the initial publication of such List; or

(ii) December 31, 2008; and

(B) with respect to all prescription drugs, beginning not later than December 31, 2011.

(3) AUTHORIZED USES DURING TRANSITIONAL PERIOD.—In lieu of the requirements specified in subsection (b)(1), for the period beginning on the effective date applicable under paragraph (2)(A) and ending on the commencement of the effective date applicable under paragraph (2)(B), the Secretary shall require that technologies described in subsection (a)(1) be used exclusively to verify the authenticity of prescription drugs.

(g) DEFINITIONS.—In this Act:

(1) The term "pedigree"—

(A) means the history of each prior sale, purchase, or trade of the prescription drug involved to a distributor or retailer of the drug (including the date of the transaction and the names and addresses of all parties to the transaction); and

(B) excludes information about the sale, purchase, or trade of the drug to the drug consumer.

(2) The term "prescription drug" means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(3) The term "Secretary" means the Secretary of Health and Human Services.

Mr. VITTER. Madam President, first, in terms of laying the groundwork for this amendment, let me speak very briefly about the broader reimportation debate. I commend my colleagues who have brought this issue to the floor, and I certainly join them in pushing strongly for reimportation language in this bill. I have worked with many Members of this body, Republican and Democrat, on this issue since I was elected, including the primary authors of the reimportation amendment that we will be voting on later under this bill. I certainly want to join many voices, again, on both sides of the aisle, in terms of the need for this sort of important legislation that helps stabilize and bring down the price of prescription drugs.

My amendment, No. 983, to which I will now turn, is very directly related to that. It is not a reimportation amendment per se, but it goes directly to one of the primary issues that opponents of reimportation regularly bring up, which is safety. My amendment, No. 983, is about tamper-resistent technology—packaging technology—which can go a long way in meeting all of those safety concerns. I think there are many legitimate ways we can meet them, but this is a very effective and a very economical way to help meet any of those concerns.

This amendment, No. 983, would require the incorporation of counterfeit resistent technologies into the packaging of prescription drugs. Not just reimported prescription drugs, but all prescription drugs because counterfeit prescription drugs is an issue not simply with regard to reimportation. Specifically, wholesale prescription drugs would contain RFID radio-tagging technology, tamper-resistent packaging, and blister security packaging, when possible.

This is language directly from my legislation of the last Congress, the Reducing Fraudulent and Imitation Drugs Act. Of course, the purpose of that bill and this amendment is to address that safety concern, which comes up in a number of contexts, but certainly including reimportation. By ensuring that prescription drugs are authentic, this amendment would ensure the drug supply within the United States, as well as prescriptions reimported from Canada and other industrialized nations, are indeed safe.

Again, the amendment would require that such technologies be used exclusively to authenticate the pedigree of prescription drugs. It would actually prohibit such technologies from containing or transmitting any identifying information of a health care practitioner or consumer or any advertisement or information about indications or off-label uses. So it is specifically for authentication. This is what you are getting. It cannot be used for any other purpose that might bring up privacy or other concerns.

It would also require prescription drug shipments to include a label on the shipper container that incorporates similar packaging technologies.

Finally, the amendment would require the Secretary to publish a national specified list of susceptible prescription drugs consisting of not less than 30 of the most frequently counterfeited prescription drugs in the United States. This would provide significant assistance to efforts by U.S. law enforcement and the FDA to deal with this issue.

I hope all of us can join together around this very promising new technology that can help meet any legitimate safety concerns out there. Much more broadly speaking, of course, I certainly hope we come together to pass broad-based reimportation language in this bill, which I have supported well before coming to the Senate and, being in the Senate, certainly support in this context.

Mr. NELSON of Florida. Will the Senator yield?

Mr. VITTER. Certainly I yield.

Mr. NELSON of Florida. Certainly the Senator remembers when he and this Senator from Florida introduced an amendment a year ago to allow the importation of drugs from Canada for a limited supply, stated as 90 days or less, for personal use, and how we passed that here in the Senate. It was watered down once it got into conference in the House. It only allowed Americans going to and from Canada to carry drugs in that capacity—personal use, limited supply.

Now we are going to be approaching this, and I ask the Senator, he is joining on the Dorgan amendment on the reimportation as one of the cosponsors of this amendment, is that correct?

Mr. VITTER. I honestly do not know if I am technically a cosponsor. I am certainly supporting it. I supported our common efforts for several years. Many of the elements of my separate bill have been incorporated into the Dorgan-Snowe language, going back to last year. So we are certainly all working in concert.

I again recognize and thank the Senator from Florida for our common work on the amendment last year, which he referenced.

Mr. NELSON of Florida. If the Senator will further yield, does he remember in the debate we had when we agreed to that amendment, that Customs had even gotten into the act and was seizing thousands and thousands of these pharmaceutical packages for individual use and limited supply? Of course, in my State of Florida that happened with great frequency since a number of our senior citizens, in fact, do that. Finally we got Customs to come out and say they were no longer going to do that, they were going to defer it to the Food and Drug Administration. The Acting Administrator of the FDA had actually said no, they didn't have an objection to a limited supply for personal use, whether it was ordered by phone or Internet or by the mail, or someone walking across the border.

Isn't it interesting that after all of that—and we finally agreed to the amendment—we still come to the year 2007 and we are having to address this issue again?

Mr. VITTER. I agree with the Senator, absolutely. We should have taken care of this a long time ago. But we are where we are, and I certainly urge my colleagues on both sides of the aisle to address this in a full and comprehensive way.

Mr. NELSON of Florida. The Congressional Budget Office is estimating that this legislation is going to save consumers in this country $50 billion over the next 10 years because so often the price they get it for at the retail outlet here is twice what they can get it for from a Canadian pharmacy.

It has been a pleasure for me to work with the Senator. I look forward to working with Senator DORGAN on his amendment.

Mr. VITTER. I thank the Senator from Florida. I certainly have similar beliefs.

I urge adoption of this amendment I presented and certainly urge my colleagues to also support the broader reimportation language, as will I.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Louisiana for his patience on this amendment, and also his understanding that he would work with my staff and the staff of Senator KENNEDY to see what can be done to make our drug supply safer. I appreciate that.

I also thank him for all the efforts he has made on behalf of the Louisiana turtle farmers, which was a new industry to me—although they have been exporting turtles all over the world for years—for the work he did drafting and putting together a mechanism for eliminating salmonella in turtles so they can be, once again, pets in the United States.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to engage in a colloquy with my colleagues from Utah, New York, Massachusetts, and Wyoming on biologics. I thank every one of them for their cooperation and help as we move forward.

Mr. President, I rise today with my colleagues to speak about biologic drugs, a large and growing sector of the drug market. Biologic drugs can cost tens of thousands of dollars a year for a single patient, and treat devastating diseases such as cancer and its complications. There is currently no clear pathway for lower cost competitors to biologic drugs to enter the market, as there is for generic versions of traditional chemical drugs. I have introduced a bill to create such a pathway. I am glad to see my friends Senator KENNEDY, Senator ENZI, and Senator HATCH on the floor to discuss this issue with us. I yield to my colleague from Utah.

Mr. HATCH. I am happy to discuss this issue with my colleagues. As they are aware, this has been my high priority for a number of years, given that I am the author with Representative HENRY WAXMAN of the Drug Price Competition and Patent Term Restoration Act—or "Hatch-Waxman". The Schumer-Clinton bill, which I know has been introduced by Representative WAXMAN in the House, is an important contribution to this dialogue. I want to work to reach an acceptable compromise on an expedited basis, and it is clear to me it must be a bipartisan effort.

Mrs. CLINTON. I thank the Senator for his leadership on generic drugs and for his presence here today. In 1984 when the Hatch-Waxman generic drug law was written, very few biologic drugs existed and there was no need to empower the FDA to approve lower cost versions of existing biologic drugs. This is no longer the case and it is time to enact legislation that will allow the FDA to approve safe and effective follow-on versions of biotech drugs.

Mr. KENNEDY. I thank my colleagues and I agree that creating a pathway for follow-on biologics is an important issue worthy of our consideration.

Mr. SCHUMER. I say to Chairman KENNEDY, the junior Senator from New York and I stand ready to offer a bipartisan amendment to this bill that would establish a pathway for follow-on biologic drugs. We would prefer to work with you, and with the distinguished Senators from Wyoming and Utah. To that end, we would like to work together to discuss a pathway that protects patient safety, enables consumer access to more affordable biologic drugs, and provides appropriate incentives for continued innovation of lifesaving drugs.

Mrs. CLINTON. I agree with my friend Senator SCHUMER, and note with gratitude that the HELP Committee began bipartisan discussions on how to accomplish this goal. And while I was disappointed that follow-on biologic legislation was not included during committee consideration of S. 1082, it was in good faith that I did not offer an amendment with the understanding that our bipartisan efforts would continue.

As my colleagues and I move forward on this important effort, I think it is important to identify the key principles that must be contained in the legislation: We must provide the FDA with the authority and flexibility to approve biopharmaceuticals subject to a workable, abbreviated approval pathway that is efficient, effective and scientifically grounded. We must also include measures to ensure timely resolution of patent disputes, as well as adequate incentives for continued innovation.

Mr. KENNEDY. I assure the Senators from New York that the conference report on the FDA Revitalization Act will include a pathway to follow-on biologics that has been reported out of the HELP Committee and that is acceptable to the Senators from New York. I plan to hold a markup on this issue on June 13.

Mr. ENZI. The heart of the debate is how to construct a regulatory framework so that biologic drugs can be safely available under an accelerated pathway. It is more difficult to approve biosimilars than to approve generic versions of typical drugs. The balance we are trying to find is a compromise that promotes access with innovation, while also maintaining the high standards of safety at the Food and Drug Administration.

Biologics are complex molecules modeled after key processes occurring daily within the human body. One analogy is that if a typical drug was a 3 bedroom, 2 bath starter home, a biologic would be a skyscraper. The size, scope and complexity are completely different. The nomenclature is, too. As key scientists stated at our HELP Committee hearing on this topic, these are not generic biologics but biosimilars.

With many drugs, we can describe their structure with a high degree of precision—but not with follow-on biologics. You can't make an exact "copy" of a biologic, like you can for most typical generic drugs. For example, if I was to try to build the skyscraper of a biologic without the blueprints, as any generic company would need to do to create a follow-on biologic, I would have to ensure that every copy was identical or there could be fatal results.

Because of this, science must be an essential part of any safety standard. One piece out of place would cause the entire structure to fall.

But to be clear, a safe pathway for an accelerated approval process for biologics, that also preserves innovation, is possible. It is not just me who believes it—the FDA, generic and pharmaceutical industries have all said so as well. I have been working across party lines with Senators HATCH, KENNEDY and CLINTON to develop legislation that does just that. Our staffs have been working tirelessly on this topic: individually meeting with experts and stakeholders; and as a group, talking with experts from the United States and global leaders. After all, we want the same end result—legislation that ensures medicines are safe and affordable, and that medical innovation continues to flourish.

I have a track record of working across party lines to build consensus and find common ground on tricky legislative issues. I know that with a little more time, and through regular order, we will develop a bipartisan package that accomplishes our common goals.

I concur with the chairman and am committed to moving a bipartisan bill through the HELP Committee in the near future with the goal that it can be joined with the conference on the FDA Revitalization Act.

Mr. HATCH. I look forward to working with my colleagues to include bipartisan follow-on biologics legislation in the conference agreement on the FDA Revitalization Act. It is clear that consumers would benefit tremendously from an abbreviated pathway for consideration of biosimilar products. Any effort, though, must be based on a sound understanding of the science involved and it must contain incentives for development of the innovator products which will be copied.

Mr. SCHUMER. I thank my colleagues for these commitments. I look forward to working together with Chairman KENNEDY, Senator ENZI, Senator CLINTON, and Senator HATCH to develop workable legislative language that can be scheduled for a June 13 markup in the HELP Committee and included in the FDA Revitalization Act conference report.

AMENDMENT NO. 1025

With that, I ask unanimous consent to set aside the pending amendment and send my amendment, a sense of the Senate, to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows.

The Senator from New York [Mr. SCHUMER], for himself, Mrs. CLINTON, Mr. ENZI, Mr. HATCH, and Mr. KENNEDY, proposes an amendment numbered 1025.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate with respect to follow-on biologics)

At the end of the bill, add the following:

SEC. ___. SENSE OF THE SENATE WITH RESPECT TO FOLLOW-ON BIOLOGICS.

(a) FINDINGS.—The Senate finds the following:

(1) The Food and Drug Administration has stated that it requires legislative authority to review follow-on biologics.

(2) Business, consumer, and government purchasers require competition and choice to ensure more affordable prescription drug options.

(3) Well-constructed policies that balance the needs of innovation and affordability have broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) legislation should be enacted to—

(A) provide the Food and Drug Administration with the authority and flexibility to approve biopharmaceuticals subject to an abbreviated approval pathway;

(B) ensure that patient safety remains paramount in the system;

(C) establish a regulatory pathway that is efficient, effective, and scientifically-grounded and that also includes measures to ensure timely resolution of patent disputes; and

(D) provide appropriate incentives to facilitate the research and development of innovative biopharmaceuticals.

Mr. SCHUMER. Mr. President, I ask that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is agreeing to the amendment of the Senator from New York.

The amendment (No. 1025) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ENZI. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank all of our colleagues for their cooperation and their help on this particular subject matter. It is a matter of enormous importance, incredible consequence, and enormous complexity. We thank them for all of their help and assistance in bringing us to where we are so that the Members understand better where we are. We are absolutely committed to having that hearing and having the results of that go into our conference.

I am enormously appreciative of the patience and the cooperation we have received. I am grateful again to all of those here, colleagues on both sides, for their cooperation in helping us move this forward.

I thank the Senator from Utah. I want to congratulate him. He is receiving an honorary degree tomorrow from a great university in his State. We were talking about biologics. We think of the Hatch-Waxman proposal and acknowledge his work, attention, and help in the fashioning of that important piece of legislation, particularly when we are thinking about his involvement in the biologics, a clear indication we are going to have some good bipartisan support and we are going to have a team that has a breadth of knowledge and understanding of these kinds of subject matters. We wish him well on his trip to Utah and congratulate him on his degree tomorrow.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I will yield.

Mr. HATCH. Mr. President, I thank my dear friend and colleague. It is so nice of him to say that. I take tremendous interest in this bill, as I do every piece of legislation, but this bill in particular.

I congratulate the chairman and the ranking member for the way they have conducted not only the committee through this process but this bill itself. I hope this bill will pass and that we can correct whatever needs to be corrected, and that we will be able to do this follow-on biological work together. If we can do that, this will be a major breakthrough bill, and will do a great deal of good for the FDA. If that happens, then I think the chairman and the ranking member deserve a great deal of credit. I am very grateful my friend from Massachusetts has been so kind to me today.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I add my thanks to the chairman and ranking member of the HELP Committee for all of their help and constructive resolution of this. It allows us to pass a very important FDA bill and at the same time move on the biologics.

I join my colleague from Massachusetts in congratulating my friend from Utah on his honorary degree. He will get a doctorate, I imagine, and perhaps after he will not only get an honorary degree and be a doctor but maybe he can even create a few biologics after we pass the law.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, to say the distinguished Senator from New York knows how to stick it to a person on the floor is all I can say.

I am grateful for this friendship and grateful for his and Senator CLINTON's work on this as well, and willingness to work together in a bipartisan way. This is big-time stuff. If we get it right, it will surely do a lot of good, as Hatch-Waxman has done over the last 23 years.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JACK VALENTI

Mr. DOMENICI. Mr. President, I was present yesterday at the funeral mass at St. Matthew's for Jack Joseph Valenti. I did not know he had a middle name, Joseph, but I am learning more and more about him now after his passing. I was a friend of his. I thought I knew much about him. But the more I read, the more I find out what a spectacular man and a marvelous life he lived.

I thought I would share with the Senate, since somebody said at the mass, as they were permitted to speak—they were one of the few who were selected—I would bet that everybody in this church would like to come up here and be given 10 minutes to say something about their friend Jack Valenti.

That person who said that was absolutely right. That is exactly how I felt sitting there: Wouldn't it be nice if I could walk up there and tell all of these people and whoever else was listening, share what I knew about him. Of course, that was not to be.

But today I am going to do that in the Senate for a few minutes, and tell the Senate about how this man, who was known to try to help everybody in very different circumstances, how he came to know me and how I came to know him.

I was elected in 1972, and of course right now it sort of goes by easy; my last name is Italian. You know it was pretty well understood when I was elected that I was Italian—DOMENICI from out in the West, when all of the Italians who are in politics are from out here in the East, from New York, New Jersey. People wondered: Where did that guy come from?

Well, the truth is, Jack Valenti also wondered. He called me on the telephone and said: Are you PETE DOMENICI, the new Senator?

I said: Yes, sir. He told me who he was. He said: You know, I don't know you, you don't know me, but you probably could easily find out who I am. All I want to tell you is: I would like to help you.

Now, we are thousands of miles away. I have never seen him. I was elected. He is telling me on the phone: I would sure like to help you if I can.

Of course. I said: Give me your phone number and let me get ahold of you. By the time I asked a few people, they said: You are lucky. He is one of the people in Washington who knows more about what is going on here, than the man who called you.

I quickly arranged a meeting at the Willard Hotel. It was prior to its remodeling so it wasn't as nice as it is today. But I didn't know better. I made arrangements there. Then I invited him to come and visit. Here comes Mr. Valenti to come and meet me there at the Willard Hotel. I mean, it was a joyous occasion. You would have thought I was a long-lost relative. It was all because he was glad to see a young Italian boy get elected to the Senate. He came from an immigrant Italian family himself.

So we talked. He said: Well, let me try to help you. I would like to tell you what his first offer was. Let's go meet some people and see what we can do about talking about the committee assignments you might get.

I told him: Here is the one I want. I want the Joint Committee on Atomic Energy, because that has a lot to do with my State. So we talked and we worked. Sure enough, we were making a little headway and we read that the House had had a meeting of leadership and they had decided there would no longer be a Joint Committee on Atomic Energy so they abolished it. So all of my work and all of his work was for naught, because we decided we were not going do business in a joint manner on atomic energy.

But what a joy it was, the first meeting—not successful in terms of our mission but greatly successful in terms of establishing our friendship.

I will mention two things in my life and then yield to the Senator.

Years later, one of my sons was working here in Washington. Some people know him. His name is David. He had established and built a charter school here, a school in town that ended up being called Maya Angelou School, a school named after the great poet laureate. And, of course, as you would guess from the name of the school, it was sort of a special school. It was a charter school my son started with the help of another man, and it was for the purpose of taking the troubled young teenagers, who were either going to jail, because they had already done enough bad things, criminal things, they were going to jail, or the judge would assign them to this school.

This son of mine built this charter school. It got to be a pretty good size. At a point in time he was opening a new building, and he called me and talked to me and said: You know, maybe I could get some help from somebody for some computers for these students.

This is my second meeting with my friend. I called him up and said: I would like you to meet my son David. I told him why. He said: Of course. They met, talked on the telephone. Within a very short period of time, the charter school I am describing to you, which was a very difficult thing for my son and his friend to run—had a great success. He opened two of them; two of them exist in Washington now. But, lo and behold, shortly after this meeting and our discussion with Mr. Valenti, the computers that were needed for the school to totally fill out all of the computer needs arrived as a special donation from somebody.

Well, of course, we know the somebody. We found out later our friend Mr. Valenti worked to get in touch with those who could help donate to these students' needs.

He is gone now, but we do not know how many thousands of things like this he did during his life, along with the other things that are more notorious that he did in his job, which was a very open and public job for many years of his life, and a hard one when he worked for the motion picture industry. So we do not know how many people he helped. But I thought maybe I would borrow this few minutes of the Senate's time to put down my thoughts for his wife, who I obviously did not know as well as I knew him. But I did get to know her. I saw her at the funeral. Of course, she is having a difficult time. I do not know their children. I did have a chance to talk to his wife and say I hope that everything went well. I think it will. With this, I say maybe no one else in the Senate will do this, but as part of my day, I salute Mr. Jack Valenti for all he did, and I am very grateful I had the chance to say a few words about him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friend from New Mexico. I had the good opportunity to attend that service as well. I will include my comments about Jack Valenti. He was a dear and valued friend of the Kennedys. We went back a long time with Jack, to the 1960 campaign. It was a long friendship, that endured a lot of very glorious times and difficult and challenging ones as well. He was a person of great purpose, with a love for his country, devotion to his industry, which he represented so effectively, and a wonderful friend to many of us. I thank the Senator for his comments.

Mr. President, for the benefit of our Members here, we are going to recess shortly and go over to 9:30 tomorrow morning. The hour before the cloture vote will run from 9:30 to 10:30, and we will yield a half hour on our side to the proponent of the amendment, Senator DORGAN. Then at 10:30 or just about 10:30 we expect we will have a roll call vote on the Dorgan amendment, or the motion to invoke cloture on the Dorgan amendment. Then, depending on how that comes out, we will move ahead to hopefully conclude work on some of the items we have had good discussions about today—the Stabenow amendment. I am grateful to Senator STABENOW. We spoke about this earlier in the day. We have worked with her and made some very important progress and are grateful to her for her cooperation.

We indicated now to the membership how we are going to proceed on the extremely important item of biologics. We now have the drug safety. We have enhanced this bill with food safety. We are going to address in our conference the issue of biologics. This is going to be an extremely important pathway. We have been working with Senator ROBERTS and Senator HARKIN on the direct consumer advertising issue. There are some very important constitutional issues. I am grateful to Senator ROBERTS for his cooperation and help. Senator KOHL has an amendment on reverse payments. There is Senator VITTER's amendment and potentially one or two others that Members have indicated they are giving thought to offering, but haven't decided whether they would.

We are getting close to the end of this, but we still have important matters to do. We are going to try to work with our colleagues. We have made great strides in the evenings. I am very grateful to Senator ENZI and particularly to our staffs who have, each evening, including through the weekend, worked tirelessly to try and ease the differences on many of these amendments and have done a brilliant job. This legislation is extraordinarily important. We have had several amendments, important amendments, but we have also worked out some others that have strengthened the legislation.

In a few moments, we will go into adjournment until tomorrow. But Senators should look forward to the debate at 9:30 and vote at 10:30 on the cloture petition relative to the Dorgan amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, for the information of the Members, there will be no further votes this evening.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the pending amendment be set aside for the consideration of amendment 988.

Mr. KENNEDY. If the Senator would withhold, we have a pending amendment. I will have to object until we clarify exactly where we are. Would the Senator give us 30 seconds?

Mr. INHOFE. That would be fine. My intention was to set aside the pending amendment so I could consider this. Then set this aside and go back to the pending amendment.

Mr. KENNEDY. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 988

Mr. INHOFE. I thank the Senator from Massachusetts for his tolerance.

Mr. President, I introduced last year a bill I called the Child Medication Safety Act. We are offering it as an amendment to this underlying bill. It is my anticipation that we will get a vote on it ultimately. This is to protect children and their parents from being coerced into administering a controlled substance or psychotropic drug in order to attend school. The House passed their version of H.R. 1790 by 407 to 12 under suspension of the rules in November of 2005.

Parents today face many challenges when raising their children, one of which is ensuring that their children receive the best education possible. My views on education come from a somewhat unique perspective in that my wife Kay was a teacher at Edison High School. My daughters are both teachers. I can assure my colleagues that I am one of the strongest supporters of quality education. However, it has come to my attention that schools have been acting as physicians or psychologists by strongly suggesting that children with behavioral problems be put immediately on some form of psychotropic drugs. Schools and teachers are not equipped to make these diagnoses and should make it mandatory for the student to continue attending the school. This is clearly beyond their area of expertise. Therefore, I am introducing this legislation to ensure that parents are not required by school personnel to medicate their children.

The Child Medication Safety Act requires, as a condition of receiving funds from the Department of Education, that States develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription as a condition of attending school. It should be noted that this bill does not prevent teachers or other school personnel from sharing with parents or guardians classroom-based observations regarding a student's academic performance or regarding the need for evaluation of for special education.

Additionally, this bill calls for a study by the Comptroller General of the United States reviewing: No. 1, the variation among States in the definition of psychotropic medication as used in public education; No. 2, the prescription rates of medication used in public schools to treat children with attention deficit disorders and other such disorders; No. 3, which medications listed under the Controlled Substances Act are being prescribed to such children; and, No. 4, which medications not listed under the Controlled Substances Act are being used to treat these children and their properties and effects. This GAO report is due no later than 1 year after enactment of this act.

I believe it is an extremely important amendment. It protects the rights of our children against improper intrusion regarding health issues by those not qualified. If a parent or guardian believes their child is in need of medication, then they ought to have the right to make that decision and consult with a licensed medical practitioner who is qualified to prescribe an appropriate drug. I am hoping others will join me in support of the amendment. It is a parental rights amendment that should be supported by all.

With that, it is my intention that we will be putting this in line to get a vote. I ask unanimous consent now to return to the previous pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator for his cooperation. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I understand the Senator from Oklahoma wants to go into morning business to make a statement. I ask unanimous consent that after he has completed his statement, that I be recognized for purposes of offering my Internet pharmacy protection and safety bill to the underlying bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, may I ask a point of inquiry of the Senator from Massachusetts. Apparently the desk is not in agreement with what we did. We set aside the pending amendment for consideration of my amendment which I brought up and presented. Then we returned to that amendment. I would like to ask the Chair if that is accurate.

The PRESIDING OFFICER. The Senator did not offer his amendment. The Senator may offer his amendment, but it was not offered.

Mr. KENNEDY. I ask unanimous consent that his amendment be at the desk and be subject to being called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. Inhofe] proposes an amendment numbered 988.

Mr. INHOFE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes)

SEC. . CHILD MEDICATION SAFETY.

(a) Required Policies and Procedures.—

(1) In general.—As a condition of receiving funds under any program or activity administered by the Secretary of Education, not later than 1 year after the date of enactment of this section, each State shall develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for substances covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or a psychotropic drug as a condition of attending school or receiving services.

(2) Rule of construction.—Nothing in paragraph (1) shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under section 612(a)(3) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(3)).

(3) Prohibition of payment of funds.—No Federal education funds may be paid to any local educational agency or other instrument of government that uses the refusal of a parent or legal guardian to provide a substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) or a psychotropic drug for such individual's child as the basis of a charge of child abuse, child neglect, education neglect, or medical neglect until the agency or instrument demonstrates that it is no longer using such refusal as a basis of a child abuse, child neglect, education neglect, or medical neglect charge.

(b) Definitions.—In this section:

(1) Child.—The term "child" means any person within the age limits for which the State provides free public education.

(2) Psychotropic drug.—The term "psychotropic drug" means a drug subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) that is not a substance covered by section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) but is—

(A) used in the diagnosis, treatment, or prevention of a disease; and

(B) intended to have an altering effect on perception, emotion, or behavior.

(3) State.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(c) GAO Study and Review.—

(1) Review.—The Comptroller General of the United States shall conduct a review of—

(A) the variation among States in definitions of psychotropic medications as used in regard to State jurisdiction over public education;

(B) the prescription rates of medications used in public schools to treat children diagnosed with attention deficit disorder, attention deficit hyperactivity disorder, and other disorders or illnesses;

(C) which medications used to treat such children in public schools are listed under the Controlled Substances Act; and

(D) which medications used to treat such children in public schools are not listed under the Controlled Substances Act, including the properties and effects of any such medications, including the incidence of hallucinations, psychosis, violence, suicide, heart problems, significant weight gain, or diabetes that students may experience while on these medications.

(2) Report.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall prepare and submit a report that contains the results of the review under paragraph (1).

Mr. INHOFE. I do apologize to the managers of the bill as well as to the Chair. It was my understanding that I actually had that done previously. With that, if it is proper form now to get into the mix, I ask unanimous consent that I be permitted to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. Inhofe pertaining to the introduction of S. 1269 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. I thank the managers of this bill for giving me this time to make this presentation.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand that I may go forward. I appreciate the courtesy of the Senator from Massachusetts.

AMENDMENT NO. 993

(Purpose: To provide for the regulation of Internet pharmacies)

Madam President, today we have been discussing, at some depth, and appropriately so, how to protect American citizens who purchase drugs overseas—from overseas pharmacies or from Canadian pharmacies—or purchase drugs on the Internet. This is a very significant issue for Americans, especially as more and more Americans use the Internet for the purposes of buying all sorts of items, including pharmaceuticals.

So we need to be sure this extraordinary regime we have set up in this country stays intact that allows a person, when he or she goes into an American drugstore or goes into an American supermarket, to be fairly confident the product they buy is not adulterated and the product they buy is what it says it is and that in the instance of a pharmaceutical or a medication, it is going to be what the doctor told them to take. That has been one of the great successes of American Government. It is because the Food and Drug Administration is overseeing this effort to protect the food supply and the pharmaceutical supply.

Whether the Food and Drug Administration has the wherewithal, the legal ability, and the technical and physical ability to protect an American who buys an overseas product, a medicine, and imports it into the United States is very much an issue. The FDA is very concerned about their capacity to police effectively drugs coming into this country, especially over the Internet.

So I have an amendment to this bill which basically is the Safe Internet Pharmaceutical Act, the purpose of which is to give the FDA the authority necessary to protect people who are buying pharmaceutical products over the Internet. This is, in my opinion, very important.

The importance of this has only been further stressed and exemplified by a warning that came out today, fortuitously, from the FDA on the issue of Internet pharmacies. I want to read extensively from this warning because it goes to the essence of the debate we have heard on the floor, especially from Senators supporting the proposal from the Senator from North Dakota relative to reimportation and safety and their representation that it is safe to buy over the Internet and that their amendment will make it legal to buy drugs from outside the United States over the Internet through their reimportation language.

This warning from the FDA states as follows: "FDA Warns Consumers about Counterfeit Drugs from Multiple Internet Sellers." I am going to read quite a bit of the text because I think, first, it is so on point and it is so important:

> The Food and Drug Administration (FDA) is cautioning U.S. consumers about dangers associated with buying prescription drugs over the internet. This alert is being issued based on information the agency received showing that 24 apparently related Web sites may be involved in the distribution of counterfeit prescription drugs.
>
> On three occasions during recent months, FDA received information that counterfeit versions of—

I may not get all these medical terms correct, but I hope I do.

> On three occasions during recent months, FDA received information that counterfeit versions of Xenical 120 mg capsules, a drug manufactured by Hoffmann-LaRoche Inc. (Roche), were obtained by three consumers from two different Web sites. Xenical is an FDA-approved drug used to help obese individuals who meet certain weight and height requirements lose weight and maintain weight loss.
>
> None of the capsules ordered off the Web sites contained orlistat, the active ingredient in authentic Xenical. In fact, laboratory analysis conducted by Roche and submitted to the FDA confirmed that one capsule contained sibutramine, which is the active ingredient in Meridia, an FDA-approved prescription drug manufactured by Abbott Laboratories.
>
> While this product is also used to help people lose weight and maintain that loss, it should not be used in certain patient populations and therefore is not a substitute for other weight loss products. In addition the drug interactions profile is different between Xenical and sibutramine, as is the dosing frequency; sibutramine is administered once daily while Xenical is dosed three times a day.
>
> Other samples of drug product obtained from two of the Internet orders were composed of only talc and starch. According to Roche, these two samples displayed a valid Roche lot number of B2306 and were labeled with an expiration date of April 2007. The correct expiration date for this lot number is actually March 2005.

Pictures of the counterfeit Xenical capsules can be seen on the Web site at FDA. I would note they look exactly like the Xenical that is legitimate. We had a Senator here earlier holding up two prescription bottles of, I think it was Lipitor, saying: These two bottles are exactly the same, and one could be bought in Canada for about a third of what it costs in the United States. Well, you can buy this Xenical over the Internet for probably about a third of what it costs in the United States. The only problem is it might kill you. I am going to read further:

> Roche identified the two Web sites involved in this incident as brandpills.com and pillspharm.com. Further investigation by FDA disclosed that these Web sites are two of 24 Web sites that appear on the pharmacycall365.com home page under the "Our Websites" heading. Four of these Web sites previously have been identified by FDA's Office of Criminal Investigations as being associated with the distribution of counterfeit Tamiflu and counterfeit Cialis.
>
> At this point, it appears that these Web sites are operated from outside of the United States. Consumers should be wary, if there is no way to contact the Web site pharmacy by phone, if prices are dramatically lower than the competition, or if no prescription from your doctor is required. As a result, FDA strongly cautions consumers about purchasing drugs from any of these Web sites which may be involved in the distribution of counterfeit drugs and reiterates previous public warnings about buying prescription drugs online.

Then it lists the 24 Web sites, and some of them have very seductive names: "Pharmacea.org," "MensHealthDrugs.net," "MediClub.md"—very seductive names, in order to draw people into purchasing drugs on these sites.

Madam President, I ask unanimous consent that this press release from the FDA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the FDA News, May 1, 2007]

FDA WARNS CONSUMERS ABOUT COUNTERFEIT DRUGS FROM MULTIPLE INTERNET SELLERS

The Food and Drug Administration (FDA) is cautioning U.S. consumers about dangers associated with buying prescription drugs over the Internet. This alert is being issued based on information the agency received showing that 24 apparently related Web sites may be involved in the distribution of counterfeit prescription drugs.

On three occasions during recent months, FDA received information that counterfeit versions of Xenical 120 mg capsules, a drug manufactured by Hoffmann-La Roche Inc. (Roche), were obtained by three consumers from two different Web sites. Xenical is an FDA-approved drug used to help obese individuals who meet certain weight and height requirements lose weight and maintain weight loss.

None of the capsules ordered off the Web sites contained orlistat, the active ingredient in authentic Xenical. In fact, laboratory analysis conducted by Roche and submitted to the FDA confirmed that one capsule contained sibutramine, which is the active ingredient in Meridia, an FDA-approved prescription drug manufactured by Abbott Laboratories.

While this product is also used to help people lose weight and maintain that loss, it should not be used in certain patient populations and therefore is not a substitute for other weight loss products. In addition the drug interactions profile is different between Xenical and sibutramine, as is the dosing frequency; sibutramine is administered once daily while Xenical is dosed three times a day.

Other samples of drug product obtained from two of the Internet orders were composed of only talc and starch. According to Roche, these two samples displayed a valid Roche lot number of B2306 and were labeled with an expiration date of April 2007. The correct expiration date for this lot number is actually March 2005. (Pictures of the counterfeit Xenical capsules provided by Roche can be viewed at http://www.fda.gov/bbs/topics/news/photos/xenical.html.)

Roche identified the two Web sites involved in this incident as brandpills.com and pillspharm.com. Further investigation by FDA disclosed that these Web sites are two of 24 Web sites that appear on the pharmacycall365.com home page under the "Our Websites" heading. Four of these Web sites previously have been identified by FDA's Office of Criminal Investigations as being associated with the distribution of counterfeit Tamiflu and counterfeit Cialis.

At this point, it appears that these Web sites are operated from outside of the United States. Consumers should be wary, if there is no way to contact the Web site pharmacy by phone, if prices are dramatically lower than the competition, or if no prescription from your doctor is required. As a result, FDA strongly cautions consumers about purchasing drugs from any of these Web sites which may be involved in the distribution of counterfeit drugs and reiterates previous public warnings about buying prescription drugs online. [Consumers are urged to review the FDA Web page at www.fda.gov/buyonline/ for additional information prior to making purchases of prescription drugs over the Internet.]

The 24 Web sites appear on pharmacycall365.com: AllPills.net, Pharmacy-4U.net, DirectMedsMall.com, Brandpills.com, Emediline.com, RX-ed.com, RXePharm.com, Pharmacea.org, PillsPharm.com, MensHealthDrugs.net, BigXplus.net, MediClub.md, InterTab.de, Pillenpharm.com, Bigger-X.com, PillsLand.com, EZMEDZ.com, UnitedMedicals.com, Best-Medz.com, USAPillsrx.net, USAMedz.com, BluePills-Rx.com, Genericpharmacy.us and I-Kusui.jp.

Mr. GREGG. It is, of course, ironic that in the middle of this debate over how you make safe drugs that Americans are purchasing, and assure that the FDA has the proper oversight, that the FDA would be issuing this warning. It is a coincidence. The FDA did not do it because we are in the middle of this debate. They did it because they had received the necessary information to fairly well substantiate that at least in three incidents the medication that was purchased was not the medication that was approved by the FDA, even though it was represented as that medication, even though it came in a bottle that looked exactly like that medication, even though it had a tamperproof seal, and it had a label and a date as to when that medication would expire and a lot number. So it certainly looked legitimate. So this just confirms the concern which many of us have that we have to set up a regime where the FDA can properly review what is happening relative to drugs that are being purchased over the Internet, especially. It is not impossible to do that. In fact, it is very doable. That is why I will offer this amendment.

The amendment I will offer basically sets up a system whereby the FDA will require that pharmaceutical products sold over the Internet be subject to the jurisdiction of the United States and that they get an FDA seal of approval which is tamper-proof. So if a citizen wants to use a pharmaceutical site, he or she can go on line and call up a pharmaceutical site, such as drugs.com or whatever—that may actually be a site, so I probably shouldn't use that term—but a site where you think you can purchase drugs at a better price than what you are going to have to pay for them somewhere else, they will see on that Web site a seal like the Good Housekeeping Seal of Approval, only it will be a tamper-proof seal which will reflect the fact that the FDA monitors that site, monitors that pharmacy.

Also, the pharmacy has subjected itself to American jurisdiction, so that if there is an illegal act, they can be prosecuted, or if there are issues of liability, they can be sued; also, that there is contact information which is based in America relative to that and that there is a searchable database where you can go in and find out what that pharmacy has done in the past relative to its prescription-filling activity.

This would all be supported by a fee system which gives the FDA the resources to accomplish this type of monitoring. It really seems like the most logical thing to do.

There is no way you can stop the imagination and desire of the American people to get the best price. That is part of the essence of our character. So it is reasonable that Americans are going to use online pharmacies, but we have to make sure we have a system where we do not have one approval process for legitimate purchasing of drugs through pharmaceutical activity at your local pharmacy and then another process for purchasing drugs which has absolutely no oversight from the FDA if you purchase on the Internet. We have to make sure that if you are using an Internet site, the site has been subject to the same review as the local pharmacy down at the corner is subject to, relative to the quality and management of that pharmaceutical product they are selling. That is what this amendment does.

I hope no one will object to it, but I know other people will. But they shouldn't because this is really something whose time has come. So I am going to offer this amendment tonight. It is timely, of course, in light of this FDA warning which says there are potentially 24 Web sites they have identified, at least 3 of which are selling adulterated drugs, that they know of, which could seriously harm and possibly, if taken in the wrong dosage, since they aren't the proper drug, actually do more than just harm you, they could permanently injure you.

In light of that warning which came out today, it is totally reasonable and appropriate that the Congress should certainly, if it is going to do a drug safety bill relative to the FDA, include in it an Internet pharmacy safety regime which will give the American people some confidence that when they go on line to purchase a drug on line, the site, the portal they are purchasing it through, is subject to FDA review and the drug they are purchasing is an FDA-approved drug, which is made clear by having this tamper-proof seal of approval. It would also reflect the fact that the FDA actually has physical oversight over that pharmacy, that online pharmacy, and gives the FDA the resources to do that oversight. You can't just say: Go and do it, if they don't have the money to do it; you have to give them the resources to do it.

In addition, it sets up a one-stop shopping site at the FDA where people can go on line to the FDA site, check out that Internet pharmacy, if they wish, and make sure the Internet pharmacy does qualify and does carry FDA-approved drugs.

I think it is a very proper approach. It is something, as I mentioned, which is clearly timely in light of this FDA warning.

Madam President, at this time, I ask unanimous consent that the pending amendment be set aside and that I may call up amendment No. 993 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. COLEMAN, proposes an amendment numbered 993.

Mr. GREGG. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, May 1, 2007, under "Text of Amendments.")

Mr. GREGG. I thank my colleagues for allowing me to go forward at this time.

Madam President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1010

Mr. MENENDEZ. Madam President, I rise today to talk about an issue of great importance but also of great concern: the importation of prescription drugs.

In their search for more affordable prescription drugs, many Americans have turned to pharmacies in other countries, either via the Internet or trips across the border. While I certainly understand their need for affordable drugs, I do have concerns about this particular solution. We must find a way to ensure that the drugs Americans are buying are safe.

I believe the Cochran amendment will do just that. Senator COCHRAN's amendment allows importation to take effect only if the Health and Human Services Secretary can ensure that it will pose no additional risk to the public health and result in a significant reduction in the cost of prescription drugs. So with this amendment, we get safe drugs at a reduced price, and our ultimate objective is achieved.

Looking closely at the issue of safety, I am also concerned about the importation of counterfeit drugs. Americans deserve to know the label on the bottle—we have seen colleagues put bottles up and show differences. Well, Americans deserve to know the label on the bottle matches the pills inside they are taking. The only way to ensure that is to provide strong protections. We have all heard horror stories about innocent Americans, starved for cheaper prescription drugs, going online or getting in their cars to go to foreign pharmacies to buy their medications. They are coming back home with what they think is their usual medication, but the reality might be quite different.

A recent New York Times article talked about the increasing number of counterfeit drugs. While in the past we may have noticed a misspelled label or off-color pill, today's counterfeit drugs are largely undetectable. The pills look correct, the cardboard boxes are the same, even the blister packaging and foil backing are all normal. But this is not your grandmother's forged medication. These are modern, scary, life-threatening tactics that place American lives in great danger.

While the supporters of the underlying amendment believe their proposal addresses some of these concerns, there are a number of safety concerns that I believe must be addressed by the Secretary of Health and Human Services, and that is why the Cochran amendment is so important.

The underlying proposal would undo current safety protections that ensure Americans are getting products that are essentially the same substance and quantity as what their doctor has prescribed.

While the proposal requires an importer to retain samples of products, it does not require that those be tested to ensure the drugs are the same as what the doctor ordered.

The proposal does not require that imported drugs be approved in their country of origin. It relies only on a paper trail to enforce chain-of-custody requirements, leaving consumers susceptible to unscrupulous dealers who can simply forge documents or copy anticounterfeit technology.

While supporters of the proposal claim that they give FDA the authority to conduct inspections of foreign manufacturing plants, the reality is that the United States would actually have to get permission for those inspections from foreign countries, and that is assuming we can even trace the purchase of those products to their country of origin in the first place.

Importers are not required to disclose the origin of the products they sell, so consumers would have no way to opt out if they wanted to ensure they were getting Food and Drug Administration-approved products.

Finally, the underlying amendment allows importation from far more than just Canada. Written into the proposal is permission to import from Canada and other countries, including certain countries in the EU, even if the drugs leave the chain of custody of the manufacturer or fall outside of the Food and Drug Administration's jurisdiction. Because of the EU structure, we would actually be opening ourselves to drugs from countries such as Latvia, Estonia, and other recent additions to the EU. Some of these countries from the former Soviet Union have counterfeit rates up to 20 percent.

The Cochran amendment would ensure these safety concerns are resolved and that the Government provides for the protection of the public's health and safety.

Now, in my mind, as we have this debate, the real problem is affordability of prescription drugs, and the real solution to that problem is expanding access to affordable drugs in the United States. In that effort, I take a back seat to no one. But at the same time, I strongly believe we must also protect the health and safety of those we represent.

These two goals are not mutually exclusive. We can and must do both. I believe this amendment—the Cochran amendment—accomplishes what we all want, which is expanding access to safe, affordable drugs. I encourage my colleagues to support the Cochran amendment.

AMENDMENT NO. 1011

Mr. KOHL. Madam President, I rise today to join Senators STABENOW, LOTT, BROWN, and THUNE in offering amendment No. 1011. This amendment will help speed the introduction of cost-saving generic drugs by preventing abuses of the Food and Drug Administration citizen petition process.

Consumers continue to suffer all across our country from the high—and ever rising—cost of prescription drugs. A recent independent study found that prescription drug spending has more than quadrupled since 1990, and now accounts for 11 percent of all health care spending. At the same time, the pharmaceutical industry is one of the most profitable industries in the world, returning more than 15 percent on their investments.

One key method to bring prescription drug prices down is to promote the introduction of generic alternatives to expensive brand name drugs. Consumers realize substantial savings once generic drugs enter the market. Generic drugs cost on average of 63 percent less than their brandname equivalents. One study estimates that every 1 percent increase in the use of generic drugs could save as much as $4 billion in health care costs.

This is why I have been so active in pursuing legislation designed to combat practices which impede the introduction of generic drugs. The amendment offered today, includes provisions based on legislation that I first introduced with Senator LEAHY in the last Congress, and targets one particularly pernicious practice by brandname drug companies to impede or block the marketing of generic drugs—abuse of the FDA citizen petition process.

FDA rules permit any person to file a so-called citizen petition to raise concerns about the safety or efficacy of a generic drug that a manufacturer is seeking FDA approval to bring to market. While this citizen petition process was put in place for a laudable purpose, unfortunately in recent years it has been abused by frivolous petitions submitted by brandname drug manufacturers, or individuals acting at their behest, whose only purpose is to delay the introduction of generic competition. The FDA has a policy of not granting any new generic manufacturer's drug application until after it has considered and evaluated any citizen petitions regarding that drug. The process of resolving a citizen petition, even if ultimately found to be groundless, can delay the approval by months or years. Indeed, brandname drug manufacturers often wait to file citizen petitions until just before the FDA is about to grant the application to market the new generic drug manufacturer's solely for the purpose of delaying the introduction of the generic competitor for the maximum amount of time possible. This gaming of the system should not be tolerated.

In recent years, FDA officials have expressed serious concerns about the abuse of the citizen petition process. In 2005, FDA Chief Counsel Sheldon Bradshaw noted that "[t]he citizen petition process is in some cases being abused. Sometimes, stakeholders try to use this mechanism to unnecessarily delay approval of a competitor's products." He added that he found it "particularly troublesome" that he had "seen several examples of citizen petitions that appear designed not to raise timely concerns with respect to the legality or scientific soundness of approving a drug application, but rather to delay approval by compelling the agency to take the time to consider the arguments raised in the petition, regardless of their merits, and regardless of whether the petitioner could have made those very arguments months and months before."

And a simple look at the statistics gives credence to these concerns. Of the 21 citizen petitions for which the FDA has reached a decision since 2003, 20—or 95 percent of them—have been found to be without merit. Of these, 10 were identified as "eleventh hour petitions"—defined as those filed less than 6 months prior to the estimated entry date of the generic drug. None of these 10 "eleventh hour petitions" were found to have merit, but each caused unnecessary delays in the marketing of the generic drug by months or over a year, causing consumers to spend millions and millions of dollars for their prescription drugs than they would have spent without these abusive filings.

Among other things, our amendment will, for the first time, require all those who file citizen petitions to affirm certain basic facts about the truthfulness and good faith of the petition, similar to what is required of every litigant who makes a filing in court. Our amendment also includes a provision from my bill that directs the HHS that all citizen petitions on generic drug applications be adjudicated within 6 months of filing, which will put an end to excessive delays in bringing needed generic drugs to market because of the filings of these petitions.

While I strongly support this amendment and I am pleased that many of my provisions were included, I do wish the amendment could have gone even farther and include my provision to allow the Department of Health and Human Services—the FDA's parent agency—the power to sanction those who abuse the process. While this proposal would not have an effect on any person filing a truly meritorious citizen petition, this provision would serve as a strong deterrent to attempts by brand name drug manufacturers or any other party that seeks to abuse the citizen petition process to thwart competition. Having said that, I do believe our amendment today is an important step in the right direction to remove a significant obstacle exploited by brand name drug companies to prevent or delay the introduction of generic drugs. I urge my colleagues to support this amendment.

AMENDMENT NO. 1016

Mr. SPECTER. Madam President, the Food and Drug Administration Revitalization Act is an important step toward protecting American consumers and patients and ensuring the safety of prescription drugs. To increase the safety and efficacy of prescription drug approval, I will offer an amendment to establish the National Centers of Pharmaceutical Innovation. These Centers, in consultation with the Food and Drug Administration, FDA, Commissioner, will modernize medical product development and enhance product safety.

I am very concerned about long delays and the safety of bringing new drugs to patients. The FDA has been faced with the withdrawal of prescription drugs from the market due to concerns about increased health risks. This situation illustrates the difficulty in achieving the right balance in investigating new drugs that, while intended to help patients, can also come with very serious risks. Furthermore, such incidents could lead to the erosion of public confidence in the safety of medicines developed by drug companies. Drug companies spend enormous sums of money to test potential new candidate medicines. Not only is the process of developing and testing a new drug costly, it is lengthy as well. As a result of delays in the clinical trials process, there are fewer drug discoveries each passing year, ultimately hindering our Nation's competitiveness in this field.

According to Ernst R. Berndt, Ph.D., Adrian H. B. Gottschalk, S.M., Matthew W. Strobeck, Ph.D., Massachusetts Institute of Technology, MIT, Sloan School of Management, "scientific advances and enhanced [research and development] efforts, the number of average annual new drug applications, NDAs, and new biologic license applications, BLAs, approved by the U.S. Food and Drug Administration has been smaller after 2000 than in the mid-1990s. Moreover, recent estimates suggest the average costs of bringing a new medicine to market have increased sharply to between $800 million and $1.7 billion, with the lower estimate being 2½ times higher than similar inflation-adjusted estimates published a dozen years earlier." Clearly, there is great need to improve the methods and science that are used to approve prescription drugs.

I am further concerned that new technologies, including genomics, proteomics, and bioinformatics are not being fully incorporated into the drug approval process. Using these new technologies as part of the clinical drug approval process has the potential to substantially reduce costs and the time needed to develop and test new drugs. Additionally, we must improve the workforce available to pharmaceutical companies, which is not well trained in the modern tools needed for sophisticated drug development. The FDA does not have a structured research program to bridge this knowledge and workforce gap and has few extramural research activities in place to tap the expertise available in our Nation's university health programs.

This amendment will establish the National Centers for Pharmaceutical Innovation to improve the development and testing of new drugs so that they make it to market more quickly and remain there. Up to five centers will be operated by universities in partnership with the FDA to develop methods to utilize new technology to improve the drug approval system. They will also expand the quality and number of professionals trained to work in this field. The centers will introduce new technologies to improve the manufacture of pharmaceutical and biotechnology products.

I believe these centers can provide a significant part of the solution to this complex problem. These centers will be established from qualified universities that have graduate training programs with extensive experience in the development and evaluation of medicines; and proficiencies in pharmaceutical and biotechnology science and engineering. It is the expectation that the work completed by these centers and the FDA would lead to an increased number of drugs brought to market by industry, at a decreased cost. Another effect will be an enormous gain to the public's health, while decreasing the chance of unintentional harm and costs of medical care.

The National Centers for Pharmaceutical Innovation hold a promising solution to the problems in drug discovery and safety facing our Nation today. I encourage my colleagues to support this important amendment.

OVERTURNING DSHEA

Mr. HATCH. My office has been inundated by calls from people throughout the country who believe that this legislation, specifically the provision establishing a Reagan-Udall Institute, will overturn the Dietary Supplement Health and Education Act of 1994. That has not been my reading of the bill, but I wonder if other Senators have heard similar concerns?

Mr. HARKIN. Yes, I have received a good many calls as well. And, I have to say that I would be very concerned, as I know the Senator from Utah is, if anything in the bill we are considering, S. 1082, would overturn DSHEA, a law we fought side-by-side to see enacted.

Mr. ENZI. It might be helpful if I explained the provision you are discussing, as my office has received many calls as well and I believe the callers are not informed about this matter. Subtitle B of title II of S. 1028 establishes the Reagan-Udall Foundation for the Food and Drug Administration. That simple purpose of that nonprofit Foundation is to lead collaborations among the FDA, academic research institutions and industry designed to bolster research and development productivity, provide new tools for improving safety in regulated product evaluation, and in the long term make the development of those products more predictable and manageable.

Mr. KENNEDY. That is exactly the purpose of the Foundation, which was included in the drug safety legislation Senator ENZI and I introduced last year. The Foundation will be financially supported by industry and philanthropic donated funds. A chief scientist at FDA will promote intramural research and coordinate it with efforts at the Foundation.

Mr. HATCH. That explanation is very helpful. What, specifically, would the role of the Foundation be with respect to dietary supplements?

Mr. KENNEDY. Let me make absolutely clear that the Reagan-Udall Foundation will in no way override, overturn or conflict with the Dietary Supplement Health and Education Act. Nothing in this bill would have that effect.

Mr. ENZI. Yes, we took great pains to make certain there would be no conflict with DSHEA. Regarding foods, and dietary supplements are generally regulated as foods, the general directive of the Foundation is to identify holes in the evaluation of food safety and identify ways to address those deficiencies through collaborative research with industry.

Mr. HARKIN. So to make this absolutely clear, what you are saying is that the bill we are debating would in no way interfere with consumers' access to dietary supplements?

Mr. HATCH. To add to that point, it seems that the language could, in fact, help dietary supplement consumers, because it would allow collaboration between government and industry to conduct research on issues that might be helpful to supplement consumers?

Mr. KENNEDY. Yes, that is the case.

Mr. ENZI. I agree with Chairman Kennedy's assessment.

Mr. HATCH. I thank you for those assurances and that clarification.

Mr. HARKIN. This has been a very helpful discussion, because Senator Hatch and I could never support legislation that would interfere with DSHEA and we are glad to receive the assurances of the chairman and the ranking Republican on the committee.

MORNING BUSINESS

Mr. MENENDEZ. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE

Mr. LEAHY. Madam President, when I was a young law student at Georgetown, the event that stands out the most in my memory was a morning that I and a few other young law students working at various agencies for the summer had with the then Attorney General. It was Attorney General Robert Kennedy. In that meeting, he stressed to us over and over again the professionalism of the Department of Justice and how the professionals had to stay out of any kind of partisan politics and that he would insist upon it.

I was inspired by that meeting. I think it probably shaped my decision to go into public life more than any other single meeting I had.

I ask unanimous consent that an article in today's USA Today by Ronald Goldfarb entitled "Crossing the Line at Justice" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From USA Today, Wednesday, May 2, 2007]

CROSSING A LINE AT JUSTICE

(By Ronald Goldfarb)

The current agonies of Attorney General Alberto Gonzales call to mind a dramatic moment in the Robert F. Kennedy Justice Department. Members of his organized crime section were in RFK's office reviewing our pending investigations and cases. One of our group advised Kennedy that his grand jury investigations were about to lead to the indictment of the then-mayor of a large Midwestern city, one that had voted for his brother John Kennedy in the close presidential election of 1960.

When my colleague completed his report about the big scalp about to be added to our list of political corruption cases, RFK was quiet. It happened that the scalp in question belonged to President Kennedy's ambassador-designate to Greece. The attorney general smiled slightly and facetiously remarked: "Well, that's nice. Now my brother's going to have to put me on the Supreme Court." The indictment went forward and included others in the city's political (Democratic) machine. All were convicted.

That anecdote is relevant today as the Senate Judiciary Committee considers the attorney general's recent dismissals of several U.S. attorneys. When it comes to the proper administration of justice in the Department of Justice, there are politics and there are politics.

THE TWO P'S

Capital "P" politics—that is, party politics, such as the partisan personal shenanigans of Gonzales meddling with the independence of competent prosecutors' discretion in response to political pressures—are improper and have no place in the justice system. Small "p" politics, the imposition of discretionary preferences, policies and priorities in the focus of prosecutorial discretion, generally are proper. Partisans must accept them, like it or not. They are not the basis for replacing attorneys general.

The distinction is important. When the Justice Department that I served in during the Kennedy administration came to office, "political" priorities changed. The internal security division, active and robust during the Eisenhower administration when loyalty was a major concern, was de-emphasized and eventually was deactivated. The organized crime and the civil rights sections, small and quiet in earlier years, grew into major centers of departmental work and were the centerpiece of RFK's regime. That kind of priority setting is proper.

Administrations come to office offering change. Like these changes or not, people cannot claim they involve improper politics. Critics have the right to change administrations with their votes in subsequent elections. Had Al Gore been elected, no doubt environmental prosecutions would have taken front and center in the department's efforts.

After Sept. 11, 2001, homeland security would have been any attorney general's special interest, RFK's included. So if one deplores the values and priorities of the John Ashcroft and Gonzales administrations at Justice, USA Patriot Act excesses and the like, the recourse will be at the 2008 voting machines.

On the other hand, capital "P" party politics have no place in any Justice Department. That is the unique indictment of Gonzales, and one that should lead to his replacement. All attorneys general face political pressure to act against their parties' political enemies and to protect their friends. Those are the moments of truth for all attorneys general, the one that Gonzales failed, to the embarrassment of even his own party representatives.

RFK'S TESTS

When RFK was attorney general, two comparable moments stand out in my memory. In one, his notorious father's long-time attorney—James Landis, "a virtual member of the immediate family," according to one biography—was charged with failing to file his tax returns for five years. Immense pressures were put on Kennedy to find an excuse not to indict the aging and prestigious former Harvard law dean. RFK stayed out of the decision-making process, and Landis pleaded guilty and received a brief incarceration. But for his close association with the Kennedys, Landis probably would not have suffered so. Everyone wanted to help Landis, but they were super self-conscious about the propriety of doing so.

A similar moment arose when an investigation showed that the brother of the influential congressman from New York, Eugene Keogh, had abused his office as a New York state supreme court judge. Kennedy agonized over the political pressures on him; he worried that the not open-and-shut case might not be winnable, after major political embarrassment to Kennedy loyalists. To his credit, Keogh told Kennedy he knew he'd do the right and fair thing. The attorney general's aides pressed him to do what he'd do in any other non-political case. Judge J. Vincent Keogh was indicted and convicted. That is the only way an attorney general can keep the balance of justice even and credible.

Gonzales needed aides who spoke to him with comparable candor and rectitude. Instead, he is falling on his sword over the U.S. attorney firings that he administered without knowing, as he has testified, much about them at the time. Like former vice presidential aide Lewis "Scooter" Libby in the Valerie Plame leak case, others set the political process in motion, and the loyal aide did the deed and took the rap. The Senate should not stop at Gonzales' actions, but should press to find out who pressured him to take these unconscionable actions.

Ashcroft supermoralistically draped the body of the department's statue of justice to hide her contours; Gonzales amoralistically tore off her blindfold. Both diminished the prestige of an important government agency.

TRIBUTE TO COLONEL ANTHONY J. "LAZER" LAZARSKI

Mr. INHOFE. Madam President, I am here today to recognize and pay tribute to COL Anthony J. "Lazer" Lazarski, Chief of the Air Force Senate Liaison, for his 25 years of exceptional service and dedication to the U.S. Air Force and our great country. Colonel Lazarski is a command pilot with over 2,300 flight hours in 12 different types of aircraft, including the RF–4, F–15, F–16, F–111 and F–117. He has supported combat operations around the world, to include the Libya Raid and Operations Desert Storm, Desert Fox, Allied

Force, Southern Watch, and Iraqi Freedom. Throughout his military career, he has been recognized by his superiors and subordinates as a leader in the air and on the ground—an Airman with the ability to motivate and lead.

COL Lazer Lazarski grew up in North Arlington, NJ, and watched them build the Twin Towers of the World Trade Center from the basement up. He earned an appointment to the Air Force Academy and graduated in 1982 with military honors. Upon completion of pilot training, he was selected to fly the F–111 and earned the distinction of Top Gun for both his T–38 Introduction to Fighter Fundamentals class and his F–111 Replacement Training Unit class. While flying in Tactical Air Command with the 79th NATO Tigers at RAF Upper Heyford, he was selected as the wing's youngest instructor pilot. Shortly thereafter, he was selected as the youngest United States Air Forces in Europe flight examiner. As a pilot, I can attest to the fact that you only allow your sharpest and most mature pilots to set, evaluate, and enforce the standards for other pilots. I happen to be a flight instructor currently. I can assure you, they are the very best people. This is a major accomplishment he was able to achieve.

Colonel Lazarski later transitioned to the F–117 Stealth Fighter and earned Top Gun in his third aircraft, this time during a Southern Watch deployment over the skies of Iraq. Colonel Lazarski demonstrated he could not only deliver precise weapons on target on time, he could also motivate and lead others. In recognition of his extraordinary leadership, he was named 12th Air Force Flight Commander of the Year, and selected to attend the Naval War College.

After graduating from the Naval War College in 1994, he served 3 years in Naples, Italy at NATO Headquarters, including as the aide-de-camp to two different Commanders, Allied Air Forces in Southern Europe. One of these Commanders was then LTG Mike Ryan, who would later become Air Force Chief of Staff. During his tour, he was one of the first combat troops on the ground in Sarajevo as he helped set up the NATO Air Operations Center.

In 1997, he transitioned to the F–15 Strike Eagle, serving as the 336th Fighter Squadron Assistant Operations Officer and deployed commander from Seymour Johnson Air Force Base, NC. During this tour he also served as Chief of the Command Post and integrated new command and control systems to include hurricane tracking/forecasting systems put to test in 3 years of multiple hurricanes.

In 2001 he graduated No. 1 from his Air War College Class, earning the Wright Brothers Officership Award and Military Outstanding Volunteer Medal. This honor earned him the right to serve the next year at Vance Air Force Base, in my home state of Oklahoma as the Deputy Operations Group Commander.

Due to the superb leadership Colonel Lazarski demonstrated at Vance, he was selected as the Director of Air Combat Command's Commander Action Group—the strategic "think tank" for our Air Force's lead combat command. In this position he was given the immense responsibility for developing strategy, doctrine, concepts, tactics and procedures for U.S. air and space power employment.

Colonel Lazarski's next assignment led him back to command, this time in Air Education Training Command as the Commander of the 479th Flying Training Group where he was responsible for training new pilots in the T-6, and new fighter pilots and weapons officers in the T–38. Colonel Lazarski oversaw 115 aircraft averaging 300 sorties a day, and despite five hurricanes in one season, no student ever graduated late under Colonel Lazarski's leadership.

In 2005 at the culmination of an exceptional military career, Colonel Lazarski was reassigned to Capitol Hill as the Chief of the Air Force Senate Liaison Division. Here Colonel Lazarski integrated his remarkable experience and leadership with ceaseless integrity, initiative, and persistence to result in unparalleled effectiveness on behalf of the Air Force and our Nation.

We offer our sincere thanks to Colonel Lazarski, his wife Stephanie, and their son Andrew for their unwavering support of our country and the freedom we hold so dear. We congratulate Colonel Lazarski on the completion of an exemplary active-duty career. Utilizing the theme from one of my favorite books, Message to Garcia, let me close by saying: Message delivered and job well done! Now a new mission awaits you, and I'm honored to have you serve your country again, this time as my Military Legislative Assistant. Congratulations and welcome!

REMOVAL OF COSPONSOR

Mr. CORNYN. Madam President, I ask that Senator PETE DOMENICI be removed as a cosponsor to S. 1038, the Workforce Health Improvement Act, and added as a cosponsor to S. 1083, the SKIL Act. Let the RECORD reflect that due to a clerical error Senator DOMENICI was inadvertently added as a cosponsor to the Wokforce Health Improvement Act.

IN RECOGNITION OF HEIDEH SHAHMORADI

Mr. BOND. Madam President, today I rise to acknowledge the very special and meaningful contributions of Ms. Heideh Shahmoradi, who is departing the U.S. Senate after serving as detailee for some 4 years from the Department of Transportation. I come to the floor today to thank personally Heideh for her assistance and professionalism as a detailee to me on both the Environment and Public Works, EPW, Committee and the Appropriations Committee.

In my former position as chair of the EPW's Subcommittee on Transportation and Infrastructure, Heideh provided me with invaluable advice and help in the development and passage of the highway reauthorization legislation, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users: or SAFETEA. Heideh played a key role in helping the committee understand the complexities and implications of SAFETEA which helped to ensure that the final legislation properly balanced these very complex policy and funding issues. And as a program expert from the Department, Heideh was able to provide valuable insights on the potential impact of the legislation on highway transportation activities. Heideh not only contributed significantly in analyzing the legislation but she also performed important duties, such as research, fact-checking, editing, and drafting report language and legislation. Heideh did it all with distinction and unflappable good humor.

Her skills and performance on working on the EPW Committee made it an easy decision to bring her back from the Department to help me on the Appropriations Committee. Heideh not only continued to assist me on the Federal-aid highway programs on the Senate Transportation, HUD, and Related Agencies Appropriations Subcommittee, but she also quickly became a resource and expert on all of the other modes under the Department of Transportation.

Throughout her tenure on Capitol Hill, Heideh provided technical expertise and programmatic knowledge that was critical in policymaking decisions on both the authorizing and appropriations committees. Her ability to provide a reality check on legislation helped tremendously in protecting the best interests of our communities and taxpayers. She is simply a true professional civil servant that we are fortunate to have in government.

Finally, Heideh is a quick study, adaptable, very good at working with others, and cool under pressure. She also is a person of absolute integrity, honor, and loyalty. To their credit, the leadership at the Department of Transportation has recognized her accomplishments and skills and will be giving her new challenges and opportunities. Her departure is a great loss to the Appropriations Committee and to my office in particular. She will be missed. I strongly commend Heideh for her service to me and the U.S. Senate and, while she is leaving us, she will always be part of the Bond office team. I personally wish Heideh, her husband Torrance, and her son Corey all the best.

ADDITIONAL STATEMENTS

HONORING KENT "OZ" C. NELSON

• Mr. ISAKSON. Madam President, today I wish to acknowledge a very special occasion. It has come to my attention that on May 9, the Centers for Disease Control and Prevention and the CDC Foundation in Atlanta will be honoring Kent "Oz" C. Nelson, retired chair and CEO of UPS, for his unselfish and untiring work on behalf of CDC and public health around the globe. They will be dedicating CDC's main auditorium as the Kent "Oz" C. Nelson Auditorium. This is a great honor for a man who truly deserves it.

As elected officials, we naturally and rightfully expect to hear from interested constituents and from the leaders of our governmental institutions about programmatic and capital needs. It is much more unusual to hear about such needs from a CEO-level leader of a global corporation like UPS. But over the past 8 years, Oz and many other CEO's like him, including Bernie Marcus, Phil Jacobs and Christine Jacobs, have regularly written, called and visited Washington, DC to remind us of the importance of upgrading CDC's Atlanta-based labs and facilities to ensure that the world's best scientists are equipped with world-class facilities to support their work.

During a tour of CDC in the fall of 1999, Oz, Bernie and Phil were troubled by the condition of CDC labs and its negative impact on CDC's ability to recruit top scientists and to protect all Americans from a host of threats ranging from SARS, anthrax and pandemic flu to obesity and environmental toxins. Scientists were working in overcrowded World War II Quonset huts and cinder block labs with frayed wiring and poor ventilation.

Oz could have just written a letter. He could have written off CDC's problems as the government's problem. Instead, he helped organize a concerted effort to highlight the problem and encourage a solution. In the last 8 years, Congress has appropriated $1.2 billion of the $1.6 billion needed to complete CDC's master facilities plan. One needs only tour CDC's campus and visit with the scientists there to see the amazing results.

As elected officials, we learn early to appreciate people like Oz Nelson. People who are never too busy to care, never to busy to identify and help solve problems. Since "retiring," and I use that term loosely in Oz's case, he has chaired the Annie Casey Foundation, served on the board of the Carter Center in Atlanta, served on the board of the United Way of America and chaired its national fundraising campaign, chaired the board of the CDC Foundation and been instrumental in starting and supporting an Atlanta-based Museum of Patriotism that celebrates the American spirit. And these are just a few of his many nonprofit interests.

Oz Nelson is, himself, a patriot who embodies the very best of the American spirit. And I know those of you who know and have worked with Oz join me today in congratulating him on the dedication of the new Kent "Oz" C. Nelson Auditorium at CDC.•

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions:

H. Con. Res. 95. Concurrent resolution honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award.

H. Con. Res. 112. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day.

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 95. Concurrent resolution honoring the career and research accomplishments of Frances E. Allen, the 2006 recipient of the A.M. Turing Award; to the Committee on the Judiciary.

H. Con. Res. 112. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1711. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 05-09; to the Committee on Appropriations.

EC–1712. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC–1713. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (7) officers authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1714. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Ghana; to the Committee on Banking, Housing, and Urban Affairs.

EC–1715. A communication from the Assistant Administrator for Procurement, Contract Management Division, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "NASA Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN2700-AD32) received on April 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1716. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992" ((FCC 06-180)(MM Docket No. 05-311)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1717. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Milano, Texas" (MB Docket No. 05-97) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1718. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 629 of the Consolidated Appropriations Act, 2004" (FCC 06-117) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1719. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Roma, Texas" (MB Docket No. 05-142) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1720. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Ashland, Greensburg, and Kinsley, Kansas; and Alva, Medford, and Mustang, Oklahoma" (MB Docket No. 06-65) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1721. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Wofford Heights, California" (MB Docket No. 03-91) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1722. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Glen Arbor, Michigan" (MB Docket No. 03-142) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1723. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Jackson, Wyoming" (MB Docket No. 05-101) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1724. A communication from the Deputy Bureau Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers" ((FCC 06-134)(CG Doc. 02-386)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1725. A communication from the Management Analyst, Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of the Schedule of Application Fees Set Forth in Sections 1 .1102 through 1.1107 of the Commission's Rules" ((GEN Docket No. 86-285)(FCC 06-131)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1726. A communication from the Acting Legal Advisor, Mobility Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies" ((FCC 07-39)(WT Docket No. 99-87)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1727. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Parts 2 and 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure Devices in the 5 GHz Band" ((FCC 06-96)(ET Docket No. 03-122)) received on April 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1728. A communication from the Chairman, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services—2007 Update" (STB Ex Parte No. 542) received on April 27, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1729. A communication from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Geothermal Valuation" (RIN1010-AD32) received on April 26, 2007; to the Committee on Energy and Natural Resources.

EC–1730. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to the Department's proposed final 5-Year Outer Continental Shelf Oil and Gas Leasing Program for years 2007-2012; to the Committee on Energy and Natural Resources.

EC–1731. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LMSB Tier II Issue - Field Directive on the Examination of IRC Section 165 Casualty Losses No. 1" (LMSB-04-0407-030) received on April 30, 2007; to the Committee on Finance.

EC–1732. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1733. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment in Germany; to the Committee on Foreign Relations.

EC–1734. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on April 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1735. A communication from the Secretary of Labor, transmitting, the report of proposed legislation entitled "Child Labor Protection Act of 2007"; to the Committee on Health, Education, Labor, and Pensions.

EC–1736. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, the Commission's Semiannual Report for the period October 1, 2006 through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1737. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Security Plan for Essential Air Service and Small Community Service Airports; to the Committee on Homeland Security and Governmental Affairs.

EC–1738. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the impact and effectiveness of Administration for Native Americans Projects during fiscal year 2005; to the Committee on Indian Affairs.

EC–1739. A communication from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, the report of draft legislation intended to "provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Nos. 19 and 188, and for other purposes"; to the Committee on Indian Affairs.

EC–1740. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, an amendment to the Federal Rules of Appellate Procedure that has been adopted by the Supreme Court; to the Committee on the Judiciary.

EC–1741. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Liquidation and Debt Collection Activities" (RIN3245-AE83) received on April 30, 2007; to the Committee on Small Business and Entrepreneurship.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–77. A joint resolution adopted by the Legislature of the State of Idaho urging Congress to support Federal legislation transferring management of National Forest System Lands within Idaho to the State of Idaho to be managed for the benefit of the rural counties and schools; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 21

Whereas, the United States Forest Service administers the management of 39 percent of the land base in the state of Idaho, and an additional 22 percent is administered by the United States Bureau of Land Management; and

Whereas, pursuant to 16 U.S.C. Section 471, an 1891 law authorizing the President to establish national forests, the purpose for establishing and administering national forests was to set aside public lands reserved as national forests to be controlled and administered, to the extent practical, in accordance with the Act which provided that "no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens"; and

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create a hardship for many counties, as they provided little revenue or commerce at that time; and

Whereas, in 1908, Congress created the Twenty-five Percent Fund Act to pay states and and counties 25 percent of receipts collected from national forests and mandated that payments were to be spent on schools and roads, recognizing that viable communities adjacent to the public lands, with adequate roads and schools, were essential for the development and preservation of the national forests; and

Whereas, the federal policy of holding counties harmless from the creation of public lands within counties was reiterated in

1916 with the creation of the Oregon and California Grant Lands under the Chamberlain-Ferris Act, and again in 1937 with passage of the Oregon and California Grant Lands Act; and

Whereas, the forest resources were intended to be managed in such an environmentally responsible manner that they would produce long-term sustainable revenue to share with schools and counties as well as products for the nation; and

Whereas, in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act, commonly known as public law 106-393, which restored historical payment levels previously made to states and counties from the federal government for road and school purposes due to declining levels of actual forest receipts; and

Whereas, the reauthorization of public law 106-393 is pending before the United States Congress and Idaho counties are on record as being strongly supportive of a fully-funded approval of this Act; and

Whereas, recently, federal land managers have been faced with an ever-present funding shortage and rural counties will be faced with higher property taxes or a reduction in services if the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated; and

Whereas, there is continued concern that if the Act is reauthorized and appropriated it may be the last time it occurs and a long-term solution to these issues is necessary; and

Whereas, the state of Idaho is dependent upon healthy national forest system lands for economic benefit, recreation and scenic beauty and it is time to demonstrate a new initiative and commitment to the intent and policy of the federal government to hold counties and schools harmless from the creation of federal lands and construct a path leading to economic stability for rural communities and schools; and

Whereas, transfer of the management of the national forest system lands that are not designated as wilderness, proposed or recommended wilderness, wild and scenic river, or national recreation area, or designated roadless area in Idaho, to the state of Idaho would promote better stewardship of the public lands, provide financial returns to the counties, secure public access, meet Congress's intent to hold rural communities harmless from the creation of federal lands, and fund schools, road and bridge infrastructure which would offset significant tax increases in rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and

Whereas, precedent for state administration of federally-owned lands exists in the state of Idaho at the City of Rocks area in southern Idaho and campground-related facilities and land at Lake Cascade; and

Whereas, a transfer of management to the state of Idaho would demonstrate a new initiative and commitment to the intent and policy of the federal government to hold rural counties and schools harmless from the consequences of the reservation of federal lands and construct a process leading to economic stability for rural communities and schools; and

Whereas, lands for which management responsibility is transferred to the state of Idaho could be administered by the Idaho Department of Lands in cooperation with county officials and with cooperative oversight by the United State Forest Service and state and local government could establish, or use existing natural resource advisory committees composed of a diverse cross-section of the public, with all decisions and actions relating to the lands being required to comply with every federal and state environmental law; and

Whereas, the management of these lands would have to meet the mandates of the Healthy Forest Initiative, the National Fire Plan, and state and county fire mitigation plans: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress to support federal legislation transferring management of national forest system lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools with the state of Idaho being held harmless from the costs of administration; and be it further

Resolved, That Congress is urged to provide that any transfer of management authority would not affect any rights or authority of the state with respect to fish and wildlife, or repeal or modify any provision of law that permits the state or political subdivisions of the state to share in the revenues from federal lands, or any provision of law that provides that fees or charges collected at particular federal areas be used for or credited to specific purposes or special funds; and be it further

Resolved, That Congress is urged to provide that fees or revenues collected under state management be allocated 75 percent, or other appropriate percentage, for the benefit of the counties and schools in which the national forest system lands are located and 25 percent, or other appropriate percentage, for the benefit of the national forest in which the lands administered by the state of Idaho are located to be paid at the end of the year to the Secretary of the Treasury, and that amounts allocated to the counties should not be taken into account for purposes of the Twenty-five Percent Fund pursuant to 16 U.S.C. Section 500; and be it further

Resolved, That Congress is urged to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-78. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Idaho stating findings of the Legislature and authorizing the legislative council to appoint a committee to undertake and complete a study of the decline in receipts on National Forest System Lands; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 26

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create hardship for many counties as they provided little revenue or commerce at that time; and

Whereas, in 1908, the federal government promised rural counties 25 percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

Whereas, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

Whereas, in 2000, Congress passed Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

Whereas, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act is pending before the United States Congress, and Idaho counties are on record as being strongly supportive of a fully funded approval of this Act; and

Whereas, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and, even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

Whereas, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties, with the goal of the interim committee's recommendations being to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provided projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the agencies manage. The Legislative Council shall determine the membership from each house appointed to the interim committee and shall authorize the interim committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature. As much as is practicable, the interim committee shall work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The interim committee is also authorized to retain the services of consultants, within appropriated moneys, who are familiar with forest receipts, and who can provide necessary economic and other research to assist the interim committee and the Legislature in making an informed decision on this most important topic; and now, therefore, be it further

Resolved, That the Idaho legislative interim committee on forest receipts will address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act; and now, therefore, be it further

Resolved, That nonlegislative members of the interim committee may be appointed by the cochairs of the interim committee who are appointed by the Legislative Council. Nonlegislative members of the interim committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the interim committee's recommendations or proposed legislation; and now, therefore, be it further

Resolved, That the interim committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-ninth Idaho Legislature.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Steven Jeffrey Isakowitz, of Virginia, to be Chief Financial Officer, Department of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. Alexander, Mr. Allard, Mr. Burr, Mr. Isakson, Ms. Murkowski, and Mr. Roberts):

S. 1262. A bill to protect students receiving student loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. Smith, Mr. Kerry, Mrs. Boxer, Mr. Nelson of Florida, Mrs. McCaskill, Mr. Rockefeller, Mrs. Murray, Mrs. Feinstein, Mr. Biden, Ms. Stabenow, Mr. Wyden, Mr. Reed, Mr. Dorgan, Mr. Durbin, and Mr. Harkin):

S. 1263. A bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself and Mr. Pryor):

S. 1264. A bill to amend the Internal Revenue Code of 1986 to provide a credit to holders of rural renaissance bonds; to the Committee on Finance.

By Mr. CRAIG:

S. 1265. A bill to amend title 38, United States Code, to expand eligibility for veterans' mortgage life insurance to include members of the Armed Forces receiving specially adapted housing assistance from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CRAIG:

S. 1266. A bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LUGAR (for himself, Mr. Dodd, Mr. Graham, Mr. Domenici, and Ms. Landrieu):

S. 1267. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. DORGAN (for himself and Mr. Craig):

S. 1268. A bill to provide for the development and inventory of certain outer Continental Shelf resources; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S. 1269. A bill to improve border security in the United States and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. Kennedy, Mr. Inouye, Mr. Obama, Mr. Durbin, Mr. Harkin, Mr. Salazar, and Mr. Isakson):

S. 1270. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself and Mrs. McCaskill):

S. 1271. A bill to provide for a comprehensive national research effort on the physical and mental health and other readjustment needs of the members of the Armed Forces and veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom and their families; to the Committee on Armed Services.

By Mr. CHAMBLISS (for himself, Mr. Coleman, Ms. Klobuchar, and Mr. Isakson):

S. 1272. A bill to establish the National Guard Yellow Ribbon Reintegration Program; to the Committee on Armed Services.

By Mr. KYL:

S. 1273. A bill to amend the Internal Revenue Code of 1986 to allow permanent look-through treatment of payments between related foreign corporations; to the Committee on Finance.

By Mr. DURBIN:

S. 1274. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food for humans and pets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. Clinton):

S. 1275. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Con. Res. 30. A concurrent resolution urging all sides to the current political crisis in Ukraine to act responsibly and use dialogue to resolve the crisis and ensure a free and transparent democratic system in Ukraine based on the rule of law; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. Inouye, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 154

At the request of Mr. Bunning, the name of the Senator from West Virginia (Mr. Byrd) was added as a cosponsor of S. 154, a bill to promote coal-to-liquid fuel activities.

S. 155

At the request of Mr. Bunning, the name of the Senator from West Virginia (Mr. Byrd) was added as a cosponsor of S. 155, a bill to promote coal-to-liquid fuel activities.

S. 291

At the request of Mr. Smith, the name of the Senator from Minnesota (Ms. Klobuchar) was added as a cosponsor of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 311

At the request of Ms. Landrieu, the names of the Senator from Hawaii (Mr. Inouye) and the Senator from West Virginia (Mr. Rockefeller) were added as cosponsors of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 329

At the request of Mrs. Lincoln, the names of the Senator from Ohio (Mr. Brown) and the Senator from South Dakota (Mr. Johnson) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 334

At the request of Mr. Wyden, the name of the Senator from Utah (Mr.

BENNETT) was added as a cosponsor of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 392

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 392, a bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period.

S. 430

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. SALAZAR), the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 450

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 458

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 458, a bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 545

At the request of Mr. LOTT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 558

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 591

At the request of Mr. CHAMBLISS, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 617

At the request of Mr. SMITH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 673

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 773

At the request of Mr. WARNER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 838

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 838, a bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. DOMENICI) was withdrawn as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1083

At the request of Mr. CORNYN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1083, a bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes.

S. 1129

At the request of Mr. SMITH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1129, a bill to amend the Internal Revenue Code of 1986 to modify the definition of governmental plan with respect to Indian tribal governments.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1185

At the request of Mr. BINGAMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1190

At the request of Mr. DURBIN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1190, a bill to promote the deployment and adoption of telecommunications services and information technologies, and for other purposes.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. RES. 183

At the request of Ms. LANDRIEU, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 183, a resolution supporting the goals and ideals of National Charter Schools Week, April 30, 2007, through May 4, 2007.

AMENDMENT NO. 982

At the request of Mr. ALLARD, the names of the Senator from Missouri (Mr. BOND), the Senator from Utah (Mr. HATCH) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 982 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 993

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 993 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1004

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 1004 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. Alexander, Mr. Allard, Mr. Burr, Mr. Isakson, Ms. Murkowski, and Mr. Roberts):

S. 1262. A bill to protect students receiving student loans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 1262

Mr. ENZI. Mr. President, I rise to speak about the Student Loan Accountability and Disclosure Reform Act which I, along with Senators Alexander, Burr, Isakson, Allard and Murkowski, am introducing today. In this era of rising college costs, it is more important than ever to make sure that the colleges, lenders and guaranty agencies that provide loans to help students pay for college operate in a fair, accountable and transparent manner.

In fiscal year 2007, the Federal Government, through the Federal Family Education Loan, FFEL, and Direct Loan programs is expected to back and provide $65.9 billion in new loans to students and their parents for attendance at over 6,000 schools. The FFEL program accounts for about 79 percent of new student loan volume. There are approximately 3,200 FFEL lenders. Thirty-five State and private, nonprofit guaranty agencies back the FFEL loans.

Overall, the programs are expected to provide financing to 14.3 million students and their families this year. These students and their families are depending upon us to protect them from those individuals who are using the financial loan programs to benefit themselves to the detriment of students.

The focus of this bill is to make colleges, lenders and guaranty agencies accountable, by prohibiting lenders and guaranty agencies from offering inducements, and colleges from accepting them, and by requiring disclosures to students, their families and the public.

There are a lot of ethical, hard-working financial aid administrators and lenders who have spent their lives helping students go to college. It is a shame that a few bad actors have cast a shadow over the whole student loan industry. However, in light of recent revelations about the behavior of a few college officials and a few lenders, it is clear that we need to take steps to protect students and their families from any actions and arrangements that are not fully disclosed.

A key part of this bill is a Code of Conduct for institutions of higher education. It prohibits colleges and their employees with responsibility for student financial aid from receiving anything of value from any lender in exchange for advantages sought by the lender. The prohibition applies not only to gifts and trips, but to compensation for service on advisory boards and consulting contracts.

Colleges are prohibited from designating “preferred lenders.” However, they may collect information from lenders, at the college's invitation or upon the request of a lender, including interest rates, payment of origination and other fees, discounts, services and terms and conditions of the loans, and the lender's contact information, on a standard electronic template. All templates submitted will be made available to current and prospective students and their families. Colleges will provide students and parents with a guide that enables the students and parents to do their own evaluation of the loan products, benefits, and services offered by the lenders. An annual attestation of college compliance by a high level college official with the Code of Conduct is required.

The bill expands prohibitions on guaranty agencies and lenders, including provisions that prohibit the offering of any premiums, payments, prizes, and tuition payments. Guaranty agencies are precluded from performing any services for colleges without compensation. Lenders may not provide information technology equipment at below market value. Both lenders and guaranty agencies are prohibited from sending unsolicited electronic mailings to potential borrowers.

Finally, the recent revelations of questionable relationships between colleges and lenders have led to new calls to eliminate any areas of potential conflicts of interest. For this reason, it is time to phase out the ability of colleges to act as lenders in the FFEL program, a provision commonly referred to as “school-as-lender.”

Higher education is crucial to maintaining America's competitiveness. Education at all levels, including lifelong education opportunities, is vital to ensuring that America retains its competitive edge in the global economy. In this global economy, learning is never over and school is never out. If students and families are to make informed decisions about how to pay for college, they must have clear, accurate, comprehensive information on which to base their decisions.

We must help and protect the 14.3 million students and their families who will seek student loans this year to pay for the education they need. Therefore, we must maintain the integrity of the student loan programs. Let's fix the system and restore the confidence of students that they are being treated fairly from the beginning, and through the time they are repaying their loans and realizing their goals.

I want to thank Senators Alexander, Burr, Isakson, Allard, and Murkowski for joining me in this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Student Loan Accountability and Disclosure Reform Act”.

SEC. 2. INSURANCE PROGRAM AGREEMENTS.

Paragraph (3) of section 428(b) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(3)) is amended to read as follows:

“(3) Restrictions on inducements, payments, mailings, and advertising.—A guaranty agency shall not—

“(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

“(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

“(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

“(B) conduct unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

“(C) perform, for an institution of higher education participating in a program under this title and without appropriate compensation by such institution, any function that the institution is required to perform under part B, D, or G (except for the exit counseling described in section 485(b));

“(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G (except for the exit counseling described in section 485(b)); or

“(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide assistance to institutions of higher education comparable to the kinds of assistance provided to institutions of higher education by the Department.”.

SEC. 3. DISCLOSURE RULES FOR EDUCATIONAL LOANS.

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

“PART E—DISCLOSURE RULES FOR EDUCATIONAL LOANS

“SEC. 151. DISCLOSURE RULES RELATING TO EDUCATIONAL LOANS.

“(a) Definitions.—In this part:

"(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

"(A) has the meaning given the term in section 102; and

"(B) includes an employee or agent of the institution of higher education or any organization or entity directly or indirectly controlled by such institution.

"(3) LENDER.—The term 'lender' means—

"(A) any lender of a loan made, insured, or guaranteed under title IV, including a consolidation loan under section 428C;

"(B) any lender that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

"(C) for any loan issued or provided to a student under part D of title IV, the Secretary.

"(4) PRIVATE EDUCATIONAL LOAN.—The term 'private educational loan' means a private loan that—

"(A) is not made, insured, or guaranteed under title IV; and

"(B) is offered to a borrower by an institution of higher education through an award letter or other notification.

"(b) DISCLOSURES.—

"(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides a loan under title IV or a private educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

"(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

"(A) that the borrower may qualify for Federal financial assistance through a program under title IV, in lieu of or in addition to a loan from a non-Federal source;

"(B) of the interest rates available with respect to such Federal financial assistance;

"(C) showing sample educational loan costs, disaggregated by type;

"(D) that describes, with respect to each loan being provided to the student by the lender—

"(i) how the applicable interest rate is determined, including whether the rate is based on the credit score of the borrower;

"(ii) the types of repayment plans that are available;

"(iii) whether, and under what conditions, early repayment may be made without penalty;

"(iv) when and how often the loan would be recapitalized;

"(v) all fees, deferments, or forbearance;

"(vi) all available repayment benefits, and the percentage of all borrowers who qualify for such benefits;

"(vii) the collection practices in the case of default;

"(viii) the late payment penalties and associated fees; and

"(ix) whether the amount of all loans issued by the lender to the borrower exceeds the student's cost of attendance; and

"(E) such other information as the Secretary may require.".

SEC. 4. REVIEW OF PRIVATE EDUCATIONAL LOAN MARKET.

Section 495 of the Higher Education Act of 1965 (20 U.S.C. 1099a) is amended by adding at the end the following:

"(c) REVIEW OF PRIVATE EDUCATION LOAN MARKETS.—The Secretary and the Secretary of the Treasury shall conduct an evaluation of markets for educational loans to—

"(1) evaluate any variations in availability, terms, and conditions of educational loans provided to students who qualify for a simplified needs test under section 479 or any income-contingent simplified version of the Free Application for Federal Student Aid;

"(2) identify possible discriminatory lending patterns affecting students described in paragraph (1); and

"(3) report, not later than 1 year after the date of enactment of the Student Loan Accountability and Disclosure Reform Act to the Committee on Health, Education, Labor, and Pensions and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Education and Labor and the Committee on Financial Services of the House of Representatives, on findings and recommendations for the need to afford protections from predatory lending practices to such students.".

SEC. 5. DISQUALIFICATION OF ELIGIBLE LENDER.

Section 435(d)(5) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(2) by striking subparagraphs (A) and (B) and inserting the following:

"(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

"(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

"(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

"(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

"(E) performed for an institution of higher education, without compensation from the institution, any function that the institution of higher education is required to carry out under part B, D, or G (except for general debt counseling, such as the exit counseling described in section 485(b));

"(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G (except for general debt counseling, such as the exit counseling described in section 485(b));

"(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

"(i) is also employed by the lender for other purposes; and

"(ii) made all appropriate disclosures regarding such employment;".

SEC. 6. CERTIFICATIONS; CODE OF CONDUCT REGARDING STUDENT LOANS.

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (6) and inserting the following:

"(6) The institution will not provide any student with any statement or certification to a lender that qualifies the student for a loan or loans in excess of the amount that student is eligible to borrow in accordance with sections 425(a), 428(a)(2), and subparagraphs (A) and (B) of section 428(b)(1) unless—

"(A) the loan in question is a private educational loan as defined under section 151(a); and

"(B) the student does not qualify for the simplified needs test under section 479 or any income-contingent simplified version of the Free Application for Federal Student Aid.";

(B) by redesignating paragraphs (21), (22), and (23) as (22), (23), and (24), respectively; and

(C) by inserting after paragraph (20) the following:

"(21)(A) The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

"(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender.

"(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

"(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

"(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value as compensation from the lender or group of lenders for serving on such advisory board, commission, or group, except that the employee may be reimbursed for reasonable expenses incurred in providing such service.

"(v) LENDER INFORMATION REQUIREMENTS.—The institution—

"(I) will not designate any lender as a preferred lender for loans under this title or private educational loans;

"(II) may invite a lender of such loans to submit to the institution a standard electronic template that specifies the rates, services, discounts, and terms and conditions of the loans, and the lender's contact information;

"(III) upon request of a lender interested in offering loans under this title or private educational loans to students at the institution, will provide the lender with the ability to submit the standard electronic template described in subclause (II) to the institution;

"(IV) will make all submitted standard electronic templates available to current and prospective students of the institution, and the parents of such students;

"(V) if such student, or a parent of such student, requests information on the lenders that have submitted standard electronic templates to the institution, will provide the student or parent with a guide that—

"(aa) enables students and parents to do their own evaluation of the loan products, benefits, and services offered by such lenders; and

"(bb) includes the disclosures required under clause (vi).

"(vi) DISCLOSURES.—An institution required to make the disclosures under this clause will—

"(I) disclose the criteria and process used to develop the guide described in clause (v)(V) regarding the products offered by each lender that submitted a standard electronic template, as described in clause (v)(II);

"(II) disclose which lenders listed in the guide have an agreement in place to sell the loans of the lender to another lender; and

"(III) provide a notice to the student that the student has the right to select a lender of the student's choosing, regardless of any information regarding the lender in the institution's guide under clause (v) or whether the lender submitted a standard electronic template to the institution.

"(vii) LENDER SERVICES TO INSTITUTIONS OF HIGHER EDUCATION.—

"(I) Any agent, employee, or independent contractor of a lender who is performing any service for the institution shall disclose the individual's relationship with the lender to any students and parents for whom the individual provides such service.

"(II) Any agreement for the performance of a service by a lender for the institution shall comply with all applicable State and institution ethics laws and codes of ethics.

"(viii) INTERACTION WITH BORROWERS.—The institution will not—

"(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

"(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

"(B) The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

"(C) The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following:

"(d) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

"(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

"(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.".

SEC. 7. TERMINATION OF SCHOOL-AS-LENDER PROGRAM.

Section 435(d) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)) (as amended by section 5) is further amended—

(1) in paragraph (1)(E), by inserting "subject to paragraph (8)," before "an eligible institution"; and

(2) by adding at the end the following:

"(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

"(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2008.

"(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2008, shall—

"(i) not issue any new loans in such a capacity under part B after June 30, 2008; and

"(ii) shall continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2008, except that, beginning on June 30, 2010, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.".

By Mr. CRAIG:

S. 1265. A bill to amend title 38, United States Code, to expand eligibility for veterans' mortgage life insurance to include members of the Armed Forced receiving specially adapted housing assistance from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing that will continue a positive trend in the provision of benefits to severely injured servicemembers and their families by making assistance available when it is needed most. My bill would give active duty servicemembers who utilize VA's specially adapted housing grant assistance with the ability to also purchase Veterans' Mortgage Life Insurance, or VMLI, through VA. Under current law, the receipt of specially adapted housing grants is the gateway to VMLI eligibility. And only those separated from service and legally classified as "veterans" are able to purchase coverage through VMLI.

Servicemembers and veterans who are blind, have lost the use of both their legs, and who have other severely disabling conditions are eligible to receive up to $50,000 in grants from VA to assist with needed housing adaptations, such as the widening of doorways, the construction of wheelchair ramps, and the installment of handrails. Notwithstanding this grant assistance, servicemembers and veterans must still pay any underlying mortgage that exists on the modified home. To ensure that survivors are not saddled with mortgage debt they cannot afford following the death of a severely disabled veteran, VA's VMLI program is available. Under VMLI, up to $90,000 of coverage, or coverage in the amount of any outstanding mortgage debt, whichever is less, is available. Veterans pay premiums at standard mortality rates and VA contributes subsidy payments so that all program expenses are met.

Until recently, grants under the specially adapted housing program could only be made to individuals who had separated from military service. In recognition of what can be an extremely lengthy recovery and separation process for those with profoundly disabling conditions, in 2004 we in Congress allowed housing grants to be made to active duty servicemembers. However, we did not extend the same access to VA's VMLI program for those still on active duty, an oversight that my legislation would remedy.

VA estimates that roughly 30 servicemembers per year will receive specially adapted housing grants, thus giving rise to VMLI eligibility should my bill be enacted. Because it is optional, VA expects only 15 servicemembers per year to purchase VMLI policies. Therefore, subsidy costs associated with my legislation are minimal, less than $500,000 over 10 years.

This Congress increasingly is recognizing that the benefits provided to our wounded servicemembers need to flow immediately, and that outmoded distinctions between "veteran" and "active duty servicemember" mean little when it comes to honoring our commitment to them. My legislation continues what I believe is an encouraging trend that looks at the career of a military man or woman as a continuum. It is a continuum that begins the day they enlist and it ends the day they die. Our Government's benefits should reflect that reality.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF ELIGIBILITY FOR VETERANS' MORTGAGE LIFE INSURANCE TO INCLUDE MEMBERS OF THE ARMED FORCES RECEIVING SPECIALLY ADAPTED HOUSING ASSISTANCE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 2106 of title 38, United States Code, is amended—

(1) by striking "veteran" each place it appears and inserting "veteran or member of the Armed Forces";

(2) in subsection (a), by striking "veterans' election" and inserting "election of the veteran or member of the Armed Forces";

(3) in subsection (f), by inserting ", members of the Armed Forces," after "veterans"; and

(4) in subsection (i)—

(A) in paragraph (1), by striking "veteran's indebtedness" and inserting "indebtedness of the veteran or member of the Armed Forces"; and

(B) in paragraph (2), by striking "veteran's ownership" and inserting "ownership of the veteran or member of the Armed Forces".

By Mr. CRAIG:

S. 1266. A bill to amend title 38, United States Code, to increase assistance for veterans interred in cemeteries other than national cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing that will improve the availability of dignified burials for those who have served our country. The Veterans' Dignified Burial Assistance Act of 2007 would make three improvements to programs designed to ensure that veterans are perpetually honored for their service. Let me start by describing the first improvement which had its genesis, I am proud to say, in my home State of Idaho.

We have in Idaho a State veterans' cemetery located in Boise. The cemetery was established with the help of VA's State Cemetery Grants Program, a program which pays for 100 percent of the costs of establishing, expanding, and improving state cemeteries. Over one thousand veterans have been interred in the Idaho State Cemetery since it opened in 2004. I want to focus on 91 of those veterans who were interred through a program pioneered in Idaho called "Missing in America."

Through the Missing in America program Idaho cemetery officials, working with veterans' organizations and others, have actively sought to locate the unclaimed cremated remains of veterans throughout the State. They contacted funeral homes, county coroner offices, and any other place where those remains may have been located. Remarkably, they discovered the remains of 91 veterans. After verifying that they had eligibility, all 91 veterans were given a dignified burial.

I suspect what was found in Idaho would be found in other States. My legislation would incentivize other States to develop Missing in America programs like Idaho's by allowing revenue from VA's plot allowance benefit to go to states which seek out and inter unclaimed remains.

Under current law, State cemeteries may be reimbursed for the cost of interring eligible veterans. For each eligible veteran interred, a $300 plot allowance may be paid by VA. Revenue from the plot allowance is used to operate and maintain the appearance of State cemeteries. However, plot allowance revenue is not payable to States when veterans are interred more than 2 years after the permanent burial or cremation of the veteran's body. Thus, since each of the 91 veterans interred in Idaho had been left sitting on shelves in an urn for a great deal longer than 2 years, no plot allowance is payable. This doesn't make sense. Just as our system of benefits does not abandon or give up on veterans who are homeless or chronically ill, so too should our burial benefits system be designed not to abandon or give up on veterans whose remains are unclaimed. To that end, my legislation would waive the 2-year limit so that States could receive plot allowance revenue for interment of the unclaimed remains of veterans. The extra plot allowance revenue could be used to help states meet costs associated with running this program and other cemetery operation costs. Most importantly, my legislation would reward States for giving veterans what is long overdue: a fitting burial.

The second way my legislation helps to ensure dignified burials is by increasing VA's plot allowance benefit from $300 to $400. As I mentioned earlier, the plot allowance can be paid directly to a State cemetery for the interment of eligible veterans. But it can also be paid to the survivors of veterans who purchase burial space on their own in the private market. Under current law, veterans who die in a VA facility, who are in receipt of disability compensation, or who have low incomes and are in receipt of VA pension are eligible to receive the $300 plot allowance benefit. The plot allowance, created in 1973, is designed to ensure that veterans are not buried in a pauper's grave. When the benefit was created, it covered 13 percent of the average cost of an adult funeral. Today, it only covers approximately 5 percent of the cost. An independent assessment of VA burial benefits directed by Congress and published in 2000 recommended, as an option, increasing the plot allowance to $670, which at the time of the assessment represented 13 percent of the average cost of an adult funeral. Since that assessment was published, the major veterans' organizations have persistently recommended that Congress increase this benefit. In its most recent budget submission, the authors of the Independent Budget recommended that the plot allowance be increased to $745. In 2001, Congress took a first step, raising the benefit from $150 to $300. My legislation would take yet another, measured step.

Finally, my legislation would authorize $5 million per year under VA's State Cemetery Grant Program for VA to assist States in meeting operational and maintenance expenses. As I mentioned, the State Cemetery Grant Program finances the cost of establishing, expanding, or improving State cemeteries. States must agree to provide suitable land for a cemetery and they must meet administrative, operational, and maintenance costs.

My purpose in introducing this aspect of the legislation is twofold. First, VA is in the midst of the largest national cemetery expansion since the Civil War. Guiding its cemetery expansion effort was a prospective look at where and how many veterans will be living 20 years from now. Based on that prospective analysis, national cemeteries are being built in those areas of the country that have veterans' populations of 170,000 or more and that are not residing within, or expected to reside within, 75 miles of an open State or national cemetery. It is therefore highly likely that after this expansion has concluded, no additional national cemeteries will be built for quite some time. Thus, in order to serve veterans' populations in less densely populated areas in the future, VA and the States will need to rely more on the State Cemetery Grant Program. Allowing reimbursement for some maintenance or operational expenses will serve to make the program more attractive to States, which may otherwise decline to participate in the program due to budget constraints. In fact, the 2000 independent assessment I spoke about earlier made the same point, recommending Congressional consideration of amending the grant program to allow for reimbursement of the sort contemplated in my legislation.

My second purpose behind this provision is a bit more parochial. There are eight States in the country without any national cemetery, including Idaho. These are States with small or scattered veterans' populations. VA's criteria for establishing national cemeteries makes it unlikely that veterans in these States will ever have access to a national cemetery within the borders of their home State. Yet their service was national in character, and the desire for recognition of that national service through interment in a national cemetery is real, if not practical. It is my opinion that the Federal obligation to veterans residing in States like my own is therefore heightened. And if the only way to heighten that obligation is by requiring reimbursement of a greater share of the expenses now borne by the States, so be it. To my mind, this would be an equitable outcome, and one that I hope VA factors into criteria it will develop should my legislation be enacted.

Let me make one final and very important point. The cost of my legislation is in the $8 million per year range. Although I am convinced of the merits of the legislation, I am also committed to adhering to our budget rules which require that appropriate spending offsets be identified before new spending is advanced. I assure my colleagues that should my legislation be reported from the Veterans' Affairs Committee, it will be fully offset in accordance with our rules and my own principle of fiscal discipline.

In summary, the Veterans' Dignified Burial Assistance Act of 2007 will help us along in our collective goal of providing veterans with lasting resting places to honor their lives and service. This is good legislation, and I urge the support of my colleagues.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Dignified Burial Assistance Act of 2007".

SEC. 2. INCREASE IN ASSISTANCE FOR VETERANS INTERRED IN CEMETERIES OTHER THAN NATIONAL CEMETERIES.

(a) INCREASE IN PLOT OR INTERMENT ALLOWANCE.—Section 2303(b) of title 38, United States Code, is amended by striking "$300" each place it appears and inserting "$400".

(b) REPEAL OF TIME LIMITATION FOR STATE FILING FOR REIMBURSEMENT FOR INTERMENT COSTS.—

(1) IN GENERAL.—The second sentence of section 3.1604(d)(2) of title 38, Code of Federal Regulations, shall have no further force or effect as it pertains to unclaimed remains of a deceased veteran.

(2) RETROACTIVE APPLICATION.—The provision of paragraph (1) shall take effect as of October 1, 2006.

(c) GRANTS FOR OPERATION AND MAINTENANCE OF STATE VETERANS' CEMETERIES.—

(1) IN GENERAL.—Subsection (a) of section 2408 of such title is amended—

(A) by inserting "(1)" before "Subject to";

(B) by designating the second sentence as paragraph (2) and indenting the margin of such paragraph, as so designated, two ems from the left margin; and

(C) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking "assist such State in establishing, expanding, or improving veterans' cemeteries owned by such State." and inserting "assist such State in the following:

"(A) Establishing, expanding, or improving veterans' cemeteries owned by such State.

"(B) Operating and maintaining such cemeteries.".

(2) LIMITATION ON AMOUNTS AWARDED.—Subsection (e) of such section is amended—

(A) by inserting "(1)" before "Amounts"; and

(B) by adding at the end the following new paragraph:

"(2) In any fiscal year, the aggregate amount of grants awarded under this section for the purposes specified in subsection (a)(1)(B) may not exceed $5,000,000.".

(3) CONFORMING AMENDMENTS.—(A) Subsection (b) of such section is amended—

(i) by striking "Grants under this section" and inserting "Grants under this section for the purposes described in subsection (a)(1)(A)"; and

(ii) by striking "a grant under this section" each place it appears and inserting "such a grant".

(B) Subsection (d) of such section is amended by inserting ", or in operating and maintaining a veterans' cemetery," after "veterans' cemetery".

(C) Subsection (f)(1) of such section is amended by inserting ", or in operating and maintaining veterans' cemeteries," after "veterans' cemeteries".

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection.

By Mr. LUGAR (for himself, Mr. DODD, Mr. GRAHAM, Mr. DOMENICI, and Ms. LANDRIEU):

S. 1267. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, I am pleased to rise today with my colleagues Senators DODD, GRAHAM, DOMENICI, and LANDRIEU to introduce the Free Flow of Information Act.

The free flow of information is an essential element of democracy. A free press promotes an open marketplace of information and provides public and private sector accountability to our Nation's electorate. By ensuring the free flow of information, citizens can work to bring about improvements in our governance and in our civic life. It is in our nation's best interest to have an independent press that is free to question, challenge, and investigate issues and stories, without concern for political party, position or who holds power. The role of the media as a conduit between government and the citizens it serves must not be devalued.

This principle that we practice at home is also one that we promote abroad. Spreading democracy abroad has become a pillar of United States foreign policy, and we have recognized that a free and independent press is both essential to building democracies and a barometer of the health of young and often imperfect democratic systems. The example of press freedom we set in this country is an important beacon to guide other nations as they make the transition from autocratic forms of government.

Unfortunately, the free flow of information to citizens of the United States is inhibited and our open market of information is being threatened. While gathering information on a story, a journalist is sometimes required to accept information under a promise of confidentiality. Without assurance of anonymity, many conscientious citizens with evidence of wrongdoing would stay silent. Restricting the manner in which appropriate news is gathered is tantamount to restricting the information that the public has the right to hear.

After a long period when there were few clashes between the media and authorities, a disturbing new trend has developed. More than 30 reporters have recently been served subpoenas or questioned in at least four different Federal jurisdictions about their confidential sources. From 1991 to September 6, 2001, the Department of Justice issued 88 subpoenas to the media, 17 of which sought information leading to the identification of confidential sources. In fact, three journalists have been imprisoned at the request of the Department of Justice, U.S. attorneys under its supervision, or special prosecutors since 2000. As a result, the press is hobbled in performing the public service of reporting news. I fear the end result of such actions is that many whistleblowers will refuse to come forward and reporters will be unable to provide the American people with information they deserve.

Most jurisdictions in our country have recognized that confidential sources are integral to the press's role of keeping the public informed, and have provided some kind of shield so that journalists can keep secret the names of such sources. Every State and the District of Columbia, excluding Wyoming, has, by legislation or court ruling, created a privilege for reporters not to reveal their confidential sources. My own State of Indiana provides qualified reporters appropriate protection from having to reveal any such information in court.

The Federal courts of appeals, however, have an inconsistent view of this matter. Some circuits allow the privilege in one category of cases, while others have expressed skepticism about whether any privilege exists at all. It does not make sense to have a Federal system of various degrees of press freedom dependent upon where you live or who provides the subpoena. In fact, 34 State attorneys general have argued that the lack of a clear standard of Federal protection undermines state laws.

In addition, there is ambiguity between official Department of Justice rules and unofficial criteria used to secure media subpoenas. The Department of Justice guidelines also do not apply to special prosecutors or private civil litigants. There is an urgent need for Congress to state clear and concise policy guidance.

In response to this situation, 2 years ago, I was pleased to join with my colleague Congressman MIKE PENCE, and

Congressman RICK BOUCHER in the House of Representatives and Senator CHRIS DODD in the Senate to introduce the Free Flow of Information Act. This legislation provides journalists with certain rights and abilities to seek sources and report appropriate information without fear of intimidation or imprisonment. The bill sets national standards which must be met before a Federal entity may issue a subpoena to a member of the news media in any Federal criminal or civil case. It sets out certain tests that civil litigants or prosecutors must meet before they can force a journalist to turn over information. Litigants or prosecutors must show, for instance, that they have tried, unsuccessfully, to get the information in other ways and that the information is critical to the case. These standards were based on Justice Department guidelines and common law standards.

Subsequently, additional protections have been added to this bill to ensure that information will be disclosed in cases where the information is critical to prevent death or bodily harm or in cases which relate to the unlawful disclosure of trade secrets. The bill also permits a reporter to be compelled to reveal the source in certain national security situations. Finally, the bill would provide protections to ensure that source information can be provided when personal health records and financial records were disclosed in violation of Federal law.

By providing the courts with a framework for compelled disclosure, our legislation promotes greater transparency of government, maintains the ability of the courts to operate effectively, and protects whistleblowers who identify government or corporate misdeeds.

It is also important to note what this legislation does not do. The legislation neither gives reporters a license to break the law, nor permits reporters to interfere with criminal investigation efforts. State shield laws have been on the books for years, and I have not seen any evidence to support a correlation between reporter privilege laws and criminal activity or threats to public safety. Furthermore, the Free Flow of Information Act does not weaken our national security. The explicit national security exception will ensure that reporters are protected while maintaining an avenue for prosecution and disclosure when considering the defense of our country. This qualified privilege has been carefully crafted to balance the distinct and important roles of both the press and law enforcement.

As ranking member of the United States Senate Foreign Relations Committee, I believe that passage of this bill would have positive diplomatic consequences. This legislation not only confirms America's Constitutional commitment to press freedom, it also advances President Bush's American foreign policy initiatives to promote and protect democracy. Our Nation always leads best when it leads by example.

Unfortunately, the press remains under siege in a number of foreign countries. For instance, Reporters Without Borders points out that 125 journalists are currently in jail around the world, with more than half of these cases in China, Cuba, and Burma. This is not good company for the United States of America. Global public opinion is always on the lookout to advertise perceived American double standards.

I would like to thank my colleague, Senator CHRIS DODD as well as MIKE PENCE and RICK BOUCHER, in the House of Representatives for their tireless work on this issue. I look forward to continuing work with each of them to protect the free flow of information.

Mr. DODD. Mr. President, I rise to join my colleague Senator LUGAR, along with Representatives BOUCHER and PENCE in the House of Representatives, in introducing the Free Flow of Information Act. This bill would protect journalists from being forced to reveal their confidential sources, not as an end in itself, but as a means to a well-informed public. I applaud the tireless efforts of the senior Senator from Indiana, Mr. LUGAR, in once again bringing this important issue to the attention of Congress and indeed the nation.

I hardly have to read the litany of grave wrongs that have been exposed because journalists called the powerful to account. And I don't have to remind you how many of those exposures relied on confidential sources. Without confidential sources, would we still be ignorant about abuse of power in the Watergate era? Without confidential sources, would Enron still be profiting from fraud? How long would torture at Abu Ghraib have persisted, if proof hadn't been provided to the press?

The free flow of information provides the American people its most meaningful check on abuses such as those. Thomas Jefferson said it best: "If I had to make a choice, to choose the government without the press or to have the press but without the government, I will select the latter without hesitation." Jefferson clearly understood that a free Government cannot possibly last without a free press.

But today, we find this cornerstone of self-government facing a new threat. This threat has not come from the dictates of a dangerous government, but from the best of intentions. In a spate of recent cases, prosecutors have used subpoenas, fines, and jail time to compel journalists to reveal their anonymous sources. Judith Miller of The New York Times was jailed for 85 days for refusing to reveal a source. Two San Francisco Chronicle reporters were found in contempt of court for refusing to identify sources and hand over material related to the BALCO steroids investigation. A Rhode Island journalist was sentenced to home arrest on similar charges. Last year alone, a total of some two dozen reporters have been subpoenaed or questioned about confidential sources. They were all journalists prosecuted only for the offense of journalism.

The impact of these subpoenas on the broader issue of freedom of information is undeniable. Last summer, for instance, the editor-in-chief of Time magazine testified before the Senate Judiciary Committee. This is what he said about the fallout from the Justice Department's efforts to obtain confidential information from a Time reporter: "Valuable sources have insisted that they no longer trusted the magazine and that they would no longer cooperate on stories. The chilling effect is obvious."

The chilling effect is obvious. Experience has shown us that the most effective constraint on free speech need not be blatant censorship: A few cases like Ms. Miller's and the San Francisco Chronicle's, and news will begin censoring itself. We can only speculate as to how many editors and publishers put the brakes on a story for fear that it could land one of their reporters in a spider web of subpoenas, charges of contempt, and prison. When we minimize the impact of confidential sources, serious journalism is crippled. We will find our papers full of stories more and more palatable to the powerful and secretive. No one argues that that is the intention of those prosecuting these cases; but few deny that it could, in time, be their effect.

When journalists are hauled into court and threatened with imprisonment if they don't divulge their sources, we are entering dangerous territory for a democracy. The information we need to remain sovereign will be degraded; the public's right to know will be threatened; and I suggest to you that the liberties we hold dear will be threatened as well.

That is exactly why we need a Federal reporter shield. Forty-nine States and the District of Columbia have already recognized that need by enacting similar protection on the state level either through legislation or court decisions; the Free Flow of Information Act simply extends that widely recognized protection to the Federal courts.

The new version of this bill expands coverage in two significant ways. First, it will not only protect the information journalists obtain under the promise of confidentiality; it will also cover the "work product" of journalists as well, whether or not it was subject to that promise. And second, it no longer limits its protection to mainstream reporters; the new version also shields any person "engaged in journalism." In today's expansive media environment, it would be unacceptable to deny the shield to our citizen-journalists.

Of course, the reporter shield is not absolute. The public's need to know must be weighed against other goods, and that is why the bill establishes a balancing test that takes into account "both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information." Specifically, the bill will not protect anonymity when disclosure of a source would prevent imminent harm to national security, imminent death or bodily harm, or the release of personal or health related information. In other words, we are balancing our right to know with our need for security, whether physical or economic. Secrecy is as necessary in extreme circumstances as it is dangerous on the whole.

It is on the idea of balance that I would like to conclude. A prosecution, whatever its individual merits, sacrifices something higher when it turns on reporters; and so those merits must be balanced against the broader harms such a prosecution can work. If a free press inexorably creates a free government, as Jefferson suggested, then the agents of that free government, prosecutors included, owe a high debt to journalism. When prosecutors threaten journalism, they have begun to renege on that debt. So I am proud to support this valuable bill, a step toward rebalancing the pursuit of justice and the diffusion of truth.

By Mr. INHOFE:

S. 1269. A bill to improve border security in the United States and for other purposes; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, I once again today introduced S. 1269, the ENFORCE Act, because this body has failed to move forward with sound immigration legislation. My bill is a strong step in the right direction to help solve our growing problem of illegal immigration.

I did this already. I did this last year. We had a chance to talk about it, but we never were able to get this up to a vote. I do want to keep this subject moving because people are not talking about this anymore. This bill focuses on securing our borders and empowering our citizens and law enforcement officers to fight the all-time high flood of illegal immigrants. There are around a million illegal aliens infiltrating our borders each year. It also addresses some of the lesser known but equally destructive exploitations of our Nation by some of these illegal immigrants.

I wish to be clear, for some reason—I am not sure why— I have been honored over the years to speak at nationalization ceremonies. It is one of the emotional things a person can go through. When you see people coming into this country and doing it the way they are supposed to, they learn the history. Those who have gone through the legal process know more about the history of America than the average person you run into on the street. I am very strongly in favor of legal immigration.

In 1997, the U.S. Commission on Immigration Reform stated that "measured, legal immigration has led to create one of the world's greatest multiethnic nations." I agree with that statement. I also agree with their statement that when immigrants become "Americanized," they help cultivate a shared commitment to "liberty, democracy, and equal opportunity" in our Nation. That is legal immigration. I agree with that.

However, I am quoting now from Roy Beck, executive director of Numbers USA. He stated:

> A presence of 8 to 11 million illegal aliens—

I think the figure is now approximately 12 million—

> in this country is a sign that this country has lost control of its borders and the ability to determine who is a member of this national community. And a country that has lost that ability increasingly loses its ability to determine the rules of its society—environmental protections, labor protection, health protections, safety protections.

Further quoting:

> In fact, a country that cannot keep illegal immigration to a low level quickly ceases to be a real country, or a real community. Rather than being self-governed, such a country begins to have its destiny largely determined by citizens of other countries who manage to move in illegally.

With that being said, I cannot and I will not stand idly by and watch our great Nation collapse under the pressures of uncontrolled illegal immigration. This is a crisis, one that must be addressed aggressively. While I would not belabor the point, I will chronicle some of illegal immigration's specific threats to our Nation's vitality and how this bill will address them.

First and foremost, the issue of border security must be addressed. My bill would help ramp up border security by providing a way for civilians and retired law enforcement officers to assist the Border Patrol in stopping illegal border crossings. Keep in mind, if you are a retired Federal law enforcement officer, they have a mandatory retirement age of 57. There are many of these who would work for expenses. What we are advocating is a three-tiered system where you have the Border Patrol who are skilled the way they are today but have them fortified by this army of retired law enforcement officers and then bring in the third tier which are those which we have watched in the past that have been very effective in adding to the numbers on the border.

It is already working. It is very similar to the National Neighborhood Watch Program. I know in my State of Oklahoma it has been a very effective program. It is more eyes to watch and more talent to arrest, when necessary. A more obscure issue that also warrants reform is the legal status of what has become known as anchor babies.

To better their odds of remaining in the United States, illegal immigrants have taken advantage of a constitutional provision granting automatic citizenship to anyone born on U.S. soil. Unfortunately, by providing citizenship to these "anchor babies," as they are known, our Nation rewards the illegal entry of their parents and facilitates the further exploitation of our borders and national resources.

This trend has contributed to the alarming fact that the illegal immigrant population is growing faster than the birthrate of American citizens. According to the Center for Immigration Studies, based on numbers from the National Center of Health Statistics, in 2002, there were about 8.4 million illegal aliens, which represented about 3.3 percent of the total U.S. population. That same year, there were about 383,000 babies born to illegal aliens, which represents about 9.5 percent of all U.S. births in 2002.

This problem continues to grow exponentially and serves as a strong incentive for more aliens to illegally cross into our country in hopes of shortcutting citizenship requirements. Language included in the ENFORCE Act will put an end to this much exploited practice.

Another "supposed" obligation we face is the education of illegal aliens. Some States, such as my State of Oklahoma, allow the illegal aliens the advantage of receiving in-State tuition at our State colleges and universities. I believe it is inexcusable to give away State-subsidized educations to those who do not pay taxes. This act will address this problem by making it unlawful for illegal aliens to receive this particular handout.

The ENFORCE Act includes several provisions to halt illegal immigrants' continued exploitation of our tax laws and our Social Security benefits. One of the greatest problems in this area is illegal immigrants' abuse of the individual tax identification number. That is the ITIN program.

Currently, it so closely resembles the Social Security number that many illegal immigrants are able to use it in place of a Social Security card to bypass our tax laws or receive wrongly awarded benefits. The ENFORCE Act will require a change in the physical appearance of this particular document so its identity can no longer be mistaken for that of a Social Security number, and it will also prohibit that document from being used for identification purposes.

Additionally, my bill will require Social Security numbers to expire as soon as a person's permission to be in the United States expires. So it would expire at the same time that permission expires.

It will prohibit illegal immigrants who gain legal status from collecting Social Security benefits for the time they worked illegally in the country.

Finally, the legality of day-labor centers is a topic that must be addressed by any comprehensive immigration reform package. These day-labor centers exist within illegal immigration-friendly "sanctuary sites" and not just in San Francisco. Day-labor centers are State-designated and funded sites where illegal aliens congregate and wait for employers to pick them up for a day of illegal work.

One such site was approved in 2005 in Fairfax County, VA, to be paid for by taxpayer dollars. Sanctuary cities such as these enable and encourage unlawful activity by both illegal aliens and the employers who hire them. The ENFORCE Act will outlaw the creation of those particular centers.

Illegal immigrants continue to cause a myriad of problems for our country and for law-abiding citizens such as you and me. Illegal immigrants not only drain our economy through their exploitation of public services and resources, but we must not forget the national security threat posed by would-be terrorists who have entered our country illegally or remain here unlawfully by overstaying their visas.

The Center for Immigration Study says:

> Even though illegal aliens make little use of welfare, from which they are generally barred, the costs of illegal immigration in terms of government expenditures for education, criminal justice, and emergency medical care are significant. Illegal immigration is straining our economy, jeopardizing our security, and burdening our education and health care systems.

So this ENFORCE Act will provide solid tools to eliminate illegal immigration and strongly enforce the existing U.S. immigration laws. The seriousness of this crisis warrants that Americans of all political stripes come together to address this problem.

One thing that is not included in this legislation that I think should be included in any kind of reform—and some of my colleagues can remember I had on the floor of the Senate the legislation making English the official language of the United States—and it is interesting that some 88 percent of the American people want this, and some 70 percent of the Hispanic population want this also. It is also interesting that there are 50 countries around the world that have English as their official language, including Ghana in West Africa and some other countries, and yet we do not have it for ourselves. But that is going to be handled separately at a different time.

History shows us that declaring "immigration bankruptcy" does not work. We saw that in the amnesty of 1986. Simply granting citizenship to immigrants who are currently in our country illegally is not the answer. We have to enhance our border security, hold those accountable who encourage illegal immigration, and ensure that those who violate our laws by entering our country illegally do not remain here and are not easily welcomed back.

So I am introducing that legislation, and I am going to be bringing it up at the appropriate time.

By Mr. AKAKA (for himself, Mr. KENNEDY, Mr. INOUYE, Mr. OBAMA, Mr. DURBIN, Mr. HARKIN, Mr. SALAZAR, and Mr. ISAKSON):

S. 1270. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, today I am introducing the Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act to ensure fair treatment of commercial airline pilot retirees. I thank my cosponsors, Senators KENNEDY, INOUYE, OBAMA, DURBIN, HARKIN, and SALAZAR. I also thank Representative GEORGE MILLER for introducing the companion legislation in the other body.

My bill corrects an injustice imposed on pilots whose pensions have been terminated and handed over to the Pension Benefit Guaranty Corporation, PBGC. This bill will lower the age requirement to receive the maximum pension benefits allowed by the PBGC to age 60 for pilots, who are mandated by the Federal Aviation Administration, FAA, to retire before age 65. With the airline industry experiencing severe financial distress, we need to enact this legislation to assist pilots whose companies have been or will be unable to continue their defined benefit pension plans. This bill will require the PBGC to take into account the fact that the pilots are required to retire at the age of 60 when calculating their benefits.

The FAA requires commercial aviation pilots to retire when they reach the age of 60. Pilots are therefore denied the maximum pension benefit administered by the PBGC because they are required to retire before the age of 65. Herein lies the problem. If pilots want to work beyond the age of 60, they have to request a waiver from the FAA. It is my understanding that the FAA has only granted these waivers for pilots working for foreign airlines that fly to and from the United States. Therefore, retired pilots whose pensions are administered by the PBGC do not receive the maximum pension guarantee because they are forced to retire at age 60.

For plans terminated in 2005, the maximum benefit for someone that retires at 65 is $45,614 a year. For those who retire at 60, the maximum is $29,649. This significant reduction in benefits puts pilots in a difficult position. Their pensions have been reduced significantly and they are prohibited from reentering their profession due to the mandatory retirement age. They are unable to go back to their former jobs. My legislation ensures that pilots are able to obtain the maximum PBGC benefit without being unfairly penalized for having to retire at 60. We must pass this bill to provide some relief for United Airlines, Aloha Airlines, US Airways, Delta, TWA, and other pilots who have had their pensions terminated and taken over by the PBGC and suffer from this wrongly imposed penalty.

In the previous Congress, this legislation was included in the Senate-passed version of the Pension Security and Transparency Act of 2005. However, this provision was not included in the conference report. I urge my colleagues to support this bill so that we can finally provide some relief for our pilots who already have suffered financially due to the termination of their pension plans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Benefit Guaranty Corporation Pilots Equitable Treatment Act".

SEC. 2. AGE REQUIREMENT FOR AIRLINE PILOTS.

(a) SINGLE-EMPLOYER PLAN BENEFITS GUARANTEED.—Section 4022(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(3)) is amended by inserting at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this paragraph shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

(b) AGGREGATE LIMIT ON BENEFITS GUARANTEED; CRITERIA APPLICABLE.—Section 4022B(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322b(a)) is amended by adding at the end the following: "If, at the time of termination of a plan under this title, regulations prescribed by the Federal Aviation Administration require an individual to separate from service as a commercial airline pilot after attaining any age before age 65, this subsection shall be applied to an individual who is a participant in the plan by reason of such service by substituting such age for age 65.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to benefits payable on or after the date of enactment of this Act.

By Mr. KYL:

S. 1273. A bill to amend the Internal Revenue Code of 1986 to allow permanent look-through treatment of payments between related foreign corporations; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing legislation to make permanent a provision of our tax that was enacted in 2006 as part of the Increase Prevention and Reconciliation Act, but expires at the end of 2008. The controlled-foreign corporation (CFC) look-through provision allows U.S.-based multinational companies to better compete with foreign companies by enabling them to be more flexible in their overseas operations. In this age of global competition, I hope my colleagues will agree that the United States needs to maintain a business climate that encourages U.S.-based companies to grow and succeed. The CFC look-through provision is an important part of that effort.

For several years now, I have been encouraging my colleagues to recognize that our tax system puts many of our best U.S. employers at a competitive disadvantage as compared to foreign-based companies. Many foreign countries only impose tax on income earned within their borders; the United States taxes U.S. companies on their worldwide income.

The general rule is that income from a foreign subsidiary is not taxed by the United States until those earnings are brought back to the U.S. parent, usually in the form of a dividend. Subpart F of the Internal Revenue Code sets forth a number of exceptions to this general rule, imposing current U.S. tax, instead of allowing deferral of taxation, on subsidiary earnings generally when that income is passive in nature. One exception to the general deferral rule imposes tax on the U.S. parent when a foreign-based subsidiary receives dividends, interest, rents or royalties from another subsidiary that is located in a different country. If the two subsidiaries are in the same country, however, U.S. tax is generally deferred until the income is repatriated to the U.S. parent.

In 2005, I introduced legislation to extend this "same-country" treatment, the CFC look-through provision, to payments between related foreign subsidiaries that are located in different countries, and I was pleased that the 2006 tax reconciliation bill included this provision. Today, I am introducing legislation to make the CFC look-through permanent.

Today's global economy is significantly different from the environment that existed when the subpart F rules were first introduced in 1962. As the global economy has changed, the traditional model for operating a global business has changed as well. In today's world, it makes no sense to impose a tax penalty when a company wants to fund the operations of a subsidiary in one country from the active business earnings of a subsidiary in another country. For example, to operate efficiently, a U.S.-based manufacturer could establish specialized manufacturing sites, distribution hubs, and service centers. As a result, multiple related-party entities may be required to fulfill a specific customer order. Before the CFC look-through was enacted last year, U.S. tax law inappropriately increased the cost for these foreign subsidiaries to serve their customers in a very competitive business environment by imposing current tax on these related-party payments, even though the income continues to be used in active operations in the foreign market.

In another example, financial institutions have established foreign subsidiaries with headquarters in a financial center, such as London, and branches in multiple countries in the same geographic region. This permits an efficient "hub and spoke" form of regional operation; however, this efficient business model made it difficult for the same-country exception to be met for payments of dividends and interest.

Before the CFC look-through was enacted, American companies were at a real and significant competitive disadvantage as compared to foreign-based companies. U.S.-based multinationals were penalized for responding to market or investment opportunities by redeploying active foreign earnings among foreign businesses conducted through multiple subsidiaries. To remove this impediment, Congress amended subpart F to provide a general exception for inter-affiliate payments of dividends, interest, rents or royalties that are generated from an active business.

Congress was right to apply look-through treatment to payments of dividends, interest, rents and royalties between subsidiaries. If the underlying earnings would not have been subject to subpart F, the payments should not be subpart F income. Look-through treatment for payments of dividends, interest, rents and royalties should be permitted as long as the payments are made out of active business, non-subpart F, income. Look-through principles are already well developed for other purposes of the Internal Revenue Code. For example, a look-through approach to the characterization of foreign income is used for purposes of calculating foreign tax credits. A consistent application of look-through principles simplifies the interaction between subpart F and the foreign tax credit rules.

If we want to keep U.S.-based multinational companies, which employ millions of workers here at home headquartered in the United States, we must modernize our tax rules so that our companies can be competitive around the globe. I urge my colleagues to cosponsor this legislation to make permanent this modest change in the law that will enhance the position of U.S.-based employers trying to succeed in competitive foreign markets.

By Mr. DURBIN:

S. 1274. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food for humans and pets; to the Committee on Health, Education, Labor, and Pensions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human and Pet Food Safety Act of 2007".

SEC. 2. FOOD SAFETY FOR HUMANS AND PETS.

(a) ADVERSE EVENTS; INSPECTIONS; RECALL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 417. NOTIFICATION AND RECALL.

"(a) NOTICE TO SECRETARY OF VIOLATION.—

"(1) IN GENERAL.—A person that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of this Act shall immediately notify the Secretary of the identity and location of the food.

"(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation.

"(b) RECALL AND CONSUMER NOTIFICATION; VOLUNTARY ACTIONS.—If the Secretary determines that food is in violation of this Act when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Secretary, the Secretary shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

"(1) cease distribution of the food;

"(2) notify all persons—

"(A) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

"(B) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food:

"(3) recall the food;

"(4) in conjunction with the Secretary, provide notice of the finding of the Secretary—

"(A) to consumers to whom the food was, or may have been, distributed; and

"(B) to State and local public health officials; or

"(5) take any combination of the measures described in this paragraph, as determined by the Secretary to be appropriate in the circumstances.

"(c) CIVIL AND CRIMINAL PENALTIES.—

"(1) CIVIL SANCTIONS.—

"(A) CIVIL PENALTY.—Any person that commits an act that violates the notification and recall standards under subsection (b) (including a regulation promulgated or order issued under this Act) may be assessed a civil penalty by the Secretary of not more than $10,000 for each such act.

"(B) SEPARATE OFFENSE.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.

"(2) OTHER REQUIREMENTS.—

"(A) WRITTEN ORDER.—The civil penalty described in paragraph (1) shall be assessed by the Secretary by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Secretary.

"(B) AMOUNT OF PENALTY.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Secretary, after considering—

"(i) the gravity of the violation;

"(ii) the degree of culpability of the person;

"(iii) the size and type of the business of the person; and

"(iv) any history of prior offenses by the person under this Act.

"(C) REVIEW OF ORDER.—The order may be reviewed only in accordance with subsection (d).

"(3) EXCEPTION.—No person shall be subject to the penalties of this subsection—

"(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Secretary)—

"(i) the name, address and contact information of the person from whom that person purchased or received the food;

"(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

"(iii) copies of all documents pertaining to the delivery of the food to that person; or

"(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

"(d) JUDICIAL REVIEW.—

"(1) IN GENERAL.—An order assessing a civil penalty under subsection (c) shall be a final order unless the person—

"(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

"(B) simultaneously serves a copy of the petition by certified mail to the Secretary.

"(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Secretary shall file in the court a certified copy of the administrative record upon which the order was issued.

"(3) STANDARD OF REVIEW.—The findings of the Secretary relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

"(e) COLLECTION ACTIONS FOR FAILURE TO PAY.—

"(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (c) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (d) has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

"(2) LIMITATION ON REVIEW.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Secretary assessing the civil penalty shall not be subject to judicial review.

"(f) PENALTIES PAID INTO ACCOUNT.—The Secretary—

"(1) shall deposit penalties collected under this section in an account in the Treasury; and

"(2) may use the funds in the account, without further appropriation or fiscal year limitation—

"(A) to carry out enforcement activities under food safety law; or

"(B) to provide assistance to States to inspect retail commercial food establishments, such as an establishment that holds, stores, or transports food or food ingredients, or other food or firms under the jurisdiction of State food safety programs.

"(g) DISCRETION OF THE SECRETARY TO PROSECUTE.—Nothing in this section, section 418, or section 419 requires the Secretary to report for prosecution, or for the commencement of an action, the violation of this Act in a case in which the Secretary finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

"(h) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

"SEC. 418. MANDATORY RECALL ACTION.

"(a) MANDATORY ACTIONS.—If a person referred to in section 417(b) refuses to or does not adequately carry out the actions described in that section within the time period and in the manner prescribed by the Secretary, the Secretary shall—

"(1) have authority to control and possess the food, including ordering the shipment of the food from a food establishment, such as an establishment that holds, stores, or transports food or food ingredients, to the Secretary—

"(A) at the expense of such food establishment; or

"(B) in an emergency (as determined by the Secretary), at the expense of the Secretary; and

"(2) by order, require, as the Secretary determines to be necessary, the person to immediately—

"(A) cease distribution of the food; and

"(B) notify all persons—

"(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

"(ii) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

"(b) NOTIFICATION TO CONSUMERS BY SECRETARY.—The Secretary shall, as the Secretary determines to be necessary, provide notice of the finding of the Secretary under paragraph (1)—

"(1) to consumers to whom the food was, or may have been, distributed; and

"(2) to State and local public health officials.

"(c) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under section 417(b)(2) or subsection (a)(2)(B) of this section shall immediately cease distribution of the food.

"(d) AVAILABILITY OF RECORDS TO SECRETARY.—Each person referred to in section 417 that processed, distributed, or otherwise handled food shall make available to the Secretary information necessary to carry out this subsection, as determined by the Secretary, regarding—

"(1) persons that processed, distributed, or otherwise handled the food; and

"(2) persons to which the food has been transported, sold, distributed, or otherwise handled.

"(e) INFORMAL HEARINGS ON ORDERS.—

"(1) IN GENERAL.—The Secretary shall provide any person subject to an order under subsection (a) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

"(2) SCOPE OF THE HEARING.—In a hearing under paragraph (1), the Secretary shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.

"(f) POST-HEARING RECALL ORDERS.—

"(1) AMENDMENT OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that there is a reasonable probability that the food that is the subject of an order under subsection (a), if consumed, would present a threat to the public health, the Secretary, as the Secretary determines to be necessary, may—

"(A) amend the order to require recall of the food or other appropriate action;

"(B) specify a timetable in which the recall shall occur;

"(C) require periodic reports to the Secretary describing the progress of the recall; and

"(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

"(2) VACATION OF ORDERS.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that adequate grounds do not exist to continue the actions required by the order, the Secretary shall vacate the order.

"(g) REMEDIES NOT EXCLUSIVE.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

"SEC. 419. FOREIGN INSPECTIONS; IMPORTS.

"(a) AUTHORITY TO INSPECT.—The Secretary shall have the authority to visit any foreign country that imports to the United States human or pet food. Such a visit shall be for the purpose of auditing the food safety or pet food programs of such foreign country or to conduct investigations in the event that a food or ingredient of a food is found to violate this Act.

"(b) IMPORTS.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall establish a system under which a foreign government or foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States shall submit a request for certification to the Secretary.

"(2) CERTIFICATION STANDARD.—A foreign government or foreign manufacturer, importer, distributor, or retailer requesting a certification to import food to the United States shall demonstrate, in a manner determined appropriate by the Secretary, that food produced under the supervision of a foreign government or by the foreign manufacturer, importer, distributor, or retailer has met standards for food safety, inspection, labeling, and consumer protection that are at least equivalent to standards applicable to food produced in the United States.

"(3) CERTIFICATION APPROVAL.—

"(A) REQUEST BY FOREIGN GOVERNMENT.—Prior to granting the certification request of a foreign government, the Secretary shall review, audit, and certify the food safety program of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

"(B) REQUEST BY FOREIGN ESTABLISHMENT.—Prior to granting the certification request of a foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States, the Secretary shall certify, based on an onsite inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

"(4) LIMITATION.—A foreign government or foreign manufacturer, importer, distributor, or retailer approved by the Secretary to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.

"(5) WITHDRAWAL OF CERTIFICATION.—The Secretary may withdraw certification of any food from a foreign government or foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States—

"(A) if such food is linked to an outbreak of human illness;

"(B) following an investigation by the Secretary that finds that the food safety programs and procedures of the foreign government or foreign manufacturer, importer, distributor, or retailer are no longer equivalent to the food safety programs and procedures in the United States; or

"(C) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

"(6) RENEWAL OF CERTIFICATION.—The Secretary shall audit a foreign government and a foreign manufacturer, importer, distributor, or retailer that seeks to import food to the United States at least every 5 years to ensure the continued compliance with the standards set forth in this section.

"(7) REQUIRED ROUTINE INSPECTION.—The Secretary shall routinely inspect food and food animals (via a physical examination) before it enters the United States to ensure that it is—

"(A) safe;

"(B) labeled as required for food produced in the United States; and

"(C) otherwise meets requirements under this Act.

"(8) RECORDS INSPECTION.—

"(A) IN GENERAL.—The responsible party or importer shall permit an authorized person to have access to records required to be maintained under this section during an inspection pursuant to section 704.

"(B) DEFINTIONS.—For purposes of this paragraph—

"(i) the term 'authorized person' means an officer or employee of the Department of Health and Human Services, who has—

"(I) appropriate credentials, as determined by the Secretary; and

"(II) been duly designated by the Secretary to have access to the records required under this section; and

"(ii) the term 'responsible party' means, with respect to an article of food, any person responsible for the manufacturing, processing, packaging, or holding for such food for consumption in the United States.

"(9) ENFORCEMENT.—The Secretary is authorized to—

"(A) deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

"(B) deny importation of food from any foreign government or foreign manufacturer, importer, distributor, or retailer that does not consent to an investigation by the Administration when food from that foreign country or foreign firm is linked to a foodborne illness outbreak or is otherwise found to be adulterated or mislabeled; and

"(C) promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

"(10) DETENTION AND SEIZURE.—Any food imported for consumption in the United States may be detained, seized, or condemned pursuant to section 418.".

SEC. 3. ENSURING EFFICIENT AND EFFECTIVE COMMUNICATIONS DURING A RECALL.

The Secretary shall, during an ongoing recall of human or pet food shall—

(1) work with companies, relevant professional associations, and other organizations to collect and aggregate information pertaining to the recall;

(2) use existing networks of communication including electronic forms of information dissemination to enhance the quality and speed of communication with the public; and

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. 4. ENSURING THE SAFETY OF PET FOOD.

(a) PROCESSING AND INGREDIENT STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary"), in consultation with the Association of American Feed Control Officials, and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers, shall by regulation establish—

(1) processing and ingredient standards with respect to feed, pet food, animal waste, and ingredient definitions; and

(2) updated standards for the labeling of pet food that includes nutritional information and ingredient information.

(b) EARLY WARNING SURVEILLANCE SYSTEMS AND NOTIFICATION DURING PET FOOD RECALLS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall by regulation establish an early warning and surveillance system to identify contaminations of the pet food supply and outbreaks of illness from pet food. In establishing such system, the Secretary shall—

(A) use surveillance and monitoring mechanisms similar to, or in coordination with, those mechanisms used by the Centers for Disease Control and Prevention to monitor human health, such as the Foodborne Diseases Active Surveillance Network (FoodNet) and PulseNet;

(B) consult with relevant professional associations and private sector veterinary hospitals; and

(C) work with Health Alert Networks and other notification networks to inform veterinarians and relevant stakeholders during any recall of pet food.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) such sums as may be necessary.

SEC. 5. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1) the safety and integrity of the United States food supply is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion pets caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic loses to manufactures and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination; and

(B) an increasing volume of imported food, without adequate monitoring and inspection;

(4) the United States is increasing the amount of food that it imports such that—

(A) from 2003 to the present, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average Americans diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat and 78.6 percent of fish and shellfish; and

(5) the number of full time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional Food and Drug Administration inspectors are required if we are to improve Food and Drug Administration's ability to safeguard the food supply of the United States; and

(3) because of the increasing volume of international trade in food products the Secretary of Health and Human Services should make it a priority to enter into agreements, including memoranda of understanding, with the trading partners of the United States with respect to food safety.

SEC. 6. ANNUAL REPORT TO CONGRESS.

The Secretary of Health and Human Service shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

(1) the number and amount of food products imported into the United States, aggregated by country, and type of food, if any;

(2) a listing of the number of inspectors of imported food products and the number of inspections performed on such products; and

(3) aggregated data on the findings of such inspections, including data related to violations of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), and enforcement mechanisms used to follow-up on such findings and violations.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—URGING ALL SIDES TO THE CURRENT POLITICAL CRISIS IN UKRAINE TO ACT RESPONSIBLY AND USE DIALOGUE TO RESOLVE THE CRISIS AND ENSURE A FREE AND TRANSPARENT DEMOCRATIC SYSTEM IN UKRAINE BASED ON THE RULE OF LAW

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 30

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) acknowledges and welcomes the strong relationship formed between the United States and Ukraine since the restoration of Ukraine's independence in 1991;

(2) urges all sides to the current political crisis in Ukraine to act responsibly and use dialogue to resolve the crisis;

(3) urges all sides to adhere to the rule of law and resolve disputes in a peaceful manner consistent with Ukraine's democratic values and national interest, in keeping with its commitments as a member of the Organization for Security and Cooperation in Europe (OSCE);

(4) expresses strong and continuing support for the efforts of the Ukrainian people to establish a full democracy, the rule of law, and respect for human rights;

(5) pledges its continued assistance to the strengthening of a free and transparent democratic system in Ukraine based on the rule of law and the continued development of a free market economy in Ukraine; and

(6) reaffirms its commitment to Ukraine's independence, sovereignty and territorial integrity, and assumption of Ukraine's rightful place as a full member of the international community of democracies.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1008. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 1009. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1010. Mr. COCHRAN (for himself, Mr. Carper, Mr. Nelson, of Nebraska, Mr. Hatch, Mr. Bennett, Mr. Enzi, Mr. Burr, and Mr. Menendez) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. Dorgan (for himself, Ms. Snowe, Mr. Grassley, Mr. McCain, Ms. Stabenow, Mr. Nelson of Florida, Mr. Pryor, Mr. Sanders, Mr. Whitehouse, and Mrs. McCaskill) to the bill S. 1082, supra.

SA 1011. Ms. STABENOW (for herself, Mr. Thune, Mr. Lott, Mr. Brown, and Mr. Kohl) submitted an amendment intended to be proposed by her to the bill S. 1082, supra.

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1013. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1014. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. Dorgan (for himself, Ms. Snowe, Mr. Grassley, Mr. McCain, Ms. Stabenow, Mr. Nelson of Florida, Mr. Pryor, Mr. Sanders, Mr. Whitehouse, and Mrs. McCaskill) to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1015. Mr. HAGEL (for himself and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1016. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1017. Mr. GREGG (for himself and Mr. Coleman) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. Snowe, Mr. Grassley, Mr. McCain, Ms. Stabenow, Mr. Nelson of Florida, Mr. Pryor, Mr. Sanders, Mr. Whitehouse, and Mrs. McCaskill) to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1018. Mr. DEMINT (for himself, Mr. Inhofe, Mr. Brownback, Mr. Martinez, Mr. Vitter, and Mr. Coburn) submitted an amendment intended to be proposed by him to the bill S. 1082, supra.

SA 1019. Mr. CASEY (for himself and Mr. Specter) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1020. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1021. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1022. Mr. DURBIN (for himself, Mr. Enzi, Mr. Kennedy, Mr. Allard, Mr. Kohl, Ms. Cantwell, Mr. Schumer, Mr. Biden, Mr. Nelson, of Florida, and Mr. Casey) proposed an amendment to the bill S. 1082, supra.

SA 1023. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1024. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1025. Mr. SCHUMER (for himself, Mrs. Clinton, Mr. Enzi, Mr. Hatch, and Mr. Kennedy) proposed an amendment to the bill S. 1082, supra.

SA 1026. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1027. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1028. Mr. ROCKEFELLER (for himself, Mr. Schumer, Mr. Leahy, Mr. Kohl, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1029. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1030. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1031. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1032. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1033. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1008. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 252 and insert the following:

SEC. . MARIJUANA SMOKED BY PATIENTS.

(a) Evaluation and Report.—

(1) Evaluation.—The Secretary of Health and Human Services shall conduct an evaluation of the manufacture, distribution, and use of marijuana in States that have enacted laws legalizing, decriminalizing, or otherwise allowing the use of marijuana for purported medical use to determine—

(A) whether such activity is taking place in violation of any provision of Federal law for which the Department of Health of Human Services is responsible; and

(B) whether such marijuana activities are taking place in violation of any provision of the Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that is designed to ensure the safety and effectiveness of drugs used by the American public.

(2) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report concerning the findings of the evaluation conducted under paragraph (1).

(b) Determination of Effectiveness.—Not later than 30 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall, based on available scientific data, make a determination, and disclose such determination to the general public, concerning—

(1) whether or not smoked marijuana is a safe or effective treatment for any medical condition; and

(2) the adverse impact to human health, both physician and mental, as a result of smoking marijuana.

SA 1009. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

Subtitle Antibiotic Safety and Innovation

SEC. 2___. DEVELOPMENT OF ANTIMICROBIALS.

(a) INCENTIVES FOR DEVELOPMENT OF NEW ANTIBIOTICS AND NEW ANTIBIOTIC USES.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

"(r)(1) Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an approved application described in paragraph (2) may elect to receive, with respect to the drug—

"(A)(i) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F); and

"(ii) the 5-year exclusivity period referred to under subsection (c)(3)(E)(ii) and under subsection (j)(5)(F)(ii); or

"(B) a patent term extension under section 156 of title 35, United States Code.

"(2) An application described under this paragraph is an application for marketing submitted under this section after the date of enactment of this subsection in which—

"(A) the drug that is the subject of the application contains an antibiotic drug; and

"(B) such antibiotic drug was the subject of an application received by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

"(3) Paragraph (1) shall not be construed to entitle a drug that is the subject of an approved application described in paragraph (2) for any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1).".

(b) BIOEQUIVALENCE TO LISTED ANTIBIOTIC DRUG.—Section 505(j)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)) is amended by adding at the end the following:

"(D) Notwithstanding any other provision of this subsection, an oral antibiotic drug that is not intended to be absorbed into the bloodstream shall be considered to be bioequivalent to a listed antibiotic drug only if—

"(i) clinical trials do not show a significant difference between the antibiotic drug and the listed antibiotic drug in safety and effectiveness; or

"(ii) the Secretary has—

"(I) established alternative, scientifically valid methods that are reasonably expected to detect a significant difference between the antibiotic drug and the listed antibiotic drug in safety and effectiveness;

"(II) developed the alternative, scientifically valid methods described in subclause (I) through notice and comment rulemaking in accordance with section 553 of title 5, United States Code; and

"(III) determined that, based on the alternative, scientifically valid methods described in subclauses (I) and (II), there is no significant difference between the antibiotic drug and the listed antibiotic drug in safety and effectiveness.".

(c) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting and, if appropriate, issue guidance regarding which serious and life-threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under subsection (a) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(d) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a), there are authorized to be appropriated such sums as already have been appropriated for fiscal year 2007, and $35,000,000 for each subsequent fiscal year.".

SEC. 2___. ESTABLISHMENT OF ANTIMICROBIAL BREAKPOINTS.

(a) DEFINITION.—In this section, the term "antimicrobial breakpoint" means specific values which characterize bacteria as clinically susceptible, intermediate, or resistant to the drug (or drugs) tested, such as Minimum Inhibitory Concentrations (MICs) or zones of inhibitions.

(b) ESTABLISHMENT OF BREAKPOINTS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall direct the Commissioner of Food and Drugs to establish and periodically update antimicrobial breakpoints.

(2) REVIEW AND UPDATE.—Antimicrobial breakpoints shall be reviewed and updated as necessary pursuant to recommendations from the Antimicrobial Resistance Task Force and in consultation with the Centers for Disease Control and Prevention, or more frequently upon the discretion of the Commissioner of Food and Drugs, but in no case less than once every 5 years.

(c) PUBLIC AVAILABILITY.—The Secretary shall direct the Commissioner of Food and Drugs to make antimicrobial breakpoints publicly available within 30 days of the date of establishment and any update under this section.

(d) ADVISORY ORGANIZATIONS.—The Commissioner of Food and Drugs may contract with an organization or organizations to aid in the establishment of antimicrobial breakpoints under this section in a manner not inconsistent with the Federal Advisory Committee Act (5 U.S.C. App.). The Commissioner of Food and Drugs shall make the final determination regarding establishments of antimicrobial breakpoints under this section.

SEC. 2 . EXCLUSIVITY OF CERTAIN DRUGS CONTAINING ENANTIOMERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S. C. 355), as amended by this subtitle, is amended by adding at the end the following:

"(s) DRUGS CONTAINING ENANTIOMERS.—For purposes of subsections (c)(3)(E)(ii) and (j)(5)(F)(ii), if an application is submitted under subsection (b) for a non-racemic drug containing as an active ingredient a single enantiomer that is contained in a racemic drug approved in another application under subsection (b), the single enantiomer shall not be considered the same active ingredient contained in the approved racemic drug, if—

"(1)(A) the single enantiomer has not been previously approved as an active ingredient except in the approved racemic drug; and

"(B) the application submitted under subsection (b) for the drug containing the single enantiomer includes full reports of investigations described in subsection (b)(1)(A) which do not rely on any investigations that are part of the application submitted under subsection (b) for approval of the approved racemic drug; and

"(2)(A) the application submitted under subsection (b) for the drug containing the single enantiomer is not submitted for approval of a use—

"(i) in a therapeutic area in which the approved racemic drug has been approved; or

"(ii) for which any other enantiomer of the racemic drug has been approved; or

"(B) in the case of an antibiotic drug, such drug is demonstrated through well-controlled clinical trials to be safe and effective for a use for which the racemic drug has not been approved and for which no other enantiomer of the racemic drug has been previously approved.".

SA 1010. Mr. COCHRAN (for himself, Mr. CARPER, Mr. NELSON of Nebraska, Mr. HATCH, Mr. BENNETT, Mr. ENZI, Mr. BURR, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. ___. PROTECTION OF HEALTH AND SAFETY.

This title, and the amendments made by this title, shall become effective only if the Secretary of Health and Human Services certifies to Congress that the implementation of this title (and amendments) will—

(1) pose no additional risk to the public's health and safety; and

(2) result in a significant reduction in the cost of covered products to the American consumer.

SA 1011. Ms. STABENOW (for herself, Mr. THUNE, Mr. LOTT, Mr. BROWN, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

"(r) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

"(1) IN GENERAL.—

"(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

"(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

"(ii) NO DELAY OF CONSIDERATION.—The receipt of a petition is not just cause to delay consideration of an application submitted under subsection (b)(2) or (j) and consideration of a petition described in clause (i) shall be separate and apart from the review of an application submitted under either such subsection.

"(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 30 days after the submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

"(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

"(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

"(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(3) VERIFICATIONS.—

"(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; and (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about ________________. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: . I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

"(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents. I further certify that the information upon which I have based the action requested herein first became known to me on or about . I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: ________. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

"(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

"(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

"(B) the number of petitions that were submitted during such period;

"(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

"(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

"(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

"(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

"(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request to the Secretary, without regard to whether the request is characterized as a petition.".

SA 1012. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF GENERIC DRUGS.

Notwithstanding section 736(b) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(b) of this Act), the Secretary of Health and Human Services shall allocate $20,000,000 of the user fees generated by section 736(a) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(a) of this Act), for each fiscal year beginning with fiscal year 2009 and ending with fiscal year 2012, to the Office of Generic Drugs of the Food and Drug Administration, for the sole purpose of reviewing and approving abbreviated new drug applications.

SA 1013. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . OFFICE OF GENERIC DRUGS.

(a) FINDINGS.—Congress makes the following findings:

(1) More than $100,000,000,000 in blockbuster brand pharmaceutical products will lose patent protection between April 2007 and 2010. As a result, more applications for generic versions of these products will be filed with the Office of Generic Drugs of the Food and Drug Administration.

(2) The staff of the Office of Generic Drugs is backlogged. Approximately 800 generic drug applications are pending review as of April 2007.

(3) The workload of the Office of Generic Drugs has increased by 36 percent since 2004, yet the Office has the same budget and the same number of staff.

(4) The workload of the Office of Generic Drugs also has increased due to the filing of citizen petitions by brand companies designed to delay generic drug approvals.

(5) A modest investment in the Office of Generic Drugs, such as $15,000,000, would help to make more affordable medicines available in a timely manner to consumers and public and private health care purchasers, who would save billions of dollars.

(6) Those savings also would enable the Federal Government to reach more Americans through important health care initiatives, such as Medicare, Medicaid, and programs to improve children's health care, assist the chronically ill, and fight HIV/AIDS.

(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 736(b) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(b) of this Act), the Secretary of Health and Human Services shall allocate $20,000,000 of the user fees generated by section 736(a) of the Federal Food, Drug, and Cosmetic Act (as amended by section 103(a) of this Act), for each fiscal year beginning with fiscal year 2009 and ending with fiscal year 2012, to the Office of Generic Drugs of the Food and Drug Administration, for the sole purpose of reviewing and approving abbreviated new drug applications.

SA 1014. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES FOR PRESCRIPTION DRUGS.

(a) REQUIRED TECHNOLOGIES.—The Secretary of Health and Human Services shall require that the packaging of any prescription drug incorporate—

(1) radio frequency identification (RFID) tagging technology, or similar trace and track technologies that have an equivalent function;

(2) tamper-indicating technologies; and

(3) blister security packaging when possible.

(b) USE OF TECHNOLOGIES.—

(1) AUTHORIZED USES.—The Secretary shall require that technologies described in subsection (a)(1) be used exclusively to authenticate the pedigree of prescription drugs, including by—

(A) implementing inventory control;

(B) tracking and tracing prescription drugs;

(C) verifying shipment or receipt of prescription drugs;

(D) authenticating finished prescription drugs; and

(E) electronically authenticating the pedigree of prescription drugs.

(2) PRIVACY PROTECTION.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any information that may be used to identify a health care practitioner or the prescription drug consumer.

(3) PROHIBITION AGAINST ADVERTISING.—The Secretary shall prohibit technologies required by subsection (a)(1) from containing or transmitting any advertisement or information about prescription drug indications or off-label prescription drug uses.

(c) RECOMMENDED TECHNOLOGIES.—The Secretary shall encourage the manufacturers and distributors of prescription drugs to incorporate into the packaging of such drugs, in addition to the technologies required under subsection (a), overt optically variable counterfeit-resistant technologies that—

(1) are visible to the naked eye, providing for visual identification of prescription drug authenticity without the need for readers, microscopes, lighting devices, or scanners;

(2) are similar to technologies used by the Bureau of Engraving and Printing to secure United States currency;

(3) are manufactured and distributed in a highly secure, tightly controlled environment; and

(4) incorporate additional layers of non-visible covert security features up to and including forensic capability.

(d) STANDARDS FOR PACKAGING.—

(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of prescription drugs, the Secretary shall require manufacturers of prescription drugs to incorporate the technologies described in paragraphs (1), (2), and (3) of subsection (a), and shall encourage manufacturers and distributors of prescription drugs to incorporate the technologies described in subsection (c), into multiple elements of the physical packaging of the drugs, including—

(A) blister packs, shrink wrap, package labels, package seals, bottles, and boxes; and

(B) at the item level.

(2) LABELING OF SHIPPING CONTAINER.—Shipments of prescription drugs shall include a label on the shipping container that incorporates the technologies described in subsection'(a)(1), so that members of the supply chain inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

(e) PENALTY.—A prescription drug is deemed to be misbranded for purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) if the packaging or labeling of the drug is in violation of a requirement or prohibition applicable to the drug under subsection (a), (b), or (d).

(f) TRANSITIONAL PROVISIONS; EFFECTIVE DATES.—

(1) NATIONAL SPECIFIED LIST OF SUSCEPTIBLE PRESCRIPTION DRUGS.—

(A) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a list, to be known as the National Specified List of Susceptible Prescription Drugs, consisting of not less than 30 of the prescription drugs that are most frequently subject to counterfeiting in the United States (as determined by the Secretary).

(B) REVISION.—Not less than annually through the end of calendar year 2010, the Secretary shall review and, as appropriate, revise the National Specified List of Susceptible Prescription Drugs. The Secretary may not revise the List to include fewer than 30 prescription drugs.

(2) EFFECTIVE DATES.—The Secretary shall implement the requirements and prohibitions of subsections (a), (b), and (d)—

(A) with respect to prescription drugs on the National Specified List of Susceptible Prescription Drugs, beginning not later than the earlier of—

(i) 1 year after the initial publication of such List; or

(ii) December 31, 2008; and

(B) with respect to all prescription drugs, beginning not later than December 31, 2011.

(3) AUTHORIZED USES DURING TRANSITIONAL PERIOD.—In lieu of the requirements specified in subsection (b)(1), for the period beginning on the effective date applicable under paragraph (2)(A) and ending on the commencement of the effective date applicable under paragraph (2)(B), the Secretary shall require that technologies described in subsection (a)(1) be used exclusively to verify the authenticity of prescription drugs.

(g) DEFINITIONS.—In this Act:

(1) The term "pedigree"—

(A) means the history of each prior sale, purchase, or trade of the prescription drug involved to a distributor or retailer of the drug (including the date of the transaction and the names and addresses of all parties to the transaction); and

(B) excludes information about the sale, purchase, or trade of the drug to the drug consumer.

(2) The term "prescription drug" means a drug subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(3) The term "Secretary" means the Secretary of Health and Human Services.

SA 1015. Mr. HAGEL (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LUNG CANCER COMPUTED TOMOGRAPHY ASSESSMENT AND INTERIM QUALITY STANDARDS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that contains—

(1) an assessment of the number, quality, charges, and capabilities of sites offering computed tomography scanning for the diagnosis of lung cancer;

(2) interim quality standards for computed tomography scanning for the diagnosis of lung cancer which incorporate the protocol established by the International Early Lung Cancer Action Program and contained in the document dated October 20, 2006 entitled "International Early Lung Cancer Action Program: Enrollment and Screening Protocol"; and

(3) recommendations, including legislative recommendations if appropriate, for the establishment of lung cancer diagnostic centers, as practicable, to collect and analyze the data as recommended under the protocol described in paragraph (2) in order to continue and accelerate research into the early detection, diagnosis, and treatment of lung cancer.

SA 1016. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

SEC. ___. NATIONAL CENTERS FOR PHARMACEUTICAL INNOVATION.

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter —Establishment of the National Centers for Pharmaceutical Innovation

"SEC. ___1. ESTABLISHMENT OF THE CENTERS.

"(a) IN GENERAL.—The Commissioner of Food and Drugs, in consultation with the Secretary, shall establish through competitive selection not more than 5 university-based National Centers for Pharmaceutical Innovation (referred to in this subchapter as the 'Centers').

"(b) PURPOSE OF CENTERS.—The purpose of the Centers is to advance the Food and Drug Administration's Critical Path Initiative, as well as subsequent efforts, to modernize medical pharmaceutical product development by—

"(1) designing methodologies to dramatically increase the speed at which new drugs enter the market while significantly reducing the cost of such process;

"(2) developing new technological tools to speed the creation of safer, more effective drugs targeted at individuals;

"(3) assisting the Food and Drug Administration with drug therapy-monitoring programs to look for adverse consequences utilizing medicines;

"(4) expanding the quality and number of professionals trained in translational medicine, translational therapeutics, and the manufacture of pharmaceutical and biotechnology products; and

"(5) introducing new technologies to improve the manufacture of pharmaceutical and biotechnology products.

"SEC. ___2. CRITERIA FOR SELECTION.

"The Commissioner of Food and Drugs, in consultation with the Secretary, shall select the Centers from among qualified university or university consortium applicants on the basis of key factors in pharmaceutical product development, safety, and manufacturing technology, including—

"(1) whether the applicant has established graduate training programs that integrate the elements of translational therapeutics, including basic and clinical pharmacology, pharmaceutical science, including pharmacokinetic modeling, analytical technologies, genomics and proteomics, pharmacoepidemiology, informatics, and statistics;

"(2) demonstration of extensive experience in the development and evaluation of medicines through drug approval to the post-marketing process;

"(3) scientific programs in translational therapeutics and pharmaceutical science designed to hasten the personalization of medicine;

"(4) proficiencies in pharmaceutical and biotechnology science and engineering, including therapy development and manufacturing; and

"(5) other factors that the Commissioner of Food and Drugs determines appropriate.

"SEC. ___3. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of the fiscal years 2008 through 2013.".

SA 1017. Mr. GREGG (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE,, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 7 and 8 of the amendment and insert the following:

SEC. 7. INTERNET PHARMACIES.

(a) INTERNET PHARMACIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

"SEC. 511. INTERNET PHARMACIES.

"(a) DEFINITIONS.—In this section:

"(1) ADVERTISING SERVICE PROVIDER.—The term 'advertising service provider' means an advertising company that contracts with a provider of an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) to provide advertising on the Internet.

"(2) DESIGNATED PAYMENT SYSTEM.—

"(A) IN GENERAL.—The term 'designated payment system' means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that the Board determines, by regulation or order, is regularly used in connection with, or to facilitate restricted transactions.

"(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

"(i) a creditor;

"(ii) a credit card issuer;

"(iii) a financial institution;

"(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

"(v) a money transmitting business; or

"(vi) a participant in an international, national, regional, or local network constructed primarily to effect a credit transaction, electronic fund transfer, or money transmitting service.

"(3) FEDERAL FUNCTIONAL REGULATOR.—The term 'Federal functional regulator' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

"(4) INTERNET PHARMACY.—The term 'Internet pharmacy' means a person that offers to dispense or dispenses in the United States a prescription drug through an Internet website in interstate commerce, regardless of whether the physical location of the principal place of business of the Internet pharmacy is in the United States or in another country.

"(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug described in section 503(b) that is approved by the Secretary under section 505.

"(6) RESTRICTED TRANSACTION.—The term 'restricted transaction' means a transaction or transmittal, on behalf of a individual who places an unlawful Internet pharmacy request to any person engaged in the operation of an unlicensed Internet pharmacy, of—

"(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful Internet request (including credit extended through the use of a credit card);

"(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful Internet request;

"(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful Internet request and is drawn on or payable at or through any financial institution; or

"(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful Internet request.

"(7) TREATING PROVIDER.—The term 'treating provider' means a health care provider licensed in the United States who is authorized to prescribe medications and who—

"(A)(i) performs a documented patient evaluation (including a patient history and physical examination) of an individual, portions of which may be conducted by other health professionals;

"(ii) discusses with the individual the treatment options of the individual and the risks and benefits of treatment; and

"(iii) maintains contemporaneous medical records concerning the individual; or ,

"(B) provides care to an individual as part of an on-call or cross-coverage arrangement with a health care provider described in subparagraph (A).

"(8) UNLAWFUL INTERNET PHARMACY REQUEST.—The term 'unlawful Internet pharmacy request' means the request, or transmittal of a request, made to an unlicensed Internet pharmacy for a prescription drug by mail (including a private carrier), facsimile, telephone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

"(9) UNLICENSED INTERNET PHARMACY.—The term 'unlicensed Internet pharmacy' means an Internet pharmacy that is not licensed under this section.

"(10) OTHER DEFINITIONS.—

"(A) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(B) CREDIT; CREDITOR; CREDIT CARD.—The terms 'credit', 'creditor', and 'credit card' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(C) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

"(i) has the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

"(ii) includes any fund transfer covered under article 4A of the Uniform Commercial Code, as in effect in any State.

"(D) FINANCIAL INSTITUTION.—The term 'financial institution'—

"(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

"(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

"(E) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the meanings given the terms in section 5330(d) of title 31, United States Code.

"(b) IN GENERAL.—An Internet pharmacy may only dispense or offer to dispense a prescription drug to a person in the United States in accordance with this section.

"(c) LICENSING OF INTERNET PHARMACIES.—

"(1) IN GENERAL.—An Internet pharmacy shall be licensed by the Secretary in accordance with this section prior to offering to dispense or dispensing a prescription drug to an individual.

"(2) CONDITIONS FOR LICENSING.—

"(A) APPLICATION REQUIREMENTS.—An Internet pharmacy shall submit to the Secretary an application that includes—

"(i)(I) in the case of an Internet pharmacy located in the United States, verification that, in each State in which the Internet pharmacy engages in dispensing or offering to dispense prescription drugs, the Internet pharmacy, and all employees and agents of the Internet pharmacy, is in compliance with applicable Federal and State laws regarding—

"(aa) the practice of pharmacy, including licensing laws and inspection requirements; and

"(bb) the manufacturing and distribution of controlled substances, including with respect to mailing or shipping controlled substances to consumers; or

"(II) in the case of an Internet pharmacy whose principal place of business is located outside the United States, verification that—

“(aa) all employees and agents of the Internet pharmacy are in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

“(bb) the Internet pharmacy is in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

“(cc) the Internet pharmacy expressly and affirmatively agrees to provide and maintain an agent for service of process in the United States;

“(dd) the Internet pharmacy expressly and affirmatively agrees to be subject to the jurisdiction of the United States and any of its States or territories where it engages in commerce; and

“(ee) the Internet pharmacy agrees to affix to each shipping container of drugs to be shipped in the United States such markings as the Secretary determines to be necessary to identify that the shipment is from a licensed Internet pharmacy, which may include anticounterfeiting or track-and-trace technologies;

“(ii) verification that the person that owns the Internet pharmacy has not had a license for an Internet pharmacy terminated by the Secretary, and that no other Internet pharmacy owned by the person has had a license under this subsection that has been terminated by the Secretary;

“(iii) verification from the person that owns the Internet pharmacy that the person will permit inspection of the facilities and business practices of the Internet pharmacy by the Secretary to the extent necessary to determine whether the Internet pharmacy is in compliance with this subsection;

“(iv) in the case of an agreement between a patient and an Internet pharmacy that releases the Internet pharmacy, and any employee or agent of the Internet pharmacy, from liability for damages arising out of the negligence of the Internet pharmacy, an assurance that such a limitation of liability shall be null and void;

“(v) verification that the Internet pharmacy expressly and affirmatively agrees to provide the Secretary with the identity of any providers of interactive computer services that provide host services or advertising services for the Internet pharmacy; and

“(vi) assurance that the Internet pharmacy will comply with the requirements under subparagraphs (B) and (C).

“(B) IDENTIFICATION REQUIREMENTS.—An Internet pharmacy shall post in a clear and visible manner, on each page of the website of the Internet pharmacy or by a link to a separate page, the following information:

“(i) The street address, city, ZIP Code or comparable mail code, State (or comparable entity), country, and telephone number of—

“(I) each place of business of the Internet pharmacy; and

“(II) the name of the supervising pharmacist of the Internet pharmacy and each individual who serves as a pharmacist for purposes of the Internet pharmacy website.

“(ii) The names of all States in which the Internet pharmacy and the pharmacists employed by the Internet pharmacy are licensed or otherwise authorized to dispense prescription drugs.

“(iii) If the Internet pharmacy makes referrals to, or solicits on behalf of, a health care practitioner or group of practitioners in the United States for prescription services—

“(I) the name, street address, city, ZIP Code or comparable mail code, State, and telephone number of the practitioner or group; and

“(II) the name of each State in which each practitioner is licensed or otherwise authorized to prescribe drugs.

“(iv) A statement that the Internet pharmacy will dispense prescription drugs only after receipt of a valid prescription from a treating provider.

“(v) A distinctive tamper resistant seal to identify that the Internet pharmacy is licensed.

“(C) PROFESSIONAL SERVICES REQUIREMENTS.—An Internet pharmacy shall carry out the following:

“(i) Maintain patient medication profiles and other related data in a readily accessible format organized to facilitate consultation with treating providers, caregivers, and patients.

“(ii) Conduct prospective drug use reviews before dispensing medications or medical devices.

“(iii) Ensure patient confidentiality and the protection of patient identity and patient-specific information, in accordance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“(iv) Offer interactive and meaningful consultation by a licensed pharmacist to the caregiver or patient before and after the time at which the Internet pharmacy dispenses the drug.

“(v)(I) Establish a mechanism for patients to report errors and suspected adverse drug reactions.

“(II) Document in the reporting mechanism the response of the Internet pharmacy to those reports.

“(III) Submit those reports within 3 days of receipt and the response of the Internet pharmacy to the Food and Drug Administration in a manner determined appropriate by the Secretary.

“(vi) Develop a system to inform caregivers and patients about drug recalls.

“(vii) Educate caregivers and patients about the appropriate means of disposing of expired, damaged, or unusable medications.

“(viii) Assure that the sale of a prescription drug is in accordance with a valid prescription from the treating provider of the individual.

“(ix)(I) Verify the validity of the prescription of an individual by using 1 of the following methods:

“(aa) If the prescription for any drug other than a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) is received from an individual or the treating provider of the individual by mail (including a private carrier), or from the treating provider of the individual by electronic mail, the validity of the prescription shall be confirmed in accordance with all applicable Federal and State laws.

“(bb) If the prescription is for a controlled substance (as defined in section 102 of the Controlled Substances Act), the validity of the prescription shall be confirmed with the treating provider as described in subclause (II).

“(II) When seeking verification of a prescription of an individual under subclause (I)(bb), an Internet pharmacy shall provide to the treating provider the following information:

“(aa) The full name and address of the individual.

“(bb) Identification of the prescription drug.

“(cc) The quantity of the prescription drug to be dispensed.

“(dd) The date on which the individual presented the prescription to the Internet pharmacy.

“(ee) The date and time of the verification request.

“(ff) The name of a contact person at the Internet pharmacy, including a voice telephone number, electronic mail address, and facsimile telephone number.

“(III) A prescription is verified under subclause (I)(bb) only if 1 of the following occurs:

“(aa) The treating provider confirms, by direct communication with the Internet pharmacy, that the prescription is accurate.

“(bb) The treating provider informs the Internet pharmacy that the prescription is inaccurate and provides the accurate prescription.

“(IV) An Internet pharmacy shall not fill a prescription if—

“(aa) a treating provider informs the Internet pharmacy within 72 hours after receipt of a communication under subclause (I)(bb) that the prescription is inaccurate or expired; or

“(bb) the treating provider does not respond within that time.

“(x) Maintain, for such period of time as the Secretary shall prescribe by regulation, a record of all direct communications with a treating provider regarding the dispensing of a prescription drug, including verification of the prescription.

“(3) LICENSURE PROCEDURE.—

“(A) ACTION BY SECRETARY.—On receipt of a complete licensing application from an Internet pharmacy under paragraph (2), the Secretary shall—

“(i) assign an identification number to the Internet pharmacy;

“(ii) notify the applicant of the receipt of the licensing application; and

“(iii) if the Internet pharmacy is in compliance with the conditions under paragraph (2), issue a license not later than 60 days after receipt of a licensing application from the Internet pharmacy.

“(B) ELECTRONIC FILING.—

“(i) IN GENERAL.—For the purpose of reducing paperwork and reporting burdens, the Secretary shall require the use of electronic methods of submitting to the Secretary a licensing application required under this section and provide for electronic methods of receiving the applications.

“(ii) AUTHENTICATION.—In providing for the electronic submission of such licensing applications under this section, the Secretary shall ensure that adequate authentication protocols are used to allow identification of the Internet pharmacy and validation of the data as appropriate.

“(4) DATABASE.—

“(A) IN GENERAL.—The Secretary shall compile, maintain, and periodically update a database of the Internet pharmacies licensed under this section.

“(B) AVAILABILITY.—The Secretary shall make the database described under subparagraph (A) and information submitted by the licensee under paragraph (2)(B) available to the public on an Internet website and through a toll-free telephone number.

“(5) FEES.—

“(A) IN GENERAL.—

“(i) LICENSING APPLICATION FEE.—The Secretary shall establish a licensing application fee to be paid by all applicants.

“(ii) RENEWAL FEE.—The Secretary shall establish a yearly renewal fee to be paid by all Internet pharmacies licensed under this section.

“(B) COLLECTION.—

“(i) COLLECTION OF LICENSING APPLICATION FEE.—A licensing application fee payable for the fiscal year in which the Internet pharmacy submits a licensing application, as established under subparagraph (C), shall be payable upon the submission to the Secretary of such licensing application.

"(ii) COLLECTION OF RENEWAL FEES.—After the licensing application fee is paid for the first fiscal year of licensure, the yearly renewal fee, as established under subparagraph (C), shall be payable on or before October 1 of each subsequent fiscal year.

"(iii) ONE FEE PER INTERNET PHARMACY.—The licensing application fee and yearly renewal fee shall be paid only once for each Internet pharmacy for a fiscal year in which the fee is payable.

"(C) FEE AMOUNT.—The amount of the licensing application fee and the yearly renewal fee for an Internet pharmacy shall be determined each year by the Secretary based on the anticipated costs to the Secretary of enforcing the requirements of this section in the subsequent fiscal year.

"(D) ANNUAL FEE DETERMINATION.—

"(i) IN GENERAL.—Not later than 60 days before the beginning of each fiscal year beginning after September 30, 2007, the Secretary shall determine the amount of the licensing application fee and the yearly renewal fee for that fiscal year.

"(ii) PUBLICATION OF FEE AMOUNT.—Not later than 60 days before each fiscal year, the Secretary shall publish the amount of the licensing application fee and the yearly renewal fee under this section for that fiscal year and provide for a period of 30 days for the public to provide written comments on the fees.

"(E) USE OF FEES.—The fees collected under this section shall be used, without further appropriation, to carry out this section.

"(F) FAILURE TO PAY FEE.—

"(i) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

"(ii) FAILURE TO PAY.—If an Internet pharmacy subject to a fee under this section fails to pay the fee by the date specified under clause (i), the Secretary shall not permit the Internet pharmacy to engage in the dispensing of drugs as described under this section until all such fees owed by the Internet pharmacy are paid.

"(G) REPORTS.—Beginning with fiscal year 2008, not later than 60 days after the end of each fiscal year during which licensing application fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(i) implementation of the licensing fee authority during the fiscal year; and

"(ii) the use by the Secretary of the licensing fees collected during the fiscal year for which the report is made.

"(6) SUSPENSION.—

"(A) IN GENERAL.—If the Secretary determines that an Internet pharmacy is engaged in a pattern of violations of any of the requirements of this Act, the Secretary may immediately order the suspension of the license of the Internet pharmacy.

"(B) APPEAL OF SUSPENSION ORDER.—An Internet pharmacy subject to a suspension order under subparagraph (A) may appeal the suspension order to the Secretary. Not later than 30 days after an appeal is filed, the Secretary, after providing opportunity for an informal hearing, shall affirm or terminate the order.

"(C) FAILURE TO ACT.—If, during the 30-day period specified in subparagraph (B), the Secretary fails to provide an opportunity for a hearing or to affirm or terminate the order, the order shall be deemed to be terminated.

"(D) NO JUDICIAL REVIEW.—An order under this paragraph shall not be subject to judicial review.

"(7) TERMINATION OF LICENSE.—The Secretary may terminate a license issued under this subsection, after notice to the Internet pharmacy and an opportunity for a hearing, and if the Secretary determines that the Internet pharmacy—

"(A) has demonstrated a pattern of noncompliance with this section;

"(B) has made an untrue statement of material fact in its licensing application; or

"(C) is in violation of any applicable Federal or State law relating to the dispensing of a prescription drug.

"(8) RENEWAL EVALUATION.—

"(A) IN GENERAL.—Before renewing a license of an Internet pharmacy under this subsection, the Secretary shall conduct an evaluation to determine whether the Internet pharmacy is in compliance with this section.

"(B) EVALUATION OF INTERNET PHARMACIES.—At the discretion of the Secretary and as applicable, an evaluation under subparagraph (A) may include testing of the Internet pharmacy website or other systems through which the Internet pharmacy communicates with consumers, and a physical inspection of the records and premises of the pharmacy.

"(9) CONTRACT FOR OPERATION OF PROGRAM.—

"(A) IN GENERAL.—The Secretary may award a contract under this subsection for the operation of the licensing program.

"(B) TERM.—The duration of a contract under subparagraph (A) shall not exceed 5 years and may be renewable.

"(C) PERFORMANCE REVIEW.—The Secretary shall annually review performance under a contract under subparagraph (A).

"(d) PROVIDERS OF INTERACTIVE COMPUTER SERVICES OR ADVERTISING SERVICES.—No provider of interactive computer services (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) or an advertising service provider shall be liable under this section on account of another person's selling or dispensing of a prescription drug, so long as the provider of the interactive computer service or the advertising service provider does not own or exercise corporate control over such person.

"(e) POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL INTERNET PHARMACY REQUESTS.—

"(1) REGULATIONS.—Not later than 180 days after designating a system under subsection (a)(2), the Board shall promulgate regulations that require—

"(A) an operator of a credit card system that is a designated payment system, an operator of an international, national, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service that is a designated payment system, and an operator of any other designated payment system specified by the Board that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers, or money transmitting services where at least 1 party to the transaction or transfer is an individual; and

"(B) in the case of a designated payment system, other than a designated payment system described in subparagraph (A), a person described in subsection (a)(2)(B);

to establish policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a designated payment system or the completion of restricted transactions using a designated payment system.

"(2) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under paragraph (1), the Board shall—

"(A) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to identify and reasonably designed to prevent the introduction of a restricted transaction in a designated payment or the completion of restricted transactions using a designated payment system; and

"(B) to the extent practicable, permit any designated payment system, or person described in subsection (a)(2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

"(3) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

"(A) IN GENERAL.—A designated payment system, or a person described in subsection (a)(2)(B), that is subject to a regulation or an order issued under this subsection, and any participant in such payment system, that—

"(i) prevents or otherwise refuses to honor restricted transactions, in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this section, shall not be liable to any party for such action; and

"(ii) prevents or otherwise refuses to honor a nonrestricted transaction in an effort to implement the policies and procedures under this subsection or to otherwise comply with this section, shall not be liable to any party for such action.

"(B) COMPLIANCE WITH THIS SUBSECTION.—A person described in subsection (a)(2)(B) meets the requirements of this subsection, if any, if the person relies on and complies with the policies and procedures of a designated payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the designated payment system comply with the requirements of the regulations under paragraph (1)(B).

"(4) ENFORCEMENT.—

"(A) IN GENERAL.—This subsection shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (21 U.S.C. 6805(a)).

"(B) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in subsection (a)(2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

"(i) The extent to which the payment system or person knowingly permits restricted transactions.

"(ii) The history of the payment system or person in connection with permitting restricted transactions.

"(iii) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

"(iv) The feasibility that any specific remedy prescribed can be implemented by the payment system or person without substantial deviation from normal business practice.

"(v) The costs and burdens the specific remedy will have on the payment system or person.

“(f) Reports Regarding Internet-Related Violations of Federal and State Laws on Dispensing of Drugs.—The Secretary shall, pursuant to the submission of an application meeting criteria prescribed by the Secretary, make an award of a grant or contract to an entity with experience in developing and maintaining systems for the purpose of—

“(1) identifying Internet pharmacy websites that are not licensed or that appear to be operating in violation of Federal or State laws concerning the dispensing of drugs;

“(2) reporting such Internet pharmacy websites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

“(3) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in paragraph (1).

“(g) Transactions Permitted.—A designated payment system or person subject to a regulation or an order issued under subsection (e) may engage in transactions with licensed and unlicensed Internet pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with subsection (e). A person subject to a regulation or an order issued under subsection (e) and the agents and employees of that person shall not be found to be in violation of, or liable under, any Federal, State, or other law for engaging in any such transaction.

“(h) Relation to State Laws.—No requirement, prohibition, or liability may be imposed on a designated payment system or person subject to a regulation or an order issued under subsection (e) under the laws of any State with respect to any payment transaction by an individual because the payment transaction involves a payment to an Internet pharmacy.

“(i) Timing of Requirements.—A designated payment system or a person subject to a regulation under subsection (e) shall adopt policies and procedures reasonably designed to comply with any regulations required under subsection (e) not later than 180 days after the date on which such final regulations are issued.”.

(b) Prohibited Acts.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(hh)(1) The sale, under section 511, of a drug that is not a prescription drug, the sale of such a prescription drug without a valid prescription from a treating provider, or the ownership or operation of an Internet pharmacy, in violation of section 511.

“(2) The representation by advertisement, sales presentation, direct communication (including telephone, facsimile, or electronic mail), or otherwise by an Internet pharmacy, that a prescription drug may be obtained from the Internet pharmacy without a prescription, in violation of section 511.

“(3) The advertisement related to a prescription drug through any media including sales presentation, direct communication (including telephone, facsimile, or electronic mail), by an unlicensed Internet pharmacy.

“(4) The provision of an untrue statement of material fact in the licensing application of an Internet pharmacy.

“(5) For purposes of this subsection, any term used in this subsection that is also used in section 511 shall have the meaning given that term in section 511.”.

(c) Links to Unlicensed Internet Pharmacies.—Section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) is amended by adding at the end the following:

“(c)(1) In the case of a violation of section 511 relating to an unlicensed Internet pharmacy (as defined in such section 511), the district courts of the United States and the United States courts of the territories shall have jurisdiction to order a provider of an interactive computer service to remove, or disable access to, links to a website violating that section that resides on a computer server that the provider controls or operates.

“(2) Relief under paragraph (1)—

“(A) shall be available only after provision to the provider of notice and an opportunity to appear;

“(B) shall not impose any obligation on the provider to monitor its service or to affirmatively seek facts indicating activity violating section 511;

“(C) shall specify the provider to which the relief applies; and

“(D) shall specifically identify the location of the website to be removed or to which access is to be disabled.”.

(d) Regulations.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate interim final regulations to carry out the amendments made by this section.

(2) Effective date.—The requirement of licensure under section 511 of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall take effect on the date determined by the Secretary of Health and Human Services but in no event later than 90 days after the effective date of the interim final regulations under paragraph (1).

(e) Penalties.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(g) Notwithstanding subsection (a), any person who knowingly violates paragraph (1), (2), (3), or (4) of section 301(hh) shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.”.

SA 1018. Mr. DeMINT (for himself, Mr. Inhofe, Mr. Brownback, Mr. Martinez, Mr. Vitter, and Mr. Coburn) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

In section 214(b)(3)(B) of the bill, insert “, except with respect to the drug Mifeprex (mifepristone), such assessment shall be submitted 6 months after the applicant is so notified” before the period at the end.

SA 1019. Mr. CASEY (for himself and Mr. Specter) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ORPHAN DISEASE TREATMENT IN CHILDREN.

(a) Finding.—The Senate finds that parents of children suffering from rare genetic diseases known as orphan diseases face multiple obstacles in obtaining safe and effective treatment for their children due mainly to the fact that many Food and Drug Administration-approved drugs used in the treatment of orphan diseases in children may not be approved for pediatric indications.

(b) Sense of the Senate.—It is the sense of the Senate that the Food and Drug Administration should enter into a contract with the Institute of Medicine for the conduct of a study concerning measures that may be taken to improve the likelihood that Food and Drug Administration-approved drugs that are safe and effective in treating children with orphan diseases are made available and affordable for pediatric indications.

SA 1020. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike clause (i) of section 402(j)(3)(A) of the Public Health Service Act, as added by this bill, and insert the following:

“(i) In general.—

“(I) Requirement.—Not later than 90 days after the date of enactment of the Food and Drug Administration Revitalization Act, for all clinical trials (except as provided in subclause (II)), whether federally or privately funded, conducted to test the safety or efficacy (including comparative efficacy), of any drug or device (including those drugs or devices approved or cleared by the Secretary), the Secretary shall ensure that the registry data bank includes links to results information for such clinical trial—

“(aa) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

“(bb) not later than 30 days after such information becomes publicly available, as applicable.

“(II) Exception.—The requirement of subclause (I) shall not apply to phase I clinical investigations conducted to test solely the safety of an unapproved drug or unlicensed biological product, or pilot or feasibility studies conducted to confirm the design and operating specifications of an unapproved or not yet cleared medical device.

“(III) Voluntary submission.—A responsible party for a clinical trial that is not an applicable drug clinical trial or an applicable device clinical trial may submit to the Secretary results information for a clinical trial described in subclause (II).

“(IV) Expanded registry data bank.—Notwithstanding any other provision of law, the clinical trials described in subclause (I) shall be clinical trials of which the results information with respect to such trials is appropriate for adding to the expanded registry data bank, as described in subparagraph (C).

At the end section 402(j)(4) of the Public Health Service Act, as added by this bill, insert the following:

“(F) Trials conducted outside of the United States.—

“(i) In general.—With respect to clinical trials described in clause (ii), the responsible party shall submit to the Secretary the information required under this subsection.

The Secretary shall ensure that such information and the results of such clinical trials are made available to the public in a timely manner and as soon as practicable after receiving such information. Failure to comply with this paragraph shall be deemed to be a failure to submit information as required under this subsection, and the appropriate remedies and sanctions under this section shall apply.

"(ii) CLINICAL TRIAL DESCRIBED.—A clinical trial is described in this clause if—

"(I) such trial is conducted outside of the United States; and

"(II) the data from such trial is—

"(aa) submitted to the Secretary as part of an application, including a supplemental application, for a drug or device under section 505, 510, 515, or 520 of the Federal Food, Drug, and Cosmetic Act or for the biological product under section 351 of this Act; or

"(bb) used in advertising or labeling to make a claim about the drug or device involved.

"(iii) EXPANDED REGISTRY DATA BANK.—Notwithstanding any other provision of law, the clinical trials described in clause (ii) shall be clinical trials of which the results information with respect to such trials is appropriate for adding to the expanded registry data bank, as described in paragraph (3)(C).

SA 1021. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. . NO SUNSET FOR SECTION 505B.

Notwithstanding any provision of this Act, an amendment made by this Act, or any other provision of law, section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) and the authority provided for under such section shall not sunset but shall remain in effect.

SA 1022. Mr. DURBIN (for himself, Mr. ENZI, Mr. KENNEDY, Mr. ALLARD, Mr. KOHL, Ms. CANTWELL, Mr. SCHUMER, Mr. BIDEN, Mr. NELSON of Florida, and Mr. CASEY) proposed an amendment to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE —FOOD SAFETY

SEC. 01. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the safety and integrity of the United States food supply is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion animals caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic losses to manufacturers and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination; and

(B) an increasing volume of imported food from a wide variety of countries; and

(C) a shortage of adequate resources for monitoring and inspection;

(4) the United States is increasing the amount of food that it imports such that —

(A) from 2003 to the present, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average Americans diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat and 78.6 percent of fish and shellfish; and

(5) the number of full time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

SEC. _02. ENSURING THE SAFETY OF PET FOOD.

(a) PROCESSING AND INGREDIENT STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the "Secretary"), in consultation with the Association of American Feed Control Officials, and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers, shall by regulation establish—

(1) processing and ingredient standards with respect to pet food, animal waste, and ingredient definitions; and

(2) updated standards for the labeling of pet food that includes nutritional information and ingredient information.

(b) EARLY WARNING SURVEILLANCE SYSTEMS AND NOTIFICATION DURING PET FOOD RECALLS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall by regulation establish an early warning and surveillance system to identify adulteration of the pet food supply and outbreaks of illness associated with pet food. In establishing such system, the Secretary shall—

(1) use surveillance and monitoring mechanisms similar to, or in coordination with, those mechanisms used by the Centers for Disease Control and Prevention to monitor human health, such as the Foodborne Diseases Active Surveillance Network (FoodNet) and PulseNet;

(2) consult with relevant professional associations and private sector veterinary hospitals; and

(3) work with the Health Alert Network and other notification networks to inform veterinarians and relevant stakeholders during any recall of pet food.

SEC. _03. ENSURING EFFICIENT AND EFFECTIVE COMMUNICATIONS DURING A RECALL.

The Secretary shall, during an ongoing recall of human or pet food—

(1) work with companies, relevant professional associations, and other organizations to collect and aggregate information pertaining to the recall;

(2) use existing networks of communication including electronic forms of information dissemination to enhance the quality and speed of communication with the public; and

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. _04. STATE AND FEDERAL COOPERATION.

(a) IN GENERAL.—The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of fresh and processed produced so that State food safety programs involving the safety of fresh and processed produce and activities conducted by the Secretaries function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

(1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and

(2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of the State food safety programs is not unsafe for human consumption.

(b) ASSISTANCE.—The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

(1) advisory assistance;

(2) technical assistance, training, and laboratory assistance (including necessary materials and equipment); and

(3) financial and other assistance.

(c) SERVICE AGREEMENTS.—The Secretary may, under an agreement entered into with a Federal, State, or local agency, use, on a reimbursable basis or otherwise, the personnel, services, and facilities of the agency to carry out the responsibilities of the agency under this section. An agreement entered into with a State agency under this subsection may provide for training of State employees.

SEC. 06. ADULTERATED FOOD REGISTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1994, Congress passed the Dietary Supplement Health and Education Act (P.L. 103-417) to provide the Food and Drug Administration with the legal framework to ensure that dietary supplements are safe and properly labeled foods.

(2) In 2006, Congress passed the Dietary Supplement and Nonprescription Drug Consumer Protection Act (P.L. 109-462) to establish a mandatory reporting system of serious adverse events for non-prescription drugs and dietary supplements sold and consumed in the United States.

(3) The adverse event reporting system created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act will serve as the early warning system for any potential public health issues associated with the use of these food products.

(4) A reliable mechanism to track patterns of adulteration in food would support efforts by the Food and Drug Administration to effectively target limited inspection resources to protect the public health.

(b) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 417. ADULTERATED FOOD REGISTRY.

"(a) DEFINITIONS.—In this section:

"(1) IMPORTER.—The term 'importer', with respect to an article of food, means the person who submitted the notice with respect to such article of food under section 801(m).

"(2) RESPONSIBLE PARTY.—The term 'responsible party', with respect to an article of food, means any registered food facility under section 415(a), including those responsible for the manufacturing, processing, packaging or holding of such food for consumption in the United States.

"(3) REPORTABLE ADULTERATED FOOD.—The term 'reportable adulterated food' for purposes of this section means a food that is adulterated or—

"(A) presents a situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death as defined in section 7.3(m)(1) of title, Code of Federal Regulations (or any successor regulations); or

"(B) meets the threshold established in section 304(h).

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish within the Food and Drug Administration an Adulterated Food Registry to which instances of reportable adulterated food may be submitted by the Food and Drug Administration after receipt of reports of adulteration, via an electronic portal, from—

"(A) Federal, State, and local public health officials;

"(B) an importer;

"(C) a responsible party; or

"(D) a consumer or other individual.

"(2) REVIEW BY SECRETARY.—The Secretary shall review and determine the validity of the information submitted under paragraph (1) for the purposes of identifying adulterated food, submitting entries to the Adulterated Food Registry, acting under subsection (c), and exercising other existing food safety authorities under the Act to protect the public health.

"(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall issue an alert with respect to an adulterated food if the Adulterated Food Registry shows that the food—

"(A) has been associated with repeated and separate outbreaks of illness or has been repeatedly determined to be adulterated; or

"(B) is a reportable adulterated food.

"(2) SCOPE OF ALERT.—An alert under paragraph (1) may apply to a particular food or to food from a particular producer, manufacturer, shipper, growing area, or country, to the extent that elements in subparagraph (A) or (B) of paragraph (1) are associated with the particular food, producer, manufacturer, shipper, growing area, or country.

"(d) SUBMISSION BY A CONSUMER OR OTHER INDIVIDUAL.—A consumer or other individual may submit a report to the Food and Drug Administration using the electronic portal data elements described in subsection (e). Such reports shall be evaluated by the Secretary as specified in subsection (b)(2).

"(e) NOTIFICATION AND REPORTING OF ADULTERATION.—

"(1) DETERMINATION BY RESPONSIBLE PARTY OR IMPORTER.—If a responsible party or importer determines that an article of food it produced, processed, manufactured, distributed, or otherwise handled is a reportable adulterated food, the responsible party shall provide the notifications described under paragraph (2).

"(2) NOTIFICATION OF ADULTERATION.—

"(A) IN GENERAL.—Not later than 5 days after a responsible party or importer receives a notification, the responsible party or importer, as applicable, shall review whether the food referenced in the report described in paragraph (1) is a reportable adulterated food.

"(B) NOTIFICATION.—If a determination is made by such responsible party or importer that the food is a reportable adulterated food, such responsible party or importer shall, no later than 5 days after such determination is made, notify other responsible parties directly linked in the supply chain to which and from which the article of reportable adulterated food was transferred.

"(3) SUBMISSION OF REPORTS TO THE FOOD AND DRUG ADMINISTRATION BY A RESPONSIBLE PARTY OR IMPORTER.—The responsible party or importer, as applicable, shall submit a report to the Food and Drug Administration through the electronic portal using the data elements described in subsection (f) not later than 2 days after a responsible party or importer—

"(A) makes a notification under paragraph (2)(B); or

"(B) determines that an article of food it produced, processed, manufactured, distributed, imported, or otherwise handled is a reportable adulterated food, except that if such adulteration was initiated with such responsible party or importer, was detected prior to any transfer of such article of food, and was destroyed, no report is necessary.

"(f) DATA ELEMENTS IN THE REGISTRY.—A report submitted to the Food and Drug Administration electronic portal under subsection (e) shall include the following data elements:

"(1) Contact information for the individual or entity submitting the report.

"(2) The date on which an article of food was determined to be adulterated or suspected of being adulterated.

"(3) A description of the article of food including the quantity or amount.

"(4) The extent and nature of the adulteration.

"(5) The disposition of the article.

"(6) Product information typically found on packaging including product codes, use by dates, and names of manufactures or distributors.

"(7) Information about the place of purchase or process by which the consumer or other individual acquired the article of adulterated food.

"(8) In the case of a responsible party or an importer, the elements required for the registration of food facilities under section 415(a).

"(9).The contact information for parties directly linked in the supply chain and notified under subsection (e)(2).

"(10) In the case of an importer, the elements required for the prior notice of imported food shipments under section 801(m).

"(g) MAINTENANCE AND INSPECTION OF RECORDS.—The responsible person or importer shall maintain records related to each report received, notification made, and report submitted to the Food and Drug Administration under this section and permit inspection of such records as provided for in section 414. Such records shall also be made available during an inspection under section 704.

"(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Adulterated Food Registry.

"(i) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (e), the Secretary suspects such food may have been deliberately adulterated, the Secretary shall immediately notify the Secretary of Homeland Security. The Secretary shall make the data in the Adulterated Imported Food Registry available to the Secretary of Homeland Security.".

(c) DEFINITION.—Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)) is amended by striking "section 201(g)" and inserting "sections 201(g) and 417".

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by this Act, is further amended by adding at the end the following:

"(kk) The failure to provide a report as required under section 417(e)(3).

"(ll) The falsification a report as required under section 417(e)(3).".

(e) SUSPECTED FOOD ADULTERATION REGULATIONS.—The Secretary shall, within 180 days of enactment of this Act, promulgate regulations that establish standards and thresholds by which importers and responsible parties shall be required and consumers may be able to, under section 417 of the Federal Food, Drug, and Cosmetic Act (as added by this section)—

(1) report instances of suspected reportable adulteration of food to the Food and Drug Administration for possible inclusion in the Adulterated Food Registry after evaluation of such report; and

(2) notify, in keeping with subsection (e)(2) of such section 417, other responsible parties directly linked in the supply chain, including establishments as defined in section 415(b) of such Act.

(f) EFFECTIVE DATE.—The requirements of section 417(e) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall become effective 180 days after the date of enactment of this Act.

SEC. 06. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional inspectors are required to improve the Food and Drug Administration's ability to safeguard the food supply of the United States;

(3) because of the increasing volume of international trade in food products the Secretary of Health and Human Services should make it a priority to enter into agreements with the trading partners of the United States with respect to food safety; and

(4) the Senate should work to develop a comprehensive response to the issue of food safety.

SEC. _07. ANNUAL REPORT TO CONGRESS.

The Secretary shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

(1) the number and amount of food products regulated by the Food and Drug Administration imported into the United States, aggregated by country and type of food;

(2) a listing of the number of Food and Drug Administration inspectors of imported food products referenced in paragraph (1) and the number of Food and Drug Administration inspections performed on such products; and

(3) aggregated data on the findings of such inspections, including data related to violations of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), and enforcement actions used to follow-up on such findings and violations.

SEC. 08. RULE OF CONSTRUCTION.

Nothing in this title (or an amendment made by this title) shall be construed to affect—

(1) the regulation of dietary supplements under the Dietary Supplement Health and Education Act; or

(2) the adverse event reporting system for dietary supplements created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act.

SEC. _09. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title (and the amendments made by this title) such sums as may be necessary.

SA 1023. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . STUDY ON FOOD INSPECTION AND SAFETY USER FEES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine the feasibility of instituting a user fee program for food inspections and food safety that incorporates lessons learned from the user fee program for prescription drugs under chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) and that is designed to increase the resources and capabilities of the Food and Drug Administration to safeguard the food supply of the United States.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that—

(1) describes the findings of the study conducted under subsection (a); and

(2) includes—

(A) any recommendations for legislation related to such findings; and

(B) provides details, with respect to such recommended legislation, regarding—

(i) the expected revenues for the Food and Drug Administration;

(ii) the expected costs to the private sector, categorized by industry; and

(iii) any other relevant information.

SA 1024. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION OF REORGANIZATION PLAN PENDING REVIEW.

(a) IN GENERAL.—The Commissioner of Food and Drugs may not implement a reorganization plan that reduces or consolidates the number of laboratory facilities currently in operation within the Office of Regulatory Affairs of the Food and Drug Administration pending a comprehensive review of the reorganization plan by the Comptroller General of the United States to determine—

(1) the impact of the reorganization on the mission of the Food and Drug Administration to ensure that foods, cosmetics, and medical products are safe, effective, and properly promoted and labeled;

(2) the projected cost savings; and

(3) the projected operational efficiencies.

(b) REPORT.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall issue a report on the impact of the reorganization plan described in subsection (a).

SA 1025. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. ENZI, Mr. HATCH, and Mr. KENNEDY) proposed an amendment to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . SENSE OF THE SENATE WITH RESPECT TO FOLLOW-ON BIOLOGICS.

(a) FINDINGS.—The Senate finds the following:

(1) The Food and Drug Administration has stated that it requires legislative authority to review follow-on biologics.

(2) Business, consumer, and government purchasers require competition and choice to ensure more affordable prescription drug options.

(3) Well-constructed policies that balance the needs of innovation and affordability have broad bipartisan support.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) legislation should be enacted to—

(A) provide the Food and Drug Administration with the authority and flexibility to approve biopharmaceuticals subject to an abbreviated approval pathway;

(B) ensure that patient safety remains paramount in the system;

(C) establish a regulatory pathway that is efficient, effective, and scientifically-grounded and that also includes measures to ensure timely resolution of patent disputes; and

(D) provide appropriate incentives to facilitate the research and development of innovative biopharmaceuticals.

SA 1026. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PUBLICATION OF ANNUAL REPORTS.

(a) IN GENERAL.—The Commissioner on Food and Drugs shall annually submit to Congress and publish on the Internet website of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003" as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003";

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) INITIAL REPORTS.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) MEMORANDUM OF UNDERSTANDING.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

SA 1027. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—FOOD SAFETY

SEC. . FOOD SAFETY FOR HUMANS AND PETS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

"SEC. 417. NOTIFICATION AND RECALL.

"(a) NOTICE TO SECRETARY OF VIOLATION.—

"(1) IN GENERAL.—A person that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of this Act shall immediately notify the Secretary of the identity and location of the food.

"(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Secretary may require by regulation.

"(b) RECALL AND CONSUMER NOTIFICATION; VOLUNTARY ACTIONS.—If the Secretary determines that food is in violation of this Act when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Secretary, the Secretary shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

"(1) cease distribution of the food;

"(2) notify all persons—

"(A) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

"(B) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food;

"(3) recall the food;

"(4) in conjunction with the Secretary, provide notice of the finding of the Secretary—

"(A) to consumers to whom the food was, or may have been, distributed; and

“(B) to State and local public health officials; or

“(5) take any combination of the measures described in this paragraph, as determined by the Secretary to be appropriate in the circumstances.

“(c) Civil and Criminal Penalties.—

“(1) Civil sanctions.—

“(A) Civil penalty.—Any person that commits an act that violates the notification and recall standards under subsection (b) (including a regulation promulgated or order issued under this Act) may be assessed a civil penalty by the Secretary of not more than $10,000 for each such act.

“(B) Separate offense.—Each act described in subparagraph (A) and each day during which that act continues shall be considered a separate offense.

“(2) Other requirements.—

“(A) Written order.—The civil penalty described in paragraph (1) shall be assessed by the Secretary by a written order, which shall specify the amount of the penalty and the basis for the penalty under subparagraph (B) considered by the Secretary.

“(B) Amount of penalty.—Subject to paragraph (1)(A), the amount of the civil penalty shall be determined by the Secretary, after considering—

“(i) the gravity of the violation;

“(ii) the degree of culpability of the person;

“(iii) the size and type of the business of the person; and

“(iv) any history of prior offenses by the person under this Act.

“(C) Review of order.—The order may be reviewed only in accordance with subsection (d).

“(3) Exception.—No person shall be subject to the penalties of this subsection—

“(A) for having received, proffered, or delivered in interstate commerce any food, if the receipt, proffer, or delivery was made in good faith, unless that person refuses to furnish (on request of an officer or employee designated by the Secretary)—

“(i) the name, address and contact information of the person from whom that person purchased or received the food;

“(ii) copies of all documents relating to the person from whom that person purchased or received the food; and

“(iii) copies of all documents pertaining to the delivery of the food to that person; or

“(B) if that person establishes a guaranty signed by, and containing the name and address of, the person from whom that person received in good faith the food, stating that the food is not adulterated or misbranded within the meaning of this Act.

“(d) Judicial Review.—

“(1) In general.—An order assessing a civil penalty under subsection (c) shall be a final order unless the person—

“(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

“(B) simultaneously serves a copy of the petition by certified mail to the Secretary.

“(2) Filing of record.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Secretary shall file in the court a certified copy of the administrative record upon which the order was issued.

“(3) Standard of review.—The findings of the Secretary relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

“(e) Collection Actions for Failure to Pay.—

“(1) In general.—If any person fails to pay a civil penalty assessed under subsection (c) after the order assessing the penalty has become a final order, or after the court of appeals described in subsection (d) has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

“(2) Limitation on review.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Secretary assessing the civil penalty shall not be subject to judicial review.

“(f) Penalties Paid Into Account.—The Secretary—

“(1) shall deposit penalties collected under this section in an account in the Treasury; and

“(2) may use the funds in the account, without further appropriation or fiscal year limitation—

“(A) to carry out enforcement activities under food safety law; or

“(B) to provide assistance to States to inspect retail commercial food establishments, such as an establishment that holds, stores, or transports food or food ingredients, or other food or firms under the jurisdiction of State food safety programs.

“(g) Discretion of the Secretary to Prosecute.—Nothing in this section or section 418 requires the Secretary to report for prosecution, or for the commencement of an action, the violation of this Act in a case in which the Secretary finds that the public interest will be adequately served by the assessment of a civil penalty under this section.

“(h) Remedies Not Exclusive.—The remedies provided in this section may be in addition to, and not exclusive of, other remedies that may be available.

“SEC. 418. MANDATORY RECALL ACTION.

“(a) Mandatory Actions.—If a person referred to in section 417(b) refuses to or does not adequately carry out the actions described in that section within the time period and in the manner prescribed by the Secretary, the Secretary shall—

“(1) have authority to control and possess the food, including ordering the shipment of the food from a food establishment, such as an establishment that holds, stores, or transports food or food ingredients, to the Secretary—

“(A) at the expense of such food establishment; or

“(B) in an emergency (as determined by the Secretary), at the expense of the Secretary; and

“(2) by order, require, as the Secretary determines to be necessary, the person to immediately—

“(A) cease distribution of the food; and

“(B) notify all persons—

“(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

“(ii) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

“(b) Notification to Consumers by Secretary.—The Secretary shall, as the Secretary determines to be necessary, provide notice of the finding of the Secretary under paragraph (1)—

“(1) to consumers to whom the food was, or may have been, distributed; and

“(2) to State and local public health officials.

“(c) Nondistribution by Notified Persons.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under section 417(b)(2) or subsection (a)(2)(B) of this section shall immediately cease distribution of the food.

“(d) Availability of Records to Secretary.—Each person referred to in section 417 that processed, distributed, or otherwise handled food shall make available to the Secretary information necessary to carry out this subsection, as determined by the Secretary, regarding—

“(1) persons that processed, distributed, or otherwise handled the food; and

“(2) persons to which the food has been transported, sold, distributed, or otherwise handled.

“(e) Informal Hearings on Orders.—

“(1) In general.—The Secretary shall provide any person subject to an order under subsection (a) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

“(2) Scope of the hearing.—In a hearing under paragraph (1), the Secretary shall consider the actions required by the order and any reasons why the food that is the subject of the order should not be recalled.

“(f) Post-Hearing Recall Orders.—

“(1) Amendment of order.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that there is a reasonable probability that the food that is the subject of an order under subsection (a), if consumed, would present a threat to the public health, the Secretary, as the Secretary determines to be necessary, may—

“(A) amend the order to require recall of the food or other appropriate action;

“(B) specify a timetable in which the recall shall occur;

“(C) require periodic reports to the Secretary describing the progress of the recall; and

“(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

“(2) Vacation of orders.—If, after providing an opportunity for an informal hearing under subsection (e), the Secretary determines that adequate grounds do not exist to continue the actions required by the order, the Secretary shall vacate the order.

“(g) Remedies Not Exclusive.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.”.

SA 1028. Mr. ROCKEFELLER (for himself, Mr. Schumer, Mr. Leahy, Mr. Kohl, and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

“(s) Prohibition of Authorized Generic Drugs.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

"(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

"(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

"(B) does not include any drug to be marketed, sold, or distributed—

"(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

"(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).".

SA 1029. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 138 strike line 5 and all that follows through line 10 on page 142 and insert the following:

"(x) specify a process for annual Board review of the operations of the Foundation;

"(xi) establish specific duties of the Executive Director; and

"(xii) establish specific policies to safeguard the Federal Government's patent rights in inventions made with Federal assistance through the Foundation;

"(B) prioritize and provide overall direction to the activities of the Foundation;

"(C) evaluate the performance of the Executive Director; and

"(D) carry out any other necessary activities regarding the functioning of the Foundation.

"(3) TERMS AND VACANCIES.—

"(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

"(B) VACANCY.—Any vacancy in the membership of the Board—

"(i) shall not affect the power of the remaining members to execute the duties of the Board; and

"(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

"(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

"(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

"(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

"(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, shall be subject to the provisions of such section, and shall be considered a nonprofit organization for purpose of section 201(i) of title 35, United States Code.

"(g) EXECUTIVE DIRECTOR.—

"(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

"(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

"(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

"(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

"(3) prescribe the manner in which—

"(A) real or personal property of the Foundation is acquired, held, and transferred;

"(B) general operations of the Foundation are to be conducted; and

"(C) the privileges granted to the Board by law are exercised and enjoyed;

"(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

"(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

"(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

"(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation, except that Federal rights in patented inventions made with Federal assistance shall be preserved;

"(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

"(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees, except that Federal rights in patented inventions made with Federal assistance shall be preserved;

SA 1030. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, between lines 18 and 19, insert the following:

"(C) ADDITIONAL CERTIFICATION.—At the time of the submission of an application under section 505 of the Federal Food, Drug, and Cosmetic Act, section 515 of such Act, section 520(m) of such Act or section 351 of the Public Health Service Act, or submission of a report under section 510(k) of such Act, such application or submission shall be accompanied by a certification that all applicable requirements of sections 201 through 212 of title 35, United States Code, and any other provision of Federal law relating to Federal rights in patented inventions made with Federal Government assistance, have been met, including, where applicable, the requirement under section 201(f) of such title that the benefits of such inventions be made available to the public on reasonable terms, including price.".

SA 1031. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 171, line 16, insert before the period the following: ", and that any patent filed or that will be filed contains a statement specifying that the invention was made with Federal Government support and that the Federal Government has certain rights in it, if such a statement is otherwise required by law".

SA 1032. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 156, between lines 2 and 3, insert the following:

"(VII) The rights of the Federal Government in the drug or device that is the subject of the clinical trial.".

SA 1033. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, between lines 11 and 12, insert the following:

"(n) PROTECTING FEDERAL RIGHTS IN PATENTED INVENTIONS DEVELOPED WITH FEDERAL GOVERNMENT ASSISTANCE.—Any invention developed by the Foundation or with the funds of the Foundation shall be considered a subject invention for purposes of section 201(e) of title 35, United States Code.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, May 2, 2007, at 4 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to hear the views of the five most recent U.S. Nobel Laureates on the state of the country's scientific enterprise and the importance of scientific investment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, May 2, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider the nomination of Stephen J. Isakowitz to be the Chief Financial Officer of the Department of Energy, and the draft of an original bill, which is drawn from the text of the following bills:

S. 731—A bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 962—A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 987—A bill to enhance the energy security of the United States by promoting biofuels, and for other purposes.

S. 1115—A bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, May 2, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Medicare Prescription Drug Benefit: Monitoring Early Experiences."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Terrorism, Technology and Homeland Security be authorized to meet to conduct a hearing on "Interrupting Terrorist Travel: Strengthening the Security of International Travel Documents" for Wednesday, May 2, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Panel I: Andrew Simkin, Director of Fraud Prevention Programs, Bureau of Consular Affairs, Department of State, Washington, DC; Patrick Donovan, Assistant Director for Domestic Operations and Acting Director of Diplomatic Security for Counter Measures, Diplomatic Security, Department of State, Washington, DC; Michael P. Everitt, Unit Chief, Forensic Documents Laboratory, Immigration and Customs Enforcement, Department of Homeland Security, Washington, DC; Paul Morris, Executive Director, Admissibility Requirements and Migration Control Office of Field Operations, U.S. Customs and Border Protection Washington, DC.

Panel II: The Honorable Ronald K. Noble, Secretary General of Interpol, Lyon, France; Clark Kent Ervin, Director of Homeland Security, Aspen Institute, Former Inspector General of Department of Homeland Defense and Author of "Open Target: Where America is Vulnerable to Attack," Washington, DC; Brian Zimmer, Senior Associate, Kelly, Anderson & Associates Inc., Former Senior Investigator, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled "SBA Reauthorization: Small Business Loan Programs," on Wednesday, May 2, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BROWN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, May 2, 2007 from 10:30 a.m.–12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing concerning Nursing Home Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet in open session during the session of the Senate on Wednesday, May 2, 2007, at 2:30 p.m., to receive testimony on Department of Energy Atomic Energy Defense programs in review of the defense authorization request for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Leigh Ann Ross, a fellow in the office of Senator THAD COCHRAN, be granted the privilege of the floor for the duration of Senate debate on the 2007 FDA reauthorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Thomas Kraus, an intern on my staff, be granted floor privileges for the remainder of the debate on the Food and Drug Administration Revitalization Act of 2007.

The ACTING PRESIDENT pro tempore. Without objecting it is so ordered.

COMMENDATION OF PUBLIC SERVANTS

Mr. MENENDEZ. Madam President, I ask unanimous consent that the Homeland Security/Governmental Affairs Committee be discharged from further consideration of S. Res. 150, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 150) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 150) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 150

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(12) improve and secure our transportation systems;

(13) keep the Nation's economy stable; and

(14) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 7 through 13, 2007, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 23rd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

ORDERS FOR THURSDAY, MAY 3, 2007

Mr. MENENDEZ. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, May 3; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1082 and there be an hour of debate prior to a vote on the motion to invoke cloture on the Dorgan amendment No. 990, with the time equally divided and controlled between Senator DORGAN and the Republican leader or his designee; that upon the use or yielding back of the time, the Senate proceed to vote on that motion to invoke cloture; and that Members have until 10 a.m. to file any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MENENDEZ. Madam President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:24 p.m., adjourned until Thursday, May 3, 2007, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 2, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who speaks wisdom to the brokenhearted and heals the wounds of nations, when any of us comes to an impasse and becomes paralyzed with fear or confusion, by prophetic call You bid us to turn to You with renewed faith.

Lord, speak Your word and help leaders of government and judges in courts to look beyond self-interest as if this were the path for another's good. And, while in dialogue, seeking the full circumference of facts, let a new light arise in their midst which draws all to a deeper common ground which will grant a surface of security in truth and pave a course to justice and peace, which always reflects Your image and will last now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. G. Timothy Saunders, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

REPUBLICANS UNDER INVESTIGATION

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, the list of Republicans under investigation or resigning in this administration in disgrace keeps growing. This morning, The Washington Post reported Julie A. MacDonald, the deputy assistant Secretary of the Interior Department, resigned, just as she was being investigated for changing scientific reports to protect the interests of oil and gas companies and real estate developers, all the people she was supposed to be actually holding accountable. I wish this was an isolated case in the Bush administration.

This morning, The New York Times reported the Department of Commerce Inspector General faces three separate investigations in conduct of his office. Scott Block, the special counsel of the Justice Department, is being investigated for the management of his office. Lucita Doan at the GSA is being investigated for politicization of the office. Monica Goodling of the Justice Department resigned. Sue Ellen Wooldridge at Justice stepped down. Matteo Fontana at the Department of Education has stepped aside. David Safavian at OMB has been prosecuted. Stephen Giles at the Interior Department had to step down. All have had their conduct scrutinized while in their professional office.

It is time, in fact, and justifies why this Congress is doing its job of oversight and accountability, and bringing people's professional conduct in order.

PARTIAL-BIRTH ABORTION BAN

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, I rise to join with millions across our Nation who applaud the Supreme Court's recent decision to uphold the ban on partial-birth abortion. Partial-birth abortion is unrivaled in its gruesome brutality. There is no question it has caused the vicious destruction of viable, living, breathing babies whose only crime is inconvenience.

The court's decision is a victory in the quest to restore the dignity of human life. No longer will the most vulnerable and innocent among us be subject to such cruelty as partial-birth abortion.

It is also a victory for the Constitution, Mr. Speaker, which liberal activist judges have demeaned for far too long. It is encouraging to see the court's decision move towards our Founders' vision, a vision rooted in the commitment to not only protect, but to also respect human life.

While this is a step forward, it is only one victory in the longer struggle to assure that the abolition of abortion altogether is achieved. Let us never forget our responsibility to hold the basic sanctity granted to us by our Maker.

H.R. 1234

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The President's veto will stand, but now what will we stand for?

We say we want the war to end, but will we give the President the money to continue the war? We say we want our troops home, but will we continue to support the occupation? We know that U.S. contractors have been stealing from U.S. taxpayers and the Iraqi government, but will we leave our troops in Iraq to protect them? We know oil has had a lot to do with this war, but will we let this President get away with attempting to privatize Iraq's oil wealth in the name of reconciliation?

We can still change course. We can deny the administration funds to continue the war. We can bring our troops home. We can stabilize Iraq with an international security force once we end the occupation. That is exactly what H.R. 1234 is about, and it is time that we started to look for alternatives which reflect this Nation's highest aspirations.

RUSSIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, anyone who was alive at the time will always remember the collapse of the Berlin Wall.

With the Soviet bloc crumbling, the western world rejoiced as freedom spread to populations once thought hopelessly in the grip of Communist oppressors. There was reason to believe that the Soviets' brutal form of tyranny was over forever.

Unfortunately, recent actions seem to be giving new life to old Communist ghosts. Police squads crushing the Kremlin's dissenters, advocates of freedom and transparency silenced, cultural figures detained.

Mr. Speaker, the recent backsliding in Russia should be cause for alarm for all freedom loving people. As the

Kremlin's power expands, freedom for the Russian people shrinks. This was wrong during the Cold War and it is wrong now.

It is time that the free nations of the world take a stand against this trend and start demanding more from Mr. Putin and Russia's leaders.

ARMY SPECIALIST ERVIN CARADINE, JR.

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I want to talk about a gentleman who was Army Specialist Ervin Caradine, Jr.

Mr. Caradine would have been 36 years old today if he had lived. He was from my hometown of Memphis, Tennessee where we have lost nine veterans. He joined the Army to provide a better life for his family. He had graduated from Fairley High School and worked his way up to being a manager at the Steak-Out Restaurant in Memphis. He had a wife and he had four children.

Three years ago to this day, Army Specialist Ervin Caradine, Jr., died. He was in a convoy in Baghdad that was hit by an IED 3 years ago. Three days before his death, he called his wife and she said there was a change in his voice. He said, "It's getting worse over here, it's not getting better."

Since then, nearly 3,000 more soldiers have died. Army Specialist Ervin Caradine, Jr., said something 3 years and 3 days ago that is still true: It's getting worse over here, it's not better.

Let's not have more deaths.

CONTINUE TO TAKE THE FIELD

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, imagine my beloved St. Louis Cardinals were playing the much-despised Chicago Cubs. The Cardinals are up by five, finishing the top of the ninth. Is this a cause for celebration? Is this a cause for victory? No.

Unbelievable as it may seem, the Cubbies score five runs in the bottom of the ninth to throw the game into extra innings. There, the score remains until 1 a.m., five innings later. However, at the top of the 15th, the Cardinals fail to field a batter. The entire team has left the stadium. It seems that they are more worried about next day's 1 p.m. game at home than finishing the game at hand.

Who wins? We know, it's the team that stays on the field. Arbitrary deadlines and a date certain accept defeat before the conclusion of the contest. It is in our national security interest to continue to take the field and support a moderate Arab state. Leaving prior assures a loss for us and a victory for our opponents, which will lead to another extremist Islamic state.

"THE PRESIDENT CANNOT VETO REALITY"

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the President can veto our plan for a safe and orderly phased redeployment from Iraq, but he cannot veto reality. Our troops are coming home, it's just a question of how much blood and money will be spent before they do.

If the President had listened to the generals, we would never have invaded Iraq in the first place. Each day of this unnecessary tragedy demonstrates the wisdom of General Schwarzkopf's warning that we would become "like [a] dinosaur in a tar pit."

Had he listened to the generals, the President would have deployed enough troops to get the job done. But instead, he rejected the advice of General Shinseki, and allowed the violence to spiral, and unguarded weapon heaps became IEDs.

If the President had listened to the generals, he would now be redeploying our troops instead of sending more, inadequately protected, for longer, repeat tours of duty.

Had the President listened to the generals, our veterans would be getting the quality care that they have earned and they deserve.

But in this Administration, generals who disagree with the President earn a new title: Retired.

CONYERS-KIRK HATE CRIMES LEGISLATION

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I rise in support of the Conyers-Kirk Local Law Enforcement Hate Crimes Prevention Act. We know that a hate crime can ignite group-on-group violence that can completely overwhelm a small suburban police department.

In 2005, the FBI recorded 7,000 hate crimes in our country, 168 in the State of Illinois, and two in my congressional district, one in Wheeling and one in Palatine.

For us, we remember a tragic night in 1999 when Benjamin Smith, a member of a white supremacist group, gunned down the Northwestern University basketball coach in front of two kids. Why? Because he was black. Smith then continued his hunting spree, shooting Orthodox Jews coming home from synagogue, and spraying bullets at an Asian couple driving home in Northbrook.

These were hate crimes, crimes designed to tear a community apart, crimes designed to commit and isolate and stigmatize others because of the color of their skin or the religion they practice.

I urge my colleagues to back the Hate Crimes bill.

□ 1015

FOUR YEARS AGO IT WAS MISSION ACCOMPLISHED BUT NOW IT'S THE NEVER-ENDING MISSION

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, yesterday Congress sent the President an emergency supplemental bill that provides our soldiers and our veterans everything the President asked for and more. It was a bill supported by the American people, this Congress and military experts who believe it is time to change the course of the war in Iraq. The President's response? A veto.

The President's action last night shows not only his stubbornness and his inability to work with others, it also demonstrates that he simply refuses to change the status quo.

The President refuses to give our troops, this Congress, or the American people any timelines as to when this war will end or under what conditions he would finally bring our troops home.

Mr. Speaker, the President says that things are getting better in Iraq, but that's simply not true. Last month was one of the deadliest months for American troops in Iraq. One hundred four soldiers were killed.

It's time for a new course. It's time for the President to sit down and work with this Congress so we can finally produce the change that will end this war.

PASS A CLEAN IRAQ EMERGENCY SUPPLEMENTAL

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, last night the President did what he said he was going to do for weeks now. He vetoed the Democrat supplemental that was loaded with pork, tied the hands of our generals on the ground and provided the enemy with an ill-conceived exit strategy.

As the President said last night, Mr. Speaker, "Congress passed a bill that substitutes the judgment of politicians for the judgment of our military commanders." I couldn't agree with him more, and that's why I opposed this supplemental, and that's exactly why he vetoed it.

We must not, as a nation, be invested in defeat. Again, I repeat, we must not, as a nation, be invested in defeat. Unilateral surrender may be the Democrats' plan, but it will not lead to a safer America.

Now that the veto has taken place, it is simply unacceptable for the Democrat leaders to delay any further the funding that our American troops deserve. Let's pass a clean Iraq supplemental.

IRAQ TIMETABLE AND FUNDING

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, even after losing 3,200 American lives and spending billions of taxpayer dollars since declaring "Mission Accomplished" 4 years ago, the Bush administration continues to demand an open-ended commitment of American troops in Iraq. Yesterday President Bush refused to change the course when he vetoed a bill that was supported by Congress, retired military generals and the American people.

This Democratic Congress put forth a plan for a responsible end to the war consistent with our national security needs.

Even Secretary of Defense Gates himself reiterated last month that congressional debate was helpful. He delivered the message to the Iraqi Government that the clock is ticking on U.S. operations there. President Bush's veto yesterday lets the Iraqi Government off the hook and shows the President plans to keep our troops there indefinitely.

Mr. Speaker, the days of rubber-stamping the President's war proposals are long over. The President is going to have to learn to work with the Democratic leadership on this Congress so that we can find a way out of Iraq soon, and so we can provide our troops with the resources they need.

IRAQI SURRENDER GROUP

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, now that the media sideshows and the press conferences are over for the Iraqi Surrender Group, and the President vetoed the day of surrender bill yesterday, and properly so, Congress needs to get on about the business of funding our troops. Failure to fund our troops not only will affect our troops there, but it will affect the Iraqi security forces, the National Guard, and, of course, our Reserves.

That first bill may have funded some of the troops, but it had the pork and beans provision, $26 billion for the shrimp industry, the peanut farmers and the spinach farmers. Eliminate that and eliminate the day of surrender provision in that bill. Have a clean bill to support our troops. No more complaining. Send them the money they need.

This reminds me of the same problem that General Stonewall Jackson had with the Confederate Congress when they were complaining about the war. He said, "Send more troops, not more questions."

And that's just the way it is.

A REMEDY FOR CHAOS AND CONFUSION

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, yesterday President Bush called the timetable a "prescription for chaos and confusion." That timetable was a responsible road map out of Iraq.

The President has caused chaos and confusion for 4 long years, replacing one general after another when the general disagrees with the policy.

What has the President given us? He's given us the largest deficit in history. He's cut back from domestic programs to pay for this war. He's weakened our military. Eighty-eight percent of the National Guard is not prepared to go to war. The Army is strained to a breaking point.

He's neglected our own people, and he has destroyed Iraq's economy, their social fabric. People are leaving Iraq, fleeing from the chaos the President has caused for 4 long years.

We had a responsible road map. The President should have signed it.

WE HAVE A CHOICE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday the majority party sent a plan for failure in the war on terror to the President, and the President did the right thing. He sent it right back.

It's now time for Congress to pass a funding bill that supports our troops and doesn't undermine their mission. The political maneuvering done by the majority over the last 2½ months has done nothing, nothing, but delay the delivery of tools and resources to our troops in the field, while outlining a very specific and dangerous blueprint for defeat.

Let's stop wasting time. Let's stop trying to rewrite the Constitution and the role of the Commander in Chief.

We have a choice. The majority can continue to play these partisan games, or we can get down to work. We have that choice. The brave men and women in our Armed Forces do not. Let's honor their sacrifice with leadership rather than political partisanship. The American people are watching, and so are our allies and our enemies around the world. We have a choice.

PRESIDENT BUSH'S FAILURES IN IRAQ AND THE NEED TO CHANGE THE DIRECTION OF THE WAR

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, 4 years yesterday, President Bush sent a strong message to the American people, to our troops, and to the world, that our mission in Iraq was accomplished. Can you imagine that?

Four years later it is clear that this was just one of the many miscalculations on Bush's administration's part. Over the past 4 years, we have lost more than 3,000 additional troops, tens of thousands more have been severely injured, and hundreds of billions of U.S. taxpayers' dollars have been spent. Now a dangerous civil war is being waged with no end in sight.

The American military did its job. Military experts agree that there is no military solution to the war in Iraq. That is why this Congress approved an emergency supplemental bill last week that sent a strong message to the Iraqi Government that this is the time to get their political house in order. American troops are not going to be there indefinitely.

Mr. Speaker, President Bush was wrong 4 years ago. He's wrong now as he vetoes this bill. It is time for the President to work with this Congress to come up with a plan to end this war.

AMERICA'S DEPENDENCE ON FOREIGN OIL

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, one of the greatest national liabilities is our overwhelming dependence on Middle Eastern oil, and the men and women of south central Michigan continue to stress to me the importance of diversifying our Nation's energy portfolio and advancing cleaner-burning, homegrown, renewable energy sources.

This week I will introduce legislation, the Energy Independence through Bio-Diesel Act, that will continue the process of moving our country towards energy independence.

Creating a national standard for biodiesel will encourage the technology and economies of scale necessary to make America the leader in renewable sources of energy.

The Energy Independence through Bio-Diesel Act would create a 2 percent standard for bio-diesel and amend the Clean Air Act to require that within 5 years all diesel fuel sold contains a 2 percent industry average.

Fifty-five billion gallons of diesel were consumed in 2005, and a 2 percent standard would create a 1.1-billion-gallon market. This standard will help spur the necessary investments in facilities and technological advancements needed in this alternative fuel industry.

I urge my colleagues to commit to diversifying our energy supply and lessen our dangerous dependence on foreign energy by supporting the Energy Independence through Bio-Diesel Act.

PRESIDENT BUSH'S VETO

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, 4 years ago today, President Bush landed for a photo opportunity on an aircraft carrier in front of a banner that said "Mission Accomplished" and declared an end to major combat in Iraq. Four years later this President refuses to even discuss the reality of a military mission that has entered its fifth year.

Yesterday the President vetoed only the second bill that has ever come to his desk. He called it a "prescription for chaos and confusion." I ask, how is that different from what we have now? He refuses to even hold the Iraqis accountable for making political, economic or diplomatic reforms that he promised and they promised to make. He's holding up funding for our troops and for our veterans.

But what exactly is the President waiting for? Now that the President has rejected our legislation, he has the responsibility to tell the American people how many more years does he expect us to stay. Do you think it will be 5? Maybe 10? And what exactly do the ground conditions look like in order to have us beginning to withdraw? Wishful thinking, political talking points and rigid ideology do not make good foreign policy.

This President was wrong when he declared an end of combat operations, and he has been consistently wrong about every single thing in Iraq. It's time that this President works with the new Congress, elected by the majority of the American people, so that we can bring about a change to this war and truly secure America.

STOP THE POLITICAL GAMES

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, this is a difficult time for our Nation. We are all war weary. We are all heartbroken over any loss of life, and we are all concerned about the cost of the war.

All Americans, Republicans, Democrats, and, yes, the President, want this war over as soon as possible. It's time to stop the political games and put the needs of our men and our women defending our Nation first.

The people of America want a solution to bring the troops home, but not at the expense of jeopardizing the safety and the future of our Nation. As a Nation, we must make a strong commitment and a declaration to the world that the United States will defend itself and will not tolerate terrorism, nor will we coddle terrorists or surrender or appease them.

The Commander in Chief vetoed a bill which sought to micromanage the war on terror, tie the hands of our generals, and provide a surrender date to the enemies. Congress must uphold the President's veto, set aside the cut-and-run attitude, the loser attitude, for good.

Where is the pride for the defense our Nation, the liberty and the freedoms that thousands of men and women have given their lives for in earlier years?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would remind guests in the gallery that any expression of favor or disfavor for what is said on the floor is a violation of the rules.

THINGS ARE GETTING WORSE IN IRAQ AND PRESIDENT BUSH IS NOT WILLING TO TAKE THE WAR IN A NEW DIRECTION

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, over this past weekend, five more American soldiers were killed in Iraq, bringing the number killed in April to over 100 U.S. soldiers. It was the deadliest month for American soldiers this year. Sadly, the total number of Americans killed now stands at 3,351, along with thousands of innocent Iraqi men, women and children.

The realities on the ground that our brave soldiers continue to face day in and day out stand in stark contrast to President Bush's pronouncement 4 years ago that major combat operations in Iraq were over.

If major operations were over 4 years ago, what have our troops been fighting the last 4 years? If indeed our mission was accomplished 4 years ago, as the banner behind the President on that aircraft carrier proclaimed, what are American troops still doing in Iraq?

If the President truly wants to bring our mission to a just conclusion, he should work with Congress instead of simply vetoing our funding bill as he did. It's now up to the President to decide if he will support accountability for Iraqis, benchmarks for success, and new direction in Iraq, for we cannot stay this course.

□ 1030

H.R. 2027, THE MILITARY PAY IMPROVEMENT ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, under current law, military pay rates must be reasonably comparable to those in the private sector with similar skills, education, and experience.

Unfortunately, due to budgetary constraints over the years, the military pay increase has not always met this criteria and a "pay gap" was created. This gap is not only unfair to our brave men and women in uniform. It also has raised retention and readiness concerns.

For this reason, I have introduced H.R. 2027, the Military Pay Improvement Act, which would give them a minimum 3.5 percent pay raise.

Our Nation's brave men and women in uniform have fought gallantly to ensure the continued safety, security, and prosperity of this great Nation. I believe it is unacceptable that we task these men and women with extraordinary responsibilities especially, during wartime, and cannot compensate them accordingly. The debt we owe them for their sacrifices can never be repaid. However, my bill will take a small step in the right direction to show our appreciation for their valor.

I urge all my colleagues to cosponsor the bill.

COMMUNICATION FROM HON. JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
May 1, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives, I designate the following Members to be available for service on investigative subcommittees of the Committee on Standards of Official Conduct during the 110th Congress:

The Honorable ROB BISHOP
The Honorable MARSHA BLACKBURN
The Honorable ANDER CRENSHAW
The Honorable LINCOLN DIAZ-BALART
The Honorable PHIL ENGLISH
The Honorable TOM LATHAM
The Honorable FRANK LUCAS
The Honorable SUE MYRICK
The Honorable MIKE SIMPSON
The Honorable GREG WALDEN

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

PROVIDING FOR CONSIDERATION OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1867 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 349 and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, this rule permits the House to consider the National Science Foundation Authorization Act of 2007. This important legislation will be considered under an open rule with a preprinting requirement, allowing any Member to submit changes or improvements to the bill.

Chairman GORDON, Chairman BAIRD, Ranking Member HALL, Ranking Member EHLERS, and the Science and Technology Committee have put together an excellent product, and I look forward to an open and constructive debate.

I am proud that today's debate will shine a light on the National Science Foundation. The National Science Foundation is truly one of the Federal Government's greatest accomplishments. It features a rich tradition that has supported talented young investigators, made America the world leader in basic science and innovation, and laid the groundwork for the Nation's economic strength.

This reauthorization also represents another important step in the implementation of the innovation agenda. By boosting scientific research and development, moving the Nation toward a clean energy economy, promoting broadband deployment, and supporting small business entrepreneurs, the innovation agenda will keep our promise to maintain and strengthen America's competitiveness and leadership in the global economy.

At present the National Science Foundation supports research and education activities at over 2,000 universities colleges, K–12 schools, and research institutions throughout the country. It is unique among our Federal research enterprises in that NSF supports scientists and engineers across all disciplines.

In a given year, NSF will support about 200,000 scientists, engineers, teachers, and students. That is why NSF has led to groundbreaking research in such varied fields as genetics, computer science, information technology, nanotechnology, and climate change.

By way of example, in my district, NSF funds the UC Davis Center for Biophotonics Science & Technology. The center features dynamic and innovative research that harnesses light to facilitate revolutionary advances in biomedical science. The potential applications for medical research and treatment are groundbreaking and will offer hope to thousands of our constituents. That is the kind of research NSF supports.

I would also like to point out that NSF resources are distributed on a competitive peer review basis; so an objective process allows for only the most worthy proposal to receive funding. This is the best kind of investment the Federal Government can make because the return on this investment is tremendous. By stimulating innovative research, we create educational opportunities for promising students and drive cutting-edge research throughout the country. There is no better way to fuel the economy and create quality jobs. That is why the National Science Foundation has broad and bipartisan support in Congress.

This reauthorization provides $21 billion at NSF for fiscal years 2008 through 2010. In doing so, it keeps us on the path to double the National Science Foundation funding by 2017. This was a key recommendation of the highly respected National Academy's report on U.S. competitiveness, "Rising Above the Gathering Storm." And this boost is urgently needed, since today NSF can only fund about a quarter of the grant proposals that are submitted.

The bill also creates a pilot program targeted at new investigators so we can bring more talented young people into scientific research fields, and it directs NSF to facilitate public-private partnerships, a proven method to leveraging Federal investment and bolstering American competitiveness.

Finally, this reauthorization bill is on the Agency's legacy of promoting math and science education by including the provisions of H.R. 362, the 10,000 Teachers, 10 Million Minds Math and Science Scholarship Act, which the House passed last week.

With that, I thank the Science Committee once again for this excellent legislation. I look forward to a robust debate on this bill, and I hope we can work with the Senate to get it on the President's desk in short order.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from California for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, the National Science Foundation plays an important role in making sure that our Nation is a global leader in the fields of science and engineering. This Federal agency provides critical support for researchers, educators, and students in science, technology, engineering, and mathematics. Specifically, Federal support allows American scientists to pursue high-risk, high-return fields that increase our Nation's competitiveness and scientific knowledge, and it ensures we are able to attract the brightest minds to our colleges and universities.

One area in which the National Science Foundation is supporting U.S. leadership in the sciences is in the Laser Interferometer Gravitational Wave Observatory Program, or "LIGO" for short. The LIGO program, which operates an observatory in Central Washington in my district, is trying to detect for the first time the existence of gravitational waves, which have been sought by physicists around the world since they were theorized by Albert Einstein. Their discovery would lead to a greater understanding of the makeup of the universe and would help solidify our Nation's lead in the field of physics and astrophysics.

The President's fiscal year 2008 budget provides for the expansion of LIGO and nearly doubles funding available for the LIGO Hanford Observatory to allow for more advanced research. I am pleased that the National Science Foundation Authorization Act supports this proposed expansion.

The LIGO program is not only an important investment in our Nation's science capability, but it also has been an instrument of learning for local communities. The LIGO's Hanford Observatory was recently awarded one of the first ever Science Education Advocate Awards by the Washington State Leadership and Assistance for Science Education Reform, a partnership of public schools and science institutions. LIGO is an excellent example of the National Science Foundation's dedication to funding world-class research while also helping to grow students' interest in the sciences.

Mr. Speaker, if America is to continue to lead the world in science and the pursuit of knowledge, funding for the National Science Foundation is essential. The underlying legislation authorizes the National Science Foundation for 3 years at strong levels needed to maintain and strengthen research through the foundation.

But, Mr. Speaker, I am once again disappointed that the Democrat majority has once again missed an opportunity to provide consideration for the National Science Foundation Act under an open rule that would allow all Members of the House to come to the floor and offer an amendment during consideration of the bill. The National Science Foundation was last authorized in 2002, and at that time, the Republican majority allowed the bill to be considered under a truly open rule. I am disappointed that the Democrat majority has pledged a new era of openness but so far has not lived up to their commitment. Instead, it frankly has tried to change the definition of what an open rule is.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

☐ 1045

Ms. MATSUI. Mr. Speaker, I am very much looking forward to the upcoming debate on the National Science Foundation reauthorizing that this rule allows. In discussing the various programs and initiatives at NSF, we will demonstrate how the Federal Government can strategically and effectively drive scientific discovery and innovation.

The importance of the National Science Foundation and its mission must not be underestimated. While America has been blessed with abundant natural resources and defensible borders, it is the innovative spirit of our citizens that has driven this Nation's leadership in the global economy.

Throughout our history, we have been willing to experiment, to take risks, to constantly redefine what is possible. That tradition has given us a competitive advantage over other countries that has created prosperity for the Nation, improving the quality of life for all our constituents.

As Members know well, our leadership in the global economy is at risk today. While we face rising threats from countries like India and China, we have also failed to make the necessary investments in education, science, and research and development to maintain the foundation of knowledge that has served us so well in the past.

This NSF reauthorization takes great strides to remedy that neglect. Most importantly, by committing to double NSF funding over the next 10 years, we demonstrate that ensuring the Nation's competitiveness is of the highest priority.

As the House continues to consider items from the innovation agenda, the importance we place on competitiveness will be demonstrated again and again.

With that, I look forward to today's debate and continuing to move forward on measures like this one that will bolster innovation and competitiveness.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 350

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1868 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 350.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 350 provides for consideration of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, under a structured rule.

The rule provides 1 hour of general debate to be controlled by the chairman and the ranking minority member of the Committee on Science and Technology.

The rule makes in order five amendments printed in the Rules Committee report, each with 10 minutes of debate. The rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I speak today in support of House Resolution 350 and H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, a bill which provides essential funding to the National Institute of Standards and Technology for the next 3 fiscal years.

The United States Commerce Department's National Institute of Standards and Technology strives to promote U.S. innovation and industrial competitiveness through the advancement of measurement science, standards and technology. Through numerous individual laboratories, the NIST makes important scientific contributions to numerous scientific fields, from building and fire research to computer security to biotechnology.

This bill will enhance the important mission, putting the NIST on a path to double its budget by the year 2017. With this additional funding, the NIST will continue to make important contributions to public safety, industrial competitiveness and economic growth.

This bill also allocates funding for the Manufacturing Extension Partnership, also known as MEP. These MEP programs leverage Federal, State, local and private investments to stimulate new manufacturing processes and technologies. These new processes and technologies are a key component for ensuring that American manufacturers have the tools to compete effectively and efficiently against overseas manufacturers.

The MEP program has proven remarkably effective in my home State of Ohio, where small and midsize manufacturers face limited budgets, in-house expertise and access to the newest technologies. MEP assistance providing training, expertise and services tailored to the critical needs of Ohio's small and midsize manufacturers have made a big difference. Through this assistance, manufacturers in Ohio have increased productivity, achieved higher profits and remained competitive by providing the latest and most efficient technologies, processes and business practices.

In 2006, as a direct result of MEP assistance, my State enjoyed over $150 million of new investment and over $500 million in increased or retained sales. Companies in Ohio participating in the MEP reported cost savings of over $100 million. Through the continued funding of this vital program, we can bring these vast benefits to even more small manufacturers across the country.,

Finally, and very importantly, this bill allocates funding for the new Technology Innovation Program, which funds high-risk, high-reward, precompetitive technology development by small and medium-sized companies. The goal of this program is to accelerate the development of technologies that will have a broad economic impact on our technology market.

Harvard Professor Daniel Bell once said that "Technology, like art, is a soaring exercise of human imagination." It is through the National Institute of Standards and Technology, the Manufacturing Extension Partnership and the Technology Innovation Program that technology is given the wind that it needs to soar. Even more importantly, through this bill, small and midsize manufacturers will be given the support they need to compete with larger competitors in overseas businesses.

This bill will not only provide assistance to American companies, like the 1,773 companies in Ohio that were helped by the Manufacturing Extension Partnership, but it will also create a stronger and more vibrant American technology industry. This is a good bill, and it deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today in strong support of promoting technological innovation, bolstering the strength of our manufacturing industry and contributing to the overall global competitiveness of American business. However, I simply cannot support the closed rule process brought forward today by the Democrat majority that prevents all but one Republican amendment from being considered by the House.

This rule represents a substantial break with recent precedent because the last time that a comprehensive reauthorization of the National Institute of Standards and Technology was brought to the Rules Committee, the Republican majority provided the House with a completely open rule for its consideration. I know this, Mr. Speaker, because I had the privilege of managing that rule for our majority, and the Democrat minority position was then ably handled by the current chairman of the Rules Committee, my good friend Chairman LOUISE SLAUGHTER.

Unfortunately, Chairwoman SLAUGHTER seems to have forgotten the merits of providing the House with an open rules process because today the committee that she chairs has provided the House with a closed process, through a restrictive rule, not an open rule, even using the more lenient definition of an open rule currently being employed by the Democrat majority, which under Republican leadership was reserved for modified open rules.

I include for the RECORD a copy of this rule, H. Res. 474, which provided for the consideration of H.R. 2733, the Enterprise Integration Act of 2002, to remind the majority that NIST reauthorization is, in fact, possible to do under an open process.

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2733) to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Despite my objection to the rule, I do want to support the underlying legislation which makes a number of positive changes to an institution with a long history of helping to keep America globally competitive.

Since its inception in 1901, the National Institute of Standards and Technology has worked diligently to achieve its mission of promoting U.S. innovation and industrial competitiveness by advancing measurement, science, standards and technology in ways that enhance economic security and improve the quality of life.

By focusing on its core mission of stimulating innovation, fostering industrial competition and competitiveness and improving quality of life, the NIST has become a valuable component in the ongoing struggle that the United States faces to remain globally competitive.

This legislation authorizes appropriations for NIST for the next 3 years, most notably doubling the Federal Government's investment in physical science research, as proposed by President Bush's American Competitiveness Initiative. And this increased investment will yield real-world benefits across a number of diverse sectors, including developing performance standards for bullet-proof vests for our military and law enforcement, chemical and biological protection equipment for first responders, and measurement standards vital to leading-edge industries like nanotechnology and next-generation solar cells that will help America increase its energy independence.

This legislation strengthens oversight by requiring the NIST director to submit annual programmatic planning documents to Congress, ensuring that the NIST budget is spent on activities that meet the needs of American industry, and that the increased funds which the NIST is being entrusted with are spent wisely.

This legislation also takes steps to ensure the continued viability of the workhorses of the American economy, small and medium-size manufacturers.

☐ 1100

By reauthorizing the Manufacturing Extension Partnership program, Congress will help countless domestic manufacturers to improve their manufacturing processes, reduce waste and to train workers to use new equipment.

Mr. Speaker, I do appreciate the work of Chairman BART GORDON and my good friend, the ranking member of the committee, the gentleman from Rockwall, Texas, Mr. RALPH HALL, for all of their hard work and bipartisan cooperation on this legislation.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy for this legislation.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1868—TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007, MAY 1, 2007

The Administration opposes House passage of H.R. 1868 in its current form. The bill conflicts with the administration's Research and Development Criteria by diverting funds from critical, high-return basic research to support subsidized management consulting activities and a Technology Innovation Program (TIP) modeled on the Advanced Technology Program that was proceeding toward termination last Congress, as the Administration has proposed for the past five years. These external commercial support programs would be authorized at a total of $223 million in Fiscal Year 2008, and would increase by more than 18 percent in FY 2009. The Administration does not support the level of funding or the focus and structure of the programs as currently reflected in the bill. The Administration recognizes that a Manager's Amendment may be offered that is intended to improve the bill by refocusing TIP awards on areas of national need. However, the bill still permits grants to large corporations, limits the role of universities and national laboratories, and does not target major societal challenges.

The Administration continues to believe that investing in basic research is a higher priority. Last year the President proposed doubling support for high-payoff physical science research in the National Institute of Standards and Technology (NIST), the National Science Foundation, and the Department of Energy's Office of Science over the coming decade as part of the American Competitiveness Initiative (ACI). Compared with the amounts required to double NIST's core research and facilities funding, H.R. 1868 provides $22 million less in FY 2008 than the President requested and authorizes less funding than the Administration recommends in FYs 2009 and 2010. Such investment in NIST's core measurement and standards capabilities has demonstrated a significant, and often exceptional, return to the economy. Studies commissioned by NIST to evaluate the economic impacts of its core standards activities generally show benefits far greater than costs—the benefit-cost ratio across 19 of these studies averaged 44:1, indicative of the great leveraging of NIST's work in the economy. The research funding increases for NIST proposed in the ACI have been broadly endorsed by the science community, most recently in the "American Innovation Proclamation"—a package of targeted recommendations by America's business and higher education leaders.

The House bill would divert NIST resources from core basic research activities toward less meritorious industrial policy. The Administration urges the House to amend the bill to address these concerns.

But despite my support for the legislation's goals, I encourage my colleagues to oppose this rule, so that this legislation can be considered under an open rule process that gives every single Member of this body with a germane amendment an opportunity to come down to the floor and to make their case.

Mr. Speaker, the essence of what we are here to do today is to help America to become more competitive in the global process. By doing this, what we are saying is that by working with the NIST, it is a collaboration that the government has on behalf of and in particular for technology.

Technology is what ultimately will drive America well into this new century to make sure that we solve problems, problems that have existed. Maybe they are mathematical problems, perhaps they are problems of trying to get people to work with new equipment that they may have. But the technology angle and the ability that the Federal Government has to take a proactive stand on behalf of American competitiveness is the essence of this bill.

For a long time, we have spoken on this floor, Member-to-Member and as a body, about how important it is for America to understand the global competition that faces America. Today is an opportunity for us to come together here in this Congress to make sure that we are talking not only about that which will help America, but to continue something that we have been doing since 1901, and that is a government program that works well with the private sector to make sure that America is poised in its future to be prepared for what lies ahead.

Mr. Speaker, at this time, I would like to yield 8 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, let me just thank my former colleague on the Committee on Rules, Mr. PETE SESSIONS, the gentleman from Texas. I realize as we get busy running from pillar to post around here, that he was in the process of wrapping up, and it is awfully kind of him to go kind of out of regular order and give me the opportunity, knowing how committed I am to this program, to take a few minutes. I appreciate so much that opportunity.

I do rise to support the underlying rule and the bill, H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007. I want to take the opportunity to thank my chairman on the Subcommittee on Technology and Innovation, DAVID WU from the great State of Oregon, for incorporating into this bill the many suggestions and additions from our colleagues on both sides of the aisle, as well as the administration. The final legislation is a better product because of that, and, DAVID WU, I thank you so much.

Last year, with his American Competitiveness Initiative, President Bush provided a vision to maintain America's position in the global marketplace by actually doubling the investment in physical science research over the next 10 years. H.R. 1868 helps fulfill that mission.

Mr. Speaker, the purpose of this bill is to authorize appropriations for fiscal years 2008, 2009 and 2010 for the National Institute of Standards and Technology, NIST we know it as. It is an agency in the Department of Commerce and one of the three agencies highlighted by the President's American Competitiveness Initiative.

NIST has an annual operating budget of about $843 million. It operates in two locations. The headquarters, of course, are in Gaithersburg, Maryland, I have had a great visit there with Dr. Jeffrey, the Director. There is also the facility at the University of Colorado in Boulder.

NIST employs 2,900 scientists, engineers, technicians and administrative. These employees all play a critical role in this research, which enables cutting-edge technologies to make the leap from basic research into successful commercial products. NIST labs accomplish this goal by conducting research that supports United States technology infrastructure by developing tools to measure, evaluate and standardize processes and products in almost all industrial sectors.

For example, NIST labs develops performance standards for bulletproof vests, chemical and biological protection equipment guides for first responders, measurement standards vital to sustaining cutting-edge industries like nanotechnology, we are doing some great work at my alma mater, the Georgia Institute of Technology, on nanotechnology, and, of course, next generation solar cells.

The Technology Innovation and Manufacturing Stimulation Act codifies the American Competitiveness Initiative by authorizing 3 years of the proposed 10-year doubling for NIST laboratories and construction budget. That indeed is exactly what the administration asked us to do. That is exactly what Chairman WU has done and the Science Committee has done.

H.R. 1868 also strengthens oversight of NIST programs by requiring the director to submit to Congress annual programmatic planning documents and requiring NIST's Technical Advisory Board to comment on those plans. This will ensure that the budget of NIST is spent on activities that meet the needs of American industry and that Congress is kept abreast of how NIST plans to use its increased funding.

Manufacturing is so fundamental, Mr. Speaker, to our Nation's economic vitality. Manufacturing jobs continue to pay more than the average U.S. salaries and they provide better benefits.

Mr. Speaker, a strong manufacturing base is so critical to U.S. economic competitiveness. H.R. 1868 supports small and medium-sized manufacturers by reauthorizing the highly successful Manufacturing Extension Partnership. I know every Member is enthusiastic about Manufacturing Extension Partnerships. We refer to them as MEPs. They are wonderful. They are great programs. They help businesses improve manufacturing processes, reduce waste, they train workers to use new equipment.

The MEP program receives one-third of its funding from the Federal Government, one-third from the States, and, yes, one-third from fees charged to the participating small businesses, these potential small business manufacturers. This MEP program has over 350 offices located in all 50 States and Puerto Rico. In my great State of Georgia, and again, I mention my alma mater, Georgia Tech, plays a critical role in successfully coordinating the efforts across the State for these MEP programs.

H.R. 1868 improves the MEP program by incorporating changes that have passed the House in both the 108th and 109th Congresses. These changes include the codification of an MEP advisory board, the establishment of grant programs to research and identify innovative manufacturing technologies and the formation of research fellowships.

I know my colleagues and I can all agree that small and medium-sized manufacturers are the workhorses of our economy. Their future depends on our ability to foster an innovative environment which will enable them to continue developing and adopting advanced technologies that allow them to remain competitive in the ever-increasing global marketplace.

Our country's current system of collaboration with university and national lab-based basic research is the best in the world. However, many experts agree that in the phase between science-based "inventions" and commercially viable "innovation," inefficiencies exist in our capital markets that contribute to the funding gap for early stage technology development.

Currently, the Advanced Technology Program at NIST provides cost-shared funding to bridge the technology development gap for research with potential to deliver widespread economic benefits that would likely not be developed because private sector capital is unavailable.

H.R. 1868 repeals the Advanced Technology Program, ATP, and establishes the Technology Innovation Program, TIP, which will award cost-shared grants to small and medium-sized businesses and joint ventures including universities to pursue high-risk technologies with potential significant broad benefits to the Nation.

The new Technology Innovation Program incorporates recommendations made by the Bush administration to improve and update the former ATP program to make it more effective in promoting technology transfer that will benefit our entire Nation.

Mr. Speaker, past ATP funding advanced technologies for the next-generation auto equipment and techniques including: robotic welding, ceramic coatings, and reinforced plastics as strong as steel. One project dramatically improved the fit of a car body's 300 stamped parts. This advancement may save consumers and automakers up to $650 million in annual maintenance costs.

Mr. Speaker, I again want to underline my whole-hearted support for the underlying legislation and urge my colleagues to do the same.

Mr. Speaker, let me just say that what we are doing here today in regard to the NIST program is so important to our economy. We worry about jobs. We worry on both sides of the aisle. We talk about that. Every month we look at the number of jobs that were created. It is a barometer that is watched so closely by the Members of Congress, both Republican and Democrat, and by the people back home.

This is really what this is all about, these kinds of programs. We can fight about a lot of things, but we shouldn't fight about funding the National Science Foundation and the NIST program and the Manufacturing Extension Partnership and anything like that, like last week when we passed those two bills to improve math and science education in this country.

We have to compete globally. Yes, we are in a shooting war in the Middle East and we want to give our soldiers an opportunity to win, but we need to give ourselves an opportunity to win this economic battle of the global economy, and that is what it is all about.

Mr. Speaker, I want to again underline my whole-hearted support for the underlying legislation. I urge my colleagues, as I know they will, to support it.

Ms. SUTTON. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WU), the chairman of the Subcommittee on Technology and Innovation.

Mr. WU. I thank the gentlewoman.

Mr. Speaker, I rise in support of the rule for consideration of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007. H.R. 1868 is a bill which will bolster innovation and our manufacturing base and enhance national economic competitiveness.

The bill was ordered reported by a unanimous vote of the Committee on Science and Technology on April 25, 2007. The bill puts the National Institute of Standards and Technology, NIST, on a 10-year path to doubling as an investment in our innovation future.

H.R. 1868 is a comprehensive authorization bill for NIST's Scientific and Technical Research and Services, Industrial Technology Services and Construction Research Facilities accounts. NIST has not had a comprehensive authorization bill since 1992.

I want to highlight that H.R. 1868 is a bipartisan product of the Science and Technology Committee. I worked closely with Ranking Member HALL and with Dr. GINGREY. I want to thank Dr. GINGREY for coming to the floor and speaking on behalf of this bill and rule this morning. I worked closely with Dr. EHLERS in developing this legislation. They were original cosponsors of the bill.

We adopted several amendments at the subcommittee and full committee markup, and we have a stronger bill as a result of this bipartisan effort.

This bill has been endorsed by TechNet, the Alliance For Science & Technology Research in America, the American Small Manufacturers Coalition, the American Association of Universities, the National Association of State Universities and Land Grant Colleges and dozens of other organizations, companies and individuals.

Mr. Speaker, the Rules Committee has crafted an appropriate rule, and I would urge my colleagues to support the rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, as you can see by the last two speakers, the gentleman from Georgia (Dr. GINGREY) and the gentleman from Oregon (Mr. WU), they have approached this subject not only in a bipartisan way, but with a genuine friendship to each other in trying to promote NIST as well as American competitiveness. I think this flows all the way to the top, where Chairman BART GORDON and ranking member RALPH HALL have worked very diligently on this. I think it is a good thing when we are able to work in the Congress on behalf of the American people, in this case for the NIST laboratories.

I would like to talk for just a minute, if I can, about more of what they do, because I think it is an interesting exercise to go through.

Between 3 and 6 percent of the U.S. gross domestic products is attributed to measurements and measurement-related operations that rely on the NIST for accuracy, reliability and for international recognition. The NIST X-ray standards and proficiency tests ensure proper radiation exposure levels in more than 9,000 facilities that perform more than 30 million mammograms yearly.

The NIST Internet time services are being used by NASDAQ, a key component of our wonderful American system of financial integrity, for NASDAQ members to time stamp hundreds of billions of dollars worth of stock trades and other financial transactions that are conducted in business every single day.

The United States, for the last 35 years, has helped the Federal Bureau of Investigation, the FBI. During part of that time my father, for eight of those years, served as Director of the FBI.

□ 1115

The NIST helps improve the process of matching fingerprints found at crime scenes or collected from suspects with those that are on file. In cooperation with the American National Standards Institute, the NIST also developed a uniform way for fingerprint identification data to be exchanged between different jurisdictions and between scanning machines made by different manufacturers.

The Malcolm Baldridge National Quality Award, the Nation's highest honor awarded by the President of the United States to U.S. organizations for their performance excellence in quality achievement, is managed by the NIST, and the award criteria are used by thousands of companies, hospitals, and schools to improve their products and services all across the United States.

The total economic benefit of the NIST Baldridge National Quality Program, which receives only a small amount of Federal funding, is estimated at almost $25 billion for a stunning benefit-cost ratio of 207 to 1.

Mr. Speaker, we are talking about something that is a laboratory that all Americans can be proud of. I came from a research organization years ago in New Jersey where I had a chance to also work in a lab. This lab is an asset to America. But, Mr. Speaker, it is part of an overall comprehensive and complex way that the United States chooses to do business not only in this country, but also to lead the world.

I found it interesting that just a few weeks ago there was a report issued by the Financial Times, which is a newspaper that reports on international monetary circumstances, and it reported that now the 25-member EU countries have a combined GDP that equals that of the United States of America, 25 member countries from the EU. But if you read on, you see that they now have a combined GDP that equals the United States where we were in 1985.

America truly is the world leader. We are the world leader in commerce and activities that create better lives for people. The EU is struggling. They are struggling because of high taxes, rules and regulations, and a single-payer system in health care, those things that we here in the United States Congress also debate and talk about.

And because we have a chance to have something like the NIST as well as a free-enterprise system that is vibrant here in America, because we shut off the heavy rules and regulations, the heavy taxation, and those things that would be related to a single-payer system for health care, we have been able to move America economically in the world marketplace.

So Republicans today come to the floor in full appreciation and respect with our colleagues to say we want to continue what this lab does, but we are also asking for them at the same time to recognize that growing medium and small business, ensuring that America stays competitive, and, most importantly, that we are prepared for the future where our competitors might be is what really this Congress should be doing.

Today is a small piece, part, a component of that competitiveness model that will keep America going, and I am proud to be a part of that.

Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, it is time we put some teeth behind our rhetoric about helping our manufacturers and promoting innovation and industrial competitiveness. While there are many things that must be done on many different fronts to see real improvements, passing the Technology Innovation and Manufacturing Stimulation Act today is one very positive action we can take for manufacturers in Ohio and across the Nation.

It also tells those involved in measurement science, standards and technology, and those working to contribute to public safety, industrial competitiveness and economic growth that we are behind their efforts.

As I said earlier, when we support the National Institute of Standards and Technology, the Manufacturing Extension Partnership, and the Technology Innovation Program, we are not only talking the talk, we are walking the walk. For this reason, I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1429, IMPROVING HEAD START ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 348 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 348

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a

Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1429 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 348 provides for consideration of H.R. 1429, the Improving Head Start Act of 2007, under a structured rule.

The rule provides 1 hour of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Education and Labor. The rules waive all points of order against the bill except those arising under clauses 9 or 10 of rule XXI. The rule makes in order and provides appropriate waivers for 12 amendments, all contained in the committee report.

Mr. Speaker, for more than 40 years Head Start has served as the premier educational and developmental program for more than 20 million American children and families. Head Start works. It works because it is a well-researched, comprehensive initiative that combines children's educational needs with health care and parent outreach.

This comprehensive approach to child health, nutrition and learning is one of our best tools to tackle the achievement gap in education for children living in poverty across our Nation.

The achievement gap begins far before children enter elementary school. Head Start tackles the achievement gap through cognitive, social and emotional child development, each of which is a key contributor to entering elementary school prepared to succeed.

Today 20 percent of America's 12 million children under age 6 live in poverty. We know that a family's income level greatly affects their children's access to educational opportunities. The reality of poverty for so many children, unfortunately, is tied to low success rates in our classrooms. This is true in my home State of Florida. In my community in the Tampa Bay area, over 5,300 children currently are served by Head Start, but many thousands more are on waiting lists and are eligible.

They are on waiting lists because for so many years previous Congresses have failed to reenact Head Start, and the White House has proposed flat-line budgets, so our kids merely have been treading water. With no improvements or increases in funding since 2003, and inflation going up, it has become more difficult to maintain the well-known, high-quality elements in Head Start.

The good news is that this new Congress will change that today and make the smartest investment for our country's future workforce. We are going to put more kids on the path to success when we pass this bill and rule today.

This bill will improve teacher and classroom quality, strengthen the focus on school readiness, expand access to thousands more children across America, strengthen comprehensive services, increase the number of children in early Head Start, because we are a lot smarter these days based upon the research that has been done on early child development and the development of the brain. We are going to allow homeless children to enroll, and we are going to do a better job, my colleague from Florida, for children who are just learning English.

On Monday, I paid a visit to the West Tampa Head Start Center and delivered books to the kids and teachers to mark the four decades of smashing success of this holistic, wraparound initiative that empowers all of us. These children are eager and ready to learn if we give them the tools.

We need to raise strong and healthy children. Head Start prepares children to succeed in school and in life. The administration's slow-motion cuts of Head Start over past years will now be reversed. The American people stood up in November and asked for change, and today we are going to stand up for them.

□ 1130

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from Florida (Ms. CASTOR) for the time, and I yield myself such time as I may consume.

It is very important for the future of our children that they develop the skills and receive the education necessary to make them a success later in life. Unfortunately, many children begin their education without the proper foundation, putting them at a disadvantage that has long-term effects on their education.

We must do all we can so that low-income children do not begin their education at a disadvantage. That is why the Head Start program was created.

In order to give children the proper foundation they need to begin their education, the Head Start program provides comprehensive early childhood education development services. These services include child development, educational, health, nutritional, social and other activities. These services prepare children to enter kindergarten and for their continued educational success.

In fiscal year 2005, the Head Start program provided developmental services to over 900,000 children, 35,000 of them in my State of Florida. Most of the children that receive the critical developmental skills offered by the Head Start program come from low-income families, and at Head Start they receive the early educational foundation to do well in their later education and hopefully break the chain of poverty.

The underlying legislation being brought to the floor today builds on the success of the program and improves its weaknesses. It authorizes over $7 billion for fiscal year 2008, strengthens Head Start's academic standards by emphasizing cognitive development and topics critical to school readiness.

It is important that the children in Head Start receive the best education possible. There are, Mr. Speaker, several provisions in the underlying legislation that I believe will help with this goal. First, the bill seeks to ensure that a greater number of Head Start teachers are better trained and educated in early childhood development, particularly in fundamental skills such as language, pre-reading and pre-mathematics, within 2 years.

Competition encourages better quality. As recommended by a 2005 GAO study, the bill seeks to increase competition among Head Start grantees to help weed out poor performers and offer stronger programs.

The bill also seeks greater transparency and disclosure regarding how Head Start funds are spent. This will help to fight financial abuse and further ensure that Federal Head Start funds reach the disadvantaged children that they are meant to serve.

Yesterday, in the Rules Committee, Mr. Speaker, Resident Commissioner FORTUÑO offered an amendment to this legislation to allow religious organizations to not ignore religion in their hiring practices. The provision was included in previous Head Start reauthorization bills. However, the majority on the Rules Committee blocked that amendment from consideration today by the full House.

Head Start has a proud history of inclusion of faith-based organizations. Approximately 80 grantees have religious affiliations. Without the Fortuño amendment, faith-based Head Start grantees may decide to stop offering Head Start programs. That would hurt the children in those programs.

In 2004, the Department of Health and Human Services issued regulations requiring any organization that receives direct financial assistance from the Department, such as Head Start, to not engage in inherently religious activities such as worship, religious instruction or proselytizing as part of the program or services funded by HHS. So objections to the Fortuño amendment, in my opinion, are unfounded.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I anticipate on the floor of the House today we will hear some debate over the role of faith-based organizations in Head Start. Republicans would like language that would repeal existing civil rights protections in this Head Start law that ensure the program's Federal funds discriminate, and we are opposed to that.

No citizen should have to pass a religious test to qualify for a publicly funded job. That is exactly what some on the other side of the aisle will attempt to do today.

Religious organizations who run Head Start programs are not asking for this change. They have written us to oppose it. Head Start teachers and staff should be chosen because they are qualified and they are effective teachers who will help children succeed and thrive. Hiring and firing decisions should not be made because of a teacher's religion.

This is part of an ongoing attempt, I am afraid, by some on the other side of the aisle to make religion a wedge issue.

Democrats strongly support faith-based organizations running Head Start programs, and H.R. 1429 on the floor today specifically reaffirms that faith-based organizations may run Head Start programs.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH), my colleague from the Rules Committee.

Mr. WELCH of Vermont. Mr. Speaker, I would like to thank my colleague from Florida for her national leadership on an issue of national importance, Head Start.

Later today I will be joining with my colleagues, Representative SPACE from Ohio, Representative HARE from Illinois, and Representative ALTMIRE from Pennsylvania to offer an amendment that will require the Secretary of Health and Human Services to pay special attention to the unique needs and challenges that our rural kids face to have access to Head Start.

This is a great program, as was described by my colleague from Florida, but there is a misconception oftentimes that Head Start is about urban America, poor kids from cities. In fact, there are many poor kids from rural America that benefit from access to Head Start, and as a federally funded national program, we know the different communities have different needs.

The National Advisory Committee on Rural Health and Human Services, in fact, acknowledged this when it issued a report that found several issues to be particular challenges for rural America in access to Head Start: transportation, workforce, enrollment fluctuation, performance standards, health requirements and financial matching.

What we know is that one size does not fit all, but what we also know is the opportunity for all is an essential American goal.

This amendment, when it is offered, is directing the Secretary to make certain that those special challenges that our rural kids face in America are included in an execution plan so that there will be opportunity for the rural kids as well as the urban kids.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MCKEON), the distinguished ranking member of the Education and Labor Committee.

Mr. MCKEON. Mr. Speaker, I rise in opposition to this rule and appreciate the gentleman yielding time.

To be blunt, the rule before us is not worthy of the bill we will be debating in just a short while. Let me be clear at the outset. I support the improving Head Start Act and will vote for its final passage later today. However, the rule before us restricts debate and provides very little opportunity to improve this bill.

While I appreciate the Rules Committee making in order a few Republican amendments, including ones offered by my Education and Labor Committee colleague, Mr. PRICE of Georgia; my former committee colleague, Mr. PORTER of Nevada; and my friend, Mr. PUTNAM, this rule is defined more by what it does not include than what it does include.

Yesterday, Mr. FORTUÑO submitted to the Rules Committee an amendment to protect the civil rights of faith-based organizations wishing to provide services to Head Start children. In the aftermath of September 11, Hurricane Katrina or any other tragedy, faith-based organizations have been among the first to reach out a hand in service to those impacted by the event. It does not take a large-scale catastrophe to rally faith-based organizations into action, however. These groups are working to assist their fellow Americans each and every day, focusing on issues from job training to child care and everything in between.

Too often the Federal Government has ignored or impeded the efforts of faith-based organizations willing to lend a helping hand in providing critical services to the neediest in our communities. Mr. FORTUÑO's amendment would have protected the rights of faith-based groups to fully participate in serving Head Start children without relinquishing their religious identities. And the majority turned it away.

Mr. Speaker, they turned it away even though the 1964 Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties. They turned it away even though in 1987, the U.S. Supreme Court unanimously upheld this right. And they turned it away even though former President Bill Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds.

In its place, they allowed us to debate an amendment that applauds the work of faith-based providers but fails to protect their civil rights. This hollow amendment may provide certain Members of the majority political cover, but in reality, it does nothing to protect the constitutional rights of faith-based organizations seeking to serve Head Start students.

This is just one example, the most significant of all, of how this rule is not worthy of the bill we will be debating later today, and so I urge my colleagues to oppose this rule.

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. SUTTON), my colleague from the Rules Committee.

Ms. SUTTON. I thank the gentlewoman for her leadership and for yielding the time.

Mr. Speaker, I rise today in strong support of the rule and of H.R. 1429, the Improving Head Start Act of 2007.

Head Start is vital for our children in high-need areas, providing them with programming critical to their cognitive development, from math and reading instruction, to nutritional and social services for students' families.

In 2006, over 900,000 children, almost all of them under 5 years old, participated in Head Start.

In my home State of Ohio, Head Start serves more than 38,000 young people, including more than 2,500 children in my congressional district alone. These children come from some of the most high-need families in our Nation, and Head Start does exactly what its name suggests. It gives these children a head start, helping them achieve at or above their age level by the time they leave the program.

Unfortunately, children in families facing difficult economic situations often begin school behind their wealthier peers. Head Start achieves amazing results for these children and is often the only program keeping them from falling behind.

Despite the crucial role Head Start plays in the lives of hundreds of thousands of American children, Congress has neglected them has neglected to reauthorize or adequately fund this program for the past 4 years.

This important legislation authorizes funding for Head Start through fiscal year 2012 and makes a number of long overdue improvements to the program.

Our bill increases funding for teacher and staff salaries and benefits and will improve the classroom environment by lowering the student-to-teacher ratio. These changes will give our hard-working teachers and other educational staff more opportunity to work with their students and improve their academic performance.

This legislation also helps program hire and retain qualified teachers and staff by increasing salary and benefits and supporting professional development plans. And this bill will expand access to 10,000 additional children.

This Congress is making a commitment to our children and the Head Start program, and it is critical that we do so. Research has shown that children attending Head Start are more likely to graduate from high school than other low-income children. Research has also proven that children who attend Head Start are less likely to enter special education, are less likely to repeat a grade and are less likely to end up in the criminal courts in adolescence.

Mr. Speaker, this legislation will give more of our children the help and assistance they need. With passage of this legislation, we are not only providing our children with the opportunity for a brighter future, we are building a brighter future for our country.

I urge my colleagues to vote in favor of this bill so we can keep our promise to America's children.

□ 1145

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman from Florida for yielding to me.

Mr. Speaker, I rise in opposition to this rule. While I appreciate the Rules Committee making in order several of the proposed amendments, including an amendment offered by Mr. PRICE of Georgia to create a State demonstration program that allows up to eight States to coordinate Head Start with other State-run early childhood development programs, this rule unfortunately limits improving the Head Start Act further by not allowing for debate on several Republican amendments.

Although I oppose this rule, I do support the underlying bill, the Improving Head Start Act of 2007 to reauthorize the Head Start program. This legislation improves the Head Start Act by emphasizing that every child, regardless of their economic status, should have the best chance possible to succeed.

We all can agree on the need for Head Start and its successes. We must also recognize that Head Start can produce even greater results for children. Students who attend Head Start programs generally start school more prepared than those with similar backgrounds that do not attend Head Start. However, Head Start students continue to enter kindergarten well below national norms in school readiness. By moving to close the school readiness gap, this bill will improve results for almost 1 million Head Start students across almost all of the Nation.

Towards the goal of closing the readiness gap, the Improving Head Start Act of 2007 strengthens Head Start's academic focus while maintaining its comprehensive nature. The bill improves the academic focus of the program by establishing new quality standards that ensure enrolled children develop and demonstrate language skills; prereading knowledge, including an interest in and an appreciation of books, reading and writing either alone or with others; premathematics knowledge, such as recognition of numbers and counting; cognitive abilities related to academic achievement; and social development important for environments constructive for child development, early learning and school success.

The Improving Head Start Act of 2007 builds upon the reforms of previous reauthorizations of Head Start, as well as the requirements of the landmark No Child Left Behind Act, and the vision of President Bush and Secretary Leavitt. We all want to do what is best for our children, and I truly believe the underlying bill does that.

Ms. CASTOR. Mr. Speaker, I would inquire of the gentleman from Florida if he has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. We have two speakers remaining.

Ms. CASTOR. Our side has no remaining speakers, except for my closing.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5½ minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, I rise in strong support of this bill, but in opposition to this rule.

I would first like to talk a little bit about some of the unique history of Head Start that I think is important as we move into the discussions of the amendments and the bill itself.

Head Start is a moderately successful program. Because it's a moderately successful program, often it's oversold. It's only moderately successful, but it's very difficult to get any program to succeed in the highest-risk populations of America, as we learned in No Child Left Behind and other programs trying to reach those who have been left behind by the economic growth of America, by the opportunities in America, in the low-income urban communities and the low-income suburban communities.

To have modest success is actually a tremendous accomplishment in Head Start. So how did Head Start perform differently, and what was the concept behind it that made it unique?

On the left and on the right, there would be, for lack of a better word, a populist empowerment faction in both parties. In the sixties, the community action movement said we need to stop the top-down approach and do a more bottom-up approach and involve the communities in poverty themselves in making their own decisions.

That entails certain risks, because they may not, when you let people vote their own decisions and make their own decisions, do what government exactly wants them to do, or what college-educated Ph.D.s come into that community and think is best for that community.

One of the key debates last year when this came to the floor was whether the Head Start policy councils should allow the parents to have a vote. The bill was altered to take that vote away from parents and basically make the parents hood ornaments; say we have parental involvement, but take the breathing lifeblood of those Head Start programs away.

I am very pleased that in this Congress, after seeing the probable defeat on the House floor, had it not been blocked by the leaders of both sides, it is now in this year's bill. Parents will continue to have a vote and continue to make this a grassroots program.

But there is another part of this bill that I oppose, and there is an amendment made in order under this rule that makes it even worse, and that is to require 50 percent of the teachers to have a college degree. That sounds like a great goal, but if you understand that this is preschool, and part of the goal here was to get the parents involved, unlike what's happening in the elementary schools and the high schools in many of these urban and rural areas, the parents don't get involved.

Partly what happens in Head Start councils is parents get involved. Often they get hired as teachers and teachers' aides. They are from the community. There is research suggesting, and no research to the contrary, that the net impact of moving to this 50 percent requirement in 2013 is going to result in less teachers of color in the urban areas. That's the practical net result.

Fewer parents will go to literacy courses and evolve then into getting a GED and helping to teach their own kids. You will miss the magic of this program, which is empowerment and getting the parents involved, which is what we should be looking for in elementary schools. There is an amendment to take the 2013 goal down to 2011, I believe. That makes a bad clause worse. I hope that amendment gets defeated on the floor.

There is one other amendment in this bill that is a bad amendment. There is nothing wrong with the amendment, it's existing law. It's what I would call a fake faith-based amendment. If an organization follows all the secular rules in hiring and in principles, they have always been, always been, eligible for government grants. The dispute that has arisen in faith-based is not whether, if you have a secular board and don't impose any religious principles on your organization, you can't proselytize. That has already been ruled by the courts. You can't pray if you get government funds during the time that any program is funded by government. You can't refuse to cover somebody.

The question is can a faith-based organization that may have church rules, for example, can only males be preachers or priests? Can you have somebody who is homosexual in a church position in your church? Can you fire somebody for adultery, things that many, if not most, major Christian denominations, Orthodox Jews, Muslim organizations have as rules in their denominations? They are not eligible under the Democrat faith-based rule.

This is a legitimate debate. I grant that it's a legitimate debate, and we have had it on the House floor. But we should not pretend that we are protecting faith-based organizations, when we are, in fact, taking away the historic civil rights protection that has always been granted under, quote, faith-based. A religion is exempt from normal rules in how they hire, because they believe they reflect their faith.

Mr. Speaker, I ask to include into the Record an article by Ron Sider, who has written a book that was much ballyhooed in the last election cycle about the faith-based movement not just being conservative right-wingers.

[From First Things]

THE CASE FOR "DISCRIMINATION"

(by Ronald J. Sider)

I'm a long-time Democrat. In 1972, I organized a group called "Evangelicals for McGovern/Shriver" and helped McGovern sweep—well, the great state of Massachusetts.

As a Democrat, I have been deeply dismayed by how out of touch with the American mainstream the party has proven to be on the issue of faith-based initiatives, particularly on the issue of the so-called hiring exemption. (For a discussion of other aspects of the initiative, see Joseph Loconte, "Keeping the Faith," FT, May.)

A vast majority of Americans believe that as a society we have lost our moral moorings and that we must reaffirm the role of religious faith in nurturing persons of integrity and fostering a just, stable society. It is in that context that we must evaluate the Democratic leadership's opposition to allowing faith-based organizations that accept government funds to show preference in hiring to those who embrace the organization's basic religious beliefs and practices. Democratic President Bill Clinton signed three Charitable Choice bills that explicitly included this hiring exemption. Presidential candidate Al Gore embraced Charitable Choice. But when the Bush Administration's legislation expanding Charitable Choice moved to the Senate in mid-2001, the Democratic leadership blocked even the consideration of such legislation—largely on the charge that the hiring exemption amounted to employment discrimination.

In other words, the Democratic leadership has come to believe that religious organizations must give up their long-recognized right to hire staff who share their faith commitments in order to receive federal money that provides needed services to the public. In this, the Democrats are wrong.

To begin with, a religious organization's decision to hire staff who share its religious beliefs and practices is not an example of intolerant discrimination, but rather a positive act of freedom. In a free society, a wide variety of organizations—environmental organizations, feminist groups, unions—are left free to select staff who share their core commitments and who agree with their agenda. This right does not disappear if governments choose to request these private organizations to perform some desired tasks. Planned Parenthood, for example, does not lose its right not to hire pro-life staff simply because it has a government contract. It is precisely the denial of this right to religious organizations that would amount to intolerant discrimination instead of the promotion of a free and open society.

To equate this positive good with the evil of discrimination on the basis of things like race or disability is pure confusion. Whether we think that religion is a medieval superstition or a true and good contributor to social well-being, all who believe in religious freedom should insist that religious organizations be permitted to hire staff who share their religious beliefs.

The obvious fact is that the ability to choose staff who share a religious organization's core beliefs is essential if that organization wishes to retain its basic identity. As Justice William Brennan wrote in Corporation of the Presiding Bishop v. Amos (1987): "Determining that certain activities are in furtherance of an organization's religious mission and that only those committed to that mission should conduct them is . . . a means by which a religious community defines itself." A Jewish organization forced to hire substantial numbers of Baptist staffers, for example, will not long remain a significantly Jewish organization.

Having staff who share a religious organization's essential religious beliefs shapes the group's identity in a variety of ways. Shared motivation, common values, a sense of community and unity of purpose, shared experiences of prayer and worship (even if they are outside work time in the organization) all contribute to an esprit de corps and shared organizational vision. As law professor Ira C. Lupu said in testimony before a House subcommittee (June 7, 2001), "The sense of religious community and spirit on which [the] success of the group's efforts depend" may be hampered if it is forced to hire those who do not share its beliefs.

This is important even when, for example, a faith-centered organization chooses to separate by location or time (and fund with private money) sectarian worship, instruction, and proselytization in a program in order to receive direct government grants. This is true for several reasons.

First of all, religious activities may be important to the social service program, even though they are voluntary, privately funded, and segregated from "secular" government-funded activities. In such programs, holding certain religious beliefs and practices is a legitimate qualification for a staff position, equally as valid as having the right skills and experience.

Second, enforced religious diversity can have the effect of stifling religious expression of staff within the agency, creating a climate of fear of offending other staff members with religious speech or actions. Since personal faith is very important to many who choose to work in a religious organization, such a climate can diminish staff motivation and effectiveness. Forced religious diversity can sap a program's spiritual vitality and lead to its secularization.

Third, staff often play multiple roles in small organizations. For example, an agency might seek someone to work part-time as a youth minister and part-time as a social worker for its youth mentoring program. Implementing a policy in which religion could be considered as a factor in hiring for some job duties but not others would lead to unnecessarily complicated and impermissibly entangling regulations.

But even leaving aside the effects of such regulation on religious organizations themselves, the rationale behind it makes little sense. The fact that a religious organization accepts some federal funds does not mean that it ceases to be an independent, autonomous entity and becomes an arm or agent of the state. Law, precedent, and common sense all argue that a private organization that accepts some government funds still retains its separate identity. This is clearly the case with colleges and universities that receive government funding, scholars engaged in federally subsidized research, and artists and artistic organizations funded by the National Endowment for the Arts. All of these receive government funding, and all maintain their autonomy from the government. Similarly, a religious organization that receives government funds to provide a public service that serves a public good would maintain its autonomy and not be co-opted by government.

Moreover, not only does allowing hiring preferences based on religious belief within religious organizations pose no social danger, it is the only way to avoid discrimination and governmental preference of one religious view over another. Using the typology of different types of faith-based organizations recently published by the Working Group on Human Needs and Faith-Based and Community Initiatives chaired by former Democratic Senator Harris Wofford helps explain this point.

"Faith-saturated" and "faith-centered" programs both include substantial religious content in their programs and hire (primarily or exclusively) employees who share their beliefs precisely because their religious beliefs tell them that persons are spiritual as well as material beings and therefore the best results follow when spiritual and material transformation are combined. "Faith-related," "faith-background," and "secular" providers do not include significant religious content in their program or consider religious belief in their staffing because their worldview tells them that all that is needed to correct dysfunctional social behavior and social problems is socio-economic, material transformation. All these providers, not just the first two, are grounded in an explicit or implicit religious perspective. Secular providers work at least implicitly within a naturalistic worldview (nothing exists except the natural world) that functions in effect as a religious perspective. Functionally, faith-related and faith-background providers operate with deistic religious beliefs (God exists but never intervenes in the natural world of cause and effect). Naturalism and deism, however, are just as much particular religious worldviews as the historic theism that undergirds most faith-saturated and faith-centered programs.

Obviously, if government only funds some private providers of services (i.e., the naturalistic and deistic ones that do not explicitly use religious criteria for staff), government clearly discriminates among religions.

Thus far, I have argued that as a matter of principle religious freedom is such a fundamental right that it ought to prevail even if on occasion embracing that overriding principle has the secondary effect of, for example, reducing the number of job opportunities for a particular group. For example, the Catholic Church must, as a matter of principle, be free to live out its religious belief (which I do not share) that only men should be priests, even if the practice has the effect of reducing the number of job possibilities for women.

My last point offers an argument, not about principle, but about practical effect. The recent suggestion that extending the hiring exemption to faith-based organizations (FBOs) would in practice mean that African-Americans or gay Americans would suffer a loss of job opportunities is simply wrong.

There is a certain tension between two treasured values: on the one hand, protecting the religious freedom and identity of FBOs as they expand their effective services to the most needy; on the other, our society's conviction that except in the case of a narrow range of specific situations, employers should not discriminate on the basis of religion.

But do such hiring preferences really result in job deprivation? Hardly at all.

First, we are talking about a small percentage of the total jobs in the society. Second, many FBOs pay almost no attention to the religious beliefs of staff. Third, in the case of those evangelical Christian, Orthodox Jewish, and Muslim FBOs that do, virtually all the different religious groups have their own FBOs offering a hiring preference to people who share their own beliefs.

For very understandable historical reasons, African-Americans have been concerned that racial discrimination might find cover under the hiring exemption based on religious belief. This is extremely unlikely to happen. FBOs working in minority communities are run either by people of the same racial group or by whites who have been at the forefront of fighting racial prejudice.

What about sexual orientation? Few FBOs ask about or select staff on the basis of sexual orientation. It is true that a number of FBOs do say that staff should not be sexually active outside marriage. But is that really so terrible—especially for FBOs working to overcome poverty in a society where a child growing up in a single-parent household is eleven times more likely to be persistently poor than a child growing up in a two-parent family?

Even if the hiring exemption in Charitable Choice were expanded to a lot more government funding streams, sexually (and openly) active gay Americans would face extremely little job deprivation. The number in that group is very small and the number of jobs affected is a minuscule fraction of the total number of jobs. Gay FBOs exist and others can be formed that give a hiring preference to those who share that ethical/religious belief. Surely the well-educated gay community does not want to block an enormously promising way to overcome poverty and social decay for millions of desperate Americans to avoid what in practice would at worst mean only the loss of a handful of possible jobs.

Constitutionally, Charitable Choice strikes the right balance between the no-establishment and free exercise clauses of the First Amendment. Morally, it offers promise for major progress in overcoming some of our most intractable social problems. Politically, Charitable Choice and the broader Faith-Based Initiatives have rightly become identified with the widespread sense that we have lost our way morally as a society. By remaining steadfastly opposed to allowing religious organizations to contribute to solving social problems, the Democrats harm our country as well as their future electoral prospects. Only at great peril dare Democrats be on the wrong side of today's widespread embrace of religious faith's crucial contribution to social wholeness. If that happens, they will deserve a repetition of 1972.

The fact is whether you are left or right in the faith-based movement, you have to agree that you have to keep the principles of religion if you are going to keep your spiritual vitality. Particularly in urban America and in rural America, the churches and the vitality is what needs to be brought into poverty and reaching out.

We can have a legitimate debate over whether government funds should go in there. I believe it would help the programs. It has been an historic right. But the amendment that is in front of us is not a faith-based amendment. It's only allowing faith-based groups to participate if they secularize and drop their unique faith.

Mr. Speaker, I would like to insert into the RECORD a statement on the policy councils from Congressman DANNY DAVIS and me.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 9, 2007.

Hon. GEORGE MILLER,
Chairman, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

Hon. HOWARD "BUCK" MCKEON,
Ranking Member, House Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MILLER AND RANKING MEMBER MCKEON: For more than forty years, one of the most unique and important aspects of the Head Start program has been its emphasis on parental involvement Head Start has enabled parents, as representatives on Head Start policy councils, to participate in making important decisions regarding budget, programming, and personnel. As the Committee plans to mark up its Head Start reauthorization bill this coming week, we believe that preserving this structure of governance is fundamental to the continued success of the program.

Under current law, Head Start boards of directors and policy councils share the responsibility of managing a Head Start program. This partnership helps to ensure that there is a system of checks and balances in place and that the important voices of experts in accounting, finance, and early education are balanced with the equally important voices of parents who have children in the program. Many of our constituents who are involved with Head Start have told us that policy council members, especially parents, often have a much greater day-to-day knowledge of the program than the board of directors and are thus better able to provide accountability. Indeed, a 2005 GAO report found that calls from parents are often the first signal to Head Start regional offices that a program is struggling with mismanagement.

As the Education and Labor Committee prepares for its markup, we want to ensure that it does not diminish the role of parent policy councils. We believe this would undermine the future success of the Head Start program and, in turn, the success of thousands of at-risk children and their parents. Like both of you, we believe there should be stronger accountability within Head Start programs. The 2005 GAO report, for example, cited a lack of oversight from the HHS regional offices and Head Start boards of directors as sizable obstacles to improved accountability. However, these reforms need not come at the expense of parental involvement in the program. Any Head Start reauthorization bill must preserve the current oversight role of the policy councils with regard to board actions in key areas such as budget, programming, and personnel, if they are to maintain their current vital role within the program.

Again, we ask that the chairman's mark of the Head Start reauthorization bill retain the current shared governance structure of the policy councils and board of directors. The current structure has helped to successfully prepare hundreds of thousands of low-income children to enter kindergarten and empowered thousands of parents to take greater roles in the lives of their children and communities. Thank you for your attention to this matter. If you have any questions, please contact Jill Hunter-Williams with Rep. Davis at 225-5006 or Brett Swearingen with Rep. Souder at 225-4436.

Sincerely,

Danny K. Davis; Donald M. Payne; Robert C. Scott; Linda T. Sánchez; John F. Terney; David Wu; John A. Yarmuth.

Mark Souder; Ric Keller; Todd Russell Platts; Rob Bishop; Timothy Walberg; Raúl M. Grijalva; Virginia Foxx.

Ms. CASTOR. Mr. Speaker, we do have one final speaker before my closing remarks.

I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentlewoman from Florida for yielding me this time.

Mr. Speaker, I do rise in support of the rule and strong support of the reauthorization of the Improving Head Start Act of 2007.

As a former member of the Education and Workforce Committee over the last 10 years, I have been heavily involved in Head Start programs, the reauthorization process in previous Congresses, and had an opportunity to visit many of the Head Start centers throughout my congressional district throughout western Wisconsin. They are doing a terrific job not only helping our children, typically, who are very high-risk, high-need children, get off to literally a head start when it comes to their individual development and education, but also working very closely, as my friend from Indiana just highlighted previously, the close partnership with the parents of those children, which is crucial to the success of this program.

I want to commend the members of the committee for producing this product, in particular Chairman MILLER and chairman of the subcommittee, DALE KILDEE, along with Ranking Member CASTLE and Ranking Member BUCK MCKEON. I know a lot of them have collaborated and worked closely to produce this.

There are two features in particular that I want to highlight and commend. One is making sure we get the measurements of these kids done right. I led the effort in previous Congresses to see if we could suspend the National Reporting System. This was based on studies that the National Academy of Sciences had made asking us to slow down in this assessment and standard practice until they could develop what they feel are the proper forms of measurement for kids at this age, because if we get that wrong, they said, we could actually do more harm to the children with improper measurements and assessments than doing good.

I am glad to see that this legislation now recognizes that suspension of the National Reporting System gives the National Academy of Sciences a chance to report back with recommendations and guidelines on what proper measurements of these children should be.

The second feature is requiring programs to consult with child care health experts in developing proper nutrition and physical education programs for kids at this age.

In light of childhood obesity and type 2 juvenile diabetes, it's going to be important that we do everything we can to make sure that our kids are getting off to the right start when it comes to quality-of-life issues, make sure that they are not going to start smoking or taking drugs, but also taking the proper nutrition and involved in the proper physical activities to make sure that they have healthy bodies to go along with the healthy minds that Head Start is meant to produce.

Those two provisions in particular I commend, and I encourage a strong bipartisan vote for this important bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to my distinguished colleague and friend from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentleman for yielding.

Mr. Speaker, the Democratic majority pays lip service to their support of religious people and faith-based groups, but now they are here today, in this House, enacting a piece of legislation that I believe is a shot across the bow to all faith-based organizations that are involved in social services in this country. The Head Start bill today says that if you participate in the grant process, you will not be able to hire like-minded people to work in your child-care facility.

The Democrats are saying that a bureaucracy in Washington, D.C., has more wisdom to decide who you can and can't hire than the hundreds, thousands of small businesses that run these Head Start programs. The Democrats are essentially saying, with this legislation, while we thank you for your tireless dedication and recognize that you are an integral part of this process, we don't trust you to make fair choices in the employees that you hire.

Don't be misled. This is in direct contradiction to the Civil Rights Act of 1964 and the Supreme Court, both of which came to the conclusion that faith-based organizations had the right to hire employees on a religious basis. Faith-based organizations such as churches, synagogues and other faith-based charities are a central part of the fabric of communities all across America. Many of these organizations provide assistance and services to the neediest members of society, offering a helping hand to the less fortunate among us. Many faith-based organizations can and want to make a vital contribution to the Federal assistance programs.

The landmark 1964 Civil Rights Act explicitly protects the rights of religious organizations to take religion into account in their hiring practices. In fact, the Civil Rights Act made clear that when faith-based organizations hire employees on a religious basis, it is an exercise of the organization's civil liberties and does not constitute discrimination under Federal law.

The freedom to hire those who share religious beliefs was upheld in a unanimous 1987 Supreme Court decision, Corporation of the Presiding Bishop v. Amos, in which the Court observed, "A law is not unconstitutional simply because it allows churches to advance religion, which is their very purpose. For a law to have forbidden 'effect' . . . it must be fair to say that the government itself has advanced religion through its own activities and influence."

Now, in an attempt to appease Republicans and conservative Democrats, an alternative amendment will be provided by the gentleman from North Carolina. This amendment, in effect, praises the work of faith-based organizations, but tells them they have to give up their right to hire who they want to hire to participate in Head Start.

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Current Federal law protects the Civil Rights Act hiring protections for faith-based organizations and providers. And, indeed, as was stated earlier by a previous speaker, President Bill Clinton signed four laws protecting religious organizations in this context.

Now, I want to close by just pointing out a very, very simple fact. There is a reason why on the floor today the amendment to correct this problem will not be allowed, and the reason is because it will pass. A majority of this Congress, Republicans working with Blue Dog Democrats, would pass the Fortuno amendment which would protect these faith-based religious organizations. We had many of the Blue Dogs vote with us on this issue in the past. But, alas, under this rule, and it is why I am imploring my colleagues on both sides of the aisle to vote "no" on this rule, that amendment will not be allowed and we will be asked to stifle the freedom of religion in the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank my friend, Ms. CASTOR, for the time and her courtesy, and all those who have participated in this debate.

Mr. Speaker, I will be asking for a "no" vote on the previous question so that I can amend this restrictive rule to make in order the amendment offered by Congressman PRICE of Georgia, which seeks to make regulations for emergency rear door exits and safety belts on vehicles used to transport children effective upon enactment of H.R. 1429. This extremely important amendment was denied by the Democrats in the majority last night in the Rules Committee.

In 1992, Congress required the issuance of regulations related to rear door emergency exits and safety restraints on Head Start transportation. Since the final rule for these new regulations was published in 2001, the effective date has been delayed three times.

Mr. Speaker, Congress required these regulations in order to ensure the safe operation of vehicles by Head Start agencies. Currently, the leading cause of death for children ages 3 to 7 is motor vehicle traffic crashes. Further delaying these requirements means allowing Head Start grantees to transport children using vehicles that are not designed specifically for the safe transport of children.

If the previous question is defeated, the Price amendment would be made in order and this delay would be put to an end. This issue, Mr. Speaker, needs to be resolved, and it needs to be resolved now and this authorization bill is clearly the most appropriate forum in which to do so. Any further delays in the implementation of these crucial safety regulations for children may endanger the lives of children.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. PASTOR). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield the balance of my time.

Ms. CASTOR. Mr. Speaker, I urge a "yes" vote on the Improving Head Start Act of 2007 and this rule so that we infuse Head Start with the necessary investments and program enhancements that will sustain Head Start for years to come. We will chart a new course in the right direction by ensuring family incomes do not impede a child's access to educational opportunities.

The fact that the administration and the past few Congresses did not keep the promise to America's children is unfortunate. We have lost ground. But the good news is that this new Democratic Congress is charting a new direction. This includes wise investments in the education and health of our kids, which are certain to pay dividends for years to come.

Mr. Speaker, this is an important day for America. The Congress is going to keep the promise made 4 decades ago to children who are born with the same potential but, because of their life circumstances, are in need of a little extra attention, health care, nutrition, the guiding hand of a knowledgeable, talented, devoted teacher, and a true head start.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 348

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Price of Georgia or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Page 36, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

"(3) EMERGENCY EXIT DOORS.—

"(A) EFFECTIVE DATE.—Section 1310.12(a) of title 45, Code of Federal Regulations, shall become effective on the effective date of this paragraph.

"(B) COVERED VEHICLES.—Notwithstanding any other provision of law, any vehicle used to transport children for a Head Start program after effective date of this paragraph, shall be subject to a requirement under such section (including a requirement based on the definitions set forth or referenced in section 1310.3 or any other provision set forth or referenced in part 1310 of such title, or any corresponding similar regulation or ruling) concerning rear exit doors.".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 348 will be followed by 5-minute votes on adoption of H. Res. 348, if ordered; and adoption of H. Res. 350, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 226, nays 194, not voting 12, as follows:

[Roll No. 273]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee

Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Cubin
Davis, Jo Ann
Engel
Fattah
Ferguson
Gillibrand
Lampson
McMorris Rodgers
Ortiz
Pitts
Schmidt
Sullivan

☐ 1231

Messrs. REGULA, BILIRAKIS, BURGESS, WALSH of New York and HUNTER changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 196, not voting 10, as follows:

[Roll No. 274]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner

Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Davis, Jo Ann
Engel
Fattah
Ferguson
Gillibrand
Lampson
McMorris Rodgers
Ortiz
Pitts
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised we are at the 2-minute mark.

☐ 1239

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 350, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 189, not voting 17, as follows:

[Roll No. 275]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC).
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—189

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Alexander
Brady (TX)
Davis, Jo Ann
Engel
Farr
Fattah
Ferguson
Gillibrand
Lampson
Lewis (CA)
McMorris Rodgers
Napolitano
Ortiz
Pitts
Ros-Lehtinen
Sullivan
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in this vote.

☐ 1246

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FARR. Mr. Speaker, on rollcall No. 275, had I been present, I would have voted "yea."

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–31)

The SPEAKER pro tempore (Mr. TIERNEY) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1591, the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007."

This legislation is objectionable because it would set an arbitrary date for beginning the withdrawal of American troops without regard to conditions on the ground; it would micromanage the commanders in the field by restricting their ability to direct the fight in Iraq; and it contains billions of dollars of spending and other provisions completely unrelated to the war.

Precipitous withdrawal from Iraq is not a plan to bring peace to the region or to make our people safer here at home. The mandated withdrawal in this bill could embolden our enemies—and confirm their belief that America will not stand behind its commitments. It could lead to a safe haven in Iraq for terrorism that could be used to attack America and freedom-loving people around the world, and is likely to unleash chaos in Iraq that could spread across the region. Ultimately, a precipitous withdrawal could increase the probability that American troops would have to one day return to Iraq—to confront an even more dangerous enemy.

The micromanagement in this legislation is unacceptable because it would create a series of requirements that do not provide the flexibility needed to conduct the war. It would constrict how and where our Armed Forces could engage the enemy and defend the national interest, and would provide confusing guidance on which of our enemies the military could engage. The result would be a marked advantage for our enemies and greater danger for our troops, as well as an unprecedented interference with the judgments of those who are charged with commanding the military.

Beyond its direction of the operation of the war, the legislation is also unacceptable for including billions of dollars in spending and other provisions that are unrelated to the war, are not an emergency, or are not justified. The Congress should not use an emergency war supplemental to add billions in spending to avoid its own rules for budget discipline and the normal budget process. War supplemental funding bills should remain focused on the war and the needs of our men and women in uniform who are risking their lives to defend our freedoms and preserve our Nation's security.

Finally, this legislation is unconstitutional because it purports to direct the conduct of the operations of the war in a way that infringes upon the powers vested in the Presidency by the Constitution, including as Commander in Chief of the Armed Forces. For these reasons, I must veto this bill.

GEORGE W. BUSH,
THE WHITE HOUSE, *May 1, 2007*.

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Wisconsin (Mr. OBEY) is recognized for 1 hour.

Mr. OBEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from California (Mr. LEWIS), and pending that I yield myself such time as I may consume.

Mr. Speaker, this issue before us is the kind of issue that the Congress was designed to deal with. This Congress exists today because in 1215, almost 800 years ago, our forefathers many times removed, by adopting the Magna Carta, established for the first time in the English-speaking world the principle that the monarch was not unilaterally sovereign.

That expression wound up being turned into a reality for our country in 1789, when the Constitution of the United States was adopted. That Constitution created three coequal branches of government. It gave this body, the legislative body, the Congress, the ability to declare war. It certainly gave us the obligation to oversee the conduct of war. It gave us the obligation to oversee the use of taxpayers' money in dealing not just with war, but with every other issue as well.

The President yesterday vetoed the legislation now before us, which, for the first time, had he chosen to use it, would have given him the opportunity to have an exit strategy for a war that has brought incredible frustration and agony not just on the people of Iraq, but the people of our own country.

Now, the President has told the public that he is "the decider." Well, he is a very important decider, but he is not the only decider in a democratic form of government. The ultimate deciders are our constituents, and we are elected to speak on their behalf and to participate in that decisionmaking. That is what the Congress did when it passed this legislation through both Houses.

I regret very much that the President did not use this legislation to establish a bipartisan approach to the war which has plagued us now for more than 4 years.

As we all know, yesterday was the fourth anniversary of the President's landing on that aircraft carrier under the banner "Mission Accomplished" and telling us that our troops had fulfilled their mission. Indeed, they had; our troops won the war in Iraq, but it is the White House, in its pursuit of its Iraqi policy, it is the civilian leadership of the Pentagon which systematically, especially in the early days, ignored the judgment of the military that has brought us to the chaos that we see in Iraq today.

Now, the legislation before us attempted to do a number of things. It attempted to meet the financial needs of the budget in supplying our troops with everything that they need. Secondly, it attempted to hold the administration accountable and to hold the Iraqi Government accountable for the actions that they have taken. And thirdly, it was meant to provide the beginnings of an exit strategy from that civil war. The President has decided to veto that legislation, and the question before us now is whether we will override that veto or not.

The President said in his veto message yesterday that we had all too many so-called nonrelated items in this bill, along with funding for the troops in Iraq. I don't believe that the American people would agree with the President that $1.8 billion for veterans health care, $3.3 billion for defense health programs, $2.2 billion for additional Homeland Security initiatives, $6.9 billion for Katrina recovery, $663 million to protect the country from the ravages of a potential world flu pandemic, or $650 million to prevent kids from losing health insurance is unnecessary funding. I think the American public recognizes each of those as a legitimate expenditure of public funds.

I also think that the President has focused so much attention on those items simply to divert public attention from the fact that this bill is first, last and foremost about the war. It is about how we get our troops out of the war. It is how we send a message to the Iraqi politicians that our troops cannot be expected to accomplish the compromises that only they can reach if that war is to be brought to a conclusion.

Mr. Speaker, I would urge every Member of this House, regardless of party, to vote to override the President's veto.

And I would point out to the President that we already have provided for two major compromises in this legislation. When we first established the Murtha principles for unit readiness, the White House objected. And so we said, all right, we'll change that, we will give the White House a waiver. When the White House objected to the timetable that we laid out for withdrawal of our troops from that civil war, again we compromised, and we said we will keep as hard deadlines the deadlines by which we must begin that process of redeploying troops, but we made the end date for the actual withdrawal of our troops from combat in a civil war, we made those dates extremely flexible in response to the President's views. So we have already compromised on two very major items in this bill.

Now that the President has laid down his veto, it seems to me that he has an obligation to lay on the table what compromises he is willing to make in order to bring us together in pursuit of an exit strategy from a war that we should never have gotten into in the first place.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS OF California. Mr. Speaker, I am pleased to yield 4 minutes to the gentlelady from Florida.

Ms. ROS-LEHTINEN. I thank the gentleman from California.

Mr. Speaker, last month, a member of the majority leadership stated, "This war is lost, and the surge has not accomplishing anything." He further stated, "We are going to pick up Senate seats as a result of this war," and adding that he had been shown numbers that are compelling and astounding.

□ 1300

I cannot imagine that there were many in either party who were not shocked by these brazenly cynical words.

This past Saturday, I sat down with Phyllis and Huber Parsons, constituents from my congressional district who have three sons serving in Baghdad. They are pictured here in the poster behind me. They are officers with the Army Stryker Brigade. They said to me that remarks such as the ones that I just quoted by our congressional leaders "made them sick." Their sons, Charlie, Huber and Bill, are not bullets to be used to hit a political target. And while some of my colleagues may not agree with the administration's efforts to win the battle against Islamic jihadists in Iraq, the Parsons brothers should not be abandoned without ammunition to defend themselves.

My stepson, Doug, and my daughter-in-law, Lindsay, both served in Iraq. Lindsay is now in Afghanistan. They were not following the orders of would-be generals here in Congress. They were serving their country and their President, whom the Constitution clearly states is the commander-in-chief.

Not one of us here in Congress can usurp that role. Nor can we fill the role of General David Petraeus, who bears the enormous burden of directing this war and who has said that our mission is just and necessary.

These men and women of our Armed Forces, such as the Parsons brothers and my stepson and daughter-in-law, understand their mission. They understand that they are locked in a generational struggle with global Islamic radicals who seek our destruction. If we declare that we have been beaten in this phase of the struggle and then retreat, it will only grow, it will follow us home, and it may never end.

Imposing a timetable for withdrawal of our forces and retreating over the horizon, as some have suggested, will not insulate us from the terrible strategic consequences that would result. This fighting will spill into neighboring countries, threaten our allies and then spread throughout the Middle East.

In addition to these frightening strategic consequences, if we surrender the Iraqi nation to the terrorists, we would open the gates to a potential humanitarian crisis of epic proportions, including mass murder and displacements of thousands and thousands of innocent Iraqi men, women and children that our retreat helped make possible.

Let me remind the advocates of defeat of the words of one of our former presidents who battled against the legions of those who sought to block his efforts to save democracy for this country and for the world. He said, "This generation of Americans has a rendezvous with destiny. In this world of ours, there are some people, who seem to have grown too weary to carry on the fight. I believe in my heart that only our success can stir their ancient hope. They begin to know that here in America we are waging a great and successful war. It is a war for the survival of democracy."

These are the words of Franklin Roosevelt, and I think were he here today, I am confident that he would never give in to those who say that we have lost and who demand that we retreat.

I ask my colleagues to uphold the President's veto and demand a clean supplemental to support our troops in the field, to give Bill, Charlie and Huber Parsons the resources they need to achieve victory in Iraq.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding. I want to acknowledge the exceptional leadership of Chairman OBEY, Chairman MURTHA and Chairman SKELTON in putting together this important piece of legislation.

Mr. Speaker, Congress passed this bill, and yesterday we sent it to the President of the United States. We did so with great pride, because it is a bill that supports our troops, honors our promises to our veterans, holds the Iraqi government accountable and winds down this war. It is a bill that honors the sacrifice of our men and women in uniform. Thank you, Chairmen OBEY, MURTHA AND SKELTON.

The President had an historic opportunity. He had an opportunity to take yes for an answer, because the bill contained what the President had proposed. The President proposed benchmarks. His very own benchmarks were contained in this bill. The Department of Defense has guidelines for readiness for our troops, for their training, their equipment and the time they can spend at home and overseas. They are in the bill, even with a waiver for the President, giving the President more latitude. The President said no. The President said no.

I had hoped that the President would see the light, instead of turning a tin ear to the wishes of the American people and a blind eye to what is happening on the ground in Iraq.

The President, in signing the veto, is reporting that progress is being made in Iraq. Well, I don't know what his definition of "progress" is, but, sadly, April was the deadliest month this year, with over 100 of our troops killed there.

The President, in his statement on vetoing the bill, said that he vetoes the bill because, in his words, "It makes no sense to tell the enemy when you start to plan withdrawing."

In criticizing these timelines, of course, the President is wrong. But when he was a candidate for President, it made sense to him to say to President Clinton, "I think it's also important for the President to lay out a timetable as to how long our troops will be involved and when they will be withdrawn." This is candidate Bush on the war in Kosovo, where we did not lose one single American soldier; this from a President whose initiative has lost over 3,000 Americans and countless, countless, countless Iraqis.

Bipartisan congressional majorities approved of using timelines for redeployment to instill urgency into benchmarks that have already again been endorsed by the President and the Iraqi leaders. They have agreed to this, except they reject them in this bill.

A wide range of people have noted the value of timelines in persuading the Iraqis to make the political compromises needed to end the violence, including Secretary of Defense Gates, who said, "The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment."

The Congress will not support an open-ended commitment to a war without end. He wants a blank check. The Congress will not give it to him.

Next the President said that Congress is substituting our judgment for the judgments of commanders in the field 6,000 miles away. Wrong again, Mr. President. We are substituting our judgment for your judgment 16 blocks down Pennsylvania Avenue in the White House. We are substituting the judgment of this Congress for your failed judgment.

The American people have lost faith in the President's conduct of the war. They have said that they want accountability and a new direction. This bill gives them both.

Next the President claimed, and Mr. OBEY again referenced this, that this bill is loaded with non-emergency spending. Well, it may be a non-emergency to the President, but it certainly is an emergency to the people affected. Once again, the President is wrong.

The needs of the survivors of Hurricane Katrina think it is an emergency, and so does any person of conscience in our country who cares about the victims of Katrina. That millions of children are about to lose their health insurance is an emergency for them and for our country. America's farmers, devastated by natural disasters, think it is an emergency.

These situations remain emergencies because the President and the last Congress, the Republican Congress, refused to act. So now we must. So they have made it even more of an emergency.

Today, the President faces consequences of his own making. This is the seventh supplemental for the war in Iraq. Certainly somebody was planning something at the White House and could have put over the years the funding necessary for this war into the budget. Instead, the President did not do that. I don't know why. Maybe they didn't want the American people to see the real cost of this war in dollars. Certainly we know the price that we have paid more seriously in lives, in health, in reputation, in the readiness of our military and in probably $2 trillion now for this war.

The President claims that this legislation infringes upon the powers vested in the President by the Constitution. The President is wrong. Congress is exercising its right as a coequal branch of government to work cooperatively with the President to end this war.

By voting "yes" to override, Congress sends a strong message:

To support our troops. They have done everything that has been asked of them, and excellently. They deserve better.

To rebuild our military, which has been seriously strained by this war in Iraq.

To honor our commitment to our veterans, our heroes.

And to demand accountability.

With passage of this bill, we then can refocus our energy on the efforts against terrorism by bringing the war in Iraq to an end, bringing this war in Iraq to an end.

The President said there are real enemies out there. Yes, we know that, Mr. President, and we are prepared to make that fight. We will do whatever is necessary to protect the American people.

The war on terrorism was in Afghanistan. We took our fullest attention from Afghanistan to go into Iraq, and now Iraq is a magnet for terrorists. The war in Iraq has made matters worse in the war on terrorism.

What we have to do is work together, Democrats and Republicans, with the President of the United States, to bring stability to that region.

Now into the fifth year of a failed policy, this administration should get a clue. It is not working. This is the fourth surge they have proposed. When they proposed it in January, they said in 60 to 90 days we will know. It is 120 days, and now they are saying September. And then they say maybe by the end of the year. So what is this? We will be into another whole year of this war, far longer than World War II.

Nobody who serves in this body, who takes the oath of office to protect and defend the Constitution, needs anybody to tell them, whether you are a Democrat or Republican, what our responsibility is to protect the American people. Nobody needs a reminder of what the threat of terrorism is to our country. But we do need to work together to keep our focus on where the war on terror really is. If we clear up this matter, bring this war to an end in Iraq, we can give the war on terror our fullest attention.

Let us stop this war without end. I urge a "yes" vote.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlelady who spoke just before me, our respected Speaker, is a person I have worked with for most of my life in public affairs. Our Speaker suggested that the President was wrong, and, Mr. Speaker, I humbly suggest that in this instance, our esteemed Speaker is wrong.

Madam Speaker, it was no secret that this conference report was going to be vetoed. Early on, the President made very clear his intention to veto this legislation because of the Iraq withdrawal language and the many unrelated and costly spending items that have absolutely nothing to do with the global war on terror and recovery efforts on the gulf coast.

It is no secret that many Members of the House and Senate, both Republicans and Democrats, had strong reservations about the manner in which this legislation undermined the authority of the President, our Commander in Chief.

From the beginning of this process, Members have expressed their concern about how this legislation placed military decisions in the hands of politicians rather than military commanders in the field. The last thing our country or our troops need is to have 535 Members and Senators micromanaging the war in Iraq. That simply is not our job, Madam Speaker.

Recent history reminds us that the enemy we face in Iraq, Afghanistan and in other countries that harbor terrorists will stop at nothing to attack the United States and our allies.

My colleagues, now is not the time for the United States to back down from its commitment to the war on terror. Now is not the time for America to signal retreat and surrender. Indeed, now is not the time for the House of Representatives to throw in the towel, wave the white flag or signal retreat and surrender in Iraq.

How could this Congress walk away from our men and women in uniform? How could we walk away from them now? We must not let that happen. We must support our troops. Our failure to learn the lessons of history, our failure to lead, will result in devastating consequences, including an even greater loss of life and even more resources needed to fight tomorrow.

□ 1315

It is absolutely essential that America, the last remaining superpower on Earth, continue to be a voice for peace and a beacon of freedom in our shrinking world. Walking away would further signal to Syria, Iran, Afghanistan, and others that the United States is no longer committed to a successful outcome in Iraq.

Before closing my remarks, I want to express my disappointment and dismay at yesterday's political and theatrical display by Speaker PELOSI and Senator REID.

The delivery of this conference report to the White House was intentionally delayed so the President's veto would coincide with the fourth anniversary of the President declaring "Mission Accomplished." This display in sending the supplemental to the President was a deliberate and shameful attempt at scoring political points solely at the expense of our troops.

Mr. Speaker, this veto has been anticipated for some time. The majority party has had ample time to plan and prepare for the next step. Passing a clean supplemental free of arbitrary deadlines and excessive spending is obviously the path we should be following.

There is $20 billion, $20 billion, in this package unrelated to the war effort and the gulf coast recovery. That money is designated as emergency spending. Every nickel of this unrelated spending should be removed from the emergency supplemental. All this spending should be debated in regular order through the fiscal year 2008 appropriations process.

In closing, I say to my colleagues on the other side of the aisle: You've made your point. You've had your dog-and-pony show. You have posed for political holy pictures on TV. Now what is your plan to support the troops?

It is time to put the posturing and political stunts aside and do what is in the best interest of our troops. It is time to do the right thing and pass a clean emergency supplemental free of arbitrary deadlines and arbitrary spending. It is time to support our Commander in Chief and sustain the President's veto. I strongly urge a "no" vote.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members on both sides of the aisle are reminded that remarks in debate should be directed to the Chair and not to others in the second person.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

The gentleman expresses his concern about funding designated as emergency spending. In fact, I would point out that the President himself asked for the antiflu money that we put in this bill. The President himself asked for that money 2 years ago as an emergency request.

I would also note, since he has expressed concern about our micromanaging the war, I would simply say we have had the administration providing us with bad intelligence. We have had the administration demonstrating bad judgment in saying we would be welcomed with open arms. We have had them demonstrate bad judgment in ignoring General Shinseki's warnings about the number of troops that would be needed to pacify a postwar Iraq. We have seen bad judgment in the President's refusal to talk to the Syrians and the Iranians. We have seen bad judgment all across the board for the last 4 years. It seems to me that we are badly in need of having some kind of management to that war, and if it is not going to come from the executive branch, then the only alternative is for the Congress to express its views.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, at the outset, let me comment on the ranking member's observation about political posturing.

First, let me say I wonder what the President was doing standing in front of that sign saying "Mission Accomplished" on that aircraft carrier with taxpayers' dollars. Let me suggest to you that he was politically posturing, trying to take credit for a great victory that occurred 4 years ago. No one in America believes that the mission has been accomplished. No one in America thinks we have had a success.

Let me say that it was totally appropriate for the Speaker and for the majority leader in the United States Senate to sign a bill and let the public know that this is what the Congress believes.

My friend may think political posturing is taking responsibility, which is our constitutional duty, as opposed to simply rubber-stamping what the President wants done. There has not been any question asked for the last 4 years by this Congress. There has not been any interposition of a correct policy as opposed to the President's failed policy.

We don't see that as political posturing, I tell my friend—we see it as exercising the constitutional duty that the American public expects us to do as their independent representative.

This is only the second veto. Why is it only the second veto? Because you wouldn't pass anything the President didn't want. That is not the role of the Congress of the United States. The role of the Congress of the United States is to make policy. That is what article I says. That is what we are doing.

Mr. Speaker, regrettably, the President has chosen not to follow the will of the American people and bipartisan majorities in the House and Senate by vetoing legislation that fully funds our troops in Iraq and Afghanistan, that holds the Iraqis accountable for making progress; and that calls for a responsible redeployment of American forces who are mired in a civil war.

It is our duty now as the elected representatives of the people to try to override the President's veto even though we may not succeed, and even as we prepare to meet with the President today to discuss next steps. That is our responsibility. We intend to do it.

Mr. Speaker, I believe our President, who was wrong 4 years ago when he stood under a banner announcing "Mission Accomplished," is wrong again. The escalation of American troops in Iraq does not represent a change in this administration's failed policy. In fact, it is the fourth time we have escalated troops. In fact, it has been tried, unsuccessfully.

The President's claim last night that "We've begun to see some important results" is unfortunately contradicted by the facts. I wish it were true. I want to succeed in this effort, although what success is, is ill-defined or not defined by the President.

In fact, Iraq is wracked by violence, including massive car bombs, almost daily. The U.S. death toll in April of 104 made last month the deadliest of the year and the sixth most lethal month since the war started, notwithstanding this increase in troop presence.

Senator HAGEL, who recently returned from Iraq, stated: "This thing is coming undone quickly, and the Maliki government is weaker by the day."

And the Special Inspector General for Iraq Reconstruction just reported: "The U.S. project to rebuild Iraq remains far short of its targets, leaving the country plagued by power outages, inadequate oil production and shortages of clean water and health care."

I suggest to my friend, in that context, the Congress ought to be impacting on the policies that are being pursued that are not succeeding.

Finally, let me say, and I call the attention of my friend, the ranking member, to this because he referenced this. The President's claim last night that this legislation "substitutes the opinions of politicians for the judgment of our military commanders" is totally inaccurate.

But let me tell you what is not inaccurate is that our military commanders have made none of the decisions on the policies we have been pursuing in Iraq, and that is the tragedy. The decisions have been made not by military men and women, but by the President, by Mr. CHENEY, by Mr. Rumsfeld, by Mr. Wolfowitz, and, yes, by Mr. Bremer.

We have seen nothing, I tell my friend, but a series of political decisions made on this war over the last 4-plus years; would that it have been otherwise. We do not seek to micromanage our military, which has done everything we have asked of them. Rather, we do continue to question the decisions of top administration officials, including, yes, the President, whose judgments regarding this war have proved repeatedly, almost without exception, wrong.

Indeed, it is ironic that the President makes this claim when, in fact, we are mired in Iraq, because politicians who I have just referenced made decisions that prove to be wrong and did not lead to success.

Mr. Speaker, this Congress must not continue to simply rubber-stamp this administration's request. Our Founding Fathers did not think that was our role. They thought our role was to make independent judgments on the people's behalf and have the courage to pass legislation reflecting that judgment.

This legislation responds to the will of the American people and sets forth a policy to take us in a new direction that requires Iraqi responsibility and the pursuit of the political solution that General Petraeus and the Iraq Study Group say was essential if we were going to succeed.

Mr. Speaker, I urge my colleagues from both sides of the aisle: Listen to the American people, fully fund our troops, hold the Iraqis accountable, support responsible redeployment of American troops. Vote to override this veto.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. WAMP), a member of the Appropriations Committee.

Mr. WAMP. Mr. Speaker, I want to make five points.

First, we need to realize that this threat is real. And I say to the members of the Get Out of Iraq Caucus that if we were not in Iraq tomorrow, this threat is not going away. We don't spend enough time focusing on this fact that the jihadists within Islam are insulated within the Islamists and the moderates, and there is not enough confrontation from them to each other. This threat is mounting globally. It is spreading. Europe is basically lost. And I don't want America to end up alone, but this threat is not going away, and we need to know it.

Former Senator Fred Thompson said here 2 weeks ago, and he is right, that when we do leave Iraq, it is either going to be a dangerous world or a more dangerous world, and it depends on what we do in Iraq as to whether it is dangerous or more dangerous, and this legislation is at the heart of that challenge.

Number two, words matter. The majority leader of the United States Senate saying that the war is lost was on the front page of al-Jazeera in Arabic. That is not good for our country, not in this conflict or the future. Words matter.

Number three, this legislation was flawed. We said it early on. You shouldn't have this kind of micromanagement, tying the hands of the generals, telegraphing retreat, and then adding a bunch of extraneous matters to this legislation that should go through the regular order and the regular appropriations process. It was a bad bill. You porked it up and slowed it down.

Number four, the veto was the right thing to do. The President is not popular. We all know that. But isn't it refreshing that the President is doing the right thing even though it is unpopular because he is putting the interest of our country above that of his party or even this moment doing the right thing? That is leadership.

Our distinguished Speaker came and said a few minutes ago that she was substituting the President's judgment for her judgment. And I say respectfully to our Speaker, I have served under three Speakers. She has her constitutional role, and it is not the Commander in Chief. She is the Speaker, not the Commander in Chief. She is also not General Petraeus, and this is a wrong-headed approach. We can do better.

Lastly, the solution is for the leadership to go and sit down with the President of the United States and put our troops above our parties. Clearly ask: What do you require?

□ 1330

The President should clearly ask what can I do for the Congress, and let's not go through this again.

My nephew is on his way to Iraq, as many Members of this House know. Let's make sure they have what they need. Let's not give up here. We don't need another Somalia. We don't need another Beirut. We don't need to lose this war. We need to stay and improve and do better and come out with our head up.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank the distinguished chairman of the Appropriations Committee.

Mr. Speaker, when the President vetoed this bill, he said it was because he felt that decisions like this should be left to the military, not the politicians. But Mr. Speaker, the fact is that when the President declared that Iraq was part of the global war on terrorism, there was not one single military officer who agreed. That was a political decision made in the White House to go into this war. Had he listened to the military, we wouldn't be in this war.

Mr. Speaker, the fact is that none of us have been asked to sacrifice anything in pursuit of this war. The sacrifice has fallen exclusively on the backs of our military and their families.

Mr. Speaker, this week, the 2,108th child was told that they will never see their mommy or daddy again because they will never return from Iraq. How many more children have to lose their parents before this policy is reversed, Mr. Speaker? 3,351 American soldiers have lost their lives. More than 24,000 have been seriously wounded. This past month, more than 100 soldiers lost their lives, the deadliest month on record.

Things are getting worse rather than better.

The British Broadcasting Corporation and the American Broadcasting Corporation just completed an extensive survey of Iraqis. It turns out that 82 percent have lost confidence in U.S. policy in Iraq, that 86 percent have lost a member of their household due to violence, and the majority feel that this policy is ineffective, and in fact, they were better off under Saddam Hussein than under the American occupation.

Mr. Speaker, the State Department just reported that the number of terrorist incidents has gone up by 25 percent, most of them in Iraq.

This policy has been a failure. I urge a rejection of the President's veto of this bill. This bill will set the course that the American people are demanding.

Mr. LEWIS of California. Mr. Speaker, only because we are rambling on time, could I have a check of time, please.

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) has 18½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 17 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 4 minutes to the gentleman from California (Mr. DREIER), the ranking member on the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my California colleague and congratulate him on his stellar leadership on this and a wide range of other issues.

As I came to the floor just as our colleague the distinguished majority leader, the gentleman from Maryland, was addressing this House and he talked about politicization of statements that have been made, I will tell you, Mr. Speaker, when Saddam Hussein was toppled, it was not a celebration of one political party over another. It was not even a celebration just of Americans. It was a global celebration over the fact that we took this butcher who had murdered literally hundreds of thousands of his people, and we brought his reign of terror to an end, and that was worth celebrating.

Now, what we saw yesterday was nothing but partisanship because we know there is a real divide here. We know that the country is divided, and we know and the President of the United States, Mr. Speaker, has acknowledged that mistakes have been made, and we have gone through real difficulty.

I also heard the majority leader talk about the fact that there is no definition of victory. Mr. Speaker, it has been very clear from the beginning victory consists of two factors that are very important. First, we need to make sure that we have an Iraqi military force, the ISF, the Iraqi security force, able to defend the country, and we need to make sure that there is a government that can govern the country.

Those are the two items that have been placed forward. That is all we want. We have seen self-determination take place with three elections that have taken place in Iraq. We have seen, I believe, positive news come forward.

Now, Mr. Speaker, we constantly hear people describe this as the Bush plan. We hear the litany of others, and as my friend from Tennessee (Mr. WAMP) just said, we know that the President is not terribly popular. The President knows that he is not very popular. He likes to say everyone likes to be loved, but I would rather be right than be loved.

So we know that the President obviously does not have a high approval rating right now, but he is doing the right thing. He is doing the right thing, and I believe, Mr. Speaker, that this goal is a very valiant one and a very, very important one for us to pursue. We have to bring about some kind of bipartisan resolution.

I am very pleased to have indications come from our friends on the other side of the aisle about the fact that we are going to provide important funding for our troops. We have to do that. That is absolutely essential, but we need to realize that we are in the midst of a new strategy.

I had the opportunity to talk with my good friend Mr. MURTHA, the distinguished chairman of the Defense Appropriations Subcommittee, the other day, and we agree that we have got to come to some kind of bipartisan resolution of this.

But the important point that needs to be made, as we hear the names of these unpopular people, Wolfowitz, Rumsfeld, Bush, thrown out there, we have to realize again that this is a new strategy, and this is the Petraeus plan. It was Dave Petraeus who last week said, before a large bipartisan gathering of Members, that Iraqis today are fighting and dying for their country. And it was Dave Petraeus who said, let us have until September, at which time I will report back with my colleagues to the President of the United States and the Congress.

I talked to, just day before yesterday, a very strong supporter of Mr. KERRY's when he was running for President, a strong, committed Democrat, and he said that he believed that establishing some sort of artificial timeline would be wrong.

The President described it last night following issuance of his veto that it clearly would be a prescription for defeat, and I believe that we need to make sure that, again, as Dave Petraeus said, since Iraq is the central front in the battle against al Qaeda, we need to keep it there.

Mr. Speaker, sustain this President's veto. Let's come together and provide the necessary funding for our men and women in uniform.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, three points. First, why is this an emergency? It is an emergency because the administration has never funded this war on the books. The people who will pay for this are the sons and the daughters of the men and women in the military who are now fighting it. That is wrong and irresponsible.

Number 2, the military has done its job. They were asked to get rid of Saddam. He's gone. Find weapons of mass destruction. They don't exist. And allow Iraq to have democratic elections. They have had three.

Third point, the President says "no" to timetables. Of course we must have timetables. How else to hold the Iraqi politicians responsible? They have to have an oil law. They have to renounce sectarianism in the security force. And the only way that we are going to stop asking our military and our taxpayers to referee a civil war and to finance it is by having the President of the United States do what he must do and say we want accountability from the Iraqi political leadership.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank you very much and I thank the whip for allowing me to go at this time.

Let me just say I remember my Democrat colleagues after 9/11. They, along with us, were one voice saying we're going to go after these terrorists, no matter where they are; no matter how long it takes, we're going to get them.

The terrorists attacked the World Trade Center, the *Cole*, our barracks. They've attacked us many times. They attacked us once before at the World Trade Center. And al Qaeda has attacked in France, England, Spain, Indonesia, and elsewhere.

Now, the leader of the military wing of the terrorists in Iraq is al Qaeda. He's the guy that's going to lead the fight to make Iraq an Islamic State, a jumping-off point for terrorism around the world, al Qaeda, the same ones that attacked the World Trade Center and these other things.

I can't understand how my colleagues on the other side of the aisle, knowing al Qaeda is in charge over there, the military wing of the terrorists, knowing that they want to destroy us, knowing that Osama bin Laden said he wants to destroy America, that you want to pull out, that you want to tell them exactly when you're going to leave.

We're going to start moving in 4 months. We're going to be out of there in 12 months. You want to cut our troops off at the knees, and do you think al Qaeda is not going to be happy about that? What do you think Iran is thinking right now? What do you think Syria is thinking right now? What do you think al Qaeda is thinking right now? They're thinking we don't have the guts to go get 'em, and so they're encouraged.

Al Jazeera was mentioned just a minute ago. That paper has got all kinds of articles saying we're going to get out, and you guys are giving them all the information they need to know that they can prevail if they wait us out. If they do, we're going to have more terrorist attacks here in America. They're waiting for us to get out so they can focus all their attention on the United States and our allies.

We must not do this, and that's why we should sustain the President's veto.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I would simply point out to the gentleman who just spoke that the bill before us specifically allows our troops to continue to go after al Qaeda in Iraq, even after they are repositioned out of fighting that miserable civil war.

I would also simply say, the gentleman asks "What do you think al Qaeda thinks." I think al Qaeda wants us to stay in Iraq. It is clear from the beginning that they were happy that we went there, that we got sucked in there, because we have served as a recruiting poster for al Qaeda. That is what al Qaeda thinks.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the Republican whip.

Mr. BLUNT. I thank the gentleman for yielding.

We all know that in a few minutes the President's veto will be sustained. We didn't all figure that out this morning. We didn't all figure that out last week. We didn't even all figure that out last month. We've known that since the very start of this debate, 90 days of debate at a time when there are real consequences for our troops.

There are consequences, we are told this week, in the preparation for troops going to Iraq and action. There are consequences of maintenance on bases in this country. There are consequences in the way we are dealing with our equipment and our repairs, and we have taken 90 days to get to this point so we can start all over again.

I hope when we start all over again this afternoon that we will start all over again with a commitment to get this job done as soon as possible, rather than to take as long as possible. It does matter. The message we send to the world matters. The message we send to our troops matters. This bill needs to be as clean as possible. It needs to be straightforward.

There are things in this bill that in another bill I could support. There are things in this bill I couldn't support in any bill, but there are things here that should be done that have nothing to do with this bill. I don't know why they were put on. Maybe they were put on to try to see if the majority could get the last votes necessary to pass a bill that has restrictions on the military that this Congress should never have advanced to the President's desk.

The President has vetoed. We will uphold that veto. Let's work together now to get the job done to support the troops in Afghanistan, in Iraq and everywhere else around the world who are feeling the consequences of this 90 days we have already taken.

I will work with you. I hope you will work with us. We need to get this job started.

□ 1345

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. I thank the gentleman.

Mr. Speaker, I believe our Republican colleagues are correct. This Congress spoke with one voice on the war on terrorism, and we continue to do so. Indeed, if President Bush had pursued the war on terrorism and the perpetrators of 9/11, instead of getting diverted to Iraq, which had nothing to do with 9/11, then when he hoisted that "Mission Accomplished" banner four years ago, it would have had meaning.

Instead, we have a burn rate of $10 billion every month in Iraq, $14 million every hour, 24 hours a day, 7 days a week, every week, every month of the year. More importantly, the real burn rate is in the loss of more than 3,300 American lives, brave men and women over there fighting for our country; 96 percent of those deaths, almost all of them, lost their life after President Bush declared "Mission Accomplished."

Today, the President can veto our attempt to secure a safe, orderly, phased redeployment of our troops from Iraq, but he can't veto reality. Our troops are coming home. It's just a question of what price is paid in blood and money before that happens.

The President talks about listening to the commanders and the generals. I wonder if he was listening to General William Odom, the former National Security Agency Director, last Saturday when he said the President has let the Iraq war proceed on "automatic pilot, making no corrections in the face of accumulating evidence that his strategy cannot be rescued."

If the President had listened to the generals, we would never have gone into Iraq in the first place. It was General Schwarzkopf who said, we would become "like [a] dinosaur in a tar pit."

If he had listened to the generals like General Shinseki, if he had insisted on going into Iraq, he would have sent enough troops to get the job done and not turned over all those weapons dumps to be converted into IEDs.

If he had listened to the generals, he would have provided our veterans with the health care that they have earned and deserved instead of subjecting them back here to the facilities and care they found in the United States.

The generals who disagree with this President earn a new title: Retired.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to the former chairman of the Armed Services Committee, DUNCAN HUNTER of California, now the ranking member.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I think it's important to interpret this debate. I have heard the Speaker talk about redeployment and say that there is a lot of discretion that is left to the administration. There is no discretion. The dates of so-called redeployment are defined. You either start going out July 1 or October 1. Redeployment means withdrawals.

If generals do not start redeploying, do not start withdrawing from the battleground, you can bet Democratic leadership will be here pulling them into hearings, asking them why they didn't saddle up their brigades, their battalions and their divisions and start to move them off the battlefield. So let's get this straight. This is about withdrawing from the battlefield.

Listening to this debate, and listening to the controversy and the statements by Democratic leadership that have preceded this vote today, there is a constant theme: Somehow American soldiers and marines are victims. They are victims of extended tours; they are victims, the last gentleman said, they claim, of not getting enough health care. They are people that have been victims in the war against terror.

Let me tell you, I have seen the timelines that are given, the 270 days for Marines, the 365 days. A number of them have gone through one, two, three and sometimes four tours. Our Americans, and that includes my son, who is deploying now for the third time, will not fail, they will not crack, they will not stretch. They will hold, and they will carry out this mission against terrorists.

We are right now in the second phase of a program we have used for 60 years to stand up free governments around the world. You stand up a free government. We have done that.

Secondly, you stand up a military capable of protecting that free government. That is a second stage. That is a stage we are in right now.

Thirdly, we leave, because America doesn't covet anything that another nation has.

We are in the second stage right now. It's tough, and it's difficult. This is a tough, difficult mission, but it is a mission that we can accomplish.

I am reminded, lastly, that the Speaker talked about stopping the war. That is how she described this bill. The Democratic leadership does not have the power to stop the war against terror. All they have the power to do is to leave the battlefield. That would be a disaster for the United States of America.

Mr. OBEY. Mr. Speaker, I yield myself 20 seconds.

I would also observe that our soldiers don't have the power to require Iraqi politicians to quit killing each other and make the diplomatic and political compromises necessary to end this civil war. Only Iraqi politicians have that, and we are trying to send them a message with this bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, by vetoing this bill, the President refuses to sustain the troops that we have sent to Iraq. Every dollar they need, every ounce of protection they need, and the health care they need when they come home is in this bill that he has vetoed. We refuse to sustain a failed, endless policy that takes us nowhere.

The President refuses to acknowledge the reality that we have sent our sons and daughters to be referees in a bloody civil war. We acknowledge that reality, and we want to stop it.

The President refuses to acknowledge the comments of General Petraeus, who says that ending this civil war is a political mission, not a military one. We acknowledge that reality, and we provide the tools to achieve success in that political mission.

Today the President has refused to acknowledge the will of the American people, but we are expressing the will of the American people.

We will vote to override this veto, and the result will obtain. But we will never yield, never quit, never back up in this effort to change this failing policy and bring our troops home from Iraq.

Vote to override this veto.

Mr. LEWIS of California. Mr. Speaker, could I inquire about the amount of time.

The SPEAKER pro tempore. The gentleman from California has 8 minutes remaining. The gentleman from Wisconsin has 11¼ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman from California.

Mr. Speaker, I think that we have to sustain this veto today. I think it's the right thing to do, because I think we need to go back to the drawing board on this. Number one, the President does have the constitutionally defined duty to fight wars, to direct the militia, particularly in a time of war, and I think that we are getting into a position where we have a lot of folks on Capitol Hill, perhaps as high as 535 of us, who think we can run the war more than the Commander in Chief.

I think we have to recognize that constitutionally the President has to do that. I think the President really has to veto this bill. It's as much for the preservation of the office as it is for his own personal views today.

I think, secondly, while the benchmarks themselves make sense, and there is a lot of bipartisan agreement on the benchmarks, there is also great division as to can these benchmarks be achieved by the dates outlined in the bill.

One of the things General Petraeus said to Congress last week is that the new Government of Iraq, and keep in mind, this is the fourth election that they have had and the first permanent government, but one of the things they need, as much as anything, is our push. This bill serves to push them. But it also needs our assurance, our assurance that we will be with them through this process.

If you pointed out in 1870 would America be in a position to pass major civil rights legislation, we would not be at that point. The Government of Iraq might not be ready to bring in all the Baathists or to the level in which we would like to see it done by July or by October, and so I think that we have to give them a little more assurance that we're going to push you, but we're not going to pull the rug out from under you.

I think that we, on this committee, the defense committee, the Appropriations Committee, which historically is known for getting things done at the end of the day, often have friends say to me, as a Republican, but I often have the question asked to me, we know you're a Republican, and we know you can be partisan, but do you do things bipartisanly?

I am always proud to say, you know, the number one committee that I serve on, which I also think is the number one committee in the House, is a very bipartisan committee. Now, we will debate things, gun control, abortion, things, always are putting riders, environmental stuff, on our bill. Yet we clash about it in committee time and time again on ideological, principle-based positions. Yet at the end of the day, we know that the bill has to be passed, because if you don't get the appropriations train to the station, the government shuts down.

I think at this point, the Appropriations Committee can go back to the drawing board and come up with something that is still based in principle that both sides can respect. But it does put the troops forward, as we do have strong bipartisan basis to want to do right now, but it would also take care of some of the politics of Iraq and the diplomacy. For that reason, I think we have to vote to sustain the veto.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the House Armed Services Committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank my friend from Wisconsin.

Mr. Speaker, it really depends on where you put the spotlight. The spotlight has, unfortunately, been on some goals or a goal to redeploy troops, when truth in fact the spotlight of this legislation should have been and should be on the readiness of the troops of the United States. I am truly concerned about the readiness, let me tell you.

In the last 30 years, there have been 12 military contingencies in which the United States military has been involved. If this means anything in the future, sure as God made little green apples, we are going to have conflicts or concern, we hope none, but in the future.

Readiness is a major part of it. The testimony is that a large, large percentage of our equipment, Active Duty, National Guard and Reserve for the Army, is in the Middle East. It's not here; it's not available for training. What is over there, of course, because of the sand, the conditions and the usage, is getting worn.

I truly worry about the training and the equipment for our Army and for our Marines in particular, because we don't know what the future holds. That is where the spotlight ought to be on this legislation, the positive aspects of it in preparing the readiness for tomorrow as well as for the readiness of today for the groups that are going over time after time, whether it be for 12 or for 15 months.

My hats off to those young people in uniform. It's our job to maintain them and take care of them. This bill would have done that.

Mr. LEWIS of California. Mr. Speaker, I believe that both of us are coming very close to the end of our time.

Mr. OBEY. We are ready for our summary statement.

Mr. LEWIS of California. As we do that, why don't we just join together, as we approach our closing speaker, and express our appreciation, is that all right with you, to the staff of both sides?

Mr. OBEY. Absolutely.

Mr. LEWIS of California. A fabulous job has been done on this. I am very proud of the people over here. I know you feel the same, and presuming that you would like to have me yield, I would be happy to.

Mr. OBEY. I would simply say that I appreciate the work that the staff has done on both sides of the aisle, and the work that they will continue to do. It's going to be a long time before this issue is disposed of. I appreciate the fact that they worked, literally, night and day to bring us to this point.

Mr. LEWIS of California. Mr. Speaker, I am very proud to yield 1 minute to the Republican leader of the House, JOHN BOEHNER of Ohio.

□ 1400

Mr. BOEHNER. Mr. Speaker, my colleagues, the President was right to veto the bill that we have before us. And I believe that the House today will sustain the President's veto because the bill that we have before us that is purportedly there to pay for our efforts in Afghanistan and Iraq and other issues, in my opinion, ties the hands of our generals and our troops on the ground and almost mandates failure in Iraq.

I think it is time for us to work across the aisle to produce a clean bill that the President can sign into law to sustain our efforts in Afghanistan and in Iraq, and to make sure that at the end of the day we have victory.

The fundamental question that we are all dealing with in this Chamber and elsewhere is, why is Iraq important? Why is winning in Iraq so important?

In my view, and in others, al Qaeda has made Iraq the central front in their war with us. Those aren't my words, those are their words. They started this war when they attacked us all through the 1990s and when they attacked us in New York City on 9/11.

And while we went to Iraq to take out Saddam Hussein and to help build a more stable, democratically-elected nation in that part of the world and bring more stability there, it has turned into much more than that.

According to the Memorial Institute for the Prevention of Terrorism, a nonprofit organization funded by a grant from the Homeland Security Department, Iraq today is home to 77 different terrorist organizations. They have made this, they have made Iraq the central front in their war with us.

We all know that there is a growing movement around the world of radical Islamic terrorists that want to kill Americans and want to kill our allies. They are operating all over the world and they are attacking people all over the world. Just think about where they have been over the last several weeks, whether it was Bangladesh last night or elsewhere. They are continuing their efforts to try to gain control of the world, and part of that effort is aimed directly at us. Americans, freedom loving people, up against people who don't want freedom for people, that want to impose radical Islamic law on all of us. And so they have made Iraq the central front in their war with us.

And if we walk out of Iraq, if we don't give this plan a chance to succeed, we encourage the terrorists. We will encourage them. They will be able to recruit new people all over the world. They will have a safe haven in Iraq itself. We will destabilize the entire Middle East, including the very existence of Israel. And who doesn't believe that if we don't deal with the terrorists in Iraq, that we won't be dealing with them on the streets of America? That is why Iraq is important. And if we are not willing to stand up to the terrorists and defeat them in Iraq, when and where will we draw the line to protect the American people, our ultimate responsibility?

We have a serious responsibility, and there is no greater responsibility for those of us who serve in this Chamber, than to provide for the safety and security of our constituents and our people in our country.

So tell me, if we are not going to stand up to them in Iraq, if we are not going to take them on in Iraq and defeat them there, when and where will we do it?

And the fact is, is that our troops are doing a great job in Iraq under very difficult circumstances. They deserve the support of all the Members of this House.

And so I say to my colleagues, it is time for the games to stop, it is time for the political points to be taken off the board, and it is time for us to sit down as Members on both sides of the aisle and give the President a clean bill that funds our troops in Iraq and Afghanistan, that furthers our effort to take on the terrorists and defeats them, and doesn't do it with some $20 billion worth of excess spending that has nothing to do with this bill.

I urge my colleagues to sustain the President's veto.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, the gentleman who just spoke said that withdrawing from Iraq will destabilize the Middle East. The President's policy has already destabilized the Middle East.

He says that this policy endorses failure. The fact is that the only endorsement of failure comes on the part of those who will vote to continue the President's existing policy, because the President's policy in Iraq has been a 4-year failure.

We need a change in direction. The only question about the President's policy is whether it will produce a disaster or whether it will produce a catastrophe, and I am afraid it will produce the latter.

Mr. Speaker, I now yield the remainder of my time to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, we will have appropriated in one year, $1.2 trillion. This bill that we are voting on today is called the Iraq Accountability Act.

Now, it's fine to have loyalty to the President of the United States. All of us know how important loyalty is; all of us know how important it is to be loyal to our friends, but there comes a time when this independent Congress has to stand up to the President of the United States.

We will have appropriated $95.5 billion. And if you vote against this bill, you're voting against that which is $4 billion more. You're voting for loyalty to the President, but you're voting against $4 billion more, $95.5 billion for the amount for the Department of Defense programs.

If you vote for President Bush, you're voting against $12.3 billion for military personnel pay and benefits, everything the President asked for. If you vote for loyalty to President Bush, you're voting against $1.2 billion, mostly to cover housing allowances which were left out of the last bill. The total amount provided is $13.5 billion. If you vote for President Bush and loyalty to President Bush, the conference committee has added $1.15 billion to cover the full cost of housing allowances. The committee has also added $2.3 billion to cover the full cost of 36,000 Army troops and 9,000 Marines. If you vote to be loyal to the President, you're voting against those troops.

When you talk about support the troops, I am talking about supporting the troops. Conferees recommend $50.4 billion for military operations even more than the President requested. We are adding $2 billion to address training and equipment shortfall.

The chairman of the Armed Services Committee talked about readiness. Right now, we have a tremendous shortfall of equipment. We have no strategic Active Duty Reserve in this country. And we put extra money, we put $2 billion in to start to replenish the strategic reserve.

This conference proposes to fully fund the President's request to train and equip Iraqi and Afghanistan troops. If you vote against this bill, if you vote for the President and to be loyal to the President, you're voting not to include $25.6 billion in equipment purchases, $800 million above the President's request.

If you vote against this bill, you're voting not to allocate $3 billion to purchase the mine resistant, new vehicle with the V-shape which resists the IED, one of the most important pieces of equipment that we will send to Iraq. We put $400 million for Abrams vehicles, Abrams tank, and we put $768 million for the Strykers.

Now, let me talk about defense health. Today, the Subcommittee on Defense just had a hearing on defense health. Every single year, Dr. Chu, the Defense Department shorts the health care system of $2 billion. Every year. Every year, the Congress has to make it up.

We have extra money, we have $3.3 billion for the defense health care programs; $2.1 billion above the budget request. If you vote against this bill, you're voting against those requests. $450 million for traumatic stress brain disorders; $450 million for traumatic brain injuries and post traumatic stress; $661 million to cover funding shortfalls created by the Congress in having disapproved the Department's proposed increase in health insurance premiums; fees for military beneficiaries; $62 million for amputee care; $12 million for caregivers. This is an important point. For caregivers. We heard from the Department of Health, from the Defense Department about the problem caregivers have.

All of us go to the hospitals as often as we can. I get post traumatic stress seeing these young wounded people. I am inspired by them. I see the families when I went to Fort Bragg and Fort Stewart and Fort Hood. I admire them. I admire their discipline, I admire their courage. I admire their patriotism. But let me tell you something: They're burned out. They're hurting.

If you vote against this bill, you're voting not to give them the money that they need. If you vote against this, you're voting against the provision that says no permanent bases in Iraq. If you vote against this, you're voting against 15 percent that comes out of Defense for the contractors. We have 125,000 contractors in Iraq and there has been no oversight, and we had 2 months before we could even find out about the contractors.

One of the provisions we put in this bill was a provision that said you can't deploy troops unless they are trained and equipped. You can't deploy troops unless they've had at least a year at home. Now, more and more I am seeing, they are saying that's the most important provision in this bill. They need a year at home to recuperate from their deployment; they need a year at home to retrain and to get ready to make another deployment. The Secretary of Defense made that decision, and we appreciate him making that decision. But at the same time, because of the policy of the White House, he had to make the decision, in order to sustain this deployment he had to make the decision to extend them to 15 months. I hear rumors that he is going to extend them for 18 months.

The troops that I talked to, the troops that I talked to just recently, were very frank with me. I said, "Look, we want to help in any way we can. Tell us what the problems are." And they went through the myriad of problems they have with these deployments.

These are individuals. These are individual people. They've got families. They have loved ones. One first sergeant said to me, "I hate to tell my kids I have to go overseas again. I hate to tell the kids." One woman in Iraq, and this is in an article in The Washington Post, she sighed and she says, "This war is a war between the Iraqis," she said. Another soldier said, "We're just interfering and letting our soldiers die."

I have to say that when you say there is some success in Iraq, we had four of the deadliest months in the history of this 4-year war in Iraq. We had more people killed in the last 4 months than any other period of time during this war. We have had 330 killed since the surge started. And these are individuals. These are not numbers, these are individuals.

We have less electricity than we had before the war started, less oil production than we had before the war started, less potable water, higher unemployment.

We have a provision in this bill that says the Iraqis have to take over this fight themselves. The Iraqis just maybe killed one of the highest leaders. That's what we want. We want to give them the incentive to take over the security themselves.

And let me say what's important on this floor of the United States Congress and what's important to the President of the United States: It is the national security of the United States. That's what's important. It is important that Iraq take over their national security, but our own need concerns me. Our strategic reserve is depleted completely, our troops are burned out, and we need to find a way to do a diplomatic effort, to put an all-out surge in diplomatic efforts in order to bring our troops home as soon as practicable.

So I urge the Members to override this veto, and start to bring our troops home as soon as practical.

Mr. LEVIN. Mr. Speaker, today there are two distinct messages coming out of Washington. The first message is from a majority of the Congress and underscores impatience with the lack of political progress in Iraq. We call for a new direction, including enforceable benchmarks for the performance of the Iraqi government. The other message is from the White House. The message the President is sending is that America's military commitment in Iraq remains open-ended, no matter what.

The President keeps saying that we're making progress in Iraq. This claim cannot be reconciled with the facts. Nearly everyone agrees that there is no military solution possible in Iraq; rather, the Iraqis must make the political compromises necessary to end the violence.

But where is the progress on the benchmarks that the President himself has endorsed? Where is the agreement to fairly share Iraq's oil wealth among all of Iraq's people? Where is the law reversing the disastrous de-Baathification policy? Where are the promised new election laws? Where is the progress on amending the Iraqi constitution to address longstanding Sunni concerns? The Iraqi government has repeatedly promised action on all of these, but there is little forward movement after many months.

Benchmarks are only real if there are consequences for failure to meet them. Back in January, the President said, and I quote, "if the Iraqi government does not follow through on its promises, it will lose the support of the American people—and it will lose the support of the Iraqi people." But by vetoing the Iraq Accountability Act, the President has made it clear that failure to follow through on the benchmarks will not result in the loss of the White House's support for this open-ended war.

From the beginning, the Bush Administration has been wrong so many times about nearly every aspect of the war in Iraq. Now the President comes to Congress again to ask for yet another blank check. We should not give him one. I urge the House to override the President's veto.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of overriding the President's misguided veto of H.R. 1591, U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act. We need a new direction in Iraq.

This legislation contains every penny the President has requested for our troops in Iraq and adds $4 billion more. The bill includes additional funding for military health care and military housing and provides $1.8 billion not requested by the President to begin meeting the unmet health care needs of veterans returning from Iraq and Afghanistan.

As the Representative for Fort Bragg, I strongly support our troops, their families and their communities. Our superb military men and women have done everything that has been asked of them and done it well. America's military victory in Iraq was achieved when Saddam Hussein's regime was toppled. But the Administration went to war without a plan to win the peace, and our military victory has been bogged down in a mindless occupation led by bitterly stubborn politicians here at home.

Just last month, Vice President CHENEY insisted that Saddam Hussein had been allied with Osama bin Laden's terrorist network despite all evidence to the contrary. Last night, the President vetoed this legislation in favor of his failed strategy of stay the course. The leadership of this Administration continues to be in a state of denial, and Congress must assert its rightful role in our nation's policymaking. I will vote to override this veto for a new direction in Iraq, and I urge my colleagues to join me in doing so.

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to announce that I will proudly cast my vote to override the President's veto of H.R. 1591, the "U.S. Troop Readiness, Veterans" Health and Iraq Accountability Act." By vetoing the bipartisan Iraq Accountability Act last night, the President vetoed the will of the American people. The President vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than even the President requested.

By vetoing the Iraq Accountability Act, the President rejected a bill that reflects the will of the American people to wind down this war. By vetoing the Iraq Accountability Act, the President turned a deaf ear to the loud message sent by the American people last November.

I will vote to override the President's veto because the Iraq Accountability Act offers us the first real chance to end the misguided invasion, war, and occupation of Iraq. It puts us on the glide path to the day when our troops come home in honor and triumph and where we can care for him who has borne the battle, and for his widow and orphan. This legislation helps to repair the damage to America's international reputation and prestige. It brings long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement. Finally, it places the responsibility for bringing peace and security where it clearly belongs and that is squarely on the shoulders of the Iraqi government.

Mr. Speaker, in vetoing the legislation, the President claimed the Iraq Accountability Act, H.R. 1591 would undermine our troops and threaten the safety of the American people here at home. Coming from an Administration that has been wrong on every important question relating to the decision to launch the Iraq War as well the conduct of it, this claim is laughable. It is nearly as ridiculous as the President's often stated claim of "progress" in Iraq. The facts, of course, are otherwise. The U.S. death toll in Iraq reached 104 for April—making it the deadliest month of the year and one of the deadliest of the entire war. It is therefore little wonder that nearly 70 percent of Americans disapprove of the way the President is handling the war. But more important, the President's claim that the Iraq Accountability Act undermines our troops and threatens the safety of the American people here at home is simply not true.

Republican Senator CHUCK HAGEL recently returned from Iraq and paints a bleak picture: This thing is coming undone quickly, and [Prime Minister] Maliki's government is weaker by the day. The police are corrupt top to bottom. The oil problem is a huge problem. They still can't get anything through the parliament—no hydrocarbon law, no de-Baathification law, no provincial elections.

Mr. Speaker, many of the Nation's most highly respected generals and several leading Republicans have endorsed H.R. 1591; all of them oppose the President's plan to escalate the war in Iraq. Take, for example, Maj. Gen. John Batiste, U.S. Army (Ret.):

> This important legislation sets a new direction for Iraq. It acknowledges that America went to war without mobilizing the nation, that our strategy in Iraq has been tragically flawed since the invasion in March 2003, that our Army and Marine Corps are at the breaking point with little to show for it, and that our military alone will never establish representative government in Iraq. The administration got it terribly wrong and I applaud our Congress for stepping up to their constitutional responsibilities.

Maj. Gen. Paul Eaton, USA, Ret. supports this legislation because it "gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group." According to Major Eaton, the real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq:

> The argument that this bill aides the enemy is simply not mature—nobody on the earth underestimates the United States' capacity for unpredictability. It may further create some sense of urgency in the rest of our government, beginning with the State Department.

Lt. Gen. William E. Odom, U.S. Army (Ret.), President Reagan's Director of the National Security Agency, supports the bill because it gives the President a chance to pull back from a disastrous course, re-orient U.S. strategy to achieve regional stability, and win help from many other countries—the only way peace will eventually be achieved.

Mr. Speaker, to date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breath taking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,316 brave service men and women—64 in the first 16 days of this month. More than 24,912 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

Mr. Speaker, it is time to hold the Bush Administration and the Iraqi government accountable. This bill's timetable and benchmarks finally hold the Iraqis accountable. As retired Maj. Gen. Paul Eaton has stated, This bill gives General Petraeus great leverage for moving the Iraqi government down the more disciplined path laid out by the Iraq Study Group. The real audience for the timeline language is Prime Minister al-Maliki and the elected government of Iraq.

Even Defense Secretary Robert Gates has noted that the timetable is helpful—and sends the message that "the clock is ticking." Gates said "The strong feelings expressed in the Congress about the timetable probably have had a positive impact. . . . in terms of communicating to the Iraqis that this is not an open-ended commitment."

Mr. Speaker, in overriding the President's veto, this House will be doing the business and expressing the will of the American people. In the latest CBS News/New York Times poll, 64 percent of Americans favor a timetable that provides for the withdrawal of U.S. troops from Iraq in 2008. In the same poll, 57 percent of Americans believe that Congress, not the President, should have the last say when it comes to setting troop levels in Iraq.

Mr. Speaker, in overriding the President's veto, Congress is fulfilling its constitutional responsibilities and exercising the first check on the President's power in 6 years. As Iraq Study Group Co-Chairman Lee Hamilton has pointed out, The Founders of our Nation never envisioned an unfettered president making unilateral decisions about American lives and military power. They did indeed make the president the commander in chief, but they gave to Congress the responsibility for declaring war, for making rules governing our land and naval forces, for overseeing policy, and of course the ability to fund war or to cease funding it.

Mr. Speaker, I urge all members to join me in overriding the President's veto of Iraq Accountability Act, H.R. 1591. This is the best way to ensure accountability to our soldiers who have been sent into battle without proper training or equipment or a clear mission. It is the best way to keep faith with our veterans who are not getting the best medical care when they come home. Overriding the President's veto is essential to restoring our military that is being stretched to the limits by the Bush policy. Last, it is absolutely necessary to regain the confidence of the American people who demand a new direction in Iraq.

Mr. KENNEDY. Mr. Speaker, the President is making a terrible and costly mistake by vetoing the war funding bill and rejecting the clear desire of Congress and the country for a swift redeployment of U.S. ground forces from Iraq.

The veto and the insistence on staying the course is not a mistake simply because it ignores public opinion; we wouldn't want a Commander-in-Chief to be simply a weather vane.

And it is not a mistake just because our courageous troops and military families are exhausted from bearing the full weight of sacrifice themselves. We know they are prepared to pay any price for American security, which is why we owe them such a debt of gratitude.

No, the President's veto is a grave mistake because refusing to change course in Iraq is compromising U.S. security.

Administration rhetoric notwithstanding, policing the civil war in Iraq does not bring us closer to defeating the global network of extremists who wish to harm us. To the contrary, in order to improve national security and best address our other strategic interests around the world and here at home, we must dramatically change our current direction in Iraq.

Our men and women in uniform have always served our country courageously and performed brilliantly. But asking them to stand between warring factions is not only unfair, it is counterproductive.

Redeployment from Iraq will enhance our security by allowing us to properly address other potential challenges around the world from Afghanistan, North Korea, and Iran to Latin America, the Horn of Africa, and the greater Middle East. In particular, it will allow us to put our attention back on Afghanistan and the fight against a resurgent al Qaeda and Taliban, the enemies who actually did engineer 9/11.

Bringing troops home also allows us to resolve the concerns about the readiness of our Armed Forces, which have been strained to the breaking point because of this Administration's careless management of the war in Iraq.

Only by extricating ourselves from the mess of Iraq can we begin moving our country back to a common-sense policy of strength through leadership. Every day our military is in Iraq our standing in the international community erodes further.

Already we've seen respect for the United States plunge from record highs after 9/11 to record lows now. This loss of moral authority compromises our ability to lead multinational efforts to fight national security threats from terrorism and nuclear proliferation to global warming and drug trafficking.

Our continuing military involvement in Iraq carries these steep costs with little prospect of benefit. Only the Iraqis can bring about the needed reconciliation in their country. Their political leaders must take the difficult political steps needed to cease the violence in their country, by building coalitions among competing sects, ensuring minority rights, balancing power between provincial and central governments, and sharing oil revenues among all regions in Iraq. We simply cannot do this work for them.

By setting a deliberate timetable for redeployment, we force the Iraqi political leaders to acknowledge and accept that they are the ones who must take steps to bring about an end of the sectarian violence.

Bad things may happen when our Armed Forces leave Iraq if the Iraqis cannot or will not choose reconciliation over conflict. But that will be true if we leave at the end of this year, the end of next year, or in 2015. Delaying redeployment simply delays the Iraqis' moment of responsibility.

Our strong leaders of the last century, like Presidents Roosevelt, Truman, Kennedy, and Reagan, recognized that while American military might was important, American values were our greatest strength.

Just as we rallied the world in the Second World War and defeated the Soviets in the Cold War on the strength of our Nation's democratic ideals, ultimate victory against this generation of enemies will similarly be won in the minds of millions around the world, not on the battlefield in Iraq or anywhere else. Indeed, that long-term victory is impossible while we are in the middle of Iraq's civil war.

There is no easy solution to the problems in Iraq, but it would be irresponsible to push a difficult decision off to another day, another Congress, or another President. We must stand firm and hold the Iraqi leaders responsible for their country. It is time for the United States to turn its attention to its broader global security and redeploy from Iraq.

Mr. HALL of New York. Mr. Speaker, I rise today to express my disappointment with President Bush's veto of the Iraq Accountability Act. Sadly, this is just the latest example of the President's unwillingness to change his mistaken policy towards Iraq. After more than 4 years of the President's stay-the-course strategy in Iraq, we must provide a responsible plan to redeploy our troops and require the Iraqi government to meet basic benchmarks for stability. This bill presented that plan and the President should have signed it into law.

Last month, 4 years after the President declared "Mission Accomplished," was the deadliest month for American troops in Iraq this year. For too long, the Republican-led Congress failed to exercise its Constitutional responsibility to hold the Bush Administration accountable—with disastrous results for the American people. No longer.

I have opposed the war in Iraq since its start, and today with my vote to override the veto I was proud to vote once again to take our policy in Iraq in a new direction. More than 4 years after the President declared the end of major combat in Iraq, we suffered over 100 U.S. military casualties in April alone. We must provide a responsible plan to redeploy our troops and require the Iraqi government to meet basic benchmarks for stability.

Our country faces serious threats. There are dangerous people in this world that seek nothing more than to kill as many Americans as possible. The number of people who died from my district on September 11th make me acutely aware of this dire threat. I was proud to vote for a bill that allows us to refocus our military on that threat. That would allow us to seek out, capture, or kill those who were responsible for September 11th or who currently plot to kill Americans rather than police a civil war in Iraq.

I'm disappointed that the President chose to ignore the American people and veto the Iraq Accountability Act. He should have signed this bill, in order to get these needed resources to our troops and our veterans, hold the Iraqi government accountable, change course in Iraq and refocus on destroying Al Qaeda.

As we move forward, the President must realize that this Congress is not going to give the President a blank check with which to ignore the will of the American people on Iraq. Four years of a flawed strategy are 4 years too long.

Ms. McCOLLUM of Minnesota. Mr. Speaker, for the third time I will vote in strong support of H.R. 1591, The Iraq Accountability Act. This time I will vote to override the President's veto of this critical legislation. With U.S. troop levels in Iraq increasing towards 170,000, all of whom are in the middle of a civil war; it is an act of political gamesmanship, not executive leadership, for President Bush to veto this legislation. With this veto, President Bush, with the strong support of his Republican minority in Congress, rejected $95.5 billion for our troops in harm's way and walks away from billions in needed funds for our veterans. The President vetoed this bill and rejected providing our troops with needed training, mandatory rest time, and an exit strategy from a civil war in Iraq.

This presidential veto sends a clear message to Congress and to the overwhelming majority of American people who are demanding a change in this administration's Iraq policy. The message is this: the White House has no intentions of holding Iraq's political leaders accountable for the future of their country. They have no intention of honoring the benchmarks his administration has established for measuring success in Iraq. And, President Bush has no intention of ending the U.S. military's presence in Iraq during his remaining 20 months in the White House. The only timetable this president is likely to honor will result in him walking out of the White House on January 20, 2009, leaving behind more than a hundred thousand U.S. troops in Iraq and the greatest foreign policy disaster in American history for a new president to address.

The Democratic majority in this House have made the needs of our troops, our veterans and our Nation's security our top priority. Unlike the minority in Congress and the White House, we are not deluded by a false hope that Iraq will suddenly transform itself into a nation of peace and tranquility with a surge of U.S. troops. Every indicator—military, economic and social—demonstrates that U.S. troops and American taxpayers are bearing an overwhelming burden on behalf of a nation that is broken and an Iraqi political leadership that refuses to act to retain sovereignty over their own nation.

Iraqis must take responsibility for the future of their nation, not U.S. troops. The only solution that can be achieved and sustained in Iraq is through political dialogue, not expanded military action by a foreign army. President Bush's failed policy has U.S. troops doing the job Iraqi soldiers and police should be doing. The veto of this legislation not only strips General Petraeus and all our commanders on the ground of any leverage to hold Iraq's political leaders accountable, it ensures that U.S. troops will continue being engaged in door-to-door searches, Baghdad foot patrols and raids on torture centers run by Iraqi security forces.

Last month, 104 Americans were killed in Iraq. The President's surge is not creating security for Iraqis, but has placed U.S. troops at greater risk. In March, 2,762 Iraqi civilians and policemen were killed. In April thousands more Iraqis were killed. On Monday, sixty Iraqis were killed, including the thirteen corpses found in Baghdad, "all blindfolded, handcuffed and shot in the head" according to the Washington Post.

These are not just numbers, they are lives. They are the lives of men and women, children as well, American soldiers and Iraqi civilians, killed as part of a bloody civil war. More than 50,000 Iraqi are fleeing their country every month. Two million Iraqis are now refugees and another 1.9 million Iraqis are internally displaced because of sectarian killings, ethnic cleansing and civil war. For my colleagues who warn about a horrific humanitarian crisis if this legislation becomes law, why do you ignore the horrific humanitarian crisis that is taking place right now as a result of the failed policies of this White House?

I will vote to override this veto. This legislation starts the process of ending the war in Iraq. This legislation not only holds the Iraqis accountable, it holds President Bush accountable as well. This war started because of distortions, false information and the determination of the Bush White House to deceive the American people, not a threat to our national security. It has always been a war of choice and an unjust war. The empty rhetoric from the Republicans in this chamber claims that this legislation puts the American people at risk, yet it is their stay the course support for a disastrous Iraq policy that harms America. My Republican colleagues' rejection of accountability standards, benchmarks for success, and an exit strategy from Iraq is an indication of their blind loyalty to President Bush, his failed leadership and a perpetuation of the deceit that brought us the Iraq War.

I urge all my colleagues to vote to override President Bush's veto of H.R. 1591 and let us start down the path of successfully ending the war in Iraq.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 222, nays 203, answered "present" 1, not voting 7, as follows:

[Roll No. 276]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—203

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—7

Davis, Jo Ann
Engel
Gillibrand
Lampson
McMorris Rodgers
Ortiz
Westmoreland

☐ 1437

Mr. CULBERSON changed his vote from "yea" to "nay."

Mr. CUELLAR changed his vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WESTMORELAND. Mr. Speaker, due to being unavoidably delayed, I missed a vote on H.R. 1591, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007—Passage, Objections of the President Not Withstanding (rollcall No. 276). I would have voted "nay" had I been present to record my vote.

The SPEAKER pro tempore. The message and the bill are referred to the Committee on Appropriations.

The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to submit their remarks on H.R. 1429, to be taken up next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IMPROVING HEAD START ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 348 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1429.

□ 1439

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, with Mr. SCHIFF in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members of the House, today we take up the Head Start Improvement Act of 2007. This is a bipartisan piece of legislation, as it was last year when it was brought to the House floor. And in that vein, I certainly want to begin by thanking the staff on both sides of the aisle that have worked very hard to bring this legislation in this form with the cooperation of the members of both sides of the committee, the majority and the minority. I begin by thanking Mr. Lloyd Horwich, who is working for Mr. KILDEE; Stephanie Milburn, with Mr. McKEON; Sarah Rittling, working with Mr. CASTLE; and Molly Carter and Ruth Friedman of the majority staff. This staff knows this program backwards and forwards. They have worked long and hard with the Head Start community, with the States, with Governors, with local communities, to make sure that, in fact, we have a program that we can be proud of, that we can continue to place our faith in, and does what we want, which is to give children from impoverished families and communities the opportunity to have a head start and to come to kindergarten school ready, if you will, with the skills necessary to take advantage of the opportunity that will be presented to them when they start school.

Head Start has been the premiere early education program in this country for more than 40 years. It has served more than 20 million children and families in that time. It is a highly successful research-based, comprehensive childhood development and early education program for low-income children from birth to 5 and for their families.

Both Head Start and Early Head Start help our country's most disadvantaged children become better prepared to succeed in school and in life by addressing the needs of the whole child and providing services such as health and nutrition in addition to the educational curriculum. Its design has always been based in science, and the bill before us builds on the strong foundation again by turning to the best science to renew and improve the Head Start program.

Head Start remains a cornerstone of this country's effort to close the achievement gap, to combat poverty, and to provide all its citizens with the opportunity to thrive.

Today more than 12 million children in America live in poverty, 20 percent of them under the age of 6. Children who grow up in poverty are more likely to struggle in school, face physical and mental health problems, and see fewer economic opportunities throughout their life.

The bill before us is central to achieving the goals of No Child Left behind because the achievement gap that appears later on in elementary school begins before these children reach kindergarten. Head Start is one of the most evaluated Federal programs, and research concludes that Head Start works. Recent findings from the congressionally-mandated Impact Study found that after less than one school year, Head Start narrowed the achievement gap by 45 percent in prereading and 28 percent in prewriting. The study also found that Head Start helped to improve some of the important parenting practices, including helping to increase the frequency with which parents read to and with their children.

Another large-scale study on Head Start found that children made significant gains during the Head Start year, and made even greater gains over the kindergarten year.

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By the end of kindergarten, Head Start graduates were essentially in the national norms in early reading and writing, narrowed by the achievement gap in vocabulary and general knowledge and early math.

I am encouraged that the research concludes that Head Start is doing what we expect and demand that it should do to help prepare children to succeed in school. However, this research shows that there are many new ways to improve Head Start, and I believe we accomplish that in the bill before us. The bill before us will help more children arrive at kindergarten ready to succeed by improving the program quality and expanding access to more children.

This bill includes many improvements to build on the latest research in brain and child development. The bill also recognizes that key to the first-class Head Start programs is teachers. This is absolutely imperative, and this bill works hard to make sure that we continue to provide for improvement and professional development of the teachers in the Head Start program.

We increase the teacher qualifications by directing the majority of new funds for program improvement activities, including significant new funds to increase teacher salaries; requiring that all programs use research-based practices to support children's preliteracy and vocabulary skills; requiring a full time staff to develop career ladders and professional development plans; directing the Health and Human Services agency to implement an observational assessment tool that will evaluate classroom quality and provide immediate feedback for programs on their strengths and weaknesses; improving the professional development and training and technical assistance systems so that they are better grounded in science and more responsive to local training needs; and requiring the Secretary to reevaluate and update current early learning standards and assessments using the best science available.

The point is this: This is a major revamping of the Head Start program, with an emphasis on quality, with an emphasis on outcomes, with an emphasis on the assessments and how these programs are doing so that we can provide the continuous improvement of these programs, and we can provide continuous high-quality programs to the children who are in need of these programs. It's only then that we can be assured that Head Start will continue to earn its reputation as the premier early childhood education and development program in this Nation. It is only then that we can say to the taxpayers that this continues to be a very wise investment of the dollars in the children of this Nation in providing them access to the kinds of programs that are necessary if they are going to be able to take advantage of the educational opportunities in K–12, if they are going to be able to close the gap between themselves and middle-income kids, if they are going to be able to go to school with those skills.

I believe that this legislation does that. This legislation builds on what was tried and worked on in the last session of Congress under the leadership of Mr. CASTLE, Mr. MCKEON, Mr. BOEHNER, myself and Mr. KILDEE. This is a continuation of that process, and that's why it received the overwhelming bipartisan support when it was reported from the committee. I hope that my colleagues will lend it the same kind of support at the end of this debate and the amendment process.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me start by commending my friends, Chairman MILLER, Chairman KILDEE and Mr. CASTLE, for their hard work on this good bill, which I am so pleased we were able to pass with an overwhelming bipartisan majority in committee 2 months ago.

While the resources to fund Head Start are significant, more work is needed to achieve the ultimate program goal on closing the readiness gap between Head Start children and their more advantaged peers as they enter kindergarten.

Some studies indicate that children enrolled in Head Start do make some progress, but at the same time we need to understand that we still have some work ahead of us in closing the readiness gap. With this in mind, the bill before us today will strengthen Head Start's academic standards by emphasizing cognitive development and the results of scientifically based research in topics critical to children's school readiness.

The measure also aims to improve teacher quality by ensuring a greater number of Head Start teachers have degrees and are adequately trained in early childhood development, particularly in teaching the fundamentals. That's great news for those children who will be participating in the Head Start program years down the road.

I have also been disappointed that in recent years we have heard many stories that have marred Head Start's good name. In various communities we found that financial abuse within Head Start centers is far too commonplace. In fact, a March 2005 report from the Government Accountability Office warned that the financial control system in the Head Start program is flawed in failing to prevent multi-million-dollar financial abuses that cheat poor children, taxpayers and law-abiding Head Start operators.

In the 109th Congress, Republicans led the House in passing a Head Start reauthorization bill that addressed these weaknesses in the Head Start financial control system. I believe the bill before us moves in that direction as well. It will require Head Start operators to meet a range of financial disclosure requirements as a condition of receiving and keeping their Federal Head Start grants. Furthermore, under this bill, grantees would have to be overseen by a local governance board that provides direction and actively oversees program activities. These are positive steps to ensure abuses are minimized, and that taxpayers' funds and the children those funds are meant to serve are protected.

Mr. Chairman, while this bill does represent overall progress for Head Start, I would be remiss if I did not note that there are some significant flaws in it, flaws that I hope we can correct before this measure is sent to the President. For example, under this measure the majority has decided to expand Head Start eligibility to those who the program was not designed to serve. Ultimately I believe this policy change may have the impact of leaving many children who live in poverty underserved by Head Start programs. This runs contrary to what we all believe to be the mission of this program and will do nothing to strengthen Head Start services; if anything, it will weaken them.

I am also disappointed that the House will not have an opportunity today to vote on an amendment offered yesterday at the Rules Committee by Mr. FORTUÑO, to protect the civil liberties of faith-based providers by clarifying that these institutions are not required to relinquish their Civil Rights Act hiring protections when they participate in the Federal Head Start program. These protections are already the law of the land with regard to various Federal programs, including those impacting welfare reform and Community Service Block Grants. In fact, President Clinton himself signed such language into the law.

The Fortuño amendment also would have ensured religious organizations would not be forced to remove art, icons, Scripture or other symbols in order to receive Federal Head Start grants. Barring these providers from fully participating in Head Start is not only a disservice to the faith-based providers, but also to the children who depend on the Head Start program and the taxpayers who should know that Federal dollars are granted to the best available service providers, faith-based or otherwise. Instead, the majority thrust upon us an amendment that praises the work of faith-based organizations, but does not protect their civil rights. It's literally all talk and no action. Indeed, the only people protected by this amendment are certain members of the majority party seeking political cover. Faith-based providers are left to fend for themselves.

Mr. Chairman, in spite of these flaws, which I hope we can correct in time, the Improving Head Start Act remains a solid reauthorization measure. Head Start is a good program that is capable of achieving even greater results, and the bill before us will help us get there.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 4 minutes now to the gentleman from Michigan (Mr. KILDEE), subcommittee chair and responsible for bringing this bill to the floor.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, in March, the Education and Labor Committee overwhelming passed by a vote of 42–1 H.R. 1429, which was my privilege to introduce with both Democrats and Republicans as cosponsors. I hope at the close of today's debate the full House will do similarly.

Head Start has served our most vulnerable children and families well for 42 years; and more recently, early Head Start has done the same for infants and toddlers.

Head Start works, and this bill will make it work even better. This bill increases Head Start's authorization by $461 million to benefit as many as 10,000 more children, and increases funding for Indian and migrant and seasonal Head Start programs. It sets aside 60 percent of new funds for activities such as teacher salaries, professional development and extended program hours. It suspends the flawed national reporting system. It improves teacher qualifications. It increases access to Early Head Start. It improves training and technical assistance to help programs identify their strengths and weaknesses. And it strengthens the quality of Head Start boards and maintains strong parental involvement through shared governance of Head Start programs.

I would note that we are expecting a motion to recommit that would allow faith-based programs to discriminate in hiring based on religion using Federal funds. Before supporting this bill by 42–1, the committee considered and rejected such a policy. Faith-based programs can and do participate in Head Start and have done so for many years, and I support that strongly. However, this motion is wrong, and I encourage my colleagues to oppose it.

In closing, I want to thank Chairman MILLER for his outstanding work through the years on this program and for his specific work this year. This is a very good bill. I want to thank Ranking Members MCKEON and CASTLE, it was really a pleasure to work with them, and all the members of the committee for their hard work on this bill.

I would like to thank the staff, especially Ruth Friedman, Chairman MILLER's senior policy adviser; Susan Ross and James Bergeron with Ranking Member MCKEON; and Jessica Gross with Ranking Member CASTLE; and Lloyd Horwich of my staff.

Mr. Chairman, I look forward to passage of this bill today and to working through the conference committee to see that this bill becomes law.

Mr. MCKEON. Mr. Chairman, I yield 5 minutes at this time to the senior Republican on the subcommittee. I am proud of all the work that he has done to bring this bill to the floor last Congress and this Congress, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the distinguished ranking member of the subcommittee for his kind words and for yielding. I also obviously thank Mr. MILLER and Mr. KILDEE for their work on this, and Ms. WOOLSEY, who has worked on it before with me. And I am pleased to be able to be here.

I support the legislation before us today which will reauthorize the Head Start program. And like almost every other Member of this body, I believe strongly in the benefits of this program. I trust that H.R. 1429, the Improving Head Start Act, will improve Head Start by emphasizing that every child, regardless of their economic status, should have the best chance possible to succeed.

In 1965, Head Start was created to give economically disadvantaged children access to the same educational, health, nutritional, social and other services that were enjoyed by their more affluent peers. The goal of the program was, as it remains today, to provide children a solid foundation that will prepare them for success in school and later in life.

As the centerpiece of the Federal Government's efforts to support quality early childhood education for our Nation's most disadvantaged youth, Head Start has served nearly 20 million low-income children and their families. Currently Head Start serves over 900,000 children every day and has over 1,600 grantees across the United States. In my home State of Delaware, Head Start programs serve over 2,000 children, with over 800 additional 3- and 4-year-olds receiving assistance through State government funding.

We all can agree on the need for Head Start and its successes. We must also recognize that Head Start can produce even greater results for children. Students who attend Head Start programs do start school more prepared than those with similar backgrounds who do not attend Head Start. However, Head Start students continue to enter kindergarten well below national norms of school readiness. By moving to close the school readiness gap, this bill will improve results for almost a million Head Start students across the Nation.

Toward the goal of closing the readiness gap, the Improving Head Start Act strengthens Head Start's academic focus while maintaining its comprehensive nature that is imperative to its success. The bill improves the academic focus of the program by establishing new quality standards that ensure enrolled children develop and demonstrate language skills; prereading knowledge, including an interest in and appreciation of books, reading and writing; premathematics knowledge, such as recognition of numbers and counting; cognitive abilities related to academic achievement; and social development important for environments constructive for child development, early learning and school success.

Research consistently demonstrates a link between the learning potential of children and the level of education and training of classroom teachers. For that reason, we improve the quality of teachers in Head Start classrooms by requiring that in time 50 percent of all Head Start teachers nationwide must have a baccalaureate degree.

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As I am sure some of my colleagues know, this bill does not include a proposed State demonstration project, which was incorporated into the legislation the House passed in 2003. I believe strongly, however, in the policy goals of increased coordination and integration that were and continue to be at the heart of efforts to remove barriers and prevent collaboration between Head Start and successful State and local early childhood initiatives. I believe the proposal to be offered by TOM PRICE of Georgia would foster integration among quality early childhood programs, and plan on supporting Mr. PRICE's amendment.

About 40 States, including Delaware, have established some form of early childhood education, because States recognize that these services can make a real difference in preparing children for a successful future. Various local initiatives have also been launched, and today, disadvantaged children and families have access to programs and services from a wide range of sources.

Some of these programs rival or exceed the quality of Head Start, while others fall short. Head Start is no longer the only option for early childhood education, and we must ensure that all children are receiving the same quality education. In this new era, Head Start should be working toward integrating service with other school readiness programs not competing against them. Where we previously would have allowed no more than eight States to improve Head Start coordination with State and local efforts, this bill will ensure programs in all 50 States are able to increase collaboration.

We are encouraging Head Start grantees to align their academics with State-developed K–12 academic content standards, as well as to have a more active partnership with local school districts that serve the same communities. This will help to facilitate a smooth transition to kindergarten for their students.

Finally, we are asking early childhood providers in the State, including Head Start, preschool and child care, to come together to identify ways to integrate school readiness initiatives across the State.

As I have said, I believe strongly in the Head Start program, particularly because of how the program helps children later in their lives. Despite these stories, we have also heard many stories of programs in which funds were being diverted away from this purpose.

In 2005, the GAO released a report that warned the financial control system in the Federal Head Start early childhood program is flawed and failing to prevent multimillion-dollar financial abuses that cheat poor children, taxpayers and law-abiding Head Start operators. The GAO made some helpful recommendations on how we can strengthen the oversight structure to prevent abuses and protect good grantees. They recommended that increased competition in the program could help weed out poorly performing grantees and ensure high-quality services are available to children and families.

In response to the GAO's recommendations of how to eliminate financial mismanagement, we are increasing the competitive nature of the current program. The competition requirements in the Improving Head Start Act will help to alleviate these problems, but, more importantly, will drive program improvement across the board. Program improvements will ultimately help thousands of children nationwide, which should always be our goal.

As I said at the outset, Head Start is an important and very popular program. The importance of early childhood education services cannot be overstated. I believe strongly that the reforms sought in H.R. 1429 will go a long way to institute needed reforms in an already successful program.

I urge my colleagues to support the legislation, and I thank all those who worked on this, including the staff, and I look forward to the passage of the legislation today.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today to express my support for the Head Start Reauthorization Bill that was sent to this Chamber.

Head Start is one of the best programs we offer our youngest students.

Since its creation in 1965, it has proven to be our most valuable school readiness program in the history of this country.

Especially, now that we know more about the importance of early-childhood education.

Time after time, we have seen reports that prove students who attend Head Start perform better than those who don't.

It has also proven to help close the achievement gap between students of differing socioeconomic status.

The Republican amendment to this bill would repeal existing civil rights protections that ensure programs cannot use federal funds to discriminate in their hiring practices.

Head Start teachers should be chosen because they are qualified and effective teachers who will help children succeed and thrive.

Discrimination should not be supported with public funds.

National religious organizations, civil rights groups, national labor organizations, and the education groups all oppose any roll back of civil rights protections.

This is such a critical program, and it's important that this body reauthorize this program in a manner that shows bipartisan support for educating our children.

I urge my colleagues to support this bill.

Thousands of children in my district benefit from Head Start and it's essential that we reauthorize this program with a bipartisan plan that will help this program serve more children effectively.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I want to begin by thanking Chairman MILLER, Ranking Member MCKEON, Chairman KILDEE and Ranking Member CASTLE, as well as both the majority and minority staff for their hard work and for including so many issues near and dear to my heart in this bill. Some of those are recruiting minority male teachers; emphasizing children's social, emotional well-being; recognizing the expanding role of grandparents and kinship caregivers in children's lives; keep parent councils as equals to the governing boards; incorporating the best practices from the field of home visitation into the Early Head Start programs; and encouraging the development of on-line graduate training. All of these are key issues to me and to the people of Chicago. I know that you have toiled long and hard to integrate Member concerns, and you have my appreciation.

In addition, I am very pleased that this bipartisan bill preserves the antidiscrimination history of Head Start advocated so ardently by the Head Start and religious communities. Federal funds are not meant to support discrimination of any type, and I applaud the Members of both sides for maintaining this fundamental commitment to justice and fairness in this bill.

Finally, I must mention a concern from Chicago Head Start programs. I know that the Chairs and ranking members have worked hard to address the problems surrounding low-income families in high cost of living areas such as Chicago from losing access to this critical child development program. I ask that the issue of income eligibility continue to be discussed so that the children of working poor families can be included.

Mr. CASTLE. Mr. Chairman, I yield such time as he may consume to the wonderful Representative from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to briefly address a topic which I have not heard discussed here, although I have heard it discussed numerous times within the committee itself. I am very unhappy with the resulting bill that came out this year. The issue I wish to discuss is Head Start programs operated by faith-based institutions.

What has happened in this bill is that we basically have reversed the Civil Rights Act, which provides that faith-based institutions may discriminate in hiring by hiring people of the same faith as the institution. If it is a church, for example, they can hire people who are members of their church or denominationm without violating civil rights laws. That is specifically legal under the Civil Rights Act. This bill prevents an institution from doing that; if they wish to operate a Head Start program, then they are not allowed to hire on that basis. So this bill is actually a reversal of the Civil Rights Act.

Now, why is this important? Why do churches need to do that? A perfect example was given last year during the debate on this bill in committee, when Representative Tom Osborne, better known as Coach Osborne, related an example in his district where a small church which had a small staff decided to operate a program similar to the Head Start program. They wanted to hire someone who could serve on their staff, half-time and also operate the educational program during the other half of their time. But they needed someone of their faith to do the church work. But this bill would prohibit that person to also teach in the school, but they were hired on a religious basis.

There is so much misunderstanding on this issue, and it really puzzles me, because I have very good friends over on the other side of the aisle whom I know have a deep religious faith. But why they are so anti-religious on this subject, I do not understand. They seem to believe that they have to prevent anyone with a religious belief from operating within a program of this sort.

I have to keep reminding everyone, this is not a case of churches trying to proselytize by having someone of their own faith running the program and teaching the kids that faith. That is not it.

The point is simply that faith-based institutions, by virtue of their faith, are determined to help people in the community who need help. It doesn't matter whether it is a Head Start program, whether it is a food program, as we operate in my church back home, or many other programs. They are doing it as an expression of their faith.

Now, is this wrong? Do we have to say, I am sorry, you can't run this program because you are a member of this church and you might express your faith? That is not what they are trying to do. So why do we have to go to great lengths in this particular bill to stop people from doing that, to prevent churches and other faith-based institutions from operating a Head Start program, unless they hire people from outside their church? That, to me, is grossly unfair. Frankly, I think it violates the Constitution, and I am strongly opposed to that practice.

Other than that, I think it is a wonderful bill and I would like to support this bill, but I am terribly disturbed by this anti-religious altitude that I have seen manifested here. I hope we can change this in this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. I thank Chairman MILLER for extending time to me.

Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act. This legislation is long overdue. I would like to commend Chairman MILLER and Ranking Member MCKEON and Subcommittee Chairman KILDEE and Ranking Member CASTLE for working together to craft bipartisan legislation that will significantly improve the Head Start Program, especially for Hispanic and migrant farm worker families.

It is my hope that this spirit of bipartisanship will carry the legislation all the way to the President's desk for his signature. I strongly urge a "yes" vote on H.R. 1429.

Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act.

This legislation is long overdue. I would like to commend Chairman MILLER and Ranking Member MCKEON and Subcommittee Chairman KILDEE and Ranking Member CASTLE for working together to craft bipartisan legislation that will significantly improve the Head Start program—especially for Hispanic and migrant farm worker families.

It is my hope that this spirit of bipartisanship will carry the legislation all the way to the President's desk for his signature.

It is also my hope that this body will reject any attempts to allow discrimination to infect the Heat Start program—whether the discrimination is based on religion or on the language that is spoken at home.

The bill before us today strengthens "Head Start" for Hispanics and families whose primary language is not English.

Here are just a few of the highlights: The bill increases the base funding for Migrant and Seasonal Head Start to a minimum of 5 percent of the overall Head Start funding, which means that more farm worker children will be in preschool instead of in the fields; the bill sets standards for communications with limited English proficient (LEP) parents so that language is not a barrier to Head Start access.

It instructs the Secretary of Health and Human Services to conduct a study of how Head Start programs serve LEP populations. It enhances Head Start transitions for LEP children to kindergarten.

It provides technical assistance resources for improving the quality of Head Start services for LEP populations, particularly in communities that have experienced a rapid and large increase in Head Start eligible LEP children.

It improves ensures that LEP children have access to linguistically and culturally appropriate instructional services that support proficiency in the English language and gains in other domains important for school readiness, including pre-literacy and numeracy skills.

It addresses the shortage of qualified teachers with expertise in serving LEP children by establishing a teacher career ladder demonstration program at Hispanic-serving Institutions and tribally-controlled Colleges and Universitites.

Tehese are significant improvements to the Head Start Program. Again, I would like to thank the chair and ranking member for working with us to include them in the bill before us today.

I strongly urge a "yes" vote on H.R. 1429.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the committee.

Ms. WOOLSEY. Mr. Chairman, we must ensure that no matter where a child comes from or what his or her background is, that child has an equal opportunity to succeed in school and in life. That begins with quality early childhood education, and that is why we need to and must reauthorize Head Start.

This bill will allow 10,000 more children to benefit from the Head Start program. But many, many more children are eligible for Head Start, and those children will continue to be left behind. A real investment in our children would ensure that every single child who is eligible has access to this very successful program. Without full funding, some children continue to start elementary school far behind their peers.

Some Members, as my friend on the other side of the aisle talked about, would like to allow Head Start programs to discriminate by using taxpayer dollars to hire staff based upon their religion, which is against everything I believe that the Head Start program stands for. When we already have a shortage of qualified Head Start teachers, we must not allow qualified teachers to be turned away simply because of their religion.

Mr. Chairman, children are 25 percent of our population. They are 100 percent of our future. We must support and expand Head Start for the best possible beginning of their lives.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1½ minutes to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 1429, the Improving Head Start Act. As a member of the Education and Labor Committee, I had the privilege of working on this bipartisan bill, which I believe will help more children arrive at kindergarten ready to succeed. Not only does this bill improve teacher quality, expand access and strengthen school readiness, it also addresses the unique challenges faced by rural Head Start programs.

Much of my district is rural. Therefore, I worked with several of my colleagues to ensure Head Start providers receive the support and flexibility required to serve America's rural communities. Specifically, we provided the assistance needed to improve transportation services in rural areas, the recruitment and retention of qualified instructors for rural programs and outreach to rural families. Later today, I will offer an amendment with my colleagues, Congressmen SPACE, WELCH and ALTMIRE that will further expand this assistance to rural Head Start.

Head Start is the country's premier early education childhood development and education program, serving more than 900,000 of our Nation's most needy families annually. Children who attend Head Start make gains in vocabulary, early writing and social behavior and enter school better prepared than lower income children who do not attend Head Start.

It is critical that all eligible families know about Head Start and that Congress allocates the necessary resources Head Start providers need in order to continue and expand these successful programs.

I urge all my colleagues to stand up for rural and low income children by voting "yes" on H.R. 1429.

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Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I thank the gentleman from Delaware for giving me this opportunity to discuss the concept of Head Start, which is a significant program that does a great deal of good for kids who are in dire need of this kind of service.

If indeed the decisions that we made in life were always of a vast contrast, differences were black versus white, night versus day, even the simple ones of right versus wrong, our life would be easy and our choices would be easy.

But, unfortunately, life is not like that. The decisions and choices we get to make are always going to be a shade of gray. We are given oftentimes two goods, and we have to decide which is the better choice. How we make those decisions identifies us as individuals; but it also defines what we are as a society.

This particular debate today is dealing with one of those basic choices between two goods. We have one of the big differences with this particular reauthorization of Head Start versus the reauthorization of Head Start that we passed last year, both of them good bills, is the concept of faith-based institutions within these two bodies.

One of the things that bothered me also as a speech teacher is as we are talking about this issue, sometimes we are talking different angles, kind of like ships passing in the night, without discussing the same definition of terms.

One side will say that faith-based institutions should not be used because of the hiring practices. If this institution decides to hire within their own religious group, a program that is legal both legislatively as well as judicially, then they should not be used in the concept of Head Start, or used as a program for Head Start. It has nothing to do with proselytizing, it has to do with whether they should be used at all. The other side simply says value is what is best for kids. Those are two goods. Neither one is necessarily bad. The issue is: Which is more important to us?

I am going to make the argument to you that if we really want to define our society, what we have to do is to say our highest value for this education program is what is best for kids. If, indeed, a faith-based institution is the best program to help kids break the cycle of poverty, understand the importance of education to try to lead a better life and improve their lives and their family's at the same time, then that has to be our highest value. That must be our highest value.

What we have to do is avoid the biases that we have on any other issue. The question is what best helps kids. Once again, if a faith-based institution is the best way of helping a kid, do it. For heaven's sake, do it. Do not hold kids hostage to our own social dogma. It may not be a bad social dogma, but the question is, where is our priority? What are our values?

With these kids who desperately need this help, this assistance, the most important thing is to give them that help so they can move forward and they can break the poverty cycle, and they can move on with their lives and help themselves and their families at the same time.

If that is not our goal, if that is not our purpose, if we are really not talking about how to help kids best, then we are fooling ourselves and making poor choices and kind of demeaning the entire debate and discussion of what the Federal Government will do in the area of education.

Once again, Mr. Chairman, we will have a chance to discuss these issues again in some other format, but I would urge my colleagues to remember we have to make a choice somehow, and our choice should be in the best interest of kids, and everything else, everything else, has to be secondary to that goal.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, we have just heard the suggestion that some programs might be better if only the program sponsors could discriminate in employment. We hadn't heard those arguments for over 40 years before this administration came in.

Let's talk about when you say "protect civil liberties," what liberties you are protecting? If you are protecting somebody's right to tell somebody they can't get a job because of their religion, if you can discriminate against someone because of their religion, racial discrimination laws essentially cannot be enforced. So who are you protecting? You are protecting the one trying to discriminate; the victim of discrimination loses all protection.

The children of families of unpopular religions will ask their parents why they couldn't get a job in the Head Start program, and they will have to be told they are not hiring people of our religion. Just what kind of Head Start is that?

Proponents are saying we lose opportunities. We have plenty of opportunities in Head Start. All we have to do is fund it more, and there will be plenty of opportunities for Head Start programs.

There has also been a suggestion you may have to take icons off the wall. If icons have to be taken down, it is because of a violation of the establishment clause of the Constitution. Let me tell you, passing a motion to recommit will not solve a violation of the establishment clause.

Forty years ago race and religious discrimination was found to be so reprehensible that we made it illegal even with your private funds. Now we have a plea to protect the people trying to discriminate and not the victims of discrimination. We need to leave the law the way it has been for the last 40 years. We can keep the antidiscrimination laws and those programs. Any program that can get funded with this faith-based initiative amendment could be funded anyway if you just comply with the antidiscrimination laws that have been in effect for the last 40 years.

We ought not to have to tell our children why certain parents can't get a job in a program because we are failing to protect the civil rights of the victim of discrimination because all of a sudden we are interested in the civil rights of the person trying to discriminate.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Chairman, as we pass the reins of our Nation to future generations, we must acknowledge that America's continued prosperity in the global economy will not be ensured unless we equip our children, the leaders of tomorrow, with the tools they need to succeed down the road.

To achieve this, we must cultivate not just the most privileged students, not only our brightest students, but also the students who grew up with disadvantages. Indeed, we must nurture the potential of all our children because it is in the best interest of our country to maximize the contributions and success of every American.

I recently visited a Head Start program at Indian Trail Elementary in my district in Louisville. The veritable beehive of activity there spoke louder than 40 years of studies on Head Start progress, but they said the same thing: The thoroughly engaged children were actively building a solid foundation for their futures, and they were loving the pursuit.

Like their predecessors, the 1,800 Head Start students in Louisville and the 1 million nationwide are making tremendous gains in family literacy, vocabulary, early writing, letter recognition, and social behavior, skills that will pay huge dividends in their future pursuits.

We have an opportunity today to extend and improve this program which is so vital to the preparation of today's youth, who in turn are critical to America's future. It is our moral responsibility and I believe our honor and privilege to reauthorize Head Start, and I urge my colleagues to join me in doing so.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

We are told over and over again in committee hearings from experts and scholars of all natures that we could close 50 percent of the achievement gap that we see in our country if we have effective preschool, prekindergarten programs. Head Start is just that kind of a program.

We see over and over again the evidence showing us it has a positive economic and social impact across this Nation, particularly in its comprehensive nature, the fact that it deals with education, deals with health issues and social implications.

The Commonwealth of Massachusetts, my State, 80 percent of 3-year-olds are still not enrolled in prekindergarten or Head Start programs. We need to be expanding this program for all of the good things it does because we need to take advantage of that opportunity to close that gap.

One of the ways that we are going to do that is to attract quality teachers. I am glad to see in this bill that Mr. SESTAK has filed an amendment to provide up to $10,000 in loan forgiveness for college graduates who commit to teach in the Head Start field. We have raised the standard of the teachers that we want, requiring them to meet a certain grade. That means we are going to have to pay people in order to go into this profession because it is still going to cost them considerably to get that degree. If we are going to do that, we have to step forward. I think Mr. SESTAK's idea, which we have been talking about in the higher education reauthorization bill for some time, is one way of doing that. Loan forgiveness for early education teachers over a period of years will allow us to have that program meet the pinnacle that we need it to reach.

For this and many other reasons, I think this bill is a good bill and deserves our attention and our support. I ask my colleagues to join me in voting for it.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from Delaware for allowing me to come and chat on a little different topic, a topic that we tried to bring to the floor today on this bill, and a topic that I think would truly expand and protect children in the Head Start program, but a topic that wasn't allowed to be brought to the floor because an amendment wasn't allowed. I think this issue truly demonstrates where the priorities of the majority party are.

This issue that I attempted to bring to the floor would have resulted in significantly greater safety for the children who are transported in Head Start programs.

In 1992, Mr. Chairman, Congress required the issuance of regulations that related to rear-door emergency exits and safety restraints on Head Start transportation. That was in 1992. Since the final rule for these new regulations was published, the effective date has been delayed three times.

Last week, buried deep in H.R. 1591, the emergency supplemental for Iraq, was language that delays these transportation safety requirements for Head Start programs once again. The fine print reveals that the rear emergency exit requirements are delayed for another year, and a seat belt safety requirement is delayed until another study is done.

Well, Congress required these regulations to ensure the safe operation of vehicles by Head Start agencies; and currently, the leading cause of death for children ages 3 to 7 is motor vehicle, traffic crashes. The reason why these transportation requirements were put forth is that the National Highway Traffic Safety Administration does not approve of the use of vans or cars or vehicles of other types for the purpose of providing planned transportation services. School buses are the safest form of transportation because they include many special features. Further delaying these requirements means authorizing that Head Start grantees can transport children using vehicles that are not designed specifically for the purpose of the safe transportation of children.

My amendment, which wasn't allowed, would have ended this delay and make the regulations for emergency rear-door exits and seat belts on vehicles used to transport children effective immediately.

Mr. Chairman, as you know, on the first day of this Congress, children were paraded in front of the American people, and the new majority claimed that the House would come to order for the children. Well, today, if it is truly about the children, then the majority would have allowed this amendment to be entertained. Any further delays endangers lives of children.

So I suggest, Mr. Chairman, that the hypocrisy of this process is telling, and that if we truly are interested in making certain that our greatest resource, our children, the future of our Nation, are protected, then we would have allowed this amendment, and I am distressed it wasn't allowed. I encourage through the process the majority party make certain that we address this as this bill moves forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I thank the chairman for yielding me this time.

I rise today in strong support of H.R. 1429, the Improving Head Start Act. I represent the majority of Suffolk County where 20 Head Start and three Early Head Start centers have been serving the community since 1966. In fact, my wife's first job out of college was as a Head Start teacher in one of those centers.

Parents, teachers and many of our colleagues can all agree that Head Start is one of our Nation's most prominent and successful early education programs. This bill continues to build on Head Start's successes by ensuring that kids are prepared for school, by improving teacher and classroom quality, strengthening the focus on school readiness, increasing accountability and boosting coordination.

Research finds that children who attend Head Start enter school better prepared than low-income children who do not attend the program, and that children who attend Head Start make significant gains.

If we are serious about achieving the goals set forth by No Child Left Behind, then passing Head Start reauthorization is a down payment on achieving those goals.

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During the markup of this bill, I was proud to offer an amendment that would allow Head Start programs to use up to 10 percent of their quality improvement funds for transportation costs. This amendment was in response to concerns brought to me by my constituents that many have thought programs were being forced to choose between providing transportation to children or sacrificing the quality of their program.

With my amendment and so many other worthwhile improvements to Head Start, I strongly encourage my colleagues to support this balanced reauthorization for the benefit of our children and future generations of America.

Mr. MCKEON. Mr. Chairman, we have no further speakers, and we reserve the balance of our time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman of the full committee for his leadership and all the members of the committee and Mr. KILDEE for his leadership as well on some of these very important issues. We have worked together. I thank the ranking member for their long-standing understanding that we must collaborate when it comes to teaching our children.

I rise to support H.R. 1429 and had the pleasure of visiting a Head Start facility in my community. What was the greatest joy was to be able to see the parents and children working together on this very special day, and I want to thank the committee for persevering against all odds, particularly the opposition of those who would say it is time to change drastically, to do a surgical reform on Head Start.

It has worked for some 30-plus years, and what has been done in this legislation is the right direction: enhanced professional development, providing more degreed teachers teaching, providing opportunity for the associate degrees, working with caretakers or assistants in the classroom, and really teaching our children the "yes, I can" method.

I rise also to support the amendment of Congresswoman EDDIE BERNICE JOHNSON that will be offered that provides the opportunity for collaboration with historically black colleges.

What we need to be doing is investing more in Head Start by proving that it has been a success, improving classroom and teacher quality, raising the quality of teachers, and increasing funding for teacher and staff salaries.

But most importantly, anyone who has taken the opportunity to see the youngsters, the babies that are in this program, see their eyes open wide, see them understand the world and the colors and what is real and that they can be the greatness that they are, we know that H.R. 1429 is on the right path, and I encourage my colleagues to enthusiastically support the Improving Head Start Act of 2007. These are the babies not of yesterday, but today.

Mr. Chairman, I rise in strong support of H.R. 1429, the Improving the Head Start Act of 2007. This bipartisan legislation would allow up to 10,000 more children from low-income families to have access to the world of opportunities offered by early developmental education. It also appropriates the funding required for a range of necessary improvements, ensuring we are offering our children comprehensive and regulated programs. I urge my colleagues to join me in expressing that a child's educational and developmental opportunities should not be limited by his or her family's income.

Head Start creates opportunities for children who are born without any. This program provides comprehensive early education programs and support services for well over a million children across our Nation; children whose families would otherwise be unable to offer them these opportunities. The program's holistic approach to education provides a wide range of services in addition to basic education, including medical and dental screenings, nutritional services, parental involvement activities, and mental health services. Poverty has proven devastating to child development and success, but Head Start has proven capable of providing the broad range of support that all children need to succeed in school, and indeed in life.

This program is particularly crucial to minority communities. Of the over 1 million children enrolled in Head Start programs, 65 percent belong to minority groups. In a world and a country where minority children may continue to face discrimination and limited opportunities, Head Start ensures that they are prepared to begin school when they reach the proper age. This program has proven successful in minimizing the "readiness gap" between program participants and their more affluent peers.

In Harris County, TX, where my district is located, Head Start has been active since 1999. In this county alone, the program currently operates in 17 locations, and has served over 5,000 children since its inception. There are, at present, over 1,170 children enrolled in its wide array of programs. In Harris County, and across our Nation, Head Start programs help children grow mentally, socially, emotionally, and physically.

This bill contains many vital provisions. It authorizes an additional $450 million dollars for 2008, funds that would allow up to 10,000 more children access to Head Start programs. It increases funding for teacher and staff salaries, ensuring a quality workforce and providing for the hiring of additional qualified staff. H.R. 1429 re-evaluates and updates the current standards and assessments, suspending the badly flawed National Reporting System. The bill also boosts cooperation between Head Start and state and local child care programs, as well as improving coordination with state health, mental health, and family services.

This bill also contains important provisions to improve accountability for these government-funded programs. It includes a new system of application review that assesses program quality, allowing the Secretary of Health and Human Services to more quickly strip funding from low-quality programs. These review systems ensure both that our Nation's children are receiving the best services we can offer them, and that taxpayer dollars are spent to maximum effect.

Mr. Chairman, as Chair of the Congressional Children's Caucus, I am dedicated to providing the best possible opportunities and support to our Nation's children. Head Start is an important aspect of ensuring our children's future. I strongly support H.R. 1429, and I encourage my colleagues to do the same.

Mr. McKEON. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, just very briefly, we are about to pursue I think a dozen amendments here. All of us had a chance to work on this, had a chance to look at it. I think some of them are very good amendments. I think some are relatively neutral. I think some are maybe a little detrimental to the bill.

I just hope that everybody will listen carefully to the amendments and will not end up being a party vote necessarily and we do what is in the best interests of these children that we have talked about so frequently in the last hour or so.

There is real significance to some of these amendments. I think it is very, very important that we understand the context of them.

I would just like to also finally say at the end that, in my judgment, if you look at any aspect of Head Start that this underlying legislation basically improves the opportunity for young children who are within the parameters of the Head Start program, and I hope that all of us will be supportive of that.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, as we discuss this faith-based amendment, I think we need to seriously consider the long-term societal implications of that amendment, allowing discrimination in the Head Start program.

Our Nation just went through quite a conversation when Don Imus made his remarks, and I would hope that that was just talking. We are actually going to do something in considering whether or not a program can deny an employment opportunity solely because of religion, and if you happen to go to an all-black or all-white church, the decision made on religion will deny you based on race as well.

We should have this conversation here on the floor, considering what we are doing long-term, similar to the conversation we had when Don Imus embarrassed himself. We should not embarrass ourselves here on the floor of the House of Representatives. We need to maintain the civil rights protections for prospective employees that we have had for the last 40 years.

Mr. McKEON. Mr. Chairman, I thank my colleagues for a productive debate on the Improving Head Start Act. As many of us have noted throughout the day, Head Start is a good program that can be made even better, and that is why we are here. I hope everybody listened carefully to Mr. CASTLE as he talked about the importance of the upcoming amendments we are going to discuss because they can make the bill better.

This program serves nearly 1 million underprivileged children and eases the divide between the haves and the have-nots when it comes to preparing them for kindergarten, which will give them a good start for their life. The bipartisan support we have seen for the bill today should lend all of us confidence that the program will remain on a solid foundation for generations to come.

By reauthorizing Head Start, we are voting to build upon improvements that were made by the House Republicans in past Congresses by strengthening academic standards by emphasizing cognitive development using scientifically-based research; improving teacher quality by ensuring more Head Start teachers have bachelor degrees and are adequately trained in early childhood development; increasing financial disclosure requirements by Head Start operators as custodians of Federal Head Start grants; and requiring local governance boards to actively oversee grantees.

These are common-sense reforms that I wholeheartedly support. That said, this bill remains flawed, and soon, we will turn to a number of amendments that highlight those flaws. One such amendment that we will not be able to discuss unfortunately is one offered to the Rules Committee by Mr. FORTUÑO yesterday. The Fortuño amendment is a principled one. It clearly protects the hiring privileges of faith-based providers and protects their civil rights to display religious symbols, rights that are sheltered under the 1964 Civil Rights Act. Yet, we will not be able to debate and vote on it today, a major statement about the real priorities of this purportedly fair, open and honest Congress.

Nonetheless, Mr. Chairman, I still believe the Improving Head Start Act is a worthy piece of legislation, deserving of the same bipartisan support it received from the Education and Labor Committee just 2 months ago.

Before I conclude, I would like to thank a number of current and former members of my staff who have made this bill possible. First, to Kate Houston, who no longer works on Capitol Hill, let alone on our committee staff. Years ago, Kate helped craft legislation that closely tracks the bill we are poised to pass today.

Stephanie Milburn, who left our staff earlier this year to join Mr. BOEHNER's team, played an integral role in bringing this bill to where it is today, and I thank her as well.

Finally, I thank Susan Ross and James Bergeron for their work in helping to bring this bill across the finish line.

I have already mentioned thanks to Mr. MILLER, Mr. KILDEE, Mr. CASTLE, and I would like to thank their staff also for working with us so closely on this bill.

The team effort that we have demonstrated on this issue, and our ability to work closely with our Democratic counterparts, yielded the product we are poised to vote on this afternoon.

Mr. Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume and just to thank my colleagues who joined in the general debate and for their support for this legislation and, again, to thank the staffs on both sides of the aisle of both the subcommittee and the full committee without whose work and effort and knowledge this legislation would not be in the kind of shape it is today, with the support that it has from both Republicans and Democrats for the Head Start bill.

Mr. McDERMOTT. Mr. Chairman, I represent a community that honors the memory and civil rights legacy of Dr. Martin Luther King, Jr. every day, because King County has adopted Dr. King's portrait as our symbol, and Dr. King's commitment to civil rights as our commitment to all the people in King County, Washington.

So, it is with a unique responsibility that I rise to strongly oppose this Republican attempt to turn back the lock on civil rights in this Nation, beginning with the Head Start program. The Minority Leader, the leader and spokesman for the Republican Party in the House, wants us to legislate employment discrimination within Head Start based on religion. The Minority Leader wants to turn his back on civil rights, and turn back the clock on the struggle for freedom that Dr. King and so many others fought and died for.

The Republican House leader apparently finds the First Amendment inconvenient for his taste. The First Amendment protects Americans from exactly the kind of foolish proposal before us today. Separation of Church and State is one of the fundamental principles within the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."

We must not roll back civil rights in this Nation, not today, not tomorrow, and not ever, but that's what the I leader of the Republican party proposes. There is no reason to justify this attempt to roll back longstanding civil rights and religious liberty protections in a program that has benefited countless children over the years. In a nation like ours with so many religious traditions, built-in protections prohibiting religious discrimination in federally funded programs represents a fundamental commitment towards a society that values the contributions of people of all faiths.

Religious organizations have had a long and proud history in Head Start programs, including in my own district of Seattle, where the YWCA is a Head Start provider. Civil rights protections have never been a bar to participation by these organizations. If these safeguards are repealed, thousands of dedicated Head Start teachers and parent volunteers could find themselves no longer welcome at some Head Start programs run by followers of other faiths.

Religious organizations are free to engage in faith-based hiring when they use their own funds to promote their institutional ministry, but not when they use Federal money to educate our Nation's children. It would be wrong to permit religious organizations to use Federal dollars to discriminate on the basis of religion in running Head Start programs that are intended to benefit disadvantaged children of all faiths.

On behalf of the people of Dr. Martin Luther King, Jr., County, in Washington State, I strongly oppose this amendment and urge my colleagues to vote "No."

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 1429, the Improving Head Start Act of 2007.

Mr. Chairman, for the last two Congresses we have successfully fought back the attempts by the then Republican leadership to cut funding, and to drastically change Head Start in ways that would prevent them from providing the services that our communities have come to depend on them for.

Every week I meet with outstanding high school and college students who began their educational journey in Head Start. This bill provides additional funding so that more children would have the opportunities provided by this important program.

H.R. 1429 also provides greater monitoring and accountability and increases funds for salaries and professional development.

As amended it also provides loan forgiveness for Head Start teachers as a means to attract and retain some of the best teachers for this very vulnerable group of children.

One thing this bill does not do is allow centers run by religious organizations to discriminate in their hiring.

Mr. Chairman, this bill, together with H.R. 1867 is an important step forward in realizing the "competitiveness agenda" that you have laid out for us in the 110th Congress.

I urge the passage of both bills.

Ms. SOLIS. Mr. Chairman, I rise in support of H.R. 1429, the Improving Head Start Act of 2007. Head Start is a program that has been crucial on the development and academic success of our children for more than 40 years.

Since 1965, more than 24 million children have benefited from Head Start's comprehensive services and school readiness. Last year alone Head Start served about 900,000 children nationwide—over 98,000 children in my home State of California and nearly 6,500 children, more than 60 percent Latino, in the 32nd Congressional District of California, which I represent.

In addition to providing these comprehensive services, Head Start programs engage parents as partners in their children's education. Parents volunteer at their child's school site and many become Head Start teachers. Head Start has a proven track record of improving the lives of low-income children and families. It narrows the gap between disadvantaged children and all children in vocabulary and writing skills. It also leads to continued improvements in word knowledge, letter recognition, and math and writing skills relative to other children during their kindergarten year. 83 percent of Head Start children are at the national norm by the time they reach kindergarten.

Studies also demonstrate that Head Start programs improve the well-being of the children and families they serve, providing health and dental services to children and families who might otherwise not have them. Head Start programs benefit parents as well. Head Start parents report increases in education attainment and employment during their time affiliation with Head Start. In California, 24 percent of Head Start employees are or were Head Start parents. In addition, 86 percent of Head Start volunteers in California are current or former parents of the local Head Start program.

The Improving Head Start Act of 2007, H.R. 1429, not updates this program so all children could be put in the road for academic success. It makes significant improvements that will help strengthen educational outcomes for students, ensure better coordination with local school districts, improve teacher quality, and increase program eligibility. It would help improve Head Start's workforce quality by increasing funding for teacher and staff salaries and professional development. This includes providing funds for training personnel in addressing the unique needs of migrant and seasonal working families, families of children with disabilities, limited english proficient families and homeless families. It will also expand access to up to 10,000 more children and will strengthen school readiness by re-evaluating and updating current standards and assessments based on best science.

H.R. 1429 also reserves 5 percent of the total Head Start appropriation for the Migrant and Seasonal Head Start program. This is important because the Migrant and Seasonal Head Start program serves some of the country's neediest working families and is designed to meet the unique challenges and opportunities faced by the children of farmworkers.

At a time when America needs to be at the forefront of innovation and education, programs like Head Start are an investment in our future workforce and their success. I applaud the members of the Committee on Education and Labor for their work on the reauthorization of this important program. I urge my colleagues to vote in favor of H.R. 1429 and to oppose any proposal that would block this grant program or would allow government-funded religious discrimination in Head Start programs. Supporting this bill is supporting our Nation's future.

Mr. TERRY. Mr. Chairman, I rise in support of H.R. 1429, the Improving Head Start Act of 2007.

This bipartisan legislation will benefit nearly one million disadvantaged children nationwide by expanding Head Start's focus on school readiness. Low-income children will be taught key early learning skills such as alphabet, number, color and shape recognition to help them succeed in their school years.

This bill also opens poor-performing Head Start programs to greater public scrutiny and needful competition. Triennial program reviews by the Federal government and independent investigation by the Government Accountability Office have revealed that some Head Start programs operate with Federal tax dollars despite chronic financial mismanagement, health and safety concerns, and poor community involvement.

H.R. 1429 would help remedy this situation by requiring Head Start programs to demonstrate active partnerships with local school districts to ensure smooth transitions for children into kindergarten. Poor-performing programs would be opened to competition every 5 years. Annual disclosures of financial information and greater participation of parents in the decisions of Head Start governing boards will also make a difference.

I have personally seen the benefits of partnering local school districts with Head Start. Several years ago, a long-standing Head Start program serving 1,000 children in Douglas County, Nebraska was transferred to the control of the Omaha Public School District to end long-standing financial mismanagement and safety concerns for children.

Omaha Public Schools went the extra mile by partnering with EduCare, an outstanding private preschool program that involves the entire family, emphasizes best practices, and focuses on early learning skills to help disadvantaged children succeed in school and life.

EduCare was created by Susie Buffett and currently serves 239 children from Omaha families living below the poverty level. Families must either work, be in job training, or attending school to qualify. Enrollment is free, with costs covered by the Nebraska Department of Education, Omaha Public Schools, the Department of Health and Human Services and private sources.

EduCare has a low child-to-adult ratio: three infants per adult, and six preschoolers per adult. Bachelor level staff members are trained in early childhood education, and the program contains strong academic components to help children succeed in school, including limited english proficiency children.

Buffett has said: "We look at the whole entire family, not just the child." Parents are directed to community resources to improve home life, such as food shelters and Christmas toy drives. Single mothers are helped with transportation and job searches.

Prelimary evaluation data indicates that the EduCare program is making a significant difference in the lives of children. Upon entering the program, children's language, literacy and social emotional areas of development are assessed. Most children initially score in the borderline range of development. Annual assessment results have shown the majority of participating children gained more vocabulary words in the course of the school year than one would expect based on maturity.

By the time they transitioned to kindergarten, EduCare's children were scoring very close to the national average. Standardized assessments of children's literacy and kindergarten readiness skills show similar results. Because research has shown children's vocabulary and pre-literacy skills to predict later school success, every Head Start program should help children reach such strong learning potential while addressing the short and long-term needs of the child's family. EduCare is an incredible success story in the lives of low-income children.

I also want to draw the attention of my colleagues to a provision of this bill to protect Head Start for children of military families. The privatization of military housing created an artificial raise in a military family's income, making their children ineligible for Head Start. H.R. 1429 would disregard the Basic Housing Allowance from a family's income when determining Head Start eligibility. Servicemembers protecting our freedom need not worry about their children's continued access to Head Start.

Mr. Chairman, I hope we can go even further in the future to strengthen the academic emphasis in Head Start and give states and excellent programs such as EduCare a greater ability to improve the lives of low-income children and their families. H.R. 1429 makes good progress in this direction.

Mr. STARK. Mr. Chairman, I rise today in strong support of the Improving Head Start Act of 2007 (H.R. 1429).

Since 1965, Head Start has served millions of low-income families and helped children prepare for school. It is an essential program and one whose success has a major impact on children, their families, their community, and ultimately the future of our country. We owe it to our children to pass this bill and make improvements that strengthen and grow the Head Start program.

Scientific research shows us that 80 percent of brain development occurs by age 3 and 90 percent by age 5. Studies also show that education achievement gaps between poor and minority students and affluent and non-minority students are already in place when children begin elementary school. These achievement gaps, once in place, tend to persist and are exceedingly difficult to remedy. Head Start and Early Head Start are effective in closing achievement gaps and foster both short and long-term success in participating children.

In addition to preparing children for success in school, recent research clearly demonstrates that children enrolled in Early Head Start and their parents realize other very significant gains. Early Head Start children show better approaches to learning, demonstrate more appropriate language acquisition, and exhibit less aggressive behavior. Early Head Start parents create a stronger home environment with more parent-child reading and a greater repertoire of discipline strategies. Early Head Start parents also show significant progress toward economic self-sufficiency. These impacts are significant and result in children with increased linguistic, cognitive, social and emotional competence. What better investment could we be making for our children?

Unlike programs dreamed up by ideologues in the Bush Administration like "abstinence only education" and "marriage promotion," we know that Head Start works. Unfortunately, less than half of eligible children are enrolled in Head Start. Even worse, less than 5 percent of eligible infants and toddlers are enrolled in Early Head Start.

If we are serious about providing all children with an opportunity to succeed in school and in life, we must expand Head Start and particularly Early Head Start. This bill is a step in that direction. It will more than double the amount of money available to Early Head Start programs. The bill will also expand services to infants and toddlers that are so crucial to child development, but often difficult for parents to access. In addition, the Improving Head Start Act will increase eligibility levels so that children from families making up to 130 percent of the Federal poverty level can participate. This change is especially important in areas of the country with high costs of living, including my district where the poverty threshold is well below what it actually costs a family to live.

This bill's expansion of Early Head Start and Head Start should be applauded. We cannot lose sight, however, that these programs only address the tip of the iceberg. This Congress must focus more of our attention on all children birth to age 5 and guarantee that all families have access to high quality comprehensive early care and education programs. This is an investment that our country must make if we are serious about giving all of our children a chance at the American dream.

Despite the strong bipartisan support for this legislation, the White House has indicated that the President does not support this legislation as written unless we insert a special interest provision for the religious right. The President and many Republicans want to allow religious organizations to discriminate in their hiring practices. Religious organizations have been Head Start providers since the program was established and have done quite well playing by the same rules that prohibit all employers from discriminating. Pandering rhetoric and veiled threats from the White House will not improve the life of a single family.

In closing, I hope that all of my colleagues will see the importance of investing in our children and supporting families. I urge a "yes" vote on this legislation and a "no" vote on Republican attempts to turn this into a vehicle for religious discrimination.

Mr. WU. Mr. Chairman, I rise in strong support of this legislation.

Head Start has proven its ability to improve the lives of disadvantaged children. Numerous studies have demonstrated that children who attend Head Start come to school more prepared than children who do not participate, and that these effects last over a period of years.

I have personal experience with the program—my wife, Michelle, was a Head Start teacher for 7 years in Oregon. In her classes, I saw the children of janitors and security guards.

Their parents worked in the sparkling towers of downtown Portland, but they themselves never got to visit downtown, except in their Head Start field trips.

The Improving Head Start Act makes several needed changes to current law. It ends the use of the National Reporting System—a flawed testing system that has tested over 500,000 4-year-olds, despite strong opposition by child development experts.

The bill also improves current law by making clear that Head Start agencies must establish and maintain a formal structure of shared governance with parent policy councils. This will codify in law that parents have the ability to shape and share a role in the success of their local Head Start program.

Finally, the bill authorizes $7.35 billion in funding for the program in FY08—an increase of over $400 million from this year's level.

Oregon's Department of Education reports that, as of January 2007, 43.2 percent of eligible children cannot participate in the program due to lack of funding. Head Start is a highly successful program, and it ultimately costs all of us when those eligible cannot participate.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in strong support of the Head Start Program and I am encouraged by H.R. 1429, the Head Start Improvement Act of 2007.

I am a Head Start kid. I have firsthand experience of the comprehensive education programs and opportunities that Head Start provides to low-income families.

Head Start programs promote school readiness by assisting with the social and cognitive development of young children. Research consistently identifies the early years of a child's development as ever more crucial to the child's lifetime success.

Many Head Start programs already try to incorporate new research into their strategies through education, health, nutrition, and social services. This bill ensures that local Head Start programs have the resources to undertake the best practices for furthering a child's development.

Head Start is about the family. As I received education and health services, my mother learned valuable lessons on how to become a more active and involved parent in America's public school system.

I am glad to see that this bill maintains the existing shared governance structure to help empower parents and allow programs to be responsive to local needs.

What's more, this bill is good for Head Start teachers. This bill takes the necessary steps to ensure that Head Start teachers' salaries and professional development are in line with the responsibility that we assign to them.

The Head Start Improvement Act of 2007 is a good bill that will keep Head Start strong so it can remain the great program that it was for me, and continues to be for so many Americans.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to support the Improving Head Start Act, a bill that will strengthen our nation's premiere early childhood education program and expand its services to thousands more children across the country.

Head Start has been improving lives and increasing opportunities for children and families for more than 40 years. With this important program, we teach our children that they can succeed, regardless of background or family income. We open doors to millions and prepare them for future success in school and careers.

This bill provides much-needed amendments to Head Start that will improve workforce quality by increasing funding for staff salaries and professional development, and enhance coordination between early education and primary schools. It also strengthens standards and accountability to ensure that our children are getting the best quality care and education.

I am also pleased that this House defeated a divisive and misguided motion that would, for the first time, legitimize publicly funded religious discrimination in the Head Start program. It would have given taxpayer money to Head Start centers and allow those centers to exclude taxpayers from jobs solely on the basis of their religious beliefs. It would be a green light for religious bigotry. Its passage would have been bad for education and bad for religion and I joined the National Head Start Association, the Interfaith Alliance, and countless other secular and religious advocates of the Head Start Program in opposing it. I am glad that we have a clean bill to pass today.

I also urge my colleagues to not only vote for this bill, but to continue to advocate for Head Start by supporting full funding for the program. It is not enough to pass the legislation—we need to give our communities the resources they need to carry out our mandates.

I thank Chairman MILLER, Chairman KILDEE and the Committee on Education and Labor for their work on this important legislation, and urge its final passage today.

Ms. HIRONO. Mr. Chairman, I rise today in support of the Improving Head Start Act of 2007. Over and over again, rigorous evaluations have shown that Head Start and Early Head Start works. It improves the lives of our neediest children and families.

I am proud to be an original cosponsor of the bill at hand, as it makes several positive changes to the Head Start program. It authorizes $450 million new dollars to the program, which is enough to provide up to 10,000 new spots for children. It prioritizes program improvement by increasing funding for teacher and staff salaries and professional development. It suspends the National Reporting System, which is a flawed testing system that does not adequately assess this comprehensive system.

Science has shown that providing a quality early education experience leads to healthy brain development that prepares children for success in school, as well as later in life. Access to high quality early education, as well as to wrap around, comprehensive services, really sets the foundation for children and their parents.

I urge my colleagues to support this strong, bipartisan bill. It will directly improve the lives of many, many children and families.

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act of 2007. Since 1965, the Head Start early childhood education program has provided low-income children with comprehensive child development, educational, health, nutritional, and social activities to ensure that they are ready to enter kindergarten on an equal playing field with other children. H.R. 1429 will expand and improve the successful Head Start program, which research has shown works in raising children's achievement.

I want to thank Representatives KILDEE, CASTLE and Chairman MILLER for their outstanding leadership on this bipartisan bill, which would allow as many as 10,000 more children to access the benefits Head Start. It improves classroom and teacher quality, raising the qualifications of teachers and increasing funding for teacher and staff salaries and professional development. The bill also includes strong accountability measures to better ensure that Head Start funds are used appropriately and efficiently and that underperforming programs are either replaced or quickly improved.

As a former educator, I understand the importance of closing the school-readiness gap and ensuring that all children can start their education on an equal playing field. Today, we have the opportunity to pass a bill that will make great strides toward just that.

Ms. LEE. Mr. Chairman, I rise in strong support of the amendment offered to the Head Start reauthorization bill by my friend and colleague from Texas, Congresswoman EDDIE BERNICE JOHNSON.

This amendment would encourage partnerships with Historically Black Colleges and Universities and Head Start.

This amendment builds on the important step that the underlying bill takes. That is, H.R. 1429 will require that fifty percent of Head Start teachers have a Bachelor's degree in early childhood education by 2013.

This amendment would create a partnership between the Secretary of HHS and HBCU's to meet the new degree requirements. It would require those who benefit from this partnership to teach at a Head Start program for a period of time equivalent to the time they received assistance.

This is a significant amendment not only because it will provide students with qualified teachers in their classrooms, it will also set a good example for these students. In fact, evidence suggests that students who attend early childhood programs have a better chance of success later in life. In an article published in the Developmental Psychology journal of the American Psychological Association in 2005 showed that children in Early Head Start had better test scores, had better cognitive and language development. These children also showed less aggressive behavior then non-early Head Start children, which goes towards improving the overall environment of our elementary and secondary schools.

I urge my colleagues to support this amendment and the underlying bill.

Mr. RUSH. Mr. Chairman, I rise in fervent support of H.R. 1429, the Improving Head Start Act. This bill represents one of the most important pieces of legislation that Congress will deliberate because it affects a countless number of our young children and helps prepare them for a lifetime of learning and success.

Specifically, I applaud and support Congresswoman JOHNSON's amendment which addresses the need of engaging low-income and minority students, who overwhelmingly attend HCBU's, and provides them with additional opportunities to train in early childhood education at the undergraduate, graduate, and postgraduate levels.

These same college students would then be required to teach in Head Start programs educating students who share similar backgrounds and family situations.

Mr. Chairman, the Johnson amendment is a win-win for our college students, our beginning students, and for the health and future of this country.

Research verifies what we already understand, that the earlier our children are engaged in the learning process the higher their chances of success later in school and in life.

Head Start promotes school readiness by providing our youngest students with early reading and math skills, enhancing their social and cognitive development, and providing them with health, nutritional, and other services.

By addressing the educational needs of our youngest children early on, we will increase our chances of closing existing achievement gaps. I urge all of my colleagues to support the Johnson Amendment, and the Improving Head Start Act.

Mr. CONYERS. Mr. Chairman, I rise today in support of H.R. 1429, The Improving Head Start Act of 2007. As a key initiative in President Johnson's "Great Society," Head Start has been one of our Nation's most important educational programs. Since its creation in 1965, Head Start has served more than 20 million children and has focused and redefined its approach to assisting disadvantaged children in their social, physical and educational growth.

As one of two remaining Members of the House who helped pass the original Head Start bill, I am pleased that after 4 years of deadlock between the House and Senate this program finally will be reauthorized. Democrats are once again showing the American public that Congress is back at work addressing our Nation's critical domestic needs.

Americans know what a huge difference early childhood education can make in a child's development; they understand that early childhood education needs to be a national priority. Evidence of this can be seen in the congressionally-mandated Impact Study that found that after less than one school year, Head Start narrowed the achievement gap by 45 percent in pre-reading and by 28 percent in pre-writing. The long-term impact of these programs is also clearly demonstrated in the high percentage of low-income children who participated in Head Start and were subsequently more likely to be developmentally on par with their peers in kindergarten, to behave well in class, succeed in school and ultimately to graduate.

By passing H.R. 1429 today, we will also increase classroom and teacher quality and make use of the latest science to strengthen Head Start. The new teacher qualifications in the Improving Head Start Act require that 50 percent of Head Start teachers nationwide have a minimum of a baccalaureate degree in early childhood education or a related field by 2013. It also directs the majority of new funds in the bill to program improvement activities, including significant new funds to increase teacher salaries. Furthermore, this reauthorization will require that all Head Start programs use research-based practices to support the growth of children's pre-literacy and vocabulary skills and improve professional development and classroom practices to better support children's cognitive, social and emotional development.

Our Nation has long recognized that education should be a universal right to all, regardless of race, religion or socioeconomic status. I am pleased to stand with Chairman MILLER, Subcommittee Chairman KILDEE and Subcommittee Ranking Member CASTLE in improving America's education system by voting for H.R. 1429.

Mr. REYES. Mr. Chairman, I rise in strong support of H.R. 1429, the Improving Head Start Act of 2007, a bill introduced by my colleague Mr. DALE KILDEE that provides a long-overdue re-authorization of Head Start and includes a package of improvements that will make a good program better.

My own experience as a child demonstrates the importance of school preparedness programs like Head Start. When I started school at six years old, I only spoke Spanish. The teacher only spoke English, so the other Spanish-speaking children and I were bumped down to a new "pre-kinder" class so, as the thinking went, we would not hold the others back. Throughout my years in school, my peers assumed that I had failed a grade because I was older than everyone else. But I was not less academically capable than my fellow students. I had just not been given adequate preparation.

Head Start offers a bilingual curriculum that helps develop children linguistically, socially, and emotionally for kindergarten. Its holistic approach makes it so much more than just a program to improve reading and writing skills. It also provides nutritious meals, medical and dental visits, and a stable environment to low-income children that will allow them to succeed in school.

Head Start is a proven program. Students who participate in this program are more likely to finish high school and eventually attend college. In El Paso, over 4000 children and their families are served by this program. Roughly seventy-five percent of all students in this program come from households making less than $15,000 per year, well below the national poverty level.

Mr. Chairman, I ask that my colleagues join me in supporting this important legislation that will help disadvantaged children across the Nation by providing them with the tools they will need to succeed not only in their education, but in all aspects of their lives.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 1429, a bill to reauthorize and improve Head Start.

Head Start has been a vital program to our children since the day it was created in 1965 as part of the Great Society. President Lyndon Johnson created the program with the goal of combining education, health, and nutrition programs for low-income children. In its history, over 22 million children have been served by Head Start, including over 900,000 in this year alone.

Head Start provides an excellent foundation for the children who enroll in the program. About 95 percent of the students in Head Start are under five years old, and they are all at or below the poverty line. Without Head Start, a great number of these children would be in substandard preschools, if they were even lucky enough to be enrolled in anything. Head Start gives these kids the years of education they need in order to succeed in future years of schooling.

H.R. 1429 would reauthorize the Head Start program, while at the same time offering improvements that have been necessary but neglected for a number of years.

First, it will improve teacher and classroom quality. H.R. 1429 does this by first increasing teacher salaries in order to attract more and better teachers. Other provisions would require Head Start to use research-based methods to improve literacy and vocabulary. The bill would also provide improved training and technical assistance so teachers will be more educated in science and technology.

The only problem I have today is the Republican discriminatory Motion to Recommit. The Republican leadership wants to institute federally funded discrimination into our Head Start program. They have tried this again and again, and although I support Head Start as much as anybody in this Chamber, I would vehemently oppose this reauthorization if the Motion to Recommit passes. I urge all of my colleagues to oppose the discriminatory Motion to Recommit when it comes to the floor.

Mr. Chairman, I strongly support reauthorizing the Head Start program with the Democratic improvements.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Head Start Act of 2007".

SEC. 2. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote the school readiness of low-income children—

"(1) by enhancing their cognitive, social, and emotional development in a learning environment that supports children's growth in language, literacy, mathematics, science, social and emotional functioning, physical skills, and approaches to learning; and

"(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (22) and (23), respectively,

(2) by redesignating paragraph (15) as paragraph (20), respectively,

(3) by redesignating paragraphs (11) through (14) as paragraphs (15) through (18), respectively,

(4) by redesignating paragraph (10) as paragraph (13),

(5) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively,

(6) by inserting after paragraph (1) the following:

"(2) The term 'deficiency' means—

"(A) systemic or significant material failure of a Head Start agency in an area of performance that the Secretary determines involves—

"(i) a threat to the health, safety, or civil rights of children or staff;

"(ii) a denial to parents of the exercise of their full roles and responsibilities related to program governance;

"(iii) a failure to perform the requirements of section 641A(a), as determined by the Secretary;

"(iv) the misuse of funds received under this subchapter;

"(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

"(vi) failure to meet any other of Federal or State requirement; or

"(B) material failure of the board of directors of a Head Start agency to meet its legal and fiduciary responsibilities.",

(7) by inserting after paragraph (10), as so redesignated the following:

"(11) The term 'homeless children' has the meaning given such term in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

"(12) The term 'homeless family' means the family of a homeless child.",

(8) by inserting after paragraph (13), as so redesignated the following:

"(14) The terms 'limited English proficient' and 'limited English proficiency' mean with respect to an individual, that such individual—

"(A)(i) was not born in the United States or has a native language that is not English;

"(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

"(II) comes from an environment in which a language that is not English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

"(B) has difficulty in speaking or understanding the English language to an extent that may be sufficient to prevent such individual from—

"(i) successful achievement in classrooms in which the language of instruction is English; or

"(ii) fully participating in society.",

(9) by inserting after paragraph (18), as so redesignated the following:

"(19) The term 'professional development' means high quality activities that will improve the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to eligible children and families, including activities that—

"(A) are part of a sustained effort to improve overall program quality and outcomes for eligible children and families;

"(B) are developed or selected with extensive participation of administrators and teachers from Head Start programs;

"(C) are developmentally appropriate for the children being served;

"(D) include instruction in ways that Head Start personnel may work more effectively with parents, as appropriate;

"(E) are designed to give teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate;

"(F) if a 1-day or short-term workshop or conference, must be as part of the professional development plan defined in section 648A(f) and be delivered by an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services;

"(G) assist teachers with—

"(i) the acquisition of the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services in early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development linked to school readiness;

"(ii) meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;

"(iii) improving classroom management skills, as appropriate;

"(iv) advancing understanding of effective instructional strategies that are—

"(I) based on scientifically based research; and

"(II) aligned with—

"(aa) the Head Start Child Outcomes Framework developed by the Secretary and State early learning standards, as appropriate; and

"(bb) the curricula, ongoing assessments, and other instruction and services designed to help meet the standards described in section 641A(a)(1);

"(v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or

"(vi) methods of teaching children with disabilities, as appropriate.",

(10) by inserting after paragraph (20), as so redesignated, the following:

"(21) The term 'scientifically based research'—

"(A) means research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

"(B) includes research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

"(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

"(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

"(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.", and

(11) by amending paragraph (23), as so redesignated, to read as follows:

"(23) The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subchapter $7,350,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2012.

"(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available to carry out research, demonstration, and evaluation activities (including longitudinal studies under section 649) not more than $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal the years 2009 through 2012, of which not more than $7,000,000 for each of the fiscal years 2008 through 2012 shall be available to carry out impact studies under section 649(g).".

SEC. 5. ALLOTMENT OF FUNDS; LIMITATION ON ASSISTANCE.

(a) ALLOTMENT OF FUNDS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended to read as follows:

"(a) ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Of the funds appropriated under section 639, the Secretary shall allot such amounts in accordance with paragraphs (2) through (4), and subject to paragraphs (5) and (6).

"(2) THIRTEEN PERCENT SET-ASIDE.—The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities:

"(A) SPECIAL POPULATIONS.—For Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that—

"(i) there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 2007;

"(ii) migrant and seasonal Head Start programs shall receive not less than 5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children based on the data collected and reported pursuant to section 648(l), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding; and

"(iii) Indian Head Start programs shall receive not less than 3.5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children based on the data collected in accordance with the requirements of section 648(k), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding.

"(B) PAYMENTS TO TERRITORIES AND FREELY ASSOCIATED STATES.—Subject to paragraph (7), for payments to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and the Republic of Palau, except that payments to the Republic of Palau shall not be made after fiscal year 2009.

"(C) TRAINING AND TECHNICAL ASSISTANCE.—Not less than 2 percent of the amount appropriated for such fiscal year for training and technical assistance activities to foster program quality and management improvement as described in section 648, of which—

"(i) not less than 50 percent shall be available to local Head Start agencies to make program improvements identified by such agencies to use for the training and technical assistance activities described in section 648(j);

"(ii) not less than 30 percent shall be available to the Secretary to support a State-based system or a national system, in the case of migrant and seasonal Head Start and Indian Head Start programs, of early childhood education training and technical assistance to local Head Start agencies as described in section 648(n); and

"(iii) the remainder of such amount shall be available to the Secretary to assist local Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1), including financial assistance to help Head Start programs address weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c), except that—

"(I) not less than $3,000,000 shall be available to carry out the activities described in section 648(c)(4); and

"(II) no more than $5,000,000 shall be reserved to carry out the activities described in section 642B(b).

"(D) MONITORING AND TERMINATIONS.—For discretionary payments made by the Secretary, including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies, programs under section 641A(c), and of activities carried out under paragraph (1), (2), or (3) of section 641A(d) related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies.

"(E) RESEARCH.—For payments for research, demonstration, and evaluation activities under section 649.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

"(3) QUALITY IMPROVEMENT FUNDS.—

"(A) DETERMINATION OF FUNDS.—

"(i) For each of the fiscal years 2008 through 2012, to provide assistance for activities specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

"(I) 60 percent of such excess amount; and

"(II) any additional part of such excess amount the Secretary may find necessary to address a demonstrated need for such activities.

"(ii) As used in clause (i), the term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated under section 639(a) for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

"(B) QUALITY IMPROVEMENT ACTIVITIES.—Funds reserved under this paragraph shall be used to carry out the following activities:

"(i) Not less than one-fourth of the amount reserved under this paragraph, to improve the compensation, salary scales, and benefit standards of educational staff, family service workers, and child counselors, as described in sections 644(a) and 653, to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(ii) Providing on-going professional development to teachers that improves their understanding of child development, content knowledge, and appropriate teaching strategies needed to provide effective instruction and other school readiness services in the areas of early language and literacy, early mathematics, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development.

"(iii) Improving the qualifications and skills of educational personnel to meet the professional standards established under section 648A(a)(1), including providing assistance to complete postsecondary course work, subject to section 648A(a)(2)(D).

"(iv) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

"(v) Employing additional qualified classroom staff necessary to reduce the child to teacher ratio in the classroom and family to staff ratio for family services workers.

"(vi) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

"(vii) Increasing hours of program operation, including—

"(I) conversion of part-day to full-day; and

"(II) number of weeks operated in a calendar year.

"(viii) Improving the compensation and benefits of staff of Head Start agencies in order to improve the quality of Head Start programs.

"(ix) Transportation costs associated with transporting Head Start children safely, except that—

"(I) no more than ten percent of funds under this paragraph may be used for such purposes;

"(II) a Head Start agency shall demonstrate efforts to leverage the costs of transportation through collaboration with other entities; and

"(III) a Head Start agency shall submit information to the Secretary describing how such use of funds is necessary to prevent reduction or termination of transportation services or, in the case of a Head Start agency serving a rural community, how such use of funds is necessary to improve services to such community.

"(C) ALLOCATION.—

"(i) Funds reserved under subparagraph (A) shall be allotted by the Secretary as follows:

"(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (4) for the respective fiscal year.

"(II) 20 percent of such funds shall be allotted among the States, geographical areas specified in subsection (a)(2)(B) and Indian Head Start programs and migrant and seasonal Head Start programs, and used to make grants to Head Start agencies, at the discretion of the Secretary.

"(ii) Funds allotted under clause (i) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (4) for such fiscal year, in such amounts as the Secretary considers to be appropriate, for expenditure for activities specified in subparagraph (B).

"(iii) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraph (2) or (4).

"(4) GRANT DISTRIBUTION.—Subject to section 639(b), the Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that—

"(A) each State receives an amount which is equal to the amount the State received for fiscal year 2007; and

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.

For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.

"(5) COLLABORATION GRANTS.—

"(A) From amounts reserved and allotted under paragraph (4), the Secretary shall award the collaboration grants described in subparagraphs (B), (C), and (D).

"(B)(i) From the reserved sums, the Secretary shall award upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant and seasonal Head Start programs to facilitate collaboration between Head Start agencies and entities (including the State or national administrative office) that carry out other activities designed to benefit low-income families and children from birth to school entry. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraphs (B) and (C).

"(ii) Grants described in clause (i) shall be used to—

"(I) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income families and children from birth to school entry;

"(II) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

"(III) promote alignment of Head Start curricula and continuity of services with the Head Start Child Outcomes Framework and State early learning standards, as appropriate;

"(IV) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

"(V) carry out the activities of the State Director of Head Start Collaboration authorized in subparagraph (D).

"(C) In order to improve coordination and delivery of early education services to children in the State, a State that receives a collaboration grant under subparagraph (B) shall—

"(i) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

"(ii) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

"(iii) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office.

"(D) The State Director of Head Start Collaboration shall—

"(i) not later than 1 year after the State receives a collaboration grant under subparagraph (B), conduct an assessment that—

"(I) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination, and alignment of services, and alignment of curricula and assessments with the Head Start Child Outcomes Framework, and with State early learning standards, as appropriate;

"(II) shall be updated on an annual basis; and

"(III) shall be made available to the general public within the State;

"(ii) develop a strategic plan that is based on the assessment described in clause (i) that will—

"(I) enhance collaboration and coordination of Head Start services with other entities providing early childhood programs and services (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood programs and services for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for such services;

"(II) assist Head Start agencies to develop a plan for the provision of full-working-day, full calendar year services for children enrolled in Head Start programs who need such care;

"(III) assist Head Start agencies to align curricula and assessments with the Head Start Child Outcomes Framework and to the State early learning standards, as appropriate; and

"(IV) enable Head Start agencies in the State to better access professional development opportunities for Head Start staff, such as by—

"(aa) working with local Head Start agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

"(bb) enabling the State Head Start agencies to better conduct outreach to eligible families;

"(iii) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children, who are in Head Start programs, are receiving comprehensive services to prepare the children to enter school ready to succeed;

"(iv) consult with the chief State school officer, local educational agencies, and providers of early childhood education and care, regarding early care and education services at both the State and local levels;

"(v) promote partnerships between Head Start agencies, schools, law enforcement, relevant

community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high risk behaviors that compromise healthy development;

"(vi) promote partnerships between Head Start agencies and other organizations in order to enhance Head Start program quality, including partnerships to promote inclusion of more books in Head Start classrooms;

"(vii) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State; and

"(viii) work with the State Early Learning Council in order to assist the efforts of Head Start agencies to engage in effective coordination and collaboration.

"(6) EARLY HEAD START.—

"(A) AMOUNTS RESERVED.—From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts that is not less than 12 percent for fiscal year 2008, not less than 14 percent for fiscal year 2009, not less than 16 percent for fiscal year 2010, not less than 18 percent for fiscal year 2011, and not less than 20 percent for fiscal year 2012 of the amount appropriated pursuant to section 639(a).

"(B) Limitations.—

"(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) is reduced to a level that requires a lower amount to be made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to such agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to such entities for programs carried out under section 645A; and

"(II) the amounts made available to such Head Start agencies for Head Start programs.

"(7) For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

(b) Service Delivery Models.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended to read as follows:

"(f) Service Delivery Models.—

"(1) Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs, including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care.

"(2) In establishing the procedures, the Secretary shall establish procedures to provide for—

"(A) the conversion of part-day programs to full-day programs or part-day slots to full-day slots; and

"(B) serving additional infants and toddlers pursuant to section 645(a)(4).".

(c) Expansion of Head Start Programs.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended in paragraph (2)—

(1) by striking "For the purpose of expanding Head Start programs, in" and inserting "In", and

(2) by amending subparagraphs (C) through (H) to read as follows:

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and local public agencies serving children and families with Federal, State, or local funds (including organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities or homeless children, including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

"(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full working-day or full calendar year services and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with the State and local community providers of child care or preschool services to provide full working-day full calendar year services;

"(E) the number of eligible children in each community who are not participating in a Head Start program or any other early childhood program;

"(F) the concentration of low-income families in each community;

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will leverage the existing delivery systems of such services and enhance the resource capacity of the applicant;

"(H) the extent to which the applicant, in providing services, successfully coordinated its activities with the local educational agency serving the community involved, (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)) and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency; and

"(I) the amount of funds used by such agency to pay administrative expenses and the amount of available funds received by such agency under this section to service each enrolled child.".

(d) Transportation Safety.—

(1) Regulations.—The Secretary shall issue regulations establishing requirements for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.

(2) GOOD CAUSE WAIVER AUTHORITY.—The Secretary shall allow Head Start agencies to annually request a good cause exception to the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

(A) such requirements would create a safety hazard in the circumstances faced by such agency; or

(B) such requirements pertain to child restraint systems (45 C.F.R. 1310.11, 1310.15(a)) or bus monitors (45 C.F.R. 1310.15(c));

(C) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

(D) the waiver is in the best interest of the children involved.

(e) Migrant and Seasonal Head Start Programs.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworkers and shall ensure that appropriate funding is provided to meet such needs, including training and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director.", and

(2) by adding at the end the following:

"(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

"(B) The consultations shall be for the purpose of better meeting the needs of Indian children and children of Alaskan Natives, and their families, in accordance with subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

"(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.

"(D) A detailed report of each consultation shall be prepared and made available within 90 days of the annual consultation to all Indian tribes that receive assistance under this subchapter.".

(f) Enrollment of Homeless Children; Rule of Construction; Materials.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m) Enrollment of Homeless Children.—The Secretary shall issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such rules shall require Head Start agencies—

"(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

"(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

"(3) coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).

"(n) Rule of Construction.—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening before participating in such program, except as provided under sections 612(a)(3) and 635(a)(5) of the Individuals with Disabilities Education Act.

"(o) Materials.—All curricula and instructional materials funded under this subchapter shall be based on scientifically based research,

age and developmentally appropriate, and focused on all areas of development (cognitive, social, emotional, and physical), learning (language and literacy, mathematics, science, and creative arts) and approaches to learning. Parents shall be permitted to inspect, upon request, any curricula or instructional materials used to carry out this subchapter.”.

SEC. 6. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended to read as follows:

“SEC. 641. DESIGNATION OF HEAD START AGENCIES.

“(a) AUTHORITY TO DESIGNATE.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, pursuant to the requirements of this section, except that until such time that the Secretary develops and implements the system of application review under this section, the Secretary is authorized to designate as a Head Start agency, any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, in the manner and process utilized by the Secretary prior to the enactment of the Improving Head Start Act of 2007.

“(b) APPLICATION FOR GRANTS.—Each entity shall submit a plan to the Secretary, at such time and in such manner as the Secretary may require.

“(c) DEVELOPMENT OF APPLICATION REVIEW SYSTEM.—

“(1) IN GENERAL.—The Secretary shall develop a system that integrates the recommendations of the expert panel convened under paragraph (3) to determine if a Head Start agency is providing a quality comprehensive early learning program that meets the educational, health, and nutritional needs of the children and families it serves, and meets program and financial management requirements and performance standards described in section 641A(a)(1), based on—

“(A) annual budget data;

“(B) program reviews conducted under section 641A(c);

“(C) annual audits required under section 647;

“(D) classroom quality as measured under section 641A(c)(2)(H); and

“(E) Program Information Report.

“(2) EXPERT PANEL.—No later than six months after the enactment of the Improving Head Start Act of 2007, the Secretary shall convene an expert panel of 7 members to make recommendations to the Secretary on the development of a transparent, reliable, and valid system for evaluating grant renewal applications.

“(3) COMPOSITION OF EXPERT PANEL.—The Secretary, in convening such panel, shall appoint the following:

“(A) 5 members, who are competent, by virtue of their training, expertise, and experience, in each of at least one of the following areas:

“(i) Early childhood program accreditation or quality assessment.

“(ii) Research on early childhood development.

“(iii) Governance and finance of non-profit organizations.

“(iv) Delivery of services to children and families with limited English proficiency.

“(v) Delivery of services to children with disabilities.

“(B) An employee from the Office of Head Start.

“(C) An executive director of a Head Start agency.

“(4) EXPERT PANEL REPORT.—Within 12 months of being convened by the Secretary, the expert panel shall issue a report to the Secretary that provides recommendations on a proposed system of application review that takes into account the criteria in paragraph (1) to evaluate whether a Head Start grantee is meeting mission to provide a high quality comprehensive early education program, including adequately meeting its governance and financial management requirements.

“(5) PUBLIC COMMENT; REPORT TO CONGRESS.—No later than 6 months after receiving the report described in paragraph (4), the Secretary shall publish a proposed system of application review in the Federal Register, providing at least 90 days for public comment and shall provide a report to the Education and Labor Committee of the U.S. House of Representatives and the Health, Education, Labor, and Pensions Committee of the U.S. Senate that provides a detailed description of such proposed system, including clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist.

“(6) IMPLEMENTATION OF APPLICATION REVIEW SYSTEM.—After the Secretary has reviewed all public comments and finalized the system of application review, the Secretary will use this system to determine which grantees are successfully delivering a high quality comprehensive early education program. Grantees who are determined under such system to be—

“(A) successfully delivering a high quality comprehensive early education program shall be designated a Head Start agency for a period of 5 years;

“(B) under-performing and may enter into an open competition as described in subsection (e); and

“(C) notwithstanding paragraph (B), if an Indian Head Start agency is determined to be underperforming, the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a performance enhancement plan for that agency. Such plan is to be developed and implemented within 6 months of the Secretary's determination. Not more than 6 months after implementation of that plan, the Secretary shall re-evaluate the performance of the Indian Head Start agency. If the Indian Head Start agency remains underperforming, the Secretary shall conduct an open competition as described in subsection (e), subject to the following limitations:

“(i) Except as provided in paragraph (ii), a non-Indian Head Start agency may not receive a grant to carry out an Indian Head Start program.

“(ii) In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency, on an interim basis, may receive a grant to carry out an Indian Head Start program, but only until such time as an Indian Head Start agency in such community becomes available.

“(d) TRANSPARENCY, RELIABILITY, AND VALIDITY.—The Secretary shall ensure the system of application evaluation is fair, consistent, and transparent and applied in a manner that designates, in a timely manner grantees as Head Start agencies for a period of 5 years if such grantees are providing a high quality comprehensive early education program. The Secretary shall periodically evaluate whether the criteria are being applied in a manner that is transparent, reliable, and valid.

“(e) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—

“(1) IN GENERAL.—If no entity in a community is determined to be successfully delivering a high quality comprehensive early education program, as specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

“(2) CONSIDERATIONS IN DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

“(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

“(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school and in life;

“(C) the plan of such applicant to attract and retain qualified staff capable of delivering a high quality comprehensive early education program, including demonstrating the ability to provide adequate salary and benefits to maintain a high quality staff;

“(D) the ability of such applicant to maintain child-teacher ratios and family service worker caseloads that reflect best practices and are tied to high quality service delivery;

“(E) the capacity of such applicant to serve eligible children with curriculum and teaching practices that are based on scientifically based research, are developmentally appropriate, and that promote the school readiness of children participating in the program;

“(F) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

“(G) the proposed budget and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

“(H) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out, with other local early learning programs for young children, including—

“(i) programs implementing grants under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

“(ii) and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

“(iii) State prekindergarten programs;

“(iv) child care programs; and

“(v) the educational programs that the children participating in the Head Start program will enter at the age of compulsory school attendance;

“(I) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

“(J) the plan of such applicant—

“(i) to seek the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

“(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level;

“(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subchapter 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

“(I) family literacy services; and

"(II) parenting skills training;

"(iv) to offer to parents of participating children, mental health services (either directly or through referral to local entities), including substance abuse counseling and information on maternal depression and on the effect of drug-exposure on infants and fetal alcohol syndrome;

"(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(I) training in basic child development (including cognitive, social, and emotional development);

"(II) assistance in developing literacy and communication skills;

"(III) opportunities to share experiences with other parents (including parent mentor relationships);

"(IV) regular in-home visitation;

"(V) mental and behavioral health services; or

"(VI) any other activity designed to help such parents become full partners in the education of their children;

"(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in subparagraph (H) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

"(vii) to extend outreach to fathers, in appropriate cases, in order to strengthen the role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

"(I) in appropriate cases, including fathers in home visits and providing culturally appropriate opportunities for direct father-child interactions; and

"(II) targeting increased male participation in the conduct of the program;

"(K) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

"(L) the plan of such applicant to meet the diverse cultural needs of the population served;

"(M) the plan of such applicant to meet the needs of children with disabilities;

"(N) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program to obtain health, including mental health, services from other sources;

"(O) the plan of such applicant to collaborate with other entities carrying out public or private early childhood education and child care programs in the community;

"(P) the plan of such applicant to meet the needs of homeless children, including transportation needs, and children in foster care and children and families experiencing toxic stress;

"(Q) the plan of such applicant to maintain a qualified staff, including a teaching staff qualified to implement research-based curricula aligned with the Head Start Child Outcomes Framework developed by the Secretary and to the early learning standards in State in which such program would operate;

"(R) the plan of such applicant to enter into memoranda of understanding with local educational agencies within the service area, as described in section 642B(a); and

"(S) other factors related to the requirements of this subchapter.

"(f) INTERIM PROVIDER.—If no agency in the community receives priority designation under subsection (c), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.

"(g) PARENT AND COMMUNITY PARTICIPATION.—The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in the selection of Head Start agencies be continued.

"(h) COMMUNITY.—For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary) or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.".

SEC. 7. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended to read as follows:

"SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

"(a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall modify, as necessary, program performance standards by regulation applicable to Head Start agencies, programs, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d), and other services;

"(B) scientifically based and developmentally appropriate early learning standards related to school readiness that are based on the Head Start Child Outcomes Framework to ensure that the children participating in the program, at a minimum develop and demonstrate—

"(i) language knowledge and skills, including oral language and listening comprehension;

"(ii) prereading knowledge and skills that prepare children for early literacy in schools including phonological awareness, print awareness and print skills, and alphabetic knowledge;

"(iii) mathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

"(iv) science knowledge and skills, including measurement;

"(v) cognitive abilities related to academic achievement and general knowledge;

"(vi) social and emotional development related to early learning, school success, social problem-solving, and overall well-being;

"(vii) approaches to learning related to child development and early learning;

"(viii) creative arts; and

"(ix) in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (viii), including progress made through the use of culturally and linguistically appropriate instructional services;

"(C) administrative and financial management standards;

"(D) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

"(E) such other standards as the Secretary finds to be appropriate.

"(2) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the standards required under paragraph (1), the Secretary shall—

"(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to limited English proficient children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) recommendations from the report on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, when it becomes available;

"(iv) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

"(v) projected needs of an expanding Head Start program;

"(vi) guidelines and standards currently in effect or under consideration that promote child health services and physical development, including outdoor activity that supports children's motor development and overall health and nutrition;

"(vii) changes in the population of children who are eligible to participate in Head Start programs, including the language and cultural background and family structure of such children;

"(viii) mechanisms to ensure that children participating in Head Start programs make a successful transition to the schools that the children will be attending; and

"(ix) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and

"(C)(i) review and revise as necessary the performance standards in effect under this subsection; and

"(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in quality, scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on October 27, 1998.

"(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

"(b) MEASURES.—

"(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, shall use the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences to provide guidance to Head Start agencies for utilizing scientifically-based measures that support, as appropriate—

"(A) classroom instructional practices;

"(B) identification of special needs; and

"(C) program evaluation.

"(2) CHARACTERISTICS OF MEASURES.—The measures under this subsection shall

"(A) be developmentally, linguistically, and culturally appropriate for the population served;

"(B) be reviewed not less than every 4 years, based on advances in the science of early childhood development;

"(C) be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

"(D) be valid and reliable (in English, Spanish, and any other language, as appropriate);

"(E) be administered by staff with appropriate training for such administration;

"(F) provide appropriate accommodations for children with disabilities and children who are limited English proficient; and

"(G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which they were devised.

"(3) USE OF MEASURES; LIMITATIONS ON USE.—

"(A) Measures shall be designed for the purpose of—

"(i) promoting the skills, knowledge, and competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring skills that scientifically-based research has demonstrated are related to children's school readiness and later success in school;

"(ii) improving classroom practices, including reviewing children's strengths and weaknesses;

"(iii) identifying special needs; and

"(iv) improving overall program performance in order to help programs identify problem areas that may require additional training and technical assistance resources.

"(B) Such measures shall not be used to exclude children from Head Start programs.

"(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall—

"(A) suspend implementation and terminate further development and use of the National Reporting System; and

"(B) incorporate, as appropriate, recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences into any assessment used in the Head Start programs, in accordance with paragraphs (2) and (3).

"(5) SPECIAL RULE.—The use of assessment items and data on any assessment authorized under this subchapter by an agent or agents of the Federal Government to provide rewards or sanctions for individual children or teachers is prohibited. The Secretary shall not use the results of a single assessment as the sole or primary method for assessing program effectiveness or making grantee funding determinations at the national, regional, or local level.

"(6) CONFIDENTIALITY.—

"(A) The Secretary, through regulation, shall ensure the confidentiality of any personally identifiable data, information and records collected or maintained by the Secretary and any Head Start agency. Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.

"(B) Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on children participating in measures under this subsection.

"(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

"(1) IN GENERAL.—To determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements and in order to help programs identify areas for improvement and areas of strengths as part of an on-going self-assessment process, the Secretary shall develop and use a risk-based assessment system to conduct the following reviews of Head Start agencies, and of the Head Start programs operated by such agencies:

"(A) A full review of each such agency at least once during each 3-year period.

"(B) A review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.

"(C) Followup reviews, including unannounced reviews as appropriate, of programs with 1 or more findings of deficiencies not later than 12 months after the date of such finding.

"(D) other reviews, including unannounced site inspections of Head Start centers, as appropriate.

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) are conducted by review teams that—

"(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families; and

"(ii) include, to the maximum extent practicable, current or former employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

"(B) include as part of the reviews of the programs, a review and assessment of program strengths and areas in need of improvement;

"(C) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with limited English proficiency and children of migrant and seasonal farm-working families);

"(D) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C);

"(E) include as part of the review the implementation by qualified individuals with demonstrated reliability, of a valid and reliable research-based observational instrument that assesses classroom quality, including multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement;

"(F) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, and based on a transparent and reliable system of review;

"(G) in the case of Early Head Start programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers; and

"(H) include as part of the review a protocol for fiscal management that shall be used to assess the compliance with program requirements for—

"(i) using federal funds appropriately;

"(ii) using federal funds specifically to purchase property and to compensate personnel;

"(iii) securing and using qualified fiscal officer support; and

"(iv) reporting financial information and implementing appropriate internal controls to safeguard federal funds

"(3) USE OF REVIEW FINDINGS.—The findings of the review shall, at a minimum—

"(A) be presented to an agency in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

"(B) be used by the Head Start agencies to inform the development and implementation of their plan for training and technical assistance.

"(d) EVALUATIONS AND CORRECTIVE ACTIONS FOR DELEGATE AGENCIES.—

"(1) PROCEDURES.—The Head Start agency shall establish procedures relating to its delegate agencies, including—

"(A) procedures for evaluating delegate agencies;

"(B) procedures for defunding delegate agencies; and

"(C) procedures for appealing a defunding decision relating to a delegate agency.

"(2) EVALUATIONS.—Each Head Start agency—

"(A) shall evaluate its delegate agencies using the procedures established under this section; and

"(B) shall inform the delegate agencies of the deficiencies identified through the evaluation that are required to be corrected.

"(3) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—If the Head Start agency identifies a deficiency of a delegate agency through the evaluation, the Head Start agency may—

"(A) initiate procedures to terminate the designation of the delegate agency unless such agency corrects the deficiency; and

"(B) conduct monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to modify, supersede, or affect the powers, duties, or functions of the Secretary with respect to Head Start agencies or delegate agencies that receive financial assistance under this subchapter.

"(e) CORRECTIVE ACTION; TERMINATION.—

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or fails to adequately address the community needs and strategic plan identified in section 640(g)(2)(C), the Secretary shall—

"(A) inform the agency of the deficiencies that shall be corrected;

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

"(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY AND PROGRAM RESPONSIBILITIES.—To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (excluding an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

"(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the secretary, or in the case of a program, the sponsoring agency, and which shall specify—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 10 months after the date the agency or program obtains approval of its quality improvement plan).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the Head Start agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies and programs with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

"(f) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (e), during such fiscal year. Such report shall be made available to all parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication. Such reports shall contain detailed data on compliance with specific performance standards and measures sufficient to allow individual Head Start agencies to use such data to improve the quality of their program.

"(g) SELF-ASSESSMENTS.—

"(1) IN GENERAL.—Not less frequently than once each program year, with the consultation and participation of policy councils, and as applicable, policy committees, and as appropriate, other community members, each Head Start agency and each delegate agency that receives financial assistance under this subchapter shall conduct a comprehensive self-assessment of its effectiveness and progress in meeting program goals and objectives (including professional development plans) and in implementing and complying with Head Start program performance standards.

"(2) REPORT AND IMPROVEMENT PLANS.—

"(A) REPORT.—An agency conducting a self-assessment shall report the findings of the self-assessment to the relevant policy council, policy committee, governing body, and Secretary. Each self-assessment shall identify areas of strength and weakness.

"(B) IMPROVEMENT PLAN.—The agency shall develop and report to the Secretary an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement.

"(3) ONGOING MONITORING.—Each Head Start agency, delegate Head Start agency, and entity that carries out an Early Head Start program a shall establish and implement procedures for the ongoing monitoring of their respective programs, to ensure that the operations of the programs work toward meeting program goals and objectives and Head Start performance standards.

"(h) ENROLLMENT REPORTING REQUIREMENT.—

"(1) Head Start agencies shall report on a regular basis to the Secretary—

"(A) the actual enrollment in such program; and

"(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

"(2) The Secretary shall determine on a regular basis which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment and shall provide appropriate and timely training and technical assistance to increase actual enrollment, as appropriate.

"(3) In this subsection:

"(A) The term 'actual enrollment' means, with respect to a Head Start program, the actual number of children enrolled in such program in a given month.

"(B) The term 'base grant' means, with respect to Head Start agency for a fiscal year, that portion of the grant derived from—

"(i) amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant and seasonal Head Start program;

"(ii) amounts reserved for payments under section 640(a)(2)(B); or

"(iii) amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

"(C) The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant award.

"(i) REDISTRIBUTION OF FUNDS.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant, except when such action is the result of an open competition 641(d)) or termination 646(d) shall be redistributed in such fiscal year as follows:

"(1) If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Indian Head Start programs.

"(2) If such funds are derived from the operation of a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more migrant and seasonal Head Start programs.

"(3) If such funds are derived from the operation of a Head Start program in a State (excluding Indian Head Start program and migrant and seasonal Head Start programs), then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State, except that—

"(A) not less than 50 percent of the funds shall be prioritized to increase the program participation of children and families served under Early Head Start; and

"(B) not less than 25 percent of the funds shall be prioritized to increase program participation of underserved populations of eligible children.".

SEC. 8. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended to read as follows:

"SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

"(a) LEGAL AUTHORITY.—To be designated as a Head Start agency under this subchapter, an agency must have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources which may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. The power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

"(b) FAMILY AND COMMUNITY INVOLVEMENT; FAMILY SERVICES.—To be so designated, a Head Start agency shall, at a minimum, do all the following to involve and serve families and communities:

"(1) Establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests.

"(2) Seek the involvement of parents, area residents, and local business in the design and implementation of the program.

"(3) Establish effective procedures to facilitate and seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including a process through which parents of children currently participating in a Head Start program or an Early Head Start program select the parent representatives to serve on the council under section 642(b)(4)(B)(ii).

"(4) Offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training.

"(5) Offer to parents of participating children mental health services (either directly or through referral to local entities), including substance abuse counseling, and including information on maternal depression and on drug-exposed infants and fetal alcohol syndrome.

"(6) At the option of such agency, offer (directly or through referral to local entities) to such parents—

"(A) training in basic child development (including cognitive, social, and emotional development);

"(B) assistance in developing literacy and communication skills;

"(C) opportunities to share experiences with other parents (including parent-mentor relationships);

"(D) mental and behavioral health services;

"(E) regular in-home visitation; or

"(F) any other activity designed to help such parents become full partners in the education of their children.

"(7) Provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a

manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in paragraphs (5) through (8) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).

“(8) Consider providing services to assist younger siblings of children participating in its Head Start program to obtain health, including mental health, services from other sources.

“(9) Perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.

“(10)(A) Inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

“(B) Refer eligible parents to the child support offices of State and local governments.

“(11) Provide parents of limited English proficient children outreach and services under this subchapter, in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand.

“(12) Provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

“(13) Promote the continued involvement of the parents (including grandparents and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall work with the local educational agency—

“(A) to provide training to the parents;

“(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

“(ii) to enable the parents—

“(I) to understand and work with schools in order to communicate with teachers and other school personnel;

“(II) to support the schoolwork of their children; and

“(III) to participate as appropriate in decisions relating to the education of their children; and

“(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

“(14) Provide parents of a child suspected of having a disability information about services available under section 619 or part C of the Individuals With Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) and refer such child to the appropriate agency for an evaluation of eligibility under such Act.

“(c) PROGRAM GOVERNANCE.—Head Start agencies must establish and maintain a formal structure of shared governance through which an independent governing body with legal and fiscal responsibility for administering and overseeing programs under this subchapter and a parent policy council and parent policy committee, as appropriate, shall ensure that such agency operates a high quality Head Start program in compliance with all applicable Federal, State, and local laws.

“(1) GOVERNING BODY.—

“(A) COMPOSITION.—The governing body shall be composed as follows:

“(i) Not less than 1 member with significant financial management or accounting experience.

“(ii) Not less than 1 member shall have a background and expertise in early childhood development.

“(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.

“(iv) Additional members shall be selected for their expertise in education, business administration, and community affairs and shall reflect the community served.

“(v) Exceptions shall be made when members of the governing body oversee a public entity and are selected by public election or are political appointments.

“(B) CONFLICT OF INTEREST.—Members of the governing body shall—

“(i) not have a conflict of interest with the Head Start agency or delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

“(ii) not receive compensation for the purposes of serving on the governing body or for providing services to the Head Start agency, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

“(iii) not be employed nor shall members of their immediate family be employed by the Head Start agency or one of its delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed; and

“(iv) operate as an entity independent of staff employed by the Head Start agency entity or applicant, exceptions shall be made when a board member of a public entity is selected by election or politically appointed.

“(C) CONSULTANTS.—In the case that persons described in subparagraph (A) are not available to serve as members, the governing body shall make use of consultants in the areas described in subparagraph (A) to work directly with the governing body.

“(D) TRAINING.—All members of the governing body shall receive training in management responsibilities and obligations, ethics, and financial literacy management.

“(E) RESPONSIBILITIES OF GOVERNING BODY.—The governing body shall be responsible for—

“(i) adoption of practices that assure active, independent and informed governance of the Head Start agency;

“(ii) oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644;

“(iii) establish an audit and finance committee whose primary responsibility shall be—

“(I) to approve annually the operating budget of the Head Start agency;

“(II) to review and recommend to the governing body the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee, except when the auditor is assigned by the State under State law;

“(III) to review and recommend to the governing body the termination or extension of the existing audit firm at least once every 5 years;

“(IV) to review and advise the governing body of the audit management letter provided pursuant to the chapter 75 of title 31, United States Code, and of any audit findings; and

“(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices;

“(iv) approve all major policies of the agency, including the mission of the agency and policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits);

“(v) approve all major financial expenditures of the agency;

“(vi) approve the selection or dismissal of the Head Start Director or the equivalent position within the Head Start agency;

“(vii) approve or disapprove all policies, applications, and decisions of the Policy Council made under the authority of paragraph (2);

“(viii) to oversee the program planning of the Head Start agency, including adoption of policies for setting long- and short-range goals and objectives;

“(ix) oversee and approve the agency's applications to receive funds made available under this subchapter; and

“(x) to establish, adopt and periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

“(I) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers, employees, consultants and agents who provide services or furnish goods to the Head Start agency; and

“(II) complaints, including investigations, when appropriate.

“(2) POLICY COUNCIL.—

“(A) COMPOSITION.—The Policy Council or Policy Committee, as appropriate, shall be composed as follows:

“(i) Members of the Policy Council shall be either parents of children currently enrolled in the Head Start agency's (or delegate's) Head Start or Early Head Start program or that are parents of children who were enrolled in the program in the previous year (Parent Members) or shall be members of the community served by the Head Start agency or delegate (Community Members).

“(ii) Parent members of the Policy Council shall constitute a majority of the members of the Policy Council and shall be elected by parents of currently enrolled children.

“(iii) Parent members shall represent, proportionately, all program options and settings operated by the Head Start agency or delegate.

“(iv) The term of a Policy Council member shall be no more than 2 years and no Policy Council member shall serve longer than 6 years.

“(B) RESPONSIBILITIES OF POLICY COUNCIL.—In order to be designated as a Head Start agency, an entity or delegate of such an entity shall have a Policy Council which shall approve and submit to the governing body decisions about the following activities:

“(i) The strategic direction of the program, including long and short-term planning goals and objectives (such planning and goals shall take into account the annual community assessment and self-assessment).

“(ii) Selection of delegate agencies and their service areas.

“(iii) Recruitment, selection and enrollment priorities.

“(iv) Funding applications and amendments to funding applications for Head Start or Early Head Start prior to submission of such applications.

“(v) Budget planning for program expenditures.

“(vi) Bylaws for the operation of the Policy Council including procedures by which Policy Council members are chosen.

“(vii) Program personnel policies, including standards of conduct for program staff, contractors and volunteers.

“(viii) Decisions regarding employment of Head Start staff other than the director and executive director.

“(ix) Activities to support the active involvement of parents in supporting program operations.

“(x) Program responsiveness to community and parent needs.

“(C) TRAINING.—Appropriate training and technical assistance shall be provided to the members of the Policy Council to ensure that the members understand the information the members receive and effectively oversee and participate in the programs of the Head Start agency or delegate.

"(3) IMPASSE POLICY.—The Secretary shall develop policies and procedures describing how Head Start agencies will implement shared decision-making, including a process for resolving any impasse between the Governing Body and the Policy Council.

"(d) COLLABORATION AND COORDINATION.—To be so designated, a Head Start agency must collaborate and coordinate with public and private entities to improve the available services to Head Start children and families, including the following activities:

"(1) Conduct outreach to schools in which children participating in Head Start programs enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.

"(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children, as possible.

"(3) Head Start agency staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending—

"(A) to share information about such children; and

"(B) to ensure a smooth transition to elementary school for such children.

"(4) Each Head Start agency shall collaborate, as appropriate, with providers of social and community services available to children and families participating in Head Start programs, and may support such partnerships with financial agreements, when applicable, for the provision of such services.

"(5) A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) collaborating on the shared use of transportation and facilities;

"(B) collaborating to enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and

"(C) exchanging information on the provision of noneducational services to such children.

"(6) The Secretary, in consultation with the Secretary of Education, shall—

"(A) evaluate the effectiveness of the projects and activities funded under section 642A;

"(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

"(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.

"(e) QUALITY STANDARDS, CURRICULA AND ASSESSMENT.—To be so designated, each Head Start agency shall—

"(1) take steps to ensure, to the maximum extent possible, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling;

"(2) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(3) implement a research-based early childhood curriculum that promotes young children's school readiness in the areas of language and cognitive development, early reading and premathematics skills, socio-emotional development, physical development, and approaches to learning. Such curricula shall be—

"(A) based on scientifically based research and have standardized training procedures and curriculum materials to support implementation;

"(B) comprehensive, linked to ongoing assessment, with developmental and learning goals and measurable objectives; and focused on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development; and

"(C) aligned to the Head Start Child Outcomes Framework developed by the Secretary and to State early learning standards, as appropriate;

"(4) use ongoing, research-based assessment methods that are developmentally appropriate, culturally and linguistically responsive, and tied to children's daily activities in order to support the educational instruction of children in the program, including language skills, prereading knowledge and premathematics knowledge. Assessment instruments shall be those designed and validated for making decisions about teaching and learning and aligned with the programs curricula and section 641A(a)(1);

"(5) use high-quality research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for children from a range of racial, ethnic, linguistic, and cultural backgrounds, for the purpose of meeting the relevant performance standards;

"(6) adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1) and attained a level of literacy appropriate to implement Head Start curricula;

"(7) use the information provided from the assessment conducted under section 640A(C)(2)(H) to adopt a professional development plan that leads to improved teacher effectiveness;

"(8) establish measurable objectives for the provision of health, educational, nutritional, and social services related to the program mission and to school readiness and provided under this subchapter; and

"(9) develop procedures for identifying children as limited English proficient, and inform the parents of such children as to the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language.

"(f) FUNDED ENROLLMENT; WAITING LIST.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.

"(g) TECHNICAL ASSISTANCE AND TRAINING PLAN.—In order to receive funds under this subchapter, a Head Start agency shall develop an annual technical assistance and training plan. Such plan shall be based on the agency's self-assessment, the community-wide needs assessment, the needs of parents and children to be serviced by such agency, and the results of the reviews conducted under section 641A(c).

"(h) FINANCIAL MANAGEMENT.—In order to receive funds under this subchapter, a Head Start agency shall document strong fiscal controls, including the employment of well-qualified fiscal staff with a history of successful management of a public or private organization.".

SEC. 9. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended to read as follows:

"SEC. 642A. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program to promote continuity of services and effective transitions, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff) to facilitate coordination of programs;

"(3) establish on-going communication for developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

"(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;

"(5) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(6) helping parents of limited English Proficient children understand the method of instruction and other services provided by the school in which such child will enroll after participation in Head Start and as appropriate, information provided to parents of limited English proficient children under section 3302 of title III of the Elementary and Secondary Education Act of 1965 (20U.S.C. 7012);

"(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431-11435);

"(8) assisting families, administrators, and teachers in enhancing educational and developmental continuity and continuity in parental involvement activities between Head Start services and elementary school classes;

"(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;

"(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

"(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

"(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program are aligned with—

"(A) the Head Start Child Outcomes Framework as developed by the Secretary; and

"(B) State early learning standards, as appropriate, with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate.".

SEC. 10. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

The Head Start Act (42 U.S.C. 9831) is amended by inserting after section 642A the following:

"SEC. 642B. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

"(a) LOCAL INTEGRATION.—In general, Head Start agencies shall enter into ongoing partnerships with local educational agencies and with State-funded preschool and other early childhood programs.

"(1) MEMORANDA OF UNDERSTANDING.—Each Head Start agency shall enter into a memorandum of understanding with any local educational agencies or local councils, responsible for managing publicly funded prekindergarten programs in the service area of the Head Start agency (or if such agencies and such councils are not applicable in the service area, with the largest provider of publicly funded prekindergarten in the service area), that shall include plans to coordinate the following activities:

"(A) Educational activities, curricula, and instruction.

"(B) Public information dissemination and access to programs for families contacting any of the early childhood programs.

"(C) Selection priorities for eligible children to be served by programs.

"(D) Service delivery areas.

"(E) Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, and social and emotional development.

"(F) Program technical assistance.

"(G) Provision of additional services to meet the needs of working parents.

"(H) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

"(I) Provision and use of facilities, transportation, and other program elements.

"(J) Other elements mutually agreed to by the parties to such memorandum.

"(2) TIMING OF MEMORANDA.—Each Head Start agency shall enter into a memorandum of understanding under paragraph (1) not later than 1 year after the effective date of this section.

"(3) SECRETARIAL REVIEW.—Each memorandum of understanding entered into under paragraph (1) shall be submitted to the Secretary not later than 30 days after entering into such memorandum.

"(A) If a Head Start agency is unable to comply with the requirement in paragraph (1) the Head Start agency shall notify the Secretary and the chief executive officer of the State not later than 30 days after determining that they are unable to enter into such memorandum. The Secretary, in cooperation with the State Early Learning Council and the State Director of Head Start Collaboration, shall evaluate the causes of failure to enter into a memorandum of understanding under paragraph (1). With the assistance of the State Early Learning Council and the State Director of Head Start Collaboration, all parties shall again attempt to enter into a memorandum of understanding under paragraph (1). Then if no such memorandum of understanding is entered into, the Secretary shall make 1 of the following determinations:

"(i) The local educational agency, local council, or other appropriate entity is unable or unwilling to enter into such a memorandum despite reasonable efforts on the part of the Head Start agency.

"(ii) The Head Start agency has not engaged in reasonable efforts to successfully negotiate and enter into a memorandum of understanding pursuant to paragraph (1).

"(iii) There is an absence of publicly funded prekindergarten in the service area of the Head Start agency.

"(B) If the Secretary determines the Head Start agency is not making reasonable efforts to enter into a memorandum of understanding pursuant to paragraph (1), the Head Start agency shall be found to be noncompliant with program performance standards.

"(C) If the Secretary concludes that the local educational agency, local council, or other appropriate entity is not making reasonable efforts to reach such a memorandum of understanding, the Head Start agency shall not be found out of compliance with paragraph (1).

"(4) REVISION OF MEMORANDA.—Each memorandum of understanding shall be revised and renewed annually by the parties to such memorandum, in alignment with the beginning of the school year.

"(5) ABSENCE OF PREKINDERGARTEN.—In the absence of publicly funded prekindergarten in the service area of a Head Start agency, the Head Start agency shall submit notice to the Secretary and the chief executive officer of the State and shall work with the State Early Learning Council and the State Director of Head Start Collaboration to improve coordination in their service area.

"(b) STATE EARLY LEARNING COUNCILS.—From the amounts reserved under section 640(a)(2)(C)(iii), the Secretary shall award, upon submission of a written request and pursuant to the requirements of paragraph (2), an early learning collaboration grant to each State for the purposes of supporting a State Early Learning Council responsible for advancing the development of a coordinated early childhood services delivery system in the State. A State that receives a grant under this subparagraph shall—

"(1) establish a State Early Learning Council, which shall include—

"(A) the State Director of Head Start Collaboration;

"(B) representatives from the State preschool programs;

"(C) representatives of local educational agencies;

"(D) the State official who oversees child care programs;

"(E) the State official who oversees section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(F) the State official who oversees the State educational agency;

"(G) representatives from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

"(H) representatives of local child care programs or organizations; and

"(I) a representative of the State agency responsible for health and mental health care;

except that the chief executive officer of the State may designate an existing entity to serve as the Early Learning Council if such entity includes representatives described in this paragraph;

"(2) ensure that allotted funds distributed to a State for a fiscal year to carry out this subsection may be used by the State to pay not more than 50 percent of the cost of carrying out this subsection;

"(3) direct the early learning council to improve the coordination and quality of early childhood services within the State, including—

"(A) to increase coordination and collaboration among State preschool, Head Start programs, child care programs, early childhood special education, and other early childhood programs, including in the areas of outcomes and standards, technical assistance, coordination of services, cross-sector professional development and training, community outreach, communication, and better serving the needs of working families through provision of full-day and full-year early education services;

"(B) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to local Head Start programs, local education agencies, and State and locally funded preschool and child care programs to increase integration among early childhood programs through adoption of local memoranda of understanding described in subparagraph (A) and other means;

"(C) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to develop developmentally appropriate standards for children birth through the early elementary grades to effect a smooth transition to and success in the early elementary grades;

"(D) to develop or conduct periodic Statewide needs assessments concerning early care and education programs for children from birth to school entry;

"(E) to work to identify and address barriers to and opportunities for integration between entities carrying out Federal and State child development, child care, and early childhood education programs;

"(F) to develop recommendations regarding means of establishing a unified data collection system for early care and education programs operating throughout the State;

"(G) to address coordination of early learning programs with health care (including mental and behavioral health care), welfare, family literacy and services for homeless children;

"(H) to support a State system of early childhood education, and training and technical assistance that improves the quality of early learning programs and the capacity of such programs to deliver services pursuant to section 648(b);

"(I) to develop a plan for increasing the participation of children underrepresented in State early childhood education and child care programs, including Head Start, State preschool programs, and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(J) developing a Statewide professional development and career ladder plan for early care and education in the State; and

"(K) assisting 2- and 4-year public and private institutions of higher education to develop articulation agreements concerning degrees in early childhood and related fields.

"(4) Nothing in this subsection shall be construed to provide the Early Learning Council with authority to modify, supersede, or affect the operation of this subchapter.

"(5) Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.".

SEC. 11. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) STANDARDS.—Each Head Start agency shall observe standards of organization, management, and administration which will ensure, so far as reasonably possible, that all program *activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible.*

"(2) ANNUAL REPORT.—Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the then most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:

"(A) The total amount of public and private funds received and the amount from each source.

"(B) An explanation of budgetary expenditures and proposed budget for the following fiscal year.

"(C) The total number of children and families served and percent of average monthly enrollment, including the percent of eligible children served.

"(D) The results of the most recent review by the Secretary and the financial audit.

"(E) The percentage of enrolled children that received medical and dental exams.

"(F) Information about parent involvement activities.

"(G) The agency's efforts to prepare children for kindergarten.

"(H) Any other information required by the Secretary.

"(3) PROCEDURAL CONDUCT.—Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to—

"(A) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits;

"(B) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness;

"(C) guard against personal or financial conflicts of interest; and

"(D) define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.", and

(2) by amending subsection (f) to read as follows:

"(f) FACILITIES.—

"(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

"(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal and paying interest on loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

"(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this subchapter, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;

"(B) a description of the site of the facility proposed to be purchased or that was previously purchased;

"(C) the plans and specifications of such facility;

"(D) information demonstrating that—

"(i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

"(ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;

"(E) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and

"(F) such other information and assurances as the Secretary may require.

"(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.".

SEC. 12. PARTICIPATION IN HEAD START PROGRAMS.

Section 645 of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1)(B)(i) to read as follows:

"(i) programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs, including children referred by child welfare services, but whose families do not meet the low-income criteria prescribed pursuant to subparagraph (A) (A homeless child shall be deemed to meet the low-income criteria.); and", and

(B) by adding at the end the following:

"(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.

"(4)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may use funds under section 640(a) to serve infants and toddlers if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

"(i) the amount of funds under section 640(a) that are proposed to be used in accordance with section 645A(b);

"(ii) a community-wide needs assessment demonstrating how the use of such funds would best meet the needs of the community;

"(iii) a description of how the needs of pregnant women, and of infants and toddlers, will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency's approach to child development and provision of health services, approach to family and community partnerships, and approach to program design and management;

"(iv) a description of how the needs of eligible Head Start children will be met in the community;

"(v) assurances that the agency will participate in technical assistance activities (including a planning period, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A; and

"(vi) evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.

"(B) An application that satisfies the requirements specified in subparagraph (A) shall be approved by the Secretary unless the Secretary finds that—

"(i) the agency lacks adequate capacity and capability to carry out an effective Early Head Start program; or

"(ii) the information provided under subparagraph (A) is inadequate.

"(C) Any Head Start agency approved under subparagraph (B) shall be considered to be an entity that receives assistance under section 645A, and such funds under (i) shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A.

"(5)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may consider children from low-income families to be eligible for participation in programs assisted under this subchapter if their family income is at or above the poverty line but below 130 percent of the poverty line, if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

"(i) a description of how the needs of eligible Head Start children, as described in paragraph (1)(A) are being adequately met in the agency's service area;

"(ii) a description of outreach efforts to the community to reach full enrollment under the eligibility guidelines under paragraph (1), including using outreach efforts that are linguistically and culturally appropriate;

"(iii) assurance that the agency will prioritize serving children currently eligible under the guidelines under paragraph (1); and

"(iv) a description of why increasing the number of infants and toddlers being served, as described in paragraph (4), is not appropriate based upon the communitywide needs assessment or the agency's capability.

"(B) In approving such applications, the Secretary shall take into account the—

"(i) cost of living for families living the area served by the Head Start agency;

"(ii) the efforts the Head Start agency has undertaken to be fully enrolled under the eligibility criteria in paragraph (1); and

"(iii) the policies and procedures the Head Start agency will implement to ensure that children currently eligible under the criteria described under paragraph (1) will be prioritized.

"(C) No more than 20 percent of children served by such Head Start agency may be from families above the poverty line.",

(2) in subsection (c) by striking "(age 3 to compulsory school attendance)", and

(3) in subsection (d) by adding at the end the following:

"(4) Notwithstanding any other provision of this Act, an Indian tribe that operates both a Head Start program and an Early Head Start program under section 645A may, at its discretion, at any time during the grant period involved, reallocate funds between the Head Start program and the Early Head Start program in order to address fluctuations in client population, including pregnant women and children birth to compulsory school age. The reallocation of such funds between programs by an Indian tribe shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 641A(g)(1)) for either program in succeeding years.".

SEC. 13. EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended to read as follows:

"SEC. 645A. EARLY HEAD START PROGRAMS FOR FAMILIES WITH CHILDREN UNDER 3 YEARS OF AGE.

"(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section for programs (to be known as 'Early Head Start programs') that provide family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency.

"(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

"(2) ensure that the level of services provided to families responds to their needs and circumstances;

"(3) promote positive parent-child interactions;

"(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services provided by programs in the State (including home-based services) and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services and family support services);

"(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

"(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age;

"(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);

"(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program under this section into a Head Start program or other local early childhood education program;

"(10) establish channels of communication between staff of Early Head Start programs under this section and staff of Head Start programs or other local early childhood education programs, to facilitate the coordination of programs; and

"(11) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

"(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a) include—

"(1) pregnant women; and

"(2) families with children under age 3;

who meet the income criteria specified for families in section 645(a)(1).

"(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

"(1) entities operating Head Start programs under this subpart;

"(2) Indian Head Start programs; and

"(3) other public entities, and nonprofit or for-profit private entities, including community-based and faith-based organizations, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

"(e) SELECTION OF GRANT RECIPIENTS.—From the portion specified in section 640(a)(6), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

"(f) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

"(1) ensure an equitable national geographic distribution of the grants; and

"(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—To ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used by the Secretary for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients (as of the date of such training or assistance) of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants;

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience; and

"(v) providing professional development designed to increase program participation for underserved populations of eligible children.

"(h) CENTER-BASED STAFF.—The Secretary shall ensure that, not later than September 30, 2009, all teachers providing direct services to children and families participating in early Head Start programs located in early Head Start centers have a minimum of a child development associate credential, and have been trained (or have equivalent course work) in early childhood development.

"(i) STAFF QUALIFICATIONS AND DEVELOPMENT.—

"(1) HOME VISITOR STAFF STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs.

"(2) CONTENTS OF STANDARDS.—The standards for training, qualifications, and the conduct of home visits shall include content related to—

"(A) structured child-focused home visiting that promotes parents' ability to support the child's cognitive, social, emotional, and physical development;

"(B) effective strengths-based parent education, including methods to encourage parents as their child's first teachers;

"(C) early childhood development with respect to children from birth through age 3;

"(D) methods to help parents promote emergent literacy in their children from birth through age 3;

"(E) ascertaining what health and developmental services the family receives and working with these providers to eliminate gaps in service by offering annual health, vision, hearing, and developmental screening for children from birth to entry into kindergarten, when needed;

"(F) strategies for helping families coping with crisis; and

"(G) the relationship of health and well-being of pregnant women to prenatal and early child development.".

SEC. 14. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

The Head Start Act (42 U.S.C. 9831) is amended by inserting after section 645A the following:

"SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'health care service' includes—

"(A) any nonemergency intrusive physical examination; and

"(B) any screening, including but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

"(2) The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

"(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

"(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection *with participation in a program under this subchapter, a Head Start agency and an entity that receives assistance under section 645A shall obtain the written consent of a parent of such child indicating consent for each specific health care service to be performed.*

"(c) Rule of Construction.—

"(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

"(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.".

SEC. 15. APPEALS, NOTICE, AND HEARING.

Section 646(a)(3) of the Head Start Act (42 U.S.C. 9841(a)(3)) is amended to read as follows:

"(3) if financial assistance under this subchapter is terminated or reduced, an application for a noncompeting continuation award is denied based on a previous failure to comply with terms applicable to financial assistance previously provided under this subchapter, or suspension of financial assistance is continued for more than 30 days, the recipient with respect to whom such action is taken shall have the opportunity to appeal such action in accordance with such procedures, except that no funds made available under this subchapter may be used to reimburse any such recipient for legal fees and other costs incurred in pursuing such an appeal; and".

SEC. 16. RECORDS AND AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c) Each recipient of financial assistance under this subchapter shall—

"(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses);

"(2) within 30 days after the completion of an audit conducted in the manner and to the extent provided in chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act Amendments of 1996'), submit to the Secretary a copy of the audit management letter and of any audit findings as it relates to the Head Start program; and

"(3) provide such additional documentation as the Secretary may require.".

SEC. 17. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended to read as follows:

"SEC. 648. TECHNICAL ASSISTANCE AND TRAINING.

"(a) The Secretary shall provide, directly or through grants or other arrangements—

"(1) technical assistance to communities in developing, conducting, and administering programs under this subchapter; and

"(2) training for specialized or other personnel needed in connection with Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c).

"(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible;

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs; and

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full calendar year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration.

"(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the educational performance measures described in section 641A(b)(4);

"(2) supplement amounts provided under section 640(a)(3)(C)(ii) in order to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities), and non-classroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

"(A) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

"(B) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services;

"(5) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessment, including the needs of homeless children and their families;

"(6) assist Head Start agencies and programs in developing and implementing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;

"(7) assist Head Start agencies in better serving the needs of families with very young children;

"(8) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

"(9) assist in efforts to secure and maintain adequate facilities for Head Start programs;

"(10) assist Head Start agencies in developing innovative program models, including mobile and home-based programs;

"(11) provide support for Head Start agencies (including policy councils and policy committees) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), significant programmatic, quality, and fiscal issues to address;

"(12) assist Head Start agencies and programs in increasing program participation of homeless children;

"(13) assist Head Start agencies and Head Start programs in improving outreach to, and the quality of services available to, limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census;

"(14) assist Head Start agencies in developing appropriate methods and approaches for identifying and working with children and families experiencing toxic stress;

"(15) assist programs in improving outreach to serve additional children with disabilities, if such program's enrollment opportunities or funded enrollment for children with disabilities is less than 10 percent; and

"(16) provide assistance to address and remove barriers related to recruitment and retention of Head Start teachers for rural communities, and remove barriers related to outreach efforts to eligible families in rural communities.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children. Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.

"(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to limited English proficient children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, resource access projects for personnel working with disabled children, and training for appropriate personnel to recognize common health, including mental health, problems in children for appropriate referral.

"(f) The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with 1 or more children with disabilities, families with a limited English proficiency, homeless families, and children and families experiencing toxic stress.

“(g) More than 50 percent of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

“(1) Education and early childhood development.

“(2) Child health, nutrition, and safety.

“(3) Family and community partnerships and services.

“(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

“(h) The Secretary shall develop and implement a program of outreach to recruit and train minority men to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds.

“(i) Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

“(j) Funds made available under section 640(a)(2)(C)(i) shall be used by a Head Start agency for any of the following:

“(1) Activities that ensure that Head Start programs meet or exceed the program performance standards described in section 641A(a)(1).

“(2) Activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in working with children and families, including children and families who are limited English proficient and children with disabilities.

“(3) Activities to pay expenses, including direct training for expert consultants working with any staff, to improve the management and implementation of Head Start services and systems.

“(4) Activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii).

“(5) Activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early learning program to preschool children.

“(6) Activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families.

“(7) Activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable.

“(8) Activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program.

“(9) Additional activities deemed appropriate to the improvement of Head Start agencies' programs, as determined by the agencies' technical assistance and training plans.

“(10) Any other activities regarding the use of funds as determined by the Secretary.

“(k) The Secretary shall—

“(1) work in collaboration with the Head Start agencies that carry out Indian Head Start programs, the Indian Head Start collaboration director, and other appropriate entities, including tribal governments and the National Indian Head Start Directors Association—

“(A) to undertake a study or set of studies designed to focus on the American Indian and Alaska Native Head Start-eligible population, with a focus on issues such as curriculum development, availability and need for services, appropriate research methodologies and measures for these populations, and best practices for teaching and educating American Indian and Alaska Native Head Start Children;

“(B) to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year;

“(C) to document how many of these children are receiving Head Start services each year;

“(D) to the extent practicable, to ensure that access to Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children; and

“(E) to make the funding decisions required in section 640(a)(2)(A)(iii), after completion of the studies required in that section, taking into account:

“(i) the Federal government's unique trust responsibility to American Indians and Alaska Natives;

“(ii) limitations faced by tribal communities in accessing non-Federal sources of funding to supplement Federal funding for early childhood programs; and

“(iii) other factors that uniquely and adversely impact children in American Indian and Alaska Native communities such as highly elevated poverty, unemployment and violent crime rates, as well as depressed levels of educational achievement and limited access to non-Federal health, social and educational resources;

“(2) in carrying out paragraph (1), consult with the Secretary of Education about the Department of Education's systems for collecting and reporting data about, and maintaining records on, American Indian and Alaska Native students;

“(3) not later than 9 months after the effective date of this subsection, publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress;

“(4) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1);

“(5) through regulation, ensure the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out Indian Head Start programs, and by State Directors of Head Start Collaboration, by the Indian Head Start Collaboration Project Director and by other appropriate entities pursuant to this subsection (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

“(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

“(l) The Secretary shall—

“(1) in order to increase access to Head Start services for eligible migrant and seasonal children, work in collaboration with migrant and seasonal Head Start providers, the Department of Agriculture (land grant universities), the Department of Labor, the Bureau of Migrant Health, and the Department of Education to—

“(A) establish a system for collecting and reporting data on farm workers and their families in order to adequately account for the number of seasonal and migrant children that are eligible for Head Start and determine how many of these eligible children receive services;

“(B) identify barriers that prevent eligible migrant and seasonal children from accessing Head Start services and develop a plan for eliminating barriers and increasing enrollment; and

“(C) develop a system through which migrant and seasonal Head Start programs can effectively track health records and educational documents as a child moves from state to state;

“(2) not later than 6 months after the effective date of this subsection, publish in the Federal Register a notice on how the Secretary plans to carry out the activities identified in paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in paragraph (1);

“(3) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Health, Education, Labor and Pensions Committee of the Senate detailing how the Secretary plans to carry out the activities identified in (1);

“(4) submit a report to Congress annually on the migrant and seasonal Head Start program including a report on the progress made in carrying out the activities identified in paragraph (1), the progress made in reaching out to and serving eligible migrant and seasonal children, and information on states where migrant and seasonal children are still underserved;

“(5) through regulation, ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant and seasonal Head Start programs, by the State director of Head Start Collaboration, by the Migrant and Seasonal Farmworker Collaboration project Director (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

“(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

“(m) For purposes of this section, the term ‘eligible entities’ means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.

“(n) For the purposes of delivering a State-based training and technical assistance system, as described in section 640(a)(C)(ii), that will

meet the needs of local grantees and provide high quality, sustained, and intensive training and technical assistance to Head Start programs in order to help them meet or exceed the program performance standards described in section 641A(a)(1), the Secretary shall—

"(1) enter into contracts in each State with 1 or more entities who have a demonstrated expertise in supporting the delivery of high quality early education programs, except that bi-State contracts may be entered in to if the demographics of proximal States make such a system more appropriate;

"(2) ensure that the entities described in subparagraph (1) determine the types of services to be provided through consultation with—

"(A) local Head Start agencies;

"(B) the State Head Start collaboration office; and

"(C) the State Head Start Association;

"(3) provide a report, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. no later than 90 days after the end of the fiscal year, summarizing the funding for such contracts and the activities carried out thereunder; and

"(4) periodically evaluate the usefulness of the delivery of services in each State and their effectiveness in promoting program quality.

"(o) To support enhanced early language and preliteracy development of children in Head Start programs, and to provide the children with high-quality oral language skills, and environments that are rich in literature, in which to acquire language and preliteracy skills, each Head Start agency shall ensure that—

"(1) all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as 'literacy training'), and including appropriate curricula and assessment to improve instruction and learning;

"(2) such literacy training shall include training in methods to promote vocabulary development and phonological awareness (including phonemic awareness) in a developmentally, culturally, and linguistically appropriate manner and support children's development in their home language;

"(3) the literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home;

"(4) the literacy training shall include specific methods to best address the needs of children who are limited English proficient; and

"(5) the literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development.

"(p) The Secretary is encouraged to contract, on a competitive basis, with an institution of higher education (as defined in section 102 of the Higher Education Act of 1965) to develop an on-line graduate-level professional development program with the goal of improving the leadership of those working in Head Start programs and improving teacher quality and the capacity of effective Head Start teachers.

"(q) INDOOR AIR QUALITY.—The Secretary shall consult with experts on issues of air quality related to children's health and inform Head Start agencies of existing programs or combination of programs that provide methods for improving indoor air quality.

"(r) DEMONSTRATION FOR CAREER LADDER PARTNERSHIPS WITH TRIBAL COLLEGES AND HISPANIC-SERVING INSTITUTIONS.—

"(1) TRIBAL COLLEGE CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to tribal colleges and universities to—

"(A) implement education programs that include education concerning tribal culture and language and increase the number of associate, baccalaureate, and graduate degrees in early childhood and related fields that are earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the tribal community involved;

"(B) develop and implement the programs under subparagraph (A) in technology-mediated formats, including providing the programs through such means as distance learning and use of advanced technology, as appropriate; and

"(C) provide technology literacy programs for Indian Head Start agency staff members and children and families of children served by such an agency.

"(2) HISPANIC-SERVING INSTITUTIONS CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to Hispanic-serving institutions to—

"(A) provide assistance for stipends and costs related to tuition, fees, and books for enrolling Head Start agency staff members and parents of children served by such an agency in courses required to complete the degree and certification requirements to become bilingual teachers in early childhood education and related fields;

"(B) develop career ladder program curricula to increase the number of associate's, bachelor's, and graduate degrees earned by Head Start agency staff who have the linguistic skills and expertise to teach in programs serving a large number of limited English proficient children and parents of children served by such an agency; and

"(C) other activities to upgrade the skills and qualifications of noncertified educational personnel to meet the professional standards in section 648A(a)(1), including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient children.

"(3) REQUIREMENT.—Individuals who receive assistance under paragraphs (1) and (2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of funds.".

SEC. 18. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) in subsection (a)—

(A) by striking "(a)" and all that follows through paragraph (2), and inserting the following:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy, phonemic, and print awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, their understanding of early math and early science, their problem solving abilities, and their approaches to learning;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2013; at least 50 percent of all Head Start teachers nationwide in center-based programs have—

"(i) a baccalaureate, or advanced degree in early childhood education;

"(ii) a baccalaureate or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

"(iii) except that teachers providing services in migrant and seasonal Head Start classrooms that serve children under age 3 shall be required to meet the teacher requirements described in section 645A(h).

"(B) PROGRESS REPORT.—

"(i) On an annual basis, each Head Start agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development/ early childhood education associate credentials and associate, baccalaureate, or advanced degrees, and number of classroom instructors who successfully transferred associate credit and completed a baccalaureate degree disaggregated by race, ethnicity, and proficiency in a language other than English, with a description of those languages.

"(ii) Not later than September 30, 2008 the Secretary shall compile and transmit reports received under (i) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(C) PROGRESS.—Each Head Start agency shall provide to the Secretary a report indicating the number and percentage of teachers and teacher's aides with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(D) REQUIREMENT FOR NEW HEAD START TEACHERS.—In accordance with rules issued by the Secretary and made effective 2 years after the effective date of this subparagraph, all Head Start agencies shall require that all Head Start teachers hired after such rules take effect to provide Head Start services in center-based programs—

"(i) have an associate, baccalaureate, or advanced degree in early childhood education or a related field; or

"(ii) be currently enrolled in a program of study leading to an associate degree in early childhood education or a related field, and agree to complete degree requirements not later than 3 years after the date of hire.

"(E) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this subchapter in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.

"(F) LIMITATION.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with subparagraph (A) shall be used toward degrees awarded by an institution of higher education, as defined by sections 101 or 102 of the Higher Education Act (20 U.S.C. 1001, 1002).", and

(B) in paragraph (3)—

(i) in subparagraph (B) by striking "or" at the end,

(ii) in subparagraph (C) by striking the period at the end and inserting "; or", and

(iii) by adding at the end, the following:

"(D) a baccalaureate and has been admitted into the Teach For America program, passed a *rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.", and*

(2) by amending subsection (c) to read as follows:

"(c) Family Service Workers.—To improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

"(2) review, and as necessary, revise or develop maximum caseload requirements, as suggested by best practices;

"(3) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

"(4) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.", and

(3) is amended by adding at the end the following:

"(f) Professional Development Plans.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness.".

SEC. 19. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) by amending subsection (a)(1)(B) to read as follows:

"(B) use the Head Start programs to develop, test, and disseminate new ideas and based on existing scientifically based research, for addressing the needs of low-income preschool children (including children with disabilities, homeless children, children who have been abused or neglected, and children in foster care) and their families and communities (including demonstrations of innovative non-center-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.",

(2) in subsection (d)—

(A) in paragraph (7) by adding "and" at the end,

(B) in paragraph (8) by striking the semicolon at the end and inserting a period,

(C) by striking paragraphs (9) and (10), and

(D) by striking the last sentence,

(3) in subsection (g)—

(A) in paragraph(1)(A)—

(i) by striking clause (i), and

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively, and

(B) by amending paragraph (7)(C) to read as follows:

"(C) Transmittal of report to congress.—Not later than September 30, 2009, the Secretary shall transmit the final report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.", and

(4) by amending subsection (h) to read as follows:

"(h) Limited English Proficient Children.—

"(1) Study.—Not later than 1 year after the date of enactment of the Improving Head Start Act of 2007, the Secretary shall conduct a study on the status of limited English proficient children and their families in participating Head Start programs and Early Head Start programs.

"(2) Report.—The Secretary shall prepare and submit to Congress, not later than September 2008, a report containing the results of such study, including information on—

"(A)(i) the demographics of limited English proficient children less than 5 years of age and the geographical distribution of such children; and

"(ii) the number of such children receiving Head Start services and the number of such children receiving Early Head Start services, and the geographical distribution of such children receiving such services;

"(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

"(C) procedures in Head Start programs for assessing language needs and for making the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

"(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

"(E) the home languages of Head Start and Early Head Start teachers;

"(F) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

"(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs;

"(ii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

"(iii) the correlation between such progress and the health and family services provided by Head Start programs to limited English proficient children and their families; and

"(G) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.

"(i) Children, Families, and Programs Affected by Hurricanes Katrina and Rita.—

"(1) Purpose.—The purpose of this subsection is to evaluate the status of Head Start and Early Head Start programs affected by Hurricanes Katrina and Rita as well as the challenges those programs have faced in reestablishing themselves and reenrolling eligible children and families, with the ultimate goal of providing all Head Start and Early Head Start programs with recommendations for developing and implementing disaster plans.

"(2) Definition.—The term 'areas affected by Hurricanes Katrina and Rita' means any parish or county for which it was determined that assistance was warranted from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricanes Katrina and Rita.

"(3) Study.—The Secretary shall conduct a study on the status of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita.

"(4) Report.—Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress a report containing the results of such study, including

"(A) information on the population served, including—

"(i) the number of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita before and after Hurricanes Katrina and Rita;

"(ii) the demographics of such children and families; and

"(iii) the geographical distribution of such children and families;

"(B) information on staff and programs, including—

"(i) the number and geographic distribution of staff serving Head Start and Early Head Start children and families from areas affected by Hurricanes Katrina and Rita;

"(ii) the current status, including employment status and geographic location, of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita prior to Hurricanes Katrina and Rita; and

"(iii) the response and recovery efforts of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita

"(C) information on facilities, including—

"(i) the number of Head Start and Early Head Start facilities operating prior to Hurricanes Katrina and Rita in areas affected by Hurricanes Katrina and Rita;

"(ii) the current status of each such facility; and

"(iii) information on any new Head Start or Early Head Start facility that has opened in areas affected by Hurricanes Katrina and Rita or that serves children and families who lived in areas affected by Hurricanes Katrina and Rita at the time of Hurricanes Katrina and Rita;

"(D) information on coordination with the Federal Emergency Management Agency (FEMA) in areas affected by Hurricanes Katrina and Rita, including—

"(i) areas of success that Head Start agencies and programs had in working with FEMA;

"(ii) challenges that Head Start agencies and programs had in working with FEMA; and

"(iii) the number of Head Start families that received individualized assistance (as defined under the Robert T. Stafford Disaster Relief and Emergency Act) and the types of assistance received by such families.

"(E) challenges that were faced by Head Start and Early Head Start programs and families in areas affected by Hurricanes Katrina and Rita including—

"(i) the availability of Head Start services for families displaced during the period of transition;

"(ii) identification of and outreach to families displaced by the Hurricanes Katrina and Rita; and

"(iii) the extent to which non-Federal disaster assistance was available to Head Start agencies and programs, and coordination of such services with non-Federal disaster assistance resources.

"(5) Disaster plan preparedness.—Not later than 1 year after the date of the enactment of Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress, Head Start disaster plan recommendations based upon the report initiated in paragraph (4), including recommendations for prevention, preparedness, response, and recovery, that can be used to advise Head Start and Early Head Start programs in the development and implementation of disaster plans.".

SEC. 20. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) in subsection (a)—

(A) by striking “Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate” each place it appears and inserting “Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate”,

(B) by striking “and non-English language background children” and inserting “children, homeless children, children in foster care, and limited English proficient children”, and

(C) in paragraph (8) by inserting “homelessness, whether the child is in foster care or was referred by a child welfare agency,” after “ background,”, and

(2) by adding at the end the following:

“(c) SET-ASIDE ACTIVITIES.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report detailing the different amounts of expenditures under section 640(a)(2) and the activities carried out thereunder.

“(d) FISCAL PROTOCOL.—The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 641A(c) include compliance procedures that provide reasonable assurance that Head Start agencies are complying with applicable fiscal laws and regulations. The Secretary shall report the findings and conclusions of the annual review to the House Committee on Education and Labor, and the Senate Committee on Health, Education, Labor and Pensions within 30 days of completing the review.

“(e) USE OF INDIVIDUALIZED EDUCATION PLANS.—The Secretary shall track the use of Head Start Individualized Education Plans by Head Start agencies in order to evaluate the reasons why Head Start agencies are opting not to use Individualized Education Plans for children with disabilities (as specified in the Individuals With Disabilities Education Act (20 U.S.C. 1414(d)), whether Head Start Individualized Education Plans are used to provide services prior to the development of an Individualized Education Plan, as required under the Individuals With Disabilities Education Act, and the length of time programs use Head Start Individualized Education Plans before an Individualized Education Plan as required under Individuals With Disabilities Education Act is developed. The Secretary shall provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007.

“(f) EVALUATION AND RECOMMENDATIONS REGARDING OBESITY PREVENTION.—The Secretary shall evaluate and publish regulations on the issue of and concerns related to preventing and reducing obesity in children who participate in Head Start programs and shall consult, at a minimum, with experts in child and maternal health, child development, child and family nutrition and physical education, to determine the effective methods by which Head Start agencies can help address childhood obesity. The regulations should include guidance on how Head Start agencies can incorporate, at a minimum, more physical activity and nutrition education into such programs related to preventing and reducing obesity. Not later than 1 year after the effective date of this subsection, the Secretary shall submit to the House Committee on Education and Labor and the Senate Committee on Health, Education, Labor and Pensions, a report containing such recommendations and the results of such evaluation.”.

SEC. 21. WAGES AND COMPENSATION.

Section 653 of the Head Start Act (42 U.S.C. 9848) is amended to read as follows:

“SEC. 653. WAGES AND COMPENSATION.

“(a) COMPARABILITY OF WAGES.—The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.

“(b) FEDERAL RATE LIMITATION.—Notwithstanding any other provision of law, no Federal funds shall be used to pay all or any part of the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs of any proration thereof, at a rate in excess of the rate then payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.”.

SEC. 22. LIMITATION ON CERTAIN USES OF FUNDS.

The Head Start Act (42 U.S.C. 9858 et seq.) is amended by adding at the end the following:

“SEC. 656A. LIMITATION ON CERTAIN USES OF FUNDS.

“No funds made available to carry out this subchapter may be used—

“(1) for publicity or propaganda purposes not heretofore authorized by the Congress; or

“(2) unless authorized by law in effect on the effective date of this section, to produce any pre-packaged news story intended for broadcast or distribution unless such story includes a clear notification contained within the text or audio of such story stating that the prepackaged news story was prepared or funded by the Department of Health and Human Services.”.

The CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–116. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–116.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 152, line 23, strike the close quotation and the period at the end.

Page 152, after line 23, insert the following (and make such technical and conforming changes as may be appropriate):

“(s) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HEAD START PARTNERSHIPS.—In order to promote quality services and instruction to children with diverse backgrounds, the Secretary shall work in collaboration with Historically Black Colleges and Universities to—

“(1) implement education programs that include education to increase the number of associate, baccalaureate, and advanced degrees in early childhood education and related fields that are earned by Head Start agency staff members, and parents of children served by such an agency; and

“(2) carry out other activities to upgrade the skills and qualifications of noncertified educational personnel to meet the professional standards in section 648A(a).

Individuals who receive assistance under this paragraph shall subsequently teach in a center-based Head Start program for a period of time equivalent to the period for which they received assistance or shall repay such assistance.”.

The CHAIRMAN. Pursuant to House Resolution 348, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to offer an amendment that will increase the number of highly qualified African American Head Start teachers. Let me hasten to thank the chairman of the committee and the ranking member.

This program has been successful. I am fortunate enough to have what has been labeled as the number one Head Start program in the country in my district, and what I am attempting to do in this amendment is to create partnerships between our Nation's historically black colleges and universities and Head Start.

It does not eliminate anyone else's participation, but we know that by 2013 every Head Start teacher has to have a degree, and it could be parents because one of the secrets to success in these programs is to have lots of involvement of the parents and volunteers in the community.

The partnerships will provide an opportunity for Head Start staff and parents of Head Start students to obtain degrees in early childhood education.

Now, why must it be in a historically black college? Mr. Chairman, that is important because 30 percent of the total number of children in Head Start are African American.

Only 6 percent of our Nation's 3 million teachers are African American and this is far too few, but also the historically black colleges and universities educate more African American teachers than all the other universities put together.

So we would like to make this collaboration so that it can reflect the diversity and the need and encouragement of both the parents and the teachers to work together. They can serve as role models, the teachers who know and understand the students that come from their own communities, and this will not only increase the number of qualified African American Head Start teachers, but it will increase the number of role models for millions of children who are at risk of educational failure.

So, today, only 6 percent of our Nation's 3 million teachers are African American. It is far too small, but this would offer a unique resource and support for those that are seeking a degree which is going to be necessary to maintain these jobs, and it also will offer I think a very positive role model situation in our Head Start program where appropriate.

I would like to move adoption of my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise in support of the gentlewoman's amendment.

The CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I believe that the amendment will improve the underlying bill. Let me just give one example that can come from her amendment.

Delaware State University is an example of a Head Start HBCU partnership that nurtures a continual goal of providing high quality educational experiences to Head Start participants by enhancing the competence of teachers and teachers' aids; improving parental confidence and life management skills to ensure that the work of Head Start is continued in the home; and improving the administrative, managerial and leadership skills of centers directly so the Head Start resources, including personnel, are used as efficiently as possible.

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We think that her amendment will further this help, and we think it improves the bill. We would be happy to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I come to the floor this afternoon to thank, first, the chairman of the committee, Mr. GEORGE MILLER of California, for his tireless work in this area, and also the gentlelady from Texas.

Mr. Chairman, I rise in support of H.R. 1429. There is no question, Mr. Chairman, that America needs more minority teachers in Head Start classrooms. I represent the First Congressional District of North Carolina, which is the 15th poorest district in the Nation. I can tell you that Head Start is making a difference in my congressional district.

I encourage the continuation of the program. I urge the adoption of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I rise in strong support of this amendment and urge its adoption. I thank the gentlewoman for offering it.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of the Eddie Bernice Johnson Amendment to H.R. 1429, the Improving Head Start Act of 2007. This amendment will encourage partnerships between Head Start and Historically Black Colleges and Universities. The Johnson Amendment will encourage African American students to focus on early childhood education and participate in Head Start. My home is Cleveland, Ohio, and it is one of the poorest cities in the nation, with half of the children living below the poverty line. Head Start provides a vital service to my community, it allows the youngest and most helpless children to have a chance at the developing basic skills so they are not behind when they start attending school. I am so pleased that my colleague from Texas, EDDIE BERNICE JOHNSON has offered this amendment. It will encourage more African American teachers to return to some of the most impoverished communities across this country. They will not only serve as teachers but also as role models land mentors to inspire young children to succeed as they have. I would like to once again Congresswoman JOHNSON for offering this amendment and encourage all of my colleagues to support it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–116.

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

At the end, add the following (and make such technical and conforming changes as may be appropriate):

TITLE II—STATE DEMONSTRATION PROGRAM

SEC. 201. STATE DEMONSTRATION PROGRAM.

The Head Start Act is amended by inserting after section 643 the following new section:

"SEC. 643A. STATE DEMONSTRATION PROGRAM.

"(a) GRANTS.—

"(1) IN GENERAL.—

"(A) ELIGIBLE STATES.—In the case of each eligible State that submits to the Secretary an application that fulfills the requirements of this section, the Secretary, from amounts appropriated under section 639(a), shall make a grant to the State to carry out a State demonstration program under this section, except that the Secretary shall not make such grants to more than 8 eligible States.

"(B) DETERMINATION.—The Secretary shall make awards to those States that demonstrate—

"(i) that the State standards generally meet or exceed the standards that ensure the quality and effectiveness of programs operated by Head Start agencies;

"(ii) the capacity to deliver high quality early childhood education services to prepare children, including low-income children, for school; and

"(iii) success in improving the school readiness of children.

"(2) STATE ELIGIBILITY.—A State shall be eligible to participate in the program under this section if it meets each of the following criteria:

"(A) The State has an existing State supported system providing public prekindergarten to children prior to entry into kindergarten.

"(B) The State has implemented standards as of fiscal year 2007 for school readiness that include standards for language, prereading and premathematics development for prekindergarten that are aligned with State kindergarten through twelfth grade academic content standards and which shall apply to all programs receiving funds under this part or provides an assurance that such standards will be aligned by the end of the second fiscal year of participation.

"(C) State and locally appropriated funds for prekindergarten services and Head Start services in the base year under this section shall not be less than 50 percent of the Federal funds that the grantees in the State received under this Act in the base year for services to Head Start eligible children, excluding amounts for services provided under section 645A.

"(D) The State has established a means for inter-agency coordination and collaboration in the development of the plan under subsection (h).

"(b) LEAD AGENCY.—A program under this section shall be administered by a State governmental entity designated by the Chief Executive Officer of the State as the lead State agency.

"(c) STATE OPERATION OF PROGRAM.—The State may conduct all or any part of the program under this section (including the activities specified in subsection (g)) directly or by grant, contract, or cooperative agreement.

"(d) TRANSITION.—

"(1) IN GENERAL.—For 60 months after the effective date of this section, the State shall continue to provide funds to each local grantee who—

"(A) was receiving funds under this subchapter, as in effect prior to the date of enactment of this section, and

"(B) is serving the geographic area covered by the plan in section 643A(h)."

Such continuing grants shall be made in accordance with the terms of the grant made to the local grantee immediately prior to such date of enactment. This paragraph shall not apply to a grant applicant who has experienced substantial uncorrected deficiencies on Department of Health and Human Services monitoring reports during any year of the most recent 5-year period, or to a grantee that, as determined by the State, does not comply with the State plan described in subsection 643A(h) submitted to the Secretary.

"(e) FEDERAL FINANCIAL ASSISTANCE.—

"(1) ALLOCATION OF FEDERAL ALLOTMENTS TO STATE PROGRAMS.—From each total amount described in paragraph (2) allotted to a State for a fiscal year, the Secretary shall pay to a State with a program approved under this section for such fiscal year an amount equal to—

"(A) if the State program is statewide, 100 percent of such total amount; and

"(B) if the State program is limited to a geographic area or areas, the sum of—

"(i) an amount equal to the amount received by grantees in such geographic area or areas for the Federal fiscal year preceding the first fiscal year of the State program under this section; plus

"(ii) an amount bearing the same ratio to the excess (if any) above the total amount for such preceding fiscal year as the number of children less than 5 years of age from families whose income is below the poverty line in the geographic area or areas included in the program bears to the total number of such children in the State (as determined using the same data used pursuant to section 640(a)(4)(B)).

"(2) FUNDS ALLOCATED.—For purposes of paragraph (1), amounts described in this paragraph are:

"(A) BASIC STATE ALLOTMENTS.—Amounts allotted to States pursuant to section 640(a)(4), including amounts reserved pursuant to section 640(a)(5), excluding amounts for services provided under section 645A.

"(B) STATE ALLOTMENTS OF EXPANSION FUNDS.—Amounts allotted to States pursuant to section 640(a)(3)(D)(i)(I) for program expansion.

"(C) QUALITY IMPROVEMENT FUNDS.—Quality improvement funds (if any) reserved pursuant to section 640(a)(3).

"(D) TRAINING AND TECHNICAL ASSISTANCE FUNDS.—An amount bearing the same ratio to the amount set aside for training and technical assistance activities pursuant to section 640(a)(2)(C)(i) and (ii) as the State's share of amounts allotted under section 640(a)(4)(B) bears to the total amount so allotted (and for purposes of subparagraph (A), such amount shall be considered an amount allotted to the State for the fiscal year).

"(3) NON-FEDERAL MATCH.—(A) In determining the amount of Federal and non-Federal contributions for purposes of this section, the amounts required to be expended by the State under subsection (h)(14)(B) (relating to maintenance of effort) shall be excluded.

"(B) Financial assistance made available to a State under this subchapter shall be in an amount equal to 95 percent of the total amount expended for such programs. The Secretary shall require non-Federal contributions in an amount equal to 5 percent of the total amount expended under this subchapter for such programs.

"(C) Non-Federal contributions may be made in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) COMBINED OPERATIONS WITH OTHER EARLY CHILDHOOD EDUCATION PROGRAMS.—A State may combine funds for a program under this section with funds for other early childhood programs serving children in the same age group, as long as all applicable requirements of this subchapter are met with respect to either—

"(A) the entire combined program; or

"(B) each child served in such combined program for whom the services provided are funded from appropriations under this subchapter or non-Federal matching contributions under this subchapter.

"(5) USE OF FUNDS WITHOUT REGARD TO ALLOTMENT PURPOSES.—A State may use funds received pursuant to this section for any program purpose set forth in section 636, without regard to the purposes for such funds specified in section 640.

"(6) OTHER FUNDS.—Funds received under this section shall not supplant any non-Federal, State or local funds that would otherwise be used for activities authorized under this section or similar activities carried out in the State.

"(f) COORDINATION AND CHOICE.—

"(1) IN GENERAL.—A State demonstration Program shall be coordinated with the education programs of local educational agencies in the State to ensure that the program is effectively designed to develop in children in the program the knowledge and behaviors necessary to transition successfully to kindergarten and to succeed in school.

"(2) PROGRAMS CONCERNED.—

"(A) REQUIRED PROGRAMS.—Such coordination shall occur regarding the implementation of the following:

"(i) The Early Reading First and Even Start programs under title I, part B, subparts 2 and 3 of the Elementary and Secondary Education Act of 1965, and other preschool programs carried out under title I of that Act.

"(ii) State prekindergarten programs.

"(iii) The Ready-to-Learn Television Program under subpart 3 of part D of title II of the Elementary and Secondary Education Act.

"(B) OPTIONAL PROGRAMS.—Such coordination may occur regarding the implementation of the following:

"(i) Programs under the Child Care and Development Block Grant Act.

"(ii) Other publicly funded early childhood education programs.

"(3) PARENTAL CHOICE.—The program shall allow parents to choose the preschool program for their child.

"(g) REQUIRED SERVICES.—With funds under this section, the State shall provide services described in section 641A at least as extensive as were provided, and to at least as many low-income children and families in each fiscal year as were provided such services, with such funds in the base year in the State (or, if applicable, in the geographic area included in the State program). A program under this section shall include the following comprehensive activities designed to promote school readiness and success in school:

"(1) CHILD DEVELOPMENT AND EDUCATION.—Activities with enrolled children that promote—

"(A) cognitive development, language development, prereading, and premathematics knowledge and skills;

"(B) physical development, health, and nutrition (including through coordination with, and referral of children and families to local health service entities; and

"(C) social development important for environments constructive for child development, early learning, and school success.

"(2) PARENT EDUCATION AND INVOLVEMENT.—Activities with the parents of enrolled children directed at enhancing and encouraging—

"(A) involvement in, and ability to support, their children's educational development;

"(B) parenting skills and understanding of child development; and

"(C) ability to participate effectively in decisions relating to the education of their children.

"(3) SOCIAL AND FAMILY SUPPORT SERVICES.—Activities directed at securing appropriate social and family support services for enrolled children and their families, primarily through referral and coordination with local, State, and Federal entities that provide such services.

"(4) HEAD START SERVICES.—For purposes of paragraph (1) Head Start services furnished in a State program under this section shall include all Head Start services, other than—

"(A) Indian Head Start programs and migrant and seasonal Head Start programs supported with funds reserved under section 640(a)(2)(A); and

"(B) Early Head Start services provided under section 645A.

"(h) STATE PLAN.—A State proposing to administer a program under this section shall submit a State plan to the Secretary. The State plan shall include the following:

"(1) LEAD STATE AGENCY.—The plan shall identify the entity designated by the Chief Executive Officer of the State as the lead State agency.

"(2) GEOGRAPHIC AREA.—The plan shall specify whether the program is statewide, and, if it is not, identify the geographic area or areas covered by the plan. A geographic area may be a city, county, standard metropolitan statistical area, or such other geographic area in the State.

"(3) PROGRAM PERIOD.—A State program under this section shall be in effect for 5 Federal fiscal years.

"(4) PROGRAM DESCRIPTION.—The plan shall describe the services under subsection (f) to be provided in the program and arrangements the State proposes to use to provide the services specified in subsection (g), including how the State will leverage existing delivery systems for such services.

"(5) NEEDS ASSESSMENT.—The plan shall describe the results of a State needs assessment and shall provide an assurance that the State will use the results to identify the needs for early childhood education services within a State or geographic area to be served and is targeting services to those areas of greatest need and to expand and improve services to disadvantaged children in the State.

"(6) ASSURANCE OF COMPLIANCE.—The plan shall provide an assurance that the State program will comply with the requirements of this section, including each of the following:

"(A) PRIORITY FOR LOW-INCOME CHILDREN.—Requirements established pursuant to section 645(a) concerning the eligibility and priority of individuals for participation in Head Start programs.

"(B) CONTINUATION FOR EXISTING PROVIDERS.—An applicant who received funds under this subchapter in prior fiscal years and has not corrected any substantial deficiencies identified in the past 5 years shall not be eligible to receive any grants, contract, or cooperative agreements under this section.

“(C) PARTICIPATION OF CHILDREN WITH DISABILITIES.—Requirements pursuant to section 640(d) concerning Head Start enrollment opportunities and services for children with disabilities.

“(D) PROVISIONS CONCERNING FEES AND COPAYMENTS.—The provisions of section 645(b) concerning the charging of fees and the circumstances under which copayments are permissible.

“(E) FEDERAL SHARE; STATE AND LOCAL MATCHING.—The provisions of section 640(b) limiting Federal financial assistance for Head Start programs, and providing for non-Federal contributions.

“(F) ADMINISTRATIVE COSTS.—The provisions of section 644(b) limiting the share of program funds that may be used for developing and administering a program.

“(G) FEDERAL PROPERTY INTEREST.—Applicable provisions of this subchapter regarding the Federal Government interest in property (including real property) purchased, leased, or renovated with Federal funds.

“(7) IDENTIFICATION OF BARRIERS.—The plan shall identify barriers in the State to the effective use of Federal, State, and local public funds, and private funds, for early education and care that are available to the State on the date on which the application is submitted.

“(8) STATE GUIDELINES FOR SCHOOL READINESS.—The plan shall include—

“(A) a State definition of school readiness;

“(B) a description of the State's general goals for school readiness, including how the State intends to—

“(i) promote and maintain ongoing communication and collaboration between providers of early care and education and local educational agencies in the State;

“(ii) align early childhood and kindergarten curricula to ensure program continuity; and

“(iii) ensure that children successfully transition to kindergarten.

“(9) TEACHER QUALIFICATIONS.—The plan shall assure that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C).

“(10) PROFESSIONAL DEVELOPMENT.—The plan shall provide a description of the State plan for assuring the ongoing professional development of early childhood educators and administrators including how the State intends to—

“(A) improve the competencies of early childhood educators in meeting the cognitive and other developmental needs of young children through effective instructional strategies, methods, and skills;

“(B) develop and implement initiatives to effectively recruit and promote the retention of well-qualified early childhood educators;

“(C) encourage institutions of higher education, providers of community-based training, and other qualified providers to develop high-quality programs to prepare students to be early childhood education professionals; and

“(D) improve the quality of professional development available to meet the needs of teachers that serve preschool children.

“(11) QUALITY STANDARDS.—The State shall describe the State's standards, applicable to all agencies, programs, and projects that receive funds under this subchapter, including a description of—

“(A) standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d) of this subchapter, and other services;

“(B)(i) education standards to promote the school readiness of children participating in a State program under title II of this subchapter; and

“(ii) additional education standards to ensure that the children participating in the program, at a minimum develop and demonstrate—

“(I) language skills;

“(II) prereading knowledge and skills, including interest in and appreciation of books, reading and writing either alone or with others;

“(III) premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

“(IV) cognitive abilities related to academic achievement;

“(V) social development important for environments constructive for child development, early learning, and school success; and

“(VI) in the case of limited-English proficient children, progress toward acquisition of the English language;

“(C) the State's minimum standards for early childhood teacher credentials and qualifications;

“(D) the student-teacher ratio for each age-group served;

“(E) administrative and financial management standards;

“(F) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

“(G) such other standards as the State finds to be appropriate.

“(12) STATE ACCOUNTABILITY SYSTEM.—

“(A) IN GENERAL.—The State plan shall—

“(i) ensure that individual providers are achieving results in advancing the knowledge and behaviors identified by the State as prerequisites for kindergarten success; and

“(ii) specify the measures the State will use to evaluate the progress toward achieving such results and the effectiveness of the State program under this section, and of individual providers in such program.

“(B) PUBLICATION OF RESULTS.—

“(i) IN GENERAL.—Subject to clause (ii), the results shall be made publicly available in the communities served by the program.

“(ii) CONFIDENTIALITY SAFEGUARDS.—The system shall have in effect privacy safeguards ensuring that information on children included in data and results made public in accordance with clause (i) shall be in aggregated form, and shall not include information allowing identification of individual children.

“(13) TRANSITION PLAN.—The initial State plan shall make provision for transition from the direct Federal program under section 640 to the demonstration program.

“(14) COOPERATION WITH RESEARCH STUDIES.—The plan shall provide assurances that the State will cooperate with research activities described in section 649.

“(15) MAINTENANCE OF EFFORT.—The State plan shall—

“(A) contain a commitment to provide data, at such times and in such format as the Secretary requires, concerning non-Federal expenditures and numbers of children and families served in preschool and Head Start programs during the base year and each fiscal year covered under the State plan, sufficient to satisfy the Secretary that the State program will meet its obligation with respect to the maintenance of effort requirement under subparagraph (B); and

“(B) assure that the resources (which may be cash or in-kind) contributed by the State government to child care for preschool-aged children and other preschool programs, including Head Start, in the State (or, if applicable, in the geographic area included in the State program) for each fiscal year in which the program under this section is in effect shall be in an amount at least equal to the total amount of such State governmental resources contributed to support such programs in the State (or geographic area) for the base year.

“(16) TRAINING AND TECHNICAL ASSISTANCE.—The State plan shall describe the training and technical assistance activities that shall provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction.

“(i) RECORDS, REPORTS AND AUDITS.—The State agency administering the State program, and each entity participating as a Head Start service provider, shall maintain such records, make such reports, and cooperate with such audits as the Secretary may require for oversight of program activities and expenditures.

“(j) INAPPLICABILITY OF PROVISIONS CONCERNING PRIORITY IN AGENCY DESIGNATION.—The provisions of subsections (c) and (d) of section 641 (concerning priority in designation of Head Start agencies, successor agencies, and delegate agencies) shall not apply to a State program under this section.

“(k) CONSULTATION.—A State proposing to administer a program under this section shall submit, with the plan under this section, assurances that the plan was developed through timely and meaningful consultation with appropriate public and private sector entities, including—

“(1) representatives of agencies responsible for administering early education and care programs in the State, including Head Start providers;

“(2) parents;

“(3) the State educational agency and local educational agencies;

“(4) early childhood education professionals;

“(5) kindergarten teachers and teachers in grades 1 through 4;

“(6) child welfare agencies;

“(7) child care resource and referral agencies;

“(8) child care providers; and

“(9) a wide array of persons interested in and involved with early care and early education issues in the State, such as representatives of—

“(A) health care professionals;

“(B) the State agency with responsibility for the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966;

“(C) institutions of higher education;

“(D) community-based and faith-based organizations;

“(E) the business community;

“(F) State legislators and local officials;

“(G) museums and libraries;

“(H) other relevant entities in the State; and

“(I) other agencies that provide resources for young children.

“(l) STATE PLAN SUBMISSION.—An application shall be submitted by a State pursuant to this section to the Secretary, in consultation with the Secretary of Education, and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of a reasonable time beginning on the date on which the Secretary received the application, that the application is not in compliance with this section.

"(m) TREATMENT OF FUNDS.—If a State or local government contributes its own funds to supplement activities carried out under the applicable programs, the State or local government has the option to separate out the Federal funds or commingle them. If the funds are commingled, the provisions of this subchapter shall apply to all of the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(n) FEDERAL OVERSIGHT AUTHORITY; CORRECTIVE ACTION; WITHDRAWAL OF APPROVAL.—

"(1) FEDERAL OVERSIGHT.—The Secretary shall retain the authority to oversee the operation of the State program under this section, including through review of records and reports, audits, and onsite inspection of records and facilities and monitoring of program activities and operations.

"(2) CORRECTION OF DEFICIENCIES.—If the Secretary determines that a State program under this section substantially fails to meet the requirements of this section, the Secretary shall notify the State of the deficiencies identified and require corrective action as follows:

"(A) DEFICIENCIES CAUSING IMMEDIATE JEOPARDY.—The Secretary shall require immediate corrective action to eliminate a deficiency that the Secretary finds threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds.

"(B) OTHER DEFICIENCIES.—The Secretary, taking into consideration the nature and magnitude of a deficiency not described in subparagraph (A), and the time reasonably required for correction, may—

"(i) require the State to correct the deficiency within 90 days after notification under this paragraph; or

"(ii) require the State to implement a quality improvement plan designed to correct the deficiency within one year from identification of the deficiency.

"(3) WITHDRAWAL OF APPROVAL.—If the deficiencies identified under paragraph (2) are not corrected by the deadlines established by the Secretary, the Secretary shall initiate proceedings to withdraw approval of the State program under this section.

"(4) PROCEDURAL RIGHTS.—A State subject to adverse action under this subsection shall have the same procedural rights as a Head Start agency subject to adverse action under section 641A.

"(o) INDEPENDENT EVALUATION.—

"(1) IN GENERAL.—The Secretary shall contract with an independent organization outside of the Department to design and conduct a multi-year, rigorous, scientifically valid, quantitative evaluation of the State demonstration program.

"(2) PROCESS.—The Secretary shall award a contract within 180 days of the date of enactment of the Improving Head Start Act of 2007, to an organization that is capable of designing and carrying out an independent evaluation described in this subsection.

"(3) ANALYSIS.—The evaluation shall include an analysis of each State participating in the State demonstration program, including—

"(A) A quantitative description of the State prekindergarten program and Head Start programs within such State, as such programs existed prior to participation in the State demonstration program, including:

"(i) data on the characteristics of the children served, including the overall number and percentages of children served disaggregated by socioeconomic status, race and ethnicity of those served;

"(ii) the quality and characteristics of the services provided to such children; and

"(iii) the education attainment of instructional staff.

"(B) A quantitative and qualitative description of the State program after each year of participation in the State demonstration, which shall include each of the following:

"(i) A description of changes in the administration of the State program, including the Head Start program, within such State.

"(ii) The rate of progress of the State in improving the school readiness of disadvantaged children in the key domains of development.

"(iii) Data as described in subparagraph (A), as updated annually.

"(iv) The extent to which each State has met the goals established by such State with respect to annual goals as described under section 643(h)(10).

"(4) REPORT.—(A) The Secretary shall provide an interim report on the progress of such evaluation and of the progress of States participating in the State demonstration in increasing the availability of high quality prekindergarten services for low-income children not later than October 1, 2010 to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

"(B) The Secretary shall provide a final report to the Committee on Education and the Workforce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate, not later than October 1, 2011, which shall include an overall evaluation of the State demonstration program, including an assessment of its success in increasing the overall availability of high quality prekindergarten services for low income children in each of the participating States as compared to a representative sample of non-participating States.

"(p) STATE PARTICIPATION AGREEMENT.—Following the submission of an application fulfilling all requirements of this section, a State that meets all eligibility requirements set forth in section 643A(a)(2) and is selected by the Secretary to participate in the demonstration program under this section shall:

"(1) maintain or increase fiscal year 2007 State funding levels for early childhood education;

"(2) provide an additional contribution of non-federal funds equal to 5 percent of the State's Federal Head Start allotment;

"(3) use Head Start funding only for the purposes of Head Start as described in section 636;

"(4) provide all comprehensive social services currently available to Head Start children, including health and nutrition;

"(5) develop a strategy to maximize parental involvement to enable parents to become full partners in the education of their children;

"(6) demonstrate that the qualifications and credentials for early childhood teachers meet or exceed the standards in section 648A(a)(2)(A), (B), and (C);

"(7) enforce quality standards for school readiness that are aligned with K–12 educational standards and generally meet or exceed the Federal Head Start performance standards;

"(8) continue funding, for a period of 60 months, all current Head Start grantees as described in section 643A(d);

"(9) provide services described in section 641A that are at least as extensive as were provided, and to at least as many low-income children and families in the State, in each fiscal year as were provided such services in the base year;

"(10) establish a comprehensive collaboration effort to integrate Head Start, state-funded pre-kindergarten programs, Even Start, Title I preschool, and Early Reading First;

"(11) participate in independent evaluations of the demonstration program authorized under this subchapter; and

"(12) submit to Federal oversight by the Secretary.

"(q) DEFINITION.—For purposes of this section, the term 'base year' means the fiscal year 2007.".

The CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the opportunity to offer this amendment. I would urge my colleagues to support it. This is an amendment of expansion and educational opportunities for our young children.

In 1965, when Head Start was implemented, State-run early childhood development programs didn't exist. Since then, and most recently, and in the past 15 years, States have invested considerable resources into early childhood initiatives. This amendment seeks to provide an incredible opportunity for eight States to participate in a 5-year demonstration program and leverage their resources and experience to improve school readiness.

It would allow eight States to coordinate Head Start and early childhood State-run programs, thus improving coordination, preventing duplication and expanding the number of children that can be served by the early childhood services. To carry it out, safeguards would be put in place. States would have to ensure that participants receive services that are as good or better than those in the Head Start program, including health, nutrition, mental health services on top of the educational services.

Enacting a demonstration program will result in expanding the number of children that can be served, which is not possible in Head Start or just a State-run program alone. This is an innovative program that would help more children in our Nation, and I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, Members of the House, we are here today to authorize the Head Start program. What this amendment would do would simply end Head Start in those eight States as we know it. There would be no requirement that those States would take the money that we have set aside, that we have worked hard to provide within the budget for the Head Start program and use it to implement a program that is anything like Head Start, because there would simply be no requirements on that money to provide the kind of comprehensive programs that are now required under the Head Start program that have demonstrated the success that we just spent an hour with speakers from both sides of the aisle attesting to in their own districts or on a national basis as members of the committee have talked about what we are doing in this reauthorization. These States would be eligible for these funds without demonstrating any expertise or commitment to the high quality of this proven preschool program.

Essentially that's the end of it in those eight States. Now, maybe one of those States will have a strong commitment to Head Start and all the rest of it. That's what Head Start is. That's what Head Start is. Why are we running this money through another filter system to recreate the Head Start program? We already require, and we went through a series of hearings about coordination with the States to make sure that Head Start coordinates with other State programs and State agencies.

But we also know that because of what we have done with Head Start over the years, where we have provided reauthorization after reauthorization, the continuous improvement of the programs that are integral to the success of Head Start and to the success of the children, where we have used scientific-based educational and performance standards, where we have provided for accountability and oversight and evaluation of the program, where we have provided for the parent policy councils, all of these things that have been integral to this program over this time to bring it to a point now where we can see that it demonstrates a marked impact on these young children in closing the achievement gap for these children and getting them ready and the skills that they will need for early reading, for early math, for early writing, that is what this program does.

There are not many States that do any of that. They have a lot of early childhood programs. They have a lot of child care programs, they have a lot of it. But they don't have this comprehensive program. That's why this is considered the premier program in the Nation for the education and the development of these young children. That is why we should not support this block grant amendment.

I daresay that we have watched over the last decades effort after effort be made to block grant programs. Generally, where they have been successful, they have been the first step to the budget cuts, to the loss of quality. That's what's involved here.

Again, when we structured this legislation, and in consideration of the budget and the increases in the money, we are putting 60 percent of the money into quality, into teacher and professional development, into salaries, because we recognize that we have to have that continuous update and that improvement of the Head Start program.

Voting for this amendment is not to vote for Head Start; it's to vote for something, but it's not to vote for Head Start. It's, in fact, detrimental because that money, then, is out of the Head Start system to be used for whatever purposes. In fact, you can take this Federal money and then withdraw the local money. There is no requirement in this amendment that there be a maintenance of effort by a State to do this.

What have you really done? You have taken money for the Federal taxpayers that paid into this program that we have decided on a bipartisan basis should go for the Head Start program. You said, oh, you can give it to a State, and they can draw their money out the bottom. So we put the taxpayers' money in at the top, and the State takes the money out of the bottom.

That is not going to improve quality. That is not going to improve access. Now, you can argue that maybe you can add a lot of children to a program, a program, not the Head Start program, because the Head Start program is expensive because we do it the way we should be doing, the way it has been scientifically analyzed and supported by the data.

You can put a lot of kids in low-quality programs, but that is not what we are trying to achieve. We are trying to achieve high quality so we get the results that Head Start gets and most other States don't get.

Mr. Speaker, I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to how much time remains.

The CHAIRMAN. The gentleman from Georgia has 3½ minutes remaining.

Mr. PRICE of Georgia. The gentleman from California?

The CHAIRMAN. The gentleman from California has 30 seconds remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the chairman's passion on this, but his testimony bears little resemblance to reality. I would urge him to read the amendment which states clearly on page 11, "Head Start services furnished in a State program under this section shall include all Head Start services."

Mr. Chairman, I yield 1½ minutes to my good friend from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Chairman, I strongly support this amendment. I have a tremendous amount of respect for the chairman of the committee, Mr. MILLER, but I disagree with him on his basic premise here.

I do believe that the Governors of this country, which I had the chance to be one, seems eons ago now, but a few years ago, have a tremendous and strong interest in the children of their States and in the education of those children.

I also believe that in the time since Head Start was created, that many of these Governors have put together prekindergarten, kindergarten, early childhood programs. I think they are ready to move forward with this. I think in many instances they have been competitive with, if not even ahead of, Head Start. We basically backed off from what the White House proposed originally, which is to give all 50 States the option to do this, to a pilot program of eight States.

There are requirements that those eight States match these funds, in fact, put in extra money in order to be able to enter into this program of dealing with the Head Start-type programs. The State demo would be limited to States with a demonstrated investment in early childhood education and established existing preschool system.

You can't just jump into this and take the money or whatever. You have to show you are ready for it, and that you are ready to do it, and you are ready to put the money into it. I believe strongly that those States should be afforded the opportunity. I actually think the competition with some of the Head Start providers would be positive in terms of developing the opportunity for young children.

I would hope that everybody would stop for a moment and take time for a moment to listen to this amendment and the arguments pro and con before votes are cast on it. I believe Mr. PRICE has demonstrated through Georgia, as well as other States, that this is something which could be beneficial to the children, which is really what this is all about, hopefully helping those children in poverty so that they could move ahead.

I hope everybody will support the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 15 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I would just say in reading the amendment that States should generally follow the standards. I served in a State legislature for 12 years in appropriations, and I know what license that word "generally" gives to a State legislature in a State government. Generally it does not keep these really good high standards that we have worked on for 42 years on in this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say that is exactly the point. Yes, it offers all services, but it doesn't require the same high-quality service we have now. You can do all of these things, but you end up doing these things on the cheap because the demand is for slots. We have seen that tension here all the time.

There are no requirements here that you have anything comparable to the quality and the requirements in the Head Start program, and yet you are you are taking money out of the program to give it for these other purposes.

I urge a "no" vote on this amendment.

Mr. PRICE of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. McKeon).

Mr. McKEON. Mr. Chairman, before I came to Washington, I served in local government on the school board, on the city council. I have great respect for local leadership. I don't know what we're afraid of.

Sometimes I get the feeling that people here in Washington feel that all wisdom resides within the Beltway. I just think that to give the opportunity to a maximum of eight States to try to expand and bring creativity to a program that's good, to make it better, I think is nothing but a good thing, and it's on the upside.

I commend the gentleman from Georgia (Mr. Price) for this amendment. I encourage all to support it.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Georgia has 45 seconds remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the perspective of the other side, but I would suggest, respectfully, that that's an old argument. It's an old argument about a block grant. This is not a block grant. This is a demonstration program that would allow States to serve more children, not fewer children, more, more than is currently possible than just with Head Start or with State-run early childhood development programs.

Economies of scale, it works. Funding levels for Head Start and early childhood services would be protected. Demonstration program States will be able to eliminate overlap, eliminate duplication of services, and participants must have access to services that are as extensive or greater than those found in Head Start. That's what the amendment states.

I urge my colleagues to read the amendment. I appreciate the fact that they have had previous amendments in legislation before them, but I urge them to read this amendment. I think they will find the common-sense aspect of it.

I appreciate the opportunity to offer it, and I urge my colleagues to adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Price).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1600

AMENDMENT NO. 3 OFFERED BY MR. SESTAK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–116.

Mr. SESTAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. Sestak:

Page 159, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

"(g) Incentives for Head Start Teachers and Early Head Start Teachers.—

"(1) Statement of purpose.—It is the purpose of this subsection to encourage individuals to begin and continue teaching in Head Start programs and Early Head Start programs.

"(2) Program authorized.—

"(A) In general.—From the sums appropriated pursuant to paragraph (9), the Secretary of Education, in consultation with the Secretary of Health and Human Services, is authorized carry out a program to forgive, in accordance with this subsection, the student loan debt of any borrower who has one or more loans described under subparagraph (B) made on or after October 1, 1998, and who—

"(i) commits to working as a Head Start teacher or an Early Head Start teacher for at least 3 consecutive complete program years;

"(ii) has a bachelor's degree in a field related to early childhood education; and

"(iii) is not in default on a loan for which the borrower seeks forgiveness.

"(B) Method of loan forgiveness.—To provide the loan forgiveness authorized in subparagraph (A), the Secretary of Education, in consultation with the Secretary of Health and Human Services, shall, subject to subparagraph (C), carry out a program—

"(i) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made under section 428 or 428H of the Higher Education Act of 1965 (20 U.S.C. 1078, 1078–8); and

"(ii) to cancel a qualified loan amount for a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan made under part D of title IV of such Act (20 U.S.C. 1087a et seq.).

"(C) Treatment of consolidation loans.—A loan amount for a loan made under section 428C or section 455(g) of such Act (20 U.S.C. 1078–3, 1087e(g)) may be a qualified loan amount for the purposes of subparagraph (B) only to the extent that such loan amount was used to repay a loan made under section 428 or 428H, a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan for a borrower who meets the requirements of subparagraph (A), as determined in accordance with regulations prescribed by the Secretary of Education, in consultation with the Secretary of Health and Human Services.

"(3) Qualified loan amount.—After the beginning of the qualifying employment described in paragraph (2)(A)(I) and upon approval of a borrower's application under paragraph (5), the Secretary of Education, in consultation with the Secretary of Health and Human Services, shall forgive under this subsection not more than $10,000 of the student loan obligation of a borrower that is outstanding at the beginning of such employment.

"(4) Award basis.—Loan forgiveness under this subsection shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(5) Application for forgiveness.—

"(A) In general.—Each borrower desiring loan forgiveness under this subsection shall submit a complete and accurate application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary of Education, in consultation with the Secretary of Health and Human Services, may require.

"(B) Service agreement.—Each such application shall contain an agreement by the borrower—

"(i) to complete the commitment described in paragraph (2)(A)(I) within 6 years after receiving loan forgiveness under this subsection; or

"(ii) to repay the portion required by the regulations under paragraph (6)(A) if the borrower does not complete such commitment.

"(6) Repayment for failure to complete service.—

"(A) In general.—In the event that any recipient of loan forgiveness under this subsection fails or refuses to complete a portion of the recipient's service obligation under the agreement required by paragraph (5)(B), the same portion of the amounts of loans forgiven under this subsection for such recipient shall be subject to repayment in accordance with terms and conditions, and in the amounts, specified by the Secretary of Education, in consultation with the Secretary of Health and Human Services, in regulations under this subsection.

"(B) Forgiveness if deceased or disabled.—Such regulations shall provide that, subject to the availability of appropriations, an individual shall be excused from repayment of any amount required under paragraph (1) if the individual dies or becomes permanently and totally disabled (as determined in accordance with such regulations).

"(7) Regulations.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, is authorized to issue such regulations as may be necessary to carry out the provisions of this subsection.

"(8) Construction.—Nothing in this subsection shall be construed to authorize any refunding of any repayment of a loan.

"(9) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2008 and each of the 4 succeeding fiscal years.

"(10) Definitions.—In this subsection:

"(A) Head start teacher.—The term 'Head Start teacher' means an individual who—

"(i) is employed by a Head Start agency or an entity that carries out an Early Head Start program, to provide for the education and care of children who have not reached the age of compulsory school attendance who are enrolled in a Head Start program or an Early Head Start program receiving funds under the Head Start Act (42 U.S.C. 9831 et. seq.); and

"(ii) who has, at a minimum, an associate's degree in early childhood education or a related field.

"(B) PROGRAM YEAR.—The term 'program year', where applied to service as a Head Start teacher or an Early Head Start teacher, means a program year as defined by the Secretary of Health and Human Services.".

The CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to speak in support of this amendment, to encourage more individuals to become Head Start and Early Head Start teachers, and to provide a way for existing Head Start teachers to improve their skills and education.

This amendment is just building upon the efforts of someone that I have grown to very much respect, Congressman TIERNEY, who has been working on this issue for years.

Specifically, this amendment proposes loan forgiveness of up to $10,000 for Head Start and Early Head Start teachers upon completion of a bachelor's degree, who will commit to working in a Head Start or Early Head Start program for at least 3 consecutive years.

Earlier this spring, I held my district's first education summit, bringing together over 300 educators, experts, and citizens. We discussed the need to provide and retain high quality Head Start teachers, who serve our country's most disadvantaged, low-income children.

Head Start teachers are so critical at the time of a child's cognitive reasoning development, and this amendment recognizes this by ensuring that more than 55,000 Head Start teachers have the means of getting their bachelor's degree by forgiving their student loan burden.

As we call for increased qualifications in the Head Start workforce in H.R. 1429, with 50 percent Head Start teachers nationwide now to hold a bachelor's degree by 2013, we should also provide the means to help them reach this goal. This amendment offers one way of helping current Head Start teachers upgrade their qualifications, as well as to encourage future and current students to enter this important field of teaching.

The rising cost of higher education is a concern for many, and repaying student loans is often too burdensome for these teachers, particularly when one realizes that Head Start teachers' average annual salary is only approximately $24,000 a year, forcing teachers not to go on to receive advanced degrees, or else to leave the profession in order to repay their student loans.

This amendment will help to ensure that we are able to recruit and retain a high quality workforce for our Nation's Head Start programs.

I urge all my colleagues to support this critical amendment to help our children's future.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. KIND). The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, while I support the intent of the amendment, which I think is good and which we included in last year's bill that we passed, the higher ed reauthorization bill, that I think is a better vehicle for this particular amendment.

I would encourage the Member to withdraw it and put this in the higher ed bill when we move later this year to reauthorize that. It fits better there.

We did a study, and we found that most of the education programs don't come under the Department of Education, they come under 39 other bureaucracies throughout this town. And it would be, I think, moving to try to have things more organized. It fits better under the Higher Ed Act, and I would encourage that the gentleman put it under that. Otherwise, I would oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SESTAK. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of Congressman SESTAK's amendment which flushes out, I think, the direction that this bill is taking, which is to try and improve the quality of teachers by mandating bachelor's degrees and associate's degrees over a very short period of time.

For a lot of the teachers in the Head Start program, though, this still begs the question, which is, how do you pay for it?

Higher education costs have gone up 40 percent over the last 6 years, and unfortunately the prior Congresses took no action to raise the size of Pell Grants. And we have obviously taken some steps towards reducing the cost of interest rates under the Stafford Student Loan program, but for many teachers, the challenge of paying for higher education costs, in Connecticut the average salary for Head Start teachers is $24,000, and the Sestak amendment goes right to the heart of trying to make this new requirement affordable. I believe it is totally germane and central to the intent of this Head Start reauthorization bill. This amendment belongs there, and I strongly urge the Members to support passage of the Sestak amendment.

I want to thank Congressman SESTAK for offering this important amendment today. It would provide concrete assistance for early childhood educators in Connecticut and around the country to attain their bachelors degree. As you know, the Head Start bill before us increases teacher qualifications—half of teachers nationwide have a BA by 2013 and all new teachers have at least an associate's degree beginning in 2009.

This amendment also provides a strong incentive for students to enter the field and for established early childhood educators to remain in the field. Loan forgiveness of up to $10,000 is contingent upon at least 3 years service in a Head Start facility. Too often, our best and brightest educators are forced out of the profession because the salaries cannot keep up with individual and family economic demands.

In Connecticut, where the median Head Start salary is approximately $24,000, going back to school to attain a higher degree to satisfy the new teacher qualification requirements would be an economic hardship.

While I am pleased to say that Connecticut met the national goal of having at least 50 percent or more of its teachers having an associate's degree in early childhood education by the year 2003, the financial burden to now attain a bachelor's degree will be high.

We all know that college costs are rising and the last thing we want to do is encourage more debt. That is why I am so supportive of this amendment.

The need for committed, enthusiastic, and qualified Head Start teachers is on the rise. In Connecticut, there are more than 25 Centers serving more than 8,000 children. Poverty levels in many parts of the state are rising. Children receive valuable educational enrichment in Head Start programs, ensuring that they are on the path to educational success in elementary school and beyond. We cannot afford to leave children unprepared and we cannot afford to lose our best and talented teachers either.

This amendment provides the incentive to enter or remain in the early childhood education field and I urge my colleagues to support this amendment.

Mr. SESTAK. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, we must ensure that every child who could benefit from Head Start is able to enroll in a Head Start center. One way to do that is to provide full funding; another is to provide that we have the facilities we need; and, one of the most important ways is to ensure that we have qualified teachers.

The base bill increases the requests and requirements for teacher qualification, and it supports higher salaries and requires more college degrees. Therefore, including this amendment in the Head Start bill is absolutely appropriate, because this amendment helps Head Start teachers get the degrees that we are demanding that they have. And we do this by offering loan forgiveness to those teachers, teachers who teach in the Head Start programs. Loan forgiveness will help balance out low salaries, and it will assist with teacher retention.

Head Start is about the best thing we can do for our children, because this successful program gives children from all backgrounds a level playing field when they enter elementary school.

Mr. SESTAK. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding.

It has been suggested that we put this in the Higher Education bill, but the Higher Education bill has been kind of stalled. And I always believe you put your cargo on the train that is moving, and this train is moving.

The Senate reported its version out of committee. I think we have a much better chance to get this done if we put it on this bill. This train is moving.

Mr. SESTAK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–116.

Ms. HIRONO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. HIRONO:

Beginning on page 124, strike line 8 and all that follows through line 9 on page 126, and insert the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—To ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent, and not more than 10 percent, shall be reserved to fund a training and technical assistance account. In determining the amount so reserved, the Secretary shall consider the number of new programs serving pregnant women, infants, toddlers, and their families, recognizing their need for more intensive training and technical assistance services during program expansion.

"(B) ACTIVITIES.—Of the funds in the account described in subparagraph (A)

"(I) not less than 50 percent shall be available to local entities that carry out Early Head Start programs for training and technical assistance activities in order to make program improvements identified by such entities;

"(ii) not less than 30 percent shall be available to the Secretary to support a State-based system of early childhood education training and technical assistance to local entities that carry out Early Head Start programs that shall meet the requirements of subparagraph (C), including the creation, management, and support of a national network of the State-based infant-toddler specialists specified in such subparagraph; and

"(iii) the remainder of such amount shall be available to the Secretary to assist local entities that carry out Early Head Start programs in meeting and exceeding the standards described in section 641A(a)(1), including—

"(I) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(II) providing ongoing training and technical assistance on Early Head Start program development and improvement for regional staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(III) developing training and technical assistance materials and resources to support program development and improvement and best practices in providing services to children and families served by Early Head Start programs;

"(IV) creating special training and technical assistance initiatives targeted to serving high risk populations, such as children in the child welfare system and homeless children;

"(V) providing ongoing training and technical assistance to Early Head Start grantees, and support and program planning and implementation assistance for new recipients of such grants, including the conversion of Head Start grants to Early Head Start grants; and

"(VI) providing professional development designed to increase program participation for underserved populations of eligible children.

"(C) CONTRACTS.—For the purposes of delivering a State-based training and technical assistance system, as described in subparagraph (B)(ii), that will meet the needs of local grantees and provide high quality, sustained, and intensive training and technical assistance on programming for infants and toddlers to Early Head Start programs and in order to help such programs meet or exceed the program performance standards described in section 641A(a)(1), the Secretary shall—

"(i) enter into contracts in each State with 1 or more entities that have a demonstrated expertise in supporting the delivery of high quality programs for pregnant women and children less that 3 years of age, except that bi-State or multi-State contracts may be entered into if the demographics of proximal States make such a system more appropriate;

"(ii) ensure that contracts awarded under clause (I) are in an amount sufficient to provide for each state a minimum of one full-time specialist with expertise in the development of children under age three and programming for pregnant women and such children;

"(iii) to the maximum extent practicable, ensure that the contracts awarded Under clause (I) and the services provided therein are integrated with and augment the contract or contracts awarded and services provided under section 648 (n); and

"(iv) ensure that the entities described in clause (I) determine the types of services to be provided through consultation with—

"(I) local entities that carry out Early Head Start programs;

"(II) the State Head Start collaboration office; and

"(III) the State Head Start Association.".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentlewoman from Hawaii (Ms. HIRONO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii.

Ms. HIRONO. Mr. Chairman, I rise today to ask for my colleagues' support for this amendment, to improve Early Head Start.

The amendment revises the training and technical assistance system by ensuring that these services are provided by entities with specific expertise in infant and toddler development. It also directs at least 50 percent of training and technical assistance funds directly to the grantees. These are the people on the ground working with children who are best able to prioritize their training needs for the purpose of program improvement.

In our hearing on the bill in the Committee on Education and Labor, we heard that Head Start providers are not getting the assistance they need under the current system. One program director said that it had been 10 months since she saw her technical assistance specialist.

The current system centralized control often results in the assistance specialist spending more time filling out forms for their supervisors than directly helping the program directors in the field. The bill we are debating today solves this problem for the Head Start program serving preschoolers by directing the responsibility for training and technical assistance responsibility into the State-based system that can better meet the needs of the local providers.

Early Head Start directors experience similar problems, and, therefore, should get a similar solution. This amendment provides that solution and, furthermore, requires that these State-based technical assistance providers include individuals with infant and toddler expertise available to work with Early Head Start providers.

Rigorous evaluations show that the Early Head Start program has made a positive difference in the lives of participating children and their families. This bill expands the Early Head Start program, which currently serves only 3 percent of eligible infants and toddlers.

And as Early Head Start expands, we must ensure that individual programs have the knowledge and skills to provide positive outcomes for participants. This amendment will do that, and I urge all of my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. HIRONO. Mr. Chairman, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank her very much for introducing this amendment, and we rise in support of this amendment. We think it improves the legislation, and thank her for her consideration.

Ms. HIRONO. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, even though I support the gentlelady's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the gentlelady's amendment, which revises the training and technical assistance program for Early Head Start by ensuring that training and technical assistance are provided by entities with specific expertise in infant and toddler development. I believe that that makes a stronger bill, and I thank her for her amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. HIRONO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MICA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-116.

Mr. MICA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MICA:

Page 154, line 9, strike "2013" and insert "2011".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, first of all, I want to take a minute to compliment Mr. MILLER and also Mr. MCKEON. This is one of the most important bills that this Congress will take up in this session because it deals with, as Mr. MILLER said, as I listened to his opening statement, with our disadvantaged youth. And, unfortunately, we have many in this country. But it gives those youth the opportunity for the future and the opportunity that we have all shared that are here on this floor and many of us listening Members.

I think the bill is a step in the right direction in requiring that at least 50 percent of all Head Start teachers nationwide have a bachelor's or advanced degree in childhood education or related field by September 30, 2013. My amendment is a simple amendment. It would move up that date 2 years, to 2011.

I am not a newcomer to this debate. I could go back to 1993, when I came here, and give statements from the floor and back over the years. My degree is in education. I am usually here on transportation and enjoy my service on that committee. But as someone educated as an educator, nothing is more important than the quality of education and those professionals that we have.

The Mica amendment moves up the date to have professionals in place to 2011. We can do that. We have done it before. We have actually required qualifications, and now we have more than a majority having an associate degree. So we have done this in the past. Currently, 38 percent of all of our Head Start teachers already meet this goal, so we are only talking about 12 percent in 4 years as opposed to 6 years.

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Does it really take 6 years to get an additional 12 percent of the teachers to be in our most important educational program with these qualifications?

Now, we've moved this program from what I called it 14 years ago, from a glorified babysitting program, to a program that is giving our students the opportunity for quality educational opportunity. And these young people, at this age, deserve the very best. They are coming from the very worst, the worst as far as disadvantage in our society, the worst as far as opportunity, as far as family setting, as far as their readiness for school.

Mr. MILLER talked about making them ready for school. Well, do you want them ready with someone who is unqualified or someone with the best qualifications?

Better prepared, Mr. MILLER talked about. We need the most skilled professionals to give them the preparation. And these are our toughest students, the very toughest students. Do you want someone with or without qualifications?

I posed a question, and probably the reason I got this amendment out here to the Rules Committee, which is mostly composed of Democrat Members listening, there are more Head Start programs in Democrat districts than there are in Republican districts, just by the sheer economics of it, the demographics. I said, what if I came with a proposal that said, in kindergarten I'm going to recommend that we only have 50 percent of the teachers having a bachelor's degree in Democrat districts; how would you like that?

Well, this is what's happening here as you're mandating that we have a poorer quality of teachers with quality for another additional 2 years. So I think we can do better.

You heard the $24,000 average pay. That's right. We're going to increase on average a half a billion dollars, from $6.9 billion to $7.4 billion.

In my schools, in closing, there are choices. I won't name the counties, but I have seven teachers in one program with $23,000 average salary. I have nine administrators with salaries from $32,000 to $41,600; another county, 21 teachers, $20,100 average salary, eight administrators with salaries from 31- to $42,000. So it's not always how much we spend, it's how we spend it. And we need to spend it on quality education for these, our most disadvantaged students. So I urge you to consider and pass my amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman and Members of the House, I rise in opposition to this amendment, simply for the simple fact that we are trying to balance, in this legislation, the best we can do to increase the number of teachers with a B.A. degree in child education, child development and at the same time meet the other needs of the program. And to accelerate that effort on behalf of more teachers with an M.A. upsets that balance.

It's not like, with all due respect to my friend on the other side, and he shares my concern for teacher quality, it's what I've spent my public life trying to do. The fact of the matter is this is a program that essentially has received less than the COLA, last year got a 1 percent cut. And the fact of the matter is we're trying to patch it back up, trying to bring it back to the level where it was around 2002, and recognizing that we want to increase the access to a number of children, so money has to go for slots, money has to go for professional development, money has to go for quality, and money has to go for the salaries, and that's the balance that we have put in this program.

The date that you have was the date that you had at the beginning of 2005 when we started considering this legislation. That legislation didn't get through. We're now 2 years later, so we moved it back 2 years so that the programs can balance, can rebuild the quality, can add additional slots for the million children who are now waiting, and that's the balance that we arrived at on both sides of the aisle.

You could offer an amendment and say, well, there's a million children waiting. Let's put all the money into slots. Then you just reduce the quality and the availability to pay teachers to have them to stay.

So this isn't a game where you can just pick out one part of the program and say, let's put the money there, and that's the reason why we did what we did. And I don't think that this amendment is helpful in terms of our ability to hold on to current staff that have B.A.'s, and that's the staff we're trying to build, and then to attract additional ones to be able to put some money into that pay quality, and the additional slots. And I would hope that we would oppose this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I don't question the motives of Mr. MICA, but his amendment would jeopardize program quality by speeding up the deadline for the 50 percent of the Head Start teachers having their bachelor's degrees.

Budgets have really forced Head Start centers to make very difficult, sometime impossible decisions to reduce services or to serve fewer children. And I fear that the Mica amendment would exacerbate the hard choices which Head Start programs have faced over recent years because this Congress has not appropriated the kind of money we need.

The bill that came out of committee, by 42-1, establishes, I think, a rather reasonable and ambitious time line for 50 percent of our Head Start teachers to attain their bachelor's degrees. Under this time line, the bill ensures that Congress can provide the necessary funding to achieve this goal. We have to, as I think we have done in this bill which came out of committee, we have to balance the improvements in the program with the real resources. If we had unlimited resources, we could do all these things. But I think the bill balances the improvements with the resources.

Mr. GEORGE MILLER of California. Mr. Chairman, I urge a "no" vote on this amendment and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MICA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. KENNEDY

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-116.

Mr. KENNEDY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KENNEDY:

Page 3, line 2, strike "(22) and (23)" and insert "(23) and (24)".

Page 3, line 4, strike "(20)" and insert "(21)".

Page 3, line 6, strike "(15) through (18)" and insert "(16) through (19)".

Page 3, line 8, strike"(13)" and insert "(14)".

Page 4, line 20, strike the close quotation and the comma at the end.

Page 4, after line 20, insert the following:

"(13) The term 'inclusive classroom' means a Head Start classroom that contains both children with disabilities and children without disabilities.",

Page 136, line 20, strike "and" at the end

Page 136, line 25, strike the period at the end and insert "; and".

Page 136 after line 25, insert the following:

"(17) assist Head Start agencies and programs to increase the capacity of classroom staff to meet the needs of eligible children in inclusive classrooms.".

Page 160, strike lines 6 through 12, and insert the following:

(A) in paragraph (8) by adding "and" at the end,

(B) by striking paragraphs (9) and (10) and insert the following:

"(9) contribute to understanding the impact of Head Start services delivered in inclusive classrooms on both children with disabilities and children without disabilities, and develop practices for increasing the availability and quality of inclusive classrooms.".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Rhode Island (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. KENNEDY. Mr. Chairman, I'd first like to thank my colleague, JOHN HALL, for his work on this amendment. He was president of his local board of education and knows this issue inside and out from the local perspective. And his work on this has been absolutely instrumental in its preparation.

I also want to thank Chairman MILLER and Chairman KILDEE, without whom the work of those for whom this amendment is designed to help, the disability community, those children with disabilities, this amendment is designed to supplement.

Frankly, Mr. Chairman, this amendment is really an attempt to just support what is already in this bill in the way of support of inclusive education. What this amendment seeks to do is use those dollars in this bill for teacher education and research, to support the notion that we ought to include children in the classrooms with disabilities so that we can both better educate those teachers teaching those children with disabilities in how to teach both children with disabilities in integrated classrooms, in inclusive classrooms, as well as learn from their experiences in doing so, both to the benefit of both children in those inclusive classrooms; and use evidence-based research that we know is constantly coming towards us in terms of how to identify children with autism, how to identify children with learning disabilities and use those new findings and be able to employ them to the benefit of these children's growth and their development.

Mr. Chairman, that is why we've introduced this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition, even though I support the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

I believe that this is an improvement to the bill and will assist Head Start programs which are required to spend 10 percent of their funds on services to disabled students in improving the quality of their programs to serve young children.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, I'd yield 2 minutes to my good friend and colleague from New York, JOHN HALL.

Mr. HALL of New York. Mr. Chairman, I won't need that much time.

Thank you to my colleague from Rhode Island and from the other side of the floor, who just spoke in favor of this amendment. I would like to take a moment to commend all who support this issue.

There are 27 Head Start facilities in my district, and they provide critical services to families that want their children to have every opportunity to grow and succeed. I'm glad that the bill we are considering today will expand access to Head Start and help make sure that America's less well-off children can have a great chance of long-term success when they arrive in our schools.

The amendment will help to meet these goals by providing more support for inclusive education. This is the practice of teaching children with disabilities in the same classrooms as those without disabilities, and it has largely been shown to have a positive effect on the development of those children with disabilities.

The Head Start Act already requires that 10 percent of enrollment slots go to students with disabilities, and the actual number of enrollees is even higher, at about 13 or 14 percent.

Although these classrooms can provide increased educational benefits, they also present teachers and staff with increased demands. Teachers and staff have often been forced to try to handle greater responsibilities without the necessary resources. This amendment would help to bridge that gap by allowing training and technical assistance funds to be spent to enhance the ability of classroom staff to meet the needs of eligible children in inclusive classrooms.

Providing more resources for teacher training and support, this amendment would make great strides in improving the quality of the educational experience for all children in a class.

Another fundamental goal of the Head Start program is to make sure that all children have the best chance of success in school and in life. The second provision of this amendment will help to further serve those goals by working to make sure that the inclusive classroom environment benefits every student, including typically developing children. It would do so by allowing research and evaluation funding to be used in further studying the impact of inclusive classrooms on the educational experience of children with or without disabilities.

I urge my colleagues to support it.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY. Mr. Speaker, let me just say, I offer this amendment in honor of my aunt, Eunice Kennedy Shriver, who started the Special Olympics, who has inspired me in this work; and my uncle, Sarge Shriver, who was the first and founding director of Head Start, both individuals who are inspirations to me and to millions in this country.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–116.

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PUTNAM:

Page 37, beginning on line 10, strike "subsections (a), (b), and (c) of".

Beginning on page 39, line 21, strike ", except" and all that follows through line 3 on page 40, and insert as period.

Beginning on page 40, strike line 7 and all that follows through line 10 on page 45, insert the following:

"(c) DESIGNATION ON COMPETITIVE BASIS.—

"(1) SELECTION.—From among entities that submit plans under subsection (b), the Secretary shall, after".

Beginning on page 52, strike line 20 and all that follows through line 2 on page 53.

Page 53, line 3, strike "(g)" and insert "(d)".

Page 53, line 7, strike "(h)" and insert "(e)".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Florida (Mr. PUTNAM) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida.

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Mr. PUTNAM. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I rise today to urge my colleagues to support a very important amendment to H.R. 1429, and I want to commend Mr. KILDEE, Mr. MILLER, Mr. McKEON, and the others who have worked so hard on this important bill.

Head Start is a tremendously important program in the early childhood education continuum, but it is also desperately in need of reforms.

As we all know, the purpose of Head Start is to help disadvantaged children be better prepared to enter school. But we are doing those children an enormous disservice and squandering taxpayer dollars if we do not hold the providers of Head Start services to a higher level of accountability. The existing language in 1429 allows for automatic 5-year renewal of applications, automatic renewal, if they simply meet minimum standards to the satisfaction of the review panel. Providers that don't meet the standards must enter into open competition for acceptance of their applications. I would respectfully submit this does not go far enough.

For the sake of ensuring the programs are performing better than minimal or better than good enough and as a safeguard for the taxpayers who foot the bill, I believe we should require that all Head Start providers face open competition. Such competition will encourage a higher level of performance and serve as a check on unscrupulous practices.

Mr. Chairman, I am very familiar, unfortunately, with what can happen when a provider is allowed to skate through without the discipline that comes from competition. In my own district, the Polk County Opportunity Council became a poster child for mismanagement and abuse since its dealings first became public in 2003, which actually had followed a probationary status just several years before. Years of investigation have revealed breathtaking examples of malfeasance and mendacity.

There has been everything from sweetheart deals involving the purchase of office equipment to claims for nonexistent hurricane damages, essentially amounting to insurance fraud. At one point the PCOC even fabricated a false "certificate of compliance" from the U.S. Department of Health and Human Services, which it tried to use to short-circuit other investigations of its misdealings. It took 3 years, 3 years, to defund that agency, and the entire appeals process along the way, and this only applies to the Head Start program, the entire appeals process was paid for not by the agency, not by the grantee, but by the taxpayers. The taxpayers paid the bill for them to appeal mismanaging the taxpayers' dollars. Competition, I believe, an open competition, would go a long way towards solving that problem.

The effect of these abuses not only squandered taxpayer dollars, but it diverted resources from some of the neediest and most deserving members of our community. That is an outrage. We must expect better and we must do better. We cannot allow these types of abuses to become the norm. We should not maintain a system that simply continues the status quo. Let's expect providers of Head Start programs to compete with other potential providers, which, unlike during the creation of Head Start, today there are a number of State and local governments and private entities that can provide that service. Then we will truly be giving these needy children the head start they deserve.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. KILDEE. Mr. Chairman, the Putnam amendment would jeopardize the seamless services that many high-quality Head Start programs with very deep roots in their communities provide to disadvantaged children. Because the quality of our Head Start programs is critical to ensuring that disadvantaged children receive the benefits of Head Start, this bill, which passed out with only one dissenting vote from committee, implements a new process to recompete underperforming programs. The amendment by Mr. PUTNAM guts the bill's provision to ensure that high-quality Head Start programs do not have to recompete for their grants.

They are reviewed by a panel of experts we put in place to look at them.

They are reviewed and have to satisfy that review, but they do not then have to recompete.

The Putnam amendment also eliminates the bill's provisions to ensure a fair and equitable process for recompeting underperforming Head Start programs. And we worked hard to get a fair and equitable process for that.

By striking those provisions, which he does in his amendment, the Department of Health and Human Services is authorized to create its own system for recompetition.

We worked hard with the Head Start community to try to ensure that we would have a panel of experts that would assure that the unperforming programs were really improved or put out of the system but not have the high performing have to go through the recompetition process every 5 years, but be reviewed by the panel of experts.

Mr. Chairman, I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, I yield 30 seconds to the distinguished ranking member from California.

Mr. McKEON. I thank the gentleman for yielding.

Mr. Chairman, I think this is a good amendment that Mr. PUTNAM has put forth. I don't think we should fear competition. I think the idea that once a program is granted, it should have lifelong tenure, I think, is something we should avoid. I think competition and accountability is good. Once every 5 years, programs that are good should not fear competing to keep the program for another 5 years. I think it is always good to have somebody coming up behind you that is going to make you do a little bit better.

Mr. KILDEE. Mr. Chairman, I yield back the balance of my time.

Mr. PUTNAM. Mr. Chairman, the amendment provides for competition among agencies that are given millions of dollars to manage programs for our neediest children. And unlike during the creation of the Head Start program, today across America there are thousands of potential providers. School boards are now in the early childhood business. United Way is now in the early childhood business. Local communities are now in the early childhood business, providing tremendous educational opportunities for our neediest young people before they enter kindergarten.

We want them to enter kindergarten ready to learn, and we want to guarantee that the grantees that are managing these precious Head Start dollars are running an adequate, professional, thoughtful program and being good stewards of the people's money. By providing for recompetition every 5 years, we are guaranteeing, as my ranking member friend from California said, that they understand that it is not their birthright to continue that.

I urge my friends to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. McKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. PORTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-116.

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. PORTER:

Page 159, line 12, strike the close quotation and the period at the end.

Page 159, after line 12, insert the following:

"(g) STAFF RECRUITMENT AND SELECTION PROCEDURES.—Before a Head Start agency employs an individual, such agency shall—

"(1) conduct an interview of such individual;

"(2) verify the personal and employment references provided by such individual; and

"(3) obtain—

"(A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children;

"(B) a State, tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; or

"(C) a criminal record check as otherwise required by Federal law.".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Nevada (Mr. PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

It is an honor to be here to talk about something very critical, I think, to our families and communities across the country.

If you recall, last year this body passed historic legislation providing for protection of our children in light of the abuse of our kids throughout schools across the country. We passed legislation to provide for 24 additional States to do background checks on teachers via FBI background and other means through law enforcement. Unfortunately, 24 States were not allowed to, for many different reasons, and that legislation provided for these background checks. Through my amendment that is being proposed today, close to a million kids that are in the Head Start program will have the same tools available to them that we passed just last year to help kids in K–12.

There is one tragic example. There is one grantee in this country that between 2001 and 2005 did not perform background checks on their employees. They finally did background checks. Out of 660 employees, close to 106 had criminal charges against them, including first degree murder, involuntary manslaughter, domestic abuse, assault, child abuse, DUI, and violent crimes.

Mr. Chairman, my language ensures that Head Start programs will have all the databases containing criminal records available to them to make sure that our parents can feel that their most precious resource, their children, will be safe in the Head Start program.

Mr. Chairman, I yield such time as he may consume to Ranking Member MCKEON.

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding.

And I have seen the work that he has done over the years in protecting children. I think that children are our most vital asset. And because of the risk out there of the kind of lawbreakers that he mentioned that we could eliminate by having a good, solid background check, I think this is a tremendous amendment. I think it really strengthens the bill.

I thank the gentleman for his work on behalf of children, and I urge support of the amendment.

Mr. PORTER. Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I rise to speak in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, we support the amendment.

Many of these are included in the regulations, but you would put it in the statute now and expand them, and I think you have done a very good job in your expansion of that.

I commend you for your work on this. I commend you for your concern for children. It is very important. We certainly want to protect our children, and I think this is a very good amendment and we support it.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. CARNAHAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110-116.

Mr. CARNAHAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. CARNAHAN:

Page 35, after line 10, insert the following (and make such technical and conforming changes as may be appropriate):

(d) ENROLLMENT.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended by adding at the end the following:

"(5) In the event that the amounts appropriated to carry out the program under this subchapter do not exceed the amount appropriated in the prior fiscal year, or exceed the amount appropriated in the prior fiscal year by an amount equal to less than the percentage change in the Consumer Price Index For All Urban Consumers, as published by the Bureau of Labor Statistics, Head Start grantees may negotiate with the Secretary a reduced funded enrollment level without a reduction in the grant amount if such grantee can demonstrate that such reduction is necessary to maintain the quality of services.

"(A) In accordance with this paragraph, the Secretary shall set up a process for grantees to negotiate the above-mentioned reduced funded enrollment level.

"(B) Under the conditions detailed in this paragraph, the Secretary shall be required to notify grantees of their right to negotiate a reduced funded enrollment level if such grantee can demonstrate that such reduction is necessary to maintain the quality of services.".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Missouri (Mr. CARNAHAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. CARNAHAN. Mr. Chairman, I yield myself such time as I may consume.

I want to really thank Chairman MILLER and Ranking Member MCKEON for their leadership on this bill under consideration today. The Improving Head Start Act of 2007 is a very good bill, and I am pleased to be able to support it and be here today and speak on this amendment.

I want to inquire first, before I got into the text of this, if there are any others that wanted to speak on our side, having just gotten into the Chamber. If not, I will proceed.

I am presenting this amendment to H.R. 1429 based on recommendations I received from my district Head Start leaders to address the goal of maintaining quality in the Head Start program. My amendment would allow for Head Start grantees to negotiate a funded enrollment level with the HHS Secretary if funding for the program does not keep pace with inflation.

Over the past 3 years, Head Start and Early Head Start have experienced an estimated 8 percent real decline, adjusted for inflation, in Federal funding from fiscal year 2002 through fiscal year 2007. If this trend were to continue, the decline in funding would climb to 10 percent for Head Start programs. If President Bush's budget were to become law, the Head Start programs would suffer an 11 percent cut.

This decline in funding has required already efficient Head Start agencies across the country to tighten their belts even more. Sadly, local agencies are now forced to pass these cuts on to quality staff.

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By default, agencies are unable to compete for the best and brightest of early childhood educators, thus risking the quality of Head Start programs. Our local agencies are forced to make the worst in managerial choices. As Chairman MILLER and others have pointed out, we must maintain and enhance both funding and quality.

In my congressional district, I am proud to say that the four primary organizations responsible for administering Head Start services have successfully revitalized the program in the city of St. Louis. From 2001 to 2003, the enrolled number of children grew from about 1,000 to a full enrollment of 3,000 children.

Unfortunately, the compensation of St. Louis area Head Start staff has lagged behind the salaries of those in comparable positions. After consulting with some of the brightest business leaders in our area, our local agencies have taken extraordinary steps to conserve costs and maximize efficiencies. Even with these steps, agencies are unable to keep staff compensation in line with inflation increases both in wages and insurance costs.

Programs in St. Louis and across the country are at a serious risk of losing quality staff due to this critical situation. In fact, many of you may have agencies within your districts that have experienced worse cuts across their service lines. They have turned to cutting key staff, reducing the number of weeks they operate in a year, and reducing the number of hours they operate in a day just in order to adjust for financial constraints. We must ensure that the historic quality and strength of Head Start is not placed in jeopardy.

Many of us know the vast evidence demonstrating the profound difference Head Start makes both in the lives of children served and in our local communities. I know that has been talked about at great length here in presenting this bill.

I just want to close and say, I think all of us would agree that Head Start programs should not have the right to request reduced enrollment levels unless they have taken all appropriate steps to achieve efficiency first. I want to clarify that my amendment gives HHS the discretion to determine whether or not individual agencies have explored all possible solutions prior to requesting reduced funded enrollment. The grantee must demonstrate that any reduction in enrollment is necessary to maintain the quality of services.

I appreciate, again, all the efforts on this bill that have brought this forth in a bipartisan way, and appreciate the amendment being considered.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. CARNAHAN. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Chairman, I rise in support of the amendment. This is what agencies have to do when the funding isn't sufficient and they are trying to hold on to the number of children, the hours of availability of the program and the quality of the teachers that are there. In the past when we had the cut, I believe the agency, HHS, allowed some local programs to do this. I would hope that this will not be a necessity. We are adding an additional $400 million to this program. I hope that the Appropriations Committee will be able to follow through.

The amendment is a good amendment. I hope we don't have to use it, but it's a good amendment.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, this amendment allows grantees to negotiate a reduced enrollment level with the Secretary of HHS if the amounts appropriated for Head Start do not exceed the prior year's appropriation or include an increase commensurate with the cost-of-living allowance. In effect, this amendment allows grantees to cut services for children and kick children out of the Head Start program if Congress does not appropriate ever-higher funding amounts for Head Start.

I think all of us want to service as many children as we can, and we want to have as high an appropriation level as we can, but if we fail to appropriate higher numbers, I don't think we should take it out on the children. I ask my colleagues, is Head Start an early education program or a jobs program?

We believe the purpose of Head Start is to help our Nation's most vulnerable youngsters lay the foundation for a very successful academic future. This misguided amendment has the potential for denying these children Head Start services, and I therefore urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. CARNAHAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. CUELLAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–116.

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CUELLAR:

Page 163, after line 3, insert the following (and make such technical and conforming changes as may be appropriate):

"(ii) a description of the type of assessment or assessments used to determine the rate of progress made by limited English proficient children;".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to encourage my colleagues to support my amendment to the Improving Head Start Act of 2007.

First of all, I would like to thank Chairman MILLER, Ranking Member MCKEON, Chairman KILDEE and Ranking Member CASTLE for bringing this legislation to the floor.

Ensuring that Head Start continues to serve our communities is important to all of us. This straightforward amendment builds upon the strong foundation of this year's reauthorization. The reauthorization requires the Secretary of Health and Human Services to conduct a study of Head Start students with limited English proficiency.

Studies have proven that the easiest time to learn a new language is when a child is young. With this in mind, early childhood is an important time for students with limited English proficiency to improve their grasp of the English language. Students who are fluent in multiple languages are better positioned to perform well in school.

The legislation requires studies of the progress limited English proficiency students make towards proficiency. The amendment that I offer simply asks that the assessment used to determine progress in the English language skill development be described.

The explanation of what is used is important for a couple of reasons. First, Head Start service providers will become more uniform in their instruction. If a description of assessment is not required, however, there may be a higher likelihood that it will become arbitrary.

Second, educators learn from the practices of their colleagues. By having all Head Start providers describe the assessments they use, meaningful information will be gathered to help educators get ideas and make better informed decisions about their own practices. Enhancing consistency and sharing methods are meaningful ways we can help students with limited English proficiency make the progress that they need to make.

My amendment is supported by the National Council of La Raza, the National Education Association, the Texas Migrant Council and the Texas Head Start Association. I urge my colleagues to support my amendment.

Mr. Chairman, I yield 1 minute to Chairman MILLER, the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman, and I rise in support of his amendment. I think his explanation is correct, that this will provide not only perhaps more uniformity in terms of the assessments, but also communications between programs as to which assessments are really working and which assessments are appropriate for this purpose. I think it is a good amendment, and I would hope that we would accept it. I thank the gentleman for offering it.

Mr. CUELLAR. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition, even though I support the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I rise in support of the amendment. I think it makes the bill stronger. Examining the number of children who are limited in English proficiency and monitoring the progress of these children is important to their mastery of the English language and will help determine future successes for these students in meeting the same challenging State academic content and student academic achievement standards that all children are expected to meet.

I support the amendment, and I encourage our colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CUELLAR. Mr. Chairman, again, I want to thank Chairman MILLER, Ranking Member MCKEON, Chairman KILDEE and Ranking Member CASTLE for their support. And again, I ask for their support on this amendment and on the reauthorization of the Head Start Act of 2007.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. SHULER

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–116.

Mr. SHULER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SHULER:

Page 2, line 4, insert "(a) SHORT TITLE. ".

Page 2, after line 5, insert the following:

(b) SENSE OF THE CONGRESS.—The Congress—

(1) finds that—

(A) while the steady economic growth and low inflation in the United States has yielded unprecedented prosperity, many children and families in this country have not benefited from this prosperity and continue to be socioeconomically disadvantaged,

(B) many community- and faith-based organizations have expertise in moving individuals and families from dependency to self-sufficiency by providing families with the tools and skills they need to participate in the community and contribute to our economy,

(C) the Head Start Act was established to help prepare low-income young children to succeed in school and in life by addressing the needs of the whole child and providing comprehensive services such as health and nutrition,

(D) research confirms that children who attend Head Start programs enter school better prepared than low-income children who do not attend the program, are less likely to need special education services, to repeat a grade, or commit crimes in adolescence, and are more likely to graduate from high school,

(E) community- and faith-based organizations have participated in Head Start programs since the enactment of the Head Start Act in 1965 and continue to serve more than 90,000 children and their families,

(F) parents have an integral role in the development and implementation of Head Start programs, community- and faith-based providers of Head Start services employ parents and encourage parents to volunteer in the programs because parents are children's most important and influential teachers,

(G) community- and faith-based providers of Head Start services not only serve the needs of low-income children and their families but enrich, strengthen and reflect the diversity of the communities wherein they reside, and

(H) the Head Start Act is a critical component of America's civil rights platform, and community and faith-based organizations have been leaders in the civil rights movement in the United States,

(2) supports the continued role of community and faith-based organizations in Head Start programs as providers of comprehensive services to children, families, and communities, and

(3) extends its gratitude to community- and faith-based organizations that provide Head Start services, and to the employees and volunteers for their commitment to the education, health, and economic well-being of low-income children and families.

Page 52, after line 19, insert the following:

"(3) CONTINUED ELIGIBILITY.—Faith-based and community-based organizations continue to be eligible, on the same basis as other organizations, to participate in any program under this subchapter for which they are otherwise eligible.".

Page 120, at the end of line 15, add the following:

Faith-based and community-based organizations continue to be eligible, on the same basis as other organizations, to participate in any program under this section for which they are otherwise eligible.

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. SHULER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to be a product of Head Start. As a young boy, I attended a Head Start program, and that helped make me the man that I am today.

It's time for Congress to recognize that faith communities contribute to Head Start. That's why I am proud to introduce this amendment today, along with Congressman ELLSWORTH, Congressman DONNELLY, Congressman CARNEY and Congressman LOEBSACK.

This amendment thanks the community and faith-based organizations for the good work that they have done running the Head Start programs. It also confirms its right to continue running these programs.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let's be very clear at the outset about why this amendment is being considered today: It's all about political cover. It has nothing to do with protecting the civil rights of faith-based providers. If that is what we are out to do today, we would be considering Mr. FORTUÑO's amendment right now. Instead, the majority has brought up a hollow, politically motivated attempt to have it both ways. On one hand, this amendment cheers the work of faith-based providers and recognizes their contributions to our Nation; but on the other hand, it leaves them completely unprotected when it comes to their right to preserve their identity while serving children in Head Start. Frankly, this is insulting to faith-based organizations as it is transparent. Let me elaborate.

With respect to hiring authority, section 702(a) of title VII of the Civil Rights Act of 1964, as amended in 1972, states, "This subchapter shall not apply to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution or society of its activities."

Mr. Chairman, does this amendment reaffirm the language from this statute? No, it does not.

Consistent with this language from the Civil Rights Act, former President Clinton signed four laws that explicitly allow religious organizations to retain their right to staff on a religious basis when they receive Federal funds. The 1996 welfare reform law, the Children's Health Act of 2000, the Community Services Block Grant Act of 1998, and the Community Renewal Tax Relief Act of 2000 each contain language that reflects the language offered to the Rules Committee yesterday by Mr. FORTUÑO.

Mr. Chairman, does this amendment reaffirm the language signed into law on four separate occasions by former President Clinton? No, it does not. The FORTUÑO amendment would codify a 2002 executive order protecting the right of a participating faith-based organization to display a cross or other religious symbols on its grounds. Mr. Chairman, does this amendment do the same? No, it does not.

This amendment may have been written in such a way that may run counter to that executive order, potentially endangering rights faith-based providers already enjoy.

In short, Mr. Chairman, in an attempt to play politics, this amendment is, at best, an attempt to provide political cover for Members who do not want to take a real vote on the issue; and at worst, a poorly drafted measure that may end up turning back the clock on the rights of faith-based providers to display religious symbols. Because of that, I urge my colleagues to oppose it.

Mr. Chairman, I reserve the balance of my time.

□ 1700

Mr. SHULER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY. Mr. Chairman, we don't need any political cover. We are proud to stand for this amendment. The only political games are those being played by others.

I rise in support of this amendment, recognizing the important role that faith and community-based organizations play in Head Start's continued success. Head Start has been instrumental in advancing the development of comprehensive skills in disadvantaged children during the crucial years before they enter elementary school. Since 1965, Head Start has been a resounding success; in no small part because of faith-based organizations, organizations I support fully.

Since the beginning, community and faith-based organizations have been a part of this program and currently serve more than 90,000 children and their families. Faith-based organizations play a critical role because they are intimately familiar with the community in which they serve and are driven by a moral commitment to our youth.

This amendment reaffirms Congress' strong support for their current and future involvement in Head Start, making clear that regardless of rumors to the contrary, they will remain eligible on the same basis as other organizations to participate in Head Start.

Mr. Chairman, I urge all my colleagues to support this amendment and the passage of H.R. 1429. I am proud to support it and the faith-based organizations that will serve it.

Mr. SHULER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding and for offering this amendment.

It is interesting that the other side would now oppose this amendment, but all day long they have been citing us the executive order with the exact same language in it as the basis for the right of faith-based organizations to participate in this program, a right that they have exercised now for more than 40 years. What your amendment does is to take it from the regulations and put it into the statute to guarantee them that right in the law, not just in the executive order and in the regulations.

In my own district, the First Baptist organization runs the Head Start program. They do a marvelous job. The reason they are kicking up the smokescreen around Mr. SHULER's amendment is that they want to protect themselves, because they are going to come here with an amendment that is going to try to give people the right to discriminate against people based upon their religion, the right to discriminate with Federal dollars on religion.

What Mr. SHULER's amendment does is to make sure that we do not weaken the ability of faith-based organizations to participate, as they have over their proud history. That is why the broadest array of religious organizations will oppose what is going to be offered in the motion to recommit, but strongly support, strongly support, the Shuler amendment to add this language to the statute to provide this protection and to provide this recognition of the historical service and the ongoing service that these faith communities have provided to the children that are eligible for Head Start to provide that quality education year after year after year after year.

That is what this amendment does. We should welcome it. We should adopt it overwhelmingly in this House and get on with the debate.

Mr. Chairman, I thank the gentleman and his cosponsors for offering this amendment.

Mr. SHULER. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ELLSWORTH).

The Acting CHAIRMAN. The gentleman from Indiana is recognized for 45 seconds.

Mr. ELLSWORTH. Mr. Chairman, I am proud to be a sponsor of this amendment, and I urge my colleagues to support it.

This amendment honors faith-based and community-based organizations that provide essential health services and education to thousands of low-income children each and every day. This program is a perfect example of government and faith-based organizations partnering to provide every child an equal playing field in school and in life, and we must ensure these churches and schools receive the support they need.

This amendment demonstrates our support to the thousands of families across Indiana who depend on Head Start programs run by faith-based and community organizations. These programs are dedicated to ensuring equal opportunities for Hoosier children, and I am proud to support them today on the House floor.

I urge my colleagues to support this amendment and to pass this important bill.

Mr. MCKEON. Mr. Chairman, I would like to read an excerpt from the Family Research Council. "This bill should help ensure that faith-based organizations with proven records of serving the neediest among us will be allowed the freedom to hire the best staff they see fit, free of burdensome regulation."

Unfortunately, it does not. If we had been able to discuss the Fortuño amendment today, we would have been able to vote on ensuring what they are asking for here. Later on in the discussion, I will add these letters, along with several others I have in support of the Fortuño amendment and in opposition to this amendment.

Mr. Chairman, with that, I urge my colleagues to defeat this amendment.

Mr. MCKEON. Mr. Chairman, I submit the following letters for the RECORD:

THE CENTER FOR PUBLIC JUSTICE.
April 30, 2007,

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The Coalition to Preserve Religious Freedom, a multi-faith alliance of education, social-service, and religious freedom organizations, asks for your support to make federal social programs fully open to the participation of qualified faith-based organizations. We are concerned that some federal legislation does not adequately invite faith-based participation, while ensuring the religious liberty of beneficiaries. We are also concerned that other federal legislation, such as the Workforce Investment Act and the Head Start Act, has language excluding faith-based organizations that desire to retain their freedom when hiring to take account of the religious convictions of potential employees.

We ask in particular for your support to make the Head Start program hospitable to faith-based organizations when H.R. 1429, the Improving Head Start Act, comes up for floor action.

In the Education and Labor Committee's recent markup of the bill, Resident Commissioner Fortuno's amendment to clarify the eligibility of faith-based organizations to participate in Head Start unfortunately was defeated. The amendment would have added language making it explicit that faith-based organizations are eligible to take part on the same basis as secular organizations, without being required to minimize their religious character. Such language reflects the U.S. Supreme Court's turn in First Amendment interpretation to the equal treatment or neutrality standard.

As part of the confirmation of the equal eligibility of faith-based providers, the amendment provided that religious organizations participating in Head Start would no longer be required to waive their freedom under the 1964 Civil Rights Act to take account of religion when making employment decisions. We understand that some members regard such an affirmation of the Civil Rights Act's standard as introducing pernicious religious job discrimination into the federal early childhood education program. Yet the Civil Rights Act expressly provides that it is not to be regarded as discrimination when a religious organization considers religion when evaluating potential employees.

We believe that the Civil Rights Act got it right on this, just as we believe that political and environmental organizations must be free to assess job candidates on the basis of ideological conviction. We see no reason why religion (or political views or environmental convictions) would suddenly become irrelevant to an organization's internal life and commitments when it agrees to serve its community in a partnership with government. Nor is it unconstitutional for a religious organization that receives government funds to continue to staff on a religious basis. The federal judge in the major 2005 religious staffing case, Lown v. Salvation Army, resoundingly affirmed the contrary.

We respectfully request that you disavow the characterization made by some members of Congress that religious staffing by faith-based organizations is invidious "Job discrimination." "We request that you support the continuing effort in Congress to remove from federal programs language contradicting the Civil Rights Act's affirmation of the religious staffing freedom. We believe that programs such as Head Start and the Workforce Investment Act should be brought into line with the large majority of federal programs that do not restrict religious staffing by faith-based organizations that desire to collaborate with the government to provide assistance.

Thank you.

Sincerely,

STANLEY W. CARLSON-THIES,
The Center for Public Justice.

On behalf of the Coalition to Preserve Religious Freedom and the undersigned organizations:

Organizations are listed for identification purposes only.

Dr. Robert C. Andringa, President Emeritus, Council for Christian Colleges and Universities.

Anne R. Apodaca, Executive Director, New Mexico Community FaithLinks.

Dr. Art Ayris, President, The Florida Bridge.

Greg Baylor, Director, Center for Law and Religious Freedom, Christian Legal Society.

Richard Cizik, Vice President for Governmental Affairs, National Association of Evangelicals.

Rabbi Abba Cohen, Director and Counsel, Washington Office, Agudath Israel of America.

Paul Corts, President, Council for Christian Colleges and Universities.

Lisa Cummins, Center for New Communities.

Rimmer DeVries, Camano Island, Washington.

Nathan Diament, Union of Orthodox Jewish Congregations of America.

Barrett Duke, Ph.D., Vice President for Public Policy and Research, Southern Baptist Ethics & Religious Liberty Commission.

Mark L. Earley, President, Prison Fellowship Ministries.

Rev. Bill Emery, Director, Virginia Roundtable.

Dr. Bernard Fryshman, President, Association of Advanced Rabbinical and Talmudic Schools, New York, New York.

Mr. Israel Gaither, National Commander, The Salvation Army, United States.

Walter Gilbert, CEO, Open Door Adoption Agency, Inc., Thomasville, GA.

Dennis Griffith, Executive Director, Teen Challenge of Southern California.

Rev. John Hughes, Metro United Methodist Urban Ministries, San Diego, CA.

Andrea Lafferty, Executive Director, Traditional Values Coalition.

Donna Long, President, The National Bridge Alliance.

John Long, President, The Georgia Bridge.

Rev. Paul Lundberg, Atwater Baptist Church, Atwater, CA.

Dr. Larry Martin, President, Kentucky Compassion Bridge.

Freddie John Martin, Teltech Development Consulting Corporation, Silver Spring, Maryland.

Tom McClusky, Vice-President for Government Affairs, Family Research Council.

Ellen McKinley, Child Development Education Alliance, Orange Park, FL.

Stephen Monsma, The Henry Institute for the Study of Christianity and Politics, Calvin College, Grand Rapids, MI.

Rev. James Ortiz, Senior Pastor, President, My Friend's House, Assembly of God, Inc., Metro Impact Ministries. Inc., Whittier Area Evangelical Ministerial Alliance, Whittier, California.

Rev. Carl Rehling, Diocesan Liaison for Justice and Peace, Episcopal Diocese of Maryland.

Shari Rendall, Director of Legislation and Policy, Concerned Women for America.

Amy L. Sherman, Director, Sagamore Institute Center on Faith in Communities, Charlottesville, VA.

Dr. Ronald J. Sider, Evangelicals for Social Action, Wynnewood, PA.

Dr. James W. Skillen, Center for Public Justice.

Taylor Smith, Jr., Vice President of Executive Support, Association of Christian Schools International.

Dr. Robert Vickers, President, Artful Askers, The Missouri Bridge.

David Winter, Chancellor, Westmont College, Santa Barbara, CA.

Karen M. Woods, Executive Director, Empowerment Resource Network.

Terrence Woodnorth, Endicott, NY.

Robert L. Woodson, Sr., Center for Neighborhood Enterprise.

Dr. Carl Zylstra, President, Dordt College, Sioux Center, Iowa.

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL, OFFICE OF GOVERNMENT AFFAIRS,
Silver Springs, MD, April 23, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER:

The Association of Christian Schools International (ACSI), which has member schools and preschools in every state, applauds the strong bipartisan vote by the U.S. House Education and Labor Committee that recently advanced the Improving Head Start Act (H.R. 1429). We know that this measure aims to strengthen the Head Start early childhood education program's teacher and classroom quality, boost coordination between Head Start and state and local early childhood programs, and increase Head Start's financial accountability. H.R. 1429 was introduced by a bipartisan group of Members, led by the Subcommittee on Early Childhood, Elementary, and Secondary Education's Chairman and Ranking Republican Member, Rep. Dale Kildee and Rep. Mike Castle. The undersigned commend these efforts.

We do have a major concern which we hope will be corrected before H.R. 1429 is voted upon and sent over to the U. S. Senate. During consideration of the Improving Head Start Act, the panel's majority chose to turn back an amendment offered by Committee Member Luis Fortuño (PR) to protect the civil liberties of faith-based providers by clarifying that these institutions are not required to relinquish their Title VII Civil Rights Act-hiring protections when they participate in the federal Head Start program. The existing and historic civil rights law explicitly protects the rights of religious organizations to take religion into account in their hiring practices, and former President Bill Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive federal funds. The Fortuño amendment also ensures that religious organizations would not be forced to remove art, icons, scripture, or other symbols in order to receive federal Head Start funds—which paralleled President Clinton's efforts [See 42 USC section 604a(d)(2)].

Faith-based groups should not be forced to give up their religious uniqueness because they want to assist the poor and hurting of their community. The faith and values that motivate these Americans to serve others should not be held against them. ACSI, with its many early education members, would like to cooperate with Head Start at the local level, but cannot because of this inappropriate Federal religious discrimination. We are hopeful that the House will have an opportunity to consider this important issue again when the Head Start bill comes to the House floor. The working-poor families who depend on Head Start services are counting on Congress to protect the Constitutional rights of both the secular and religious organizations that provide an "educational jump-start" for their children.

We commend HE&L Committee Member Luis Fortuño of Puerto Rico for his forthright stand that defends religious entities and their Constitutional right to be faithful to their religious beliefs, including the people they choose to hire. We are contacting many Members of both parties, asking them to protect and defend religious hiring rights of faith-based entities. And finally, ACSI and the two dozen groups or individuals who have signed this letter will do all that we can to protect potential Head Start programs that could be led by multi-faith-based groups in needy areas, but cannot because of the chilling effect of the draconian structure of current law. This is not a right to be given to Christian schools only, but to people of other faiths who represent a diverse, multi-faith society. Note additional cosigners listed on page 2.

Respectfully yours,
REVEREND JOHN C. HOLMES, Ed.D.

Organizations may be listed for purposes of identification only.

Carl H. Esbeck, Legal Counsel to the Office of Governmental Affairs, National Association of Evangelicals.

Stephen Lazarus, M. Phil., Senior Policy Associate, Center for Public Justice.

Tim McGhee, President, Mountaintop Group.

William Murray, Chairman, Religious Freedom Coalition.

Rev. Paul Weyrich, Chairman and CEO, Free Congress Foundation.

Jim Backlin, Vice President for Legislative Affairs, Christian Coalition of America.

Star Parker, Founder and President, Coalition on Urban Renewal & Education.

Robert Heckman, Central City Partners.

Maurine Proctor, President, Family Leader Network.

Gary Bauer, President, American Values.

Tom McClusky, Vice President of Government Affairs, Family Research Council.

Donald E. Wildmon, Founder and Chairman, American Family Association.

Ron Shuping, Executive Vice President, The Inspiration Networks.

Pam Pryor, Vice President of Government Affairs, We Care America.

Kevin "Seamus" Hasson, President, The Becket Fund for Religious Liberty.

Joseph Cella, President, Fidelis.

Dr. Carl Herbster, President, AdvanceUSA.

Stephen V. Monsma, Ph.D., Research Fellow, The Henry Institute for the Study of Christianity and Politics, Calvin College.

Robin Stephenson, M.A., Director, Early Education Services, Association of Christian Schools International.

Ron Sider, President, Evangelicals for Social Action.

Rev. Richard Cizik, M. Div., M.A., Vice President of Governmental Affairs, National Association of Evangelicals.

James Standish, J.D., M.B.A., Director of Legislative Affairs, Seventh-day Adventist Church.

Gregory S. Baylor, J.D., Director, Center for Law & Religious Freedom, Christian Legal Society.

The Salvation Army, USA Commander Israel Gaither, National Commander.

Hon. NANCY PELOSI,
Speaker of the House of Representatives.

DEAR MADAM SPEAKER PELOSI: The Association of Christian Schools International (ACSI) wishes it were able to commend Representatives Shuler (NC), Ellsworth (IN) and Loebsack (IA) for their amendment to H.R. 1429 regarding Head Start and the religious rights of faith-based groups. However, we cannot.

The Shuler amendment does not actually do anything. It merely lauds the history of Head Start and its relationship with faith-based groups. Should the amendment be accepted by the Rules Committee, it will only function as a "fig leaf" to those who do not want to vote for the legitimate Religious Freedom amendment, like the Fortuño amendment. Any worthwhile amendment must protect religious freedom for faith-based groups' right to hire co-religionists; and protect their rights to show that they are religious by what they have on their walls—such a Scripture. The Fortuño wording actually reinforces the rights religious groups obtained in Section VII of the Civil Rights Act of 1964. Such staffing freedom was held to be constitutional by the United States Supreme Court (9-0) in Presiding Bishop v. Amos in 1987. We recently sent the House Leadership a letter (see attached) that explained ACSI's position on H.R. 1429 and its need for the Fortuño amendment. This letter was cosigned by two dozen individuals and groups, including the Salvation Army, USA, which recently won a religious staffing decision in Lown v. Salvation Army in 2005.

We urge the Rules Committee to allow the Fortuño amendment to be voted upon on the House floor in an up-or-down vote. This stand-alone amendment gives Congress the opportunity to vote for or against religious freedom. Faith-based organizations that exist to impact the lives of at-risk children—especially in the inner cities—need a truly religious freedom amendment to bring hope to otherwise hopeless families.

Regrettably, the Shuler amendment would only be a way of continuing to deny truly faith-based groups from participating in Head Start with a clear conscience.

Respectfully yours,
REV. JOHN C. HOLMES, EDD.
ACSI Director, Government Affairs.

Mr. McKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. McKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. SPACE

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–116.

Mr. SPACE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SPACE:

Page 136, strike lines 21 through 25, and insert the following (and make such technical and conforming changes as may be appropriate):

"(16) provide assistance to address the unique needs of programs located in rural communities, including—

"(A) removing barriers related to the recruitment and retention of Head Start teachers in rural communities;

"(B) developing innovative and effective models of professional development for improving staff qualifications and skills for staff living in rural communities;

"(C) removing barriers related to outreach efforts to eligible families in rural communities;

"(D) removing barriers to parent involvement in Head Start programs in rural communities;

"(E) removing barriers to providing home visiting services in rural communities; and

"(F) removing barriers to obtaining health screenings for Head Start participants in rural communities.".

Page 148, after line 25, insert the following (and make such technical and conforming changes as may be appropriate):

"(5) ensure that in entering into such contracts as described in paragraph (1), such entities will address the needs of grantees in both urban and rural communities.".

The Acting CHAIRMAN. Pursuant to House Resolution 348, the gentleman from Ohio (Mr. SPACE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. SPACE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of the Space-Hare-Welch-Altmire amendment to H.R. 1429.

Mr. Chairman, I believe that Head Start is critical for our Nation's working families. We are a Nation founded on equality and opportunity for all. All of our Nation's children deserve the opportunity to participate in early childhood development programs regardless as to the financial standing of their families.

Head Start programs in rural areas face many unique challenges in delivering services. The January 2007 report from the National Advisory Committee on Rural Health and Human Services confirms the unfortunate reality that rural Head Start programs are, in many ways, disadvantaged.

Simply put, in rural and geographically isolated areas the distance between Head Start providers and participants is a significant mountain to climb. Especially as gas prices continue to stretch both program and household budgets, the cost of transportation can be prohibitive. These distances can also impede Head Start programs from reaching out to families eligible to participate. It is certainly a tragedy when families can't enjoy the opportunities offered by Head Start programs because they didn't know about them, not because they weren't there.

I am particularly concerned about barriers to parental involvement. I believe that parental involvement fostered by Head Start programs is incredibly important. There is no responsibility of our society more sacred or profound than raising our children. Bringing parents together to share in this experience strengthens our communities, creating bonds that can bring them closer together.

In rural areas, parental involvement is again a challenge. The realities of less advantaged areas can keep parents away from these programs. This is simply a missed opportunity to build our communities.

I believe that H.R. 1429 offers significant improvements to rural Head Start programs, and I applaud the work of my colleagues on the Committee on Education and Labor for making assistance to these areas a priority.

In particular, I wish to thank my colleague from Illinois (Mr. HARE) for his amendment in committee that draws attention to the challenges of teacher retention and the recruitment of new participants in our Nation's rural areas.

Mr. Chairman, I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition, though I am not opposed to the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I think that this amendment makes it a stronger bill. Rural grantees are more likely to rely on home visits due to problems associated with staffing and transportation. Head Start in-home programs are required to make a minimum of 32 visits per year, or one per week. In addition, there must be a minimum of 16 group socialization activities per year.

For this reason, I rise in support of this amendment to provide additional training and support to rural Head Start programs facing these challenges to ensure that all children can access the skills necessary to succeed in school.

I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SPACE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the gentleman for yielding.

Mr. Chairman, I am honored to join Congressmen SPACE, WELCH and ALTMIRE in introducing this amendment to improve Head Start programs for rural communities.

Much of my congressional district is rural. Therefore, I am very sensitive to the unique challenges that Head Start centers and rural families face in providing or accessing Head Start programs. Some of these challenges include instructor shortages, access to Head Start programs and outreach to eligible families.

As a member of the Education and Labor Committee, I had the privilege of addressing these concerns during the markup of this bill. The amendment we present today expands those efforts by directing the Education Secretary to provide the technical assistance and training to remove barriers to professional development, parental involvement, home visits and health screening in rural areas.

It is my hope that with this commitment from the Secretary and with the addition of services geared towards the needs of rural families, more eligible children will enroll in and experience the benefits of the Head Start program. Rural communities consist of the low-income populations that Head Start was created to serve. Therefore, it is critical that we address the challenges these communities face in administering Head Start to ensure that those families have the access to the opportunities they need and they so much deserve.

Again, I thank my colleagues for helping me on this issue, and I urge all Members to vote "yes" to improve the rural Head Start program by passing the Space-Hare-Welch-Altmire amendment.

Mr. SPACE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I thank the gentleman from Ohio for his leadership on this issue, and I rise in strong support of this amendment. I am happy to lend my name to it, because this amendment simply says that rural communities which have distinct needs in Head Start programs will now have a level playing field with the changes that have been made under H.R. 1429, which I strongly support.

This bill builds on Head Start's proven success in a way that is going to benefit parents and teachers who are involved in the program. We want to ensure through this amendment that those successes carry forward into rural communities, specifically as it relates to professional development, parental involvement, home visits and health screenings.

So I am pleased to lend my name to this. It is a great amendment, and I thank the gentleman from Ohio for his leadership.

Mr. SPACE. Mr. Chairman, I yield the balance of my time to the gentleman from California, Chairman MILLER.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from Ohio for offering this amendment and for bringing this perspective to this legislation, along with Mr. HARE and Mr. ALTMIRE and Mr. WELCH, and for representing the rural communities and raising these issues during this debate and during the consideration of this legislation.

Sometimes issues get overlooked in the rush to reauthorize the bill and to reauthorize it from a single perspective, so I appreciate this information that they have brought to us. I think the direction to the Secretary to review and to look at these barriers and to see what we can do to remove them so that we can assure both the participation of the children in the program and of their families and their parents as is designed by the law is important.

Mr. Chairman, I urge the adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SPACE).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. SESTAK of Pennsylvania.

Amendment No. 4 by Ms. HIRONO of Hawaii.

Amendment No. 5 by Mr. MICA of Florida.

Amendment No. 7 by Mr. PUTNAM of Florida.

Amendment No. 9 by Mr. CARNAHAN of Missouri.

Amendment No. 11 by Mr. SHULER of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 254, not voting 18, as follows:

[Roll No. 277]

AYES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—254

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Flake
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Boehner
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Feeney
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Rogers (KY)
Simpson
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1740

Messrs. COHEN, RODRIGUEZ and HILL and Ms. WOOLSEY changed their vote from "aye" to "no."

Mrs. BACHMANN and Mr. SAM JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 107, not voting 18, as follows:

[Roll No. 278]

AYES—312

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capito
Capps
Capuano

Cardoza
Carnahan
Carney
Carson
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—107

Akin
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Castle
Coble
Conaway
Crenshaw
Culberson
Davis, David
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pence
Petri
Poe
Price (GA)
Putnam
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Upton
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)

NOT VOTING—18

Berkley
Brady (PA)
Cannon
Cole (OK)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Serrano
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1747

Mr. EVERETT changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Chairman, on rollcall No. 278, had I been present, I would have voted "aye."

Mr. SERRANO. Mr. Chairman, on rollcall No. 278, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MS. HIRONO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 372, noes 50, not voting 15, as follows:

[Roll No. 279]

AYES—372

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillmor
Gohmert
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel

Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—50

Bachmann
Baker
Barrett (SC)
Bishop (UT)
Blackburn
Burton (IN)
Cantor
Carter
Coble
Davis (KY)
Davis, David
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
King (IA)
Kingston
Linder
Manzullo
Marchant
McCrery
Miller, Gary
Musgrave
Myrick
Neugebauer
Pence
Poe
Price (GA)
Radanovich
Sali
Sessions
Shadegg
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Weldon (FL)
Westmoreland

NOT VOTING—15

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Gillibrand
Gutierrez
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining on this vote.

☐ 1756

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MICA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 286, not voting 14, as follows:

[Roll No. 280]

AYES—137

Aderholt
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Everett
Fallin
Feeney
Forbes
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Linder
Lowey
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—286

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Flake
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1803

Mr. CAPUANO changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. LOWEY. Mr. Chairman, during rollcall vote No. 280 on H.R. 1429, I mistakenly recorded my vote as "aye" when I should have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. PUTNAM

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. PUTNAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 262, not voting 14, as follows:

[Roll No. 281]

AYES—161

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—262

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Bilirakis
Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN.

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1811

Mrs. JONES of Ohio and Mr. HILL changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. CARNAHAN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. CARNAHAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 171, not voting 13, as follows:

[Roll No. 282]

AYES—253

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—171

Aderholt
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—13

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1820

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. SHULER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. SHULER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 195, not voting 13, as follows:

[Roll No. 283]

AYES—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Frank (MA)
Giffords
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Gillibrand
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that there are 2 minutes remaining on this vote.

☐ 1828

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. KIND, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, pursuant to House Resolution 348, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that under the rules adopted by this House, the number of votes allowed in the Committee of the Whole is different than the number of votes allowed when the House sits?

The SPEAKER pro tempore. The gentleman is correct.

Mr. PRICE of Georgia. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PRICE of Georgia. Isn't it further true, Mr. Speaker, that because of the rules, any re-vote in the House on an amendment that passed in the Committee of the Whole with full participation, the total votes cast would be different?

The SPEAKER pro tempore. That is correct.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1830

MOTION TO RECOMMIT OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the bill (H.R. 1429) to the Committee on Education and Labor with instructions to report the bill back to the House forthwith with the following amendment:

Page 172, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 22. OPERATIONAL RULE.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 654 the following:

"SEC. 654A. OPERATIONAL RULE.

"(a) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out under this subchapter, the Federal Government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. The Federal Government shall not discriminate in the administration of this subchapter against an organization that provides assistance under, or applies to provide assistance under, this subchapter, on the basis that the organization has a religious character.

"(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

"(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (a) shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—The Federal Government shall not require a religious organization—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (a).

"(3) EMPLOYMENT PRACTICES.—Section 654 shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in section 654.

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to a religious organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.".

Mr. MCKEON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. MCKEON. Mr. Speaker, because of a flaw in the Federal Head Start law, faith-based institutions have been forced to relinquish their civil liberties if they choose to participate in the Federal early childhood program we are poised to reauthorize today.

A sham of an amendment adopted earlier today applauded these organizations but did nothing to protect faith-based providers' civil rights. This motion to recommit does.

We have had this debate many times before here on the House floor, and each time we have had this debate, opponents of faith-based groups' federally protected right to maintain their religious nature and character through those they hire have equated these civil liberties as "discrimination."

The 1964 Civil Rights Act makes clear that faith-based groups may serve their communities without being forced to give up the right to employ individuals who share the tenets and practices of their faith. Mr. Speaker, were the authors of the Civil Rights Act pro-discrimination? No.

The United States Supreme Court in 1987 unanimously reaffirmed the hiring rights for faith-based organizations. Was the Supreme Court pro-discrimination? No.

Former President Clinton signed four laws explicitly allowing faith-based groups to staff on a religious basis when they receive Federal funds. Was he pro-discrimination? No.

The motion to recommit we are considering today is offered in the same spirit as the 1964 Civil Rights Act, the 1987 Supreme Court decision, and President Clinton's signature on those four bills.

I commend the gentleman from Puerto Rico (Mr. FORTUÑO) for offering this as an amendment before the Rules Committee yesterday.

Mr. Speaker, I now yield the balance of my time to Mr. FORTUÑO.

Mr. FORTUÑO. Mr. Speaker, thank you for allowing me to speak today on the motion to recommit H.R. 1429, the Improving Head Start Act of 2007. I must commend Chairmen MILLER and KILDEE and Ranking Members MCKEON and CASTLE for completing work on this important reauthorization.

This motion to recommit would ensure that, one, religious organizations that are participating in the Head

Start program are allowed to take religion into account in their hiring practices; and, two, religious organizations that are participating in the Head Start program are not discriminated against on the basis of their religious character and are not required to alter their form of governance or remove religious art, icons, or scripture or other symbols if they decide to participate in the Federal Head Start program.

Faith-based organizations, such as churches, synagogues and other faith-based charities, are a central part of the fabric of communities across America. Many of these organizations provide assistance and services to the neediest members of society, offering a helping hand to the least fortunate among us. Faith-based organizations can make a vital contribution to Federal assistance programs and are critical to the survival of many communities and to the improvement of the lives of countless individuals.

When faith-based groups hire employees on a religious basis, they are exercising their civil rights and liberties. The Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties and does not constitute "discrimination" under Federal law. Faith-based providers who are willing to help provide early childhood education and other critical social services should not be denied this opportunity.

Faith-based organizations cannot be expected to sustain their religious mission without the ability to employ individuals who share the tenets and practices of their faith because it is that faith that motivates them to serve their neighbors in trouble. Without the right to continue to hire on a religious basis, religious organizations, in order to avoid such dangers, are likely to simply withdraw from the Federal social service efforts altogether, to the loss of people in need everywhere.

Constitutional protections are included. The motion to recommit prohibits funds from being used for worship, instruction, or proselytization in keeping with constitutional requirements.

This motion to recommit does not permit religious organizations to refuse to assist individuals on the basis of religion, a religious belief, or refusal to participate in a religious practice. The nondiscrimination language of the current Head Start statute prevents discrimination in the provision of service on the basis of race, creed, color, national origin, sex, political affiliation, or beliefs.

Mr. McKEON. Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, this motion should be called the "religious job discrimination act."

As a person of faith who believes strongly in the good work of faith-based groups, I rise to passionately oppose this ill-advised motion, a motion also opposed by the Baptist Joint Committee, the American Jewish Committee, the Episcopal Church, and the NAACP.

Our principle is simple but deeply profound. No American, not one, should ever have to pass another American's private religious test to qualify for a tax-funded Federal job. Not one American. Mr. Speaker, I shouldn't have to pass Mr. McKEON's test if I am applying for a Head Start job program, and he should not have to pass my religious test.

The fact is that no group in America, which would be possible under this motion, should be able to accept a $1 million Head Start tax-funded grant and then literally, with your tax dollars in mind, put up a sign that says no Jews nor Catholics need apply here for a federally funded job. To do so is morally wrong. To do so is constitutionally wrong. No American, no American, not one, should ever have to choose between being true to his or her private religious faith and having a federally funded, tax-funded job.

This motion will harm the Head Start program. It will harm the work of faith-based groups. Vote "yes" for Head Start and "no" for this motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, I have been the pastor of the St. James United Methodist Church for 33 years. The bishop gives me the authority to bring pastors onto our staff, and I discriminate. I have five pastors. All of them are Methodists, and they are paid with Methodist dollars. Each one of them. They are paid out of the stewardship of the church, and I have the right to do that. But I don't have the right to accept Federal dollars and discriminate.

Minorities have come to Washington over the years because this was the seat of power and it was believed that if you could get close to the seat of power, freedom would be more available. The same thing holds true with dollars. People go to work for the Federal Government, and if they see dollars going to a Head Start program, they believe automatically that there will be no discrimination. And we should not, we should not, turn it around now.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, a few weeks ago, Don Imus provoked a national discussion about race, but that was just talk. If we pass this motion, we will take action and turn the clock back before 1965.

This amendment doesn't allow faith-based programs to get funded. The Shuler amendment that we passed reminds us that faith-based organizations can and do sponsor Head Start programs.

The fact is that any program that can be funded under this amendment could be funded anyway if they would agree not to discriminate in employment. It has nothing to do with symbols. It is absurd to suggest that this has anything to do with symbols. Whatever problem there is with symbols is a constitutional problem that cannot be solved with a motion to recommit.

This is all about discrimination. And if you can discriminate based on religion, it has racial implications. So since the 1960s, for 40 years, when you talk about civil liberties, you are talking about the victims of discrimination. We decided 40 years ago that it was so reprehensible to discriminate in employment that we made it illegal, even with your own private money. And today, as we talk about discrimination, we ought to think about the victims, not the right of the person to discriminate against the victim.

The present law allows the church to use its own church money, as the gentleman from Missouri said, to hire whom they want. But with Federal money, just with the Federal money, you have not been able to discriminate. So for 40 years, all children in Head Start programs have learned that their parents are eligible to be hired by the Head Start program regardless of the race or religion of the program. They have known that for over 40 years. This amendment will determine what the next generation of Head Start students will learn.

We need to defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Speaker, I urge my colleagues to vote against this motion to recommit and not adopt a policy of employment discrimination based upon religion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. McKEON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minutes votes on passing H.R. 1429, if ordered, and suspending the rules and adopting House Resolution 243.

The vote was taken by electronic device, and there were—ayes 195, noes 222, not voting 16, as follows:

[Roll No. 284]

AYES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—16

Brady (PA)
Capuano
Cubin
Davis, Jo Ann
Engel
Fattah
Graves
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Simpson
Tancredo
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining.

□ 1859

Mr. BACHUS changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. UDALL of Colorado. Mr. Speaker, I was unavoidably detained and unable to be present at the time of the vote on the motion to recommit H.R. 1429. Had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 365, noes 48, not voting 19, as follows:

[Roll No. 285]

AYES—365

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick

Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—48

Akin
Bachmann
Baker
Barrett (SC)
Burton (IN)
Campbell (CA)
Cantor
Carter
Coble
Culberson
Deal (GA)
Doolittle
Duncan
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Hoekstra
Inglis (SC)
Johnson, Sam
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Manzullo
McHenry
Miller (FL)
Miller, Gary
Neugebauer
Pence
Pitts
Poe
Radanovich
Rohrabacher
Royce
Sali
Sensenbrenner
Shadegg
Stearns
Walberg
Weldon (FL)
Westmoreland

NOT VOTING—19

Brady (PA)
Cubin
Davis, Jo Ann
Delahunt
Engel
Everett
Fattah
Graves
Hunter
Johnson, E. B.
Lampson
Marshall
McCrery
McMorris Rodgers
Ortiz
Paul
Price (GA)
Simpson
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1906

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 285 I was unavoidably detained. Had I been present, I would have voted "aye."

CALLING ON VIETNAM TO IMMEDIATELY AND UNCONDITIONALLY RELEASE POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 243, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SIRES) that the House suspend the rules and agree to the resolution, H. Res. 243, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, answered "present" 3, not voting 25, as follows:

[Roll No. 286]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

ANSWERED "PRESENT"—3

Conaway
Gohmert
Poe

NOT VOTING—25

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Everett
Fattah
Graves
Hunter
Johnson, E. B.
Lampson
Lantos
Linder
McCrery
McDermott
McMorris Rodgers
Murtha
Napolitano
Ortiz
Paul
Roskam
Rush
Skelton
Tancredo
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes remaining in this vote.

☐ 1916

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, Le Quoc Quan, and other political prisoners and prisoners of conscience, and for other purposes".

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1429, IMPROVING HEAD START ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 1429, the Clerk be authorized to correct section numbers, punctuation, citations, and cross-references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1592, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–120) on the resolution (H. Res. 364) providing for consideration of the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. BAIRD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1867, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 1867 pursuant to House Resolution 349, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 349 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1867.

☐ 1920

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes, with Mr. ALTMIRE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. BAIRD) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. BAIRD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I rise in support today of H.R. 1867, the National Science Foundation Authorization Act of 2007.

H.R. 1867 was introduced by myself, the gentleman from Michigan (Mr. EHLERS), and several other members of the Subcommittee on Research and Science Education. It was ordered reported by the unanimous vote of the Committee on Science and Technology, and is widely supported by industry and academia.

The National Science Foundation was last authorized by Congress in 2002 for 5 years, so we are right on track to ensure the continued growth and relevance of this very important agency.

The National Science Foundation is the only Federal agency whose mission is to support science and engineering research across all disciplines. Currently NSF funds 20 percent of all basic research conducted at American colleges and universities. In many fields such as mathematics, computer sciences and social science, NSF is the major source of Federal backing.

In its 57-year history, NSF has helped cultivate a scientific research enterprise in which the capacity for creativity and innovation is unrivaled in the world. Some economists estimate that half of the U.S. economic growth since World War II has been the result of technological innovation stemming from basic research and development.

NSF also has a mission to achieve excellence in U.S. science, technology, engineering and mathematics education at all levels and in all settings from kindergarten through postdoctoral training.

I don't think we can stress enough the critical leadership role that NSF has in improving STEM education, and I want to especially thank Science and Technology Chairman GORDON for tireless efforts on these issues.

In addition to supporting research and education grants at colleges and universities across the country, NSF also helps to support the construction of world-class research facilities and equipment that help to attract the top scientists and engineers from around the world to U.S. universities.

As we have seen high-paying jobs outsourced, our children graduating high school well behind their international peers in understanding basic science, other nations surging ahead in export of high-tech products, it has finally sunk in, funding basic research and teaching our kids math and science has a huge impact on our economy, our competitiveness, our national security, and our population's well-being.

H.R. 1867, like H.R. 362 and H.R. 363, two other Science and Technology Committee bills that passed the House just last week, is one more important piece of the House leadership's innovation agenda. It is also consistent with the administration's own American Competitiveness Initiative, which called for a 10-year doubling for three science agencies, the National Science Foundation, the National Institute of Standards and Technology, and the Department of Energy's Office of Science.

H.R. 1867 was developed with input received during two subcommittee legislative hearings, a number of other NSF policy hearings held over the last many months, and countless informal conversations with NSF stakeholders both inside and outside of government.

Dr. EHLERS and I personally traveled over to NSF last month to meet with the Director and all of the Assistant Directors to receive their personal input.

In drafting H.R. 1867, we tried to limit it to policy, administrative and budget issues that have arisen since the last authorization in 2002, while leaving the Foundation with maximum flexibility in translating our guidance into practice.

Likewise, we minimized the specific carve-outs, especially in the research account, where all of the grants are awarded through a competitive, merit-reviewed process, and where the Foundation often needs to respond quickly to new fields of science and new ways of doing science.

I want to especially thank all my colleagues on the committee, especially Dr. EHLERS, Ms. JOHNSON, Ms. HOOLEY, Mr. GINGREY, Chairman GORDON and Ranking Member HALL, for helping to improve this bill and move it expeditiously through the committee process. This was a bipartisan effort from beginning to end.

Mr. Chair, this bill is critical to American innovation and competitiveness. I urge my colleagues to support passage of H.R. 1867.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today, of course, in support of H.R. 1867, which authorizes funding for the National Science Foundation for the next 3 years. As most of us know, NSF is one of three agencies targeted by the President's American Competitiveness Initiative. The ACI aims to double the Federal investment in physical science research over the next 10 years. Appropriate investment in research development technology and math and science education will ensure that our country remains the world leader in competitiveness and innovation.

The National Science Foundation is the primary source of Federal funding for nonmedical basic research conducted at colleges and universities and serves as a catalyst for science, for technology, for engineering, and mathematics education reform at all levels. The return that we receive from our NSF investments far exceeds the cost. In addition, the NSF peer review process for receiving Federal funding is to be an example for all Federal agencies and one in which I hope all of my colleagues more fully recognize as an appropriate means of investment.

As reported, this is a good bill. I thank Chairman GORDON and Dr. BAIRD for working with Dr. EHLERS and with me to make improvements in the measure. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BAIRD. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. HOOLEY), who has been a tireless member of this subcommittee and has championed the issue of undergraduate research, which is critical in preparing our students for the future.

Ms. HOOLEY. I would like to thank Chairman BAIRD for yielding me time to speak on this important piece of legislation and your incredible leadership on this issue.

The bill we have before us today will strengthen the National Science Foundation and allow it to better serve the needs of this country both today and well into the future.

The Foundation is unique among the Federal Government's scientific research agencies in that it supports science and engineering across all disciplines. Each year the National Science Foundation supports an average of 200,000 scientists, engineers, educators and students at universities, laboratories and field sites all over the United States and throughout the world.

The NSF plays a critical role in helping the United States maintain its position at the forefront of global innovation and technology. The NSF provides funding and support for research at the Nation's leading universities and laboratories to develop products and materials to further our economy.

Examples of recent discoveries by NSF-funded research include new materials to make solar panels more effective, technologies to make airport screening more efficient, and the world's strongest superglue based on water-loving bacteria.

By supporting students at each phase in the educational system, the NSF helps our future scientists and engineers turn ideas into innovation.

I am particularly pleased that the committee has agreed to include language in the reauthorization that directly ties funding for the Research Experience for Undergraduates Program to funding levels at the NSF. One of the few NSF programs devoted specifically to undergraduates, this program has suffered from a declining budget for the past 3 years. By tying the funding for the program to the overall funding of NSF, we will allow students access to the resources they need to further their research at their own schools and at institutions across the country.

This legislation is not only good for students, teachers, scientists and engineers, but it is good for the United States in our leading the world on our innovation which drives our economy.

I urge my colleagues to join me in supporting this bill. And again, I thank my colleague Representative BAIRD for all of his hard work on this piece of legislation.

☐ 1930

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join the speakers in rousing approval of this bill, the National Science Foundation Authorization Act of 2007. As a scientist, I have been familiar with the National Science Foundation almost since its inception. It is an outstanding American institution. It is the best science research institution in the world in terms of their strong peer review and the good results.

Just a few weeks ago, we had the announcement of the latest round of Nobel Prize winners. All of the Nobel Prize winners this year in the sciences were from the United States, and one of them was formerly funded by the National Science Foundation.

The National Science Foundation has now provided funding for 170 individuals who have gone on to win the Nobel Prize. By far, we are the leader among all the Nations, and it is not just our population. It is our ability to engage in meaningful and good research, research that results in earth-changing results, and that is extremely important to the foundations of science.

The National Science Foundation has done so many good things since its inception, and as I said, it is one of the leaders in the world.

It also has received awards from the Office of Management and Budget just within the past few years as the most efficiently run government agency. Now, that is indeed an important prize. I understand we are going to have a few amendments to try to reduce the budget of the National Science Foundation, and I think it is absurd to punish the best-operated government agency while we are continuing to fund other agencies which do not do as well, and we are not reducing their budget.

Another factor is we often talk in the Congress about investments. Sometimes I think we never spend a penny of our money; we invest it all because everyone talks about their particular project as a good investment. Well, let me tell you, if we are investing money here we will get a higher rate of return on the money that we invest in the National Science Foundation than in any other government agency, except perhaps NIH, simply because the results are so astounding and so ripe for development by the manufacturing sector.

I could give many, many examples, but let me just mention one. A friend of mine, Charlie Townes, a number of years ago, decided that he could develop a laser. Now, LASER stands for lamp amplification by stimulated emission of radiation. The initiative for that discovery came originally from Einstein in the early 1900s. In the 1930s, a theoretical physicist predicted that stimulated emission would result from a photon hitting an excited atom, yielding two photons of the same wavelength and the same phase traveling in the same direction. Mr. Townes decided he could build a laser out of this, and in fact, he did.

I do not know what types of grants he had, but I think the total was probably less than $10 million. Today, the laser industry is a multi, multi, multibillion dollar industry.

Every sewer that has been laid in this Nation and most parts of the world for the last 30 years has been leveled with a beam of laser light. Every suit, every piece of clothing that the people in this room are wearing has been cut out by a laser light, not scissors, but lasers guided around, cutting out the patterns before they are sewn together. I could go on and on with many other examples, including medical examples, by the way.

So that small investment of about $10 million resulted in thousands and thousands of billions of dollars in our economy. That is why it is totally absurd for anyone to think about reducing the budget of the NSF. If anything, we should increase it because the payback on our investment there is so good, so strong, that we should be increasing NSF funding, not decreasing it.

Mr. Chairman, I reserve the balance of my time.

Mr. BAIRD. Mr. Chairman, I just want to say how much I appreciate Dr. EHLERS for his wisdom, his knowledge, his friendship and his leadership on this. There are few Members of Congress, or even, I think, few other people in the country who know these issues as well as Dr. EHLERS. He has been a teacher to students for many years and a teacher to those of us on the committee as well.

I thank Dr. EHLERS for his fine comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. CARNAHAN), a valued member of the committee who has led critical efforts on this legislation.

Mr. CARNAHAN. Mr. Chairman, I rise in strong support of H.R. 1867, the National Science Foundation Reauthorization Act of 2007.

I really want to thank Chairman GORDON, Chairman BAIRD and Ranking Member EHLERS for their work on this bill. Under their leadership, our committee has produced a remarkable amount of quality legislation, including this bill before the House tonight.

Our country's global competitiveness is directly linked to the ability of our math, science and engineering professionals to develop innovative technologies, policies and scientific breakthroughs.

Yet while it is important to support these professionals and their industries today, it is perhaps of even greater importance to support their professions and industries of tomorrow.

In order for our Nation to compete with countries around the world, we must ensure that we increase the educational opportunities for our youth to study and pursue careers in math, science and engineering, while also investing in programs to enrich the quality of these opportunities.

Making both research and the education of our children a national priority is not simply an investment in these fields. Our global competitiveness is directly tied to our Nation's economy and national security.

NSF plays a critical role in influencing our global competitiveness as it supports science and engineering across all disciplines.

Each year NSF supports an average of about 200,000 scientists, engineers, educators and students at universities, laboratories and field sites all over the U.S., including many great institutions in my home State of Missouri.

H.R. 1867 authorizes the necessary funds for NSF which will allow the agency to foster relationships between academia and industry in order to spawn U.S. competitiveness and further the Agency's traditions of education in science, technology, engineering and math, the STEM, fields.

I urge my colleagues to invest in the future of our children, in our country's global competitiveness and support this bill.

Mr. EHLERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. BAIRD. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, as a past NSF grant recipient, I rise today in strong support of H.R. 1867, the National Science Foundation Reauthorization Act of 2007. I want to thank Chairman GORDON, Chairman BAIRD and Dr. EHLERS for their work in bringing this strong bill to the floor today.

Today, we stand at the cusp of numerous technological breakthroughs that will completely revolutionize our way of life; from hydrogen and other advanced fuels technologies that will free us from our addiction to oil, to nanotechnology that has the potential to impact virtually every sector of our economy.

Much of this research has been made possible by grants from NSF, and by passing this bill we are continuing our support of American researchers, scientists, engineers, educators and students who will ensure that these breakthroughs continue and that America continues to lead the world technologically and economically.

I would like to point out that consideration of this legislation comes on the heels of last week's passage of the 10,000 Teachers, 10 Million Minds and Sowing the Seeds legislation. Both of these bills were introduced in response to the recommendations of the Rising Above the Gathering Storm report, which was commissioned by Congress to help the U.S. compete, prosper and be secure in the global community of the 21st century.

This legislation we are considering today, which puts us on a path to double NSF funding over 10 years, will further build our commitment to competitiveness, being led in the House by Chairman GORDON.

The NSF has a broad mission of supporting science and engineering and funding basic research across many disciplines. Basic research is very necessary, yet oftentimes, because it does not directly, only indirectly lead to advances, does not receive private funding. The NSF does this.

This legislation also specifically calls on the director of NSF to give special consideration to research proposals having high importance for future national economic competitiveness. This is critically needed.

One example is nanotechnology, a very promising field of research that has the potential to revolutionize our society from defense to health care to energy to environmental cleanup. This will help.

The bill also gives special consideration to partnerships between academics, industrial scientists and businesses. I have spoken to a lot of professors and administrators at universities who say this is a major problem in our country of taking research and getting it to the market, and this will help to do this.

Mr. Chairman, earlier today I had the opportunity to meet with five American scientists who each just recently won a Nobel Prize. They all emphasize that continued support of the NSF is crucial to America's future success, just as it is critical to their successes.

So, as a proud cosponsor of this bill, I urge the House to heed the advice of those on the cutting edge of science and take another step in bolstering American competitiveness by passing H.R. 1867.

Mr. BAIRD. Mr. Chairman, it is a real privilege and honor to yield such time as he may consume to the gentleman from Tennessee (Mr. GORDON), Chair of the committee. Before he speaks, I just want to say what a privilege it is to serve with him and to offer that years from now, there will be Americans benefiting from technological and scientific innovations and in particular young people, scholars, benefiting from the education initiatives championed by Mr. GORDON. They may not know of the work done. He has done a great job, a bipartisanship approach to this committee. It is a privilege to serve with him.

Mr. GORDON of Tennessee. Mr. Chairman, I thank Dr. BAIRD.

Let me just say that I have a 6-year-old daughter at home, and I am very concerned that she could be a part of the first generation of Americans to inherit a national standard of living less than their parents, a complete reversal of the American Dream. And if we are going to avoid this, it is very, very important that we follow through on the recommendations of the report on Rising Above the Gathering Storm.

Now, last week we did. We got a good start. Last week, we passed the K–12 improvements in math and science education, as well as investments in our education system in other regards. This week, we are going to take another step forward, and that is follow the recommendations of increasing our commitment to basic research.

Tonight, we are going to pass the National Science Foundation authorization which will double the National Science Foundation. Tomorrow, we are going to double the NEST budget.

Let me on behalf of my daughter, I want to thank Dr. BAIRD, I want to thank Dr. EHLERS and our excellent staff for working together in a bipartisan way. I want to remind everyone that this is a bill that came out of the Science and Technology Committee unanimously because it is a good bill, it was worked on together in a bipartisan, Democrats, Republicans, with a very good staff. Again, I thank you for the great work you did, and my daughter thanks you even more.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of the National Science Foundation Authorization Act of 2007. I appreciate the kind words offered by Mr. BAIRD and Mr. GORDON, and frankly, producing this bill was a lovefest. I am very impressed with the work they did on it. I am very appreciative of the very hard work that they did in putting together a bill, including direct interaction with members of NSF, talking to scientists who were familiar with the NSF, scientists who had received funds from NSF, and out of all that, we have written a bill that I think is a very good one.

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My colleagues and I on the Science and Technology Committee have introduced a strong reauthorization bill for the National Science Foundation. It is a straightforward 3-year bill which provides authorization for the various research and education activities of the National Science Foundation.

I am pleased that this bill establishes a pathway to double the total budget of the Foundation. In 2002, Congress wholeheartedly supported a 5-year doubling path for the Foundation, and I strongly supported that and was very pleased to vote for it.

Unfortunately, appropriations have fallen far short of that target. Last year I had consultations with the President, and partly as a result of those consultations, the President introduced a plan known as the American Competitiveness Initiative that sought to double the research budgets of the National Science Foundation, National Institute of Standards and Technology and the Department of Energy's Office of Science over the next 10 years. In other words, twice as slow as the previous decision of the Congress.

I would prefer the faster increase, but I recognize realities and the tough financial conditions we have. So I am pleased to sign on with doubling over 10 years.

The National Science Foundation was included in the ACI because it conducts world-class research in areas that support new, innovative technologies, which, in turn, lead to advances in telecommunications, homeland security, alternative energy and other areas of great importance to our Nation.

I have the utmost confidence that the National Science Foundation will use the authorized funds in the most prudent manner, as NSF consistently earns the highest possible score in the annual Office of Management and Budget ratings of financial and budget performance.

The National Science Foundation Authorization Act of 2007 will support the education and training of more than 225,000 scientists, engineers, teachers and students. In addition to discipline-specific research, NSF activities include cross-cutting initiatives on nanotechnology, networking and information technology, climate science change and the International Polar Year.

It also supports the construction of major research facilities that are shared within and across many disciplines of the scientific community. NSF research and activities touch every State of this Nation and provide tremendous support at all levels of education.

NSF is a unique agency because it is the only agency with a primary mission of supporting fundamental scientific research, as well as engineering research. Unlike some of our other science agencies, NSF is not a mission agency in the sense that it has an established program to target. In fact, it solves many problems through the process of fundamental research, often in a serendipitous manner.

As Nobel Prize winner Theodore Svedberg remarked, as he accepted his reward in 1926, "A glance at the history of science and technics shows that it is precisely the search for truth without any preconceived ideas, research for the sake of knowledge alone, that in the long run has most benefited humanity. The investigations which have seemingly been the most purely abstract have often formed the foundation of the most important changes or improvements in the conditions of human life."

It is challenging in this day and age to support this type of research. The U.S. has many pressing needs that require solutions on very short time lines, particularly related to national security and the health of our aging population. For this reason and others, we have seen companies decrease their investments in long-term research projects. Nevertheless, economists have confirmed the accuracy of Dr. Svedberg's statement that fundamental research has, indeed, paid the highest dividends to humanity over the years.

Estimated return on investment in research and development is difficult to calculate, but generally ranges from 20 to 400 percent. That is an incredible payback. Furthermore, past investments in NSF have contributed greatly to major technological advances in areas and industries that are critical for U.S. economic growth such as biomedical applications.

The former Director of the National Institutes of Health, Harold Varmus, is well-known for his following statement: "Medical advances may seem like wizardry. But pull back the curtain, and sitting at the lever is a high-energy physicist, a combinational chemist or an engineer."

Continued support for fundamental research lays the groundwork for innovations in other disciplines that directly impact the lives of every American. We are here today to authorize a continued investment in this type of NSF groundbreaking work.

I thank Chairman BAIRD and his dedicated staff for their work on preparing this bill in a bipartisan manner, and encourage my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BAIRD. At this point I understand Mr. KIRK would like to engage in a colloquy. Would Mr. EHLERS care to yield some time to him for that?

Mr. EHLERS. Mr. Chairman, I am pleased to yield such time as he may consume to Mr. KIRK for a colloquy.

Mr. KIRK. I thank the gentleman, one of the only working scientists serving in the Congress.

I had intended to offer an amendment to this legislation with regard to the mercury issue, but working with the committee, I understand the better place I am talking about is in the EPA Office of Science.

So I would like to say that I strongly support investment in scientific and mathematical research, but I would like to engage in a colloquy with the chairman, especially to emphasize how essential it is for comprehensive and frequent research on mercury levels in one of our Nation's most treasured ecosystems, the Great Lakes.

Mercury pollution is now a serious problem for my district in northern Illinois, as well as across the Nation. The Great Lakes are particularly vulnerable to exposure, as 36 percent of mercury emissions are generated in the Great Lakes region.

In fact, there are currently 18 fish advisories for mercury contamination in the region, yet the Great Lakes are a source of food and especially drinking water for over 40 million Americans. This undoubtedly contributes to the recent estimate that the U.S. Government has seen more than 300,000 American babies born each year with a risk of mercury poisoning.

It's critical that we begin to take an annual inventory of mercury levels in the Great Lakes to understand the sources of this pollution and especially the trend to see whether this danger is growing. With this information the Congress would be able to provide more effective and comprehensive regulation of mercury pollution and mitigation of its harmful effects.

I would like to thank Chairman BAIRD for agreeing to engage in this colloquy on this important matter, and I appreciate all his support in working to ensure that we have the most comprehensive, scientific, accurate and timely information on mercury contamination. I look forward to working with the chairman on this issue.

Mr. BAIRD. I very much thank the gentleman for working so closely with us and with Ranking Member EHLERS on this. I absolutely agree with the gentleman from Illinois on the importance of mercury in the Great Lakes, and I applaud him for raising this issue. It is crucial that we continue to gather the necessary data in order to protect current and future generations in the environment from dangerous mercury exposure. I am aware and appreciate the gentleman understands that the National Science Foundation does not generally engage in this type of research, and, as indicated, it is really more the appropriate domain of the Environmental Protection Agency.

Accordingly, I will be happy to work with the gentleman from Illinois, and I look forward to the committee providing direction to the U.S. EPA in a letter to that effect.

Mr. KIRK. I thank the chairman for that. I look forward to seeing the committee's letter, because I think it will move the ball significantly to help this Congress redress a growing danger.

To the gentleman from Michigan, a leader on Great Lakes protection, and removing environmental contamination, I thank him for working on this issue.

Mr. EHLERS. I thank the gentleman for those comments. We will be happy to continue working with him.

Mr. Chairman, I reserve the balance of my time.

Mr. BAIRD. Mr. Chairman, I yield myself such time as I may consume in order to engage in a colloquy with the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Thank you, Mr. Chairman, for giving me this opportunity to talk about the importance of research into the environmental, cultural and health impacts of introducing new genetically modified plants and animals into our agriculture, horticulture and aquaculture systems.

The National Science Foundation, which supports a broad range of basic research in the biological sciences, is well equipped to perform this basic research that will help us develop more sustainable approaches to pest management, understand and manage unique environmental and health risks, and even discover ways in which modified plants could provide environmental benefits.

Mr. Chairman, this is critical research that the National Academy of Sciences has called for in a recent report. While I am not offering an amendment to this bill before us today, I do ask for your help in raising the profile of this very important issue as you proceed with the bill.

Mr. BAIRD. I would like to thank the gentlelady for bringing this issue to our attention. It is indeed an important area of research for our Federal Government, and for NSF in particular. I appreciate and respect very much your continued interest and leadership on this. We would be happy to work with you as we proceed towards conference about raising the profile of this issue and the importance of this research.

Ms. WOOLSEY. Thank you, Mr. Chairman. I look forward to working with you.

Mr. BAIRD. Mr. Chairman, I reserve the balance of my time.

Mr. EHLERS. Mr. Chairman, I yield back the balance of my time.

Mr. BAIRD. Mr. Chairman, to close, let me just once again express my deep gratitude and tremendous respect to Dr. EHLERS for his leadership, not only now as ranking member, but over the years he has served on this committee. Quite literally there has been no more tireless and effective advocate for this legislation and for science in general than Dr. EHLERS. We all respect and admire that and appreciate that greatly.

I also want to express my appreciation to Chairman GORDON, whom I acknowledged earlier and thanked for his leadership, Ranking Member HALL. I want to express a special gratitude to my own staff member, Hilary Cain, for her leadership on this and great counsel; as well as the committee staff, Jim Wilson and Dahlia Sokolov for their tireless efforts. They have spent hours and hours on this. We are grateful.

With that, as Dr. Ehlers and others have so eloquently said, this is a good bill, it is a bipartisan bill. It has the endorsement of a long list of sponsors, who I did not enumerate here in the interests of time, but virtually every major scientific organization as well as leaders in industry and in academia have endorsed this bill strongly. It is a bill that this committee and this body should pass. I urge its passage.

I urge a "yes" vote.

Mr. MORAN of Virginia. Mr. Chairman, I rise today to express my strong support for H.R. 1867, which authorizes $21 billion in funding for the National Science Foundation over the next 3 years

The National Science Foundation (NSF) was created by the National Science Foundation Act of 1950, with a broad mission of supporting science, engineering and funding basic research across many disciplines. As the only agency dedicated to the support of education and fundamental research in all scientific and engineering disciplines, we must continue to be generous and fund the NSF at the necessary levels to remain at the forefront of discovery, learning, and innovation.

In 1952, the NSF began by funding 28 research grants—in 2005 the number has grown to well over 10,000. In 2005, the agency received 42,000 proposals for research, fellowships, and projects in science, mathematics, and engineering.

There have been more than 100 Nobel Prize Winners and thousands of other distinguished scientists and engineers that have conducted their groundbreaking research with funding from the NSF.

From successfully splitting the atom, to landing the first man on the moon, to mapping the human genome, it is because of our investment in science and technology that the United States can be credited for these accomplishments. The majority of the research supported by the NSF is conducted at U.S. colleges and universities and approximately 82.6% of its estimated research and development (R&D) budget for 2005 was awarded to U.S. colleges and universities.

Today, we live in a global society and must continue to invest in our research and development to ensure we remain competitive in this global society. Every year, China and India graduate 950,000 engineers in comparison to the 70,000 the United States graduates each year. We must adequately fund and support the NSF, in order to be internationally competitive and continue to make those cutting-edge discoveries that have forever changed the way we view innovation.

I thank Mr. BAIRD for bringing this legislation to the floor and encourage all of my colleagues to support this bill.

Mr. ENGEL. Mr. Chairman, lately it seems as if science itself has been under attack. This Administration seems determined to choose policies that fly in the face of scientific consensus. They have ignored science on the issue of stem cell research, abstinence-only education, and mercury pollution. On climate change, the White House went one step further. The Bush Administration hired a Big Oil lobbyist to edit documents produced by climate scientists in an effort make climate change science seem less certain. These acts have caused some in the scientific community to lose faith in our government.

I believe H.R. 1867, the National Science Foundation Authorization Act of 2007, will help restore that trust. The bill will provide $21 billion for the National Science Foundation over the next three years to fund critical scientific research.

Mr. Chairman, I have seen how crucial this funding can be right in my own district. The Lamont-Doherty Earth Observatory of Columbia University, a key unit of the Earth Institute at Columbia University, has worked in partnership with the National Science Foundation to facilitate new discoveries and fundamental breakthroughs in Earth, Ocean and Atmospheric Sciences that are critical for advancing the understanding of the Earth's dynamic systems.

This work has allowed for a better understanding of volcanoes, earthquakes, and geologic faults. Lamont Doherty has also furthered our understanding of the effects of global warming by mapping massive sub-glacial lakes in Antarctica and studying their role in the loss of ice sheets. The Observatory has also developed new geochemical techniques to allow the mapping of past ice sheets which will help us better understand how the ice sheets on Greenland and Western Antarctica will react to increased global temperatures.

Now, more than ever, it is essential we increase our understanding of how our planetary systems interact and function as a whole. By providing the funds the NSF needs, we are investing in research vital to our national interests. Hopefully, we are also sending a signal to the scientific community that their work is essential to us as policy makers and to us as Americans.

I urge my colleagues to support this important legislation.

Mr. CROWLEY. Mr. Chairman, I rise today to support the McNerney-Giffords amendment. This amendment establishes a new competitive grants program specifically for Hispanic-serving Institutions at the National Science Foundation.

I would like to thank Representative McNERNEY and Representative GIFFORDS for their leadership in offering this amendment, which will increase opportunities for so many undergraduate students. This amendment will focus attention on the need to involve more Hispanic students in the science field by creating a specific program for Hispanic-serving Institutions to receive infrastructure development funding.

I would also like to thank Chairman GORDON, Subcommittee Chairman BAIRD, and the staff at the Science and Technology Committee for their assistance in drafting this amendment, and for their commitment to increasing participation of minorities in the science and technology fields.

Hispanic-serving Institutions serve the majority of the nearly two million Hispanic students enrolled in college today, and many of these institutions offer associate, undergraduate, and graduate programs and degrees in the science, technology, engineering, and mathematics fields. The Hispanic-Serving Institutions Undergraduate Program created by this amendment will allow these colleges and universities to access the funding they need to enhance their educational programs.

In my district alone, about 10,000 students attend Hispanic-Serving Institutions offering degrees in these science fields. Students at institutions throughout Queens and the Bronx, including Lehman College, Bronx Community College, Hostos Community College, LaGuardia Community College, Vaughn College of Aeronautics and Technology, and the College of Mount Saint Vincent, like those all across the country, will benefit from increased access to funding to improve these degree programs.

This amendment corrects a long-standing inequality at the National Science Foundation. Unlike their counterparts of Historically Black Colleges and Universities and Tribal Colleges and Universities, Hispanic-serving Institutions have not benefited from a specific program to provide them with grants for research, curriculum, and infrastructure development.

Without access to targeted capacity-building grants, Hispanic-Serving Institutions have difficulty increasing the ranks of Hispanics in the science, technology, engineering, and mathematics fields, where they have been historically underrepresented. Studies show that Hispanics earn less than 3 percent of doctorates in these areas, compared to more than 50 percent by non-Hispanic whites.

This amendment also goes to the heart of the Innovation Agenda spearheaded by Speaker PELOSI and the new Democratic Coalition in the House to increase our Nation's competitiveness and create more math and science graduates.

To maintain our global competitiveness, we need to increase our pool of scientists, mathematicians, and engineers. We can do this by ensuring that Hispanics, the youngest and fastest-growing ethnic population group in the nation, are prepared with the knowledge and skills that will contribute to our Nation's future economic strength, security and global leadership.

This grants program will educate and train a new generation of experts in the science, technology, engineering and mathematics areas. By engaging Hispanic-Serving Institutions in this process, we can reach out to and involve more of the Hispanic educational community.

The National Science Foundation, through its undergraduate and graduate programs, can assist Hispanic-Serving Institutions in developing programs to prepare current and future generations of Hispanics and other minority professionals in the sciences.

In the National Science Foundation Authorization Act of 2002, Congress authorized the Foundation to establish a Minority Serving Institutions Undergraduate Program, which was envisioned as being parallel to the existing Historically Black Colleges and Universities Undergraduate Program and the Tribal Colleges Program, and would include Hispanic-Serving Institutions, Native Hawaiian institutions, Native Alaskan institutions, and all other institutions serving "a substantial number of minority students". Unfortunately, the National Science Foundation did not implement the provision.

This amendment explicitly establishes a Hispanic-Serving Institutions Undergraduate Program. The language would capture the components of the successful HBCU-Undergraduate Program, allowing Hispanic-Serving Institutions to achieve this same level of success. The result of the amendment is that now the National Science Foundation will be able to offer three similar programs for three different types of minority-serving institutions, allowing Hispanic Serving Institutions to respond to a proposal solicitation tailored for them alone.

I applaud the establishment of a Hispanic-Serving Institutions Undergraduate Program to achieve the goal of increased minority participation in the sciences, and I urge passage of this excellent amendment by Representatives McNERNEY and GIFFORDS.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in support of H.R. 1867, the National Science Foundation Authorization Act, which will reauthorize the National Science Foundation, NSF, for the next 3 years.

H.R. 1867 will continue NSF funding on a 10-year doubling path, establish pilot programs to help improve funding rates for our young researchers, and encourage NSF to foster a relationship between academia and industry in order to improve the competitiveness of research conducted in the United States.

The National Science Foundation, created in the 1950s supports critical science and engineering research conducted at over 2,000 institutions across the Nation, which involves roughly 200,000 researchers, teachers, and students. Despite its relatively small size, NSF has an important impact on scientific and engineering knowledge and academic capacity. While NSF represents only 4 percent of the total Federal budget for research and development, it accounts for 20 percent of all basic research conducted at colleges and universities, and 50 percent of non-life science basic research at academic institutions. In fact, NSF is the only Federal agency that supports all fields of basic science and engineering research.

NSF invests in the best ideas of its scientists, engineers and educators working at the frontiers of knowledge, and across all fields of research and education. Their mission is designed to maintain and strengthen the vitality of the United States science and engineering enterprise.

In addition, NSF strives to improve its science and education collaboration at early stages in the education cycle. Science and math at the K though 12 level is becoming more interactive and engaging for our students in order to stimulate their future interest in the field of science, technology, engineering and mathematics, STEM. H.R. 1867 would increase funding for certain NSF education programs including authorizing the "10,000 Teachers, 10 Million Minds" Math and Science Scholarship Act, H.R. 362. Our youth represents America's future scientists. Stimulating their interest at a young age promises the continuation and success of our future biological, physical, social and engineering scientists.

In the state of Minnesota, the National Science Foundation supports research conducted at the University of Minnesota, the Mayo Clinic and many other academic institutions. The research conducted at these institutions has been paramount to the field of science and technology. Minnesota is proud to employ scientists, teachers, technicians and staff that address such cutting edge technology.

The research supported by the National Science Foundation touches the lives of every American; from gaining a better understanding of Alzheimer Disease to Global Climate Change and is critical to increasing our global competitiveness. It is with this commitment to the continued economic, social, and cultural well being of my district, and of the Nation, that I rise today in support of funding for the National Science Foundation for the next 3 years.

Mr. BAIRD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment.

No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Without objection, each section of the amendment shall be considered as read.

There was no objection.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 2007".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" means the National Science Board established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) DIRECTOR.—The term "Director" means the Director of the Foundation.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given that term by section 9101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(18)).

(4) FOUNDATION.—The term "Foundation" means the National Science Foundation.

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) SECONDARY SCHOOL.—The term "secondary school" has the meaning given that term by section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38)).

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2008.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,500,000,000 for fiscal year 2008.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,080,000,000 shall be made available for research and related activities, of which $115,000,000 shall be made available for the Major Research Instrumentation program;

(B) $873,000,000 shall be made available for education and human resources, of which—

(i) $94,000,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $70,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $44,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $51,620,000 shall be for the Advanced Technological Education program established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $245,000,000 shall be made available for major research equipment and facilities construction;

(D) $285,600,000 shall be made available for agency operations and award management;

(E) $4,050,000 shall be made available for the Office of the National Science Board; and

(F) $12,350,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2009.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $6,980,000,000 for fiscal year 2009.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,457,400,000 shall be made available for research and related activities, of which $123,100,000 shall be made available for the Major Research Instrumentation program;

(B) $934,000,000 shall be made available for education and human resources, of which—

(i) $100,600,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $101,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $55,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $55,200,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $262,000,000 shall be made available for major research equipment and facilities construction;

(D) $309,760,000 shall be made available for agency operations and award management;

(E) $4,120,000 shall be made available for the Office of the National Science Board; and

(F) $12,720,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2010.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,493,000,000 for fiscal year 2010.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized under paragraph (1)—

(A) $5,863,200,000 shall be made available for research and related activities, of which $131,700,000 shall be made available for the Major Research Instrumentation program;

(B) $1,003,000,000 shall be made available for education and human resources, of which—

(i) $107,600,000 shall be for Mathematics and Science Education Partnerships established under section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n);

(ii) $133,000,000 shall be for the Robert Noyce Scholarship Program established under section 10 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1);

(iii) $60,000,000 shall be for the Science, Mathematics, Engineering, and Technology Talent Expansion Program established under section 8(7) of the National Science Foundation Authorization Act of 2002 (Public Law 107–368); and

(iv) $59,100,000 shall be for the Advanced Technological Education program as established by section 3(a) of the Scientific and Advanced-Technology Act of 1992 (Public Law 102–476);

(C) $280,000,000 shall be made available for major research equipment and facilities construction;

(D) $329,450,000 shall be made available for agency operations and award management;

(E) $4,250,000 shall be made available for the Office of the National Science Board; and

(F) $13,100,000 shall be made available for the Office of Inspector General.

(d) MAJOR RESEARCH INSTRUMENTATION.—

(1) AWARD AMOUNT.—The minimum amount of an award under the Major Research Instrumentation program shall be $100,000. The maximum amount of an award under the program shall be $4,000,000, except if the total amount appropriated for the program for a fiscal year exceeds $125,000,000, in which case the maximum amount of an award shall be $6,000,000.

(2) USE OF FUNDS.—In addition to the acquisition of instrumentation and equipment, funds made available by awards under the Major Research Instrumentation program may be used to support the operations and maintenance of such instrumentation and equipment.

(3) COST SHARING.—

(A) IN GENERAL.—An institution of higher education receiving an award shall provide at least 30 percent of the cost from private or non-Federal sources.

(B) EXCEPTIONS.—Institutions of higher education that are not Ph.D.-granting institutions are exempt from the cost sharing requirement in subparagraph (A), and the Director may reduce or waive the cost sharing requirement for—

(i) institutions—

(I) which are not ranked among the top 100 institutions receiving Federal research and development funding, as documented by the statistical data published by the Foundation; and

(II) for which the proposed project will make a substantial improvement in the institution's capabilities to conduct leading edge research, to provide research experiences for undergraduate students using leading edge facilities, and to broaden the participation in science and engineering research by individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b); and

(ii) consortia of institutions of higher education that include at least one institution that is not a Ph.D-granting institution.

(e) UNDERGRADUATE EDUCATION PROGRAMS.—The Director shall continue to carry out programs in support of undergraduate education, including those authorized in section 17 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–6). Funding for these programs shall increase in proportion to the increase in the total amount appropriated to the Foundation in any year for which appropriations are authorized by this Act.

(f) LIMIT ON PROPOSALS.—

(1) POLICY.—For programs that require as part of the selection process for awards the submission of preproposals and that also limit the number of preproposals that may be submitted by an institution, the Director shall allow the subsequent submission of a full proposal based on each preproposal that is determined to have merit following the Foundation's merit review process.

(2) REVIEW AND ASSESSMENT OF POLICIES.—The Board shall review and assess the effects on institutions of higher education of the policies of the Foundation regarding the imposition of limitations on the number of proposals that may be submitted by a single institution for programs supported by the Foundation. The Board shall determine whether current policies are well justified and appropriate for the types of programs that limit the number of proposal submissions. Not later that 1 year after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to the current policy on the restriction of proposal submissions in a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

(g) RESEARCH EXPERIENCES FOR UNDERGRADUATES.—The Director shall increase funding for the Research Experiences for Undergraduates program in proportion to the increase in the total amount appropriated to the Foundation for research and related activities in any year for which appropriations are authorized by this Act.

AMENDMENT NO. 1 OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HONDA:

At the end of section 3, add the following new subsection:

(h) GLOBAL WARMING EDUCATION.—

(1) INFORMAL EDUCATION.—As part of Informal Science Education activities, the Director shall support activities to create informal educational materials, exhibits, and multimedia presentations relevant to global warming, climate science, and greenhouse gas reduction strategies.

(2) K–12 INSTRUCTIONAL MATERIALS.—As part of Discovery Research K–12 activities, the Director shall support the development of K–12 educational materials relevant to global warming, climate science, and greenhouse gas reduction strategies.

Mr. HONDA. Mr. Chairman, I would like to thank Chairman GORDON and Chairman BAIRD for the support of my amendment, and the Science Committee staff for their assistance in putting this amendment together.

I would also like to thank the chairman and ranking member for their excellent work on the National Science Foundation Authorization Act of 2007. I strongly support the work of the National Science Foundation, and as a cosponsor of this legislation, I urge my colleagues to support this passage.

Some years ago, I was a high school science teacher, and I clearly remember my students stopping me during one of my favorite lessons to ask the timeless question, why do I need to know this? Science is difficult. Global warming is hard to understand also. Some people are asking, why do I need to know this? Hundreds of years ago, Galileo and Sir Isaac Newton made remarkable discoveries about gravity and the behavior of falling objects, but to this day, most people couldn't explain the law of gravity or what determines the speed of a falling object if they had to. Most of the time people can go on with their lives, their everyday lives, without understanding scientific concepts, suffering no ill effects. You don't need to understand gravity to keep from falling. You don't need to understand your lungs in order to breathe. But global warming presents a new kind of a problem.

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The understanding of global warming will play a significant role in our ability to actually address the problem. And, we don't have much time. Global warming will cause significant impacts, including shifting weather patterns, drought, rising sea levels, and disrupted wildlife migration patterns.

Nearly every point on the globe is getting warmer, and the debate is no longer if, but when, these changes will occur.

These threats are the most natural consequences of a worldwide overreliance on fossil fuels and destructive, wasteful use of resources. We have lived on the earth, but we have not yet learned to live with the earth.

But we can't just give in to the fear and the sense of helplessness. We can turn the tide of global warming if we have the knowledge. That is why we need to know this.

My amendment will allow the National Science Foundation to support the creation of K–12 science curriculum, informal education materials, exhibits, and multi-media relevant to global warming, climate science, and greenhouse reduction strategies.

The education provided by this amendment will help people of all ages and backgrounds to make choices in their daily lives and in their communities to stop global warming. They will learn about the complex interrelationships between natural cycles and human activity. They will understand how their own actions and their own informed choices can heal the earth. This amendment by itself is, however, not the answer. A comprehensive and sustainable energy and environmental policy will require the expanded use of green energy such as solar, wind, and geothermal. We will also need to continue to find ways to reduce carbon dioxide emissions from transportation, from industry, and energy production. We need to increase the efficiency of energy use and transmissions, especially in buildings. We need to change much more than just our light bulbs. But people need to know why we need these things, and this amendment provides for that.

I urge my colleagues to support my amendment.

AMENDMENT OFFERED BY MR. SULLIVAN TO AMENDMENT NO. 1 OFFERED BY MR. HONDA

Mr. SULLIVAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SULLIVAN to the amendment offered by Mr. HONDA:

At the end of paragraph (1), insert the following: "Such materials, exhibits, and multimedia presentations shall reflect the diversity of scientific opinion, including the diversity of opinion regarding the impact of human activities on climate change, and shall also reflect the impact of greenhouse gas reduction strategies on developing nations, United States energy security, United States energy costs, the global and United States economy, low income and middle class individuals, and those on fixed incomes.".

At the end of paragraph (2), insert the following: "Such materials, exhibits, and multimedia presentations shall reflect the diversity of scientific opinion, including the diversity of opinion regarding the impact of human activities on climate change, and shall also reflect the impact of greenhouse gas reduction strategies on developing nations, United States energy security, United States energy costs, the global and United States economy, low income and middle class individuals, and those on fixed incomes.".

Mr. BAIRD. Mr. Chairman, I wish to reserve a point of order on this particular amendment.

The CHAIRMAN. The point of order is reserved.

Mr. SULLIVAN. Mr. Chairman, I believe Mr. HONDA is right on track with this amendment. However, I believe my amendment will strengthen his amendment.

Simply, my amendment ensures that children are educated on all aspects of global climate change, from global warming, climate science, and greenhouse gas reduction, to human activities on climate change, and the impact of greenhouse gas reduction strategies on developing nations, U.S. energy security, U.S. energy costs, and the global and U.S. economies.

The decisions we make today in this Congress will not only affect our children but will affect many generations to come. As the father of four children, I feel it is imperative that they know all the viewpoints on an issue so that they can make an educated decision. It is important that they obtain knowledge through schools and their parents to make informed decisions, especially when those decisions will affect the environment and the economy.

Our children are our country's future. What a bright future they have ahead of them. Every time I look at my four children, I think of the tough choices they will have to make on the road ahead, and hope that my wife and I have taught them to make the best decisions possible. I know that, between the education they receive at home and the education they receive at school, they will be well equipped to face the important choices later on in life.

It is important to me that the science education they receive in school reflect the diversity of scientific viewpoints on this very important issue. This is something my friends on the other side of the aisle have long advocated for and something my amendment achieves.

With 36.4 million elementary school-aged children and 16.8 million high school-aged children in our country, it is obvious that the science education they get today will dramatically affect their future tomorrow.

Thanks to advanced technologies, today's science classes are much more advanced than the ones I took when I was in school. Yet there are so many viewpoints out there on scientific subjects, especially climate change, it is sometimes difficult to present all views fairly to them. However, I feel that this is important, especially on an issue as sensitive and politically charged as global climate change.

Our children are our future, and we owe it to them to provide them with the best most balanced education possible. My amendment will help achieve that by presenting all viewpoints to students in kindergarten through 12th grade. My colleagues on the other side of the aisle have long called for all scientific positions to be heard, and my amendment achieves this. I encourage all my colleagues to support this amendment and ensure that all students receive fair and balanced scientific education.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. BAIRD. I continue to reserve.

The CHAIRMAN. The point of order is reserved.

Mr. BAIRD. Mr. Chairman, I appreciate the sense of what the gentleman is raising with his second order amendment. Having taught science myself, I believe it is absolutely important to share different sides of it. My concern is I think you are sort of micromanaging the education process, however, positive your intent may be. And the gentleman himself just acknowledged that students from K–12 need to have balanced information.

I question whether we really want to mandate that a kindergarten teacher educate her or his students on the impact of greenhouse gases on U.S. energy security, global developing nations, et cetera.

I think it is a fair point and absolutely an important point that we present different sides of this issue, and I applaud the gentleman for raising that.

I would, however, note that the International Panel on Climate Change, which we have had two hearings of in this committee, has clearly unanimously agreed on some general principles: That the climate temperature is increasing; that humans are significantly responsible for at least a substantial portion of that increase; and, that it will have very important consequences for the well-being of the world.

So one of the problems I have is the gentleman's amendment would seem to suggest that there is an equal weight of evidence against that perspective as there is in favor of it. And I don't recall if the gentleman attended those two hearings, but if he did, I think it was pretty clear that scientists from around the world do not consider that there is an equal weight among those who might refute the evidence of global warming and the human causes thereof.

It is absolutely legitimate that we look at the pros and cons of the various strategies to remedy that; but to micromanage it in this way, which is not what the gentleman from California's initial amendment did, I think is a mistake. I certainly wouldn't want a kindergarten teacher who is trying to educate his or her students about the potential problems of global warming to say, "Oh, my goodness. I don't have in my curriculum for these 5-year-olds a lesson on the impact of greenhouse gas on developing nations or United States energy security." I think a kindergarten teacher might be much more likely to say, "Hey, kids the world is getting hotter. You and I and your folks can have a role in trying to reduce that problem, and it is in all of our best interests to do so."

I would hate to see a kindergarten teacher micromanaged like this, however well-intentioned the gentleman's amendment is. And I still reserve the point of order, but if we don't succeed in that, I certainly urge opposition to this at this point.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. BAIRD. Mr. Chairman, at this point I will withdraw the point of order, but I would urge opposition to this amendment.

The CHAIRMAN. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) to the amendment offered by the gentleman from California (Mr. HONDA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SULLIVAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma to the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. WELDON of Florida:

In section 3(a)(1), strike "There" and insert "Except as provided in paragraph (3), there".

At the end of section 3(a), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2007 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2008 is less than $17,309,400,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2008 is less than $3,923,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2008 is less than $6,791,700,000.

In section 3(b)(1), strike "There" and insert "Except as provided in paragraph (3), there".

At the end of section 3(b), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2008 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2009 is less than $17,614,200,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2009 is less than $4,312,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2009 is less than $6,710,300,000.

In section 3(c)(1), strike "There" and insert "Except as provided in paragraph (3), there".

At the end of section 3(c), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2009 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2010 is less than $18,026,300,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2010 is less than $4,757,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2010 is less than $6,625,700,000.

Mr. BAIRD. Mr. Chairman, I wish to reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved.

Mr. WELDON of Florida. Mr. Chairman, I want to commend the authors of this piece of legislation, and make very clear that I am a strong supporter of the National Science Foundation. Indeed, I have an undergraduate degree in a science field, biochemistry. I did basic science research as an undergraduate, and I fully recognize the need for this country to make a significant increase in our investment in basic science research as the kind of research that comes through the National Science Foundation.

My concern before the committee today is that the National Science Foundation is in the same budget category as NASA; and already, the new majority this year has chosen to significantly cut funding to NASA.

Specifically, over one-half billion dollars was reduced out of the NASA budget to fund the replacement for the space shuttle. The replacement for the space shuttle is badly needed. Our shuttle fleet is aging, and indeed we are looking at a scenario in the early part of the next decade where we will not have the capability of putting men and women into space. And we, the United States of America, the greatest country in the world, will be relying on the Russians to put our astronauts into space for many, many years. And, that the further reductions in NASA that will put forward by the new majority have the potential to lengthen that period even further, and possibly perhaps permanently cripple our manned space flight program.

So my amendment is very simple and very straightforward. Basically what it says is that we are not going to cut NASA for the purpose of plussing up the National Science Foundation. I believe we need to fund both of these programs, and that is my goal and that is the purpose of my amendment.

I think one of the things that the authors of this bill keep talking about, which is very revealing and I think very important to the debate we are having right now, they talk about the importance of training kids in math and science, and that we are falling behind in our international competitiveness. But I can tell you, when I talk to teachers all across the country about what motivates our young people to study math and science, it is not the level of grants that are coming out of the National Science Foundation, it is actually our space program and an enthusiasm for the possibility or the chance that they might some day be able to participate in the space program, the manned space flight program in particular that motivates our kids.

So I think these two programs are really linked at the hip, and I think it is important that we do not fund one at the expense of the other. The current language in this bill has the potential to create that climate, and so I think it is critically important that the point of order be waived and that my amendment move forward and be approved by this body.

Mr. BAIRD. Mr. Chairman, I continue to reserve the point of order, but I would like to move to strike the last word.

The Acting CHAIRMAN (Mr. ANDREWS). The point of order is reserved.

Mr. BAIRD. Mr. Chairman, I very much appreciate and admire and respect the gentleman from Florida, and I understand full well where he is coming from. He has been a passionate supporter of our manned space program, and I share some of his concerns about the impact on that budget. I do think, however, that his offsets are wrong, and that is why I reserved the point of order which in just a moment I will press.

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There are many, many places in the Federal budget where we could find possible money to support the gentleman's aims, many within, for example, the Commerce appropriations bill.

It is possible for the gentleman to adjust revenue impacts of tax cuts. It would be possible for the gentleman to seek offsets or matches through funding for the war in Iraq, which is burning about $2.5 billion per week from our economy.

So if the gentleman is interested, as I know he is, in supporting space flight and continued investment in that, I would suggest that more appropriate offsets are available elsewhere in the Federal budget.

And I would also say it would be just terribly unfortunate to hold the Science Foundation budget, which this bill authorizes, hostage. You've got the wrong hostage. There are other places where lots more money is being reduced from the revenue stream or being expended on things that may not be in the best long-term national interest of this country. And for that reason, and for the fact that I actually consider the amendment nongermane, I will have to oppose it.

POINT OF ORDER

Mr. BAIRD. At this point, if it's appropriate to do so, I would wish to press the point of order with the Chair, if that's appropriate procedure at this point.

The Acting CHAIRMAN (Mr. ANDREWS). Will the gentleman state his point of order?

Mr. BAIRD. Mr. Chair, I have reserved a point of order. The amendment offered by the gentleman is not germane to the bill it is amending and, therefore, violates clause 7 of rule XVI.

The underlying section of the bill being amended is specific to the National Science Foundation, while the amendment introduces another unrelated agency, NASA, so the subject matter of the amendment is different than the underlying bill.

In addition, the amendment places an unrelated contingency on the authorization of NSF funds. On this point I would cite Deschler's Precedents, Chapter 28, 31.22.

Lastly, the purpose of the underlying section of the bill is to authorize appropriations for NSF, while the amendment seeks to affect the appropriations for NASA, so the fundamental purpose of the amendment is different from the underlying provision, and the scope of the underlying provision is significantly enlarged, and, therefore, I would urge that the amendment be ruled out of order.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just simply point out to my friends on the other side that this amendment was duly and appropriately presented to the Rules Committee. The Rules Committee has all of the availability of the parliamentarians and the appropriate expertise to be able to determine whether or not the amendment should be made in order. They determined, in their wisdom, that it should be made in order. And therefore, I would hope that the Chair would rule that, in fact, this amendment is appropriate, and that it addresses an issue that is of importance to the gentleman from Florida and importance to this Nation; and I would hope that we'd move forward with the amendment.

The Acting CHAIRMAN. Is there any other Member who wishes to be recognized on the point of order?

Mr. WELDON of Florida. Mr. Chairman, I wish to be recognized on the point of order.

Mr. Chairman, I believe that it is inappropriate to exercise a point of order on this amendment. It's quite clear that the NASA budget and the National Science Foundation are within the same budget category, function 250, and that there's a strong relationship between increasing the National Science Foundation that it can have a negative impact on NASA.

Furthermore, as my friend from Georgia just indicated, we have moved several bills through this body. Just today we did one where multiple points of order were waived. And the bottom line here, in my opinion, is NASA a priority for the new majority in this Congress. I don't believe it is. I don't believe it's a sufficient enough priority, and I ask that the point of order not be sustained.

The Acting CHAIRMAN. The Chair is prepared to rule on the point of order, seeing no other Members who wish to be recognized.

The gentleman from Washington makes a point of order that the amendment offered by the gentleman from Florida is not germane. The test of germaneness is the relationship of the amendment to the pending portion of the bill, section 3.

Clause 7 of rule XVI, the germaneness rule, provides that no proposition on a subject different from that under consideration shall be admitted under color of amendment. One of the central tenets of the germaneness rule is that an amendment may not condition the effectiveness of legislation pending an unrelated condition. Examples of this principle may be found in the Deschler-Brown Precedents, chapter 28, section 30.

The amendment offered by the gentleman from Florida proposes a condition on the level of authorizations contained in section 3. The condition relates to funding levels for the National Aeronautics and Space Administration. The activities of that separate entity are not related to an authorization for the National Science Foundation. As such, the amendment proposes an unrelated condition.

The amendment offered by the gentleman from Florida is, therefore, not germane. The point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Would it have been possible for the Rules Committee to propose a rule to the House to waive the rule under which the Chair has just ruled this amendment out of order?

The Acting CHAIRMAN. The gentleman does not state a parliamentary inquiry. The gentleman's question is hypothetical.

Mr. PRICE of Georgia. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from Georgia will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Chairman, isn't it true that the Rules Committee has the authority to waive the rules under which this House operates so that certain amendments may be brought to the floor?

The Acting CHAIRMAN. The Chairman of the Committee of the Whole can only comment on the rule in operation for this bill.

Mr. PRICE of Georgia. I thank the Chair.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAMPBELL of California:

At the end of section 3, insert the following new subsection:

(h) LIMITATION.—None of the funds authorized under this section may be used for research related to—

(1) archives of Andean Knotted-String Records;

(2) the accuracy in the cross-cultural understanding of others' emotions;

(3) bison hunting on the late prehistoric Great Plains;

(4) team versus individual play;

(5) sexual politics of waste in Dakar, Senegal;

(6) social relationships and reproductive strategies of Phayre's Leaf Monkeys; and

(7) cognitive model of superstitious belief.

Mr. CAMPBELL of California. Mr. Chairman, we have a budget problem here in Washington, the Federal Government. The budget that was recently passed off of this floor has a deficit in it, continues that deficit for the next 4 years. It has a tax increase in it, the largest tax increase in American history, going forward. And it also continues to raid the Social Security funds, take the Social Security surplus that we have and spend it on things that are unrelated to Social Security. So we have a budget crisis going on.

What this amendment does is it says that there are certain things upon which we should not be spending money through this bill during this time of budget deficits, stealing Social Security funds, and increasing taxes.

What this amendment does, it says there's just a couple of things that we should not be increasing the deficit by spending money on, and I quote, "The Archives of Andean Knotted-String Records," or to study "The Accuracy in Cross-Cultural Understanding of Others' Emotions."

This amendment also says that we don't want to increase spending and, therefore, increase taxes in order to pay for a study of "Bison Hunting on the Late Prehistoric Great Plains" or "Team Versus Individual Play" or "The Sexual Politics of Waste in Dakar."

And it also says that we don't want to increase spending and spend any of this money in this authorization and, thereby, be continuing to raid the Social Security Trust Funds in order to study "The Social Relationships and Reproductive Strategies of Phayre's Leaf Monkeys" or "The Cognitive Model of Superstitious Belief."

Now, Mr. Chairman, I understand that there is a process of peer review from which these studies come in the National Science Foundation, and that's all well and good. But our job here is we are the elected representatives and stewards of the taxpayers' money, not the academics in the National Science Foundation, and it is our decision whether or not we wish to spend taxpayers' funds on studies of the social relationships and reproductive strategies of Phayre's leaf monkeys or on bison hunting on the late prehistoric Great Plains. I think we should not do that.

I am sure that some believe that these are very fine academic studies. That's excellent. Within the realms of academic halls, they may think a number of things are fine academic studies. That's not the question.

The question before us is, do these things rise to the standard of requiring expenditures of taxpayer funds in a time of deficits, proposed tax increases and raiding Social Security funds? I think the answer is a resounding no. I think the answer should be a resounding no, which means that I would hope that the vote on this amendment would be an equally resounding yes.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

I appreciate the gentleman's comments about the budget deficit, and I would first suggest that the deficit rose to historic levels under the leadership of the former majority party, largest deficits in the history of this country, indeed, were accrued with President Bush and the former majority.

Looking to these studies, some of which are $10,000, now absolutely we must make sure that we spend all the taxpayer dollars wisely. But let me just share with you what the American Association for Advancement of Science, probably the most prestigious scientific body in this country, has said. Prohibiting specific grants sets a dangerous precedent for scientific research that has progressed and advanced for decades through freedom of inquiry into a broad spectrum of subjects. While congressional oversight of Federal programs is, of course, important, second-guessing peer review in this way could compromise the fabric of our public research enterprise one thread at a time. Therefore, we urge you to oppose such amendments.

Similar sentiments have been voiced by the Association of American Universities.

And I would be tempted to ask the gentleman from California, except he's already stated his piece, why he would be opposing research that has been supported by the United States Army Research Institute; that is seen as critical to the security of our troops serving in Iraq.

Now, my wager is the gentleman's saying to himself right now, I have no idea what the chairman is speaking about here. And that's the problem. When you look at a cursory examination of the title, or an abstract, you don't have an idea. That's why we have peer review.

Which particular study am I talking about? I'm talking about the Study of the Accuracy of Cross Cultural Understanding of Others' Emotions. What we are talking about here is if you're going to be dealing with people from another culture, and you misread their expression of emotions, it can cost you your life, your buddies their life, or the innocent civilians their lives. The U.S. Army Research Institute believes this is important, and they support the basic elements of this kind of study.

I also am not sure, the gentleman seems to suggest, it seems, that we here in the Congress, with a cursory evaluation of the abstracts from studies, should insert ourselves in the peer-review process. I wonder if the gentleman had looked at chemistry research or physics research in the same way, and do we really want to spend this body's time, and do you, sir, or you, sir, have the expertise to evaluate these studies? That's why we have a peer-review process. That's why we have a National Science Foundation. It is why we have a Science Foundation Board to direct us.

I absolutely agree that if taxpayer dollars are going to be spent on research, it is incumbent upon the scientist to do the research well, ethically, responsibly, and that it be relevant. But I do not believe it is the place of either side of this aisle to single out particular studies, as has been done in this case, and presume that with a 5-minute examination we know better than peer reviewers who have the degrees in the relevant fields and have spent years studying them and have evaluated them. That is a dangerous precedent to set, and I would urge strongly opposition to this amendment and a similar one which will emerge shortly for the sake of our soldiers.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

These are always very difficult questions, and I have learned long ago never to judge the research by the title of the proposal. These are complex issues, and I don't know if the gentleman was here earlier when I spoke about the rate of return on research at the National Science Foundation. The best estimate is that the rate of return is a minimum of 20 percent and a maximum 400 percent on individual research projects.

□ 2030

Now, I challenge anyone in this Chamber to find investments that will year after year give you that rate of return on the investment.

Another point I would like to make is, as I said, you can't always judge the full proposal by the title. This was evident a few years ago when we went through exactly the same charade when discussing the National Science Foundation budget. Some of my colleagues came down to the floor to amend the NSF appropriations bill, and one offered an amendment to remove grants for the study of ATM. This person gave a magnificent speech why we should not spend money at the National Science Foundation or the Department of Energy to study ATM. His argument was, let the banking industry do the research on ATMs. What he didn't know is that the proposal was not on automatic teller machines but the proposal was on studying asynchronous transfer modes, which involves the way computers talk to each other. This research led to a substantial change in the speed at which computers were able to talk to each other. This is a good example of why it is dangerous to just look at titles and make a judgment.

I would also pick up on the comment of Mr. BAIRD about cultural studies. I think one of the basic problems in Iraq, and I have told this to people in the White House, is that there were not enough people in the White House, perhaps even in the State Department, who understood the culture of the countries we were dealing with, and we failed to realize what would happen once we moved into that country. A good NSF-funded study beforehand would have been invaluable in determining what would happen.

Another example: a few years ago there was a grant on game theory. Once again, one of our colleagues rushed to the floor and said we have to eliminate funding for that. In fact, game theory is extremely useful in calculating the operation of nuclear reactors.

So I urge defeat of this amendment. It is very easy to sit on the House floor and pontificate about these issues. But if we are going to cut the budget, there are much more fertile fields in which to cut. Why would we cut the one agency that gives us a guaranteed rate of return on our investment when there are many other areas we can cut where we are getting little or no payback at all?

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I appreciate the comments of my good friend from Michigan, and I appreciate the comments of my fellow colleague from Washington. And I have been, as a physician, a strong supporter of the National Science Foundation. I believe strongly that, in fact, they need more money, not less. I would argue that we need to prioritize appropriately in our Federal budget and provide much greater resources in the National Science Foundation and the National Institutes of Health and the CDC and others that ultimately work and derive huge benefit to our entire society and, in fact, to the world.

But I commend my good friend from California for bringing this amendment forward because, although I may not have pulled out a couple of the items that he notes, for the life of me, I have a difficult time understanding and appreciating why on earth it would make any sense, and I would ask my good friend from Washington can you fathom how studying bison hunting on the Late Prehistoric Great Plains might have some effect on contemporary society that would make a difference with the compelling argument that you made regarding the study of cross-cultural emotions?

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I would be happy to yield.

Mr. BAIRD. Mr. Chairman, I thank very much the gentleman for yielding. And I would just caution I wouldn't state "for the life of me" on something that I hadn't studied very well no matter how obvious it may look.

Mr. PRICE of Georgia. I would be happy to reclaim my time or I would be happy to have you answer the question, one or the other.

Mr. BAIRD. I could answer the question. I am just giving you the caveat about staking your life on things.

Here is the issue: I don't think we want to say that we should never study the history of things. It is the perspective of this gentleman that we should not study history. And particularly, when you look at bison, I am not an expert in this, but to pretend to be so would be a mistake. To pretend to be so on your side or on my side would be a mistake. The authors of this study have contended that biologists and social scientists have tried to look at how humans make decisions to maximize and minimize risks in different environmental conditions. As you face different food supply systems, how do you deal with that? And that is part of the point here. How did people who live on the plains look at where they were going to harvest bison?

Mr. PRICE of Georgia. Reclaiming my time, Mr. Chairman, I would suggest candidly that it was a valiant attempt. It was truly a valiant attempt, and I appreciate the attempt, to make a justification for bison hunting on the Late Prehistoric Great Plains. I would also suggest that the sexual politics of waste in Dakar, Senegal is a questionable study.

So I commend my good friend from California, and I would be happy to yield to him.

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman from Georgia for yielding.

I appreciate the academic arguments, and I understand them. I am a history buff myself. I love this stuff. I might actually love this report, might enjoy reading it, might find it fascinating. That's not the point. The point is do we want to spend taxpayer funds on this?

The United States taxpayer cannot fund every bit of academic research for every university, for everything that every professor wants to do across this country. We can't do that. The question before us is, are these the sorts of things we do want to spend taxpayer money on? I would suggest that they are not, and that is why I would suggest that to vote against this amendment is to say that you believe that taxpayer money should be spent on these specific items. That is the question before us. Not whether it is interesting. I am a Civil War buff. I love all kinds of interesting stuff about that, but I don't think the taxpayer ought to pay for research into it.

Mr. PRICE of Georgia. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments, and I would concur. I think that there are many things that are exciting and interesting to study, whether or not they ought to be priorities at this point, and again, I would point to the bison hunting on the Late Prehistoric Great Plains.

And if my good friend from Michigan would care to make a comment, I would be pleased to yield.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding.

I just want to respond to the statement that we can't fund every proposal that comes along, and that is absolutely true. The National Science Foundation funds a small fraction of the proposals that come through, and that is why we are beginning to slip as a Nation compared to other nations, because we are simply not, as a Congress, providing sufficient funds for the National Science Foundation. And I forget the current figure, but I think it is in the neighborhood of 20 percent of the grant applications are being funded; 80 percent are not being funded. It's a tough business, and these are all peer-reviewed grants. I cannot defend them individually without looking at them. As I say, you can't judge a proposal or a grant by its cover.

Mr. SCOTT of Virginia. Mr. Chairman, I move to strike the last word.

I rise in opposition to the amendment, and I yield to the gentleman from Washington.

Mr. BAIRD. Mr. Chairman, I thank the gentleman from Virginia for yielding.

The challenge here, my friends, is you asked, I think, a question that is just improperly placed. Neither of us is trained in these areas. You are challenging a fundamental tenet of how we do National Science Foundation research. If you truly believe that the most cost-effective use of this body's time, and that we are qualified to use our time in that fashion, is to, one by one by one, review National Science Foundation grants for our considered and qualified judgment of the appropriateness of those grants, it seems to me that that is a bit of a stretch. It seems to me that you are really making a political statement.

If the political statement you want to make is we should spend the taxpayers' dollars wisely, I, 100 percent, agree. You may not know it, and probably don't, that we are working with the National Science Foundation to establish a letter actually that scientists that receive public grants would have to sign saying they understand the money came from the taxpayers, they are committed to doing research that is well designed and ethically high quality and that is relevant.

The problem for us, in this brief time we have here and lacking expertise in the field, is it is really presumptuous of us on either side to say I can either attack or defend. I would yield time to either of you if you want to tell us what your personal qualifications are in the area of expertise of any of these studies, and I will hold you to it. What personal qualifications do you have in the broad area of this study to speak to that study?

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from California.

Mr. CAMPBELL of California. We are qualified by virtue of the fact that we have been elected by people in our districts to be stewards of their money. As I said, this is not a question of whether or not these things have academic merit within a field of academics. It is a question of whether they are worthy of spending taxpayer money in that area. I think they are not.

Mr. SCOTT of Virginia. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Washington.

Mr. BAIRD. Let me just share with the gentleman the dangerous path you are on. There was a study some time back dealing with the sex life of the screw worm, perhaps aptly noted. The sex life of the screw worm, that would be pretty tempting to come to the floor and say, by God, why are we spending taxpayer dollars studying the sex life of screw worms? The reason being that that research saved the cattle industry millions of dollars by eliminating a parasite that deposited eggs in the placenta of newborn cows.

We don't have the knowledge. We are indeed stewards of the taxpayers' money, which is why we created the National Science Foundation, why we are very careful about designating how the peer-review process works, and, quite frankly, why we shouldn't mess with that peer-review process. If we truly want to be stewards of the taxpayers' money, which I believe all of us want to be, then our best approach is to delegate some of the decision making about where some of that money is spent to those who best know the realm in which the research is spent. It is precisely because I believe in the task of being a steward of the taxpayer dollars that I oppose the general purpose of the amendment.

I understand you are trying to save money. I just don't think our best way to do so is by micromanaging either this or most of the other foundations.

And I thank the gentleman from Virginia for yielding.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Just a couple of points and then I will yield.

I agree with the gentleman that in some respects, perhaps, this body should not be engaged in micromanaging various aspects of the Federal Government where we do not have expertise.

Earlier today, and in just the past week, we had a complete debate on that subject of whether this body, all 535 Members, were in appropriate position to micromanage the war, and I think some of us thought that we were not in the best position but that we should have, just as you are suggesting here, the trained professionals, the experts, the people on the field who are engaged in this activity on a daily basis make those decisions.

So I would agree with the gentleman there. And if we were to have consistency, then we should not be engaged in that matter and we should not be engaged in this case.

Let me make my second point and that is this: It is not incumbent upon the gentleman from California to be the expert in these areas that he is raising questions about. The underlying bill is not the gentleman from California's bill. It is the majority party's bill. It is your bill. You are coming to the floor making the case, or I should say the other side of the aisle, as I am speaking to the Chair, making the case that we should be spending all this money on these programs. So it is incumbent upon the offerer of the underlying legislation to make the case why we should be doing it and have the information why each one of these is justified so that when either the gentleman from California or Georgia raises the legitimate question, the same question that we are going to get when we go back to our constituents and are asked why did we vote on it, he should be making the justification for that.

With that, I will yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I thank the gentleman from New Jersey for his comments. And he is making a very apt point.

And I appreciate the comments of my good friend from Washington, who said, and I think it got down correctly, "We are neither trained nor have expertise in this area." And you are absolutely right. But consistency is a wonderful thing and inconsistency is a challenge.

□ 2045

I would suggest that none of us are pure in this area, but my good friend talks about we ought to delegate decisionmaking to authorities who have expertise, and we should. As a physician, I am compelled and have strong affinity for all of the advocacy groups that come to my office, as I know they come to yours, and advocate on behalf of specific diseases. Most recently this week, the folks who have suffered under the scourge of breast cancer have come, and they are asking for more resources. And I always suggest to them that it is appropriate for those decisions to be made by individuals at the National Science Foundation, at the CDC, at the National Institutes of Health. But, in fact, what my good friend from Washington does all the time, in his capacity in Congress, is to determine exactly what that line item ought to be from an appropriations standpoint.

As a physician, the medical profession has suffered under the decisions that have been made in this Chamber and in the Chamber on the other side of this building because individuals thought they had greater expertise in the area of health care. And as my good friend from New Jersey clearly stated, and appropriately stated, that just this week we've been dealing with folks who believe they have greater expertise in the area of military competence and battles than our generals on the ground.

So I would suggest, Mr. Chairman, that my good friend from Washington is absolutely correct, that we ought to delegate in certain instances, but we ought to also utilize the prerogative that we have and the responsibility that we have as representatives in this body, representatives of our districts, and make certain that we are good stewards of the taxpayers' money.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. EHLERS. I thank the gentleman for yielding.

First of all, I'll make a deal with you; I won't make any judgments about medical research if you don't make judgments about NSF research.

The point of this really is that you cannot predict what will result from the research; that is the idea behind basic research.

Years ago when I was a graduate student at Berkeley, we were spending tremendous amounts of money to examine the behavior of elementary particles, protons, neutrons, mesons, and so on. And no one, even in the scientific community, could ever imagine any practical use for that. But later on the results from doing that research led to the development of a CAT scanner and the MRI. Now, who would ever have thought that elementary particle physics would lead to major findings in medicine which every doctor relies upon today?

Mr. MCNERNEY. Mr. Chairman, I move to strike the last word, and I yield to my good friend and colleague from Washington State (Mr. BAIRD).

Mr. BAIRD. I thank the gentleman from California. Just a couple of brief comments, and it's getting late, so we don't want to carry this forever.

I would suggest that we all agree that consistency is a very dangerous thing. If the gentleman talks about being consistent, I would ask the gentleman why they chose not to micromanage the vast expenditures of dollars, not even to have oversight hearings of the vast expenditure of dollars on the war.

If you really want to save the taxpayer dollars, we are burning $2.5 billion a week in Iraq. This entire bill is $21 billion over 3 years. We're talking about 3 full years to fund the basic scientific research of this entire Nation, from mathematics to physics to chemistry to social sciences. That's about 6 or 7 weeks or so of what you spend in Iraq. And yet when it came to oversight of the expenditures in Iraq, the majority, then-majority party was then just virtually silent. If you really want to save the taxpayers' money, and I do, you could have looked at that.

But let me suggest what the gentleman from New Jersey misrepresents. And I asked earlier if any folks on the other side were qualified to study this. The gentleman from New Jersey just doesn't seem to understand how this legislation works. He completely misrepresented when he said that it is incumbent upon the majority and the chairman who is bringing this forward to defend these studies. Sir, this bill does not authorize specific studies. That is not how the authorizing language for the National Science Foundation works. It would be ludicrous, and you should know that; and if you don't know it, you are not qualified to speak to this. But it would be ludicrous to suggest that when you authorize a foundation, that you are authorizing every single specific study or that you know what all those specific studies are. That's not how the National Science Foundation works. That's not how we authorize it. That's not how this bill functions. And it's indeed not how many, many of the authorizing bills function here. So to suggest that, to bring forward a broad authorization bill that gives responsibility to a foundation, one has to justify every single study is to misrepresent how this legislation works. And that's the problem. I think the gentleman either misunderstands or misrepresents how the legislation works.

I thank the gentleman from California for yielding.

The Acting CHAIRMAN (Mr. ANDREWS). The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CAMPBELL of California:

At the end of section 3, add the following new subsection:

(h) REDUCTION.—Each of the amounts authorized to be appropriated or made available under this section shall be reduced by 1 percent.

Mr. CAMPBELL of California. Mr. Chairman, my colleague from Washington mentioned that he didn't think this last amendment that I proposed was the correct way to save money, so perhaps this is the more correct way; maybe this is something that he would find more to his liking.

H.R. 1867, this bill before us, would increase spending for the National Science Foundation by 9.9 percent in the first year, 7.4 percent in the second year and 7.3 percent in the third year, for an increase of over 25 percent over a 3-year period. Now, Mr. Chairman, that is an amount, and I, too, am someone who has sympathy for some of the things that the National Science Foundation does. However, even over the last few years where we have had very large percentage increases in our revenues to the Federal Government, they haven't been as large as this over the last 3-year period. In fact, in the next 3-year period, any of the prognosticators, whether it be the Office of Management and Budget or any of the other prognosticators, are not estimating that we will have a 25 percent increase in revenue over the next 3 years. So therefore, this proposes to increase spending at a rate greater than revenue is projected to increase over the next 3 years.

This amendment would simply reduce the amount of this increase by 1 percent per year. So instead of increasing by 10 percent the first year, it would increase by only 9; instead of increasing by 7.4 percent, the second year would increase by 6.4 percent; and 7.3 percent, it would increase by 6.3 percent in the third year. These are still large annual increases, larger than most taxpayers at home are likely to see the increases in their incomes, in their salaries, in their wages.

So this is just a small reduction. It does not deal with, as the gentleman from Washington mentioned, it does not specifically say what, it leaves that issue open. So, therefore, it does not interfere with the selection of these various proposals and research things that the gentleman from Washington just supported in the last amendment.

So with that, Mr. Chairman, I would ask for an "aye" vote.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, here's the problem with what the gentleman is proposing, however well-intentioned it may be. And I am deeply concerned; as the gentlemen know, I serve on the Budget Committee with some of the gentlemen who are speaking, and we are all concerned about the long-term deficit picture for this country. However, if you cut investments in scientific research and scientific education, in the long run you will increase the deficit of this country, and you will decrease our national security, our national health care and our national and international competitiveness. That is why this is a mistake.

And don't just take my word for it. The National Academies of Science, in Rising Above the Gathering Storm, a 2005 publication, called for more than a 10 percent increase; the U.S. Commission on National Security, the Hart-Rudman report, a similar level of increase; the President's Council of Advisers on Science and Technology, in their publication, Assessing the U.S.

R&D Investment in 2003; a coalition of 15 industry associations, in the publication Tapping America's Potential, in 2005; the Council on Competitiveness in their publication, Innovate America.

This is not just a Democratic proposal or Republican proposal. I would remind the gentleman that this bill passed unanimously out of committee with bipartisan support.

I would also encourage you to ask your faculty administrators, ask your high technology industries, do you think this country is spending sufficient quantities on fundamental basic research and investment such as that funded by National Science Foundation? And do you think we are doing enough to keep our young people educated in science and math in ways such as supported by this legislation? I guarantee you most of them would say no. You would, I think, by this cutting, with due respect, significantly be impairing, and it sounds like a small measure, but remember, we are already falling behind in a number of areas in science and math, not only in the education, but in the applied fields.

This is consistent with President Bush's own administration request of a 7 percent per year increase. Again, this is a bipartisan approach, not a Democratic or Republican approach. The President has called for this. And again, as Dr. EHLERS said so eloquently earlier, our return on investment from research is profound. And when you cut that investment, I think you're cutting that return on investment.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I will try to be brief. We have beat this subject to death, but I find it ironic that we talk about cutting the funding of the one agency that returns more on its money than any other agency does.

If we're talking about cutting the NSF by 1 percent, we should cut everything in the budget by 1 percent. And I might even vote for that if you are willing to cut defense by 1 percent; Cut every department, cut Social Security by 1 percent, and so on down the line. Then you might have something that would be worth doing. But to attack something that actually benefits this Nation, increases our health and wealth, and is allowing us to at least try to keep up with what other nations are doing, is utterly unrealistic.

I would point out, and I can show you graphs indicating that we are falling far behind other nations. We occupied the premier spot in research for a number of years. But now South Korea, as an example, is very rapidly getting very close to what we are spending on research as a percentage of GDP. I expect them to pass us in a few years.

It is incredible to me that we are supposed to be the brightest, most powerful Nation in the world, and yet we are losing ground compared to nations such as South Korea. If we are serious about competing with other countries, we absolutely have to keep investing our money in research, whether it's the National Science Foundation or whether it is the Department of Energy or the National Institutes of Health.

In addition to that, I would mention that the National Science Foundation is just about the lowest-cost research institution. We spend a lot less money in the National Science Foundation than we do in the Department of Energy, than we do in National Institutes of Health or that we do on NASA. One of the lowest costs with the highest rate of return, I don't see any reason in the world to cut the NSF.

Mr. Chairman, I will yield to the gentleman from California.

Mr. CAMPBELL of California. Just a short clarification, that this amendment does not propose a cut in the funding, it proposes to very slightly reduce the rate of growth from what was proposed. That is my only clarification.

Mr. EHLERS. I thank you for the clarification.

Mr. McNERNEY. Mr. Chairman, I move to strike the last word, and I yield to my good friend from Washington State (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I will be very brief. I want to echo what the distinguished ranking member said.

The following countries are increasing their investment in basic research faster than this legislation would authorize, and they've already put the money up front. Listen to these countries and see if you think it is wise for our Nation to reduce its investment even further, and further fall behind: China, Taiwan, European Union, South Korea, Singapore and others. Do we seriously want to further reduce our investment in basic research if we want to keep our Nation competitive? I submit we don't, and I would urge defeat of this amendment.

I thank the gentleman.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

☐ 2100

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. GARRETT of New Jersey:

At the end of section 3, add the following new subsection:

(h) REDUCTION.—Each of the amounts authorized to be appropriated or made available under this section shall be reduced by 0.5 percent.

Mr. GARRETT of New Jersey. Mr. Chairman, I, too, echo the words of my colleagues who are in support of the overall funding of the National Science Foundation, and I offer this amendment to H.R. 1867, which I hope will provide incentives for the NSF to identify waste and any abuse within the Agency, but also, very importantly, to help identify those programs which are either underperforming or simply just not working.

I believe this legislation will help be a model of fiscal responsibility. It is similar to the legislation we just heard from in two respects. H.R. 1867 authorizes the National Science Foundation to increase their spending, which goes to the point of the gentleman from Michigan was saying before, by 7 percent, and again in 2009 and 2010.

The point we must make here, though, is inflation has remained constant during this same time period at around 3 percent. So when we purport to be so concerned about the taxpayers' dollars and the debt we are leaving our children, which I just heard from the gentleman from the other side of the aisle previously, how can we justify programmic increases for research that are actually more than twice the rate of inflation?

As I referenced before, when I go back to my constituents back at home in town hall meetings and the like, they are not seeing 7 percent increases in their wages and salaries. They are not seeing a doubling of their incomes and their family household incomes. They may be seeing that as far as their expenses are concerned. They are seeing all other sorts of increases in spending, such as gasoline prices and the like that they have to put up with, but they are not seeing the increases in income and expenditures that we are seeing in this bill.

I will comment on one comment that the gentleman from the other side of the aisle made before as far as being consistent. I think we heard the American public on this past election day. The American public is concerned about overspending by Congress. They want us to prioritize where our dollars go. They want to make sure that we are spending every dime efficiently and appropriately.

I have yet, however, to hear one suggestion from the other side of the aisle, either here on the floor or on the Budget Committee, on which I serve with some of the gentleman on the other side of the aisle, as to where we with can make some of those cuts. Instead, what we are seeing is a continual increase in spending.

Another point to make as well: Time after time our constituents come to our office quoting the discrepancy between authorization levels and appropriation levels. It is my hope that instead of having to disappoint them once again, that we set realistic authorization levels that may actually be realistic to the appropriation levels that come down the line. Let's be realistic, both on what we can do for our constituents and also what the appropriators may be doing with this bill later on.

I encourage my colleagues to support this amendment, because it is our duty simply as stewards of our constituents' money, the taxpayers' dollars, as we step forward to make an honest assessment of what we can afford and should afford the American taxpayer.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been over the basics. Let me just reiterate, this proposal for the increase in the National Science Foundation is thoroughly consistent with President Bush's own agenda. The competitiveness initiative calls for these kinds of increases. That is point one.

Point two: If we hope to maintain our competitiveness, if you look at the proportion of our economy today that is the direct result, and Dr. EHLERS illustrated a number of examples, but the direct result of research and inventions that have come out of funding by the National Science Foundation, a tremendous amount of our economic prosperity today came from those investigations.

As Dr. EHLERS so eloquently said, we don't know, "we" generally, not just we in the Congress, but especially we in the Congress, don't necessarily know which particular investigation, which particular study, is going to yield those profound results. But some will.

I will tell you, I just spoke to a scientist in my district last week and he said to me, Congressman, the pipeline of U.S. scientists is drying up. You just really have to understand this. The pipeline of U.S.-based scientists is drying up, because the research funding is not adequate to meet the demand.

What is happening is many, many young researchers are either not entering the field or are dropping out of the field or abandoning potentially promising careers, promising not just for them, but for our society.

The hit rate, if you are a young researcher applying for a grant through NSF, your hit rate is low. You are going to spend a tremendous amount of effort applying for a grant, trying to further your research agenda, and your hit rate is going to be significantly low. That is demoralizing. It blocks important avenues of research that might yield promising results.

And when we make these cuts, it is easy for us. I agree that we have got a huge fiscal problem. But, again, I will tell you that if you look at the long-term drivers of the fiscal problems this country faces, nobody says it is that vast waste at the National Science Foundation that is driving this country into debt. That is not what they say. They say it is a combination of revenue, it is a combination of entitlement programs, it is a combination of defense. I agree we ought to debate those, but not on the back of the National Science Foundation, for goodness sake.

So I would urge defeat of this amendment for the same reasons I urged defeat previously.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support the underlying bill, H.R. 1867, and rise to express my appreciation and thank the Science Committee for the bipartisan effort that they have always engaged in, and frankly, want, to thank them for the opportunity that I have had to serve on that committee for a number of years.

Usually we rise and say with great reluctance, I rise to oppose the amendment. I might say with great vigor I rise to oppose the amendment. Because as I served on the Science Committee for a number of years, I used to always start the hearings with the idea that science is the work of the 21st century, and certainly the National Science Foundation sets the framework for encouraging research and innovativeness.

I can't imagine that the distinguished gentleman who has offered this amendment would venture to argue with me, and I cite just a few examples that I think most of my colleagues and most of America frankly understand how our lives have been changed by simply these innovations. Of course, some of them were by private ingenuity and private concepts and funding possibly, but that was an America of yesteryear.

But where would we be without the Wright Brothers and the airplane? Where would we be without Thomas Edison and electricity and the light bulb? Even though as we move into the 21st century, we want to be protectors of the environment and certainly want to be conservationists, look how that has changed our lives. And what about the Internet, interestingly enough, one of the success stories of DOD research.

The most important part of it is the work that was created, the work that was created by these inventions and by the opportunities to allow our imagination to generate a better quality of life for Americans.

This bill, H.R. 1867, which, as I said, I enthusiastically support, creates work for the 21st century. It emphasizes the underserved. It encourages research to be done by Historically Black Colleges and Historically Hispanic Serving Institutions, and as well, to encourage diversity in science, technology, engineering and mathematics.

There is an important provision that mentions, of course, the intent of this particular legislation to determine how different minority groups are impacted by this funding, which is whether or not we can increase the number of underrepresented minorities in the science, technology, engineering and mathematics fields, and how we can increase women in these fields. For the time I have worked on the Science Committee as a former member of the committee, these were issues that we worked on together.

What the gentleman is trying to achieve with this across-the-board cut is amazing to me, because what he is actually saying to the world and to America is we are second rate. We don't believe in investing in the next generation of research. We don't believe in uplifting those who are interested in these disciplines to give them merit and worth.

I would ask the gentleman, though I am sure his rebuttal will be that we don't pay those dollars. I don't know if we do. What is a high school football or basketball coach worth? What is a college football, basketball or any other sport's coach worth? Can we not, as a Nation, make a commitment to the research community by affirming their importance?

Dr. EHLERS and Dr. BAIRD have worked together affirming the importance of research, and not closing the door of this important responsibility that we have.

I am fearful, Mr. Chairman, of where this Nation is headed when we pull back on the ability of our Nation to invest in the 21st century technology. NASA represents that, the NASA Space Station represents that, the centers represent that, the laboratories represent that.

We want to encourage this funneling, this pathway, if you will, this farm team of researchers, and this particular legislation does that by increased funding, by highlighting the underserved, and I believe doing a lot more.

Let me conclude by saying I had intended to offer amendment to ensure that Historically Black Colleges and Hispanic Serving Institutions would be a viable part of the legislation. As I have reviewed it, I know that the intent is there, and that we will look forward to working with the members of the committee and working with this Congress to make sure that the United States is creating work for the 21st century.

Oppose the amendment and support the bill for the betterment of America.

Mr. Chairman, I rise in strong support of H.R. 1867, the National Science Foundation Authorization Act of 2007. This bill is another important component of the new Democratic majority's Innovation Agenda, which is designed to make our Nation more able to compete successfully in the global economy.

Mr. Chairman, to ensure that the United States will continue to have a workforce ready for global competition, it is essential that we make a sustained commitment to federal research and development. The National Science Foundation is crucial to these goals, providing vital support to our Nation's science and engineering projects and researchers.

Created by the National Science Foundation Act of 1950, the National Science Foundation, or NSF, is tasked with the broad mission of supporting science and engineering. This agency provides funding for basic research across many disciplines, and offers support for merit awards, state-of-the-art tools, and instrumentation and facilities. The majority of the research supported by the NSF is conducted at U.S. colleges and universities.

This bill reaffirms our commitment to scientific excellence by reauthorizing the National Science Foundation (NSF) for three years and providing nearly $21 billion in funding for fiscal years 2008–2010. This legislation appropriates specific funding for each of the NSF's major accounts: research and related activities, education and human resources, major research equipment and facilities construction, agency operations and award management, the National Science Board, and the Office of the Inspector General. A number of specific programs within the science, technology, engineering, and math (STEM) educational categories are singled out as the recipients of funding. Additionally, specific funding is designated for Major Research Instrumentation (MRI) awards. By raising the cap for these awards, this bill allows the NSF to support a wider range of state-of-the-art research tools.

This bill contains many other important provisions. It requires an evaluation of NSF's role in supporting interdisciplinary research, and encourages university and industry partnerships. It encourages young investigators through a new grant program, and it requires a National Academy of Sciences report on barriers to and strategies for increasing the participation of underrepresented minorities in STEM fields.

The NSF ensures a continued national supply of scientific and engineering personnel, while promoting basic research and education across a wide array of scientific and technological disciplines. In the interest of both economic prosperity and military capability, the United States must continue producing a workforce knowledgeable to maintain technological competitiveness. If we are to do this, this Congress must continue funding and strengthening science and mathematics education. Supporting this bill is an important step, and I strongly urge my colleagues to join me in supporting this legislation.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know my good friend from Texas did not intend to, but I would respectfully request the Chair make certain that he calls into order individuals who impugn the motive of other Members of this body. I think it is important that we not do that in this Chamber.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Georgia. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman.

Let me be the first, because I believe we are all distinguished gentlepersons, gentleladies and gentlemen, say that my remarks were to the value of this bill and to my philosophical disagreement with the author of this amendment, and certainly recognize that he is proud of America and all of the inventiveness that she has, and therefore any intent that might have been perceived by my words were only to glorify this bill and to celebrate our researchers and our science in this country.

Mr. PRICE of Georgia. Mr. Chairman, reclaiming my time, I appreciate the gentlelady's comments, and I would just respectfully suggest it might be appropriate to review the words that were spoken and reflect upon them.

Mr. Chairman, I would also suggest candidly that my recollection, I am not absolutely certain, but my recollection is that the Wright Brothers and Thomas Edison had no government subsidy, and the remarkable inventions that they came up with were without the benefit of government subsidy. That is not to say that government subsidy isn't appropriate for certain occasions, but I would suggest that those individuals had remarkable accomplishments without the kind of support that we are discussing today.

Mr. Chairman, I am pleased to yield to my good friend from New Jersey, the sponsor of the amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the gentleman from Georgia.

Mr. Chairman, I believe the other side of the aisle has mischaracterized what this amendment does when they speak of cuts and pullbacks from science and the Foundation. Nothing of the kind is in this amendment. Instead, we will still be increasing spending this year and next year and next year and next year up to $20.87 billion for these appropriated expenditures on the National Science Foundation, instead of $20.97 billion.

I am very much concerned about education and science and our research. Let me just add, I am also concerned about the education of our youth. My constituents are just as concerned about educating their kids and being able to afford to send their kids to college and how do they pay for that? My constituents are concerned about the health care and the medical expenditures for their families and how do they pay for that? My constituents are concerned about the housing for their family and loved ones, and how do they pay for that?

They are not seeing a 7 percent increase in their wages and salaries, even though each and every one of those things are just as vitally important to them as it is that we spend money on overall Science Foundation research in the United States of America.

□ 2115

This amendment would not cut spending by a dime. This amendment would simply limit the growth rate from 7 percent down to 6.5 percent. The last amendment was seeing it go down from 7 percent to 6 percent. This would be even less, from 7 to 6.5 percent. You would still be seeing a growth year after year after year. The NSF would still be allowed to expend their dollars on those critical areas that my friend from Georgia and the Members on the other side of the aisle are so concerned about for the betterment of this country.

I would implore the Members on the other side of the aisle that if we are to be consistent when we talk about the overall spending and revenue side for this Congress, that we stop doing what the other side of the aisle has done. They have only looked at the revenue side of the equation so far in the last 3 or 4 months, giving us the largest tax increase in America's history on the other hand, but have done absolutely nothing for the American public when it says how are we going to set priorities for the American public and what we spend money on, and how are we going to try to rein in spending for the American public as well. I think we need to do it on both sides.

Finally, regarding what the gentleman from Michigan said, I agree with him. If we can do it across the board for all of the other programs, I am right in line with him, and I support him on that endeavor as well. Let's start here, and I will be the first one to cosponsor any of his amendments to do likewise, decreasing the overall increases of spending that this government has.

Mr. PRICE of Georgia. Mr. Chairman, I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

Just briefly, I want to comment on a comment made by my friend from New Jersey about health care, a very, very important issue. But the only way we are going to be able to offer better health care to everyone is by reducing the cost.

One huge element of cost in health care is cancer treatment. Today at lunch I met with the latest seven Nobel Prize winners all of whom happen to be from America because we support this research.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. McNERNEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

Just to continue, today the Science Committee had lunch with the latest Nobel Prize winners, all of whom are from America because we try very hard to provide funding for the research. They, I might point out, did the research a number of years ago. I hope we can continue to provide Nobel Prize winners by adequately funding the National Science Foundation and others.

But in speaking to the gentleman who got the award in physiology and medicine, he talked about his discovery and the impact it is going to have on cancer treatment. That is very likely to cause a substantial reduction in the cost of the treatment of cancer using his approach.

What does his approach depend on? That is the Human Genome Project which we started a number of years ago in NIH and were the first Nation to do that.

It is always amazing to me how discoveries that we find in one area can have application, and no one, I think, dreamed that when we did the Human Genome Project that we might find the cure of cancer there rather than in medicine. So it is very important that we continue funding the fundamental basic research so we can continue to enjoy the fruits of their research.

Mr. MCNERNEY. Mr. Chairman, I yield to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I appreciate the gentleman yielding, and I thank Mr. EHLERS for his comments.

Very briefly, in 2002, 397 Members of this Congress, including 194 Members of the then-majority party Republicans, voted to double, double, the National Science Foundation.

For those members of your party who plan to vote against this bill or who plan to vote for this reduction in the authorized levels for this committee, I would just suggest you well may be voting against something that you voted for just a few years ago at much higher levels and that the President signed into law. The then-majority voted to double the budget. The President signed it into law at much higher levels than what we are talking about today.

In the last Presidential election, somebody ran around with a flip-flop guy chasing Mr. KERRY. If you do this, the flip-flop guy might be outside your door.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. GARRETT of New Jersey:

At the end of section 3, add the following new subsection:

(h) LIMITATION.—None of the funds authorized under this section may be used for research related to—

(1) the reproductive aging and symptom experience at midlife among Bangladeshi Immigrants, Sedentees, and White London Neighbors; and

(2) the diet and social stratification in ancient Puerto Rico.

Mr. GARRETT of New Jersey. Mr. Chairman, just beginning where the last comment on the last bill ended up, I appreciate the gentleman pointing out that this side did support a doubling of the NSF, and I was probably one of those who was there to support the increase; so no one, I think, can take the position that we are not uniformly as a body or as a party opposed to the general notion of increasing, making significant increases to applied research or general research, I should say, by the NSF.

What we can ask, though, is after the last election, has the American voter spoken with regard to the overall growth in Federal spending in all areas, whether it is in science and health care, whether it is in the war, for veterans or other areas; should we not look at each one individually and decide some should go up, some should remain the same, and some should go up at a slightly different way? That is what we are suggesting in the last amendment, simply that they should go up at a slightly different arc than they are in the underlying bill, 6.5 percent instead of 7 percent.

In the amendment before us right now, we look to see what is the underlying mission of the NSF. If we look at their mission statement, we see it is: "To promote the progress of science, advance the national health, prosperity and welfare and secure the national defense."

But during these tough fiscal times, both at the Federal level and at the family level, as I pointed out before, Congress must exercise good stewardship over every penny of taxpayers' dollars. This includes helping the NSF to focus on its priority projects.

Just as the gentleman from Georgia indicated, he has been visited by a number of people from various groups dealing with health issues, so have I; people with serious health issues like Alzheimer's, Parkinson's and diabetes. They come and ask what are we doing and how are we prioritizing for their concerns within the NSF.

The amendment before you simply says can we find more than a quarter million dollars to fund research on such programs as reproductive aging symptoms of midlife Bangladeshi immigrants, but not more funding for research projects which might bring progress and eventually cures for some of the serious illnesses we have already heard about on the floor?

In addition, how can we justify research like the diet and social stratification of ancient cultures when here at home current medical research is so desperately needed?

Now, I understand that the point has been already made that we do not specifically itemize in the authorization bills each one of these specific programs, but these are, as the gentleman knows, programs which have already been authorized in the past and are continuing under the law right now into 2007 and 2008.

So doesn't it behoove us here in Congress to make a statement, to make a stand and say that at least in several of these areas we can make a position that our limited dollars should not be going to those areas, but instead we would make the position that they should be going for Alzheimer's, Parkinson's, diabetes and cancer research and some other areas that we have previously spoken about?

So I encourage my colleagues, do not only exercise good stewardship over the taxpayers' dollars, but in essence to also ensure that worthy projects receive the funding they deserve within that noble mission that I set forth at the beginning, "To promote the progress of science, advance the national health, prosperity and welfare and secure the national defense."

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

I would like to thank the gentleman from New Jersey for making precisely the case I have tried to make myself. The case I have tried to make myself is that it is not in the best purview of this body to intervene and micromanage specific studies.

The reason I point that out is because the gentleman spoke about important health issues. One of the studies he seeks to eliminate funding for addresses an important health issue. Menopause is tremendously important to the women of this society. It is fine for two men to get up here and decide whether we want to fund menopause research; but I will tell you, every woman in this country is going to go through it, and they think menopause matters.

One of the studies that the gentleman wants to reduce funding for is very important in terms of addressing the factors that influence how menopause develops. I would share with the gentleman, although my knowledge is somewhat limited, I believe there are correlations between menopause and a number of the issues the gentleman mentioned like cancer and other factors.

So if we believe we want to address those important matters, one of the very studies this gentleman is suggesting we eliminate funding for could very well address those very important issues. I would just urge you go back to your women constituents and suggest to them that you decided, based on your vast medical and anthropological expertise, and your vast understanding of women's health, that menopause did not merit research funding from the National Science Foundation.

And you may try to pick the title and say what does that have to do with Bangladeshi immigrants, et cetera. It may have a lot to do because natural experiments in which one population and another population may be of the same age, different, but subject to different cultural or dietary or other factors, and thereby have different variations in how they manifest certain biological processes can often give us profound insights into disease processes and the development of natural rhythms.

And for you or I to presume that we have the expertise to say that we don't think this study will do that because we know so much about menopause, sir, and I count myself among those "sirs," I think is vastly presumptuous. Menopause is profoundly important to the women of this country. This study deals with menopause, and I am tremendously grateful to the gentleman for picking this study because in so doing, you have made the best possible case for not micromanaging this fine agency.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. All Members are reminded to address their comments to the Chair.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the angst most recently demonstrated is curious in light of the events of recent history regarding what this House has dealt with over the past week or two or three, and a little longer history in light of what this House and what this Congress deals with over and over and over again; and that is not the kind of appropriate kind of decisionmaking that my good friend from Washington so passionately advocates here in this bill, which is to delegate appropriate decisionmaking to people who have the expertise and have the knowledge to determine where those resources ought be spent and where those decisions ought be made.

Would that we as a Congress and we as a House use that same brilliance in our decisionmaking when we make decisions regarding health care. Again, as a physician, this Chamber makes incredible decisions that affect the very personal health care of individuals about which it has no knowledge whatsoever, and takes the decisionmaking authority from physicians and patients in an inappropriate way, I believe.

We also this past week determined as a Chamber, the majority party has determined that they have greater knowledge about the specific military activities that ought to occur on the ground as it relates to our brave men and women who are fighting to defend our liberty and our freedom. However, the majority party apparently believes that it is appropriate for them to make specific decisions what our commanders ought to be doing on a day-to-day basis.

So I would suggest, Mr. Chairman, that it would be appropriate to have some consistency in the arguments that are being brought to the floor here this evening regarding delegation of appropriate decisionmaking to those who have the expertise.

With that, I yield to the gentleman from New Jersey (Mr. GARRETT).

☐ 2130

Mr. GARRETT of New Jersey. Mr. Chairman, again, I thank the gentleman for yielding. The gentleman is a doctor and I am not going to ask him for his medical expertise because, as you say, that is not our role here to delve into these things but to simply raise the questions.

I will tell you this, that when I come back to my constituents and they tell me about their health concerns, whether it is menopause or cancer or otherwise, their first concern is how are they going to address their own health needs, how are they going to address their health care costs and what are we doing here about it. Their second question is what research are we doing here at home for these areas.

The study that you reference, reproductive aging and symptoms experienced at midlife among Bangladeshi immigrants, sedentees, and white London neighbors does not, of course, as the gentleman knows, look to those issues here at home, but rather elsewhere.

My constituents will raise the question, is that the first priority or should that be the first priority of the NSF. I am not an expert, I am not a doctor like the gentleman, so I cannot suggest that that is the most important one, but my constituents will certainly raise that question for me, and my constituents will certainly be consistent, as the gentleman from Georgia says, and that we should make sure that those dollars are spent here on their own health concerns first.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was rejected.

The Acting CHAIRMAN. The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. CENTERS FOR RESEARCH ON LEARNING AND EDUCATION IMPROVEMENT.

(a) FUNDING FOR CENTERS.—The Director shall continue to carry out the program of Centers for Research on Learning and Education Improvement as established in section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2).

(b) ELIGIBILITY FOR CENTERS.—Section 11 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–2) is amended—

(1) in subsection (a)(1), by inserting "or eligible nonprofit organizations" after "institutions of higher education";

(2) in subsection (b)(1) by inserting "or an eligible nonprofit organization" after "institution of higher education"; and

(3) in subsection (b)(1) by striking "of such institutions" and inserting "thereof".

The Acting CHAIRMAN. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. INTERDISCIPLINARY RESEARCH.

(a) IN GENERAL.—The Board shall evaluate the role of the Foundation in supporting interdisciplinary research, including through the Major Research Instrumentation program, the effectiveness of the Foundation's efforts in providing information to the scientific community about opportunities for funding of interdisciplinary research proposals, and the process through which interdisciplinary proposals are selected for support. The Board shall also evaluate the effectiveness of the Foundation's efforts to engage undergraduate students in research experiences in interdisciplinary settings, including through the Research in Undergraduate Institutions program and the Research Experiences for Undergraduates program.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall provide the results of its evaluation under subsection (a), including a recommendation for the proportion of the Foundation's research and related activities funding that should be allocated for interdisciplinary research, to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

The Acting CHAIRMAN. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. PILOT PROGRAM OF GRANTS FOR NEW INVESTIGATORS.

(a) IN GENERAL.—The Director shall carry out a pilot program to award one-year grants to individuals to assist them in improving research proposals that were previously submitted to the Foundation but not selected for funding.

(b) USE OF FUNDS.—Grants awarded under this section shall be used to enable an individual to resubmit an updated research proposal for review by the Foundation through the agency's competitive merit review process. Uses of funds made available under this section may include the generation of new data and the performance of additional analysis.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an individual shall—

(1) not have previously received funding as the principal investigator of a research grant from the Foundation; and

(2) have submitted a proposal to the Foundation, which may include a proposal submitted to the Research in Undergraduate Institutions program, that was rated very good or excellent

under the Foundation's competitive merit review process.

(d) SELECTION PROCESS.—The Director shall make awards under this section based on the advice of the program officers of the Foundation.

(e) PROGRAM ADMINISTRATION.—The Director may carry out this section through the Small Grants for Exploratory Research program.

(f) NATIONAL SCIENCE BOARD REVIEW.—The Board shall conduct a review and assessment of the pilot program under this section, including the number of new investigators funded, the distribution of awards by type of institution of higher education, and the success rate upon resubmittal of proposals by new investigators funded through this pilot program. Not later than 3 years after the date of enactment of this Act, the Board shall summarize its findings and any recommendations regarding changes to or the continuation of the pilot program in a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 7 offered by Mr. FLAKE:
> Strike section 6.

Mr. FLAKE. Mr. Chairman, I just have to say from the outset that I have been amazed, like the gentleman from Georgia who mentioned a while ago, you would think if you were listening to this debate at home that the only research, the only science research going on in this country is funded by government, and it is simply not the case, gratefully. In fact, just a fraction of the research going on in the scientific field is funded by government. The private sector funds it gratefully.

And unfortunately, one can make the case and the case is often made persuasively that as we increase government funding in this area, it displaces private sector funding because companies can then rely on government rather than their own R&D budgets.

There is also something called opportunity cost. Whenever you hear the word "investment" in terms of government funding, you have to be a little skeptical. You have to say what is the opportunity cost? If you had left this money in the private sector, would it have produced more? You will never know that. But we do know the private sector tends to do things a lot more efficiently than government does.

Let me speak to this amendment. This amendment would strike a new pilot project created in this bill. Keep in mind, people will say we cannot cut this bill or whatever else. This is a new program that I am seeking to strike here.

This pilot project would award one-year grants to individuals to assist them in improving research proposals that were previously submitted to the National Science Foundation but were not selected for funding. In other words, if you submit an application, it is not approved for funding, the government will give you money to improve the application so it might be approved next year.

The man that comes on television, running around in this crazy suit, Matthew Lesko I think is his name, comes to mind here. Are we going to fund like Matthew Lesko? Are we simply saying, all right, here is more money to help you get government money? Are there not sufficient programs within the National Science Foundation that we should be funding, that we have extra money to actually fund people who did not get the grants to help them improve their proposals that they might get a grant next year?

I understand the defense will say, or those defending these grants that this pilot project is intended to help younger scientists who may be losing out on NSF grants because they do not know how to prepare proposals compared to more seasoned researchers or scientists. The answer does not lie in more Federal dollars to help them prepare grant proposals. If there are problems in terms of more tenured scientists getting these proposals, then perhaps we ought to look at the application process and procedures and tweak those or change those rather than say let us spend money and take money out of the National Science Foundation budget and give it to people who were rejected in their funding.

This is a tight budget environment. I need not remind the majority that we are in a deficit situation. I would support across-the-board cuts everywhere in government, but boy, to say that we have got to increase the budget here 25 percent over 3 years is a bit steep, and then to create a new program like this one and to say we are going to give money to those who are not getting the programs, and one more thing before I yield back.

I have heard from the other side, those defending the current budget and arguing against proposals to actually cut specific programs, that we have a peer review process and that research grants should only be given out that way. I am glad to hear that because my guess is when we come 3 months from now or 2 months from now to the appropriations process, in the SSJC budget, there will be earmarks from that side of the aisle, from this side of the aisle, to fund specific research grants, some of whom were turned down during the peer review process. So this notion that you have got to have peer review and that we do not have the knowledge, I will confess that, but then why in the world are we earmarking like we are?

The earmarks are specifically to say I know better than the folks at NSF or folks over here because I am going to give it to my university or somebody who may have lost out on a grant, and so the notion that, hey, you know, you guys do not know what you are talking about when you are trying to cut spending, leave it to the experts, we do not leave it to the experts. The Congress does not leave it to the experts. If we trusted the experts, we would not be earmarking like we are.

But, again, back to the specific amendment, this is a new program, a new program to take money from the existing budget of NSF that we have all heard is so important that we have to have for research, and giving it to people who did not get their projects approved, did not get a contract, did not get research dollars to help them prepare research dollars.

This reminds me actually of many of the earmarks that you will see in the given months. Many of those are given to people to prepare grants to receive more money.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word.

I rise in strong support of H.R. 1867, legislation to reauthorize the National Science Foundation, and of this amendment that will give Hispanic-serving institutions, what we refer to as HSIs, the support they need to prepare our next generation of scientists, engineers and mathematicians.

I would like to thank my colleagues, Congressman JERRY MCNERNEY of California, Congresswoman GABRIELLE GIFFORDS of Arizona, and Congressman JOE CROWLEY of New York for bringing this amendment forward. It will make a great difference.

The McNerney-Giffords-Crowley amendment allows the National Science Foundation to establish a competitive, merit-based program to award grants to HSIs for science, technology, engineering and mathematics education. This program seeks to enhance the quality of undergraduate science, mathematics and engineering education and increase the retention and graduation rates for undergraduate students pursuing STEM degrees at 2-year and 4-year HSIs. The initiative will support curriculum and faculty development in STEM areas; stipends for undergraduate students participating in research; and funding for instrumentation purposes.

HSIs are the gateways for post-secondary education for most Hispanic students. Despite having fewer resources than other institutions, HSIs are among the top producers of our new Hispanic STEM professionals. Yet, these vital institutions are often overlooked, or at best, seen as junior partners in our national research and education enterprise. This amendment helps give HSIs the attention they deserve.

I applaud the leadership of Chairman GORDON, of Chairman BAIRD, Ranking Member HALL and Ranking Member

EHLERS for their bipartisan commitment to ensuring the United States remains competitive in science, technology engineering and mathematics, better known as the STEM fields.

The Science and Technology Committee has acted with the sense of urgency that we should all share in order to put our Nation back on track to lead the world in the STEM fields. The National Science Foundation is central to developing our national capacity for research and innovation.

I am particularly pleased that this bill emphasizes our need to develop our human capital in the STEM fields. I would also like to thank my colleague and friend Congresswoman EDDIE BERNICE JOHNSON for her work in including an amendment to require strategic planning for the education and human resources mission of the foundation so that we fully develop our STEM talent across all fields and all communities, especially those that have been historically underrepresented.

Mr. Chairman, this amendment for HSIs strengthens that education and human resources mission.

I strongly urge my colleagues to support this amendment and the underlying bill, H.R. 1867.

The Acting CHAIRMAN. Who seeks recognition on the Flake amendment?

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

I greatly respect and admire the gentleman from Arizona, who I know is committed to trying to reduce the deficit, as am I, and we have worked on other areas on that, but let me just share a couple of things about this.

First of all, the gentleman talked about private industry research, and he is right about that. There is a lot of private industry research. Let me share with the gentleman some of the private industry bodies that endorse this bill, and the list is very impressive. I have got it. I would be happy to share it. If it is such a bad bill or needs to be dramatically modified, these are the organizations that support it:

Computing Research Association, National Defense Industrial Association, American Chemical Society, Business Roundtable, Information Technology Association of America, National Venture Capital Association, Semiconductor Industry Association, Software & Information Industry Association, TechNet, Technology CEO Council, Accenture, Advanced Micro Devices, Agilent, Apple, Applied Materials.

I have only it four or five. I am just on the A's. I could go on.

The point being, yes, private industry does fund a great deal of research. They recognize government has a very important role, and far from being deeply suspicious of that role, they profoundly endorse it.

As for the gentleman's amendment per se, I share with the gentleman that much of this legislation develops from research conducted by the National Academy of Science presented in Rising Above the Gathering Storm, which the gentleman may or may not have read.

One of the key challenges we face in our research enterprise is keeping young investigators in the pipeline. If you look at the data on when people are most productive, it does not correlate particularly well with when they get the most funding. There are a host of reasons for that.

Part of the reason is it takes some time to learn how to do the grants, and what we are trying to do here is to say to people, just remember that only about 25 percent of grants are funded. So the mere fact you did not get funding the first time does not mean your application is a bad application at all. It does not mean we have said it is not worthy of funding. Quite the contrary.

What it may well have said is it is a very good application, but given the competition and the constrained funding, in its current state, we will not choose it.

What this bill does is basically say to the young investigator, we will give you some help in advancing your career so you can make a second run at this. This is supported by the National Science Foundation. Folks who have done this research, and I have written applications for grants, I am sure Dr. Ehlers has, it takes you a while to learn how to do it.

Sometimes the young professors who are the very people who are teaching the undergraduate classes, trying to get their labs put up, they lack the resources. And on top of that, you need to understand the dynamics of the peer review process.

Sometimes the more senior members, the people with the long established research credentials and careers are just going to have more access to research because the peer reviewers are going to say, look, it is a safe bet to bet on this guy or this woman, they have been around a long time. The unknown person, the new person who may hold the promise of tomorrow, has a comparative disadvantage.

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So what we are trying to do is in a small way, a relatively small way with this program, redress the difference between the new investigators. We know what that's like. We have been relatively young Members, not so anymore here in the Congress. We have had the senior Members tell us where the bathroom was, to quit voting with our meal cards and stuff like that. Nobody threw us out. They get a second chance. But what I am saying, that's what this is about.

I profoundly respect the gentleman. I hope he knows that. He is committed to try to reduce the deficit. This is not the way to do it. This program is actually a good program. It's by a host of scientists, a host of scientific bodies. I think we ought to defeat the gentleman's amendment, with respect, because I know his intent. In this case I think he would have an adverse effect on what we are trying to do with this legislation.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I appreciate the valiant effort on behalf of my friend from Washington in attempting to dissuade Members from voting against this amendment, which I think is well founded. I appreciate the gentleman from Arizona for offering it.

I would remind the gentleman from Washington that one of the roles of our office, one of the roles of our office is to assist individuals with grant applications. So there are other resources which the Federal Government supplies for individuals who are searching to try to fill out their grant applications. We are happy to help.

I would also suggest, Mr. Chairman, that the gentleman makes the point, appropriately, that only 25 percent of the grants are accepted. So why should we waste Federal dollars on teaching individuals who have other avenues to be able to determine how to fill out their grant application appropriately?

Why should we waste precious Federal dollars that could go to, in fact, the kinds of cures that he is endeavoring to fund with the moneys that he is promoting? Why should we waste those Federal dollars in this kind of endeavor, which, I think, is frankly ill-founded and not needed.

I am pleased to yield to my good friend from Arizona.

Mr. FLAKE. I thank the gentleman for yielding.

First, let me point out I have the utmost respect for my friend from Washington. We have worked together on many issues. First, he mentioned that the private sector groups are in support of this legislation and the National Science Foundation. I have no doubt. It doesn't surprise me at all. But I would submit that that's akin to the government saying we are in a position now to fund free lunches for everyone out there, and you can do it on the government's dime.

I would say that virtually every company in America would say that's a great idea. Now we don't have to fund that. We don't have to subsidize it for our employees. We can keep the profits, invest them elsewhere. If private companies don't have to expend that money in their R&D budgets, they would like not to. But that was a point I made, that this often supplants money that would be invested in the private sector, probably more efficiently if overall government spending is any guide.

To the amendment in specific, the gentleman from Georgia said it well. With all the high-priority items in the

National Science Foundation budget, to take money out of that and to give it to those who didn't present a successful proposal would seem to me not the highest-priority use of money.

Remember, this is a new program. I am not cutting a program that exists. This is a new pilot project. I just don't think this is a road that we want to go down. I started to mention, before my time ran out before, we have seen this in other fields, in other earmark fields, where people are funding business consortiums. Many of the earmarks in this body go to business consortiums to help them draft grant proposals to get other earmarks or to get grants from government or to lobby to get earmarks. It's simply not a road that we want to go down as a Congress, I would submit.

I thank the gentleman for yielding.

Mr. PRICE of Georgia. I thank the gentleman, and I commend him for his amendment.

I am pleased to yield to my good friend from Michigan.

Mr. EHLERS. I thank the gentleman for yielding.

First, to the gentleman from Arizona, I totally agree with your comments about earmarks. I have fought hard here to keep this body and the other body from providing earmarks for scientific research, because all grants should go through the peer review process.

I might also add parenthetically that when the gentleman from Arizona was on the antiearmark bandwagon a few years ago, I believe I voted with him more than most Members of the House, because I oppose earmarks in general, but particularly in scientific research.

I would also comment that the fact that industry supports us is not indicative of the National Science Foundation doing industry's research. National Science Foundation does the basic research, the fundamental research, which has no apparent immediate use. Industry picks up on that and says, okay, let's see whether we can develop something out of that. In other words, industry does not do very much research, they do a lot of development. NSF does almost totally research and essentially no development. So it's a very good symbiotic relationship.

As I mentioned earlier, before most of the people here were on the floor, the rate of return on our research money in the National Science Foundation has been incredible. Any accountant looking at this would say this is the best investment that the United States Government makes because it has great results in our economy.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. BAIRD. Mr. Chairman, in the interest of time, as it is getting rather late, I would ask unanimous consent that we limit debate on subsequent amendments to 10 minutes.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. PRICE of Georgia. I object.

The Acting CHAIRMAN. Objection is heard.

The Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. BROADER IMPACTS MERIT REVIEW CRITERION.

(a) IN GENERAL.—In evaluating research proposals under the Foundation's broader impacts criterion, the Director shall give special consideration to proposals that involve partnerships between academic researchers and industrial scientists and engineers that address research areas that have been identified as having high importance for future national economic competitiveness, such as nanotechnology.

(b) PARTNERSHIPS WITH INDUSTRY.—The Director shall encourage research proposals from institutions of higher education that involve partnerships with businesses and organizations representing businesses in fields that have been identified as having high importance for future national economic competitiveness and that include input on the research agenda from and cost-sharing by the industry partners.

(c) REPORT ON BROADER IMPACTS CRITERION.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit to Congress a report on the impact of the broader impacts grant criterion used by the Foundation. The report shall—

(1) identify the criteria that each division and directorate of the Foundation uses to evaluate the broader impacts aspects of research proposals;

(2) provide a breakdown of the types of activities by division that awardees have proposed to carry out to meet the broader impacts criterion;

(3) provide any evaluations performed by the Foundation to assess the degree to which the broader impacts aspects of research proposals were carried out and how effective they have been at meeting the goals described in the research proposals;

(4) describe what national goals, such as improving undergraduate science, mathematics, and engineering education, improving K–12 science and mathematics education, promoting university-industry collaboration and technology transfer, and broadening participation of underrepresented groups, the broader impacts criterion is best suited to promote; and

(5) describe what steps the Foundation is taking and should take to use the broader impacts criterion to improve undergraduate science, mathematics, and engineering education.

The Acting CHAIRMAN. Are there any amendments to section 7?

The Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. POSTDOCTORAL RESEARCH FELLOWS.

(a) MENTORING.—The Director shall require that all grant applications that include funding to support postdoctoral researchers include a description of the mentoring activities that will be provided for such individuals, and shall ensure that this part of the application is evaluated under the Foundation's broader impacts merit review criterion. Mentoring activities may include career counseling, training in preparing grant applications, guidance on ways to improve teaching skills, and training in research ethics.

(b) REPORTS.—The Director shall require that annual reports and the final report for research grants that include funding to support postdoctoral researchers include a description of the mentoring activities provided to such researchers.

The Acting CHAIRMAN. Are there any amendments to section 8?

The Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. RESPONSIBLE CONDUCT OF RESEARCH.

The Director shall require that each institution that applies for financial assistance from the Foundation for science and engineering research or education describe in its grant proposal a plan to provide appropriate training and oversight in the responsible and ethical conduct of research to undergraduate students, graduate students, and postdoctoral researchers participating in the proposed research project.

The Acting CHAIRMAN. Are there any amendments to section 9?

The Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. REPORTING OF RESEARCH RESULTS.

The Director shall ensure that all final project reports and citations of published research documents resulting from research funded, in whole or in part, by the Foundation, are made available to the public in a timely manner and in electronic form through the Foundation's Web site.

The Acting CHAIRMAN. Are there any amendments to section 10?

The Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. SHARING RESEARCH RESULTS.

An investigator supported under a Foundation award, whom the Director determines has failed to comply with the provisions of section 734 of the Foundation Grant Policy Manual, shall be ineligible for a future award under any Foundation supported program or activity. The Director may restore the eligibility of such an investigator on the basis of the investigator's subsequent compliance with the provisions of section 734 of the Foundation Grant Policy Manual and with such other terms and conditions as the Director may impose.

The Acting CHAIRMAN. Are there any amendments to section 12?

The Clerk will designate section 12.

The text of section 12 is as follows:

SEC. 12. FUNDING FOR SUCCESSFUL STEM EDUCATION PROGRAMS.

(a) EVALUATION OF PROGRAMS.—The Director shall, on an annual basis, evaluate all of the Foundation's grants that are scheduled to expire within one year and—

(1) that have the primary purpose of meeting the objectives of the Science and Engineering Equal Opportunity Act (42 U.S.C. 1885 et seq.); or

(2) that have the primary purpose of providing teacher professional development.

(b) CONTINUATION OF FUNDING.—For grants that are identified under subsection (a) and that are deemed by the Director to be successful in meeting the objectives of the initial grant solicitation, the Director may extend the duration of those grants for up to 3 additional years beyond their scheduled expiration without the requirement for a recompetition. The Director may extend such grants for an additional 3 years following a second review within 1 year before the

extended completion date, in accordance with subsection (a), and the determination by the Director that the objectives of the grant are being achieved.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate that—

(1) lists the grants which have been extended in duration by the authority provided under this section; and

(2) provides any recommendations the Director may have regarding the extension of the authority provided under this section to programs other than those specified in subsection (a).

The Acting CHAIRMAN. Are there any amendments to section 12?

The Clerk will designate section 13.

The text of section 13 is as follows:

SEC. 13. COST SHARING.

(a) IN GENERAL.—The Board shall evaluate the impact of its policy to eliminate cost sharing for research grants and cooperative agreements for existing programs that were developed around industry partnerships and historically required industry cost sharing, such as the Engineering Research Centers and Industry/University Cooperative Research Centers. The Board shall also consider the impact that the cost sharing policy has on initiating new programs for which industry interest and participation are sought.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, on the results of the evaluation under subsection (a).

The Acting CHAIRMAN. Are there any amendments to section 13?

The Clerk will designate section 14.

The text of section 14 is as follows:

SEC. 14. DONATIONS.

Section 11(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(f)) is amended by inserting at the end before the semicolon ", except that funds may be donated for specific prize competitions".

The Acting CHAIRMAN. Are there any amendments to section 14?

The Clerk will designate section 15.

The text of section 15 is as follows:

SEC. 15. ADDITIONAL REPORTS.

(a) REPORT ON FUNDING FOR MAJOR FACILITIES.—

(1) PRECONSTRUCTION FUNDING.—The Board shall evaluate the appropriateness of the requirement that funding for detailed design work and other preconstruction activities for major research equipment and facilities come exclusively from the sponsoring research division rather than being available, at least in part, from the Major Research Equipment and Facilities Construction account.

(2) MAINTENANCE AND OPERATION COSTS.—The Board shall evaluate the appropriateness of the Foundation's policies for allocation of costs for, and oversight of, maintenance and operation of major research equipment and facilities.

(3) REPORT.—Not later than 6 months after the date of enactment of this Act, the Board shall report on the results of the evaluations under paragraphs (1) and (2) and on any recommendations for modifying the current policies related to allocation of funding for major research equipment and facilities to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

(b) INCLUSION OF POLAR FACILITIES UPGRADES IN MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PLAN.—Section 201(a)(2)(D) of the National Science Foundation Authorization Act of 1998 (42 U.S.C. 1862l(a)(2)(D)) is amended by inserting "and for major upgrades of facilities in support of Antarctic research programs" after "facilities construction account".

(c) REPORT ON EDUCATION PROGRAMS WITHIN THE RESEARCH DIRECTORATES.—Not later than 6 months after the date of enactment of this Act, the Director shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate a report cataloging all elementary and secondary school, informal, and undergraduate educational programs and activities supported through appropriations for Research and Related Activities. The report shall display the programs and activities by directorate, along with estimated funding levels for the fiscal years 2006, 2007, and 2008, and shall provide a description of the goals of each program and activity. The report shall also describe how the programs and activities relate to or are coordinated with the programs supported by the Education and Human Resources Directorate.

(d) REPORT ON RESEARCH IN UNDERGRADUATE INSTITUTIONS PROGRAM.—The Director shall transmit to Congress along with the fiscal year 2011 budget request a report listing the funding success rates and distribution of awards for the Research in Undergraduate Institutions program, by type of institution based on the highest academic degree conferred by the institution, for fiscal years 2008, 2009, and 2010.

(e) ANNUAL PLAN FOR ALLOCATION OF EDUCATION AND HUMAN RESOURCES FUNDING.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of legislation providing for the annual appropriation of funds for the Foundation, the Director shall submit to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives, and to the Committee on Commerce, Science, and Transportation, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, a plan for the allocation of education and human resources funds authorized by this Act for the corresponding fiscal year, including any funds from within the research and related activities account used to support activities that have the primary purpose of improving education or broadening participation.

(2) SPECIFIC REQUIREMENTS.—The plan shall include a description of how the allocation of funding—

(A) will affect the average size and duration of education and human resources grants supported by the Foundation;

(B) will affect trends in research support for the effective instruction of mathematics, science, engineering, and technology;

(C) will affect the K-20 pipeline for the study of mathematics, science, engineering, and technology; and

(D) will encourage the interest of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b) in mathematics, science, engineering, and technology, and help prepare such individuals to pursue postsecondary studies in these fields.

The Acting CHAIRMAN. Are there any amendments to section 16?

The Clerk will designate section 16.

The text of section 16 is as follows:

SEC. 16. ADMINISTRATIVE AMENDMENTS.

(a) TRIANNUAL AUDIT OF THE OFFICE OF THE NATIONAL SCIENCE BOARD.—Section 15(a) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 4862n–5) is amended—

(1) in paragraph (3), by striking "an annual audit" and inserting "an audit every three years";

(2) in paragraph (4), by striking "each year" and inserting "every third year"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) MATERIALS RELATING TO CLOSED PORTIONS OF MEETINGS.—To facilitate the audit required under paragraph (3) of this subsection, the Office of the National Science Board shall maintain the General Counsel's certificate, the presiding officer's statement, and a transcript or recording of any closed meeting, for at least 3 years after such meeting.".

(b) LIMITED TERM PERSONNEL FOR THE NATIONAL SCIENCE BOARD.—Subsection (g) of section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended to read as follows:

"(g) The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than 5 professional staff members, technical and professional personnel on leave of absence from academic, industrial, or research institutions for a limited term and such operations and support staff members as may be necessary. Such staff shall be appointed by the Chairman and assigned at the direction of the Board. The professional members and limited term technical and professional personnel of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and shall be compensated at a rate not exceeding the maximum rate payable under section 5376 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Section 14(a)(3) shall apply to each limited term appointment of technical and professional personnel under this subsection. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 14(a).".

(c) INCREASE IN NUMBER OF WATERMAN AWARDS TO THREE.—Section 6(c) of the National Science Foundation Authorization Act of 1975 (42 U.S.C. 1881a) is amended to read as follows:

"(c) Up to three awards may be made under this section in any one fiscal year.".

The Acting CHAIRMAN. Are there any amendments to section 16?

The Clerk will designate section 17.

The text of section 17 is as follows:

SEC. 17. NATIONAL SCIENCE BOARD REPORTS.

Paragraphs (1) and (2) of section 4(j) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1) and (2)) are amended by striking ", for submission to" and "for submission to", respectively, and inserting "and".

The Acting CHAIRMAN. Are there any amendments to section 17?

The Clerk will designate section 18.

The text of section 18 is as follows:

SEC. 18. NATIONAL ACADEMY OF SCIENCE REPORT ON DIVERSITY IN STEM FIELDS.

(a) IN GENERAL.—The Foundation shall enter into an arrangement with the National Academy of Sciences for a report, to be transmitted to

the Congress not later than 1 year after the date of enactment of this Act, about barriers to increasing the number of underrepresented minorities in science, technology, engineering, and mathematics fields and to identify strategies for bringing more underrepresented minorities into the science, technology, engineering, and mathematics workforce.

(b) SPECIFIC REQUIREMENTS.—The Director shall ensure that the study described in subsection (a) addresses—

(1) social and institutional factors that shape the decisions of minority students to commit to education and careers in the science, technology, engineering, and mathematics fields;

(2) specific barriers preventing greater minority student participation in the science, technology, engineering, and mathematics fields;

(3) primary focus points for policy intervention to increase the recruitment and retention of underrepresented minorities in America's future workforce;

(4) programs already underway to increase diversity in the science, technology, engineering, and mathematics fields, and their level of effectiveness;

(5) factors that make such programs effective, and how to expand and improve upon existing programs;

(6) the role of minority-serving institutions in the diversification of America's workforce in these fields and how that role can be supported and strengthened; and

(7) how the public and private sectors can better assist minority students in their efforts to join America's workforce in these fields.

AMENDMENT NO. 8 OFFERED BY MS. MATSUI

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. MATSUI:

At the end of the bill, insert the following new section:

SEC. 19. COMMUNICATIONS TRAINING FOR SCIENTISTS.

(a) GRANT SUPPLEMENTS FOR COMMUNICATIONS TRAINING.—The Director shall provide grant supplements, on a competitive, merit-reviewed basis, to institutions receiving awards under the Integrative Graduate Education and Research Traineeship program. The grant supplements shall be used to train graduate students in the communication of the substance and importance of their research to nonscientist audiences, including policymakers.

(b) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Director shall transmit a report to the Committee on Science and Technology of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Health, Education, Labor, and Pensions of the Senate, describing how the activities required under subsection (a) have been implemented. The report shall include data on the number of graduate students trained and the number and size of grant supplements awarded, and a description of the types of activities funded through the grant supplements.

Ms. MATSUI. Mr. Chairman, this amendment to the NSF reauthorization is designed to improve the ability of scientists to communicate with nonscientific audiences such as businesses, the media, the general public and, of course, Members of Congress. Specifically, my amendment would add a provision to H.R. 1667 that authorizes a science communications initiative at the National Science Foundation.

I believe this proposal will ensure that we are getting as much return on the Federal Government's investment in the National Science Foundation as possible. By implementing this program, it would diversify the education of our scientists and would ensure that policymakers and other nonscientists have better access to the technical expertise fostered by NSF and the Nation's broader research enterprise, because if scientists can't tell the rest of us what they have discovered, we are not fully recognizing the benefits of our investment in scientific research. Unfortunately, the ability to articulate the content and significance of scientific information is often overlooked by graduate training programs.

My amendment directly addresses this unmet need and would create a pipeline of scientists who are increasingly engaged with nonscientists, including policymakers, business leaders and others. Providing communications training to our scientists will ensure that we, the policymakers, can make the most informed decisions possible as we debate technical issues and craft policy.

This amendment creates a competitively reviewed supplement within the Integrative Graduate Education and Research Traineeship, or IGERT program. Investigators at IGERT-awardee institutions will compete for resources to develop and implement communications training. The IGERT program will administer the competitive review process for this communications training initiative.

I have received strong support for this program from stakeholders in my district of Sacramento and from across the country. Policymakers, scientists, educators, business leaders and science writers all agree we need to better integrate scientific expertise into the public debate.

This amendment represents an important step toward that goal. That is why this amendment has received the endorsement of the American Association for the Advancement of Science and The Council of Graduate Schools.

This amendment is based on the Scientific Communication Act of 2007, H.R. 1453, that I introduced with Chairman GORDON as an original cosponsor. I would like to thank Chairman GORDON, Mr. Hope, Mr. ALLEN, Mr. INSLEE and Mr. HIGGINS for their cosponsorship of that legislation.

Before I close, I would like to address a few misconceptions about this amendment. I want to be clear, this amendment contains no new authorization levels. For those who said that this program would take away from other NSF grants, I want to make a few points. The NSF Director would determine the level of resources to devote to this program. If the NSF Director does not deem this program worthy of funding, it won't get any.

However, I think scientists, teachers, reporters, business owners, Members of Congress and all our constituents should support this program. This bill authorized $21 billion for the National Science Foundation.

What good is that level of investment if we don't maximize the benefits? You should not need a Ph.D. to utilize the ideas and breakthroughs that NSF-supported research produces. That's why I am proposing this amendment. It will help to bridge the communication gap between scientists and the rest of us.

I hope all my colleagues here in the House will support this amendment. As policymakers, I promise you, you will personally benefit from this program when you hear expert testimony on technical topics. But, more importantly, you should support it because it will enable all your constituents to share in the excellent research supported by NSF.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I rise with some reluctance to speak against this amendment, because I like the idea of what the gentlewoman from California is trying to do. But my concern is twofold. First of all, this will cut into the funding that the NSF already has. It's an added requirement for them.

But my major objection is, I have taught at the university level and have taught at the college level. I have always felt this is the responsibility of the colleges and universities to do, and they shouldn't need an NSF grant to do this.

The job of the colleges and universities is to teach. What this is proposing is that the NSF will be responsible for teaching these students how to communicate their research.

I always tried to do that with my students when I had graduate students. I think that's an integral part of the education program. So I reluctantly urge defeat of this amendment, simply because I think we ought to make it clear to the universities and the colleges that this is part of their responsibility.

Mr. LIPINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Matsui amendment. As Members of Congress, we all understand just how critical communications skills are, whether we are trying to influence our colleagues during debate such as tonight, or trying to explain a vote to our constituents.

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If you cannot communicate effectively, the value of ideas can be lost and all of your work may be lost. The same is true for our Nation's scientists as they attempt to convey their work to colleagues and especially to nonscientific audience.

This afternoon, when I had the opportunity to speak with five recent American Nobel laureate scientists, I was very impressed by their ability to explain their work. I may even say I was surprised. Why? Because, unfortunately, scientists are not always the most gifted speakers, and this is not a skill that we regularly find taught in graduate schools. Dr. EHLERS was obviously doing a much better job when he was a professor, but this is not something that I have found as a professor that is taught very often. And I speak from experience both as a professor and as an engineer, and perhaps some may say I personally provide evidence supporting this generalization.

So the Matsui amendment addresses this problem by helping to provide communication training to our Nation's young scientists. If scientists can help better explain their research, it will help us as policymakers as they come to explain and we could choose the best path to move forward, especially in the Science Committee. And perhaps business leaders will be better able to turn some academic research into a good marketable product if they can understand what this research can do.

Finally, I believe that the ability of our scientists to more effectively communicate scientific information will inspire more children to pursue a career in science. No one is inspired by something that they don't know because they are unable to understand it.

I thank Congresswoman MATSUI for offering this amendment, and I urge my colleagues for joining me in supporting it.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the gentlelady from California's amendment, and let me share with you why.

I think most Members of this body have had people from the scientific community come and talk to us about why their research matters or how it is going to help society, and we have said to ourselves or to them, "Could you please put that in English so I know what you are talking about?"

The challenge is that the esoteric realm that some of the scientists work in is really beyond some of our ken. And I think that is fine. But if we are going to make informed policy decisions, it is essential that we understand the research that we are making decisions about that may have been illustrated earlier tonight in some of the discussion.

Let me share with you, and I respect Dr. EHLERS immensely, as everyone knows. But the very researchers who, if there is concern that this proposal by the gentlelady from California would reduce funding for other research, let me point out that many of the associations whose members depend on the core research funding nevertheless believe there is merit to this amendment. And let me share with you, the American Association for the Advancement of Science, I will read in a moment what they have to say, the Federation of American Society for Experimental Biology, the Council of Graduate Schools, the Society for Neuroscience. I absolutely believe as a former teacher of science, I believe it is our obligation as teachers to help our young charges learn how to communicate what they do. But it is not being done well enough, that has been recognized, and the gentlelady is to be commended for it.

Let me share with you that the American Association for the Advancement of Science says the following, which I will submit for printing in the RECORD. "While Federal support of scientific research is of critical importance to innovation," and let me underscore this, "it is also very important that we find ways to make sure that science is effectively used to advance the human condition. Scientists and engineers must have the tools needed to communicate the work they do. The ability to more effectively communicate scientific information may inspire more children to pursue a career in science, and certainly will help a higher quality dialogue among the research community and the citizens whose investment it relies on."

So I commend the gentlelady. This is something that we don't talk about a lot; but when people have to communicate information to the policymakers or to the public or to the consumers of their research, it is important they do so in a way that is intelligible. This amendment moves an important step in that direction. I applaud her and urge its passage.

AMERICAN ASSOCIATION
FOR THE ADVANCEMENT OF SCIENCE,
Washington, DC, May 2, 2007.

Hon. DORIS MATSUI,
House of Representatives,
Washington, DC.

DEAR REP. MATSUI: Thank you for your support in the recent passage of the reauthorization for the National Science Foundation (NSF) by the House Science and Technology Committee.

As you prepare to debate the NSF reauthorization bill (H.R. 1867) on the floor, I would like to express our support for your efforts to improve scientific communication with the public. For over 50 years, the NSF has had a unique role in supporting basic research across the spectrum of scientific disciplines. This support has led to remarkable advances in fields as disparate as nanotechnology and economic theory.

While federal support of scientific research is of critical importance to innovation, it is also very important that we find ways to make sure that science is effectively used to advance the human condition. Scientists and engineers must have the tools needed to communicate the work that they do. The ability to more effectively communicate scientific information may inspire more children to pursue a career in science. It certainly will help create a higher quality dialogue among the research community, the citizens whose investment it relies upon, and the broad society it ultimately serves.

Sincerely,

ALAN L. LESHNER,
Chief Executive Officer.

Mr. WESTMORELAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am confused. The gentleman from Washington has been stating about micromanaging the NSF; and now that I see what this amendment does is not only try to micromanage what they do with their grants and their money, but it is also saying to me that these institutions that get these awards grants for the research from the NSF do not have a complete teaching ability to teach these graduate students how to put their thoughts to a nonscientist audience.

Now, to me, we are not only micromanaging the NSF, but now we are getting into some of these schools that receive these grants and saying: You are not doing a full curriculum enough that you can educate these young scientists and these young researchers into how to explain themselves to nonscientist audiences.

So I think you can't have your cake and eat it, too. Either we don't want to micromanage, and if we are going to micromanage, who is the ultimate decider of that? And also, are we going to start micromanaging what the curriculum is for these higher institutes of learning that are turning out these scientists?

The Acting CHAIRMAN (Mr. LYNCH). The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. EHLERS

Mr. EHLERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. EHLERS:

At the end of the bill, add the following new section:

SEC. 19. SENSE OF THE CONGRESS REGARDING THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAMS OF THE DEPARTMENT OF EDUCATION AND THE NATIONAL SCIENCE FOUNDATION.

It is the sense of the Congress that—

(1) although the mathematics and science education partnership program at the National Science Foundation and the mathematics and science partnership program at

the Department of Education practically share the same name, the 2 programs are intended to be complementary, not duplicative;

(2) the National Science Foundation partnership programs are innovative, model reform initiatives that move promising ideas in education from research into practice to improve teacher quality, develop challenging curricula, and increase student achievement in mathematics and science, and Congress intends that the National Science Foundation peer-reviewed partnership programs found to be effective should be put into wider practice by dissemination through the Department of Education partnership programs; and

(3) the Director of the National Science Foundation and the Secretary of Education should have ongoing collaboration to ensure that the 2 components of this priority effort for mathematics and science education continue to work in concert for the benefit of States and local practitioners nationwide.

Mr. EHLERS. Mr. Chairman, I rise to address a particular problem with this amendment. We have, for some time, had activities within the National Science Foundation aimed at teaching future teachers, teaching them how to teach math and science, and this generally fell into the rubric of a math-science partnership, because the Foundation itself did not teach the teachers but rather responded to grants submitted by professors at various institutions who were pleased to set up programs to teach these future teachers or existing teachers how better to teach math and science. These have been very successful programs and are commonly referred to as the math-science partnership.

Recently, the Department of Education has developed programs involving professional development for teachers in elementary and secondary schools to try to bring them up to speed on the latest developments in math and science and how to teach them. They ended up calling it the math-science partnership.

This has resulted in a problem because some in the administration decided to cut the budget of the National Science Foundation because they felt this was a duplication of programs. It is not.

The National Science Foundation concentrates on doing research. The Foundation's model is designed for competitive grants to spur innovative programs that will be peer reviewed and evaluated to enhance research on effective math and science education, whereas the Department of Education ensures that this knowledge is disseminated to as many school districts as possible. Knowledge gained from the competitive foundation scholarships, in other words the National Science Foundation math-science partnerships, can be used and is used to prove and enhance State investments in programs developed by the Department of Education.

In other words, these are two programs that happen to have the same names. They are very symbiotic. The discoveries out of the research at the National Science Foundation transfers directly over to the Department of Education, and is there applied to instructions in the classrooms and for teacher training programs.

□ 2210

Another reason I come to offer this amendment is because the other body, the Senate, is working on this same issue, this same bill, and they have added an amendment which clarifies the difference between the National Science Foundation programs and the Department of Education programs. I am offering essentially the same amendment so that when we go to conference with the Senate, this will be preagreed to. It's a necessary and important clarification of the functions of the two, and I urge the adoption of my amendment.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The superb gentleman from Michigan is absolutely right. It's a superb amendment. We're happy to accept it, and I commend him for offering it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MCNERNEY

Mr. MCNERNEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCNERNEY:

At the end of the bill, add the following new section:

SEC. 19. HISPANIC-SERVING INSTITUTIONS UNDERGRADUATE PROGRAM.

(a) IN GENERAL.—The Director is authorized to establish a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions to enhance the quality of undergraduate science, mathematics, engineering, and technology education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, mathematics, engineering, or technology.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in science, mathematics, engineering, and technology;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding for instrumentation is an allowed use of grants awarded under this section.

Mr. MCNERNEY. Mr. Chairman, I would like to thank Chairman GORDON, Ranking Member HALL, and my good friend Dr. BAIRD for bringing H.R. 1867, the National Science Foundation Reauthorization Act, to the floor. This is a very important bill that will benefit our young scientists for generations to come.

I would also like to thank some of my colleagues, Ms. GIFFORDS and Mr. CROWLEY, for their support.

My amendment makes a needed change to H.R. 1867 by allowing the Director of the National Science Foundation to establish a competitive, merit-based program to award grants to Hispanic-serving institutions for science, technology, engineering and mathematics, or STEM education.

The U.S. is in danger of falling behind the rest of our competitors in the world in STEM education, and it is imperative that we improve academics in this country. We need initiatives that increase educational opportunities for all young adults in order to expand the number of students who pursue careers in science and math-related fields.

The National Academy of Science's study, Rising Above the Gathering Storm, paints a very sobering picture of our future if we continue to see declines in both the quality and the quantity of science and math students. However, we can alter this current trend by expanding options for our children.

The House has passed numerous bills in recent weeks to create new opportunities in STEM education. These are excellent first steps. Likewise, today's legislation, and my amendment, provide us with the building blocks for academic progress. We should continue working hard to improve access to education and offer better services for our students and families.

This amendment does that by allowing Hispanic-serving institutions throughout the country to participate in NSF programs. As the largest minority group in the United States, Hispanic populations should be encouraged to access the educational fields where we need the most talent, in science, technology, engineering and mathematics.

At San Joaquin Delta College in my district, and at hundreds of similar 2- and 4-year institutions, students benefit from existing funds and programs that will be enhanced by the adoption of this amendment.

We should give the NSF the ability to support improvement of curriculum and courses at Hispanic-serving institutions, while also providing for faculty development initiatives that will lead to better-educated students.

In addition to the benefits of these changes, my amendment is fiscally responsible. It authorizes no new funding. It simply provides the opportunity for Hispanic-serving institutions to compete for NSF funds in the same way as other institutions.

The NSF already supports similar programs for Historically Black Colleges and Universities and Tribal Colleges, and this amendment will allow

Hispanic-serving institutions to better serve our future leaders and scientists.

I strongly urge my colleagues to support this amendment.

Ms. GIFFORDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to speak in support of the McNerney-Giffords-Crowley amendment to the National Science Foundation Authorization Act of 2007.

I want to thank Congressman McNERNEY and Congressman CROWLEY for their help in crafting this amendment. It has been a pleasure to work with both of them.

A Hispanic-serving institution is defined as an institution of higher education that has at least 25 percent Hispanic full-time enrollment, and at least 50 percent of the school's student population must be eligible for need-based financial aid.

This amendment will establish a new program in the National Science Foundation to award grants to Hispanic-serving institutions on a competitive, merit-reviewed basis. These grants will enhance the quality of undergraduate science, math, engineering and technology education. This will increase student retention and graduation rates for those students pursuing degrees in these critical areas.

Specifically, this grant program will support faculty development, which is critical; stipends for undergraduate students participating in research; and initiatives to improve courses and curriculum in science, math and engineering and technology.

In 2005, Mr. Chairman, a group of bipartisan congressional lawmakers asked the experts at the National Academies for steps that policymakers must pursue in order to ensure the United States remains globally competitive.

Their report, entitled Rising Above the Gathering Storm, which we refer to frequently on the Science Committee, found that the United States will stand to lose in terms of global competitiveness unless we act immediately.

One of the recommendations was to increase the participation of minorities in STEM education fields. That report stated that "increasing participation of underrepresented minorities is critical to ensuring a high-quality supply of scientists and engineers in the United States over the long term. And as minority groups increase in percentage within the United States population, increasing their participation in those STEM fields is critical."

In my home State of Arizona, 50 percent of the population 18 years of age and younger are Hispanic. My amendment will ensure that Hispanics, our Nation's largest ethnic minority, and many blacks, whites, Asians and Native Americans who attend Hispanic-serving institutions will be able to more fully contribute to American innovation. It will expand the number of students graduating with the credentials to enter the critical fields that impact American competitiveness, those STEM fields.

This amendment truly benefits all of the United States of America.

In my district I have three Hispanic-serving institutions, Pima Community College, Cochise Community College and, of course, the University of Arizona South. All three of these institutions support this amendment which would give them the opportunity to improve their STEM education programs.

Dr. Karen Nicodemus, who is the president of Cochise College, told my office, "As President of a rural Hispanic-serving institution, I applaud and strongly support any and all efforts to fund and expand undergraduate student access to the STEM areas. Directing resources to a growing but historically underserved student population is essential, essential to fully engaging and preparing them for the 21st century," Mr. Chairman, which we know is so critical.

According to Dr. Roy Flores, who is the chancellor of Pima Community College, "Our ability to increase minority graduates in science, technology, engineering and math degree programs will determine our relative position in the global economy."

This amendment, Mr. Chairman, is all about keeping America globally competitive in this 21st century. I encourage all of my colleagues to support it.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I just want to simply rise to congratulate my colleagues, both Mr. McNERNEY as well as Ms. GIFFORDS, both leaders on the Science Committee on this issue, in advancing our Democratic innovative agenda.

This amendment will benefit Hispanic-serving institutions throughout our Nation to inspire more of our young people to seek careers in industries that will foster the growth in mathematics and science among primarily Hispanic-serving institutions.

□ 2220

And I stand wholeheartedly behind this amendment. This will include over 10,000 students in my district who will directly benefit from this amendment. Let me just read some of the institutions in Queens and the Bronx, including Lehman College, Bronx Community College, Hostos Community College, LaGuardia Community College, Vaughn College of Aeronautics and Technology at LaGuardia Airport, and the College of Mount Saint Vincent. They are just a few of the colleges that will benefit from this amendment.

And with that, Mr. Chairman, I wholeheartedly support it and ask my colleagues to support this amendment as well.

Mr. Chairman, I rise today to support the McNerney-Giffords amendment. This amendment establishes a new competitive grants program specifically for Hispanic-Serving Institutions at the National Science Foundation.

I would like to thank Representative McNERNEY and Representative GIFFORDS for their leadership in offering this amendment, which will increase opportunities for so many undergraduate students.

This amendment will focus attention on the need to involve more Hispanic students in the science field by creating a specific program for Hispanic-Serving Institutions to receive infrastructure development funding.

I would also like to thank Chairman GORDON, Subcommittee Chairman BAIRD, and the staff at the Science and Technology Committee for their assistance in drafting this amendment, and for their commitment to increasing participation of minorities in the science and technology fields.

Hispanic-Serving Institutions serve the majority of the nearly two million Hispanic students enrolled in college today, and many of these institutions offer associate, undergraduate, and graduate programs and degrees in the science, technology, engineering, and mathematics fields.

The Hispanic-Serving Institutions Undergraduate Program created by this amendment will allow these colleges and universities to access the funding they need to enhance their educational programs.

In my district alone, about 10,000 students attend Hispanic-Serving Institutions offering degrees in these science fields. Students at institutions throughout Queens and the Bronx, including Lehman College, Bronx Community College, Hostos Community College, LaGuardia Community College, Vaughn College of Aeronautics and Technology, and the College of Mount Saint Vincent, like those all across the country, will benefit from increased access to funding to improve these degree programs.

This amendment corrects a long-standing inequality at the National Science Foundation.

Unlike their counterparts of Historically Black Colleges and Universities and Tribal Colleges and Universities, Hispanic-Serving Institutions have not benefited from a specific program to provide them with grants for research, curriculum, and infrastructure development.

Without access to targeted capacity-building grants, Hispanic-Serving Institutions have difficulty increasing the ranks of Hispanics in the science, technology, engineering, and mathematics fields, where they have been historically underrepresented. Studies show that Hispanics earn less than 3 percent of doctorates in these areas, compared to more than 50 percent by non-Hispanic whites.

This amendment also goes to the heart of the Innovation Agenda spearheaded by Speaker PELOSI and the new Democratic Coalition in the House to increase our Nation's competitiveness and create more math and science graduates.

To maintain our global competitiveness, we need to increase our pool of scientists, mathematicians, and engineers.

We can do this by ensuring that Hispanics, the youngest and fastest-growing ethnic population group in the nation, are prepared with the knowledge and skills that will contribute to our Nation's future economic strength, security and global leadership.

This grants program will educate and train a new generation of experts in the science, technology, engineering and mathematics areas. By engaging Hispanic-Serving Institutions in this process, we can reach out to and involve more of the Hispanic educational community.

The National Science Foundation, through its undergraduate and graduate programs, can assist Hispanic-Serving Institutions in developing programs to prepare current and future generations of Hispanics and other minority professionals in the sciences.

I applaud the establishment of a Hispanic-Serving Institutions Undergraduate Program to achieve these goals, and I urge passage of this excellent amendment by Representatives McNERNEY and GIFFORDS.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The prior speakers have been very eloquent in support of this and the hour is late; so I won't go into any detail. I just want to commend them for their leadership on this and urge support of this outstanding amendment.

Mr. PRICE of Georgia. Mr. Chairman, I move to strike the last word.

I want to commend my colleagues as well for bringing what would on its face value be seen as a remarkably new and innovative program. In fact, I think as the gentleman said, advancing "the Democratic innovation agenda." Well, it is curious, Mr. Chairman, because if you view and look specifically at the language that is in this amendment, and it is to be commended indeed, it bears striking resemblance to the language in current law. In fact, the National Science Foundation Authorization Act of 2002, section 24 has language that is exactly the same as is in this amendment.

So I want to commend my colleagues for being inventive and being innovative indeed.

I also think it would be appropriate for them to cite, in fact, where the original language came from, and that was the prior Republican Congress. So I commend my colleagues for their innovation, indeed, in formulating an amendment that is already in place in current law.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McNERNEY).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

At the end of the bill, add the following new section:

SEC. 19. REQUIREMENT OF OFFSETS.

(a) IN GENERAL.—No authorization of appropriations made by this Act or other provision of this Act that results in costs to the Federal Government shall be effective except to the extent that this Act provides for offsetting decreases in spending of the Federal Government, such that the net effect of this Act does not either increase the Federal deficit or reduce the Federal surplus.

(b) DEFINITIONS.—In this section, the terms "deficit" and "surplus" have the meanings given such terms in the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

Mr. PRICE of Georgia. Mr. Chairman, I know the hour is late and we are drawing to a close on this, and I think this is an appropriate amendment upon which to end for this is the amendment that allows us as a Congress to say, yes, indeed, we believe that fiscal responsibility is important.

As you know, Mr. Chairman, this bill, the National Science Foundation Authorization Act, authorizes $20.973 billion, nearly $21 billion, over 3 years and creates five new Federal programs. The National Science Foundation Authorization Act establishes a pilot program of 1-year seed grants for new investigators to help improve funding rates for young investigators and to stimulate higher-risk research. It encourages the NSF to foster relationships between academia and industry in order to spawn U.S. competitiveness and furthers the Agency's traditions of education in science, technology, engineering, and math.

The NSF has a mission to achieve excellence in science, technology, engineering, and mathematics education at all levels and all settings from kindergarten through postdoctoral training, from classrooms to science museums and online resources, having done so for the last half century. And while what this bill does is extremely important, equally important is this amendment that will apply the principle of pay as you go to any new spending authorized by this legislation by requiring that any new spending have a specific offset.

The amendment provides that no authorization of appropriations made by this Act that results in costs to the Federal Government shall be effective unless there are decreases in spending elsewhere in the Federal Government.

Mr. Chairman, common sense dictates that that is what we should do. Not only common sense, but previous promises by this new majority. An excerpt of "A New Direction for America," which was proposed by House Democrats in the 109th Congress as their plan for the majority, it reads: "Our New Direction is committed to pay-as-you-go budgeting, no more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans."

Well, hear, hear, Mr. Chairman. I heartily agree. But on April 18, Majority Leader HOYER was quoted in Roll Call as saying, "We want to get the budget deficit under control. We have said that fiscal responsibility was necessary, but we're not going to be hoisted on the torrent of fiscal responsibility."

Well, Mr. Chairman, Americans all across this Nation are being shaken down by a "torrent" of fiscal irresponsibility.

I would suggest, Mr. Chairman, the rules are not rules if you only follow them when you want to. The Democrats promised pay-as-you-go rules for everything. Instead, they are picking and choosing, picking and choosing when to do so. At home, we call that breaking a rule and breaking a promise.

So while what this bill does is extremely important, $20.973 billion is a considerable amount of money even here in Washington, and it is equally important that we are good stewards of the hard-earned money of the American people. We should not limit our talk about fiscal responsibility only when it is politically convenient.

So I urge the new majority to rededicate itself to the principle of pay-as-you-go spending. Fiscal responsibility shouldn't be something that is just talked about only on the campaign trail.

Mr. Chairman, I urge adoption of this commonsense, fiscally responsible, pay-as-you-go amendment.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

In the midst of all this serious debate about an extremely important bill, I would like to pause just a moment to have a lighter moment that we can all enjoy as we recognize that one of our leading Members in this Congress tomorrow reaches a major milestone. The ranking member of the Science Committee, the gentleman from Texas, Mr. RALPH HALL, tomorrow will begin the second half of his life. He reaches the age of 84 tomorrow. So we can all celebrate with him and appreciate the tremendous contributions he has made to this Congress and to this country.

And I think it is entirely appropriate that on the eve of this important occasion, he spends the entire evening in this Chamber debating the esoteric aspects of science and its results.

So I hope all of you will join me at some point in the next day of wishing Mr. HALL an immensely wonderful 84th birthday tomorrow.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to share the happy birthday wishes to the distinguished ranking member and thank him for his bipartisan participation in not only this, but so many endeavors.

Congratulations, RALPH. You are a dear friend and a model to many of us, and I very much appreciate all your service.

I also want to thank Chairman GORDON for his leadership in not only this bill but the entire innovation agenda that has been moving through this Congress so efficiently and with, again, good bipartisan support.

I mentioned Mr. EHLERS repeatedly earlier tonight. He has been so central to the passage of this bill. And I especially want to thank the majority staff and the minority staff. We have worked very well together.

And I want to thank my dear friends and colleagues on the other side. Though we have had a spirited disagreement on some issues and agreed on some, it has been a civil debate, a well-intentioned debate, and I think it has advanced our discussion of the important role of this legislation.

The amendment by the gentleman from Georgia has been offered before. It has been defeated before on other bills. I would urge its defeat. And after we accomplish that, I would urge passage of this otherwise outstanding bill.

Mr. HALL of Texas. Mr. Chairman, I move to strike the last word.

I just want to rise to first thank Dr. EHLERS and reiterate my support for H.R. 1867. I think we have a good bill here that propels us on down the innovation and competitiveness path that the President is on and that we have been on. I also thank Chairman GORDON and Chairman BAIRD.

Dr. EHLERS, I thank you again for helping to make this a better bill. In fact, I would argue that there is no one in this body more familiar with NSF than you are.

☐ 2230

I thank you for your work for and against some of these amendments.

I rise in support of the bill and urge an "aye" vote on it.

And, Dr. BAIRD, I thank you personally for your kindness and the classy way you've handled yourself today.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment to Amendment No. 1 by Mr. SULLIVAN of Oklahoma.

Amendment No. 1 by Mr. HONDA of California.

Amendment No. 5 by Mr. CAMPBELL of California.

Amendment No. 4 by Mr. CAMPBELL of California.

Amendment No. 11 by Mr. GARRETT of New Jersey.

Amendment No. 7 by Mr. FLAKE of Arizona.

Amendment No. 8 by Ms. MATSUI of California.

Amendment No. 2 by Mr. PRICE of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. SULLIVAN TO AMENDMENT NO. 1 OFFERED BY MR. HONDA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) to the amendment offered by the gentleman from California (Mr. HONDA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 250, not voting 21, as follows:

[Roll No. 287]

AYES—166

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—250

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Emanuel
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—21

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Feeney
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Neal (MA)
Norton
Ortiz
Paul
Radanovich
Tancredo

☐ 2255

Messrs. JOHNSON of Illinois, DAVIS of Illinois, REYES and RUSH changed their vote from "aye" to "no."

Mr. MACK and Mrs. SCHMIDT changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HONDA

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 165, not voting 20, as follows:

[Roll No. 288]

AYES—252

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Ferguson
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—165

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—20

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Mollohan
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

☐ 2259

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 222, not voting 20, as follows:

[Roll No. 289]

AYES—195

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carney
Carter
Chabot
Chandler
Cole (OK)
Conaway
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green, Gene
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood

Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Smith (NJ)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Rogers (AL)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—20

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Mollohan
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 1 minute remaining to vote.

☐ 2305

Mr. JOHNSON of Illinois changed his vote from "aye" to "no."

Mrs. BOYDA of Kansas changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, during Rollcall vote No. 289 on H.R. 1867, I mistakenly recorded my vote as "no" when I should have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 301, not voting 21, as follows:

[Roll No. 290]

AYES—115

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Ellsworth
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Putnam
Rehberg
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (SC)
Young (FL)

NOES—301

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering

Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—21

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Doyle
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kaptur
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised they have 1 minute remaining to vote.

☐ 2308

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. GARRETT OF NEW JERSEY

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 126, noes 292, not voting 19, as follows:

[Roll No. 291]

AYES—126

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ellsworth
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Poe
Putnam
Ramstad
Rehberg
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Taylor
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Young (FL)

NOES—292

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Emanuel
Emerson
Eshoo
Etheridge
Everett
Farr
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—19

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2313

Mr. PERLMUTTER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 290, not voting 19, as follows:

[Roll No. 292]

AYES—128

Aderholt
Akin
Altmire
Bachmann
Bachus
Barrett (SC)

Barton (TX)
Bean
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carney
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Donnelly
Doolittle
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillibrand
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy, Patrick
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Tiberi
Walberg
Wamp
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—290

Abercrombie
Ackerman
Alexander
Allen
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wicker
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—19

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 2317

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. MATSUI) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 19, as follows:

[Roll No. 293]

AYES—232

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito

Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Brady (PA)
Cannon
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2322

Mrs. GILLIBRAND changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 19, as follows:

[Roll No. 294]

AYES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—19

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Faleomavaega
Fattah
Fortuño
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McKeon
McMorris Rodgers
Norton
Ortiz
Paul
Radanovich
Tancredo

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

☐ 2326

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BOYDA of Kansas) having assumed the chair, Mr. LYNCH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1867) to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes, pursuant to House Resolution 349, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HALL of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 399, noes 17, not voting 16, as follows:

[Roll No. 295]

AYES—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—17

Barrett (SC)
Campbell (CA)
Cannon
Deal (GA)
Duncan
Flake
Franks (AZ)
Hensarling
Hoekstra
Johnson, Sam
Jordan
Kingston
Linder
Pitts
Royce
Sali
Shadegg

NOT VOTING—16

Brady (PA)
Cubin
Davis, Jo Ann
Engel
Fattah
Graves
Hunter
Johnson, E. B.
Kennedy
Lampson
McMorris Rodgers
Ortiz
Paul
Radanovich
Sullivan
Tancredo

□ 2344

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE RULES OF THE HOUSE TO CLARIFY CERTAIN MATTERS RELATING TO OFFICIAL CONDUCT

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct be discharged from further consideration of the resolution (H. Res. 363) amending the Rules of the House of Representatives to clarify certain matters relating to official conduct, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. COHEN). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 363

Resolved, That clause 15 of rule XXIII of the Rules of the House of Representatives is amended to read as follows:

"15. (a) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on an aircraft.

"(b) Paragraph (a) does not apply if—

"(1) the aircraft is operated by an air carrier or commercial operator certificated by the Federal Aviation Administration and the flight is required to be conducted under air carrier safety rules, or, in the case of travel which is abroad, by an air carrier or commercial operator certificated by an appropriate foreign civil aviation authority and the flight is required to be conducted under air carrier safety rules;

"(2) the aircraft is owned or leased by a Member, Delegate, Resident Commissioner or his or her family member (including an aircraft owned by an entity that is not a public corporation in which the Member, Delegate, Resident Commissioner or his or her family member has an ownership interest, provided that such Member, Delegate, or Resident Commissioner does not use the aircraft any more than the Member, Delegate, Resident Commissioner, or family member's proportionate share of ownership allows);

"(3) the flight consists of the personal use of an aircraft by a Member, Delegate, or Resident Commissioner that is supplied by an individual on the basis of personal friendship; or

"(4) the aircraft is operated by an entity of the Federal government or an entity of the government of any State.

"(c) In this clause—

"(1) the term 'campaign funds' includes funds of any political committee under the Federal Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act;

"(2) the term 'family member' means an individual who is related to the Member, Delegate, or Resident Commissioner, as father, mother, son, daughter, brother, sister, husband, wife, father-in-law, or mother-in-law; and

"(3) the term 'on the basis of personal friendship' has the same meaning as in clause 5 of rule XXV and shall be determined as under clause 5(a)(3)(D)(ii) of rule XXV.".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROTECTING THE NATION'S HISTORICALLY BLACK COLLEGES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, we just finished looking at two very important legislative initiatives by the Democratic leadership and as well a bipartisan effort dealing with issues like Head Start and the National Science Foundation.

As you look at the question of education, I rise today to talk of the plight of historically black colleges in America. It is important that we recognize that America's competitive edge will be based upon the opportunities for all Americans.

I am disappointed in the U.S. Department of Education's failure to fully enforce the 1964 Civil Rights Act, title VI, and one of the victims of that failure of enforcement are schools in Texas, Texas Southern University and Prairie View A&M. It has now become a national issue, an issue of importance to America because we are falling behind.

That is why the National Science Foundation legislation was important, but it is now also important for the U.S. Department of Education to wake up and do its job in protecting the Nation's historically black colleges.

HONORING C.W. MATTHEWS

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to honor the memory of C.W. Matthews, a long-term businessman in Cobb County, Georgia. Mr. Matthews passed away on Sunday at the age of 84, and with his passing, our Nation lost of one of its most inspired industrialists

In the 1940s, a 23-year-old Matthews established the C.W. Matthews Contracting Company, which today is the largest highway contractor in the southeastern United States. C.W. was a natural businessman, making friends with ease, growing his company the old-fashioned way, through hard work.

Over the past 60 years, the company has employed thousands of workers, built many of the roads that help Cobb County thrive, and even worked on the expansion at Atlanta's Hartsfield-Jackson airport. In fact, Mr. Matthews, with only an eighth-grade education, created one of the most successful family-run businesses in the Nation.

Mr. Speaker, I want to tell Mr. Matthews' wife, Myrtle, of 66 years, his two sons, two grandsons, and seven great-grandchildren, the entire Cobb County community shares in your loss. We will always remember C.W. as a man of passion, drive and ingenuity.

I ask all my colleagues to join me in honoring the legacy of C.W. Matthews.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106

Mr. BOREN. Mr. Speaker, I request that my name be removed from H. Res. 106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 2350

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I am pleased to draw the attention of the House and the Nation to Public Service Recognition Week, which will take place May 7 through May 13.

This week is set aside to remind us all of the vital work that public employees do every day across our country and to honor that work. In many ways, public employees are the daily embodiment of our democracy. Every day they carry out the programs and services chosen by our elected government from the Federal to the State to the local level.

Locally, where democracy has the most direct impact, public employees carry out the programs of elected city councils and school districts as they teach our children, run parks and recreation programs, police our neighborhoods, and perform a myriad of other services to make our communities continually better places to live. Public employees are there for us, the public, 24 hours a day, 7 days a week. In the middle of the night when a water main breaks and floods a street, when a home catches fire, or when a terrorist threat is identified, it is public employees who respond for our communities and for our Nation.

Mr. Speaker, I am continually impressed with the creativity and innovation of public-sector employees and leaders, as they deliver better services and value to the public, whether it's creatively combining scarce government resources to improve public safety, or teaming up government resources with community volunteers to provide needed home improvements for disabled seniors, or finding new ways to reduce air and water pollution. I think the public would be impressed to know that their tax dollars do have many good stewards who take pride in bringing them the best possible service for their tax dollars. My own mother is a public school teacher, so I know from experience how gifted public servants are at providing first-class services on a steerage budget.

On May 9 in Los Angeles, public employees representing a wide variety of Federal, State and local government agencies and school districts will gather for a Public Service Recognition Week ceremony. Thirteen individuals, teams and projects will be honored as winners of the public service recognition awards for outstanding contributions and service to the public.

Over 200 individuals, teams and projects were nominated for these awards. Since I will be performing my own duty as a public servant on May 9 here in this House, I want to take this opportunity to extend my appreciation and congratulations to everyone who will attend that Los Angeles ceremony and ceremonies like it all across our Nation.

Let me conclude by urging all of my colleagues to honor their public employees by cosponsoring House Resolution 307, which would formally designate Public Service Recognition Week and to support public service recognition events in their districts around the Nation in the coming week.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, tomorrow this body will take up legislation that is referred to as hate crime legislation. On its face that sounds pretty innocuous, something we should all agree on. We are against hate.

Those of us who believe in the Bible would say that is not something that anyone should engage in. Hate. But the fact is there are laws across America that deal with crimes. What hate crime legislation does is carve out essential exemptions, special punishments for people who commit offenses.

In the past, hate crimes have been limited to felonies that involve serious bodily injury, that kind of thing, in most areas. But here for the first time, we are not going to enhance punishment, we are not going to just only spend money of Federal dollars to help other jurisdictions enforce their hate crime legislation. Now we created a special Federal crime that will allow the full weight of the Federal Government to go after those who, according to the law we will vote on tomorrow, in any circumstance, basically, willfully causes bodily injury to any person.

Now, most hate crime laws refer to serious bodily injury, but not in this legislation. We refer to bodily injury. We have lowered the bar dramatically. There are some jurisdictions that would say bodily injury can be temporary, no matter how temporary. It can be a touching, a pushing.

So, in other words, if someone opposed to your position that, perhaps, was having gender identity issues, like a transvestite, got between you and your office, and there were numbers of them, and you tried to get through to your office, then, as has happened in other places, he may be inclined now to go to the Federal Government, file a criminal complaint for which you could be arrested, and that would be bodily injury sufficient to rise to that level.

Now, some have said, in our committee, that this does not affect any speech, this is only actions. But the trouble is existing Federal law, under 18 U.S. Code 2(a) of the Federal Criminal Code, and I have taken an excerpt from it, says: "Whoever aids . . . abets, counsels, commands, induces or procures" a crime's commission is punishable as if they had committed the crime itself.

That's referred to in most jurisdictions as the law of principals. It's not a conspiracy law, it's a law of principals.

Therefore, as I ask about a hypothetical in committee, if a minister were to preach from the Bible or simply read from the Bible, or a rabbi were to read from the Torah or teach from it, or an imam was to read from the Koran, indicating that it is wrong to have sexual relations outside of the marriage of a man and a woman; if someone heard that and went out and committed an offense causing bodily injury, shooting someone, and then when they were questioned, they said, well, my minister, rabbi or imam said this was wrong, and this is what induced me to do this, well, under existing Federal law, when coupled with the law the majority wants to pass tomorrow, that minister could be charged under the law as a principal, as having shot the victim. That would mean that any sermons, any Bible teachings, any Koran or any Torah teachings that were perhaps on file at the home, in the office, on the hard drive, would then be admissible, because that is evidence that this individual taught and preached how wrong this was, which induced the individual to commit the crime.

Now, others say that's ridiculous, and it reminds me a great deal of the debate in this House in 1935, 1936, on Social Security, when some stood here and said, we don't want Social Security numbers because those will one day be utilized as identification numbers. That was roundly guffawed, this is ridiculous. This is simply a number on a Social Security account. It could never be identification. That's ridiculous. Others say, look, we have a provision in here that says first amendment speech.

The SPEAKER pro tempore. The time of the gentleman has expired.

U.N. RWANDA GENOCIDE EXHIBIT REVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for the remainder of the time until midnight.

Mr. PALLONE. Mr. Speaker, yesterday what was supposed to be an important U.N. exhibit educating the world about the Rwandan genocide was turned into a farce thanks to the actions of the Turkish Government. Three weeks ago, when the Rwanda genocide exhibit was originally set to open, the Turkish Government did what the Turkish Government often does, denied historical facts and objected to the exhibit because it objected to Armenian genocide as an example of genocide.

It was bad enough that this important U.N. exhibit documenting the Rwanda genocide was delayed by 3 weeks because Turkey continued to deny the past, but I was appalled when the exhibit was opened yesterday at the U.N. with one major revision.

Gone was the citing of the systematic killing of 1.5 millions Armenians as genocide. Instead it was referred to as a mass killing in order to appease the Turkish Government. No serious historical dispute exists about the Armenian genocide. Sadly, an intensive and well-financed effort by the Turkish Government has succeeded in preventing the United States, and now the U.N., from any formal recognition of the Armenian genocide.

This is the warped Turkish version of history, and it's simply not acceptable. The Turkish objection to this exhibit is the latest example of their genocide denial. It's absolutely ludicrous that an exhibit dedicated to the education and prevention of genocide would include Armenia as an example, use the definition of the term "genocide," but not use the word "genocide" to describe the events.

How, exactly, are you educating the public about genocide when you refuse to call the first genocide of the 20th century by its name? The word "genocide" was actually created as a way to describe the barbaric crimes inflicted against the Armenians between 1915 and 1923, but now the word cannot be used in an exhibit at the U.N. This is utterly ridiculous.

Would you ever have an exhibit on Christianity without mentioning the birth of Christ? The same type of absurdity has been used by President Bush during his annual statement commemorating the anniversary of the Armenian genocide. Year after year the Bush administration continues to play word games by not calling evil by its proper name.

If I could just end by saying, I don't think that the U.N. response to genocides should be denigrated to a level acceptable to the Turkish Government. It's about time that the Bush administration started dictating a policy for Americans, not for a foreign government like Turkey. This lack of honesty is simply not acceptable.

Turkey should be condemned for its policy of denying the Armenian genocide. As a global community we must collectively stand for historical truth and properly recognize the worst humanitarian crimes we have seen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for the week of April 30 and the week of May 7 on account of maternity leave.

Mr. GRAVES (at the request of Mr. BOEHNER) from 6:30 p.m. today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, FOR 5 MINUTES, TODAY.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 9.

Mr. MCCOTTER, for 5 minutes, May 3.

Ms. ROS-LEHTINEN for 5 minutes, for May 8 and May 9.

Mr. GOHMERT, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on May 1, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 1591. Making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

H.R. 1681. To amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross in the 21st century, and for other purposes.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, May 3, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1443. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Border; Quarantined Areas; Michigan [APHIS-2006-0131] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1444. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Viruses, Serums, Toxins, and Analogous Products; Suspension, Revocation, or Termination of Biological Licenses or Permits; Inspections [APHIS Docket No. 02-107-2] (RIN: No. 0579-AC29) received April 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1445. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule — Rules of Practice Governing Proceedings under the Packers and Stockyards Act (RIN: 0580-AA97) received April 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1446. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Soybean Promotion and Research: Qualified State Soybean Boards; Correction [Docket No. LS-06-06] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1447. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Processed Fruits and Vegetables [Docket # AMS-FV-07-0025; FV-05-379] (RIN: 0581-AC56) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1448. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tomatoes Grown in Florida; Change in Handling Requirements [Docket No. AMS-FV-06-0208; FV07-966-1 IFR] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1449. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006-2007 Marketing Year [Docket No. AMS-FV-06-0175; FV07-982-1 IFR] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1450. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cut Flowers From Countries With Chrysanthemum White Rust [Docket No. 03-016-3] (RIN: 0579-AC18) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1451. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Albert M. Calland III, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1452. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Donald J. Wetekam, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1453. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress, pursuant to 50 U.S.C. 1523; to the Committee on Armed Services.

1454. A letter from the General Counsel, Department of Commerce, transmitting a copy of draft legislation to amend the Communications Act of 1934 to terminate the Telecommunications Development Fund; to the Committee on Energy and Commerce.

1455. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1456. A letter from the President, Overseas Private Investment Corporation, transmitting a copy of a draft bill entitled, "To amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation"; to the Committee on Foreign Affairs.

1457. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2007 through March 31, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No.110-32); to the Committee on House Administration and ordered to be printed.

1458. A letter from the Secretary, Department of Interior, transmitting a copy of a draft bill entitled, "Reclamation Water Management Improvement Act"; to the Committee on Natural Resources.

1459. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting a copy of a draft bill entitled, "to repeal certain oil and gas incentives contained in the Energy Policy Act of 2005 and for other purposes"; to the Committee on Natural Resources.

1460. A letter from the Chairman —— Surface Transportation Board, Department of Transportation, transmitting the Department's final rule — REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES-2007 UPDATE [STB Ex Parte No. 542 (Sub-No. 14)] received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1461. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Phillipsburg, KS. [Docket No. FAA-2006-25943; Airspace Docket No. 06-ACE-13] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1462. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Thedford, NE. [Docket No. FAA-2006-25942; Airspace Docket No. 06-ACE-12] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1463. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes [Docket No. FAA-2006-25582; Directorate Identifier 2006-CE-42-AD; Amendment 39-14813; AD 2006-23-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1464. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4074, PW4074D, PW4077, PW4077D, PW4084D, PW4090, PW4090-3, and PW4098 Turbofan Engines [Docket No. FAA-2006-24487; Directorate Identifier 2006-NE-13-AD; Amendment 39-14810; AD 2006-22-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1465. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No. FAA-2006-25634; Directorate Identifier 2006-NM-143-AD; Amendment 39-14844; AD 2006-25-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1466. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-159 Airplanes [Docket No. 96-NM-143-AD; Amendment 39-14843; AD 2006-25-02] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1467. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes

[Docket No. FAA-2006-24814; Directorate Identifier 2006-NM-093-AD; Amendment 39-14833; AD 2006-24-04] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1468. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ and EMB-145XR Airplanes [Docket No. 2004-NM-36-AD; Amendment 39-14788; AD 2006-21-04] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1469. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes [Docket No. FAA-2006-24010; Directorate Identifier 2006-CE-14-AD; Amendment 39-14787; AD 2006-21-03] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1470. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10 Series Airplanes; DC-9-20 Series Airplanes; DC-9-30 Series Airplanes; DC-9-40 Series Airplanes; and DC-9-50 Airplanes [Docket No. FAA-2005-21779; Directorate Identifier 2002-NM-349-AD; Amendment 39-14790; AD 2006-21-06] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1471. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Propellers and McCauley Propeller Systems Controllable Propellers. [Docket No. FAA-2005-20141; Directorate Identifier 2005-NE-01-AD; Amendment 39-14836; AD 2006-24-07] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1472. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Section 409A to Nonqualified Deferred Compensation Plans [TD 9321] (RIN: 1545-BE79) received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1473. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disallowance of Certain Entertainment, Etc., Expenses — received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1474. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, "Child Labor Protection Act of 2007"; jointly to the Committees on Education and Labor and the Judiciary.

1475. A letter from the Chairman, Federal Election Commission, transmitting 5 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); jointly to the Committees on House Administration and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 982. A bill to promote democratic values and enhance democracy, and for other purposes (Rept. 110–119). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 364. Resolution providing for consideration of the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes (Rept. 110–120). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOUCHER (for himself, Mr. PENCE, Mr. CONYERS, Mr. COBLE, Mr. YARMUTH, and Mr. WALDEN of Oregon):

H.R. 2102. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. ALLEN, Mrs. TAUSCHER, Mr. HASTINGS of Florida, Mr. SARBANES, Ms. SHEA-PORTER, Mr. KUCINICH, Mr. BISHOP of New York, Mr. LOEBSACK, Mr. PRICE of North Carolina, Ms. SCHAKOWSKY, and Mrs. MCCARTHY of New York):

H.R. 2103. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60; to the Committee on Education and Labor.

By Mr. BARRETT of South Carolina (for himself, Mr. KUHL of New York, Mr. ALEXANDER, Mr. LAMBORN, Mr. LUCAS, Mr. MARCHANT, Mr. GARRETT of New Jersey, Mr. WELDON of Florida, Mr. HOEKSTRA, Mr. PEARCE, Mr. CAMPBELL of California, Mr. GOHMERT, Mr. GINGREY, Mr. BILBRAY, Mr. PITTS, Mr. AKIN, Mr. GOODE, Mrs. BLACKBURN, Mr. CANTOR, Mr. RYAN of Wisconsin, Mr. BISHOP of Utah, Mr. BURTON of Indiana, Mr. WALBERG, Mr. SHADEGG, Mrs. MUSGRAVE, Ms. FOXX, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. WILSON of South Carolina, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. WICKER, Mrs. EMERSON, Mr. EVERETT, Mr. BROWN of South Carolina, and Mr. CARTER):

H.R. 2104. A bill to protect the right of elected and appointed officials to express their religious beliefs through public prayer; to the Committee on the Judiciary.

By Mr. CHANDLER:

H.R. 2105. A bill to prevent the abuse and exploitation of older individuals; to the Committee on the Judiciary.

By Mr. CHANDLER:

H.R. 2106. A bill to ensure that sex offenders and sexually violent predators are not eligible for parole; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 2107. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Ms. DELAURO (for herself, Ms. DEGETTE, Mr. MORAN of Virginia, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Ms. MATSUI, and Mrs. DAVIS of California):

H.R. 2108. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food for humans and pets; to the Committee on Energy and Commerce.

By Mrs. DRAKE:

H.R. 2109. A bill to amend title 18, United States Code, to provide Federal penalties for certain killings by illegal aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself, Mr. PETERSON of Minnesota, Mr. TERRY, and Mr. SMITH of Nebraska):

H.R. 2110. A bill to amend the Internal Revenue Code of 1986 to provide for tax exempt qualified small issue bonds to finance agricultural processing property; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. WU, and Mr. REYES):

H.R. 2111. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership program in foreign languages; to the Committee on Education and Labor.

By Mr. ISRAEL:

H.R. 2112. A bill to amend the Energy Policy Act of 1992 to require the Federal Government to acquire not fewer than 50,000 plug-in hybrid electric vehicles; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida:

H.R. 2113. A bill to grant a right of first refusal to the Town of Jupiter Island, Florida, with respect to Coast Guard property on Jupiter Island, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Ms. LEE, Mr. CROWLEY, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. CASTLE, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. LANTOS, Mr. ALLEN, Mr. GRIJALVA, Mr. MCNULTY, Ms. WOOLSEY, Mr. CARNAHAN, Ms. SCHAKOWSKY, and Ms. WATSON):

H.R. 2114. A bill to provide a United States voluntary contribution to the United Nations Population Fund only for the prevention, treatment, and repair of obstetric fistula; to the Committee on Foreign Affairs.

By Mr. MARSHALL:

H.R. 2115. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. MEEK of Florida (for himself and Mr. CANTOR):

H.R. 2116. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BURTON of Indiana, Mr. SHAYS, Mr. BARTLETT of Maryland, and Mr. DUNCAN):

H.R. 2117. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning foods and dietary supplements, to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota (for himself, Mr. BOUSTANY, Mr. MARSHALL, Mr. GRAVES, Mr. PUTNAM, Mr. THOMPSON of Mississippi, and Mr. AKIN):

H.R. 2118. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture.

By Mr. POMEROY (for himself, Mr. COLE of Oklahoma, and Mr. KILDEE):

H.R. 2119. A bill to amend titles I and IV of the Employee Retirement Income Security Act of 1974 to modify the definition of governmental plan with respect to Indian tribal governments; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 2120. A bill to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe; to the Committee on Natural Resources.

By Mr. STUPAK (for himself and Mr. CAMP of Michigan):

H.R. 2121. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. ALEXANDER:

H. Res. 362. A resolution honoring the life of Coach Edward "Eddie" Robinson; to the Committee on Education and Labor.

By Mr. PETERSON of Minnesota (for himself and Mr. GRAVES):

H. Res. 363. A resolution amending the Rules of the House of Representatives to clarify certain matters relating to official conduct; to the Committee on Standards of Official Conduct, considered and agreed to.

By Mr. HONDA (for himself, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. FARR, and Mr. MCNERNEY):

H. Res. 365. A resolution honoring San Jose State University for its 150 years of commitment to public higher education; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. TOWNS, and Mr. DENT):

H. Res. 366. A resolution supporting the goals and ideals of National Hepatitis B Awareness Week; to the Committee on Energy and Commerce.

By Mr. SALI:

H. Res. 367. A resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial; to the Committee on Armed Services, and in addition to the Committees on Natural Resources, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

29. The SPEAKER presented a memorial of the General Assembly of the State of North Dakota, relative to Senate Concurrent Resolution No. 4016 urging the Congress of the United States to direct the United States Army Corps of Engineers to address and rectify the problems caused by the accumulation of sediment in the Missouri River main stem reservoirs; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. DAVIS of Alabama.

H.R. 71: Mr. SENSENBRENNER, Mr. MARCHANT, Mr. CARTER, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey.

H.R. 174: Ms. BERKLEY, Ms. ROYBAL-ALLARD, and Mr. SCHIFF.

H.R. 241: Mr. RYAN of Wisconsin.

H.R. 243: Mr. GORDON.

H.R. 254: Ms. SCHAKOWSKY.

H.R. 321: Mr. TURNER.

H.R. 333: Mr. DEFAZIO and Mr. MCCOTTER.

H.R. 369: Mrs. DAVIS of California.

H.R. 371: Mr. SHIMKUS.

H.R. 468: Mr. SCOTT of Virginia.

H.R. 538: Mr. HARE.

H.R. 539: Mr. JOHNSON of Georgia.

H.R. 562: Mr. WILSON of Ohio.

H.R. 566: Mr. ACKERMAN.

H.R. 579: Mr. ALTMIRE and Mr. SMITH of Texas.

H.R. 601: Mr. KELLER, Mr. PETRI, Mrs. MCMORRIS RODGERS, Ms. FOXX, Mr. KUHL of New York, Mr. CASTLE, Mr. SOUDER, Mr. EHLERS, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 620: Mr. DOGGETT.

H.R. 642: Ms. HOOLEY, Mr. PETERSON of Minnesota, and Mr. LAMPSON.

H.R. 643: Mr. LARSEN of Washington, Mr. MCNERNEY, Ms. HOOLEY, Mr. MARSHALL, Ms. WATSON, Mr. TERRY, Mr. BOUCHER, Mr. PENCE, and Mr. CONAWAY.

H.R. 690: Mr. PETERSON of Minnesota.

H.R. 692: Ms. ZOE LOFGREN of California.

H.R. 698: Mr. SIRES, Mrs. CAPPS, and Mr. ALTMIRE.

H.R. 699: Mr. TURNER.

H.R. 715: Mr. LOEBSACK.

H.R. 725: Mr. FORTENBERRY.

H.R. 726: Mr. RAHALL.

H.R. 729: Mr. OLVER and Mr. LEVIN.

H.R. 736: Mr. BILIRAKIS.

H.R. 741: Mr. ARCURI, Mr. GORDON, Mr. LYNCH, Mr. ROTHMAN, Mr. PASCRELL, Mr. LOBIONDO, Mr. HOLT, Mr. KING of New York, Mr. SIRES, Mr. PITTS, and Mr. BRADY of Pennsylvania.

H.R. 750: Ms. MOORE of Wisconsin, Ms. CLARKE, Mrs. CHRISTENSEN, Ms. WATSON, Mr. CUMMINGS, Mr. JEFFERSON, Mr. LEWIS of Georgia, Ms. SOLIS, Mr. RANGEL, and Ms. LEE.

H.R. 758: Mr. ALTMIRE.

H.R. 770: Mr. WATT.

H.R. 782: Mr. JACKSON of Illinois, Mr. BERRY, and Mr. AKIN.

H.R. 784: Ms. HOOLEY.

H.R. 808: Mr. MCNULTY.

H.R. 821: Ms. SCHAKOWSKY and Mr. MCCOTTER.

H.R. 864: Mrs. EMERSON and Mr. HINOJOSA.

H.R. 871: Mr. FILNER and Mr. PAYNE.

H.R. 882: Mr. MCCOTTER and Mr. CUELLAR.

H.R. 906: Ms. GIFFORDS.

H.R. 909: Mr. FARR and Mr. MCCOTTER.

H.R. 916: Mr. WATT.

H.R. 938: Mrs. BOYDA OF KANSAS.

H.R. 943: Mr. DICKS.

H.R. 964: Mr. MOORE of Kansas.

H.R. 969: Mr. LIPINSKI, Ms. DELAURO, Mr. KANJORSKI, Mr. OLVER, Mr. ENGEL, Mr. SERRANO, and Mr. SESTAK.

H.R. 970: Mr. MATHESON.

H.R. 971: Mr. CUELLAR.

H.R. 980: Mrs. CAPITO, Mr. GALLEGLY, Mr. WATT, Mrs. MCCARTHY of New York, and Ms. HOOLEY.

H.R. 1008: Mr. POMEROY.

H.R. 1023: Mr. MEEKS of New York.

H.R. 1032: Ms. NORTON and Mr. RUSH.

H.R. 1039: Mr. WATT.

H.R. 1063: Mr. MELANCON.

H.R. 1072: Mr. MORAN of Virginia.

H.R. 1078: Ms. NORTON and Mr. KING of New York.

H.R. 1084: Ms. WOOLSEY.

H.R. 1092: Mr. MICHAUD.

H.R. 1107: Ms. NORTON, Mr. FARR, and Mr. ISSA.

H.R. 1108: Mr. LOEBSACK, Mr. NEAL of Massachusetts, Mr. AL GREEN of Texas, and Mr. RODRIGUEZ.

H.R. 1115: Mr. DANIEL E. LUNGREN of California.

H.R. 1125: Mr. THORNBERRY, Mr. WAMP, Mr. FLAKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CUBIN, and Mr. CARNAHAN.

H.R. 1127: Mr. MORAN of Virginia, Ms. GRANGER, and Mr. LATOURETTE.

H.R. 1131: Mrs. CAPITO, Mrs. JO ANN DAVIS of Virginia, and Mr. WEXLER.

H.R. 1157: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mrs. MALONEY of New York, Mr. CLAY, Mr. KIRK, Ms. VELÁZQUEZ, Ms. ROS-LEHTINEN, Mr. HOLT, Mr. SHERMAN, Ms. SHEA-PORTER, Mr. HASTINGS of Florida, Mr. GARRETT of New Jersey, Mr. WALZ of Minnesota, Mr. DEFAZIO, Mr. JINDAL, Ms. BALDWIN, Mr. DAVIS of Illinois, Mr. FILNER, Mr. THOMPSON of California, Mr. RANGEL, Ms. MOORE of Wisconsin, Ms. WATERS, Mr. WELLER, Mr. SALAZAR, Mr. STARK, Mr. SCOTT of Georgia, Mr. SIRES, Mr. ALTMIRE, Mr. BOSWELL, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. FARR, and Ms. JACKSON-LEE of Texas.

H.R. 1179: Mr. GORDON.

H.R. 1189: Mr. MARKEY.

H.R. 1216: Mr. WAXMAN and Mr. MARKEY.

H.R. 1225: Mr. WYNN, Mr. HONDA, Ms. CLARKE, and Mr. MORAN of Virginia.

H.R. 1237: Mr. RYAN of Wisconsin and Mr. BONNER.

H.R. 1239: Mr. MORAN of Virginia.

H.R. 1246: Mr. MEEK of Florida and Mr. MURPHY of Connecticut.

H.R. 1259: Mr. VAN HOLLEN.

H.R. 1264: Mr. PETRI.

H.R. 1275: Ms. SCHAKOWSKY.

H.R. 1304: Mr. MCCOTTER, Mr. ROSKAM, and Mr. CRENSHAW.

H.R. 1307: Mr. MILLER of Florida.

H.R. 1342: Mr. MILLER of Florida.

H.R. 1344: Mr. HIGGINS.

H.R. 1363: Mr. ROTHMAN and Mr. DAVIS of Illinois.

H.R. 1365: Mr. HERGER.

H.R. 1366: Mr. HERGER, Mr. RAMSTAD, and Mr. SMITH of Nebraska.

H.R. 1381: Mr. BAIRD.

H.R. 1385: Mrs. JONES of Ohio, Ms. Sutton, Mr. TIBERI, Mr. LANTOS, Ms. SCHAKOWSKY, and Mr. HIGGINS.

H.R. 1393: Mrs. SCHMIDT.

H.R. 1406: Mr. SHULER and Ms. JACKSON-LEE of Texas.

H.R. 1415: Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. DAVIS of Illinois, Mr. CUMMINGS, Mrs. GILLIBRAND, Mr. DEFAZIO, and Mr. FARR.

H.R. 1416: Mr. CUMMINGS, Mr. GUTIERREZ, Mr. MORAN of Virginia, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Mr. DEFAZIO, Mr. HODES, Mr. FARR, and Mr. JACKSON of Illinois.

H.R. 1418: Mr. CROWLEY.

H.R. 1422: Mrs. TAUSCHER and Mr. PALLONE.

H.R. 1428: Mr. GORDON.

H.R. 1430: Mr. HELLER, Mrs. BOYDA of Kansas, and Mr. MCCOTTER.

H.R. 1441: Mrs. LOWEY.

H.R. 1448: Mr. WATT.

H.R. 1461: Mr. ELLISON.

H.R. 1464: Mr. CLAY, Mr. ROTHMAN, Mr. KILDEE, Mr. PAYNE, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Ms. DELAURO, Mr. INSLEE, Ms. HIRONO, and Mr. LEVIN.

H.R. 1473: Mr. BRALEY of Iowa and Mr. BUTTERFIELD.

H.R. 1477: Mr. PLATTS.

H.R. 1507: Mr. SIRES, Ms. ESHOO, Mr. KILDEE, and Mr. LEWIS of Georgia.

H.R. 1509: Mr. THOMPSON of California.

H.R. 1514: Mr. DENT, Mr. EHLERS, Mr. BOREN, Mr. MARSHALL, Mr. WOLF, and Mr. RUSH.

H.R. 1524: Ms. SCHWARTZ.

H.R. 1537: Mr. MEEK of Florida, Mr. LIPINSKI, Ms. ESHOO, and Mr. SCHIFF.

H.R. 1539: Mr. HERGER.

H.R. 1540: Mr. MEEKS of New York, Mr. SENSENBRENNER, and Mr. VAN HOLLEN.

H.R. 1551: Mr. RUSH, Mr. CLAY, Ms. BERKLEY, and Mr. BRADY of Pennsylvania.

H.R. 1560: Mr. DAVIS of Illinois.

H.R. 1565: Mr. PETRI.

H.R. 1567: Mr. LEWIS of Georgia, Mr. MCCAUL of Texas, and Mr. STARK.

H.R. 1576: Mr. RYAN of Wisconsin and Mr. BACHUS.

H.R. 1586: Mr. SMITH of Nebraska.

H.R. 1600: Ms. BERKLEY, Mr. MICA, Mr. CRENSHAW, Mr. KAGEN, and Mr. PRICE of North Carolina.

H.R. 1614: Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. FARR, Mr. VAN HOLLEN, Mr. OLVER, Mr. COHEN, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. KIND, Ms. WOOLSEY, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, Mr. KUCINICH, Ms. ESHOO, Mr. MCGOVERN, Mr. HONDA, and Mr. FATTAH.

H.R. 1616: Mr. HIGGINS and Ms. WATERS.

H.R. 1645: Mr. NEAL of Massachusetts, Mr. FALEOMAVAEGA, and Mr. KUCINICH.

H.R. 1649: Mr. MORAN of Virginia.

H.R. 1653: Mr. SCOTT of Georgia.

H.R. 1687: Mr. JACKSON of Illinois and Mr. CHABOT.

H.R. 1698: Mr. DAVIS of Illinois.

H.R. 1700: Mr. HALL of New York, Mr. CLEAVER, Mr. MICHAUD, Mrs. JONES of Ohio, Mr. COURTNEY, and Mr. ARCURI.

H.R. 1709: Mrs. GILLIBRAND.

H.R. 1730: Mr. KAGEN.

H.R. 1738: Ms. ZOE LOFGREN of California, Mr. BOREN, Mr. RAHALL, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. BILBRAY, and Ms. ROS-LEHTINEN.

H.R. 1742: Mr. DOYLE and Mr. CARNAHAN.

H.R. 1745: Mr. PASTOR.

H.R. 1747: Mr. FARR.

H.R. 1752: Mr. TERRY.

H.R. 1755: Mr. ELLISON.

H.R. 1756: Mr. MCINTYRE and Ms. FOXX.

H.R. 1773: Mr. WALZ of Minnesota, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, and Ms. KAPTUR.

H.R. 1778: Mr. ANDREWS, Mr. HASTINGS of Washington, Mr. FLAKE, Mr. PAYNE, Mrs. JONES of Ohio, and Mr. HENSARLING.

H.R. 1781: Mr. RAMSTAD, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. DUNCAN, and Mr. Yarmuth.

H.R. 1801: Ms. SCHAKOWSKY.

H.R. 1808: Mr. CALVERT, Mr. MCCOTTER, Mr. FEENEY, Mr. JONES of North Carolina, Mr. YOUNG of Florida, and Mr. MILLER of Florida.

H.R. 1809: Mr. CARNAHAN, Mr. HOLT, and Mr. LARSEN of Washington

H.R. 1811: Mrs. CAPITO.

H.R. 1813: Mr. GRIJALVA and Mr. MOORE of Kansas.

H.R. 1819: Ms. MATSUI, Mr. HINCHEY, Mr. BOSWELL, Mr. HONDA, and Mr. SCHIFF.

H.R. 1820: Mr. BLUMENAUER and Mr. MCGOVERN.

H.R. 1821: Mr. MCNULTY, Mr. INSLEE, Mr. WU, Mr. SCHIFF, and Ms. LORETTA SANCHEZ of California.

H.R. 1884: Mr. WICKER.

H.R. 1907: Mr. SMITH of New Jersey, Mr. GERLACH, and Mr. PALLONE.

H.R. 1927: Mrs. CAPPS, Mr. DEFAZIO, Mrs. JO ANN DAVIS of Virginia, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Mr. MCINTYRE, Ms. BERKLEY, Mr. LIPINSKI, Mr. FATTAH, Mr. DOGGETT, and Ms. KAPTUR.

H.R. 1930: Mr. DOOLITTLE.

H.R. 1943: Ms. SOLIS.

H.R. 1948: Mr. PRICE of North Carolina.

H.R. 1951: Mr. SHULER.

H.R. 1960: Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. JONES of North Carolina, Mr. ELLISON, and Ms. BERKLEY.

H.R. 1964: Ms. DEGETTE, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, and Mr. VAN HOLLEN.

H.R. 1971: Ms. HARMAN and Ms. BERKLEY.

H.R. 1974: Mr. JONES of North Carolina and Mr. FERGUSON.

H.R. 1981: Mr. BOREN.

H.R. 1986: Mr. MARSHALL.

H.R. 1992: Mr. GRIJALVA and Mr. WALZ of Minnesota.

H.R. 2015: Ms. SHEA-PORTER, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. KILDEE, Ms. DEGETTE, and Mr. COHEN.

H.R. 2035: Mr. PETERSON of Pennsylvania.

H.R. 2060: Mr. ARCURI, Mr. ELLSWORTH, Mrs. DAVIS of California, Mr. SPRATT, Mr. BUCHANAN, Mr. KIRK, Mr. COHEN, and Mr. TERRY.

H.R. 2061: Ms. CARSON.

H.R. 2063: Mr. KELLER, Mrs. MALONEY of New York, Mr. KIRK, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. ISRAEL, Ms. MCCOLLUM of Minnesota, Mr. MCNULTY, and Mr. UPTON.

H.R. 2074: Mr. MCCAUL of Texas and Mr. RANGEL.

H.R. 2075: Mr. LEWIS of Georgia, Mr. MICHAUD, and Mr. WELLER.

H.R. 2091: Ms. SCHWARTZ.

H.R. 2095: Mr. YOUNG of Alaska.

H.J. Res. 6: Mr. TURNER.

H.J. Res. 42: Mr. GRIJALVA, and Mr. JACKSON of Illinois.

H. Con. Res. 25: Mr. WELCH of Vermont.

H. Con. Res. 48: Mr. PAYNE and Mr. POE.

H. Con. Res. 70: Mr. FRANK of Massachusetts, Mr. ARCURI, Mr. WAXMAN, and Mr. GORDON.

H. Con. Res. 91: Ms. WOOLSEY.

H. Con. Res. 102: Ms. SCHAKOWSKY.

H. Con. Res. 104: Ms. BEAN, Mr. HINOJOSA, Mr. ELLISON, and Mr. STARK.

H. Con. Res. 125: Mr. FRANK of Massachusetts.

H. Con. Res. 126: Ms. SCHAKOWSKY.

H. Con. Res. 133: Mr. GRIJALVA.

H. Con. Res. 138: Mr. BURTON of Indiana.

H. Res. 121: Mr. FARR, Mr. LEWIS of Georgia, Mr. FERGUSON, and Mr. ANDREWS.

H. Res. 137: Ms. BERKLEY.

H. Res. 194: Mr. CLYBURN, Ms. MCCOLLUM of Minnesota, Mr. SCOTT of Georgia, and Mr. BOUCHER.

H. Res. 223: Mr. ROSKAM.

H. Res. 231: Mr. MANZULLO, Ms. FALLIN, Mr. GOODE, Mrs. MYRICK, Mr. MCHENRY, Mr. CHABOT, Mr. CANTOR, Mr. KLINE of Minnesota, Mrs. MUSGRAVE, Mr. CULBERSON, Mr. HERGER, Mr. WELDON of Florida, Mr. CAMPBELL of California, and Mr. GINGREY.

H. Res. 241: Mr. DOYLE and Mr. SIRES.

H. Res. 282: Mr. LIPINSKI, Mr. KIND, Mrs. MCCARTHY of New York, Mr. PLATTS, Mr. MURTHA, Mr. HOLDEN, Ms. MCCOLLUM of Minnesota, Ms. SCHWARTZ, Mr. SHERMAN, Mr. HONDA, Mr. FERGUSON, Mr. ENGLISH of Pennsylvania, Mr. Shimkus, and Mrs. NAPOLITANO.

H. Res. 295: Mr. CONAWAY and Mr. MANZULLO.

H. Res. 296: Mr. KLEIN of Florida.

H. Res. 307: Mr. JOHNSON of Georgia and Ms. SCHAKOWSKY.

H. Res. 313: Mr. BISHOP of Georgia, Mr. BACA, Mr. SCOTT of Virginia, Ms. SUTTON, Mr. POE, and Mr. GOODLATTE.

H. Res. 345: Mr. WEINER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. BOREN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

18. The SPEAKER presented a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-355-07 desginating the Magic City Children's Zone and urging the Florida Legislature to provide for creation of the Magic City Children's Zone Pilot Project; to the Committee on Education and Labor.

19. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-353-07 urging the Florida Legislature to require Florida schools to provide information to 11- and 12-year old girls and their parents about Human Papillomavirus (HPV); to the Committee on Energy and Commerce.

20. Also, a petition of the City Council of Berkeley, California, relative to Resolution No. 63,611 — N.S. opposing United States military intervention or use of force in Iran; to the Committee on Foreign Affairs.

21. Also, a petition of the City Council of Berkeley, California, relative to Resolution No. 63,606 — N.S. commending Barbara Lee for introducing H.R. 351, "The Haiti Truth Act"; to the Committee on Foreign Affairs.

22. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-350-07 urging the Florida Legislature to designate Biscayne Boulevard from N.E. 54th Street to N.E. 95th Street as "M. Athalie Range Boulevard"; to the Committee on Oversight and Government Reform.

23. Also, a petition of the City Council of Huron, California, relative to Resolution No. 1551 objecting to Immigration and Customs Enforcement (I.C.E.) Raids Under Operation Return to Sender; to the Committee on the Judiciary.

24. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R-351-07 urging the Congress of the United States to fully fund the local mandates included in the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

25. Also, a petition of the City Council of the City of Mendota, California, relative to

Resolution No. 07-10 objecting to Immigration and Customs Enforcement (I.C.E.) Raids under Operation Return to Sender; to the Committee on the Judiciary.

26. Also, a petition of the City Council of Berkeley, California, relative to Resolution No. 63,587 — N.S. opposing the war in Iraq; jointly to the Committees on Foreign Affairs and Armed Services.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Omitted from the Record on May 1, 2007]

H.R. 1867

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 9: In section 3(c)(1), strike "There" and insert "Except as provided in paragraph (3), there".

At the end of section 3(c), insert the following new paragraph:

(3) LIMITATION.—Notwithstanding paragraphs (1) and (2), the total amount authorized to be appropriated under this subsection shall not exceed the amount actually appropriated for the Foundation for fiscal year 2009 if—

(A) the total amount appropriated for the National Aeronautics and Space Administration for fiscal year 2010 is less than $18,026,300,000;

(B) the total amount appropriated for the National Aeronautics and Space Administration Exploration Systems for fiscal year 2010 is less than $4,757,800,000; or

(C) the total amount appropriated for the National Aeronautics and Space Administration Space Operations for fiscal year 2010 is less than $6,625,700,000.

[Submitted May 2, 2007]

H.R. 1867

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 13: On page 10, line 15 after "Act." Add the following:

Special consideration shall be given to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (30 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))) and Hispanic-serving institution as that term is used in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

On page 11, line 24 after "Act." Add the following:

Special consideration shall be given to Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))) and Hispanic-serving institutions as that term is used in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

EXTENSIONS OF REMARKS

TRIBUTE TO FORT MASSAC ON IT'S 250TH ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the 250th anniversary of one of the most important historic sites in Southern Illinois.

It was in 1757, during the French and Indian War, that French pioneers exploring the lower Ohio and Mississippi River valleys built Fort l' Ascension on a strategic bluff over the Ohio, near the present-day community of Metropolis, Illinois. Two years later, the site was renamed Fort Massiac. After the Revolutionary War, President George Washington ordered the site rebuilt, and in 1794 the fort was reconstructed as Fort Massac. The fort is the namesake for Massac County and for Fort Massac State Park, which has served generations of Illinoisans with the opportunity to see history with their own eyes; to gain a greater understanding of how our region and our nation were built; and to see the difficulties that our pioneers encountered as they settled the area we now call home. This gift is due in large part to the hard work of Friends of the Fort, and the staff of Fort Massac State Park who have preserved this treasure for us. In 1908, Fort Massac became Illinois' first state park.

Each October, Fort Massac is the site of the Fort Massac Encampment, a re-creation of life in Southern Illinois during the late 1700s which draws nearly 80,000 visitors. Several weekends during the year are dedicated to living history, giving visitors the unique opportunity to see life as it was two hundred years ago.

I want to thank Sue Barfield, President of Friends of the Fort, and Terry Johnson, site superintendent of Fort Massac State Park, as well as all the local residents and historians who have put so much dedication into preserving Fort Massac for future generations to enjoy.

RECOGNIZING SARAH HARRIS, MICHIGAN'S 2007 "POETRY OUT LOUD" STATE CHAMPION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. ROGERS of Michigan. Madam Speaker, today I rise to pay tribute to Sarah Harris for her victory in the 2007 "Poetry Out Loud" Michigan State Championship.

Besting 8 other contestants from around Michigan to take the State title in March, Ms. Harris earned a trip to the National Finals held this week in Washington, DC. For the competition, each student recited three poems, and four judges graded each recitation based on five categories: Physical Presence and Posture; Voice Projection and Articulation; Appropriateness of Dramatization; Level of Difficulty; Evidence of Understanding; and, Overall Performance. The three poems recited by Ms. Harris were: The Cremation of Sam McGee, by Robert Service; Mrs. Krikorian by Sharon Olds; and, The Weary Blues, by Langston Hughes.

The "Poetry Out Loud" program, sponsored by the National Endowment for the Humanities, builds on the resurgence of poetry as an oral art form. Through this important endeavor, students master public speaking skills, build self-confidence, and learn about their literary heritage. I am proud that the Michigan Humanities Council has been a strong supporter of "Poetry Out Loud," and that Holt High School has been so active in fostering a renewed interest in poetry.

Madam Speaker, I am proud to rise today to celebrate Sarah Harris's extraordinary achievement. Her passion, creativity and dedication indeed serve as an example to us all. I ask my colleagues to join me in recognizing Ms. Harris for her State Championship and to wish her the best of luck in the National Finals.

PROFESSOR BRIAN ROTHSCHILD HONORED BY NOAA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FRANK of Massachusetts. Madam Speaker, one of the most important institutions in the part of southeastern Massachusetts I have the privilege of representing, is the University of Massachusetts Dartmouth. The school has a justified reputation as a key agent for economic and educational development in the region, particularly along the State's south coast. One of the reasons for that reputation is Professor Brian Rothschild, who was until recently the Dean of UMass Dartmouth's School for Marine Science and Technology, SMAST, and currently serves as the school's Montgomery Charter Professor of Marine Science and Technology, as well as Co-Director of the Massachusetts Marine Fisheries Institute, and Chairman of New Bedford Mayor Scott Lang's Ocean and Fisheries Council.

I was delighted to learn that the National Oceanic and Atmospheric Administration, NOAA, recently named Dr. Rothschild as one of the recipients of the agency's 2007 Sustainable Fisheries Leadership Awards. I can't think of anyone who is more deserving of this award, or who better exemplifies the effort to harness science in the furtherance of sustainable fisheries. I have found him to be not only an accurate, completely reliable source of information, but also someone who consistently offers creative solutions to fishery science and management problems. In other words, he not only possesses extraordinary scientific acumen—he also uses it in the service of larger, societal goals.

For him, sustainability means a fishery that supports both healthy stocks and healthy fishing communities. Knowing of his commitment to this concept, I was not surprised he was chosen to head New Bedford's Ocean and Fisheries Council. This position has given him a broader platform from which to promote sustainability, and his advice and contributions continue to be valuable, whether they relate to the recently enacted Magnuson Reauthorization bill, environmental factors that affect fish stock abundance, how to more accurately determine fish populations in multi-species fisheries, or other vital research areas.

Madam Speaker, in view of Professor Brian Rothschild's distinguished career in fishery science, and in recognition of his many contributions to that discipline in southeastern Massachusetts and all of New England, I applaud NOAA's decision to honor him with a Sustainable Fisheries Leadership A ward, and I ask that the recent New Bedford Standard-Times article noting this achievement be printed here.

[From the New Bedford Standard-Times, April 21, 2007]

UMD'S ROTHSCHILD WINS NOAA AWARD

(By Becky W. Evans)

NEW BEDFORD.—Fishery scientist Brian Rothschild has won the National Oceanic and Atmospheric Administration's sustainable fisheries leadership award for his contributions to marine science and education.

Dr. Rothschild, former dean of the UMass Dartmouth School for Marine Science and Technology, is one of seven recipients of the award, created in 2005 to recognize individuals, organizations and industries "whose contributions to science and management have served to promote best stewardship practices for the sustained use of the nation's living marine resources," according to NOAA's Office of Constituent Services.

"I feel very appreciative of people who recommended me for this honor," Dr. Rothschild said. "I have dedicated my whole career to service and it is nice to have some recognition."

Dr. Rothschild is the Montgomery Charter Professor of Marine Science and Technology at SMAST. He also is chairman of New Bedford Mayor Scott W. Lang's Ocean and Fisheries Council and is co-director of the Massachusetts Marine Fisheries Institute.

According to NOAA, Dr. Rothschild is "one of the most cited fishery scientists in the world," having published more than 100 scientific papers and book chapters. His research interests include population dynamics, biological oceanography, fisheries management and natural resources policy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Before arriving at SMAST in 1995. Dr. Rothschild held professorships at the University of Washington and the Center for Environmental and Estuarine Studies at the University of Maryland. He spent a decade working for NOAA as a policy adviser and director of several offices. He has consulted on fishery issues for the United Nations' Food and Agriculture Organization in India and Namibia and with the governments of Great Britain, Korea, Egypt, Peru, France and the Republic of Ireland.

The sustainable fisheries leadership awards will be presented during a ceremony in Washington, D.C., on June 7.

A TRIBUTE TO STEVE DONAHUE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. COURTNEY. Madam Speaker, last week Steve Donahue, a longtime community leader and friend from my district, passed away. I want to take this opportunity to honor his life, mourn his passing and pray for his wife and four children.

Steve was beloved by his friends and neighbors. As the longtime Chief of the Pawcatuck Fire Department, he commanded an abounding level of respect among his colleagues and community, and touched the lives of hundreds.

Steve was a young man of only 48 years. Although I wish that he had more time to spend with us, Steve certainly made the most out of what time he had. It is difficult to find someone in Pawcatuck who doesn't have anything but flattering things to say about Steve.

Hundreds of people from the community came to pay their respects at Steve's funeral last Saturday. He was a man of great integrity who made friends everywhere he went.

Today I join my colleagues in Congress to celebrate Steve's life and to pray for his wife Mary Lynne, and their four children. Steve, we will miss you.

ARTICLE BY THOMAS M. RUYLE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SKELTON. Madam Speaker, Thomas M. Ruyle wrote an excellent article, entitled "Army Stretched Beyond Limits", which appeared in the Sedalia Democrat on April 12, 2007. This article accurately describes the current state of our Army and the challenges it faces. I wish to share Mr. Ruyle's writing with the rest of the chamber:

[FROM THE SEDALIA DEMOCRAT, APR. 12, 2007]

ARMY STRETCHED BEYOND LIMITS

(BY THOMAS M. RUYLE)

The Army is broken.

Defense Secretary Robert Gates' announcement yesterday that all active-duty soldiers currently serving in Iraq would have their rotations extended by three months is the latest evidence that our military cannot meet the demands placed on it.

Furthermore, the Pentagon this week alerted four National Guard brigades for a second tour in Iraq, long before those units have had five years at home since their last deployment, as policy dictates.

Some active-duty units, such as the 3rd Brigade, 3rd Infantry Division, are serving their third tour in Iraq in four years.

They recently returned to Iraq after a shortened rest and re-training period. Newer soldiers have, in many cases, not had the time to train with their new comrades before being sent into battle.

Reserve units that have already served are woefully short on equipment and ammunition to properly retrain, either for the maw of Iraq or defending America itself. The Marine Corps recently announced that jungle training—a Corps mainstay—will be suspended as that service is forced to concentrate all resources on training for Iraq.

In the event of a major conflict erupting between the U.S. and another nation—Iran, North Korea and Pakistan come immediately to mind—America's ground forces, particularly the Army, are in no way, shape or form capable of responding appropriately.

Meanwhile, the current administration—particularly the vice president—continues to maintain that everything is progressing as scheduled in Iraq, and that anyone who begs to differ is a defeatist or unpatriotic. Trouble is, there was no schedule and little planning involved in the Iraq debacle.

The administration went to Iraq on a platform of lies, failed to heed the warnings of senior military officers and other warfare experts, and did not react appropriately when things started going bad in Iraq shortly after the invasion.

Indeed, under Donald Rumsfeld, the defense establishment followed the 'script' rather than act to prevent the looming realities that are obvious now.

Since 2001, America's military has been engaged full-time in two separate wars: The War on Terrorism (primarily in Afghanistan), and (since 2003) a second, unnecessary war that has only begotten more terrorism, further destabilized the Middle East and left America very vulnerable.

As an Army National Guard veteran of the Iraq War, I've seen firsthand the toll that a combat deployment will have on a unit, its equipment, soldiers and, their families. It takes years for a unit to properly recover and be ready to deploy again.

Sending units back to Iraq on a speeded-up schedule is a, disservice to not only the soldiers and families affected, but America's long-term strategy (if there is one) in Iraq as well as America itself.

All the while, there has been no effort to expand the military or adequately address the equipment shortcomings of units after serving in the harsh climate of the Middle East.

The recent spate of Guard alerts, tour extensions and shortened rest periods are indicative of a problem that the Pentagon and administration utterly refuse to acknowledge: The United States Army is broken, and it will take billions of dollars over at least a decade to bring the Army back up to a fully competent readiness level.

THANKING DAVID (DAVE) FOLK FOR HIS SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of his retirement on May 2, 2007, we rise to thank Mr. David C. Folk for 20 years of distinguished service to the United States House of Representatives. David has served this great institution as a valuable employee for the Chief Administrative Officer.

David began his tenure with the United States House of Representatives in May of 1987 as a data communications specialist in the House Information Systems group. David's career at the House is one of consistent and steady contributions while meeting customer requests in voice and data wiring infrastructure. Specifically, David managed the rewiring upgrade of the House side of the Capitol and the Member Offices in all of the House Office Buildings.

He also was the Quality Assurance Evaluator on the original House Infrastructure contract and assisted in the development of differing voice systems such as the Member Paging System and the press secretaries systems for the broadcast media organizations. Finally, David managed the first Secure Communications program for the House and grew it from its infancy to where it is today.

David has been a key contributor to the CAO efforts on wiring infrastructure. His standard of excellence, dedication to passionate customer service, organizational skills, professionalism and ability to get the job done is well noted by his colleagues.

On behalf of the entire House community, we extend congratulations to David for many years of dedication and outstanding contributions to the United States House of Representatives. We wish David many wonderful years in fulfilling his retirement dreams.

HONORING NICK POLIZZOTTO

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today in tribute to Corporal Nick S. Polizzotto, nine year veteran of the South Bend Police Department, who gave his life in the line of duty. For the people of South Bend, Indiana, Corporal Polizzotto is indeed a hero.

On April 24, 2007, a report of gunshots brought Corporal Polizzotto and his partner, Patrolman Michael Norby, to a local motel. There, at 1:37 a.m., an armed suspect shot both policemen, killing Corporal Polizzotto. Patrolman Norby credits Corporal Polizzotto with saving his life.

Our community has lost a beloved family member, a generous friend, a devoted father and a dedicated protector. Often described as having a heart of gold, he proudly wore his uniform and bravely patrolled the streets of our city until making the ultimate sacrifice.

Born and raised in South Bend, Nick always wanted to be a police officer and graduated from Indiana University with a degree in criminal justice. During his many years as a Southeast South Bend beat officer, he received 18 commendations and was Officer of the Month in 2006.

Corporal Polizzotto leaves behind his parents, his son, Joseph, a brother and sister and countless relatives and friends who loved him. South Bend has lost a brave guardian.

Madam Speaker, we grieve for our hero, Corporal Nick Polizzotto. May God welcome him home and give comfort to his family and friends.

IN HONOR OF PETER DELFINO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FARR. Madam Speaker, I rise today to honor the life and memory of Peter J. Delfino, a man who was famous throughout the Monterey Bay area for his great gusto for life.

Peter was born in San Francisco to Nick and Angie Delfino on December 29, 1917. His family soon moved to a farm in Moss Landing where he and his brother Louie helped with the artichokes and other fresh vegetables they grew. Peter went to work for Bank of America after graduation from Monterey High School, but his heart remained on the farm. Ten years later, he joined the Odello family in growing artichokes on the banks of the Carmel River, and he continued to farm until he retired.

The Italian community in Monterey has always provided a busy social calendar, and Peter met his wife, Mary, through these activities. They were married on September 30, 1945. They had one son, Alan, three grandchildren, and a great-granddaughter.

Peter's other passion was picturesque properties in Carmel and Carmel Valley, Big Sur and Lake Tahoe. Family and friends spent many memorable weekends at these places, especially at his famous wild boar and lamb BBQs in Big Sur.

Peter loved being with people and belonged to several service clubs. After retirement he took great pleasure in helping friends in the construction industry with their various projects as it kept him working outside and in their company. Throughout his 89 years he enjoyed life to the fullest, and was never shy about striking up conversations with anyone he met.

Madam Speaker, I honor the life of Peter Delfino, a man who worked hard and diligently at a job he loved, and who made the world a happier place as he passed through.

TRIBUTE TO VIVIAN BERRYHILL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. COHEN. Madam Speaker, I rise today to honor Vivian Berryhill, President and founder of the National Coalition of Pastors' Spouses. In her role with NCPS and as First Lady of the New Philadelphia Baptist Church in Memphis, TN, Mrs. Berryhill has been a goodwill ambassador across the world, conducting global outreach on HIV/AIDS. In addition to her passionate charitable work, Mrs. Berryhill is also an acclaimed songwriter.

Madam Speaker, I commend Vivian Berryhill for her tireless dedication to numerous noble causes. After receiving a Jefferson Award and its accompanying $500 gift, Mrs. Berryhill and her husband, Pastor Chester Berryhill, journeyed from Olive Branch, MS to Washington, DC and headed directly to the Walter Reed Army Medical Center to distribute 500 copies of Mrs. Berryhill's original song, "Tomorrow E'vrything Will B Alright." After hearing of the conditions at Walter Reed, Mrs. Berryhill was inspired to share her music and its soul-healing effects, and immediately created 500 new copies of her song and placed them onto CDs to share with our wounded soldiers.

Upon being greeted with an overwhelming show of support and the warmest of receptions, Mrs. Berryhill and the pastors' spouses will be reproducing additional copies of this song and will return to Walter Reed in 3–4 weeks to distribute them.

Madam Speaker, it is for her noble and unflagging efforts to make this world a better place that I recognize Vivian Berryhill.

IN HONOR OF THE 2007 NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mrs. TAUSCHER. Madam Speaker, I rise to recognize the dedication and service of the National Association of Letter Carriers. For the last 15 years the NALC has annually conducted what has become the largest food drive in the nation. This food drive is unique because it allows anyone with a mailbox the opportunity to take part. By participating in this food drive we are all building stronger neighborhoods and strengthening our local communities. Because of this event we are given the opportunity to support those in our communities who, far too often, go without.

For the past three years the sheer quantity of food collected has been staggering. Last year 70.5 million pounds of food were distributed in communities throughout this country. That was the third straight year where the amount of food distributed has exceeded 70 million pounds. Over the past 15 years the grand total of food collected is more than three quarters of a billion pounds of food. These totals have helped make the NALC National Food Drive the largest single day food drive in the nation.

This year NALC president William H. Young has challenged all of the local branches throughout the country to increase their food totals by 10 percent. This challenge has inspired one of the largest publicity campaigns in NALC Food Drive history as well as encouraged good natured competition between regional branches. I know that the Letter Carriers of 10th Congressional District of California will make us proud.

The NALC National Food Drive is distinctive in how the food is distributed. It strengthens community ties because all of the food collected by local carriers goes back into those neighborhoods. 10,000 communities across the country will be part of this amazing event. Because every pound of food goes to local food banks, the NALC National Food Drive gives everyone the opportunity to support their community. A simple donation of non-perishable food placed in the mailbox with the outgoing mail will help change the lives of those who live and work in the area. Thanks to the NALC and due to this creative and effective strategy, getting involved has never been easier.

Again, I want to congratulate the NALC for conducting such a remarkable event and I am proud to say that I will be leaving food in my mailbox on May 12th.

RECOGNIZING THE 27TH ANNUAL MAIMONIDES HEBREW DAY SCHOOL'S SHINING EXAMPLES TRIBUTE DINNER

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. McNULTY. Madam Speaker, the 27th Annual Maimonides Scholarship Shining Examples Tribute Dinner will be held this evening in Albany, New York. The Maimonides Hebrew Day School of the Capital District in Albany, New York has been providing quality Jewish and General Education in the Capital Region, Albany, NY since 1980. It is a beneficiary of the United Jewish Federation of Northeastern New York and has partnered with numerous area organizations and institutions over the years. Its motto is "A Beautiful Blend—Torah and Worldly Experience" following its namesake, Moses Maimonides (the Rambam), the great scholar, codifier, physician and philosopher.

The Maimonides School will present Abraham "Avi" Losice the Dr. Morton Berger Memorial Award. The Berger Award is presented annually to an outstanding individual who combines Torah with worldly excellence.

In addition, the Maimonides School will present Zahir awards to the following persons: Dr. Joe Adler, Lori Calka, Phil Chandler, Salia Galitz, Judy Kaskel, Rivka Kochman, Dr. Michael Lozman, Thomas Nathan, Raizel Neiman, Barbara Scher, Tanya Schwartz, Rita Shachne, Chana Sidi, Jack Sissman, and Rachel Weitz.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LANTOS. Madam Speaker, May is Asian Pacific American Heritage Month, an occasion to celebrate unique and beautiful cultures that enhance all of our lives, but also to highlight how Americans of all different backgrounds are inextricably linked in our effort to build a better future for our country and a better life for our children.

Finding unity in diversity is at the very core of what makes us Americans.

I have the good fortune of representing a very diverse region in the Bay Area—the Peninsula and part of San Francisco. With well over 100,000 Asian and Pacific Islander Americans and generations of their descendents, we have all seen first-hand the stunning contributions of these Americans to our community, and we owe them our thanks. In fields as varied as the arts, health care, business and military service, Asian Pacific Americans are central to our quality of life.

I have personally had the honor of participating in a wide variety of cultural celebrations, such as the Chinese Lunar New Year ceremony in San Francisco this year, and a Japanese tea ceremony that I am hosting for my colleagues in Washington next week. Events like these not only help preserve Asian and Pacific Island heritage, but enrich our entire community and remind us all that there is more to our world than what lies between our shores.

As we begin the celebration of this Heritage Month, it is important to take note of this year's theme: "Meeting the Challenges for Asian Pacific Americans in 2007." We do face serious and urgent challenges, including the need to secure the benefits that our Filipino-American veterans so richly deserve.

I myself am an American by choice, and I understand what it means to come to this country with nothing more than an unwavering commitment to give your children the broadest possible set of opportunities. Immigration has played a vital role in the success of this nation. Yet sadly, as many as 1.5 million Asians are currently caught in an immigration backlog for family visas, and continue to spend holidays and special occasions far away from their loved ones. The Democratic-led Congress is leading the way toward comprehensive reform that not only addresses our nation's real security needs but protects and unites families.

Once Asian and Pacific Islander Americans arrive in this country, it is our vital responsibility to protect and defend them, along with all victims of malicious, hate-motivated crime. In 2005, at least 199 people were victims of anti-Asian violence—each act a crime not only against the individual but against our country as a whole. Democrats in the House will act on the Local Law Enforcement Hate Crimes Prevention Act to give the Justice Department authority to prosecute hate crimes in which the victim was selected because of their race, color, religion, national origin, gender, sexual orientation or disability.

Democrats in Congress are taking seriously their responsibility to stand up for Asian Pacific American families. We are hard at work on issues that affect Asian and Pacific Islander families and all American families—critical issues such as education, health care, proper training and equipment for our troops and quality care for our veterans. We are committed to ensuring that these issues remain top priorities in the coming months.

Asian Pacific Americans in our community have proved to all of us that the American dream is vibrant, and that its great promise is kept alive when we join together to celebrate our diverse heritage. Americans' ability to not only tolerate our neighbor's different cultural background, but to embrace it, as we do this month, is at the heart of what makes the United States truly the greatest nation in the world.

TRIBUTE TO CAPTAIN DANIEL MACLEOD

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the exemplary career of a constituent and fellow Coastie.

After 26 years of service, Captain Daniel MacLeod, originally of Hanover, Massachusetts, will be retiring from the United States Coast Guard on June 29, 2007. Captain MacLeod's extended résumé boasts an impressive list of accomplishments.

After Graduating the U.S. Coast Guard Academy in 1981, Captain MacLeod served as First Lieutenant aboard USCGC VALIANT and then as a Navy Exchange Officer aboard USS GRIDLEY. Captain MacLeod then served as executive officer of TACLET Miami conducting counter-drug operations. While serving as Operations Officer for USCGC RUSH (WHEC–723), Captain MacLeod received TAD orders to the Persian Gulf with the first group of Coast Guardsmen to participate in Operation Desert Shield. After a tour at Coast Guard Headquarters as part of the Deepwater Mission Analysis Staff, Captain MacLeod spent two years as Executive Officer of CGC TAMPA (WMEC–902). Then, in January of 2000 Captain MacLeod was assigned as Commanding Officer of USCGC FORWARD (WMEC–911). Both the TAMPA and FORWARD completed numerous counter-drug, homeland security, alien migration interdiction operation patrols.

In June 2002, Captain MacLeod was assigned as Chief of the Marine Protected Species Division. While assigned, Captain MacLeod headed up the Maritime Homeland Security and General Law Enforcement Division. On October 1, 2007, Captain MacLeod will be retiring from the United States Coast Guard as Chief of the Deepwater Human Systems Integration Office.

As a former Coast Guard Reservist and cochair of the Coast Guard Caucus, it is an honor to recognize Captain MacLeod's many years of admirable service. I wish him all the best in his retirement and know that his courage and leadership will be missed.

HONORING CORPORAL NICK S. POLIZZOTTO OF THE SOUTH BEND POLICE DEPARTMENT

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today in tribute to Corporal Nick S. Polizzotto, a nine year veteran of the South Bend Police Department, who gave his life in the line of duty. For the people of South Bend, Indiana, Corporal Polizzotto was, indeed, a hero.

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Born and raised in South Bend, Nick always wanted to be a police office and graduated from Indiana University with a degree in Criminal Justice. During his many years as a Southeast South Bend beat officer, he received 18 commendations and was Officer of the Month in 2006.

Corporal Polizzotto leaves behind his parents, his son, Joseph, a brother and sister and countless relatives and friends who loved him. South Bend has lost a brave guardian.

Madam Speaker, we grieve for our hero, Corporal Nick Polizzotto. May God welcome him home and give comfort to his family and friends.

IN CELEBRATION OF FRESNO COUNTY FARM BUREAU'S 90TH ANNIVERSARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. COSTA. Madam Speaker, I rise today to honor California's Fresno County Farm Bureau.

Agriculture continues to be California's number one industry with Fresno County leading the way as the most productive agricultural county in California. The fertile soils of Fresno County support over 350 different crops, valued at nearly $5 billion annually to the California economy. These crops, many of which are grown nowhere else commercially in the nation, are shipped throughout the United States as well as foreign markets. Good farmers, favorable weather conditions and water supplies are major factors contributing to California's bountiful crops, but the role of the Fresno County Farm Bureau in Fresno County's agricultural success cannot be understated.

Fresno County Farm Bureau will celebrate their 90th anniversary during their annual banquet held on May 3, 2007. It is appropriate at this time to highlight its many achievements and to underscore the crucial role that Farm Bureau has had in supporting and advocating on behalf of agriculture in Fresno County.

The Farm Bureau is the largest organization of farmers, ranchers, business people and citizens in the United States and it continues to grow in size and stature. In California, the Farm Bureau was formed in 1919. Today, there are nearly 92,000 members in 56 counties and nationwide with over 6.2 million enjoying membership.

Two years prior to the formal establishment of the Farm Bureau in California, a group of Fresno area farmers met with the first Extension Service farm advisor assigned to Fresno

County to lay the groundwork for a county Farm Bureau organization. The vision was to provide a bona fide farm organization which could disseminate information and promote better farming practices.

Ninety years later, the Fresno County Farm Bureau is the largest farm bureau in the state of California, participating in nearly every facet of farming life. The Fresno Farm Bureau, through its voluntary, elected leaders and professional staff, is dedicated to promoting and protecting the family farm and to maintaining the treasured natural resources that are so important to California and this nation's vitality and lifestyle. The Fresno Farm Bureau has committed to the protection of public health, safety and welfare. Both are accomplished by local determination and active participation in the legislative process. In fulfilling these responsibilities, the Fresno County Farm Bureau is helping local agricultural producers maintain a viable system of production and delivery of abundant, safe supplies of wholesome food and fiber to our local, national and export consumers.

I commend Fresno County Farm Bureau for the presence, dedication, knowledge, professionalism and hard work on behalf of our farmers in California. Our nation's residents as well as citizens of other nations are the beneficiaries of this amazing supply of agricultural products. Farmers, Fresno County, California and our nation can be proud of Fresno County Farm Bureau's 90 years of service.

IN MEMORY OF NICOLE REGINA WHITE

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FORBES. Madam Speaker, I rise today in memory of Nicole Regina White, who was tragically killed in the recent attack at Virginia Polytechnic Institute and State University on April 16, 2007.

Nicole was known to many as a person who possessed the heart of a servant. She found ways to invest in those around her, whether it was through conversation, friendship, lending a helping hand, or through volunteer work. As a trained emergency medical technician, she is believed to have even been helping people in the final moments of her life. Those who were close to her know how passionately Nicole gave back to her community, classmates, teachers, and family. She was a committed member of her church's outreach program, a Sunday school teacher, an EMT for the Smithfield Volunteer Fire and Rescue Squad, and a lifeguard at her local YMCA.

Many say that one of Nicole's greatest loves in life was taking care of animals. During high school, Nicole volunteered at local stables and barns to take care of horses. In this hobby, it is clear to see that Nicole's heart and mission in life was to serve and care for others. Nicole was a double-major in International Relations and German at Virginia Tech.

Nicole was a person who loved life, loved serving people, loved her family, and, most importantly, loved the Lord. Although her life was tragically cut short, many are blessed to have known and loved her.

RECOGNIZING THE FIRST MAJORITY WOMEN CITY COUNCIL IN KANSAS CITY, MISSOURI HISTORY

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. CLEAVER. Madam Speaker, I rise today to congratulate and recognize history in the making. Today, for the first time in Kansas City, Missouri's history, a majority women's City Council will be sworn in at City Hall. While I wish I could have joined them in person in the Council Chambers I used to serve in as Mayor of Kansas City, I want to honor today's incoming Mayor, Mark Funkhouser, and the talented twelve City Council members who represent our State's largest city. Among them, seven women who are making history; by proving that our society can deliver change when the people call for it. These extraordinary women have demonstrated that the social norms by which women have traditionally been confined can be eradicated and the prospect for real change is not only plausible, but possible.

The women that stand before the City Clerk today and take the oath of office as members of the first majority women City Council are: Deb Hermann—serving the 1st District-at-Large, Melba Curls—serving the 3rd District-at-Large, Sharon Sanders Brooks—serving the 3rd District, Beth Gottstein—serving the 4th District-at-Large, Jan Marcason—serving the 4th District, Cindy Baker Circo—serving the 5th District-at-Large, and Cathy Jolly—serving the 6th District-at-Large.

Deb Hermann was first elected to the City Council in March 2003 and was immediately appointed Chairwoman of the Neighborhood and Housing Committee and member of the Operations Committee. She brought with her experience and leadership ability through active participation and involvement in nearly thirty civic and community organizations since 1979. She was a member of the Gracemor Randolph Community Council for 24 years and served as its President from 1994 until her election to the City Council. Councilwoman Hermann served as the Chairwoman for the Property Maintenance Advisory Committee in 2001, and in 1999 was appointed as a Kansas City Plan Commission Board Member. Councilwoman Hermann has proudly served the citizens of the 1st District-at-Large for the past four years and continues to place a high priority on her commitment to neighborhoods.

Melba J. Curls has served the 41st District in the Missouri House of Representatives since 1999, ending her service in 2006 to run for City Council. While in office, she championed many causes, the most notable being legislation that extended renewal of the KC Area Transportation Authority's taxing ability to ensure that the critical needs for public transportation services remained funded in our community. This helped the less fortunate with their need for public access to jobs and health care. Curls has a long history of public service. Prior to her State election, she was employed in the Mayor's Office with the City of Kansas City, and before that, she served as a staff assistant in the Kansas City office of U.S. Senator Tom Eagleton. Curls is a life-long resident of Kansas City, and attended the University of Missouri-Columbia.

Sanders Brooks has served the 37th District in the Missouri House of Representatives since 2000, ending her service in 2006 to run for City Council. While in the State Legislature, she championed many causes, the most notable being a bill that outlived mandatory set-asides for Minority and Women-owned businesses. She has long been committed to protecting our community's history and brings that passion to fight for the causes of her constituents with her to City Hall. Prior to her State election, Brooks was successful civil rights investigator. A long-time friend and parishioner of mine, Brooks is a graduate of American University in Washington, DC where she earned a Bachelor of Arts in Journalism.

Beth Gottstein formerly served as the Resource Development Manager at the Hispanic Economic Development Corporation before stepping down to run for City Council. Gottstein has also been known to spearhead several local candidate campaigns and has long been active in our region's political organizations, including assisting with my first election to Congress. Gottstein has prior City Hall experience and has also been intimately involved with the Greater Kansas City Women's Political Caucus, a local organization that promotes women's involvement in politics. Gottstein earned a Bachelor of Arts in Political Science from the University of Missouri and a Master's of Public Administration from University of Missouri-Kansas City.

For the past sixteen years, Jan Marcason has served as the Executive Director of the Mid-America Assistance Coalition, where she managed an annual budget of more than a million dollars and helped direct millions of dollars to local social service organizations. She was also the former President of the Women's Political Caucus. Previously, Jan's public service extended to Washington, DC, where she worked for former Vice President Walter Mondale. Marcason was born and raised in Kansas City. She earned a Bachelor of Arts in Education from the University of Kansas, and a Master's in Business Administration from University of Missouri-Kansas City.

Cindy Baker Circo has been a small business owner for more than two decades; she has also been the neighborhood President of the Country Valley Homes Association, an eastern Kansas City suburb, and is a former Public Improvements Advisory Council member for the 5th District. As 5th District Councilwoman, Circo plans to continue to focus on addressing the basic needs of the community, including infrastructure issues that face so many of our neighborhoods. Circo is a lifelong resident of the Kansas City area and an active member of St. Mark's Church.

Cathy Jolly has served the 45th District in the Missouri House of Representatives since 2000, also ending her service in 2006 to run for City Council. While in our State's Capital, Jolly sponsored several pieces of legislation related to reducing crime and protecting our community through harsher sentences for criminal action. Prior to her State election, Jolly served as an Assistant Prosecutor in Jackson County, where she was instrumental as the coordinator of the Drug Abatement Response Team. Jolly is also an active member of the Women's Political Caucus and a recipient of their highest award, the "Torch Award." A resident of South Kansas City, Jolly earned a Bachelor of Science in Political Science from the University of Missouri-Columbia and a Juris Doctorate from the University of Missouri-Kansas City.

Madam Speaker, please join me today in recognizing this historical moment, the first majority women City Council in Kansas City, Missouri's history. Their past experiences and impeccable records are certainly indications of all the good that is to come. With this recognition, we join the citizens of Kansas City in paying tribute to these extraordinary women. On this historic occasion, I wish my best to our incoming Mayor, Mark Funkhouser, and all of the members of the Kansas City Council. I urge my colleagues of the 110th Congress to join me in congratulating the first majority women City Council since the establishment of Kansas City's modern government in 1925 as they set an example and precedent we can all be proud of and strive to replicate across our Nation.

INTRODUCTION OF THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I want to thank Chairman OBERSTAR for joining me in introducing the Federal Railroad Safety Improvement Act of 2007. This legislation is long overdue and will authorize safety programs in both passenger and freight rail that will protect passengers, workers, and the communities that our passenger and freight rails serve. It will also improve the safety of our rail infrastructure which will allow for the exceptional growth expected in both passenger and freight rail.

This legislation will make major improvements in railroad safety by requiring the Department of Transportation to develop a long-term strategy for improving rail safety, authorizing funds for the purchase of track geometry vehicles and for the development of an underground and tunnel safety facility.

The legislation strengthens hours-of-service by mandating consecutive hours of rest, eliminates limbo time, and requires fatigue management plans. It also strengthens whistleblower protections and imposes penalties for safety, hours-of-service, and accident reporting violations.

The legislation also mandates the implementation of Positive Train Controls, improves warning systems in non-signaled territory, establishes minimum training standards, and recommends ways to mitigate health hazards.

Congress last passed legislation to reauthorize the Federal Railroad Administration (FRA) in 1994. That authorization expired in 1998. Since that time, the railroad industry has changed dramatically. Economic growth and an increase in international trade have led to record traffic levels. At the same time, Amtrak and the commuter railroads—which often operate on freight rail lines—are moving more passengers, which means that there is a lot of pressure on our rail system. This has a significant impact on worker and public safety.

According to the FRA, train accidents have increased by 33 percent since 1994. Fatalities and injuries have also increased—from 12 fatalities and 262 injuries in 1994 to 33 fatalities and 734 injuries in 2005. Injuries hit an all-time high of 1,884 in 2002 due to the train accident in Minot, ND.

According to the FRA, human factors are responsible for nearly 40 percent of all train accidents, and a new study confirms that fatigue plays a role in approximately one out of four of those accidents.

Researchers analyzed the 30-day work schedules of locomotive crews preceding 1,400 train accidents and not surprisingly found a strong correlation between the crew's level of alertness and the likelihood that they would be involved in an accident. NTSB investigators have reached similar conclusions.

The hours of service law, which was originally enacted in 1907 and substantially amended in 1969, is outdated. It deals only with acute fatigue, not cumulative fatigue. Since the rail industry is markedly different today compared to 40 or 100 years ago, there are some significant shortcomings in the law.

For example, the law does not properly address "limbo time," which is the time when a crew's working assignment is finished and they are waiting for transportation back to their homes. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation, which means that crews can be on the job for as long as 15 or 20 hours at a time. Although the NTSB has repeatedly asked the FRA to make improvements to hours-of-service and address fatigue, the FRA seemingly does not have the regulatory authority to do so.

The Railroads, Pipelines, and Hazardous Materials Subcommittee has held numerous hearings on railroad safety, fatigue, and human factor accidents and has heard testimony from all the stakeholders and policy makers in the passenger and freight rail industry. I believe this legislation will help reduce accidents, improve rail safety, and improve the work environment for employees which will allow the passenger and freight rail industry to safely handle the future growth projected for both modes of transportation.

I encourage all of my colleagues to support this legislation and I urge its swift passage so that we can begin to implement these important safety measures immediately.

IN RECOGNITION OF DANA J. KELLY FOR OVER FORTY YEARS OF DISTINGUISHED SERVICE TO LOCAL 537, PIPEFITTERS ASSOCIATION OF BOSTON, MASSACHUSETTS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LYNCH. Madam Speaker, I rise today in honor of my longtime friend and fellow brother of the Building Trades, Dana J. Kelly. Dana is a remarkable labor leader with a long and illustrious career in Local 537 Pipefitters Association of Boston. Throughout his tenure, Dan has dedicated his efforts to improving the lives of working men and women throughout Massachusetts.

Madam Speaker, Dana joined Local 537 in March of 1965 while attending Charlestown High School in Boston, Massachusetts. Dana's attention to detail and craftsmanship led him to become a welding instructor for Local 537. As a result of his dedication to this craft, Dana attended and graduated from the United Association's 5 year Instructor Training Program at Purdue University.

After 18 years of dedicated work and leadership, Dana was elected in both 1983 and 1985 to serve on the Executive Board to Local 537. In 1985 he was appointed Organizer of Local 537, a position he held for the next 13 years. Due to his unique leadership abilities, Dana as designated Chairman of the New England Pipe Trades Action Committee which coordinated organizing efforts throughout New England. In 1998, Dana was elected Assistant Business Manger of Local 537 and held this position for 2 terms. In 2004, he was elected Business Manager and Financial Secretary Treasurer.

Despite his various accomplishments, as his friend, I can honestly say that the title that Dana s always been most proud of and which he cherishes most, is that of husband and father. Dana has had the tremendous good fortune and distinct honor to be married to his wife Linda. Together, Linda and Dana have three wonderful children and four beautiful grandchildren.

Speaker, it is my distinct honor to join Dana's family, friends and brothers and sisters of labor to thank him for over 40 years of remarkable service to the American Labor Movement. I hope my colleagues will join me in celebrating Dana's distinguished career and wishing him good health and success in all his future endeavors.

TENTH ANNIVERSARY OF THE INSTITUTE OF ENVIRONMENTAL AND HUMAN HEALTH

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. NEUGEBAUER. Madam Speaker, I congratulate The Institute of Environmental and Human Health on reaching its tenth anniversary. TIEHH was established in 1997 with a mission to stimulate and develop environmental and health sciences research and education at Texas Tech University and the Texas Tech Health Sciences Center. TIEHH focuses on the integration of environmental impact assessment of toxic chemicals with human health consequences, framed in the context of science-based risk assessment to support sound environmental policy and law. Work at TIEHH has resulted in applications for homeland security and defense, including a new fabric that can protect our military and civilians from effects of chemical and biological weapons.

TIEHH first opened as the "anchor tenant" at the then-closing Reese Air Force Base, now known as Reese Technology Center, and helped make the redevelopment of Reese the most successful BRAC closure of any military base in the United States. TIEHH started with a staff of 45, comprised of faculty, staff and graduate students. TIEHH now has 200 on its daily payroll and has generated close to $50 million in revenue, while the Institute's ripple effect on the local economy is nearly $200 million.

Through the past 10 years, TIEHH has developed a program of national and international stature for Texas Tech and Lubbock, being described by external peer-reviews as 'world-class' and with its academic program being called "the best in the country." TIEHH draws not only students from Texas but also undergraduate and graduate students from all over the United States and many foreign countries to Texas Tech. In its 10 short years, TIEHH has become one of the top doctoral producing programs at Tech.

I have worked hand-in-hand with TIEHH to secure federal funding that supports research to improve the resources available to protect our troops abroad and citizens at home from chemical and biological threats. When it comes to federally funded research, results matter, and TIEHH is quickly establishing a track record of proven results that strengthen our national security. In the next 10 years and beyond, TIEHH will continue to be a research leader in the environmental and human health field. I am proud to join the citizens of Lubbock in extending my appreciation for all the hard work and accomplishments of those at The Institute of Environmental and Human Health.

HONORING PRIVATE DAVID NEIL SIMMONS OF KOKOMO, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the sacrifice of Private David Neil Simmons of Kokomo, Indiana, who was killed in an ambush on April 8, 2007, while serving his Nation in Baghdad, Iraq. Neil risked everything in service to America, and for that we are eternally grateful.

Neil was the kind of kid whom everyone loved. With his big smile and enthusiasm, he made life more enjoyable for everyone around him. As someone who deeply loved his family and knew what it meant to be a great friend, he also made life better for those around him.

Neil was also a grateful person, returning to his high school to visit friends and thank teachers and mentors for their impact on his life. During one of these visits, just a couple weeks before he was set to deploy to Iraq, he ran into Janet Lovelace, a secretary at Northwestern High School. When Janet gave Neil a hug and thanked him for his service, he became teary-eyed. Today, on behalf of this entire nation, I would also like us to stop and give thanks to Neil for his service.

Upon hearing about his son's death, David Simmons said, "Freedom is very expensive. You don't know how much until something like this happens. My heart goes out to all the families that have to go through this." In the midst of so much sorrow, to remember other families is truly remarkable.

I have been privileged to speak several times with Neil's mother, Teri Tenbrook, over the past few weeks. Her courage and resolve in so tragic a time are impressive. The simple truth is that the true price of war is paid by soldiers and their families. Today I honor Neil Simmons, and I honor his family.

Neil's ultimate sacrifice puts him in the solemn and revered company of patriots who have given their lives in service to their country. My humble thanks to Neil and to his family. His name will live as long as this Nation lives.

May God grant peace to those who mourn and strength to those who continue to fight. And may God be with all of us, as I know he is with Neil.

THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. OBERSTAR. Madam Speaker, today I have introduced a bill to reauthorize the Federal Railroad Administration, FRA, and improve the safety of our Nation's railroads.

Congress last reauthorized the FRA in 1994; that authorization expired in 1998. Since that time, the Committee on Transportation and Infrastructure has held 13 hearings on rail safety. In the first 4 months of the 110th Congress alone, we have held 4 hearings on rail safety, including 1 field hearing in San Antonio, Texas. At these hearings, we received testimony from the Federal Administration, FRA, the National Transportation Safety Board, NTSB, the Department of Transportation's Inspector General, the Government Accountability Office, GAO, Members of Congress and other elected officials, the railroads, rail labor, and numerous safety organizations and experts. This bill is the product of what we have learned through these hearings.

According to the FRA, the total number of train accidents, including collisions and derailments, increased from 2,504 in 1994 to 3,325 in 2005. In 2006, the number of train accidents decreased to 2,835.

Although I am encouraged by improvements in the 2006 rail safety statistics, I believe we still have a long way to go. Serious accidents resulting in fatalities, injuries, and environmental damages continue to occur. The Department of Transportation predicts that rail traffic will more than double over the next 20 years. That increase, coupled with the fact that there are far fewer workers having to meet more demands on the railways than ever before, will only exacerbate the situation.

In 1980, 459,000 rail workers were responsible for moving 919 billion railroad ton-miles of freight, or 2,002,787 ton-miles per employee. By 2005, 182,000 workers moved 1,760 billion ton-miles of freight, or 9,670,329 ton-miles per employee. Over the last 25 years, overall rail productivity has risen 168 percent while the workforce has decreased by 40 percent. That has a significant impact on safety, in particular worker fatigue.

According to the FRA, about 40 percent of all train accidents are the result of human factors; 1 in 4 of those accidents result from fatigue. The FRA has launched a number of initiatives focused on reducing accidents caused by fatigue and other human factors. I appreciate the FRA's hard work in this area, but the FRA can only do so much when it comes to fatigue. The FRA is the only agency within the Department of Transportation, DOT, that does not have the regulatory authority to address hours-of-service. Hours-of-service for railroad employees is set forth in statute.

According to the National Transportation Safety Board, "the current railroad hours-of-service laws permit, and many railroad carriers require, the most burdensome fatigue-inducing work schedule of any Federally-regulated transportation mode in this country." A comparison of the modes is revealing. A commercial airline pilot can work up to 100 hours per month; shipboard personnel, at sea, can work up to 240 hours per month; a truck driver can be on duty up to 260 hours per month; and train crews can operate a train up to 432 hours per month. That equates to more than 14 hours a day for each of those 30 days.

Despite widespread agreement that the hours-of-service law is antiquated and in need of updating, it has been almost 40 years since substantial changes to the law have been made. In previous Congresses, I introduced legislation to strengthen hours-of-service. The railroads fought against it, stating that hours of service should be dealt with at the collective bargaining table because I believe that the safety of railroad workers and the safety of the general public, which all too often are the victims in these train accidents, should not be relegated to a negotiation between management and labor. I am again introducing legislation that strengthens hours-of-service and reduces rail worker fatigue.

My bill will: provide all train crews and signal personnel with a minimum of 10 hours of rest a day and at least 24 consecutive hours off duty in a seven consecutive day work period; prevent the railroads from disturbing their workers during rest time, keeping them from obtaining their full 10 hours of rest; limit the number of days signal personnel can exceed their hours-of-service during emergencies, consistent with dispatcher limits of not more than three days in a seven consecutive day work period; ensure that signal personnel cannot be forced to exceed their hours-of-service to conduct routine inspections, repairs, and maintenance of signal systems; eliminate so called "limbo time." Limbo time is a term used to describe the period of time when a train operating crew's hours-of-service have expired, but the crew is awaiting transportation back to their point of final release; meaning, the off duty location or terminal point where they can go home or obtain food and lodging at an away from home terminal. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation. Limbo time can and has kept railroad operating crews effectively on-duty for well over 12 hours, and in the case of the Union Pacific engineer involved in the 2004 Macdona, Texas accident, 22 hours (12 hours on-duty and 10 hours in limbo); require railroads to submit fatigue management plans to the Secretary for review and approval, and; provide the Secretary with the regulatory authority to reduce the maximum number of hours an employee can remain or go on duty and increase the minimum number of hours of rest.

This Act also addresses a number of long-standing open NTSB recommendations that will help prevent accidents caused by human factors, such as fatigue. Specifically, the Act requires all Class I railroads to develop and submit to the Secretary for review and approval a plan for implementing a positive train control system by December 31, 2014. Implementation of positive train control has been on the NTSB's list of most wanted safety improvements since its inception in 1990. Since that time, the Board has issued numerous recommendations to the FRA to implement positive train control after several high-profile accidents, including a 2004 accident in Macdona, Texas, and a 2005 accident in Graniteville, South Carolina accident; yet the FRA has thus far failed to do so.

The Act also requires railroads to install automatically activated devices, independent of the switch banner, along main lines in non-signaled territory to enable train crews to determine the position of a switch far enough in advance to stop a train if they discover that it is in the wrong position. In the absence of such switch position indicators, the Act requires railroads to operate trains in nonsignaled territory at speeds that will allow them to be safely stopped in advance of misaligned switches. According to the FRA, misaligned switches are the number one cause of human factors accidents.

In 2006, track-related accidents surpassed human factors-related accidents as the leading category of rail accidents. Recent accidents in Oneida, New York, Pico Rivera, California, Home Valley, Washington, Minot, North Dakota, and Nodaway, Iowa, raise serious concerns about the condition and safety of track on our Nation's railways. On April 18, as a result of the accident in Oneida, the FRA conducted an audit of CSX tracks in upstate New York and found 78 track defects and 1 serious violation. To help address these concerns and additional concerns raised by the NTSB, this Act provides funding for the Secretary to purchase 6 Gage Restraint Measurement System vehicles and 5 track geometry vehicles. This will enable to the Secretary to deploy 1 Gage Restraint Measurement System vehicle and 1 track geometry vehicle to each of the 8 FRA regions. The Act also directs the Secretary to issue regulations within 1 year after enactment that requires railroads to manage their tracks to minimize accidents due to internal rail flaws. At a minimum, the regulations must require the railroads to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, as recommended by the NTSB; require railroads to perform integrity inspections to manage a service failure rate of less than 0.1 per track mile; and encourage railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program. New safety regulations are also required for all classes of track for concrete ties, as recommended by the NTSB.

In addition, the Act strengthens safety on our Nation's grade crossings by requiring railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls reporting malfunctions of signals, crossing gates, and other devices, or disabled vehicles blocking such crossings, and to clear vegetation that may obstruct the ability of pedestrians or motor vehicle operators to see oncoming trains at grade crossings. The Act also requires regular reporting of current information on grade crossings to the FRA to enable States to determine where to best dedicate their resources for grade crossing improvements.

The Act also addresses some concerns highlighted in a recent audit of the Department of Transportation's Inspector General, which I requested after a series of New York Times articles alleged problems with railroad accident reporting and investigations at grade crossings. The Inspector General found that railroads failed to report 21 percent of reportable crossing collisions to the National Response Center, NRC. Railroads are required to report crossing collisions involving fatalities and/or multiple injuries to passengers or train crewmembers, and fatalities to motorists or pedestrian involved in grade crossing collisions to the NRC within 2 hours of the accident, according to FRA and NTSB regulations. Immediate reporting allows the Federal Government to decide whether or not to conduct an investigation shortly after a crossing collision has occurred. The DOT Inspector General's analysis showed that 115, or 21 percent, of 543 reportable grade crossing collisions that occurred between May 1, 2003 and December 31, 2004 were not reported to the NRC. Although the 115 unreported crossing collisions, which resulted in 116 fatalities, were reported to the FRA within 30 to 60 days after the collision, as required, that was too late to allow Federal authorities to promptly decide whether or not to conduct an investigation. This Act requires the FRA to conduct an audit of all Class I railroads at least once every 2 years and all non-Class I railroads at least once every 5 years to ensure that all grade crossing accidents and incidents are reported to the national accident database.

The Inspector General's audit also found that the Federal Government investigates only a small number of grade crossing collisions. From 2000 through 2004, FRA investigated 47 of 376, or 13 percent, of the most serious crossing collisions that occurred—those resulting in 3 or more fatalities and/or severe injuries. No Federal investigations were conducted for the remaining 329 crossing collisions. The GAO seems to agree with the Inspector General's findings. According to the GAO, the FRA is able to inspect only $^{2}/_{10}$ of 1 percent of all railroad operations each year. Compare this to the Federal Aviation Administration (FAA): In 2004, the FAA conducted on-site investigations of 1,392, or 93 percent, of the 1,484 general aviation accidents that the FAA had responsibility for investigating in 2004. Unlike the FRA, however, the FAA has an Office of Accident Investigations staffed with 8 full-time investigators whose mission is to detect unsafe conditions and trends and to coordinate the process for corrective actions. In addition, the FAA uses personnel from other disciplines to conduct investigations, including 2,989 inspectors from its Office of Aviation Safety.

Currently, the FRA relies on just 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroad's compliance with federally mandated safety standards. This Act will increase the number of Federal safety inspectors to at least 800 by fiscal year 2011. The Act makes additional improvements to the FRA, modeled after similar legislation passed by the Committee on Transportation and Infrastructure and subsequently enacted into law that created the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration.

Specifically, the Act: reorganizes the FRA as the Federal Railroad Safety Administration; requires it to consider the assignment and maintenance of safety as the highest priority; creates a new position (or a Chief Safety Officer; requires the Secretary to develop a long-term strategy for improving railroad safety, which must include annual plans and schedules for reducing the number and rates of accidents, injuries, and fatalities involving railroads; improving the consistency and effectiveness of enforcement and compliance programs; identifying and targeting enforcement at, and safety improvements to, high-risk grade crossings; and improving research efforts to enhance and promote railroad safety and performance; requires regular reporting of statutory mandates that have not been implemented and open safety recommendations made by the NTSB or the Inspector General regarding railroad safety; and strengthens transparency in the FRA's enforcement process.

I invite my colleagues to join me and Congresswoman BROWN, Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, in our efforts to improve rail safety by cosponsor this important legislation and working together to ensure its swift passage.

LEGISLATION ON THE DISPOSITION OF THE OAK HILL JUVENILE DETENTION CENTER

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SARBANES. Madam Speaker, I rise today to introduce legislation addressing the disposition of the Oak Hill Juvenile Detention Center in Anne Arundel County, Maryland. Senators CARDIN and MIKULSKI have introduced identical legislation in the Senate.

There is consensus that the current Oak Hill facilities must be shut down. They are aging and dilapidated and not properly configured to provide rehabilitative services to the youth residing there. The legislation I introduce today would ensure that this facility is closed and a new, more modern facility is built in the District of Columbia so that residents can be loser to their families.

HONORING UCSB, WINNER IN THE NATIONAL WILDLIFE FEDERATION'S CAMPUS ECOLOGY 'CHILL OUT' CONTEST

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mrs. CAPPS. Madam Speaker, it is with great pride that I rise today to honor the University of California, Santa Barbara, which is located in my district. UCSB was recently named a winner in the National Wildlife Federation's Campus Ecology "Chill Out" contest, a competition that recognizes colleges and universities nationwide that are implementing innovative programs to reduce the impact of global warming. UCSB was one of eight universities chosen to receive the award from over 100 entries.

This prestigious award was given to UC Santa Barbara for its efforts to become a carbon-neutral campus through energy conservation. The project started in 2005 when students from the Bren School of Environmental Science and Management created a Master's group project entitled "Campus Climate Neutral." At a public university dealing with tightening budgets, energy conservation emerged as a solution that would both lower the school's environmental impact and cut expenditures for purchased utilities.

UC Santa Barbara has found ways, through ingenuity and imagination, to provide increased space for research, education and living, while limiting the school's environmental impact. I continue to be proud of UCSB's numerous environmental and academic accomplishments, and encourage them to continue in their noble goal of reducing the campus's greenhouse gas emissions.

Go Gauchos!

TRIBUTE TO PAUL E. DWYER OF CRS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay tribute to one of the Congressional Research Service's (CRS) finest employees; Paul E. Dwyer, who will retire on May 3, 2007, from his position as Specialist in American National Government after a distinguished career of 39 years service to Congress and the Nation.

A native of Texas, Paul Dwyer received a Bachelor of Arts in History and Political Science from Baylor University, in Waco, in 1967, and went on to earn a Masters in Political Science from George Washington University, here in Washington, in 1968. While finishing his course work at GW, Paul worked part time in the office of Congressman W. R. (Bill) Poage, one of the legendary Texans who served with such distinction in the House of Representatives in the 20th century. Paul's work experience on Capitol Hill convinced him to enter the profession of public service, and he applied for a position with what was then known as the Legislative Reference Service shortly after graduation. He began his career at the Library of Congress, on October 8, 1968 as analyst in American National Government.

Paul Dwyer began his CRS career with the basics—his first years constituted an apprenticeship during which he received assignments in a wide range of policy issues. He identified and progressively mastered the sources of information needed to respond to requests for information and public policy analysis by Members and committees of Congress and their staff. This was in the pre-internet era, when the instant desktop availability of information resources was a futuristic dream, and research often meant hours of digging for obscure sources in the Library's great collections, in other libraries, executive branch agencies, the National Archives and non-governmental organizations, as well. It took dogged persistence, careful organizational skills, plenty of shoe leather, and a limitless supply of number two lead pencils to do the work.

It was during this period that Paul also had an active role in supporting Congress as this body investigated the greatest political scandal in 20th century American history—Watergate—and undertook the ensuing impeachment inquiry that led to Richard Nixon's resignation as President of the United States. Paul served on the CRS teams that provided assistance to the Senate Select Committee on Presidential Campaign Activities, Senator Sam Ervin's famous "Watergate Committee." He and his colleagues again provided invaluable assistance to the Judiciary committee of this House of Representatives as it pursued its impeachment inquiry. CRS added further laurels when it provided crucial information on the nominations of Gerald R. Ford and Nelson A. Rockefeller as Vice President, the historic first implementations of Section One of the 25th Amendment. These were, to borrow from Doris Kearns Goodwin, "no ordinary times," and Congress came to depend again and again on the accuracy, dedication and professional skill of the Congressional Research Service and staff members like Paul Dwyer.

Paul Dwyer's research portfolio was broad in those years, and included many diverse areas, including presidential elections and the Electoral College, the presidency and presidential terms of office, American political history, U.S. political parties, and voting trends in Congress, to name a partial list. Beginning in the early 1970s, Paul moved into the area for which he would become justly respected throughout Congress and the Capitol Hill community. He learned and mastered the many elements of the internal governance of the Congress and its supporting agencies and organizations. His areas of unquestioned expertise include an intimate knowledge of the legislative branch budget in all its many ramifications; salaries, benefits and retirement programs for Members of Congress and their staff; congressional support agency budgets; contingent expenses in both the House and Senate; Member memorials; committee funding; the Capitol Visitor Center, and the all-important area of Capitol security and the safety of those who work in the Capitol Complex, and the millions of citizens who visit the Hill every year.

He has become the "go-to" staff person at CRS on the legislative budget, where the depth and breadth of his knowledge, his attention to detail, judgment, and perspective are universally recognized. This trust has been well-earned—Paul has worked professionally and amicably with Members and staff of both political parties, and is respected by all his clients. The House Committee on House Administration, the Senate Committee on Rules and Administration, and the legislative branch appropriations subcommittees of both chambers have benefited from his keen analytical skills. He has worked closely with the office of the Architect of the Capitol, the Sergeants at Arms of the House and Senate, the Chief Administrative Officer of the House, and the Chief of U.S. Capitol Police. As coordinator of and primary contributor to the CRS annual Report to Congress on legislative branch appropriations sinceits inception, he has provided a valuable source of record for over a decade.

Aside from hundreds, if not thousands, of personal meetings, telephone briefings and email colloquies over the years, the volume and scope of his written work is impressive. He is the author or co-author of 21 active or archived CRS Reports for Congress, and during the 39 years of his career, he has written over 450 additional CRS Reports, Issue Briefs, and confidential memoranda for Congress. On a personal level, in the past decade, he has also provided expert and sensitive mentoring to a new generation of CRS analysts, generously sharing his knowledge and perspective with them, and helping them develop their own interests and expertise.

Paul's fine work and dedication first came to my attention soon after I was appointed Ranking member of the Committee on House Administration in 2003. As the Representative from the Nation's insurance capital, Hartford, and as the former owner of an insurance company, I wanted to be sure that the House was getting the maximum possible advantage from the money spent on insurance and other benefit programs for members and staff. Paul quickly assembled a team of CRS experts from the various CRS divisions which were assigned to cover these issues to bring me, the Committee staff, and the other members of the Committee up to speed on the programs and helped us analyze their merits. Paul was also an invaluable resource for us when we were dealing with the myriad of other issues which came before the Committee, especially the funding of the other House committees. He has also played an instrumental role in helping to write the story of the Committee, which was one of my first requests of CRS upon becoming Ranking member. Paul has continued to be a primary resource for me in my new position as Vice Chair of the Democratic Caucus and has provided me with superior reports and memos on member compensation, Legislative Branch appropriations, and the duties of the House officers, to name a few. While I wish Paul well in his retirement, my staff and I will certainly miss his prompt and thorough responses for research and information.

Paul Dwyer has been recognized by CRS and the Library of Congress again and again for the quality of his work. His performance evaluations routinely noted his commendable and outstanding level of performance. He has been honored with 13 Library of Congress Special Achievement Awards during his career.

In a sense, Paul's career coincides with the era in which CRS came to maturity, evolving, under congressional guidance and stewardship, into the world's finest legislative policy institute, the envy of world parliaments and our own executive branch, and the close adviser and trusted resource of the United States Congress. Paul exemplifies the best characteristics of this tradition: knowledge, perspective and judgment, and a commitment to providing Congress with information and analysis that is correct, complete, balanced and non-partisan. CRS, Congress, and in the larger sense, the American people, will lose a tireless and dedicated public servant when Paul E. Dwyer retires. Madam Speaker, I would like to urge my colleagues to join me in thanking Paul for his 39 years of exemplary service, and in offering him every good wish as he begins his retirement.

IN MEMORY OF MATTHEW GREGORY GWALTNEY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. FORBES. Madam Speaker, I rise today in memory of Matthew Gregory Gwaltney, who was tragically killed in the recent attack at Virginia Polytechnic Institute and State University, on April 16, 2007.

Matthew was known for his deep love for his family and friends and for his cheerful disposition. Having graduated Magna Cum Laude with a Bachelor's degree in Civil Engineering from Virginia Tech in 2005, Matt was just weeks away from graduation day where he was receiving his Master's degree in civil and environmental engineering. Matt was an honors student devoted to learning and eager to improve human awareness of the environment and the overall quality of life. His high school teachers and college professors alike regularly praised his outstanding character and loyalty to those he loved.

Matt's family and friends also knew him as an avid sports fan. As a high school basketball player, Matt was not only acknowledged by his teammates as a dedicated player, but as a close friend. Matt maintained those close relationships even as he went away to college and later began his graduate program. At Virginia Tech, Matt regularly built and maintained friendships around sports through games of pick up basketball, and impressed many with his abundant knowledge of sports facts. It is said that his favorite place at Virginia Tech was Cassell Coliseum and that Matt never missed a Hokie football game.

Although Matt's time with us has ended all too soon, I know that his love for his family and friends and commitment to learning will inspire many in years to come. Matt has left a legacy within his generation that will not soon be forgotten.

IN HONOR OF DR. ARTHUR J. AMMANN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. McDERMOTT. Madam Chairman, it is a privilege and a great personal pleasure to join in honoring my old friend and classmate, and a great humanitarian leader, Dr. Arthur J. Ammann. Art's selection as Alumnus of the Year at Wheaton College will stand as one of the defining moments in the proud and distinguished history of this institution, because it recognizes a compassionate, courageous man who has made a world of difference in our world.

As young Wheaton College students, Art and I lived the vow of poverty, as do college students everywhere. One of my most cherished memories is Art inviting me to join his family in Brooklyn, New York, during a holiday. Suffice to say that was the first time I had ever been to Brooklyn, and the visit opened the eyes of this young, naive suburban Chicago kid, teaching me that we all share the same hopes, dreams and aspirations for a brighter tomorrow, no matter our surname or address.

The Bible and this institution call upon us to live the teachings of the Lord, and there is no better example of living Christianity than Art Ammann. He began his professional career—as did I—by taking an oath to use all of his powers to heal the sick. While the oath comes from the Greek philosopher Hippocrates, the faith to heal comes directly from the Bible: "My son, attend to my words; incline thine ear unto my sayings. Let them not depart from thine eyes; keep them in the midst of thine heart. For they are life unto those that find them, and health to all their flesh. Keep thy heart with all diligence; for out of it are the issues of life." (Proverbs 4:20–23)

Art is a brilliant physician who has focused his intellect on healing children and finding a cure for the HIV/AIDS pandemic that has claimed so many lives and robbed so many nations of an entire generation. While my old friend is far too modest to seek recognition, the truth is, without Art the death toll would be higher and hope for a cure would be lower. It was Dr. Arthur Ammann's pioneering research in the early 1980's, before the world knew of this terrible disease, that identified two of the three ways HIV is transmitted, and it was Art who first diagnosed the HIV infection in children.

As a man of unwavering courage, compassion and conviction, Dr. Arthur Ammann did not confine his leadership exclusively to the field of medical research. Over the years, Art has served his community and country in preeminent roles such as the Presidential Task Force for AIDS Drug Development, and he has been honored many, many times. This prodigious man of science has authored or coauthored, quite literally, hundreds of books and scientific articles, and he didn't hesitate when asked to guide Wheaton College as it prepared its response to the HIV/AIDS crisis.

As a visionary scientist and yet a humble servant of the Lord, Dr. Arthur Ammann always has plowed the fruits of his labor back into the soil, so that it might nourish, protect and save others. Art founded Global Strategies for HIV Prevention 10 years ago. It quickly has become a widely respected non-profit organization, dedicated to preventing the spread of HIV/AIDS, and supplying life-saving medicine to women and children worldwide. How purely this work reflects the words of the Bible: ". . . Blessed are the merciful: for they shall obtain mercy. Blessed are the pure in heart: for they shall see God. Blessed are the peacemakers: for they shall be called the children of God . . ." (Matthew 5:3–11)

Dr. Arthur J. Ammann has spent a lifetime displaying the strength of a lion, a heart of gold, and a spirit of living life according to the teachings of Jesus. His wife, Marilyn, and his children, Kimberly and Scott, have long known what many now will understand: Dr. Arthur J. Ammann is a good man, who does the Lord's work for the sake of peace and humanity. My friend Art Ammann is an uncommon man who renews our faith by the way he lives his faith.

Best wishes and congratulations to Dr. Arthur J. Ammann, the 2007 Wheaton College Alumnus of the Year for Distinguished Service to Society.

HONORING PATROLMAN MICHAEL NORBY OF THE SOUTH BEND POLICE DEPARTMENT

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, today I honor a brave man who has served his country in the military and his community as a patrolman in the South Bend Police Department. Patrolman Michael Norby put his life at risk in the execution of his duty. In the early morning of April 24, 2007, he and his partner, Corporal Nick Polizzotto, confronted an armed suspect. Both officers were shot; Corporal Polizzotto died and Patrolman Norby was injured. The two officers responded to a report of gunshots without regard for their own safety, only the safety of the community.

During his one and a half years on the force, Michael has received three commendations. Prior to his service on the police force, he served with the United States Army in support of Operation Iraqi Freedom earning the Army Commendation Medal, Army Achievement Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal, "M"

Device Award and Noncommissioned Officer's Professional Development Ribbon.

Madam Speaker, I commend the men and women who dedicate their lives in the service of others, particularly Patrolman Norby, to whom we owe deep gratitude.

RECOGNIZING BELLS FOR PEACE, INC.

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize Bells for Peace, Inc., a non-profit, charitable organization founded within my district in Richmond, Virginia. Bells for Peace is dedicated to enriching the history of Virginia Union University by restoring the University's prominent cornerstone, the Belgian Friendship Building and its Vann Memorial Tower.

Bells for Peace was founded on December 8, 2004 in Richmond, Virginia by Mrs. Diane Watkins, its current President. The organization was created in memory of the late Dr. John Malcus Ellison, Sr., the first African American President of Virginia Union University, and his wife, Mrs. Elizabeth Balfour Ellison. Dr. Ellison was dedicated to bringing peace and unity to the cultural divide within this country, and he believed a multi-cultural education could be used to achieve this. Bells for Peace is an effort to carry on Dr. Ellison's life's work.

As part of this effort, Bells for Peace hopes to install a 35 bell carillon in the University's empty Vann Memorial Tower, which sits atop its Belgian Friendship Building. In 1939, the Belgian Government presented the Friendship Building and Tower to Virginia Union in a gesture of international goodwill. The Friendship Building had been the centerpiece of the Belgian Pavilion at the 1939 World's Fair in New York. However, prior to presenting the structure to Virginia Union, the Belgians removed the bell carillon and awarded it to President Herbert Hoover. President Hoover gave the carillon to his alma mater, Stanford University, where the bells now ring at the Hoover Institution of War and Peace.

The Belgian Government selected Virginia Union for the gift from 27 colleges that desired the Friendship Building and Tower. Virginia Union was selected because of its location, history, and mission. Where better to place a symbol of peace, hope, and unity than in Richmond, Virginia, the former capital of the Confederate states that nearly burned to the ground when the Southern troops fled the city. Where better than on a campus that was first located in a rented structure known as Lumpkin's Jail, a former slave holding pen. And where better than at a University that was born of several small colleges dedicated to the dignified education of African Americans, while struggling against post-Civil War prejudice. In 1899, these colleges joined together in a "union" that opened its doors as Virginia Union. The Belgian Government recognized this significant history and felt that its "Friendship Building" would be best served on the shores of the James River in Richmond.

Following the Belgian Government's decision to give the structure to Virginia Union, Dr. John Malcus Ellison single-handedly raised $500,000 in donations to transport and re-construct the Friendship Building on the Richmond campus. Shortly thereafter, the Friendship Building was used by the U.S. Armed Forces as the Eastern Virginia induction site for soldiers going off to fight in WWII. It was within this building that thousands of African American soldiers were processed into the military. It was also through this building that the late Vice Admiral Samuel L. Gravely frequently passed. Vice Admiral Gravely, a Virginia Union graduate, was the first African American to achieve the rank of Admiral and command a Naval fleet.

Because of its remarkable history, the Belgian Friendship Building has been designated a United States National Treasure and Virginia Historical Landmark, but its majestic tower, which can be seen from many vantage points in the Richmond community, remains empty and silent. Bells for Peace, in its quest to obtain a new carillon for the Vann Memorial Tower, hopes to change that. Bells for Peace is also working to restore the aged and worn Friendship Building, so that it may become a top-quality facility for students pursuing a multi-cultural education.

Through its restoration efforts, the organization has brought much-deserved attention to this historical landmark and highly respected Virginia Union University. Bells for Peace calls on people to recognize the importance of an international "Friendship" building and symbol of peace, hope, and unity erected at a historically black college; a college known for its multi-cultural studies and graduates who have made contributions to communities around the world. Bells for Peace calls on people to remember the legacy of Dr. John Malcus Ellison, who not only helped bring the Friendship Building to Virginia Union, but also helped established the University's reputation for excellence in education.

Madam Speaker, today it is my privilege to recognize Bells for Peace and commend it for its admirable mission. I also wish the organization great success in restoring the Belgian Friendship Building and filling the belfry tower with a carillon of bells that can be enjoyed on the Virginia Union campus and in the Richmond community, and symbolically heard in communities around the world.

RECOGNIZING DAISAKU AND KANEKO IKEDA FOR THEIR INTERNATIONAL ACHIEVEMENTS

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize the contributions to our community and the international achievements of Daisaku and Kaneko Ikeda. Daisaku Ikeda is the President of Soka Gakkai International (SGI), a Buddhist association of approximately 12 million members in over 180 countries, including members throughout the United States and in my home district of Guam. The Ikedas have dedicated their lives to the promotion of international peace, the protection of religious freedom, and the safeguarding of fundamental human rights. Soka Gakkai International was formally established on January 26, 1975 in a ceremony on Guam which was attended by representatives from around the world. Guam has since welcomed this organization and its leaders on various occasions and we continue to value our friendship with the Ikedas and Soka Gakkai International members.

Daisaku Ikeda's leadership has been recognized by many international organizations. He was awarded the United Nations Peace Medal, the Simon Wiesenthal Center's International Tolerance Award and the Rosa Parks Humanitarian Award. Daisaku Ikeda is the founder of numerous educational and cultural institutions in Japan and the United States. He founded the Tokyo Fuji Art Museum, the Min-On Concert Association, the Boston Research Center for the 21st Century, and the Toda Institute for Global Peace and Policy Research. A prolific writer and poet, Daisaku Ikeda has published more than 200 works in more than 25 languages, all in his effort to promote peace and international understanding. He has been conferred over 200 honorary degrees from universities throughout the world.

Kaneko's partnership with Daisaku began with their marriage on May 3, 1952, and since then, they have been a dynamic team that mutually supports each other's work. Kaneko Ikeda shares her husband's philosophy and his drive to work for the benefit of all people. She has been commended for her work in the field of education and the humanities and as a proponent and ambassador for peace. She has been recognized for her good work by being named an honorary citizen of Italy, Switzerland, Brazil, Argentina, Bolivia, the Republic of Korea, New Zealand, and Australia.

Daisaku and Kaneko Ikeda have dedicated their lives to the advancement of mankind and the promotion of peace through the improvement of individual lives. They are powerful advocates of social change and goodwill ambassadors for all of humanity. The international community has recognized and honored their continuing efforts to advance social justice based on universal values of equality and dignity. They are truly world class citizens whose efforts on behalf of many people, especially those struggling for human rights, should be recognized. Today we commend them for their lifetime of humanitarian work and we congratulate them on their fifty-fifth wedding anniversary. We commend them as leaders of Soka Gakkai International for their contributions to the international community and to the local communities in our Nation where their members are making individual contributions for peace and freedom.

4TH ANNIVERSARY OF THE SPEECH PRESIDENT BUSH GAVE ON THE DECK OF THE U.S.S. "ABRAHAM LINCOLN"

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. VAN HOLLEN. Madam Speaker, today marks the 4th anniversary of the speech

President Bush gave on the deck of the U.S.S. *Abraham Lincoln* in which he told the American people that hostilities in Iraq and Afghanistan were over.

Standing under a broad "Mission Accomplished" banner, the President congratulated Defense Secretary Rumsfeld for a job well done and declared Iraq free and the Taliban and Al Qaeda in Afghanistan destroyed.

Like many Americans, the image of the President under that banner 4 years ago still stands out because each passing year is a reminder that the mission has not been accomplished, Iraq is not a safer place, and neither the Taliban nor Al Qaeda have been destroyed.

The President and his advisors try to distract the public with evocative images and declarations about success in Iraq and Afghanistan. But no amount of spin can disguise the harsh reality of the desperate situation on the ground.

On that day 4 years ago, when the President declared an end of hostilities, there were 142,000 American soldiers in Iraq. Today there are 155,000. On May 1st, 2003, there had been 138 American casualties and 542 wounded in Iraq. Today the number of casualties is 3,351 and the number of wounded is 25,090.

The Iraqi people have also paid a dear price during this war. Though exact numbers are difficult to find, the estimated number of Iraqi civilians killed by violence since May 2003 is between 53,000 and 63,000. One controversial study in 2004 estimated that as many as 655,000 have been killed. Today the President had an opportunity to change direction in Iraq and begin to bring the war to an end. He squandered that opportunity.

The Congress sent the President a bill that would hold Iraqis accountable for taking the steps necessary to achieve political reconciliation and greater stability. The bill also provided additional funding to go after Osama bin Laden, the Taliban and Al Qaeda. By vetoing the bill, the President missed an opportunity to change direction in Iraq and finish the job in Afghanistan.

The situation in Afghanistan remains grim. On this day 4 years ago, the President told the American people, "In the Battle of Afghanistan, we destroyed Al Qaeda and the Taliban." In speech after speech, Defense Secretary Donald Rumsfeld and other senior U.S. officials claimed that Al Qaeda had been routed.

But the reality is that 4 years after the U.S. invasion, the Taliban have regrouped and remains a serious threat. In fact, a new Jihadist sanctuary appears to be emerging on the Afghan-Pakistan border.

By almost any metric, whether it is the number of Iraqi schools being built or the number of Afghan roads secured, it is clear that the mission in Iraq and Afghanistan is far from accomplished. But it is also clear that Americans no longer have the patience for impressive photo ops and overblown pronouncements about completed missions. The American public wants achievable goals and quantifiable results—not slogans.

A TRIBUTE TO OLIVER WHITE HILL

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SCOTT of Virginia. Madam Speaker, I rise today to celebrate the 100th birthday of Oliver White Hill, who dedicated his life and legal talents to making the City of Richmond, the Commonwealth of Virginia, and this entire country a place of promise and opportunity for all. Mr. Hill used his legal talents to bravely confront and help eradicate decades of racial inequality and injustice.

Oliver White Hill was born Oliver White in Richmond, Virginia. After his mother remarried, the Hill family moved to Washington, DC, where Oliver White Hill graduated from the legendary Dunbar High School. Mr. Hill went on to earn his undergraduate degree from Howard University, and then attended Howard University's Law School, where, as destiny would have it, he was a classmate, rival in academic achievement, and close friend of Thurgood Marshall. Upon graduating in 1933, second in his class only to the future Supreme Court Justice, Mr. Hill spent his early years as a civil rights attorney in Richmond, Virginia.

It was there that Mr. Hill grudgingly worked within the confines of the separate-but-equal framework of Plessy v. Ferguson, but he fought hard for better pay, full access to transportation, and better educational facilities for African American teachers and students. In fact, in 1940, working with civil rights legal stalwarts Thurgood Marshall, William H. Hastie, and Leon A. Ranson, Mr. Hill won his first of many landmark cases in Alston v. School Board of Norfolk, Va. In Alston, the Fourth Circuit Court of Appeals ordered equal pay for black and white teachers within Norfolk's school system. Despite the decision, Mr. Hill was not completely satisfied as race barriers remained, and, as he once said, "I went to law school so I could go out and fight segregation."

That fight would have to wait. Oliver White Hill joined the Army in 1943 and admirably served his country in the European Theatre in World War II. After a distinguished military career, Mr. Hill immediately began to fight for democracy on a different front—back in the courts against racial discrimination.

Soon after his return, Oliver White Hill won the right for equal transportation for Black school children in the Virginia Supreme Court. But once again, he was not satisfied with this "separate-but-equal" victory. The course of history was about to change, however, as Mr. Hill partnered with another civil rights legal legend, Spottswood Robinson III, in 1948.

Together, Mr. Hill and Mr. Robinson brought dozens of civil rights lawsuits against school districts throughout the State of Virginia, with as many as seventy-five (75) cases pending at one time. By some estimates, Mr. Hill and Mr. Robinson brought more lawsuits than the total filed in all the other Southern States during this era.

Despite the burning of a cross in his front yard and despite almost daily threatening telephone calls to his home, Mr. Hill persevered. In 1951, undeterred and emboldened, Oliver White Hill and Spottswood Robinson decided to move beyond "separate-but-equal" and attack segregation head-on.

That year, Mr. Hill and Mr. Robinson shouldered the cause of the African American students at the all-black R.R. Morton High School in Farmville, VA, who had walked out of their leaking, poorly heated classroom building. The resulting desegregation lawsuit, Davis v. County School Board of Prince Edward County, was one of several cases decided collectively as Brown v. Board of Education by the U.S. Supreme Court in 1954.

While Oliver White Hill is best known as the fierce, tireless civil rights litigator who helped bring to a close America's segregation-era, his involvement in the community went beyond the courtroom. In 1949, he became the first African American elected to the Richmond City Council since Reconstruction. In the early 1960s, Mr. Hill served as Federal Housing Commissioner in the Department of Housing and Urban Development. In addition to his local and Federal government posts, Mr. Hill served as an officer or member on the boards of many organizations, including the National Legal Committee of the NAACP, the National Bar Association, the Southern Conference for Human Welfare, the Virginia State Bar Bench/Bar Relations Committee, and the Old Dominion Bar Association, which he co-founded.

For his decades of dedication to the law and accomplishments in the field of civil rights, Oliver White Hill has earned many accolades, including the "Lawyer of the Year Award" from the National Bar Association in 1959, the "Simple Justice Award" from the NAACP Legal Defense Fund in 1986, and the "Justice Thurgood Marshall Award" from the American Bar Association in 1993. In 1999, President Clinton awarded Mr. Hill the highest honor the nation can bestow, the Presidential Medal of Freedom. A year later Mr. Hill received the American Bar Association Medal, the National Bar Association "Hero of Law Award," and the "Harvard Medal of Freedom" for his role in the landmark Brown decision. Most recently, in 2005, Mr. Hill was awarded the NAACP's highest honor, the Springarn Medal.

In 2000, several legal admirers founded the Oliver White Hill Foundation. The Foundation encourages young lawyers to become advocates in the field of individual rights and liberties and to carry on Mr. Hill's civil rights work. Lawyers inspired by the Foundation work with the hope that discrimination based on race, gender, national origin, sexual preference, and religion will ultimately be abolished, just as Mr. Hill has spent his life hoping for and working towards.

Madam, Speaker, I offer my congratulations to Oliver White Hill and pay tribute to him for being one of history's most important civil rights legal pioneers.

CONGRATULATING MR. BILL MULLICAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Mr. Bill Mullican of Lubbock, Texas on his recent appointment to the National Advisory Council for Environmental Policy and Technology (NACEPT).

Mr. Mullican was appointed to the NACEPT by the U.S. Environmental Protection Agency Administrator, Stephen Johnson, on April 23, 2007. The Council is comprised of outside experts representing diverse interests from academia, industry, non-governmental organizations, and state, local and tribal governments. The U.S. Environmental Protection Agency (EPA) established the NACEPT for the purpose of providing expert advice to the EPA Administrator on a wide array of environmental policy, technology, and management issues. Due to his vast knowledge of water development policies and issues, Mr. Mullican will prove to be a valuable asset to the NACEPT.

A native of Lubbock, Texas, Mr. Mullican graduated from Texas Tech University with a B.S. degree in Broadfield Science Education, and later an M.S. in Geology. From 1983 to 1997 he was Research Associate at the Bureau of Economic Geology at the University of Texas at Austin. Later that year, Mr. Mullican began his career at the Texas Water Development Board, first serving as Director for Water Resources Planning, then as Deputy Executive Administrator for the Office of Planning. While serving as Deputy Executive Administrator, his areas of responsibility included water data collection, environmental programs, and research and planning fund management. As a leading authoritative figure for state water planning, Mr. Mullican assists other States such as California, Illinois, Indiana, Oklahoma and Pennsylvania in establishing statewide water planning initiatives.

It is with great honor that I recognize Mr. Bill Mullican for years of hard work and dedication. As a citizen of Texas, I am truly grateful that he has continuously taken a proactive role in our water development. I am pleased to join his friends, family and colleagues in congratulating him on this prestigious milestone.

OAK PARK HIGH SCHOOL ACE MENTOR PROGRAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly rise to honor four outstanding individuals, Chris Avery, Clint Coffelt, Anh Nguyen, and Steven Yung who competed and finished in third place in the Ace Mentor/Construction Industry Round Table 2007 Design Competition Awards Program, representing Oak Park High School. The Oak Park team designed a small sports complex that would offer an opportunity for kids and young adults to escape the local streets.

The ACE mentor program was designed to help high school students who are interested in careers in architecture, construction, or engineering. Students are introduced to the various design professions and the role that each performs in planning, designing and constructing a project. Students in this program gain firsthand insight into the design industry by touring project offices, visiting active construction sites, and by working closely with their mentors on "real world" projects.

Also, I want to recognize the great leadership of the team including Amy Light, the math and science coordinator for the North Kansas City School District. It is also important to acknowledge the parents, family, mentors and friends who have helped these students succeed in their academic efforts.

Madam Speaker, I ask you to join me in congratulating the Oak Park High School Ace Mentor Team on their achievements and wish them the best of luck in their future academic endeavors. It is an honor to represent this team in the U.S. Congress.

INTERNET GAMBLING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. PAUL. Madam Speaker, I am pleased to support H.R. 2046, the Internet Gambling Regulation and Enforcement Act. Last year, a ban on internet gambling was snuck into a port security bill. This ban on internet gambling is an outrageous affront to individual freedom. H.R. 2046 restores respect for the right to patronize internet gambling sites as long as the sites follow certain Federal laws. The bill does not create new Federal laws, and it respects the authority of States and Native American tribes to regulate gambling. I hope all my colleagues will join me in cosponsoring this bill and restoring respect for the American people's right to decide for themselves whether or not they gamble online.

SUPPORTING THE GOALS OF EQUAL PAY DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of ensuring equal pay for equal work for all Americans.

Since 1963, when President Kennedy signed the Equal Pay Act into law, women have made significant strides in the workplace. However, there continues to be a wage gap, and in 2006, women earned 77 cents for every dollar earned by men. A new study by the American Association of University Women finds that just 1 year out of college women are earning only 80 percent of what men earn, and by 10 years after graduation the gap has widened and women are making only 69 percent as much as men.

More than 40 years after the Equal Pay Act was signed into law, a woman has to work nearly 16 months to earn an amount equal to the amount a man earns in just 12 months. This gap results in $250,000 in lost wages over the course of the average woman's life. This wage gap not only affects a woman's current income, but often means she will have less money available to her in retirement. For women of color the pay disparities are even greater—African American women earn 71 percent and Latinas earn 58 percent of what their male colleagues earn.

The gender wage gap is not just a women's issue, it is an issue that affects the strength of our families and our communities. This is why I am a cosponsor of the Paycheck Fairness Act to strengthen the Equal Pay Act of 1963 to provide for equal rights in pay regardless of a person's sex, race or national origin. This legislation should be a priority for the 110th Congress.

It is long past time to close the gender pay gap. I urge my colleagues to join me in working to eliminate these unjust pay disparities.

RECOGNIZING THE NEED FOR DIPLOMATIC DIALOG WITH CARIBBEAN NATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the CaribNews newspaper the week ending March 20, 2007 titled "Caribbean-U.S. Summit In Washington: A Photo-OP or Meeting Of Substance, Only Time Will Tell." As well as, an article written by Tony Best, appearing the same week in the CaribNews paper, entitled "Caribbean Leaders and President Bush to Meet; In Washington, In June, U.S.-Caribbean Relations, Economic Development, Trade To Be High On Agenda." Both articles comment on the Administration's sudden interest with the Caribbean nations in the Western Hemisphere.

The White House has invited the leaders of the Caribbean nations (CARICOM) to a dialog regarding strengthening relationships between these countries and the United States. I am glad to see the Administration is reaching out to our Western Hemisphere neighbors, since these relations have been neglected far too long, making the U.S. an increasingly isolated nation among Western Hemisphere states and placing CARICOM-U.S. relations at an all time low.

It is imperative that the United States find a way to pragmatically assess and be responsive to the social and economic challenges facing our neighbors in accordance with Washington's long-term political interests, since the region is often described as our "Third border." CARICOM leaders have accepted Washington's invitation and are interested in addressing trade issues, as well as competitiveness and investment in mutually beneficial ways.

In addition, CARICOM leaders during their visit to Washington will be reaching out to the members of Congress most interested in and with the jurisdiction over the issues affecting the Caribbean and the members of the Diaspora here in the United States.

As we continue to strengthen our national economy and improve our standing in the international community it is important that we devote serious attention to strengthening U.S. relations throughout the Western Hemisphere.

Caribbean Leaders And President Bush To Meet In Washington In June, U.S.-Caribbean Relations, Economic Development, Trade To Be High On Agenda

(By Tony Best)

Caricom leaders are going to the White House in June to meet with U.S. President George W. Bush.

And the invitation list are to Presidents and Prime Ministers, ranging from St. Vincent's Prime Minister, Dr. Ralph Gonsalves, who is the current Chairman of Caricom, Haiti's Rene Preval, Guyana's Bharrat Jagdeo, Jamaica's first female leader, Portia Simpson Miller, and St. Lucia's Sir John Compton, to Trinidad and Tobago's Patrick Manning, Antigua's Baldwin Spencer, his counterpart in St. Kitts-Nevis, Dr. Denzil Douglas, and Grenada's Dr. Keith Mitchell, not to mention Barbados' Owen Arthur, the Bahamas' Perry Christie, Dominica's Roosevelt Skerrit and Suriname's Ronald Venetiaan.

In short, quite unlike the invitations, which the White House sent out to a handful of Caribbean leaders a few years ago to sit down with President Bush over breakfast, a glaring attempt to snub those countries, which opposed the invasion of Iraq, all of Caricom's heads of government are to be invited this time around.

Although President Bush has met with a few of the region's leaders from time to time, the upcoming summit will be the first of its kind in Washington with Caribbean Prime Ministers and Presidents since Bush took office.

It is being arranged at a time when the Bush Administration is under fire throughout the Western Hemisphere for virtually ignoring Caribbean and Latin American economic and social issues.

It is scheduled for June 21 when many of the Caribbean leaders are due in Washington for the U.S. Conference on the Caribbean. While the White House agenda has not been finalized, diplomatic sources say trade, investment, economic and social development and U.S. role in the Western Hemisphere may be discussed.

It is not yet known how many of the Prime Ministers and the Presidents would attend the conference or accept the invitation to the White House session.

"It's too early to indicate what will be discussed at the conference but it is our expectation that most if not all of the Prime Ministers and Presidents as well as the foreign Ministers will be traveling to Washington for the conference," Elsworth John, St. Vincent's Ambassador in Washington and coordinator of the conference told the New York Carib News.

But Michael King, Barbados' Ambassador to the U.S., pinpointed a few issues, which might be discussed during the Caribbean conference.

"We are hoping that all 15 heads of government will attend from our region," said King. "The conference is going to look primarily at three or four issues, mainly the strengthening of the relationship between the U.S. and Caricom with a view to addressing the priority areas for the Caribbean's future growth and development. We will be looking at such issues as trade, competitiveness and investment in mutually beneficial and reinforcing ways. Obviously, we would be looking at deepening and broadening the dialogue between the Governments and peoples of Caricom and the United States."

John said that when Caricom leaders met recently in his country under the Chairmanship of Dr. Ralph Gonsalves, St. Vincent's Prime Minister, they approved the broad outlines of the conference and approved the summit with President Bush.

"The conference was discussed at the recent Carioom Heads of Government Conference held in St. Vincent & the Grenadines.

The Heads of Government meeting signed off on the conference and supported the program as it was structured," he explained. "The meeting with President Bush is scheduled for the Thursday, the final day of the conference which begins on June 19th and ends on the 21st. It will be at the White House."

Dr. Gonsalves, current Chairman of Caricom, has already urged the region's leaders to "clear their calendars for that particular time" so they could participate in the conference and the meeting with President Bush, said John.

The conference will be part of the celebrations marking Caribbean Heritage Month that is being observed across the United States in June to underscore the contributions of Caribbean immigrants and the countries themselves to America's prosperity.

After much prodding, President Bush last year signed into law a Bill that designates June as Caribbean Heritage Month and West Indians in such places as New York, Washington, Miami, California, Boston, Philadelphia and Baltimore are planning a variety of cultural, economic, religious and other social events to draw attention to the region.

"Caribbean Heritage month is important to all of us," said King.

John put it differently.

"This conference comes at a time when the United States is beginning to show a lot more interest in its relationship with this Hemisphere," he said.

"This conference came out of a meeting between the U.S. Secretary of State, Condoleezza Rice, and the foreign ministers from the Caribbean where it was decided that it would be a good idea for the leaders from the Caribbean to come to Washington to meet with the President in a summit and the Foreign Ministers to meet with the Secretary of State.

But the plans go beyond Caribbean and U.S. Government officials sitting down and talking about political and economic issues.

"We felt that it was an opportune time for us to have a people to people connection, seeing that there are so many people from the Caribbean in the Diaspora," John added. "In addition, we want to establish closer links between the businesses, the private sector from the Caribbean and the United States. What we are doing is to proceed on all of those fronts in our preparations for the conference."

Hence, sessions on the Diaspora, the private sector and culture and a meeting with key Congressional leaders, including Congressman Charles Rangel, Chairman of the powerful Ways and Means Committee.

"We are in the process of having consultations with the State Department on exactly what the content of the discussions will be," said John.

The World Bank, the Inter-American Development Bank and the Organization of American States are also being consulted on the plans for the different sessions.

Mr. Bush is winding up a week long tour of Latin American nations where he was met with demonstrations and criticisms from thousands of citizens who oppose the Bush foreign policy, especially the war in Iraq.

Caribbean-U.S. Summit in Washington—A Photo-Op or Meeting of Substance, Only Time Will Tell

After six years of lost opportunities, the Bush Administration has decided to open the White House doors to all the leaders of the Caribbean whose countries form Caricom. What a pity it has taken so long for the United States Chief Executive, George Bush, to do what was right and to come to terms with the realities of the Western Hemisphere in general and the Caribbean in particular.

The invitation to the Presidents and Prime Ministers to a sit down meeting shouldn't simply be a photo opportunity but a chance to open up a meaningful dialogue with countries that have been principled allies of the United States for centuries.

The summit which is scheduled for June 21, the end of a three day U.S. Conference on the Caribbean can be made into a meaningful exercise with sessions, not simply at the White House but on Capitol Hill, with the Congressional Black Caucus and other lawmakers who have the Caribbean's interest at heart. Meetings with the Diaspora and the private sector, all with the goal of advancing the economic and social development of the countries in the region can be useful to the process of bringing people together and helping the region to attain its goals. Although trade, investment, immigration and broad areas of economic and social development are expected to dominate the agenda, it's our hope that the region would resist the temptation to put 30 items on an agenda for a series of short meetings. That has prevented previous meetings from turning out to be productive exchanges of views.

How much better it could have been if the high-handedness of Republicans in and out of the White House and the Congress hadn't been a fact of life for the Caribbean. Only if the Bush Administration and the Republicans in the House and Senate had recognized the importance of treating small countries with dignity and respect, instead of trying to make them feel as if they were Lilliputians that should be ignored.

Presidents Ronald Reagan and Bill Clinton thought it was useful to travel to the Caribbean to exchange ideas and discuss programs and policies with America's neighbor, but not this Chief Executive.

Indeed, Bush behaved in such an unfortunate manner by seeking to snub those countries and their leaders who disagreed with the invasion of Iraq and the resulting debacle that he dissipated so much goodwill. For at a time when Bush should have been making friends with his natural allies he sought to punish many of them by declining to meet with critics of his policy. That pettiness is unbecoming of the most powerful nation in the world.

Tony Blair, the British Prime Minister and Mr. Bush's principal ally in Iraq had the good sense to schedule a meeting in London, invited all of them for a session in London, so they could talk about the way forward, economically and socially for the Caribbean.

That's why Caribbean-U.K. relations are so warm.

The conference and the summit offer Bush and the Caricom heads a chance to address questions of common concern such as Washington's future role in efforts to strengthen economic and trade links within Caricom itself and in the Hemisphere as a whole.

For their part, the Prime Ministers and Presidents can send a strong message to Congress that the unresolved immigration mess, including the deportation of all criminal aliens, regardless of their individual histories, was damaging the Caribbean's social system.

It's important that the dialogue in Washington reaches out to the Diaspora across the United States. With the exception of Trinidad and Tobago, remittances and other forms of assistance from the Caribbean immigrants abroad are a vital source of foreign exchange, so much so that in Jamaica's case they top the list while in others they amount to number two or three. Caricom has paid lip service to the Diaspora, with officials making periodic forays into North America and England but avoiding the creation of any permanent method of communication and follow-up to initiatives that are talked about but allowed to fall by the wayside.

If that problem isn't addressed the conference during Heritage Month would end up as yet another exercise in futility.

In the past, town meetings have been held, presentations by leaders were scheduled and made but afterwards, nothing happened.

For instance, cricket World Cup has started and the promised collaboration with U.S.-based Caribbean firms and other interests have not materialized.

A somewhat similar thing is happening with the Caribbean Single Market and Economy. Caricom as an institution should use this conference to put meaningful and permanent links and establish effectively relationships with the communities that pump more than $2 billion in foreign exchange annually into the economies back home.

NATIONAL MENTORING MONTH 2007

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I speak in support of H. Res. 29, in support of the goals and ideals of National Mentoring Month 2007.

Mentoring is an extremely important responsibility. It provides our youth with positive role models and aspirations for children that might find themselves directionless and without motivation. The benefits of mentoring are unquestioned; it helps with a young adult's individual development, and also prepares the next generation for their role in our community. Needless to say, I am grateful for all the mentors I have had throughout the years.

Some of the other wide ranging benefits of mentoring include improving relationships with parents, peers and teachers; staying motivated and focused on their education; facing daily challenges; exploring new careers and expanding their knowledge.

Research shows that youth who are actively engaged in high quality mentoring relationships show improvement in the areas of self-esteem, academics, and social skills. Those with a strong mentor are more likely to graduate from high school and are less likely than their peers to engage in harmful behavior such as drug or alcohol abuse.

In Eastern Washington, many organizations have undertaken this important task of mentoring. Inland NW Mentoring, based in Spokane, Washington, is a partnership of more than 20 organizations dedicated to a variety of mentoring services. This partnership is a collaboration of non-profits seeking "to connect people who wish to volunteer their knowledge and experience as mentors." I applaud the dedication of this consortium to ensure that tomorrow's leaders are equipped and envisioned through mentoring relationships.

Another institution that over the years provided structure and a goal-oriented education are the Boy Scouts of America. Specifically, in Eastern Washington there are more than 6,700 boy scouts in the Spokane area whose outstanding programs build character, leadership, citizenship and important life skills. The Scout leaders, volunteers and sponsors are making a positive impact on the leaders of tomorrow.

We must also applaud everyone who participates in Children of Promise, an organization that offers positive role models for children who have incarcerated parents. Other important organizations such as Big Brothers and Big Sisters of the Inland Northwest ensure that kids in Eastern Washington have the friend they desperately need.

I would also like to salute the Gonzaga University Campus Kids program, which collaborates with four community elementary schools to provide student mentors to 4th, 5th and 6th graders. It is good for our young adults to be a part of encouraging and supporting those young people coming after them.

H. Res. 29 presents an opportunity to encourage more adults to invest in positive relationships with young people. It is an opportunity for us to say thank you to the many organizations who are already investing their time and energy to positively influence the next generation. Serving this next generation through mentoring will not only provide individual returns, but as a community and a society, we will see the lasting impacts of these important mentoring relationships.

IN RECOGNITION OF BRUCE VANOVEN

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor Gibson County Deputy Sheriff Bruce Vanoven for his dedication and valor in the line of duty.

On a July night in 2006, Deputy Vanoven responded to a distress call from Cameron White. White had been shot, stabbed, and left for dead in a Pike County cornfield.

Without knowledge of White's location or whether the suspect had left the scene, Vanoven searched the field for White and three other victims, who had already died from their injuries. As a result of his willingness to jeopardize his own safety to help others, Deputy Vanoven arrived in time to administer medical assistance to White until paramedics could reach the scene. His heroism saved Cameron White's life.

For his actions, Deputy Vanoven has received accolades from America's Most Wanted and the American Red Cross and was named Deputy of the Year by the Gibson County Sheriff's Department. As someone who has spent his career in law enforcement, it is a true honor to have this opportunity to recognize Bruce Vanoven. I commend his actions and thank him for his service to the people of southwest Indiana.

RECOGNIZING LAWRENCE GREEN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BURGESS. Madam Speaker, I rise today to recognize Lawrence Green for being named "Driver of the Year" by the Environment Industry Associations. Mr. Green is an employee of IESI waste service and an exemplary citizen of Forest Hill, Texas.

The award is presented annually by the Environment Industry Associations. EIA recognizes the best drivers from the U.S. and Canada involved in solid waste hauling and recycling services who have demonstrated their commitment to their profession, shown a commitment to service and quality, and operated their vehicles in a safe and responsible manner.

Mr. Green is an employee of IESI, an environmental services company founded in 1995. The company has since expanded across the southern and northeastern United States. During his 24 years of service, he has collected an estimated 87,000 tons of waste in the Colleyville and Haltom City area. Over the course of 1.5 million miles, he has not had a single accident or complaint.

Lawrence Green's services have extended beyond his job description. On one occasion, he followed and apprehended some children whom he had seen breaking into a car. Another time, he carried home a girl who had fallen off of her bicycle. Although he has proven himself worthy of being promoted, he has turned down the offer on different occasions.

I would like to commend Mr. Green for his outstanding service and congratulate him for being named "Driver of the Year." It is terrific to see someone who both enjoys his job and excels at it. I wish him success in the future, and I am very proud to represent him in the 26th District of Texas.

RECOGNIZING VICKI SILKWOOD PRESIDENT OF THE MISSOURI FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Vicki Silkwood, a constituent of the 6th district of Missouri who recently was installed as President of the Missouri Federation of Business and Professional Women for 2007–2008. As President, she will preside over the Missouri Board of Directors and will serve on the Chillicothe Business and Professional Women's/USA Board of Directors.

The Missouri Federation of Business and Professional Women has approximately 1,000 members statewide and works on achieving equality for women in the workplace through education, advocacy and research.

Ms. Silkwood has been very active over the years with the Chillicothe Business and Professional Women's organization. She has held numerous leadership positions, beginning with two consecutive terms as President of the Chillicothe local and as District Director for the Missouri Federation of Business and Professional Women's Board. Ms. Silkwood has also served as Membership Retention Chair for the State Board, State Treasurer, and State First and Second Vice President and President Elect.

Madam Speaker, I proudly ask you to join me in congratulating Vicki Silkwood for her accomplishment of being selected as President of the Missouri Federation of Business and Professional Women for 2007–2008. It is an honor to represent Ms. Silkwood in the United States Congress.

INTRODUCTION OF THE HEALTH FREEDOM PROTECTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. PAUL. Madam. Speaker, I rise to introduce the Health Freedom Protection Act. This bill restores the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements by codifying the First Amendment standards used by Federal courts to strike down the Food and Drug Administration (FDA) efforts to censor truthful health claims. The Health Freedom Protection Act also stops the Federal Trade Commissions (FTC) from censoring truthful health care claims.

The American people have made it clear they do not want the Federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with four Federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in protecting against diseases by claiming that every article concerning this topic is evidence of intent to sell a drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for 4 years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neutral tube defects!

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; and that calcium may reduce the risk of bone fractures.

The Health Freedom Protection Act will force the FDA to at last comply with the commands of Congress, the First Amendment, and the American people by codifying the First Amendment standards adopted by the Federal courts. Specifically, the Health Freedom Protection Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements, and adopts the Federal court's suggested use of disclaimers as an alternative to censorship. The Health Freedom Protection Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease.

This legislation also addresses the FTC's violations of the First Amendment. Under traditional First Amendment jurisprudence, the Federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC has reversed the standard in the case of dietary supplements by requiring supplement manufactures to satisfy an unobtainable standard of proof that their statement is true. The FTC's standards are blocking innovation in the marketplace.

The Health Freedom Protection Act requires the government bear the burden of proving that speech could be censored. This is how it should be in a free, dynamic society. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes.

Madam Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for good health care and the First Amendment by cosponsoring the Health Freedom Protection Act.

ADDRESS GUN CONTROL NOW

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MORAN of Virginia. Madam Speaker, two weeks ago, our Nation suffered an unspeakable tragedy when a deranged gunman indiscriminately killed 32 students and teachers at Virginia Tech in Blacksburg, VA. Our prayers and thoughts are with the surviving victims, families, and the entire Virginia Tech community who are determined to not allow one crazed individual to ruin the school's Hokie spirit and strength. This horrific, senseless act was committed because a mentally ill individual could easily buy two handguns and as many rounds of ammunition clips as he desired. I cannot stress to you how important it is that we reauthorize the federal assault weapons ban, close the existing loopholes, and strengthen the background checks requirements.

I want to submit for the record a Letter to the Editor that was posted in the Washington Post on April 21, 2007. This letter was written by Jay Wind of Arlington, VA, and Robert Weiner of Accokeek, VA. I agree with their contention that now is the time for Congress to address gun control and get these semiautomatic weapons off the streets.

[From the Washington Post, April 21, 2007]

REFLECTIONS AFTER THE KILLINGS

(By Robert S. Weiner and Jay Jacob Wind)

As a national political public affairs consultant and the father of a Virginia Tech student who knows five of the dead and was best friends with one of the first two shot, we are outraged and dismayed that congressional leaders of both parties are running for cover from handgun control after the worst gun violence in American history. Instead of using this sad opportunity to stop such shootings by barring handguns, as other civilized countries do, Congress and the White House are pandering to the politics of the National Rifle Association because of potential votes in swing states.

Why are our political leaders not speaking out against handguns instead of asserting that this is not the right time for such a debate? In unarmed Britain, fewer than 100 die a year from handguns. America is still the Wild West, with an average of 30,000 gunned down annually.

In September, the youngest Wind daughter will enter Virginia Tech. She thought she would be safe, near her older sister. It's time for Virginia's leaders—and the nation's—to act to prevent future massacres.

HONORING THE LIFE OF UNITED STATES ARMY CORPORAL MICHAEL MATTHEW ROJAS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. COSTA. Madam Speaker, I rise today to honor and pay tribute to the life of CPL Michael Matthew Rojas, who lost his life defending the freedom of our Nation in support of Operation Iraqi Freedom.

A native of Fresno, California, Michael was born on March 1, 1986. As early as his freshman year in high school, he made joining the military a goal in his life. He played 4 years of football at Clovis East and helped his team win the Central Section Division 1 Championship, a highlight of his high school career. Shortly upon his high school graduation in 2004, Michael attained his goal by enlisting in the Army. When asked why he decided to join knowing that our Nation was at war, he would reply, "Because it's the men and women before me that made it possible to live in freedom."

With that passion and drive Michael completed basic training at Fort Sill, OK as a cannon crewmember. In November of 2004, he reported to Fort Lewis where he was assigned to the 3rd Brigade, 2nd Infantry Division. Unfortunately, Michael's tour in Iraq ended when an improvised device detonated near his military vehicle during combat operations on April 18, 2007.

Michael is survived by his mother, Debbie Apodaca; his father, David Esquivil; his wife, Katrina; five sisters, Michelle, Melissa, Marissa, Samantha, Mariah; and one brother, David. Also surviving are his grandparents, William Rojas, Victoria Valenzuela, and Art and Gloria Esquivil; and his nieces, nephews, aunts, uncles, cousins and numerous friends.

It is my belief that Michael's life symbolizes the ultimate sacrifice one can make for his country. His valor, strength, courage and pride in our nation will forever live in the thoughts and hearts of his family and Americans across the nation. CPL Michael Matthew Rojas' dedication to the principles of freedom and democracy will serve as an example to all of us, for generations to come.

INTRODUCTION OF BILL TO CREATE THE OFFICE OF CHIEF FINANCIAL OFFICER FOR THE VIRGIN ISLANDS

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mrs. CHRISTENSEN. Madam Speaker, today I am once again introducing legislation that I sponsored in the previous two Congresses to provide for a Chief Financial Officer for the Virgin Islands. Having witnessed the example and record of what having such a position has meant to the financial management and fiscal health of the District of Columbia, I continue to believe that my district, the U.S. Virgin Islands, would also benefit from having a CFO.

When I first introduced the idea of a CFO for the Virgin Islands in 2005, I did so in response to the uncertainties and distrust of government voiced by my constituents and as a measure to prevent the territory, which was experiencing a serious financial crisis, from falling into the abyss of fiscal insolvency.

I believed then, as I do now, that having someone in our government free of political pressures and with the statutory responsibility and authority to certify revenue projections and prevent deficit spending could assist our government to establish sound financial practices which would put the Islands on the path to improved financial management going forward. Because of our long history of poor financial management and practices, an office such as this would also help to immediately restore the confidence of the Federal Government and others in our ability to be fiscally transparent and accountable.

There are those, Madam Speaker, who will ask why I am doing this at this time, particularly because the islands just inaugurated a new governor whose background is in financial management and who has been a good friend and political ally.

They will suggest that my introduction of this bill signals a lack of confidence in the governor to effectively steer the Virgin Islands' fiscal ship into calm financial waters. Nothing could be further from the truth. I have every confidence in Governor John de Jongh and his administration and believe that they will do a first rate job of managing the territory's finances. He has already begun to do so, but I also believe that every good manager, no matter how talented or committed he or she might be, can always do a better job if they had better tools with which to work.

When I first introduced this bill the territory's long-term debt totaled $1 billion. Recently the Governor in an address before the League of Women Voters stated that "the government's financial structure is "a house of cards" that has left the territory about $3 billion in debt."

As has frequently been the case, the legislature questioned the governor's numbers. A CFO would take the uncertainty out of the equation and allow a legislature and governor to work better together because they would both get their numbers from the same independent source. Further, the departments of government, semi-autonomous agencies and labor unions would be better able to plan, and the people of the Virgin Islands in general would have reliable information on how the millions of federal dollars coming to the Virgin Islands are being spent.

This bill was first introduced under the administration of Governor Turnbull and it is revised with respect to the financial management system because, to his credit, its implementation began under his tenure.

In recognition of and deference to the upcoming constitution to be drafted, approved by the Congress and then ratified by the people of the Virgin Islands, the prior bill is further amended in that the term of the Chief Financial Officer will expire at the implementation of the Constitution or in five years, whichever comes sooner.

Proposing this bill as a tool to help my islands better manage its finances has not been an easy journey for me. It has however, become very clear that the people of the Virgin Islands are behind me in this effort because they have long recognized the need for more accountability, transparency, and efficiency in the management of federal and local funds. The implementation of an independent CFO, while not the only way to achieve this, is the only viable proposal that has come forward over the last 10 years or more of increasing deficits and narrowly averted fiscal crises, crises which have only been delayed through repeated borrowing.

Such borrowing and debt creation is what has led to the $3 billion debt reported by Governor Dejongh last month—a practice he has already stated he will not continue. This office is offered as a way to assist our governor in his stated goal of paying our obligations and bringing the territory's finances into balance, to give apolitical, reliable and trusted information on the financial state of our government, as well as a way to bridge any divisions between the administration and the legislature in the interests of expediting a positive and sustainable agenda for the people of the Virgin Islands.

I thank the Speaker for her support of this important legislation in prior Congresses and ask for her continued support to bring this legislation to passage once again.

RECOGNIZING PHILIP WILLIAM ISLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Philip William Isley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Philip has been very active with his troop, participating in many scout activities. Over the years Philip has been involved with scouting, he has earned 28 merit badges and held numerous leadership positions, serving as Troop Guide, Chaplain's Aide, Assistant Patrol Leader, and Patrol Leader. Philip is a Brotherhood Member in the Order of the Arrow and a Warrior in the Tribe of Mic-O-Say. His tribal name is Silent Crocodile of the North Shore.

Philip planned and directed the landscaping and remodeling of the entrance to the Mount Memorial Cemetery at William Jewell College. Philip has also added a bench and statue to the landscaping in the cemetery.

Madam Speaker, I proudly ask you to join me in commending Philip William Isley for his accomplishments with the Boy Scouts of America and for his achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 150TH ANNIVERSARY OF MOUNT ZION TEMPLE IN ST. PAUL, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, it is my great pleasure to rise today to recognize the 150th anniversary of Mount Zion Temple in St. Paul, Minnesota. Mt. Zion's long service as a faith home to generations of Minnesotans deserves special recognition. This year's celebration marks the temple's deep dedication to community, life-long learning, worship and social justice.

Mount Zion Temple has a proud history in Minnesota. Eight Jewish pioneers came together to found Mount Zion Hebrew Congregation in 1856, two years before Minnesota became a state. Now 150 years later, every Reform congregation in the Twin Cities can trace their beginnings to the original congregation of eight families.

Mount Zion has been a pillar not only for the faith community but also for generations of

Minnesotans who have been touched by the temple's strong commitment to community involvement. In 1900, members of Mt. Zion founded Neighborhood House, a community center providing advocacy, support, and community building programs to St. Paul. Today, more than 100 years later, the new "Paul and Sheila Wellstone Community Center at Neighborhood House" serves a growing community in St. Paul. Our entire community shares pride in this legacy.

Madam Speaker, recognizing the countless contributions of Mt. Zion Temple to the people of Minnesota during the past 150 years, it is my honor to submit this statement for the official CONGRESSIONAL RECORD.

HONORING KATE P. MORAN RECIPIENT OF THE COMMONWEALTH'S ACADEMY RECOGNITION FOR EDUCATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Kate P. Moran of Alexandria, Virginia, upon her receiving the Commonwealth's Academy Recognition for Educators (CARE) Award,

The CARE Award honors outstanding educators from across the country who are working to enhance the lives of their students. CARE Award recipients are recognized for their unrelenting work to enhance the lives of the students they serve. Kate Moran, a Special Education Coordinator, was honored for her efforts to construct innovative ways to train special needs youth in Virginia.

Raised in Alexandria, Virginia Ms. Moran is a graduate of TC Williams High School. She went on to receive her Bachelor's of Arts in Theater from Catholic University of America, and received a Master's of Teaching in Special Education from University of Virginia. Currently a resident of Alexandria, Virginia Ms. Moran has taught in the Virginia school system for 6 years.

As a special education coordinator for TC Williams High School, Minnie Howard School, and the Secondary Training and Education Program, she has dedicated her career to educating students with learning disabilities, mental challenges, and health impairments. In her own words, she tries to "meet the needs of students and families by making special education accessible to all types of learners."

Ms. Moran's dedication to her special-needs students is unprecedented. Over the past 6 years she has made a lasting impression on her students giving them the skills and support to lead a fuller, more rewarding life.

I ask my colleagues to join me in applauding Kate Moran and congratulating her on this distinguished achievement.

A TRIBUTE TO JACK VALENTI

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BERMAN. Madam Speaker, this week, the Nation lost one of its most colorful and wise counselors: Jack Valenti, who was the personification of the motion picture industry in Washington. I can't think of another industry that has had a representative so well known and so highly regarded, or one so accessible in spite of his considerable fame. Much more than "just" a lobbyist, Jack had an intense interest in public policy and a wisdom about him that made him an extremely valuable counselor to Presidents, to Congressmen and Senators and to his peers and colleagues. He was a great man with a charm and wit that won him genuine affection as well as near universal admiration.

The following op-ed article from the Washington Post of Saturday, April 28 was written by Matt Gerson, who worked with and was mentored by Jack. It describes perfectly the loss felt by those of us who were also fortunate enough to learn from this extraordinary man.

WHAT JACK VALENTI TAUGHT US ALL

Jack Valenti lived a unique life between two of society's fascinations—politics and Hollywood. For Republicans and Democrats, for senators and young aides, for celebrities and the legions behind the cameras, interactions with him were graduate seminars in history, politics, human nature and common sense. This extraordinary communicator punctuated every conversation with a witticism .linked to his beloved Texas, a quote from an obscure historical figure or a rule passed on to him by his mentor, Lyndon Johnson. In the weeks leading up to his death Thursday, all over town a simple "How's Jack?" almost always led to, "You know, I try to live by something I once heard him say."

I first noticed his reach when a lunch companion said, "I try to return every phone call the same day I receive it, and I try to treat an appointment secretary like a Cabinet secretary." That was followed by a senator who revealed: "Jack was the first one to contact me after my son died. I will never forget his concern and support. How can I reach his family?"

For those Jack mentored during the 38 years he dedicated to America's film industry, it became clear that character was defined by loyalty. In both Washington and Hollywood, people often desert "friends" at the first whiff of public disfavor. Not Jack—time and again he insisted that you never abandon a friend who was going through a rough time, and he always stood with a beleaguered colleague or public official who was receiving unwanted publicity.

He would tell his team to respect every elected official ("because you never even ran for dog catcher, and they were sent here by the people"). He admonished us that your adversary today might be your ally tomorrow. "In a political struggle, never get personal—else the dagger digs too deep."

Jack rejected the partisanship that gripped Washington and would warn that "nothing lasts—today's minority backbencher will be tomorrow's subcommittee chairman." On the day the Motion Picture Association of America headquarters was named the Jack Valenti Building, Senator TED STEVENS observed, "Jack works across the aisle because he doesn't see an aisle. It is the root of his success and what others ought to emulate.".

Each of the six studio chiefs who spoke at the dedication ceremony emphasized that Jack's word was his bond—if he made a promise, he never wavered. His rock-solid commitment gave him unusual credibility with leaders on both coasts and around the world.

Jack was a gifted public speaker who put incredible effort into making it all look effortless. He would rework his text behind closed doors, reciting it until the cadence was just right. Jack was ebullient when a president complimented him once on the "extemporaneous" remarks he had made at the Gridiron Club. "The president couldn't believe I didn't have a prepared text. I neglected to mention that I didn't need notes because I spent several days getting ready," he said.

It was especially fun to watch Washington's most accomplished professionals try to decipher one of his homilies. They eventually got the point and often adopted the line as their own. When a project was in trouble, it was time to "hunker down like a mule in a hailstorm." [Modified from the original Texas vernacular for a family newspaper.] When prospects got even worse, "The ox was in the ditch." But every problem could be addressed if you remembered "the three most important words in the English language: Wait a minute."

When someone from the MPAA left to take a new job, Jack would say, "I like to think I teach my people everything they know. But I know I didn't teach them everything I know." That line always got a laugh. I worked with Jack for 6 years and was friends with him for nearly two decades. In the past few years, frankly, I thought I had gleaned every lesson he had to offer. But then I picked up the galleys of his soon-to-be-published memoir, a book that tracks his "Greatest Generation" fable. This grandson of Sicilian immigrants, decorated combat pilot, Harvard MBA ("thanks to the greatest piece of social legislation ever devised by man—the G.I. Bill"), presidential adviser and confidant of America's business leaders has left a treatise with even more rules to live by.

One paragraph is a must-read for the BlackBerry-addicted. Jack quoted Emerson's observation that "for every gain, there is a loss. For every loss, there is a gain." While lamenting the number of nights he spent away from his family, he reminded us that attending one more reception meant missing a meal around the dinner table, and one extra night on a business trip would mean one less chance to help with homework or watch a soccer game.

I have recounted that quote many times over the past few weeks. And while this loss is devastating for many in Washington and Los Angeles, the life lessons that are his legacy are our gain.

SAN JOSE STATE UNIVERSITY SESQUICENTENNIAL ANNIVERSARY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. HONDA. Madam Speaker, I rise today to honor San Jose State University on the occasion of its founding 150 years ago. For a century and a half, San Jose State has provided affordable, quality education. From its humble beginnings as a normal school to train teachers, San Jose State has grown into a comprehensive university, offering bachelor's and master's degrees in 134 programs.

The University reflects the ethnic diversity of California and particularly, that of Santa Clara County with no single ethnic group comprising a majority of the student population. As a graduate of San Jose State, I am particularly proud to note that the University ranks tenth among the Nation's top public universities in the number of bachelor's degrees awarded to minority students across all disciplines. Additionally, San Jose State University has conferred bachelor's degrees in business management and the health professions to more Asian American and Pacific Islanders than any other college or university in the Nation.

I would like to thank my colleagues Representative ZOE LOFGREN, Representative ANNA ESHOO, Representative SAM FARR and Representative JERRY MCNERNEY for joining me today in recognizing San Jose State University's sesquicentennial.

INTRODUCING THE PILOTS EQUITABLE TREATMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GEORGE MILLER of California. Madam Speaker, today I am proud to introduce the Pilots Equitable Treatment Act, legislation that would prevent deep, unfair cuts in pilots' retirement benefits.

Over thirty years ago, Congress established the Pension Benefit Guaranty Corporation to insure the pension benefits of American workers. When employers terminate their workers' traditional pension plans, the PBGC takes the plans over and makes monthly payments to plan participants who are retired.

When the PBGC takes over a company's pension plan, the plan participants do not always receive the same benefit they would have received if their plan had not terminated. For example, workers who retire before age 65—which the law considers "normal" retirement age—receive reduced benefits to reflect the longer period that these retirees likely will receive benefits.

This is bad news for pilots. Under Federal Aviation Administration rules, airline pilots are required to retire at age 60. As a result, pilots whose pension plan has been terminated—like the pilots at United Airlines and US Airways—wind up taking drastic cuts to their pension benefits because the PBGC treats age 60 as an early retirement age and cuts pilots guaranteed benefits as a result.

The federal government is responsible for trapping pilots in this double-bind. The PBGC and the FAA are both federal agencies, but because their rules don't align, pilots are forced to pay the price. Pilots earn every dime of their pension benefits and they don't choose to retire at age 60. The time to fix this problem is today.

The Pilots Equitable Treatment Act would put airline pilots on equal ground with other workers by requiring the PBGC to treat age 60 as the normal retirement age for pilots—not as an early retirement age. In other words, pilots would receive the maximum PBGC benefit for which they would be eligible if they worked until age 65. If they worked until the age of 57, it would be as if they worked until age 62 and the pilot would receive the appropriate PGGC benefit.

In a 2005 e-hearing Tom Gardiner, of Bainbridge Island, WA, facing the loss of his retirement nest egg at United Airlines, explained the conundrum facing pilots—

"My name is Tom Gardiner and I am a Captain for United Airlines with a total of 27 years of service. . . . If the PBGC takes over the pilots' defined benefit plan, I will lose at least ⅔ of my promised pension. . . .

[One factor] contributing to this huge hit is the adjustment for "early retirement" mandated by PBGC rules. Of course, I have no choice in the matter; the FAA regulations require me to retire at age 60. The PBGC considers that to be "early" and takes away 35 percent of what I would otherwise receive from them. It is a classic "Catch 22. . . ."

Captain Gardiner is not alone. The Pilots Equitable Treatment Act would be a first step to restoring some measure of fairness to these hardworking Americans who have seen promised and hard-earned benefits disappear overnight.

TRIBUTE ON THE RETIREMENT OF JOHN CONSTANCE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. HOYER. Madam Speaker, I rise to pay tribute to John Constance, who last week retired from the National Archives after 35 years of Federal Service.

For 14 years, John served as the National Archives liaison to Capitol Hill, supervising congressional relations, public affairs, communications, and the agency's web program.

A native of Baltimore, Maryland, John joined the Archives after graduating from the College of William and Mary in 1972.

He served in a number of managerial positions with the agency, including Director of Policy and Program Analysis, and the Chief of Product Acquisition and Marketing for the National Audiovisual Center.

In addition, Mr. Constance served in extended details to both the Office of Management and Budget and the Department of Education during his career, managing public affairs projects for both agencies.

I am personally grateful to John for all the expertise and assistance he provided to me in the early 1990s during a time of extraordinary transformation for the National Archives, particularly when it established a second facility in College Park, Maryland to accommodate the growing volume of historical materials and improve services to researchers.

This state-of-the-art facility, which has become known as "Archives II," is a treasure to anyone who believes that a nation cannot progress unless it first understands its past. The historically significant records it maintains literally document the history of our great nation, and will serve as primary sources for countless scholars of history, culture, politics, and science for generations to come.

All of us who embark on careers in public service hope that when the day comes to move on to other pursuits, we will be remembered for the good works we have rendered to the American people. John will be remembered for, of all things, his part in advancing our nation's sacred duty to remember its always rich, often glorious, and sometimes controversial history.

IN MEMORY OF CECIL JENNINGS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. FORBES. Madam Speaker, I rise today to pay tribute to a dear friend, a dedicated coach, and a committed educator, Mr. Cecil Jennings, for his loyal service and devotion to the youth of America.

As a public school teacher and coach, Cecil possessed an unwavering dedication to the community, the children of the public school system, and to any young person needing his help or his guidance.

Cecil was born in 1934 and lived in the Great Bridge area of Chesapeake, Virginia. A graduate of Great Bridge High School and East Tennessee State University, he began his teaching career in 1957 at Deep Creek High School and taught there for two years. He then went on to teach at his alma mater, Great Bridge Junior High School, and worked as a physical education teacher and also coached football, track, wrestling and softball. Cecil also participated as a baseball and basketball coach in recreational leagues and umpired Little League baseball games. He retired from Great Bridge High after 36 years of service to the community. However, even after his retirement he continued to be the personification of school pride and school spirit for the "Wildcats" of Great Bridge.

In life, Cecil always carried himself with a positive attitude towards life and was well-known as an honorable individual with a big heart. He was well-respected by parents and people in the community. As a coach, Cecil had a philosophy that no one was cut from the team; he couldn't stand to cut his players because he saw in every child who had the willingness to try, an opportunity for success down the road. When he coached junior high football, usually 65 young men dressed for each game. "Coach Jennings" gave each child he coached the opportunity to be a winner, and carried that legacy throughout his career. Cecil mentored many students who, through his encouragement and devotion, found success in their education and in their lives. The stories of lives he touched and helped mold seem endless.

Towards the end of his life, Cecil battled cancer, diabetes and severe arthritis. Even as he aged and his health deteriorated, he continued to nurture, encourage and support his family, friends, and the local sports teams. In one of his last visits with a close friend, he reflected upon the happiness and joy he felt for his family and his community. Even through his pain, his selfless compassion continued to shine.

Cecil Jennings was a mentor, an honorable public servant and a dear friend to all who crossed in his path. I offer my sincerest condolences to his wife, Beth, their three children, Greg, Cecil, and Cissy, and five grandchildren, Brittany, Hailee, Alex, Christopher, and Emma. Cecil may no longer be with us, but the impact he made upon the community he loved is imprinted with the continuing legacy of thousands who made "Cecil's Teams" and whose lives were better for having done so.

RECOGNIZING RYAN JAMES CHESHIER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan James Cheshier, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 270, and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan James Cheshier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING STATE SENATOR RUSS POTTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. WOLF. Madam Speaker, I rise today to bring the attention of the House to the retirement of Virginia State Senator Russ Potts. In February, Russ announced that he will not seek reelection in November and it is my pleasure today to recognize his hard work and dedication to the people of the 27th District of Virginia.

Born and raised in Winchester, Russ had a paper route and delivered milk as a young boy to help contribute to his family's income. Self-made, Russ majored in journalism at the University of Maryland before returning to Winchester to take a job as the sports editor of The Winchester Star. A homegrown Republican, Russ eventually went on to a career in sports promotion before running for State Senate 1991. As chairman of the Senate Education and Health Committee and member of the Commerce and Labor, Finance, Privileges and Elections and Rules committees, Russ has made a lasting contribution during the four terms he has served the Commonwealth of Virginia. Russ has dedicated a large portion of his career to public service and will be sorely missed.

Russ is a man of high moral character, a true Virginia gentleman, family man, and loyal friend. I would be remiss today if I didn't also recognize Russ's unwavering dedication to his wife Emily, three daughters, and grandchildren. I ask that my colleagues in the House rise today and join with me in recognizing the outstanding career of Russ Potts.

IN CELEBRATION OF JOHN G. BEBBLING'S 60TH BIRTHDAY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. MITCHELL. Madam Speaker, I rise today to celebrate the 60th birthday of Mr. John G. Bebbling, a wonderful friend and loving community member.

John's life story is quite impressive. John was born and raised in Los Angeles, California. He came to Arizona, graduated from my alma mater, Arizona State University, with a degree in Business Administration in 1971 and served in the United States Coast Guard.

In 1974, with only $1,000 in hand, John opened Tempe Paint and Decorator Center. Thirty years later, that investment turned into a $100 million a year operation, employing over 200 residents within his community. John's ability and business expertise has led to many achievements, which include earning the Tempe Chamber of Commerce Small Business of the Year award, runner-up for the Arizona Small Business of the Year Award and the prestigious Arizona Business Leadership Award. And just last month, John's company TDC Interiors celebrated their 33rd anniversary.

John has always believed in giving back to his community. He has been actively involved in the Arizona Boys Ranch, Centers for Habilitation, Boys and Girls Clubs of the East Valley, Make-a-Wish Foundation, Tempe Diablos, Sun Angel Foundation, Sister Cities International and the Arizona State University Foundation. He has also served on the Board of Directors for the YMCA and the Salvation Army.

Aside from John's business and civic commitments, John is a loving and devoted father to this three children Jamie, Allison and John and a cherished friend to many.

Further, John has been a dear friend to the Mitchell family. Having been by each other's side in good times and not so good times, I have counted John as a close personal friend for almost 40 years.

John's successes should be viewed as those of a true community steward. It is for these reasons that I join John's family and friends in wishing him a blessed 60th birthday and continued health and happiness in the years to come.

POMP AND CIRCUMSTANCE DOESN'T CUT IT

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. WILSON of South Carolina. Madam Speaker, yesterday Democrat leaders staged a ceremony to send their defeatist supplemental bill to President Bush. As Democrats joined together around their proposal of retreat, our troops in Baghdad waited yet another day for critical funding.

The sad irony is that for all of their pomp and circumstance, Democrat leaders should face the threat of al-Qaeda, in that Zawahiri has declared Iraq the central front in the Global War on Terrorism. We should be working together in the Global War on Terrorism, not promote plans of defeat. We need to be on the offense protecting American families.

Fortunately, President Bush vetoed the Democrat plan for defeat last night. I look forward to voting to uphold this veto and am hopeful we can now get down to the business of providing for our troops. We must face the terrorists overseas or we will face them again in the streets of America.

In conclusion, God bless our troops, and we will never forget September 11th.

INTRODUCTION OF H. RES. 351, EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT FEDERAL AUTHORITIES SHOULD STRENGTHEN AND VIGOROUSLY ENFORCE ALL EXISTING IMMIGRATION LAWS

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. SULLIVAN. Madam Speaker, yesterday I introduced H. Res. 351, which offers a straightforward, common sense approach toward deterring illegal immigration, opposing the flawed policy of amnesty, and restoring the rule of law in our country by calling on Federal authorities to strengthen and vigorously enforce all existing immigration laws. The simple truth is that until we enforce the Federal immigration laws already on the books, it is irresponsible for Congress to consider any legislation that would grant amnesty to the estimated 12–20 million illegal aliens currently residing in the United States.

The policy of granting amnesty is a proven failure in our country. The Immigration Reform Control Act of 1986, which granted amnesty to

3 million illegal aliens, did nothing to stem the tide of illegal aliens crossing our borders, but rather contributed to the explosion of illegal immigration our nation faces today. Additionally, granting amnesty to those who have illegally crossed our borders is fiscally irresponsible and would place heavy financial burdens on American taxpayers and Federal social programs alike. According to the Heritage Foundation, current amnesty proposals being debated in Congress would result in the largest expansion of the welfare state in over 35 years and could eventually cost American taxpayers an additional $30 billion per year.

The failure of the Federal government to enforce existing immigration laws has put the integrity of our immigration system and the sovereignty of our great nation at risk. Years of lax enforcement has led to a massive influx of aliens illegally crossing our borders without proper identification, thus creating a strain on the economy, law enforcement at all levels, and public safety in communities across the country. Many cities across the country are actually encouraging illegal immigration by providing sanctuary to those who have broken United States law by illegally crossing our borders. Police departments in these sanctuary cities are actually forbidden from reporting immigration violations to Federal authorities, creating grave national security loopholes.

I introduced H. Res. 351 because I believe that the enforcement and strengthening of existing immigration laws, the elimination of sanctuary policies and increased cooperation between Federal, State, and local law enforcement officials are all necessary steps in reestablishing the rule of law in our country, and providing a significant deterrent to illegal immigration.

I encourage my colleagues to join me in support of this resolution which is in both the economic and national security interests of the United States.

TRIBUTE TO COMMAND SERGEANT MAJOR DOUGLAS M. GREENWAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Command Sergeant Major Douglas M. Greenway of Ft. Benning, GA. The Command Sergeant Major for the U.S. Army's Infantry School, he will soon retire from the Army after a long career of distinguished service.

CSM Greenway entered the Army in 1979, completed Basic Training at Fort Knox, Kentucky and Advanced Individual Training at Fort Benning, GA. He graduated from Sergeants Major Academy Class 50 and completed all levels of the Non-Commissioned Officer Educational System, NCOES, including the Sergeants Major Academy and Command Sergeants Major Course.

CSM Greenway also has honorably and dutifully served his country in several posts, both stateside and abroad, including Operation Enduring Freedom in Afghanistan and Operation Just Cause in Panama.

Concurrent with his service, CSM Greenway has been honored with numerous awards and medals, most notably the Legion of Merit, the Meritorious Service Medal, the Army Achievement Medal, the Ranger Tab, the Master Parachutists Badge, and Drill Sergeants Badge.

In addition to his many years of service, honors, medals, and commendations from countless colleagues, last month CSM Greenway made history: he and his son, Brandon, were the first father and son team to compete in the Best Ranger Competition, a grueling competition held every year at Fort Benning that demands exceptional navigational skill, great physical strength and a keen intellect.

Madam Speaker, at this time in our nation's history, we are in need of leaders, of individuals who step forward and exemplify the concept of "service above self." We need more people like Command Sergeant Major Douglas M. Greenway.

It is an honor to recognize him here today. I humbly thank him for his service and for his contribution, not just to Fort Benning, but to the United States of America.

RECOGNIZING TYLER JOSEPH VANVACTER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Joseph VanVacter, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 270, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Joseph VanVacter for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF WESTMINSTER PRESBYTERIAN CHURCH'S 150TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. MATSUI. Madam Speaker, I rise today to congratulate and recognize Westminster Presbyterian Church of Sacramento on the 150th anniversary of their congregation's founding. Since Sacramento's earliest days Westminster Presbyterian has been a constant force of spirituality and tolerance in our community. I ask all my colleagues to join me in honoring the church and its congregation on this historic occasion.

Founded on April 27, 1856, the Westminster Presbyterian Church of Sacramento has been a fixture in our community for a century and half. Their first church service was held in a hall at 6th and J Streets, marking the formation of the first Presbyterian congregation in Sacramento.

Westminster Presbyterian held services at a number of downtown locations before they built and moved into its current historic home on N Street, across from California's State capitol building in 1927.

Through their first 150 years, Westminster Presbyterian Church and its members have sought to be a diverse, welcoming, regional congregation that is able to assist individuals in transforming their spiritual insights into positive actions in our community.

For the past few years Westminster Presbyterian has extended a hand of prayer and compassion to many in Sacramento's diverse communities. Under the leadership of Rev. David Thompson, the church has been active on a wide range of issues, from civil rights to global warming. With its location across from the State capitol, the congregation's stance on such issues has played a welcome role in many of California's policy debates.

On a personal note, my family and I will always be grateful to Rev. Thompson and the church's staff for opening their hearts and doors to us after my husband, Bob Matsui, passed away. The church was a gracious host to his funeral and the hundreds of attendees who mourned with us.

Madam Speaker, as the members of Westminster Presbyterian Church in Sacramento gather to celebrate the 150th anniversary of their church's founding, I am honored to pay tribute to their historic church and enduring faith. I ask all of my colleagues to join with me in wishing the congregation and church's leadership continued success in serving all of us in Sacramento.

SALUTING BETTY LOU REED

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. KIRK. Madam Speaker, I would like to salute Betty Lou Reed from Deerfield, Illinois. Betty has been a part of the community for nearly fifty years, and has served at nearly every level of government. Later this month, she will move to Denver so she can be near her daughter and grandchildren.

Betty Lou started in politics in the 1960's as a volunteer and staffer. She retold stories of serving bourbon and branchwater to Senator Everett Dirksen during the good old days. From 1968 to 1972 Betty Lou was an elected Supervisor serving on the Lake County Board. During that time, she also served as a Field Representative for the Illinois Department of Local Government Affairs. In 1971, Betty Lou was appointed by President Nixon to the Small Business Administration's Midwest Regional Advisory Council.

She was elected by the citizens of her community to the Illinois General Assembly from

1975 to 1982, becoming the Chairman of the Illinois Water Resources Commission in 1980.

After her retirement from the legislature, she became the District Director for our former colleague and my predecessor, John Edward Porter, from 1982 to 1989. After leaving Congressman Porter's Congressional office, she continued serving as his General Chairman from 1988 to 1994.

Recognizing her talent and dedication, Betty Lou received the prestigious Hope B. McCormick Illinois Lincoln Series Excellence in Public Service Award in 1996 for her exceptional work in mentoring women in politics.

Along with John Porter, Betty is a mentor and, as she would say, "a pro." I hope you will join me in wishing Betty Lou many years of happiness as she leaves our community.

TRIBUTE TO MARINE LANCE CORPORAL DANIEL CHAIRES

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. BOYD of Florida. Madam Speaker, I rise today to applaud the valor and honor the legacy of a brave young man who gave his life to his country while serving in Iraq. Marine LCpl Daniel Chaires was killed on October 25, 2006, at the age of 20 in a gun battle with Iraqi insurgents. Daniel has left a wonderful legacy of devotion to his family, the community, his church, the Marines, and our great country.

As a descendent of one of Leon County's pioneer families, Daniel has deep roots in North Florida. His hometown of Chaires, Florida, and Chaires Elementary School are named after his family. On Friday, Chaires Elementary School will celebrate the life and military service of Marine LCpl Daniel Chaires. The school will be dedicating a patriotic mural and a monument in honor of Daniel, who was a young man of great courage and character.

As an active and energetic member of the community, Daniel touched the lives of so many. I know that his family and friends will always remember Daniel as a source of strength, inspiration, and leadership.

As a Vietnam veteran, a father, and a fellow American, I would like to pay tribute to Marine LCpl Daniel Chaires. We honor him, we thank him, and we will never forget the ultimate sacrifice he made for his country and for the cause of freedom. I know that his family is immensely proud of him and his service, and we are all in his debt.

WORKERS' MEMORIAL DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. WOOLSEY. Madam Speaker, Workers' Memorial Day, which was observed on April 28th, is a solemn day of remembrance for the thousands of workers who have died—over 5,700 or 16 workers a day in 2005—and a day in which we pledge to do better to protect the health and safety of America's workers.

Since the passage of the Occupational Safety and Health Act (OSHA) in 1970, conditions in the workplace have improved and thousands of lives have been saved, but with this Administration's dismal record on workers' safety, many still die and over 4 million are injured or fall ill every year.

OSHA knows how to help workers when it wants to. For example, in 1978 when OSHA's cotton dust standard was adopted, there were 40,000 workers—or 12 percent of all textile workers—12 percent of all textile workers suffered from this deadly disease.

By 2000, and because of the OSHA standard, brown lung was virtually eliminated. OSHA's 1978 standard on lead dramatically reduced lead poisoning, and the 1989 excavation standard designed to protect workers from trench collapses has reduced deaths by more than 20 percent while construction activity has increased by 20 percent. But this administration has one of the worst records of any Administration in the issuance of safety and health standards.

My subcommittee, the Workforce Protections Subcommittee, held a hearing on OSHA's record last week where the administrator of OSHA, Edwin Foulke and Eric Peoples, a worker who has lost 80 percent of his lung capacity due to his exposure to a dangerous and unregulated chemical called Diacytel [die-aci-teal] sat side by side.

Mr. Foulke said that his heart went out to Mr. Peoples and his family. But then he told us that there wasn't enough proof to promulgate an emergency standard to protect workers from Diacytel.

What more evidence does he need? Diacetyl is a butter flavoring chemical that causes a deadly lung disease, known popularly as "Popcorn Lung." Workers exposed to Diacetyl work in microwave popcorn facilities and other factories where flavorings are used. Mr. Peoples worked in one of these facilities and became ill within months of starting his job. Mr. Peoples—like many of those with popcorn lung—is so sick that he is awaiting a double lung transplant. Scientists have called the effect of Diacetyl on workers' lungs "astonishingly grotesque" and likened it to "inhaling acid." Three workers have died so far.

There has been almost no response from OSHA despite the fact that OSHA scientists have urged the Agency leadership to take broad action on Diacetyl. And sadly, failure to protect workers from Diacetyl is just the tip of the iceberg. The Agency has failed to issue even those standards that are among its priorities, and in 6 years only one significant safety and health standard issued in February 2006, and that was under court order. If OSHA were to inspect every workplace in the country just once, it would take the Agency 133 years.

A recent congressional hearing revealed that OSHA had not done a single comprehenive inspection of any American refinery in the 10 years preceding the devastating 2005 explosion at BP's Texas City refinery that killed 15 workers. But instead of hiring more inspectors OSHA only wants to increase staffing for voluntary activities with its industry partners.

Meanwhile, millions of public employees and other workers still don't even have OSHA coverage, and OSHA penalties are so low that they are just seen by business as the cost of doing business.

We need to hold this Administration's feet to the fire and that is what I intend to do. And we need to act here in Congress to make health and safety our priority and to truly honor America's workers who have died on the job.

So I hope you will join me by co-sponsoring H.R. 2049, the Protecting America's Workers Act. Senator KENNEDY has introduced a companion in the Senate.

This law will bring much needed change by expanding coverage to millions of public employees not covered by OSHA and to other private sector employees who are not currently covered. It will increase penalties in the case of willful violations resulting in death or serious injury and will also protect employees who have the courage to speak out about unsafe working conditions.

And finally, it mandates that the Department of Labor investigates all cases of death or serious injuries, makes the process transparent, and gives workers and their families the right to meet with investigators.

CONGRATULATING SHOWTIME STORM DANCE TEAM FOR WINNING THE UNITED STATES ALL STAR FEDERATION'S WORLD COMPETITION

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. PEARCE. Madam Speaker, I rise today to congratulate the Showtime Studios Dance Team, Showtime Storm from Alamogordo, New Mexico on their success at the United States All Star Federation's World Competition (USASF). This is a competition where young people travel to Disney World to compete against the best dancers from around the world. These 18 students from the Showtime Studio's senior hip hop team showed their diligent work ethic and amazing talent by advancing to the world competition through a series of regional and national dance championships. The hip hop dance team set a high standard for others to follow since 2007 was the first year USASF held the Senior Hip Hop Gold Championship title. The team has overcome adversity on their journey to the championship and I commend them for their dedication and success.

I am proud to recognize the Showtime Storm dance squad for their accomplishments. I specifically want to congratulate, Kelsey Osterholm, Perla Alarcon, Michael Barber, Adam Berg, Samantha Burch, Marco Cardiel, Erica Clausen, Samantha Collins, Bryan Harris, Vanessa Hernandez, Raynee Hopkins, Shawnna Jett, Kristina Joyner, Macey Marquardt, Ashley Pacheco, Sarah Santos, Whitney Weise, Lexi Wright, assistant coach Vickie Marquardt, and head coach Lorrie Black.

It is my honor as a Member of Congress to have the chance to congratulate this outstanding group of young people on an achievement their hard work has earned them.

Congratulations to each of you, your family, your community, and your congressman are all proud of your achievements.

IN RECOGNITION OF THE OPENING OF THE EAST ALABAMA WATER, FIRE, AND SEWER PROTECTION DISTRICT COMPLEX

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to congratulate today the dedicated men and women of the East Alabama Water, Fire, and Sewer Protection District Complex for the Open House and Ribbon Cutting of their new facility on May 3, 2007.

The new resource protection complex in Chambers County will help provide greater fire protection and water supplies to the city of Valley and the rural areas of Chambers County. With the growing population in the area, the opening of the facility could not have come at a better time. The new facility has over 24,000 square feet and two buildings, which will help provide space for current operations and storage and add room to grow. Overseeing the operation and management of the new facility will be Mr. Tony Segrest, Ms. Beverly Story, Chief Byron Pigg, Mr. Neal Marberry, Mr. Pat Meacham, and Mr. David Martin.

I salute the men and women of the East Alabama Water, Fire, and Sewer Protection District Complex for their service to the community, and congratulate them at the dedication of this important new facility.

CONGRATULATING NUMBERSUSA ON ACHIEVING THEIR 10-YEAR ANNIVERSARY

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. TANCREDO. Madam Speaker, I rise today to offer my sincere congratulations to NumbersUSA on achieving its 10-year anniversary. For the past decade, NumbersUSA has worked to advocate for common-sense immigration reforms.

Formed in 1997 by Roy Beck, NumbersUSA has grown dramatically from 300 a decade ago to over 300,000 activist members today. They have provided a voice for the hundreds of thousands of Americans that expect their government to enforce our immigration laws and pursue policies that enhance the security, prosperity, and overall well-being of our Nation.

NumbersUSA honors our immigrant heritage and our commitment to the rule of law through its work toward a more sustainable national immigration policy.

So once again, Madam Speaker, I would like to congratulate Mr. Beck and the staff and members of NumbersUSA on the achievement of this important milestone, and wish them the best of luck in the future.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ORTIZ. Madam Speaker, due to personal health reasons, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 270: "yes" rollcall No. 271: "yes", rollcall No. 272 "yes".

A TRIBUTE TO THE SAN ANTONIO FOOD BANK

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GONZALEZ. Madam Speaker, I rise today in recognition of the May 7, 2007 opening of the San Antonio Food Bank's new facility. The Food Bank is vital to those in the greater San Antonio area who need help providing food for themselves and their families. I would like to extend my sincerest congratulations to this charitable organization on the opening of its new and improved facility.

The Food Bank's new space will allow them to expand the critical services they provide to San Antonio and its neighboring communities. The Food Bank's food storage capacity will increase five fold—from two million pounds of food to storage space for ten million pounds. The facility will house a community center, enabling the center to enlarge its community outreach and improve access to its services. Its large cold storage capacity will allow the Food Bank to further diversify its food selection, maximizing the nutritional value of the products it provides. Additionally, a state-of-the-art kitchen, capable of preparing 50,000 meals is located in the new facility, greatly enhancing the organization's ability to offer Texans emergency food assistance during natural disasters or other emergencies.

This crucial organization began serving southwest Texas in 1980, and its operations continue to grow to meet the needs of Texans facing food-shortage emergencies. As one of the largest operations of its kind in the United States, the Food Bank works with its 380 partner organizations, which include senior citizen centers, church pantry programs, soup kitchens, emergency food shelters, orphanages, after school programs, day care centers and rehabilitation facilities spread across 16 southwest Texas counties, to make over 21 million meals available annually. The Food bank also delivers 40 pound boxes of food to over 40,000 Texas families each month.

The Food Bank is consistently recognized for its good work, including its effective use of funds. In fact, for two years in a row, the Food Bank has received a four-star rating for financial management from Charity Navigator, the country's largest independent evaluator of charities. I am very proud of the important work that the Food Bank conducts, as well as the effective manner in which such work is done.

The message of caring this organization sends through its gift of food to those in need must be heard and acted upon by us all. The San Antonio Food Bank, and organizations like it, provide success stories that inspire us to action. While its new expanded facility is evidence of a growing need for emergency food services, it also demonstrates a will on the part of our community to address these needs.

On the occasion of the opening of the San Antonio Food Bank's new facility, I extend my heartfelt congratulations to the organization's hard working staff on their service to the community and to congratulate them on their continuing efforts to ensure that all Texans are fed.

IN HONOR OF JANE ITOGAWA

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Ms. MATSUI. Madam Speaker, I rise today in tribute to a wonderful woman who has served the Federal government for over forty years. This week, Jane Itogawa will be retiring from the Office of the Federal Defender, Eastern District of California after a distinguished career. As her colleagues, friends and family gather to celebrate her retirement, I ask all of my colleagues to join me in saluting this outstanding Sacramento resident and public servant.

In 1971 Sacramento's Office of the Federal Defender was established and E. Richard Walker was named the first Federal Defender. Within a year, a then Jane Hashiaka was selected to serve as the Secretary to the Federal Defender. Prior to that position Jane had worked for the Treasury Department, Department of Justice and the Department of Agriculture.

However, it was with the Office of the Federal Defender, where those unable to retain legal counsel are provided representation in front of the court, that Jane found a home that would last for 35 years. Since starting as the office's secretary, she has been promoted to Administrative Assistant and then the position of Administrative Officer. At each position Jane's colleagues remarked that her dedication to the office was unmatched and that she consistently went above and beyond the call of duty.

On June 1st 1976, Jane married Eugene Itogawa. Last year the couple celebrated their 30th wedding anniversary. They have one daughter, Michele Itogawa. In her spare time Jane gives back to the community by staying active with the Buddhist Church of Sacramento, where she assists with the church's annual Japanese Food and Cultural Bazaar.

Madam Speaker, as Jane Itogawa enters retirement, I am truly honored to pay tribute to a friend and dedicated public servant. I ask all of my colleagues to join with me in wishing Jane, her husband Gene and daughter Michelle continued success and happiness in all of their future endeavors.

CONGRATULATING A.W. ZENGELER CLEANERS ON THEIR SESQUICENTENNIAL

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. KIRK. Madam Speaker, I rise today in honor of the 150th Anniversary of Zengeler Cleaners, a well established family-owned business in my district. The Zengelers exemplify the highest work ethic and the very spirit of achieving the American Dream.

John Zengeler established "The New York Steam Dye Works," a clothing cleaning business, at 208 South Clark St. in Chicago in 1857. He then moved the business to S. Prairie St. in 1866, which was destroyed in the Great Chicago Fire in 1871. He rebuilt on S. Cottage Grove Ave. in Chicago and John's eldest son Arthur W. ("A.W.") Zengeler joined his father in the business in 1896. They opened a new location as A.W. Zengeler Cleaners in 1906.

In 1930, A.W.'s sons, Ralph, Art and Al, became active in the business, with Ralph becoming the third generation of leadership in 1948. Following that tradition, Ralph's son Robert became the fourth generation to lead the family business; and three of Robert's six children—Robert, Jr., Michael, and Thomas—became the fifth generation of the Zengeler family to join the business. Six years ago, Thomas Zengeler became President and the fifth generation leader of the family-owned company.

Over the years, Zengeler Cleaners has grown to seven stores in Lake and Cook Counties, with an eighth store planned to open later in 2007. The business is now home to 145 employees, 27 of whom have been with the company for 20 years or more. It is a strong contributor to our local economy in the 10th Congressional District of Illinois.

This year we pause to celebrate the company's 150th Anniversary and a proud history in which it overcame the Great Chicago Fire, the Civil War, two World Wars and the Great Depression, emerging as one of the premier fabric care specialists in the United States.

I commend the Zengeler family for successfully passing down their proud work ethic and commitment to quality for 150 years and through five generations.

TRIBUTE TO STEVEN HALL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. COSTA. Madam Speaker, this week, the Association of California of Water Agencies, representative of private and public water experts, marks the coming retirement of its Executive Director, Steven Hall. He is a person who knows that water is the life-blood of California, and has been a key figure in planning for our state's future.

Steven Hall has held that position since 1992 and has helped formulate and guide the development and allocation of the water resources upon which the entire California population and agricultural production are dependent. Representing the urban and agricultural users of California, the association is the largest of its kind and has an enormous impact on citizens and consumers throughout the nation.

Prior to assuming his responsibilities at A.C.W.A, Steven Hall was Executive Director of the California Farm Water Coalition, which he founded. The Coalition was a first-of-its-kind coalition of agricultural water users and water agencies which developed strategic information and policy related to agricultural water use in the state. He was instrumental in enactment of major water transfer legislation and related issues.

For 4 years prior to his work at the Coalition, he founded and directed the Land Preservation Association which developed and implemented policy on irrigation and drainage in California. He helped develop policy and funding solutions for impacted agricultural land as well as serving on policy and technical work groups formulating recommendations to state and federal policy makers.

Perhaps his greatest achievement was lead negotiator in the three-way efforts between agricultural, urban and environmental water users that led to creation of the CALFED Bay-Delta Program. CALFED is a unique collaboration among 25 state and federal agencies with a mission of improving water supplies in California and the health of the San Francisco Bay/Sacramento-San Joaquin River Delta, a body of water on which two-thirds of California's citizens depend for water. As a result of the early work of the program, the California Bay-Delta Authority was formed to oversee the program's implementation, and Congress adopted the plan in 2004. Steve Hall was a guiding force behind these accomplishments, and he leaves much of its work as his legacy.

Steve Hall is a friend and role model to all of us who know him. His passion for family and friends is well-known. Steve's ability to combine humor with work has made public policy efforts productive and enjoyable.

At the end of the day, we are all judged by how we handle success and adversity. No one has demonstrated any better than our friend Steve Hall on how we deal with life's challenges. Let the record clearly state that Steve Hall is a true gentleman and a class act.

I join the other members of the California Congressional delegation and all of Steve's friends in wishing him well, and congratulating him for the depth and scope of his accomplishments that have affected all California.

HONORING THE CHILDREN'S HEALTH INITIATIVE OF NAPA COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the Children's Health Initiative of Napa County for the excellent work it has done to expand health insurance coverage to all of Napa County's children. By trying to ensure that every child in Napa County has some form of health insurance, the Children's Health Initiative is working to improve the quality of life for all children and families in Napa County.

The Children's Health Initiative was founded in 2005 with the goal of providing insurance coverage for every child in Napa County, either directly or by working with families to obtain coverage through other programs they might qualify for. Often families qualify for health insurance but are intimidated by the paperwork or relatively minor costs associated with many insurance programs. A twin approach of helping families make those enrollments where qualified while providing a comprehensive health insurance program to those who do not has been the foundation of this program's success.

Since the start of programmatic work in December 2005, Children's Health Initiative has gained health insurance for 2,100 children in Napa County. Approximately 30 percent of these were through the initiative's own Healthy Kids insurance, while the remainder have successfully enrolled in the partnership programs MediCal, Healthy Families, and Kaiser Permanente's Child Health Plan. The program has done very well, reaching into communities that have traditionally lacked information about health care resources. Around 95 percent of the children served by the initiative's own Healthy Kids insurance program are Spanish speaking by birth, and many live in households with incomes not far above the federal poverty line.

It is extraordinarily important that children in any community be given access to a comprehensive health care. Not only is it good for the individual child's health and development, but it also has numerous positive effects throughout the community. By ensuring regular access to preventative care and examinations, as well as immunizations, children are healthier and pose less risk of transmitting diseases to others, and require fewer expensive visits to the emergency room. Parents benefit as well, as they take fewer sick days and so are more stable in their jobs.

Madam Speaker, it is appropriate at this time that we thank the Children's Health Initiative of Napa County for the remarkable strides this program has taken in just 2 years. Only through the hard work and generous contributions of countless members of our community has this program gotten such a strong start, and I know that we will see much more progress in the years to come.

HONORING THE PAUL WELLSTONE LEGACY

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. ELLISON. Madam Speaker, it is an honor for me to speak in support of the Paul Wellstone Mental Health and Addiction Equity Act of 2007. I want to thank both Congressman KENNEDY and Congressman RAMSTAD for their dedication to ending insurance discrimination and ensuring all Americans have access to mental health and addiction services.

I also want to thank Speaker PELOSI, Majority Leader HOYER, and Majority Whip CLYBURN for their leadership in championing this bill and mental health access issues.

As a Minnesotan, I'm struck by the emotion of this day because the late Senator Wellstone's tireless efforts to ensure mental health parity might finally be realized. Paul Wellstone knew it was wrong for health insurers to place discriminatory restrictions on treatments and I'm honored to be a part of this effort to finally guarantee that the millions of Americans who need mental health and addiction services can obtain the treatment they deserve.

The urgent need for the Paul Wellstone Mental Health and Addiction Equity Act of 2007 is surely best expressed by those who have seen a loved one in need denied coverage. I think immediately of Kitty Westin, whose daughter Anna suffered from anorexia, a deadly disease that affects approximately 8 million Americans and ultimately claimed Anna's life. During her daughter's battle with anorexia, Kitty took Anna to the hospital. Anna was refused care by their insurance company because it did not consider access to mental health treatment important enough to cover.

Kitty knows this is completely unacceptable and has been fighting selflessly to make sure no other family experiences the same frustration and pain. I commend her for carrying on Anna's legacy so impressively through her advocacy efforts and community work. For Kitty and all of the others who have encountered insurance discrimination, I carry Paul Wellstone's message that mental health care is an imperative part of all heath care. My hope is that this bill in his name will finally pass, guaranteeing that all Americans have access to mental health and addiction services.

TRIBUTE TO RYAN JOHN BURGESS, UNITED STATES MARINE, LANCE CORPORAL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. CAMP of Michigan. Madam Speaker, the events of the last few years have reminded us that "eternal vigilance is the price of liberty." The United States stands as a beacon of hope and liberty for the world because of the eternal vigilance of the men and women who have served and are serving in the United States military.

Marine Lance Corporal Ryan John Burgess was one such soldier. A patriot through and through, Ryan did not hesitate to answer the call to duty when his country went to war. Never an easy decision, and one that causes great concern amongst parents, Ryan enlisted and excelled as a marine. His leadership was often recognized by his superiors in the form of being granted additional responsibilities.

Today, I want to recognize on the floor of the United States House of Representatives the life and service of Ryan John Burgess—a life given in full so that our freedom may be preserved. Ryan's bravery serves as a stark reminder of the responsibility we have as stewards of this great country—the land of the free and the home of the brave.

So, as we salute heroes like Ryan John Burgess, we remember them with undying gratitude. And we resolve, though we cannot repay the debt we owe them, to live our lives in such a way as to be worthy of their sacrifice.

May God keep Ryan; may God watch and comfort his family; and, may God continue to grant this Nation with the courage to defend life and liberty.

HONORING THE CAREER OF STEPHEN McKENNEY STECK

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. FEENEY. Madam Speaker, I rise today to honor Mr. Stephen McKenney Steck for his 40 years of service to the WMFE public broadcasting stations that serve the greater Orlando area.

An Orlando native, Steve began his only career in 1959 at WFTV (then WLOF) as a television director and later as senior producer/director for news and public affairs programs.

Steve started a 40-year run at WMFE in 1967 as production manager and was appointed operations manager in 1970. In 1972, Steve was elected President of WMFE and held that position with distinction for 34 years.

Steve's major accomplishments during his tenure include moving WMFE's physical plant to a multi-million dollar broadcast center in East Orlando, the activation of public radio station 90.7 WMFE–FM, expanding both station's programming to a full 24-hour per day schedule, overseeing a program schedule viewed each week by more than 485,000 Central Florida households and a radio schedule listened to each week by more than 194,000 Central Florida residents.

Steve concluded a $4 million expansion of the Public Broadcasting Center in 1992, a $2 million reexpansion in 2003, and a $10 million Campaign for Program Excellence in 2002 generating funds directed to local programming that connected the community in a manner not duplicated by local electronic media.

Steve recently concluded WMFE's $7 million Campaign for Digital Television that activated WMFE–DT/Channel 23 in 2003. He has launched the creation of a new $2.4 million program vision for these stations. A transition to digital radio broadcasting rests in the short-term future. Under his leadership, WMFE's annual budget has grown from $250,000 to more than $8 million.

At age 63, Steve attained a 10-year goal: starting in and finishing a marathon in all of the 50 states and the District of Columbia and on all 7 continents—including Antarctica! Steve is married to Desta L. Homer, a former teacher at Winter Springs High School in Seminole County. They have three adult children and five grandchildren.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Steve for his years of service and dedication to his Orlando community. I ask my colleagues to join me in congratulating Mr. Steve on his retirement and wishing him the best of luck in all future endeavors.

INTRODUCTION OF REPAIRING YOUNG WOMEN'S LIVES AROUND THE WORLD ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing the bipartisan Repairing Young Women's Lives Around the World Act, a bill vital to saving the lives of women and their children around the world. This bill funds UNFPA (the United Nations Population Fund) strictly for the prevention, treatment, and repair of obstetric fistula.

More than two million women worldwide have obstetric fistula, which results from prolonged labor without medical attention. During delivery, the infant's head presses against the woman's pelvis for so long that the tissue dies and a hole develops between the woman's vagina and rectum, leaving the woman without control of her bladder or bowels and often resulting in the death of the infant. In addition, many women who have the condition are abandoned by their husbands and families because they are considered "unclean" and the women are often forced to beg or turn to prostitution to survive. The condition was once common throughout the world, but over the last century has been eradicated in Europe and North America through improved medical care. For example, New York's hospital for fistula patients, now the site of the Waldorf Astoria Hotel, closed in 1895 because of diminishing cases.

Fortunately, UNFPA is working with partners on a global campaign to prevent and treat fistula, with the goal of making the condition as rare in Africa and Asia as it is in the developed world. In fact, UNFPA works in 56 countries, more than the U.S. currently does, countries with the severest of problems. Many of the nations where there is no USAID presence suffer under political turmoil and poor living conditions and serve as breeding grounds for terrorists.

I believe that this legislation would help to provide a concrete way to show that the U.S. cares about women and children around the world. Now is the time to allow the U.S. to recommit to the maternal health of women and children around the world.

APPLAUDING THE TEXAS STATE LEGISLATURE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 2007

Mr. GINGREY. Madam Speaker, I rise today to applaud the Texas State legislature for passing House Bill 1098, which prevents mandatory human-papillomavirus (HPV) vaccination for middle school girls in the State of Texas until at least 2011.

This legislation was a necessary response to the ill-advised executive order signed by Governor Perry in February of this year, which requires every girl in the state of Texas to receive a vaccine against HPV. I stand tonight to encourage the Governor of Texas to quickly sign H.B. 1098 into law and return important healthcare choices to parents and physicians—not the state or Federal government.

Madam Speaker, HPV is a sexually transmitted disease of which two strains, types 16 and 18, are associated with about 70 percent of cervical cancers. In June of 2006, the Food and Drug Administration approved the first vaccine that protects against 4 types of HPV. As an OB/GYN physician, I applaud this achievement in modern medicine. However, I am greatly concerned with the trend in many states to introduce legislation or sign executive orders mandating young girls—6th graders—receive the HPV vaccine in order to attend school.

States have historically established and enforced their own vaccine and immunization practices that dictate their school admittance policies.

Requiring school-aged children to receive certain vaccines in order to attend school started as a public health concern so as to avoid widespread outbreaks of communicable diseases. However, Madam Speaker, since HPV can only be spread through sexual contact, mandating this vaccine is unprecedented, and I believe it is an egregious intrusion by government into what should be a parent-physician-patient decision.

Accordingly, I have introduced legislation, the Parental Right to Decide Protection Act, which would prohibit federal funds from being used to implement any type of mandatory HPV vaccine program. We need to stand up against this government interference into the lives of our children, which side-steps parental rights and responsibilities.

This is why I am so encouraged by the action of the Texas State legislature to stand up for the rights of our children, protect the role of parents and preserve the physician-patient relationship.

Madam Speaker, our government should not insert itself into this conversation—and I want to join the many medical groups, patient groups and parental rights groups—to call on the Governor of Texas to sign this very important piece of legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 3, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 7

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health: Frontiers of Science.
SD–116

MAY 8

10 a.m.
Finance
To hold an oversight hearing to examine the Medicare prescription drug benefit.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine community integration and recovery, focusing on transforming mental health and substance abuse systems of care.
SD–628

Judiciary
To hold hearings to examine privacy and civil liberties concerns, focusing on the REAL ID Act (Public Law 109–13).
SD–226

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine the policies and funding necessary for reducing U.S. oil dependence relating to the results of an analysis conducted to assess the economic impact of implementing the Energy Security Leadership Council's recommendations to the Nation.
SD–192

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

MAY 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.
SR–328A

Foreign Relations
To hold hearings to examine climate change relating to national security threats.
SD–419

Veterans' Affairs
To hold hearings to examine on benefits legislation.
SD–562

10 a.m.
Rules and Administration
To hold hearings to examine improving energy efficiency, increasing the use of renewable sources of energy, and reducing the carbon footprint on the Capitol complex.
SR–301

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Defense.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

Foreign Relations
To hold hearings to examine the nominations of Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, and Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.
SD–419

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of the Treasury.
SD–192

MAY 10

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.
SD–366

Indian Affairs
Business meeting to consider pending legislative business.
SR–485

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine a status report on reform efforts by the Under Secretary of Homeland Security for Management.
SD–342

10 a.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the effects of climate change and ocean acidification on living marine resoucres.
SR–253

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of State and foreign operations.
SD–192

2 p.m.
Judiciary
To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine violent Islamist extremism, focusing on government efforts to defeat it.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 16

10 a.m.
Judiciary
To hold hearings to examine rogue online pharmacies, focusing on the growing problem of internet drug trafficking.
SD–226

Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

2:30 p.m.
Small Business and Entrepreneurship
Business meeting to markup S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act.
SR–428A

MAY 17

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on health legislation.
SD–562

POSTPONEMENTS

MAY 4

9:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine Russia, focusing on the reemergence of Russia as a major political and economic power.
CHOB311

HOUSE OF REPRESENTATIVES—*Thursday, May 3, 2007*

The House met at 10 a.m.

The Reverend Rick Astle, Director of Missions, Waccamaw Baptist Association, Conway, South Carolina, offered the following prayer:

Our Father in heaven, on this National Day of Prayer, we confess that Your way is perfect, Your Word is proven, and You are a shield to all who trust in You.

Make today a day when men are willing to repent of sin and to look to You for guidance, for Your seat is not on one side or the other of an aisle, but on the throne of heaven.

Interrupt the strategies of hate forming even now, such as what has manifested from Columbine to Virginia Tech, from Oklahoma City to Ground Zero.

Lord Jesus, each of our elected officials, locally and nationally, are on our hearts today, along with each man and woman in our Armed Forces and their families. Bless and protect them, Lord.

Pour out Your spirit today, that we may be assured that You are still blessing America.

I pray in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND RICK ASTLE

(Mr. McINTYRE asked and was given permission to address the House for 1 minute.)

Mr. McINTYRE. Madam Speaker, I am pleased to introduce the Reverend Rick Astle, who just delivered the invocation for the U.S. House as we begin this National Day of Prayer, a time when communities across America will be joining in prayer for our country today. And what better person to begin this day than a man whose prayer ministry has carried him across our country and who has written a book on this very subject.

Born and reared in Oklahoma, now residing in Whiteville, North Carolina, he is married to the former Donna Strickland of Lumberton, who is with us today; and they have one son, John, who is a law student at North Carolina Central.

Rick was educated at the University of Kentucky and at Southern Baptist Seminary, and he has served Southern Baptist churches for over 30 years, has spoken in over 20 States, and is author of the book, The Priority of Kingdom-Focused Prayer, and now is the Director of Missions for the Waccamaw Baptist Association in Conway, South Carolina.

And as his brother-in-law, I am particularly honored to have him open us on this very special National Day of Prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

H.R. 1234

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, today's news indicates the Iraqis are beginning to be upset that the Bush administration, with the unfortunate help of this Congress, is trying to force the sovereign Government of Iraq to pass a hydrocarbon act which will give the U.S. oil companies control of $6 trillion worth of Iraqi oil assets.

Now, the wealth of Iraq, the oil wells, ought to be decided by an Iraq Government not under U.S. occupation. But yet, in the bill that was vetoed yesterday, there was a provision that would have forced Iraq to have privatized its oil assets or the U.S. would pull our troops without having an international security and peacekeeping force in its place. That is nothing but extortion.

As Congress comes together to put a plan to get us out of Iraq, let's stop trying to steal Iraq's oil. Let's bring our troops home. Let's have an international peacekeeping and security force that can come in as our troops leave. It is time to take a new direction, and that is exactly what H.R. 1234 is about.

MONEY FOR MONKEY BUSINESS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, this House last night, about 11:30 p.m., authorized money for some absurd projects, including the study of bison hunting on the prehistoric Great Plains and, get this, the study of the sex lives of the Phayre's Leaf monkeys.

Meanwhile, our troops in Iraq are running out of money to fight the bad guys. Why? Because some Members of Congress think they know more about conducting the war in Iraq than the Generals do. So this congressional surrender group refuses to send more money without also demanding the day the United States will retreat and quit the fight.

This Nation is at war with the people of hate. Those ill-informed people who are determined that we lose this conflict by keeping a tight fist on the war money have their priorities wrong.

Money for the study of monkey business, but no money for the troops is a mockery. Money for our troops is more important than investigating the sex lives of the Leaf monkeys and the study of prehistoric bison anyplace in the world.

Mr. Speaker, we need to work as late tonight to provide money for our U.S. warriors as we did last night to send money to the monkeys.

And that's just the way it is.

POWELL DOCTRINE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, in the wake of the Vietnam War, retired General Colin Powell outlined the Powell Doctrine, which stated simply that any future military action should include "massive force and a plausible exit strategy to avoid endless entanglement."

As we now know, from the very start of military operations in March 2003, President Bush fought the war in Iraq with an inadequate number of troops and never had an exit strategy, but simply believed the ideologues in the White House that Iraq would blossom into a self-governing democracy. On every score, his policy ignored the Powell Doctrine.

The President's veto on Tuesday of this week failed the test of the Powell Doctrine again. He rejected the plausible exit strategy outlined in the Iraq

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

supplement, namely, a responsible redeployment of our troops out of Iraq's civil war 15 months from now, and instead reembraced his own policy of endless entanglement.

The people of this country deserve more than the political spin contained in the President's televised veto. We need to see his own plausible exit strategy, and, frankly, we need to see it from those who voted to sustain his veto, as General Powell put it. But, even more important, our soldiers and their families who are bearing the brunt of this war deserve a President who heeds the lessons of past military mistakes, not one who keeps repeating them.

IRAQ

(Mr. AKIN asked and was given permission to address the House for 1 minute.)

Mr. AKIN. The Democrats' supplemental bill was a crafty way to quit in Iraq. Now, certainly each of us individually, and even as leaders and nations, is tempted at various times in the face of overwhelming odds to quit and to give up; and yet greatness in leaders and greatness in nations is frequently measured by a stubborn and cussed determination to carry on.

We think, of course, immediately of George Washington at Valley Forge, we think of Winston Churchill challenging the people of England to rise up and to be strong against the Nazis; he loved to mispronounce it to bait Hitler. But we also recall in our own history how we were in Vietnam, how we bombed North Vietnam, and in the observation of Jeremiah Denton, who was a prisoner of war in Vietnam, how we were just very close to victory. North Vietnam was about to capitulate because of the bombing, and then we cut and run.

The test before us today is for the courage and the heart of not just the Iraqi people, but the American people. What are the measurements we should be looking at? It is not the day for the sunshine patriot, but for the cussed and the strong and the brave.

THE TEST OF PATRIOTISM IS COURAGE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Sometimes the test of patriotism is courage. And I would simply argue that every newspaper headline is not true. We, the Democrats, maintain the courage that America has asked us to exhibit, the love and respect for our soldiers, full funding in the emergency supplemental.

We also are to push the envelope. Isn't it interesting that Secretary Rice is now sitting down with a Syrian official, the same administration criticizing the Speaker of the House, who led to begin the diplomatic surge?

This is a failed policy. Vietnam was not a cut and run; our soldiers were victorious. So are the soldiers in Iraq; they are victorious. But this administration has failed and failed and failed.

The Democrats will maintain their courage. They are patriots. They believe it is time to bring our troops home, to entrust to the Maliki government the responsibility of sovereignty. It is important to lead the Iraqi people toward peace, not use our brave and valiant soldiers as shooting targets for a failed and miserable policy.

Patriots stand for courage, and the Democrats are courageous and will continue to do so.

☐ 1015

CAMBODIA/IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as we debate our policy in Iraq, perhaps it's useful to consider a lesson from history.

In all the media coverage of the war supplemental debate, a shameful anniversary in our history slipped by, mostly unnoticed.

Last week marked the anniversary of Congress's decision to cut off military funding for our involvement in Southeast Asia. The result, as predicted, was genocide; 3 million innocent people slaughtered in Cambodia's killing fields.

Mr. Speaker, similar warnings exist today in Iraq. Observers from across the political spectrum say a precipitous withdrawal of U.S. forces from Iraq could very likely result in a region-wide bloodbath. No one wants to see this, yet withdrawal is what many in this body are pushing for.

Mr. Speaker, before we act, let's remember the lesson of history. And we all want our troops to come home safely, but we need to win first and then come home. Defeat, surrender and genocide are not acceptable alternatives.

And Mr. Speaker, as a personal note, I'd like to say before I end, welcome to the world to little Joseph Thomas Offutt, a new grandson, namesake born earlier this week, 9 pounds, 14 ounces. You've brought great joy and happiness to our family. May you enjoy a long, good life.

THAT DOG DOESN'T HUNT ANYMORE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. That dog doesn't hunt anymore. I'm sorry.

Three things that are never discussed on this floor, never. Number 1, the pilferaging that's going on in Iraq right now make the few hairs we have on our head left stand on end. It is a disgrace that the American people's money has been stolen, to this day.

Number 2, by the way yesterday, let me tell you what progress is. A half hour of electricity yesterday in Baghdad. I want to hear progress. Secondly, the redeployment of our troops. No one is saying cut and run. No one's saying throw out the American flag. You won't discuss redeployment to the borders to protect the safe havens.

Number 3, let's talk about the amount of refugees that are in Iraq. Two million have left the country. What about the 1 million of Iraqis who have had to get out of their homes, who have no food or shelter?

Don't you talk about progress. That dog doesn't hunt any longer. Face the facts. This is not reality TV.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their remarks to the Chair.

SUSTAINING THE VETO

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, following President Bush's veto of the Democrat plan for defeat, the House voted yesterday to uphold the veto and override the Democrat attempts to micromanage the war.

It is crucial that we achieve victory in Iraq as the central front in the global war on terrorism. Retreat will embolden our enemy. This will lead to the re-establishment of terrorist training camps from which our enemies would launch attacks against us and our allies.

We should trust the leadership of General David Petraeus and our military leaders. As the father of an Iraqi veteran and four sons in the military, I know firsthand of the excellence of our troops.

We must face the enemy overseas or we will face them again in the streets of America.

I urge Democrat leaders to work with Republicans to pass a clean supplemental bill and get our troops the funding they need to carry out their mission to protect American families.

In conclusion, God bless our troops, and we will never forget September 11.

NATIONAL DAY OF PRAYER

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, I rise to call attention to this, the first Thursday in May, as the National Day of Prayer. The 56th annual National Day of Prayer is being recognized today, May 3, across our great Nation in tens of thousands of ceremonies and services nationwide.

The National Day of Prayer traces its history back to 1775, when the Continental Congress asked the colonies to pray for wisdom in forming a Nation. In 1952, a joint resolution of Congress was signed into law by President Truman. In 1988, President Reagan signed a law permanently marking the first Thursday of every May as the National Day of Prayer.

As in previous years, President George W. Bush signed a proclamation regarding the 2007 observance. He specifically asked that the Nation remember in their prayers the members of our Armed Forces, their families, as well as the students and families affected by the recent tragedy at Virginia Tech.

Chairman Shirley Dobson and Vice Chairman Brian Toon have done an outstanding job in coordinating these events that will take place across this land. Dr. Charles Swindoll will serve as Honorary Chairman.

Mr. Speaker, across the street, here on Capitol Hill in the Cannon House Office Building at noon is when the events will begin. However, whether you're in Washington, DC, you're in Alabama, North Dakota, I encourage the American people to come together in the spirit of Jesus and take a few minutes to thank God for the blessings upon this Nation, and ask Him to guide and protect us in the days to come.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. McGOVERN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 368) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 368

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Davis of Alabama.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2007

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 364

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1592 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. McGOVERN) is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, House Resolution 364 provides for consideration of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, under a closed rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill, except those arising under clauses 9 and 10 of rule XXI. The rule provides that the committee amendment in the nature of a substitute, modified by the amendment printed in the Rules Committee report, shall be considered as adopted, and the bill, as amended, shall be considered as read. The rule waives all points of order against the bill, as amended.

Mr. Speaker, I rise today in support of this rule and of the underlying legislation. H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, is a bipartisan piece of legislation that has already passed the House multiple times with Members from both sides supporting it.

In the 109th Congress, this legislation passed as an amendment to the Child Safety Act by a vote of 223-199. And in both the 108th and 106th Congresses, hate crimes legislation passed with bipartisan support.

With such a demonstrated history of strong bipartisan support, it should come as no surprise that this bill has also garnered the support of 171 cosponsors, Republicans as well as Democrats.

I would like to take note for my colleagues that H.R. 1592 has the support of more than 210 civil rights, education, religious and civic organizations. Equally as important, it has the support and endorsement of the law enforcement community, including the International Association of Chiefs of Police and the National Sheriffs Association.

Mr. Speaker, it makes sense that this bill has attracted such a wide range of support. Hate crimes are a serious problem everywhere. They continue to plague our society, and they happen in every State and in every community.

The Federal Bureau of Investigation has documented over 113,000 hate crimes since 1991. In 2005 alone, nearly 7,200 crimes were identified by the FBI as hate crimes. But despite this marked occurrence of violent hate crimes, current law limits the ability of the Federal Government to provide assistance to States and localities to prosecute and investigate these crimes. It is long past time that Congress address these shortcomings.

Mr. Speaker, some will claim that this law is not needed. Others will claim that it adversely affects free speech. I strongly, very strongly disagree with both these claims.

First, while we have made progress toward equality in many facets of our society, hate crimes continue to spread in cities and towns across the country. The main reason why we have been unable to aggressively pursue and prosecute hate crimes is because law enforcement agencies in our States and towns lack the tools and resources.

I'd like to point out that this legislation has been endorsed by 31 Attorney Generals from all across the country, the very people who can attest to how critical this legislation is to stemming hate crime violence and to prosecuting and punishing the perpetrators of violent hate crimes.

Secondly, with respect to whether this legislation will have a negative impact on free speech, simply put, it will not. H.R. 1592 does not punish or prohibit in any way first amendment rights. It does not affect name-calling, verbal abuse, hateful expression or hate-filled speech. It only addresses violent criminal acts. In fact, there is a first amendment free expression and free exercise provision explicitly included in this bill.

Mr. Speaker, H.R. 1592 solely applies to bias motivated violent crimes. It does not infringe upon freedom of speech. It can only be applied to violent crimes that result in death or bodily injury where the motivation was based on the bias against a person's perceived race, religion, ethnicity, sexual orientation, gender, gender identity or disability.

I want to remind all of my colleagues that behind all of the statistics of hate crimes, there are real people, people who were targeted for violence and who suffered violent attacks simply because of who they are.

Let me tell you a story of Lisa Craig, a 35-year-old mother of two from my own State of Massachusetts. In 2003, Craig was assaulted on the street by three teenage girls and kicked in the head multiple times, causing her brain to bleed, and requiring 200 stitches in her head. Craig's partner and her two daughters witnessed the attack by these teenagers who, earlier in the evening, had been shouting anti-gay epithets at the couple.

Lisa Craig's case is just one of thousands, but it demonstrates the bloody results of hate crimes. We need to prevent hate crimes like the one suffered by Lisa Craig from ever occurring again, and we need to give our State and local law enforcement officers and court officials the ability to prosecute and punish the perpetrators of such violent acts for what they are, hate crimes. Passing H.R. 1592 will enable our police, our prosecutors, our judges and our courts to do just that.

Mr. Speaker, I encourage my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. McGOVERN) for yielding me the customary 30 minutes.

Mr. Speaker, I yield myself as much time as I may consume.

□ 1030

Mr. Speaker, I rise today in opposition to this closed rule and the underlying bill, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, no one supports violent acts of crimes committed out of hatred toward a person based on personal characteristic whether that is ethnicity, gender, religion, weight, height, age, eye color, profession, socioeconomic background, or political beliefs. If someone commits a crime, they should be punished for that crime. Period.

Instead, today, the Democrat majority has chosen to end equality under the law and to bring legislation to the House floor that creates special categories of people. Specifically, this bill allows Federal assistance to be given to State and local law enforcement to investigate and prosecute felonies that are believed to be motivated by prejudice based on actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

This bill also makes certain crimes a felony in cases where the perpetrator was believed to be motivated by bias and there has been a history of such bias-motivated violence.

Separate treatment is afforded for crimes based on hate against protected classes of citizens under this bill, as opposed to crimes against victims that are not in a protected category. As we learned decades ago, separate is not equal.

The Law Enforcement Hate Crimes Prevention Act is a bad bill and should not be brought to the floor, but especially under the closed process that does not allow for any changes or improvements to the underlying bill.

Eighteen thoughtful amendments were submitted to the Rules Committee yesterday, and sadly, not one of these amendments was allowed to be considered by the full House of Representatives. I am disappointed the Democrat majority again has missed an opportunity to live up to their commitment of allowing input under an open process.

Mr. Speaker, how many special categories of people should this bill create? Have all characteristics for which there has been a history of bias-motivated violence been included in this bill? Should more categories be added and should some be excluded from this bill?

Under this closed rule, these questions will not be answered today by Members of the House through the amendment process.

Yesterday, Mr. FORBES of Virginia offered an amendment to this bill that would expand the list of protected categories of individuals to include members of the Armed Forces. If you believe the government should afford special treatment to crimes committed against special groups of citizens, then why not our military men and women? Why aren't those who volunteer to protect our country's freedom not afforded this protected status?

Mr. GOHMERT of Texas offered an amendment that would add law enforcement officers to the list. There have been several instances where gang members and would-be gang members have targeted and killed law enforcement officers because of their hatred towards them for choosing to go to work each day to protect our communities. Is committing a crime against law enforcement officers simply because their job is to uphold our laws a crime not deserving of special assistance to investigate and prosecute that crime?

Crimes have been committed against senior citizens, and an amendment was offered to include them under the hate crimes legislation, but that amendment, too, was not allowed under this closed rule today.

The question remains, if the Law Enforcement Hate Crimes Prevention Act creates special protection, then whom should it create special protection for? Because this bill is being brought up under a closed rule, Members of the House and the people they represent will not have an opportunity to voice their opinion on this question through the amendment process.

Mr. Speaker, I must oppose this closed rule, which not only gags the minority party, but gags all Members of the House, who will be denied the right to offer improvements to this legislation. I urge my colleagues to oppose the gag order rule and the underlying bill that creates special categories of citizens and ends equality under the law.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I submit for the RECORD a letter signed by 31 State attorneys general, including the Republican attorney general of the State of Washington, in strong support of the underlying legislation.

APRIL 16, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, The Capitol, Washington, DC
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, The Capitol, Washington, DC.
Hon. MITCH McCONNELL,
Minority Leader, U.S. Senate, The Capitol, Washington, DC.

We, the undersigned Attorneys General, are writing to express our strong support of Congressional efforts towards the immediate passage of federal hate crimes legislation. As the chief legal officers in our respective jurisdictions, State Attorneys General are on the front lines in the fight to protect our citizens' civil rights. Although state and local governments continue to have the primary responsibility for enforcing criminal law, we believe that federal assistance is critical in fighting the invidious effects of hate crimes.

This much needed legislation would remove unnecessary jurisdictional barriers to permit the U.S. Department of Justice to prosecute violent acts motivated by bias and hate and complement existing federal law by providing new authority for crimes where the victim is intentionally selected because of his or her gender, gender identity, sexual orientation, or disability. Under current law, the Justice Department can only prosecute crimes motivated by the victim's race, religion, or national origin when that person is engaged in a federally protected activity, such as voting. Legislative proposals, such as the Local Law Enforcement Hate Crime Prevention Act of 2007 (LLEHCPA) and others, however, would permit federal prosecution of hate crimes irrespective of whether they were committed while the victim was engaged in protected activity.

Removing this outmoded jurisdictional barrier to federal prosecution of hate crimes is critical to protecting our citizens' fundamental civil rights. In 2005, the most recent figures available, the FBI documented 7,163 crimes reported from 12,417 law enforcement agencies across the country. Yet, it is not the frequency or number of hate crimes, alone, that distinguish these acts of violence from other crimes. Rather, our experiences as prosecutors have shown us, that these crimes can have a special impact on victims, their families, their communities and, in some instances, the nation. Indeed, in Wisconsin v. Mitchell, 508 U.S. 47 (1993), Chief Justice William Rehnquist wrote for a unanimous Supreme Court in upholding the constitutionality of enhanced penalties for crimes motivated by bias or hate against a person because of race, religion, color, disability, sexual orientation, national origin or ancestry. In so ruling, the Court recognized that "bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest." Hate crimes have lead to the polarization of communities, increases in security needs at schools and churches, declines in property values and the creation of an overall atmosphere of fear and distrust. All too often that climate has hindered the efforts of local law enforcement and placed the lives of police officers and civilians in jeopardy.

As the chief legal and law enforcement officers of our respective states, we are mindful that the overwhelming majority of criminal cases should be brought by local police and prosecutors at the state level. However, in those rare situations in which local authorities are unable to act, measures such as the LLEHCPA and others provide a backstop to state and local law enforcement by allowing federal involvement if it is necessary to provide a just result. These measures would provide invaluable tools to federal law enforcement to help state authorities in their fight against hate crimes. Therefore, we strongly urge the passage of important hate crimes legislation by the 110th Congress.

Sincerely,

Lisa Madigan, Attorney General of Illinois; Mark Shurtleff, Attorney General of Utah; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Richard Blumenthal, Attorney General of Connecticut; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Mark J. Bennett, Attorney General of Hawaii; Tom Miller, Attorney General of Iowa; Gregory D. Stumbo, Attorney General of Kentucky; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Douglas Gansler, Attorney General of Maryland.

Martha Coakley, Attorney General of Massachusetts; Lori Swanson, Attorney General of Minnesota; Jeremiah W. Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Catherine Cortez Masto, Attorney General of Nevada; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Marc Dann, Attorney General of Ohio; Hardy Myers, Attorney General of Oregon; Patrick Lynch, Attorney General of Rhode Island; William H. Sorrell, Attorney General of Vermont; Vincent Frazier, Attorney General of Virgin Islands; Rob McKenna, Attorney General of Washington.

Let me also say, Mr. Speaker, that I stand by this rule. We are talking about life and death issues here. We are talking about people's civil rights. And, unfortunately, I think it is clear that there are some on the other side of the aisle who oppose the expansion of civil rights protections for threatened groups living in the United States, and I believe they are flat wrong. But this gives the Members, every Member of the House, the opportunity to vote up or down on whether or not they believe that we should expand protections. I think this is an appropriate rule, and I strongly support the underlying bill.

Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. In doing so, I join with the majority of Americans and law enforcement agencies who understand that violent acts fueled by bigotry and hatred of a particular group simply because of who they are has no place in America.

H.R. 1592, and this rule, strengthens and broadens protections for our neighbors for attacks based on disability, gender, and sexual orientation. This bill provides local law enforcement with tools needed to partner with our Federal law enforcement agencies to investigate and prosecute these hateful acts.

Why is it needed? Well, unfortunately, in my area of Florida, bigoted crimes are on the rise. This week police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a local high school.

Last month, a Polk County man was stabbed to death for being gay.

Also last month, the Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold religious services.

Last year, two men in neighboring Polk County were jailed on hate crime charges after they threw beer bottles at a club owner in Tampa, who happened to be speaking Arabic, and threatened to kill him.

According to my local State attorney general's offices, 334 hate crimes were reported in Hillsborough and Pinellas Counties in 2004, up from 275 in 2003. Fifty-two of those hate crimes were motivated by sexual orientation in 2004.

Nationwide, victims of hate crimes have reported an average of 191,000 hate crime incidents since the year 2000.

This bill says that we as Americans do not stand for violent acts upon our neighbors based upon who they are; we will not tolerate terrorism against any group of people; and we will provide our local law enforcement agencies with the tools needed to prosecute you when you use violence to spread fear and hate.

Members, I urge you to pass this important bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Judiciary Committee, but more importantly, a former attorney general for the State of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

Let's understand what this is. This is a closed rule suggesting that this is a perfect bill. This is anything but a perfect bill. People ought to understand that we are denied the opportunity to present a single amendment on this floor, and let me explain to my colleagues the single amendment I wish to bring to the floor.

This bill defines hate crimes to include a number of different subjects. One of them is a crime committed against someone where the hate was motivated by hatred for their sexual orientation. "Sexual orientation" appears as an undefined term in the bill.

I offered a simple amendment to define sexual orientation as it is noted in the U.S. Code, the only specific reference to a definition in the U.S. Code, which is a note that is a footnote in the statute which directs the Sentencing Commission to take into consideration hate motivation when they want to enhance penalties. There is no statutory definition of it, however, with respect to the crime itself. And that note refers to sexual orientation simply as consensual homosexual or heterosexual conduct.

Now, why would they not allow us to have that simple amendment, which when we discussed it in committee, I was told that is what they meant the bill to be? The chairman of the committee said to me it sounded like a reasonable amendment because that's exactly what they intended it to be. So why don't we have the opportunity to offer this amendment on the floor? I do not know.

And why would I be concerned about a failure for us to define this term? Because if you use the term "sexual orientation" and use the definition found in the dictionary of those two words, it means any orientation of sexual conduct. Now, why would I be concerned, being a former attorney general of the State of California and having served in this Congress now for seven terms representing my State? Because I recall some 20 years ago when a debate ensued in my then-existing district in Palos Verdes, California, where the local chapter of NAMBLA, which is the North American Man/Boy Love Association, NAMBLA, and the dispute was that they wanted to have their local chapter meetings at the local library. Some of you may have seen their banners in certain parades that take place in San Francisco, where NAMBLA, instead of hiding, proudly proclaims their position of "sexual orientation." They argue, for instance, that we are denying children their right to have sexual expression with adults and that somehow we are hampering their development.

I am not making this up, my colleagues. This is a fact. And under a nondefined term of "sexual orientation," that very well may be included.

I could give you other examples, but that is a current example. And in order to make sure that that kind of activity is not enshrined in the law and given special protection, I asked for this simple amendment. And when I was in debate in the committee, I was told by the chairman that it made ample sense and we ought to work to do that.

So then I go before the distinguished Committee on Rules, make this presentation, have no argument against it, and yet am denied the simple opportunity to offer that.

So the question is why? If you don't want to extend this definition, if you don't want to have this free play out there in the legal atmosphere, why do you deny me the opportunity to present this simple amendment? Is there a hidden agenda here? Is there something we don't know? Are we flying under false flags here? What are we doing?

This is more, my colleagues, than just a dispute between the majority versus the minority on the Rules Committee. This is more than just hampering the minority. This is a question of simple definition which goes to a crucial question in our society today.

So my concern, my colleagues, is not fanciful. It is not made up. It is not something that may happen in the future. This is based on an experience that I have seen for 20-plus years in my home State. And yet when I asked to have this considered, I was told that it made eminent sense, we basically hear a great silence. A great silence.

Now, we can have games here in the House of Representatives, majority versus minority, but when it affects the lives of our constituents, when it affects in a very real way a serious social question in our society, it seems to me we ought to rise above this kind of nonsense, and we ought to at least give the Members the opportunity to consider it.

Maybe the Members don't agree with me. Maybe the Members think we ought to expand this definition. But at least we ought to have the chance to debate it.

□ 1045

Last time I checked, we're not under a time clock here that requires us to leave. We could consider this.

So I would ask my colleagues to please vote down this rule. Allow us to bring forward a rule that allows consideration of these and other amendments.

Mr. McGOVERN. Mr. Speaker, before I yield to the gentlelady from Texas (Ms. JACKSON-LEE), I would like to give my colleagues a couple of examples of the kinds of crimes that we're talking about here.

In Los Angeles, California, 2003, after seeing him hugging another man on the street, three men attacked Treve Broudy, who was 34 years old, with a baseball bat. The incident left Broudy in a coma. Broudy was also hospitalized for approximately 10 weeks after the attack, and has lost half of his vision and has experienced trouble hearing.

In Charlottesville, Virginia, in 1997, James Kittredge was attacked by three young men he offered a ride to outside of a gay club in Charlottesville, Virginia. The men offered to take him to party, but instead they dragged Kittredge out of his car, where they beat him, smashing eight of his ribs and eye socket, urinated on him, put cigarettes out on him and locked him in his own trunk. He was found over a day later.

I can go on and on and on with examples of these hate crimes, but this is what we are trying to prevent, Mr. Speaker.

Mr. Speaker, at this point, I would like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the Rules Committee for very diligent and thorough review. About 14 Members of Congress were able to present their case before the Rules Committee.

I think it is important, Mr. Speaker, to reaffirm that this is about hate. There are already well-recognized doctrines and no disagreement that no matter who you are as an adult, sex with children is wrong. Many of us have enthusiastically supported Federal laws that already oppose that kind of abuse and violation.

It is important to note that not only in the Rules Committee did Members have the opportunity to make the case as to the relevance of their amendments to this bill, but we sat for hours and hours in the Judiciary Committee going over amendment after amendment, amendments that were not about hate. They were, of course, certainly elements that one could raise, but they were protected in other aspects of the law. This bill pertains specifically to historical documented cases that, because of your disability or because of your race, because of your gender, because of your gender identity you have been abused.

You have not seen the depth of degradation unless you've listened to people who have come to you in tears, who cannot, for any reason, tell you why they are who they are, but they say they are who they are, sort of a mix of words. And the pain of living as a human being who is rejected every day of their life, fearful that they may encounter brutality, that is the simplicity of this bill. That is why 31 Attorney Generals currently serving have said we need this. That is why they have asked the Federal Government simply to help us calm the communities, prosecute the cases, make sure that those who have a historical investment in themselves, who they are, can be protected; that a young Hispanic teenager does not have to be brutalized by skinheads. It is emotional, it is tearful, but it is true.

And so when my colleagues talk about this rule, let me assure you that hours upon hours of attention to amendments have already been given, debated, presented. But what we have tried to do is to answer the pain, answer the violence, and yes, answer the call of 31 attorneys of the United States of America.

Pass this rule so that we can debate the question of preventing hate.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, this is a critical piece of legislation, not from the good that it will do, but from the chilling and even killing effect it will have down the road on free speech.

Now, I know that there are people that have said that this is an overreaction, much like people said in 1935 and 1936 that those nuts here on the floor that were concerned Social Security numbers, once created, might be used as identification numbers, and they were promised and assured that it would not happen. But some folks here could see down the road where it was going.

Now, the rule on this is so grossly unfair. If you really want to deal with hate crimes, what about the hate crimes for the elderly? We've seen that recently. They're not part of this. No, that wasn't part of the agenda. You can have a 100-year-old woman beat up by some mean thug, but that doesn't count; we're not going to prosecute. She doesn't deserve protected status.

Frankly, I had a hard time believing we were taking up this law immediately after the tragedy at Virginia Tech. We even had a Holocaust survivor that was randomly shot. I had an amendment proposed that was struck in committee, and the rule being proposed is a closed rule, no amendments, but that would address random violence. Because what we see is a Federal offense where a defense will be, you know what, I didn't hate these people, I just randomly chose someone. It's a senseless act of violence. That will be a defense to an important element of this new created Federal offense.

Another thing we keep hearing people say is, and I had an amendment to address this, is being shut out. We should have had a right to vote on this. People say, well, no, you are specifically protected under the rule of evidence provision in this law. We even had Mr. DAVIS' amendment that further said religious speech is protected. But what they don't point to is what I'm pointing to, under that it says, "It may not be introduced as substantive evidence at trial, unless the evidence specifically relates to the offense."

Well, when you tie that with current existing Federal law, 18 U.S.C. 2(a), the law of principals, which is a good law, most States have it, the Federal Code has it, it says, Whoever aids, abets, counsels, commands, induces or procures a crime's commission is punishable, just as the principal. And for those of us who have been judges or prosecutors and have prosecuted or seen prosecuted people as a principal who didn't commit the offense, but they induced it, then you know every statement, things that you said to induce, could be introduced. That's where they go after ministers.

I think a large part of this is the fact that many people do not understand a Christian heart because they just don't like people that disagree with them. Whereas the Christian, the true Christian heart can disagree with people and love them, love them deeply and be willing to give their lives for them.

This is an unfair law, the way the rule is being put to it. We are not going to protect religious speech because you can go after a minister, and this came up in committee, you can go after a minister who says, gee, relations outside of a marriage with a man and a woman is wrong. Someone goes out after hearing that, shoots somebody, and then he says, well, the preacher told me it was wrong, that's what induced me to do that, the sermons, the Bible teachings, whatnot, that the preacher used that this person may have heard are all relevant on whether or not he was a principal and can go to prison for the actual shooting. And it also provides that nothing changes the rule of impeachment.

So if he says, well, no, I never advocate violence, well, here comes everything he has ever said, his hard drives, his files, and we had an amendment to deal with that, and we were not allowed to use it.

This is not a good law. These things are already protected. We ought to have an open rule to fix it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a bad rule because it's a closed rule, which has been demonstrated with the observations of Mr. LUNGREN and Mr. GOHMERT.

Mr. Speaker, if someone commits a crime, they should be punished. Period. This is a bill that ends equality under the law by authorizing $10 million in grants over 2 years to State and local law enforcement to combat hate crimes targeted to special categories of people. It is a bad bill. This rule is a bad bill, not allowing for improvement, so I ask Members to oppose the rule and the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, I will insert into the RECORD at this time a list of endorsements from law enforcement organizations all across the country. I will also submit for the RECORD the endorsement of the National Education Association, the Religious Action Center of Reformed Judaism, the Matthew Shepard Foundation and the UAW.

LOCAL LAW ENFORCEMENT HATE CRIME PREVENTION ACT OF 2007

LAW ENFORCEMENT SUPPORT FOR THIS LEGISLATION

This legislation has received bipartisan majority support in Congress. In the last session of Congress, on September 14, 2005, the House of Representatives approved the measure as an amendment to the Children's Safety Act by a vote of 233–199. The Senate has approved the bill on two occasions since 2000, most recently in June, 2004 by a vote of 65–33. Unfortunately, in the past, the House leadership has acted to block approval of this legislation.

The measure also enjoys the support of over 210 civil rights, professional, civic, and religious groups, 31 state Attorneys General, former Attorney General Dick Thornburgh, and a number of the most important national law enforcement organizations, including:

Federal Law Enforcement Officers Association, Hispanic American Police Command Officers Association, Hispanic National Law Enforcement Association, International Association of Chiefs of Police, International Brotherhood of Police Officers, Major Cities Chiefs Association, National Asian Peace Officers Association, National Black Police Association, National Center for Women & Policing, National Coalition of Public Safety Officers, National District Attorneys Association, National Latino Police Officers Association, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, Police Executive Research Forum, Police Foundation.

Here's what some of them are saying about the legislation:

Police Executive Research Forum

"This measure is critical to helping law enforcement effectively address the ravaging effects on hate crimes on both the victims of these crimes and the communities destabilized by the fear and anger they generate . . . In the past, PERF has opposed efforts to expand the federal government's authority over traditionally local crimes. However, given the unusual nature of hate crimes and the substantial gaps in state laws, PERF believes in a significant federal role in combating hate crimes."—Excerpts from letter to Members of Congress from Chuck Wexler, Executive Director, PERF, July 19, 2004.

National Sheriffs' Association

"On behalf of the more than 22,000 members of the National Sheriffs' Association I am writing to seek your support for . . . the Local Law Enforcement Enhancement Act [LLEEA]. Unfortunately, there are situations where state and local authorities are unable to properly investigate these crimes. This legislation overcomes those situations . . . The passage of LLEEA will greatly assist state and local law enforcement agencies in investigating and prosecuting hate crimes."—Excerpts from letters to congressional leadership from Sheriff Aaron D. Kennard, Salt Lake City, Utah, President, National Sheriffs' Association, July 21, 2004.

Dick Thornburgh, Former U.S. Attorney General

"I would like to express my strong support for the passage of . . . the Hate Crimes Prevention Act . . . From my experiences as a Governor, the Attorney General, and as a parent of a child with a disability, I can attest to the importance of this legislation . . . Please add my name to the list of supporters for the passage of this important legislation."—Excerpts from letter to the Honorable Orrin G. Hatch, Sept. 29, 1998.

International Association of Chiefs of Police

"On behalf of the International Association of Chiefs of Police (IACP), I am writing to urge you to vote in support of . . . the Local Law Enforcement Enhancement Act . . . The passage of the Local Law Enforcement Enhancement Act will greatly assist state and local law enforcement agencies in investigating and prosecuting hate crimes. The IACP urges you to vote for [the Local Law Enforcement Enhancement Act] . . ."—Excerpts from letter to the Senate from Daniel N. Rosenblatt, IACP Executive Director, Alexandria, Virginia, July 19, 2004.

Albany County Sheriff's Department

"As you know, last week saw the conclusion of the trial of Aaron McKinney for the murder of Matthew Shepard, a case on which we worked day and night for the last year . . . We believe justice was served in this case, but not without cost. We have been devastated financially, due to expenses incurred in bringing Matthew's killers to justice. For example, we had to lay off five law enforcement staff. We do not want the federal take over of hate crimes, but communities like ours must be able to call upon the expertise and resources of the federal government. This approach worked very well in Jasper, Texas in the case of James Byrd Jr. Because of the multiple jurisdiction granted by current federal law related to race-based hate crimes, Jasper was able to access approximately $284,000 in federal Byrne grant money. These grants are only available when a federal jurisdictional basis exists. Presently, unlike race, color, religion and national origin, sexual orientation is not covered. We believe this is a grave oversight that needs to be corrected . . . We respectfully urge you to do everything you can to give law enforcement the tools it needs to fight crime in this country."—Excerpts from letter to House Speaker Dennis Hastert from Sheriff James Pond and Detective Sergeant Robert DeBree, Albany County Sheriff's Department, Nov. 11, 1999.

Eric Holder, Former U.S. Deputy Attorney General

"The enactment of H.R. 1082 [bill number for Hate Crimes Prevention Act, 106th Congress] would significantly increase the ability of state and federal law enforcement agencies to work together to solve and prevent a wide range of violent crimes committed because of bias based on the race, color, national origin, religion, sexual orientation, gender, or disability of the victim. This bill is a thoughtful, measured response to a critical problem facing our Nation."—Excerpts from testimony before the House Judiciary Committee hearing on hate crimes, Aug. 4, 1999.

Jeanine Pirro, District Attorney from Westchester County, N.Y.

"The vast majority of criminal prosecutions are brought by local prosecutors . . . That is the way it should remain . . . However, there are times when states are unable or unwilling to recognize and address fundamental issues vital to our society. And, when that time comes, the federal government must act. Hate crime is a civil rights issue, and the proper role of the federal government in controlling this menace should mirror federal action in other areas of civil rights . . . I maintain hope that immediate federal action on this pressing issue will encourage states . . . to enact legislation of their own . . ."—Excerpts from testimony before the Senate Judiciary Committee, May 11, 1999.

Laramie, Wyoming, Police Department

"When it comes to the families of hate crime victims, Congress needs to also be able to look these people in the eyes and say it is doing all it can. In all honesty, right now they cannot say this. There is much more they can do to assist us in helping these families—if they can only find the political will to do so . . . Yes, justice was served in the end during the Shepard investigation. But the Albany County Sheriff's office had to furlough five investigators because of soaring costs. If the Local Law Enforcement Enhancement Act were passed, this would never have happened . . ."—Excerpts from press statement made by Commander David O'Malley, chief investigator in the murder of Matthew Shepard, Sept. 12, 2000.

National Association of Attorneys General

"We are writing to express our enthusiastic support for the passage of . . . the Hate Crimes Prevention Act . . . Although state and local governments will continue to have the principal responsibility, an expanded federal role in investigating and prosecuting serious forms of hate crimes is critically needed if we are to be successful in addressing and deterring these crimes in our nation. The amendment to 18 U.S.C. Section 245 would provide invaluable tools for the United States Department of Justice and the United States Attorneys to combat hate crimes effectively. Therefore, we strongly urge passage of this important hate crimes legislation."—Excerpts from letter signed by 31 State Attorneys Generals to Speaker Dennis Hastert, Majority Leader Bill Frist, House Minority Leader Nancy Pelosi and Senate Minority Leader Harry Reid, April, 2006.

National Center for Women & Policing

". . . I want to assure you of our support for the Hate Crimes Prevention Act . . . We realize the significance of this important piece of legislation."—Excerpts from letter from Chief Penny Harrington, Director, National Center for Women & Policing, to Elizabeth Birch, Human Rights Campaign, March 23, 2000.

National District Attorneys Association

"On behalf of the members of the National District Attorneys Association, I am writing to express our organization's support of . . . the 'Local Law Enforcement Enhancement Act of 2005.' . . . With local law enforcement and prosecutors investigating and prosecuting approximately 95 percent of the crimes committed such assistance would certainly provide state and local officials with the necessary tools to address crimes motivated by hate. The National District Attorneys Association supports [the bill] not only because of its proposal to provide additional resources and federal assistance to state and local authorities for the investigation and prosecution of hate crimes but also its recognition of the primacy of state and local jurisdiction over such crimes."—Excerpts from letter to The Honorable Edward M. Kennedy, April 14, 2006.

Police Foundation

"The Police Foundation urges you to support . . . [the] Local Law Enforcement Enhancement Act. Hate crimes are extremely debilitating to individuals, groups, and entire communities, and the prevention, investigation, and prosecution of these crimes present important challenges for local law enforcement . . . This legislation will be of valuable assistance to state and local agencies . . ."—Excerpts from letter to Members of Congress from Hubert Williams, Chairman of the Board, Police Foundation, July 26, 2004.

Updated January, 2007.

SUPPORT FOR THIS LEGISLATION

The Local Law Enforcement Hate Crimes Prevention Act is supported by thirty-one state Attorneys General and over 210 national law enforcement, professional, education, civil rights, religious, and civic organizations.

A. Philip Randolph Institute, AIDS National Interfaith Network, African-American Women's Clergy Association, Alliance for Rehabilitation Counseling, American-Arab Anti-Discrimination Committee, American Association for Affirmative Action, American Association of University Women, American Association on Mental Retardation, American Citizens for Justice, American Civil Liberties Union, American Council of the Blind, American Counseling Association, American Ethical Union, Washington Office, American Federation of Government Employees, American Federation of Musicians, American Federation of State, County, and Municipal Employees, AFL–CIO, American Federation of Teachers, AFL–CIO, American Foundation for the Blind, American Jewish Committee.

American Jewish Congress, American Medical Association, American Music Therapy Association, American Network of Community Options and Resources, American Nurses Association, American Speech-Language Hearing Association, American Therapeutic Recreation Association, American Psychological Association, Americans for Democratic Action, American Veterans Committee, And Justice For All, Anti-Defamation League, Aplastic Anemia Foundation of America, Inc., Arab American Institute, The Arc of the United States, Asian American Justice Center, Asian American Legal Defense & Education Fund, Asian Law Caucus, Asian Pacific American Labor Alliance, Asian Pacific American Legal Center.

Association for Gender Equity Leadership in Education, AYUDA, Bazelon Center for Mental Health Law, Bi-Net, B'nai B'rith International, Brain Injury Association, Inc., Business and Professional Women, USA, Catholics for Free Choice, Center for Community Change, Center for Democratic Renewal, Center for the Study of Hate & Extremism, Center for Women Policy Studies, Central Conference of American Rabbis, Chinese American Citizens Alliance, Christian Church Capital Area, Church Women United, Coalition of Black Trade Unionists, Coalition of Labor Union Women, Communication Workers of America.

Congress of National Black Churches, Consortium of Developmental Disabilities Councils, Cuban American National Council, Disability Rights Education and Defense Fund, Disciples of Christ Advocacy Washington Network, Easter Seals, The Episcopal Church, Equal Partners in Faith, Evangelical Lutheran Church of America, Office for Government Affairs, Fair Employment Council of Greater Washington, Family Pride Coalition, Federal Law Enforcement Officers Association, Federally Employed Women, Feminist Majority, Gay, Lesbian and Straight Education Network, Gender Public Advocacy Coalition, General Federation of Women's Clubs, Goodwill Industries International, Inc., Hadassah, Hispanic American Police Command Officers Association.

Hispanic National Law Enforcement Association, Human Rights Campaign, Human Rights First, The Indian American Center for Political Awareness, Interfaith Alliance, International Association of Chiefs of Police, International Association of Jewish Lawyers and Jurists, International Association of Jewish Vocational Services, International Brotherhood of Teamsters, International Dyslexia Association, International Union of United Aerospace and Agricultural Implements, Japanese American Citizens League, Jewish Council for Public Affairs, Jewish Labor Committee, Jewish War Veterans of the USA, Jewish Women International, JAC-Joint Action Committee, Justice for All, LDA, The Learning Disabilities Association of America, Labor Council for Latin American Advancement, Latino/a, Lesbian, Gay, Bisexual & Transgender Organization, Lawyers' Committee for Civil Rights Under Law, Leadership Conference on Civil Rights, LEAP—Leadership Education for Asian Pacifics, Inc., Learning Disabilities Association of America, League of Women Voters.

League of United Latin American Citizens (LULAC), Log Cabin Republicans, Major Cities Chiefs Association, MALDEF—Mexican American Legal Defense & Education Fund, MANA—A National Latina Organization, Maryland State Department of Education, Matthew Shepard Foundation, The McAuley Institute, National Abortion Federation, NAACP, NAACP Legal Defense and Educational Fund, Inc., NA'AMAT USA, NAKASEC—National Korean American Service & Education Consortium, Inc., National Asian Pacific American Women's Forum, National Asian Peace Officers Association, National Association for Multicultural Education, National Association of Commissions for Women, National Alliance for the Mentally Ill, National Alliance of Postal and Federal Employees, National Asian Pacific American Bar Association.

National Association for the Education and Advancement of Cambodian, Laotian and Vietnamese Americans, National Association of Collegiate Women Athletics Administrators, National Association of the Deaf, National Association of Developmental Disabilities Councils (NADDC), National Association of Latino Elected and Appointed Officials (NALEO), National Association of Lesbian, Gay, Bisexual and Transgender Community Centers, National Association for Multicultural Education, National Association of People with AIDS, National Association of Private Schools for Exceptional Children, National Association of Rehabilitation Research and Training Centers, National Association of School Psychologists, National Association of Social Workers, National Black Police Association, National Black Women's Health Project, National Center for Lesbian Rights, National Center for Transgender Equality, National Center for Victims of Crime, National Center for Women & Policing, National Coalition Against Domestic Violence.

National Coalition for Asian Pacific American Community Development, National Coalition of Anti-Violence Programs, National Coalition on Deaf-Blindness, National Coalition of Public Safety Officers, National Conference for Community and Justice (NCCJ), National Congress of American Indians, National Council of Churches of Christ in the USA, National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National District Attorneys Association, National Education Association, National Federation of Filipino American Associations, National Gay and Lesbian Task Force, National Hispanic Leadership Agenda (NHLA), National Italian American Foundation, National Jewish Democratic Council, National Korean American Service and Education Consortium, National Latino Police Officers Association, National League of Cities.

National Mental Health Association, National Multicultural Institute, National Newspaper Publishers Association, National Organization of Black Law Enforcement Executives, National Parent Network on Disabilities, National Partnership for Women & Families, National Puerto Rican Coalition, Inc., National Rehabilitation Association, National Respite Network, National Sheriffs' Association, National Spinal Cord Injury Association, National Spiritual Assembly of the Baha'is of the United States, National Therapeutic Recreation Society, National Urban League, National Victim Center, National Women's Law Center, National Youth Advocacy Coalition, NOW—National Organization for Women, NOW Legal Defense & Education Fund, NETWORK, A National Catholic Social Justice Lobby.

Organization of Chinese Americans, ORT—Organization for Educational Resources and Technological Training, Paralyzed Veterans of America, Parents, Families and Friends of Lesbians and Gays, People For the American Way, Police Executive Research Forum, Police Foundation, Presbyterian Church (USA), Washington Office, Pride at Work, Project Equality, Inc., Rainbow/PUSH Coalition, Rehabilitation Engineering and Assistive Technology Society of North America, The Rabbinical Assembly, Rock the Vote, Service Employees International Union—AFL-CIO, Sikh American Legal Defense and Education Fund (SALDEF), Society for the Psychological Study of Social Issues, South Asian American Leaders of Tomorrow (SAALT), Southeast Asia Resource Action Center, Spina Bifida Association of America.

Union of Reform Judaism, Union of Needletrades, Industrial & Textile Employees (UNITE), Unitarian Universalist Association, United Church of Christ—Office of Church in Society, United Food and Commercial Workers International Union, United Methodist Church—General Commission on Religion and Race, The United States Conference of Mayors, United States Student Association, United Synagogue of Conservative Judaism, The Woman Activist Fund, Inc., Women of Reform Judaism—Federation of Temple Sisterhoods, Women Work!, Women's Alliance for Theology, Ethics & Ritual, Women's American ORT, YWCA of the USA.

Updated February, 2007

APRIL 30, 2007.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MCGOVERN: On behalf of the National Education Association's 3.2 million members, we would like to urge your support for the Local Law Enforcement Hate Crimes Prevention Act (H.R. 1592), scheduled for floor debate this week. Votes associated with these issues may be included in the NEA Legislative Report Card for the 110th Congress.

In spite of our nation's substantial advances toward equality over the past 40 years, prejudice and hatred continue to lead to violence. As educators, NEA members share a commitment to protecting the civil and human rights of our students and communities. We believe the federal government must play a leadership role in confronting criminal acts motivated by prejudice.

NEA has taken aggressive steps to address the issue of hate crimes in the context of schools and school districts. NEA and its affiliates have worked to develop training for educators and programs for students regarding hate crimes and human relations skills. But our efforts in this area will not be successful absent a comprehensive federal/state/local partnership to address hate crimes.

This legislation has strong bipartisan support in Congress; the support of more than 210 law enforcement, civil rights, civic and religious groups; and the support of the overwhelming majority of American people. We urge your support for this important initiative.

Sincerely,

DIANE SHUST,
Director of Government Relations.
RANDALL MOODY,
Manager of Federal Advocacy.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
April 30, 2007.

DEAR REPRESENTATIVE, On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, I urge you to vote for H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007 (LLEHCPA).

All violent crimes are reprehensible, but the damage done by hate crimes cannot be measured solely in terms of physical injury or dollars and cents. Hate crimes rend the fabric of our society and fragment communities; they target a whole group of people, not just the individual victim. By providing new authority for federal officials to investigate and prosecute cases in which the violence occurs because of the victim's real or perceived sexual orientation, gender identity, gender, or disability, the LLEHCP A will significantly strengthen the federal response to these horrific crimes.

This legislation only applies to bias-motivated crimes, and will not affect lawful public speech or preaching in any way. States will continue to play the primary role in prosecuting bias-motivated violence, but the LLEHCPA will allow the federal government to intervene in cases where local authorities are either unable or unwilling to investigate and prosecute a criminal act as a hate crime.

Studies demonstrate that gay, lesbian, transgender, and disabled persons face a significantly increased risk of violence and harassment based solely on these immutable characteristics. This long-overdue legislation would rightly classify violence based On sexual orientation, gender identity, and disability as a hate crime under federal statute. We cannot allow another Congress to slip by without enactment of the Local Law Enforcement Hate Crimes Prevention Act

As Jews, we cherish the biblical commandment found in Leviticus 19:17: "You shall not hate another in your heart." We know all too well the dangers of unchecked persecution and of failing to recognize hate crimes for what they are: acts designed to victimize an entire community. We also take to heart the commandment "You may not stand idly by when your neighbor's blood is being shed" (Leviticus 19:16). Jewish tradition consistently teaches the importance of tolerance and the acceptance of others. Inasmuch as we value the pursuit of justice, we must actively work to improve, open, and make safer our communities.

This bill has come far too close to becoming law for far too long. The Local Law Enforcement Hate Crimes Prevention Act of 2007 is one of our organization's top legislative priorities for the 11Oth Congress. I urge you to vote for this legislation.

Sincerely,

RABBI DAVID SAPERSTEIN,
Director and Counsel.

MATTHEW SHEPARD FOUNDATION,
May 2, 2007.

DEAR REPRESENTATIVE: On behalf of the Matthew Shepard Foundation and our family, we urge you to vote YES and resist any amendments and motions to recommit on the Local Law Enforcement Hate Crimes Prevention Act (LLEHCPA) of 2007, (H.R. 1592).

Hate crimes are an unrelenting and underaddressed problem in the United States. By enacting the LLEHCPA, a crucial step will be taken to address violent crimes committed all too often against individuals based on actual or perceived sexual orientation, gender, gender identity, and disability.

In particular, hate crimes based on sexual orientation are of grave concern. According to the Federal Bureau of Investigation's (FBI) Unified Crime Reports, approximately 10,000 hate crime incidents based on sexual orientation have been reported since 1998. Consistently, since 1998, hates crimes based on sexual orientation have ranked as the third highest category of reported incidents in the United States. These are just the statistics. Behind these numbers are real human beings—our son Matthew being one of them.

Despite evidence of the grave reality of hate crimes, anti-gay political organizations are spreading misinformation and lies. Many members of Congress have been targeted by these organizations claiming that this legislation would punish religious people for anti-gay speech—dubbing this a "thought crimes bill."

These claims are completely false. This legislation would grant local law enforcement officials federal funds for the investigation and prosecution of violent crimes motivated out of prejudice and hate that result in serious bodily injury and death. Claims that the bill would punish preaching or other ways of speaking out against homosexuality ring particularly hollow because the legislation was specifically crafted to prevent that. Two separate provisions make clear that speech unrelated to the violent crime under consideration could not be used to prove a hate crime. This is about violent actions.

As the parents of a young man killed simply for being gay, we refuse to be silent and let this bill be misconstrued by these organizations. Let each of us be mindful that the only crime of thought we can commit this week would be to let these lies take our collective sights off of this vital bill and the thousands of Americans who have lost their lives to senseless hate violence.

Since Matthew's death, while we have continued our own personal grieving, we have met too many other parents who have lost children in the same way we did. For all of those parents, for our own family, and for Matthew—we are calling on all members of the House of Representatives to vote YES on the H.R. 1592 and to resist any attempts to kill this critical piece of legislation to protect all Americans from violence. If you have any questions or would like additional information, please contact Brad Clark, Outreach & Advocacy Director, at (303) 830–7400 or brad@MatthewShepard.org.

Sincerely,

JUDY SHEPARD,
Executive Director.
DENNIS W. SHEPARD,
Chairman, Board of Directors.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,

May 1, 2007.

DEAR REPRESENTATIVE: This week the House is scheduled to take up the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592.) The UAW strongly supports this hate crimes prevention legislation. We urge you to vote for this vital legislation and to oppose any weakening amendments.

This legislation would strengthen existing federal hate crimes laws by removing unnecessary obstacles to federal prosecution and providing authority for federal involvement in a wider category of bias-motivated crimes. Specifically, H.R. 1592 would eliminate the current requirement that the crime must have been committed because of the victim's involvement in a "federally protected activity," such as voting, serving on a jury or attending public school. It would also permit federal involvement in the prosecution of bias-motivated crimes based on the victim's gender, sexual orientation or disability.

This measure has repeatedly attracted majority, bipartisan support in both the Senate and the House. In the 109th Congress, the House of Representatives approved the text of this measure as an amendment to the Children's Safety Act by a vote of 223–199 on September 14, 2005. In the 108th Congress, on June 15, 2004, the Senate approved this measure as an amendment to the National Defense Authorization Act for Fiscal Year 2005 by a vote of 65–33. In September 2004, the House approved a motion to instruct its conferees to retain this provision in conference by a vote of 213–186. Unfortunately, this legislation was dropped from the final conference report.

The UAW believes there is a need for a strong federal response against hate crimes. Congress has an opportunity to provide leadership on this vital issue by acting to strengthen the federal hate crimes statute. We therefore urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) and to oppose any weakening amendments.

Thank you for considering our views on this important issue.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. MCGOVERN. Mr. Speaker, the bill before us provides much needed support for local law enforcement agencies in the fight against violent hate crimes. That's why so many law enforcement agencies all across the country are enthusiastically supporting this legislation. That's why 31 State Attorney Generals, including the Republican Attorney General from the State of Washington, supports this bill.

Victims have reported an average of 191,000 hate crime incidents annually since the year 2000. Seventy-three percent of Americans support strengthening hate crimes laws.

This bill, as I said, is endorsed by virtually every major law enforcement organization in the country. The legislation is also supported by President George H.W. Bush's Attorney General, Dick Thornburg. This legislation is virtually identical to the version approved by a bipartisan majority in the Republican-led 109th Congress.

Hate crimes affect more than one individual, Mr. Speaker. It is committed with the intention of terrorizing a group of people or an entire community.

Now, we've heard arguments from some on the other side that this bill somehow violates the first amendment. In fact, the measure includes an explicit statement that the bill may not be interpreted as limiting first amendment protections language that is based on the existing Washington State hate crime statute. The provision only applies when a person's conduct, not thought or speech, is being punished.

Mr. Speaker, the United States Supreme Court has rejected the claim that a hate crime law is a law against thoughts. The Supreme Court recognized in Wisconsin v. Mitchell that it is common to take motive into account in criminal law.

So to those of my colleagues who are worried about protecting bigoted speech, they can stop worrying because this bill, sadly, will not affect that kind of speech.

Now, some have argued that this law is an unnecessary extension of the Federal Government. The bill provides support and resources to assist local law enforcement agencies. The majority of hate crimes will still be prosecuted at the State level. The Federal Government only has jurisdiction in certainly limited and extreme circumstances.

The Federal Government has the responsibility, Mr. Speaker, to protect all Americans against bigotry and against violent crime.

So what we have before us, Mr. Speaker, is relatively simple; you either support providing an expansion of civil liberties and civil rights and civil protections under the law, or you don't. So that is the question that my colleagues have to deal with.

I think the answer is simple. I think we should support this legislation. This is a good bill. It should enjoy bipartisanship support because it has in the past. I would urge all of my colleagues to support this rule and to support the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 196, not voting 19, as follows:

[Roll No. 296]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne

Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Cubin
Culberson
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Hirono
Hunter
Johnson, E. B.
Jones (OH)
Lampson
McMorris Rodgers
Moran (VA)
Ortiz
Paul
Radanovich
Tancredo
Tanner

□ 1124

Mr. DUNCAN, Ms. PRYCE of Ohio, and Mr. BURGESS changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 296, I was attending a hearing on S. 310, the Native Hawaiian Government Reorganization Act of 2007 and missed this vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 199, not voting 20, as follows:

[Roll No. 297]

AYES—213

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Boyd (FL)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Boucher
Cubin
Culberson
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Heller
Hunter
Johnson, E. B.
Jones (OH)

Lampson
McMorris
Rodgers
Moran (VA)
Ortiz
Paul
Radanovich
Tancredo
Tanner

☐ 1134

Mrs. BOYDA of Kansas changed her vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 364, I call up the bill (H.R. 1592) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 3. DEFINITION OF HATE CRIME.

In this Act—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 4. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or Tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 5. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section

249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 7. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 8. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

SEC. 9. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to House Resolution 364, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–120, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2007".

SEC. 2. DEFINITION OF HATE CRIME.

In this Act—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 3. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or Tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental

violence recovery service programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 4. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

"(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

"(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

"(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the State does not object to the Federal Government assuming jurisdiction; or

"(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

"(c) DEFINITIONS.—In this section—

"(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

"(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

"(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"249. Hate crime acts.".

SEC. 7. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1592.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the hate crimes bill, H.R. 1592, will provide assistance to State and local enforcement agencies and amend Federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes.

Last Congress, this legislation passed with a bipartisan vote, and it also passed in the 108th Congress and the 106th Congress. So we have the same bill before us that we had in the 109th Congress.

This legislation has attracted the support of over 211 civil rights organizations, educational institutions, religious organizations, civic groups; and importantly, virtually every major law enforcement organization in the country has endorsed the bill, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum and 26 State attorneys general.

Hate crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. It just so happens that we documented 113,000 hate crimes by the Federal Bureau of Investigation, and in the year 2005, the most current data available, the FBI compiled reports on law enforcement agencies across the country, identifying 7,163 bias-motivated criminal incidents.

The fact of the matter that is known to law enforcement is that hate crime incidents are notoriously underreported; and so we come here today to take the civil rights laws that we have passed across the years to the last, final extent, to crimes of violence based on the hate of the individual, intended to intimidate the class or group that that individual comes from.

We have a strong bill. We have more supporters than ever in the Congress and in the national community, and we know that the current law limits Federal jurisdiction over hate crimes against individuals on the basis of race, religion, color or national origin, but only when the victim is targeted because he or she is engaged in a Federal protected activity, such as voting.

Further, the existing statutes do not permit Federal involvement in a range of cases where the crimes are motivated by bias against the victims' actual or perceived sexual orientation, gender, gender identity or disability.

This legislation, identical to the version approved in the 109th Congress, will strengthen existing Federal law in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson, by addressing the rigid jurisdictional requirements under Federal law and expand the jurisdiction to crimes motivated by bias against the victim's actual or perceived sexual orientation, gender, gender identity or disability.

This bill only applies to bias-motivated crimes of violence. It does not impinge on public speech or writing in any way. In fact, the measure improves two explicit first amendment free speech protections for the accused, and we want you to know that there are no first amendment disabilities about this measure in any way. As a personal advocate of the first amendment, I can assure you that that would be the last thing that would be allowed to be in this bill.

What we are saying now is that a vote for this bill is not a vote in favor of any particular sexual belief or characteristic. It is a vote, rather, to provide basic rights for and protection for individuals so that they are protected from assaults based on their sexual orientation.

But the majority of incidents reported on racially motivated crimes, 54 percent, are based on racially motivated crimes, 17 percent on religious bias, and 14 percent on sexual orientation bias.

The time has come for the Congress to finally deal with this whole subject of hate crimes. It is a blot on our constitutional understanding of what democracy is all about, and it is so important that today we debate and pass finally the hate crimes law that has been here and approved in three different Congresses.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this bill, H.R. 1592, for three reasons. First, the bill will result in disproportionate justice for crime victims who do not fall within the categories it contains. Second, it will have a chilling effect on religious freedom and first amendment rights. And third, it is probably unconstitutional and raises significant Federalism issues.

We can all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating not only to the victim, but also to the larger community whose public safety has been violated. That is why all violent crimes must be vigorously prosecuted. However, this bill, no matter how well intended, undermines basic principles of our criminal justice system.

Our criminal justice system has been built on the ideal of equal justice for all. Under this bill, justice will no longer be equal, but depend on the race, sex, sexual orientation, disability or status of the victim. It will allow different penalties to be imposed for the same crime. For example, criminals who kill a homosexual or transsexual will be punished more harshly than criminals who kill a police officer, a member of the military, a child, a senior citizen or any other person.

□ 1145

To me, all victims should have equal worth in the eyes of the law. In fact, in 1984, Congress, in a bipartisan manner, enacted the Sentencing Reform Act to ensure the consistent application of criminal penalties to avoid, "unwarranted sentencing disparities among defendants who have been found guilty of similar criminal conduct."

Why are we departing from the fairness embodied in that Act? Ordinarily, criminal law does not concern itself with motive, but rather with intent.

This legislation forces law enforcement officials to comb the offender's past to determine whether the offender ever expressed hostility toward a protected group. In addition, the bill raises the real possibility that religious leaders or members of religious groups could become the subject of a criminal investigation focusing on a suspect's religious beliefs, membership and religious organizations and any past statements made by a suspect. A chilling effect on religious leaders and others who, press their constitutionally protected beliefs, unfortunately, could result.

Some of my colleagues on the other side will claim that an amendment adopted during committee markup protects religious speech. However, it would not diminish the chilling effect of possible involvement in criminal investigations. Religious speakers and groups will feel in greater jeopardy as a result of this bill.

The facts of the Supreme Court decision in Wisconsin v. Mitchell underscore the danger of this legislation. In that case, Todd Mitchell received an enhanced hate crime sentence because of remarks he made to prior to others attacking a teenager because of his race. Mitchell did not participate in the physical assault of the teenager. His sentence was upheld. He was punished for his words.

My colleagues on the other side have argued that no prosecutor would ever subject members of a religious community to the criminal process. Are we willing to take the risk and leave the first amendment protections to a prosecutor's discretion?

I also believe the bill itself is probably unconstitutional and will likely be struck down by the courts. There is little evidence to support the claim that hate crimes impact interstate or foreign commerce, an important consideration for any Federal court reviewing the constitutionality of this legislation.

In 2000, the Supreme Court in the United States v. Morrison struck down a prohibition on gender-motivated violence. In that case, the court specifically warned Congress that the commerce clause does not apply to noneconomic violent criminal conduct that does not cross State lines, nor does the proposed legislation authorized under the 14th and 15th amendments. Those amendments only extend to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th amendment reaches private conduct such as individual criminal conduct, it is difficult to argue that one's sexual orientation, disability or gender identity constitutes a badge and incidence of slavery. Aside from the constitutional defects of this bill, it purports to federalize crimes that are being effectively prosecuted by our States and local governments.

FBI statistics show that the incidence of so-called hate crimes has actually declined over the last 10 years. Only six of approximately 15,000 homicides in the Nation involved hate crimes.

As the Washington Post stated in a previous editorial, "Rape, murder and assault—no matter what prejudice motivates the perpetrator—are presumptively local matters in which the Federal Government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate Federal interest . . ."

Unfortunately we cannot legislate away the hatred that some feel in their hearts. We need fewer labels and more unity in our country. For all the reasons I have mentioned above, I oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to a distinguished member of the committee, TAMMY BALDWIN of Wisconsin.

Ms. BALDWIN. Mr. Speaker, the House today has a historic opportunity to expand upon the principles of equal rights and equal protection embodied in our Constitution by passing the Local Law Enforcement Hate Crimes Prevention Act.

This Act would offer Federal protections for victims of hate crimes targeted because of their race, color, religion, national origin, sexual orientation, gender, gender identity or disability. These characteristics are included in this hate crimes legislation, not because they deserve any special protection as opponents of this legislation claim, but because of the history of particularly heinous and violent crimes committed against individuals based on such characteristics. That's what warrants this inclusion.

I wanted to share several stories about why this legislation is so important. I only have time for one. Let us never forget the story of Matthew Shepard, who was brutally attacked by his hateful, homophobic assailants and left to die on a fence in a remote area of Wyoming.

Matthew's death generated international outrage by exposing the violent nature of hate crimes and its horrific effect on the entire targeted commune. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act. Today we have been joined by Matthew's mother, Judy Shepard and a lead investigator in this case, David O'Malley, who are still courageously advocating for the passage of this legislation more than 8 years after Matthew's death.

The passage of hate crimes legislation is long overdue. This will be critical for both symbolic and substantive reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit heinous crimes are punished. But on a symbolic basis, it is important for Congress to enunciate clearly that hate-based violence targeting women, gays, lesbians, transgender individuals and people with disabilities will no longer be tolerated.

Mr. Speaker, I want to thank Chairman CONYERS, Chairman SCOTT, and the staff of the Judiciary Committee for their diligent work in bringing the bill to the floor.

Hate crimes are different than other violent crimes because they seek to instill fear into a whole community—be it burning a cross in someone's yard, the burning of a synagogue, or a rash of aggravated batteries of people outside a gay community center. These are crimes motivated by prejudice and meant to send a message to society and others who belong to the same category. This sort of domestic terrorism demands a strong, federal response because this country was founded on the premise that persons should be free to be who they are—without fear of violence.

I want to share with you a few reasons why the passage of this legislation is so urgent and necessary. Last week in Committee, we heard from a very young man, Mr. David Ritcheson, who was brutally beaten last year by two individuals due to his ethnicity as a Mexican-American. Mr. Ritcheson spent the next 3 months and 8 days in the hospital, recovering from severe internal injuries. Yet because the attack took place in a private yard rather than an area of public access, the FBI had no grounds to investigate the attack under existing hate crimes laws.

The story of Brandon Teena also demonstrates the need for this legislation. Dramatized in the movie "Boys Don't Cry," Brandon was raped and later killed after the discovery of his biological gender by two acquaintances. Five days before his murder, Brandon reported his rape and beating by the same perpetrators, but the Richardson County Nebraska Sheriff would not pursue the case against Brandon's attackers.

Let us never forget the story of Matthew Shepard, who was brutally attacked by his hateful homophobic assailants and left to die on a fence in a remote area of Wyoming. Matthew's death generated international outrage by exposing the violent nature of hate crimes and its horrific effect on the targeted community. I remember the impact locally in Wyoming. I was in the midst of my first campaign for Congress in October 1998. Many gay and lesbian youths roughly Matthew's age were working on my campaign. I remember the impact of the crime on them. They were afraid for their safety, and that is precisely the effect these crimes have. The sponsors of the Senate hate crimes legislation have renamed the bill the Matthew Shepard Act, and today we are joined by Matthew's mother Judy Shepard and the lead investigator in his case David O'Malley, who are still courageously advocating for the passage of this legislation more than 8 years after Matthew's tragic death. Mr. Speaker, the passage of hate crimes legislation is long overdue.

The passage of H.R. 1592 today will be critical for both substantive and symbolic reasons. The legal protections are essential to our system of ordered justice and essential for ensuring that those who commit these heinous crimes are punished . . . but on a symbolic basis, it is important for Congress to enunciate clearly that hate-based violence targeting women, gays and lesbians, transgender individuals, and people with disabilities will no longer be tolerated.

The opponents of this legislation will disseminate a lot of misinformation today in order to derail this bill. But make no mistake, the legislation we are considering today has been carefully crafted to protect an individual's First Amendment right to speech, expression, and association. It also provides much needed federal resources to local law enforcement authorities without usurping local authority. Finally, the bill is fully consistent with Supreme Court precedence on both First Amendment and interstate commerce cases.

Our society is not perfect; the passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crimes go away. H.R. 1592 is about giving state, local, and federal law enforcement authorities the necessary resources and tools to combat violent crimes based on prejudice and intended to terrorize a group of people or an entire community. Such hate crimes are in desperate need of a federal response, and I strongly urge my colleagues to vote in support of this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN) a senior member of the Judiciary Committee and a former attorney general of California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman.

Mr. Speaker, hate crimes are a serious issue. That's why 45 out of the 50 States have laws against them. That's why we have an already existing Federal law where there is a Federal interest involved.

Unfortunately, this bill is not necessary or is not drawn appropriately for any specific Federal problem. Some 20 years ago, I remember supporting the gentleman from Massachusetts against an effort by a Member on my side of the aisle to remove homosexuals from protection under the Hate Crimes Act at the time, that is the Hate Crimes Statistics Act. That went to the definition.

I am concerned about the definition in this bill. I mentioned this during the rule. In this rule there is no definition of sexual orientation, which becomes a protected class in the sense of enhanced penalty or a new crime for protection for such a victim.

We asked whether we would put the definition that is noted in the statute that goes to the sentencing commission in the bill. In fact, many on the committee said that I had a good idea. Yet, I was denied the opportunity in committee and in the Rules Committee to present that.

So, therefore, we have no definition of sexual orientation. I wanted the simple definition that's recognized in the note to the sentencing commission, which limits it to homosexual or heterosexual conduct. So, now we have an undefined term of sexual orientation.

Why am I concerned about it? Because I come from the State of California, where, for the past 20 years, we have had a problem dealing with an organization called NAMBLA, North American Man/Boy Love Association. They march in parades. They asserted the right, under the first amendment, to be able to hold their meetings in the local chapter in a library in my district. That's a sexual orientation.

Without limiting the definition, as I asked us to do, we open up the potential for creating a new protected class. I do not understand why the majority refused to allow us a serious amendment to just define what this is and get rid of this problem.

We were told, look at the statute. It defines it. We found out it didn't. It said it does it by reference. We went to it. The only reference is to a note to the sentencing commission. It is not defined.

If this is not taken care of, this bill, I know it's not the intent, but it becomes essentially a NAMBLA Protection Act, because it allows that sort of conduct or any other sexual orientation to be considered because there is a lack of definition.

Why you didn't allow it, I don't know. But you didn't allow it. On that grounds alone, this bill ought not to go forward.

This bill needs to be reviewed, it needs to be amended, it needs to be perfected. It doesn't do what it claims it does. It has an expansion beyond all that anybody would support. At least in the committee they told me they didn't support it.

They said they would take care of it. They didn't take care of it. I asked for a simple amendment in the Rules Committee. We were denied a simple amendment. I don't know why you are doing this, but it is a failure of this bill and will probably defeat this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

First of all, I want to assure my friend Mr. LUNGREN, the former attorney general of California, that we have no opposition about dealing with the definition of which he complained.

I also take this opportunity to remind him that 26 State attorney generals, just like you were, approved this bill.

Now I turn to the chairman of the Subcommittee on Crime, BOBBY SCOTT, and I yield him 2 minutes.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias-based crimes are an unfortunate reality in this country. This legislation is necessary because existing law, 18 U.S.C. section 245(b)(2) does not protect individuals from violent acts based on race, color, national origin or religion, unless the defendant intended to interfere with the victims' participation in certain enumerated Federal activities.

Additionally, Federal law does not presently provide for hate crime protection at all for a tax based on sexual orientation, gender, gender identity or disability.

Mr. Speaker, this bill also addresses many of the express concerns about the first amendment rights to free speech and association. H.R. 1592 addresses these concerns by providing an evidentiary exclusion, which prohibits the government from introducing evidence of expression or association as substantive evidence at trial, unless it is directly relevant to the elements of the crime.

This provision will ensure that defendants will only be prosecuted and convicted based on their criminal acts, not on what they say or what they believe, or because of the people with whom they are associated. There are some of us who criticize the bill as an improper exercise of Federal jurisdiction. But based on testimony and the issues of the witnesses at our hearings, this legislation has been carefully drafted to address the Supreme Court's decisions in Lopez and Morrison, which limited Congress' jurisdiction to pass legislation.

Furthermore, H.R. 1592, in response to the gentleman's complaint, Federal prosecutors must confer with State authorities to decide whether Federal jurisdiction is appropriate, and no prosecution can proceed without the express approval of the United States attorney general or his designee. Additionally at trial they must prove a valid Federal interest as a specific element of the crime.

In addition to creating new hate crime offenses and expanding the application of existing ones, this bill also establishes an important grant program to provide financial assistance to States, local, and tribal law enforcement agencies to provide much-needed assistance in investigating high-profile crimes.

Mr. Speaker, this bill has broad support. For these reasons, I urge my colleagues to support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and a ranking member of the IP subcommittee.

Mr. COBLE. I thank the gentleman from Texas.

Mr. Speaker, I rise in opposition to the bill before us.

All crimes are deplorable, particularly when they are motivated by some form of discrimination. But this bill, in my opinion, does nothing to prevent these acts. States and Federal governments traditionally prosecute hate crimes now. I agree with the argument that this bill would unfairly classify crimes against certain groups of people, and ignore others such as law enforcement, children, veterans or senior citizens who deserve the same degree of protection.

□ 1200

I am concerned that this legislation will lead to unseemly investigations, possibly into thoughts and beliefs, which could have the effect of criminalizing religious or political speech.

Furthermore, I understand that the legislation does not have a nexus with interstate commerce that would survive a constitutional challenge.

I understand the need to protect vulnerable people, Mr. Speaker, and I support funding to help community safety and to prosecute criminals, but I cannot support this legislation.

Oftentimes, Mr. Speaker, those of us who oppose hate crime legislation are accused of being uncaring and insensitive. Now, to those charges I plead "not guilty," but I oppose this, among other reasons, because hate crime legislation is duplicative. There is sufficient statutory relief readily available now to aggrieved victims. There is such a thing as having too many laws, and I think this would result if we enact this today, and I urge its defeat.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as one of the lead Republican cosponsors of H.R. 1592, I am pleased we are considering this legislation, which will allow the Justice Department to investigate crimes committed on the basis of the victims race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Under this bill, hate crimes that cause death or bodily injury because of prejudice can be investigated federally, regardless of whether the victim was exercising a federally protected right.

In my judgment, violence based on prejudice is a matter of national concern that federal prosecutors should be empowered to punish if the States are unable or unwilling to do so.

Franklin Delano Roosevelt once said:

> We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred, is a wedge designed to attack our civilization.

That statement is no less true today than it was back then. I urge support of this legislation.

Mr. CONYERS. Mr. Speaker, I now yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I rise in support of this as the original cosponsor of this legislation. We find that a hate crime can ignite group-on-group violence that would tear a community apart. We have seen it in other countries; we want to make sure it never happens here.

This is especially dangerous when group-on-group violence can overwhelm a small suburban police department, and this offers assistance so that a small problem doesn't become a big problem and doesn't become a national problem. We saw when Rodney King was beaten that a riot broke out in Beloit, Wisconsin, and overwhelmed that police department.

So to be able to make sure that the Federal Government can defend the Nation and to make sure that our country stands not just for freedom and democracy, but also tolerance, is one reason why we should follow enactment of the Hate Crimes Statistics Act, under President George Herbert Walker Bush, to also pass this legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FEENEY), a member of the Judiciary Committee and a former speaker of the Florida house.

Mr. FEENEY. I am very grateful to the ranking member.

Mr. Speaker, hate is an awful thing, but we cannot punish people for what is in their hearts. We cannot punish people and make it a crime for what people are thinking. We punish acts in this country.

Unfortunately, I think this bill is badly misnamed. This bill should not be called the hate crimes bill, this should be called the unequal protection bill, because what it does is to say that the dignity and the property and the person and the life of one person gets more protection than another American. That is just wrong. With respect to my friend from Illinois, who just said hate crimes can tear this country apart, that is what this bill does. It gives different people the protection of their life, their property, and their person based on their special status.

We need to treat all Americans equally. Justice ultimately must turn on the fundamental word of each and every human being as equal before God and before the law. This bill undermines both of those principles.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the chairman of the Subcommittee on the Constitution, the gentleman from New York, Mr. JERRY NADLER, for 2 minutes.

Mr. NADLER. I thank the gentleman.

Mr. Speaker, this bill deals with violent crimes committed against victims who are singled out solely because someone doesn't like who they are.

Violent attacks because of actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability often cause serious injury or death. They are more serious than a normal assault because they target not just an individual, but an entire group. They spread terror to all members of the group and often deter them from exercising their constitutional rights, sometimes for simply walking down the wrong street.

The only question for Members is whether they believe that singling out a person for a crime of violence because of his or her race or religion or because any other trait is sufficiently heinous to merit strong punishment.

For many years, Mr. Speaker, Congress debated what were known as the Federal lynching laws. They were designed to deal with the widespread practice of lynching primarily African Americans. There was staunch resistance to those laws here in Congress. For three decades, they did not pass while thousands were lynched. We heard many of the same arguments then that we are hearing today. That was not a proud period in our Nation's history. Today, we can do the right thing. I hope we can agree to do so.

Under current law, the attackers of someone like Michael Sandy of Brooklyn, who was attacked simply because he was walking down a street and he was gay, could not be prosecuted for a hate crime because, under existing law, only victims targeted because they are engaged in a federally protected activity, such as voting, are protected. This bill expands the definition to cover all violent crimes motivated by race, color, creed, national origin, et cetera.

This is not an issue of free speech. This bill deals only with crimes of violence in which the victim is selected with his or her status.

The law routinely looks to the motivation of a crime and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We all know how to make these distinctions. The law does it all the time. We ought to do it here; we ought to say that crimes of violence motivated by one's status are particularly heinous and ought to be treated as such.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I appreciate the ranking member of the Judiciary Committee yielding to me.

This bill before us today is one that I have dreaded seeing come before the American people.

I was born in 1949. That was the year that George Orwell published the book "1984." I offered an amendment in committee to change the title of this bill from the Hate Crimes bill to the Thought Crimes bill. In fact, you are seeking to punish thought. And even though the gentleman from Virginia has stated correctly that under this bill, they will be prosecuting crimes, they will also be sentenced for thoughts.

Orwell wrote in 1949 in the book "1984," "We are not interested in those stupid crimes that you have committed. The party is not interested in any overt act. The thought is all that we care about. We do not merely destroy our enemies; we change them. Do you understand what I mean by that?"

And he goes on to define "crimethink," which is exactly the bill before us today. And he defines it this way: "To even consider any thought not in line with the principles of Ingsoc. Doubting any of the principles of Ingsoc. All crimes begin with a thought. So, if you control thought, you control crime. Thoughtcrime is death. Thoughtcrime does not entail death. Thoughtcrime is death, the essential crime that contains all others in and of itself."

And the definition of "Ingsoc" is English socialism, which is how he defined the coming creeping of socialism and Marxism that he feared.

So I make that point strongly that we have now come to this. "1984" has manifested itself on the floor of the United States Congress with the belief that, somehow or another, we can divine what somebody thinks and then punish them for it. And I have been called a racist on the floor of this House for using the term "cultural continuity." How can someone who could make that allegation who has been elected to the United States Congress be sitting on a jury of me? We judge by a jury of our peers, or the peers of the accused and what's in their mind. That's a thoughtcrime in and of itself.

Mr. CONYERS. I yield 1 minute now to a distinguished member of the Judiciary Committee, Mr. ELLISON of Minnesota.

Mr. ELLISON. Mr. Speaker, it is horribly sad that anyone would want to vocalize hateful ideas, but it is not illegal. What Don Imus said about African American women was legal though deplorable. But violence is not. Violence is different. Violence is acts, if motivated by hateful thoughts, that make an impact on the community that is much more harmful than to the individual. It expands to an entire community and injects an immobilizing, terrorizing fear into that community which makes it even more wrong than an act against an individual.

When Eric Richey drove his Mustang into the largest mosque in Ohio on September 16, 2001, he didn't just destroy a building, he injected fear into an entire community.

My question is this: Why do you want to protect thugs and hatemongers? Why don't you want to stand with the civilized community and say, hate is wrong and we must stop it now?

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE), also a member of the Judiciary Committee.

Mr. PENCE. Mr. Speaker, I come before the House today in strong opposition to the Local Law Enforcement Hate Crimes Prevention Act. It would be Thomas Jefferson who would remind the American people that the government reaches actions only and not opinions, in his famous letter to the Danbury Baptists.

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them, and there is no evidence that underlying violent crimes at issue here are not already being fully and aggressively prosecuted. Therefore, hate crimes laws serve no practical purpose and, instead, serve to penalize people for their thoughts and beliefs.

Now, some of these thoughts and beliefs are abhorrent, like racism and sexism, and I disdain them. But hate crimes bills are broad enough to encompass legitimate beliefs as well, and protecting the rights of freedom of speech and religion must be paramount on our minds.

The first amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. There is a real possibility that this bill, as written, that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy laws or section 2 of title XVIII, which holds a person criminally liable if they aid and abet in the commission of a crime. Putting a chill on a pastor's words or a religious broadcaster's programming, an evangelical leader's message, or even the leader of a small group Bible study is a blatant attack on the constitutionally guaranteed right to freedom of religion.

Last week, I offered an amendment before the committee that simply would have stated that nothing in this section limits the religious freedom of any person or group under the Constitution. Unfortunately, this amendment was rejected by the majority and rejected by the Rules Committee for consideration today.

We must guard against the potential for abuse of hate crimes laws. The Pence amendment would have done so by stating, once and for all, that people in groups will not have their constitutionally guaranteed right to freedom of religion taken away.

On this National Day of Prayer, let's take a stand for the right of every American to believe and speak and pray in accordance with the dictates of their conscience and reject this legislation.

Mr. Speaker, I come before the House today in strong opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act.

As Thomas Jefferson once said, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State."

This legislation is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them and there is no evidence that the underlying violent crimes at issue here are not already being fully and aggressively prosecuted in the States. Therefore, hate crimes laws serve no practical purpose and instead serve to penalize people for their thoughts, beliefs or attitudes.

Some of these thoughts, beliefs or attitudes such as racism and sexism are abhorrent, and I disdain them. However the hate crimes bill is broad enough to encompass legitimate beliefs, and protecting the rights of freedom of speech and religion must be paramount in our minds.

The First Amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." America was founded upon the notion that the government should not interfere with the religious practices of its citizens. Constitutional protection for the free exercise of religion is at the core of the American experiment in democracy.

There is a real possibility that as this bill is written, religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy law or section 2 of title 18, which holds criminally liable anyone who aids, abets, counsels, commands, induces or procures its commission; or one who "willfully causes an act to be done" by another.

In the debate at the Judiciary Committee, much was made of the fact that an amendment was adopted by the gentleman from Alabama, Mr. DAVIS. However, that amendment did not go far enough in making it clear that the bill will not limit religious freedom. The sponsor of the amendment admitted that a pastor could still be targeted under the bill for incitement of violence for simply preaching his religious beliefs. For example if a pastor included a statement in his sermon that sexual relations outside of marriage is wrong, and a member of the congregation caused bodily injury to a person having such relations, that sermon could be used as evidence against the pastor.

Putting a chill on a pastor's words, a religious broadcaster's programming, an evangelical leader's message, or even the leader of a small-group Bible study is a blatant attack on the Constitutionally-guaranteed right to freedom of religion.

Last week when the Judiciary Committee took up this bill, I offered an amendment to make it clear that the bill will not affect the Constitutional right to religious freedom.

The Pence Amendment stated, "Nothing in this section limits the religious freedom of any person or group under the Constitution."

Unfortunately, the amendment was defeated by the majority in the Judiciary Committee. Yesterday, I submitted the Pence Religious Freedom Amendment to the Rules Committee for consideration, but that committee chose to adopt a closed rule for today's debate, effectively blocking my amendment and many other good amendments from consideration.

We must guard against the potential for abuse of hate crimes laws, and the Pence Amendment would have done so by stating once and for all that people and groups will not have their Constitutionally-guaranteed right to religious freedom taken away.

Mr. Speaker, this bill threatens religious freedom by criminalizing religious thoughts. On this National Day of Prayer, let's take a stand for the right of every American to believe, speak and pray in accordance with the dictates of their conscience. Take a stand for religious freedom and the First Amendment and vote no on the Local Law Enforcement Hate Crimes Prevention Act.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to a distinguished Member on the Judiciary Committee, STEVE COHEN of Tennessee, for 1 minute.

Mr. COHEN. Mr. Speaker, Mr. Chairman, I am proud to stand in support of this bill. The fact is, these crimes, the victims of which have been Matthew Shepard, James Byrd, Emmett Till over the years have shocked the conscience of this country, and that is why they need special treatment.

When you look at the laws and the type of activities that we are looking at, discrimination based on race, color, religion, national origin, or disabilities, you are looking at the same people that the Nazis tried to exterminate. If you were Jewish, if you were black, if you were disabled, if you were gay, the Nazis made a systematic attempt to eliminate you. And people who do that, even if they are not governments, should be punished, because that is the type of conduct that this world has seen and abhors and went to war for; and our U.S. attorneys should be given the ammunition to go to war against people that perpetrate those type of crimes.

And if you stand against this, what's going to happen? Certain villainous hooligans will maybe get less time. These are the people we need to lock up and put away, because this is a country about life, liberty, and the pursuit of happiness and everybody gets an opportunity.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Judiciary Committee, and also the ranking deputy member of the Crimes Subcommittee.

Mr. GOHMERT. Mr. Speaker, this bill starts off with a preamble that makes it faulty to begin with.

There are all kinds of recitations in the beginning, factual, so-called findings that were not supported and are not supported by any evidence. That is a major problem here.

First of all, people want to talk about how desperately this is needed to stop hate-based crimes. However, there are laws that protect every man, woman, and child from violent acts. In fact, I have heard my colleague across the aisle reference that the Matthew Shepard case shows how desperately we need hate crime legislation. Those perpetrators that did that horrible act both got life sentences under regular murder laws. This was not necessary.

People in committee threw up the Byrd case, a horrible tragedy where a man was dragged to his death simply because he was African American. Those two main perpetrators got the death penalty, and no hate crime that has been passed would address that.

Now, these statistics, if you really want to look at the facts before we pass bad legislation that is not justified by the facts, and I do take issue with the preamble's fact findings. There is no evidence to support them. But let's look.

Since 1995, the FBI statistics show that we have gone from 9,500 to 12,400 agencies reporting, more of the country is being covered, and yet a steady decline has gone from right at 8,000 to 7,100 incidents.

□ 1215

Offenses have gone down near well a thousand, to 8,300. Victims have gone down 1,600. Offenders have gone down 1,600. The laws are working. What this is trying to do is protect a class from any ill speech, anything that's derogatory.

Now, friends across the aisle say no, no, no. We put that in the bill. We've got an amendment that protects that. But if you go to the law in this bill, it says that, yeah, religious or protected speech would not be used at trial, unless it pertains or is relevant to the offense. And as anybody that's prosecuted someone as a principal, not a conspiracy, but a principal, a principal under Federal law, it says whoever aids, abets, counsels, commands, induces, procures a crime's commission is punishable as if he committed the crime.

And this is where this is going; ministers reading from the Bible, rabbis reading from the Torah, imams reading from the Koran who say sexual activity outside of marriage of a man and a woman is wrong, if they have somebody from their flock, some nut go out and commit a crime of violence and, by the way, this is not a restricted crime of violence. It could be violence against property. It can be a touching to be bodily injury. We've lowered the standard in this bill.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the gentleman from Alabama, a distinguished member of the Judiciary Committee, ARTUR DAVIS for 1½ minutes.

Mr. DAVIS of Alabama. Mr. Speaker, there's a pastor back home who has a card that he carries around with him and it says, made by God, return to the Creator upon expiration.

As a person of faith, if you believe that, as I do, you have to believe that that admonition and that promise applies not just to you and your kind, but to people who may be different, act different, think different, and look different. So this is the simplest way I can put this to my colleagues on the other side of the aisle.

If you are a person of faith, you have a Bible-based problem with hate. And if you have a Bible-based problem with hate, it's legitimate to say that hate ought to be punished a little bit more. That's all this legislation says.

Obviously, it must be done consistent with the first amendment, and that is why I offered an amendment that was accepted in committee and that my good friend, LAMAR SMITH from Texas, not only voted for, but praised during the markup. The amendment says specifically, nothing in this statute shall change the terms of the first amendment as they exist.

So this is as simple as I can put this to my good friend, Mr. GOHMERT. The only people who ought to fear this bill are people who would say to another human being, you ought to do violence against someone else. I don't know a man of God or woman of God who would take to any pulpit in the land, any synagogue or mosque in the land and say, do violence to another one of God's children. And because I have confidence in people of faith and know they wouldn't do that, I know they won't be hurt by this bill. And, by the way, I say that as the only Democrat on the committee who voted against gay marriage.

This bill ought to be passed, and I ask my colleagues to do so.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman fro Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I appreciate the gentleman's comments about faith and God. And I am a woman of God. I oppose hate, and I think all crimes are awful. And I have a great disdain for violence produced by hate.

But this bill is the wrong solution for an ideal goal. It is horrible for anyone to hate for any class, race or religion or sexual orientation. Violence produced by hate is already outlawed. Why would we, as a Nation, want to divide our American citizens into various categories of more worthy or less worthy of whatever protection the law can give them? What happened to the great ideal this Nation was founded on of equal, equal protection under law?

The hate crimes bill will chill the first amendment rights of religious groups. This hate crimes bill will chill the first amendment rights of the religious groups, and the government will be required to prove the suspect's thoughts as a category of the victim involved in the crime.

Religious groups may become the subject of criminal investigations in order to determine the suspect's religious beliefs, membership in religious organization, or past statements about persons associated with specific categories. Religious leaders will be chilled from expressing their religious views for fear of involvement in the criminal justice system.

This hate crime bill will result in unequal justice for all and the restriction of one of our ideals that has made this Nation great, free speech.

Mr. CONYERS. Mr. Speaker, I'm pleased now to recognize the most distinguished civil rights leader that we have serving in the House of Representatives, the gentleman from Georgia, Mr. JOHN LEWIS. And I yield to him 1 minute.

Mr. LEWIS of Georgia. Mr. Speaker, hate is too heavy a burden to bear. We have the opportunity, with this bill, to move this Nation one step forward toward laying down the burden, the burden of hate. With this legislation, we can send the strongest possible message that violence against our fellow citizens because of race, color, national origin, religion, sexual orientation or transgender will not be tolerated.

It was the Great Teacher who said, "As much as you have done it unto the least of these, you have done it unto me."

During the 1950s and the 1960s, as a participant in the Civil Rights Movement, I tasted the bitter fruits of hate, and I didn't like it. I saw some of my friends beaten, shot and killed because of hate. Hate is too heavy a burden to bear. It also was the Great Teacher who said, "Love you one another." He didn't say hate you one another.

We're one people. We're one family. We all live in the same house. It doesn't matter whether we're gay or straight. We're one people.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield to the distinguished gentleman from South Carolina (Mr. CLYBURN) for 1 minute.

Mr. CLYBURN. Last night, Mr. Speaker, I re-read Martin Luther King, Jr.'s "Letter from a Birmingham City Jail." In that letter, King dealt with the notion of timing. He said to us that time is never right; time is never wrong; that time actually is neutral, and it's only what we make it. We can use it constructively, or we can use it destructively.

King went on to say that it's always the right time to do that which is right.

Now, a lot of people on yesterday told me that this was the wrong time to bring this legislation. For a moment, I agreed. But reflecting on Dr. King's admonition that the time is always right to do right, I come before this body today to ask us to use the time that we have before us to do right by those people who may not be like us.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a serious issue, and people ought to recognize it's a serious issue.

There is something called hate crimes. And in the past, the Supreme Court has looked at issues to try and differentiate between mere speech and speech connected with conduct and how you articulate a law in a proper way that does not offend the first amendment, which allows terrible speech. One of the prices of our democracy and one of the prices of this society is to allow terrible speech, not to say you accept it, but to allow it.

And so the Supreme Court has carefully reviewed hate crime legislation. When I was attorney general of California, we issued an amicus brief before the Supreme Court to support one version of the hate crime legislation in one State that was similar to ours in California. We declined to do it in another State. And in that one in which we declined to do it, the Supreme Court found that it was afoul of the law.

That's why I think it's very, very important how we carefully construct a hate crimes bill. The underlying premise of this bill is that we should extend the already existing Federal hate crimes legislation, which has a Federal nexus, based on the individual victim or victims being involved in a protected Federal activity.

This bill goes beyond that and suggests that the constitutional nexus with Federal activity is that hate directed against the particular protected classes here somehow restricts interstate commerce. And I would just suggest that the findings in the bill did not have evidence to back it up. And I think there may very well be a constitutional attack that is successful in the Court on that. That's why we are concerned about the way this is written.

Second, there are those who suggest that we will not have the concern become a reality expressed by some on this floor and by some outside this floor that this somehow will chill free speech. The suggestion is we've carefully crafted the legislation so that's not to be the case.

I would just direct our attention to another section of the bill which calls for participation by the Federal Government in the investigation and prosecution of crimes at the State level which delineates the definition of hate crimes in the first two paragraphs but, in the third paragraph says, or any other hate crime established by State law. So what we are doing is extending it beyond the carefully constructed definitions that we have in this bill, considering the constitutional questions and extended it far beyond that. That is another legitimate concern about this bill.

And so I would just say that I hope we don't get totally involved in the argument that there are no hate crimes and they, therefore, never should be involved in our criminal justice system, versus that they are the worst of all crimes, or they are so essentially different from others that those who are subjected to attacks because of a random attitude by the perpetrator, or for reasons outside the protected class, somehow don't have the sufficiency of interest or the sufficiency of importance to be included.

Hate crimes exist in our society. Hate crimes are to be condemned in our society. As I said before, that's why 45 States have done so, most of them successfully in negotiating the shows of constitutional concern that are created by the first amendment. And therefore, one might suggest that we need to review this in far greater detail than we've been allowed thus far.

Mr. CONYERS. Mr. Speaker, I yield myself 5 seconds to respond to my dear friend from California (Mr. LUNGREN).

The purpose of this hate crime bill is to supplement State and local actions. It is not to take over.

Mr. Speaker, I now yield to the gentleman from Georgia, Mr. HANK JOHNSON, member of the Judiciary Committee, 1 minute.

Mr. JOHNSON of Georgia. Mr. Speaker, we've had Federal hate crime legislation on the books since 1968. It covered violent crimes targeted against persons based upon race, color, religion and national origin.

Now we've got folks who don't want us to extend this hate crime legislation to those who would be attacked because of their gender, sexual orientation, gender identity or disability of the victim, and this at a time, Mr. Speaker, when one in six hate crimes is motivated by the victim's sexual orientation. And yet today's Federal laws don't include any protection for these Americans.

☐ 1230

Mr. Speaker, I rise in support of this legislation. It is the right thing to do. It is the humane thing to do. Let's bring protection to those who need it now, 39 years later after the act was enacted.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose this legislation because, at its core, its purpose is to punish thought; and to respectfully suggest that this new majority continues to bring sad and divisive legislation to the floor.

All violent crime is wrong. All violent crime is founded in hate.

This legislation will easily move us to the point of punishing thought and punishing motive. Hate crimes have already been used to suppress speech opposed by cultural elites. In New York, for example, city officials recently cited hate crime principles to force a pastor to remove billboards containing biblical quotations on sexual morality.

Many pastors and ministers from around this Nation adamantly oppose this legislation. And to bring this forward on the National Day of Prayer adds insult to injury and may, in fact, be hateful.

The hate crimes bill creates a new Federal thought crime. The bill requires law enforcement officials to probe, infer, or deduce if a crime occurred because of a bias towards a protected group. A criminal's thoughts will be considered an element of the crime.

Mr. Speaker, I respectfully suggest that one can never reliably determine the true thought or motive of a criminal.

And with thought crimes come thought police. What a sad day.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the chairman of our caucus, Mr. RAHM EMANUEL of Illinois.

Mr. EMANUEL. Mr. Speaker, when it comes to hate and discrimination, America speaks with one voice, "no." Zero tolerance. You cannot be a beacon of freedom around the world and fail that test here at home.

President Kennedy was moved on the civil rights movement because he understood, in the battle of the Cold War, you could not be a beacon for freedom against intolerance around the world if we weren't free here at home. You could not. And as we talk, all our colleagues always say, as we battle on the issues on the war in Iraq, Islamic fascism, the whole world will watch what we say here in Congress.

People will watch this vote and understand, most importantly, whether America remains true to its principles on freedom or not. People will watch this vote. And I would hope my colleagues will remember, as we do this today, that every time America widens the circle of democracy to protect more of its citizens who sit in the shadows, it is true to its principles.

I would hope people will vote "yes" on this legislation.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to a distinguished member of the Committee on the Judiciary from Houston, Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, with great emotion, I come to this floor.

Congressman FRANK, let me thank you. No one that may be listening had the opportunity to listen to Congresswoman BALDWIN and you speak of your existence.

So I rise today to make sure that everyone understands that this bill is about hate. Regular order is in place. It is about protecting young people who have an identity that is different from any of us. It is about reflecting the definition of hatred that says that it is an affection of the mind awakened by something regarded as evil. Can we in America regard human life as evil?

Even as Christians, and many of us are not, the Bible dictates about the instruction of loving thy neighbor. This bill reflects on the needs of African Americans and Hispanics and the disabled and those with gender identity. It reflects on the fact that brutality and viciousness because of hate cannot be tolerated by a country that believes we are all created equal.

This is a fair bill. It does not encourage you to change your faith, but it encourages you to adhere to democracy and to the Constitution.

Mr. Speaker, I rise in strong support of H.R. 1592, the "Local Law Enforcement Hate Crimes Prevention Act of 2007." Mr. Speaker, as important as it is to apprehend, prosecute, convict, and punish severely those who commit hate crimes, we can all agree that in the long run it is even more important and better for society if we can increase our effectiveness in eradicating the desire to commit a hate crime in the first place. I have long believed, and research confirms, that if a person does not acquire a proclivity to hate as a juvenile, he or she is not likely to be motivated to commit crimes out of hate as an adult.

Mr. Speaker, Webster's Dictionary defines hate as a "strong aversion; intense dislike; hate; an affection of the mind awakened by something regarded as evil."

Mr. Speaker, before I proceed any further, I would be remiss if I failed to note that this legislation is more timely than any of us could have predicted just a month ago. Two weeks ago, at Virginia Tech University, one of the Nation's great land grant colleges, we witnessed the most senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

But the carnage at Virginia Tech also commands that we here in this body take a stand against senseless acts of violence taken against persons for no reason other than that they are different, whether in terms of race, religion, national origin, gender, or sexual orientation. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply because he or she is different poses a threat to the peace and security of the entire community. For that reason alone, such conduct must be outlawed and punished severely. That is why I have, Mr. Speaker, since 1999 introduced and supported strong legislation to deter and punish hate crimes, including as noted earlier, H.R. 254, the "David Ray Hate Crime Prevention Act of 2007" pending in this Congress.

Mr. Speaker, every act of violence is tragic and harmful in its consequences, but not all crime is based on hate. A "hate crime" is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religion, sexual orientation, or disability.

The purveyors of hate use explosives, arson, weapons, vandalism, physical violence, and verbal threats of violence to instill fear in their victims, leaving them vulnerable to more attacks and feeling alienated, helpless, suspicious and fearful. Others may become frustrated and angry if they believe the local government and other groups in the community will not protect them. When perpetrators of hate are not prosecuted as criminals and their acts not publicly condemned, their crimes can weaken even those communities with the healthiest race relations.

Of all crimes, hate crimes are most likely to create or exacerbate tensions, which can trigger larger community-wide racial conflict, civil disturbances, and even riots. Hate crimes put cities and towns at risk of serious social and economic consequences. The immediate costs of racial conflicts and civil disturbances are police, fire, and medical personnel overtime, injury or death, business and residential property loss, and damage to vehicles and equipment. Long-term recovery may be hindered by a decline in property values, which results in lower tax revenues, scarcity of funds for rebuilding, and increased insurance rates.

Mr. Speaker, a study funded by the Bureau of Justice Statistics released September 2000, shows that 85 percent of law enforcement officials surveyed recognize bias-motivated violence to be more serious than similar crimes not motivated by bias.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family, but the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community and sometimes the Nation. For example, it is easy to recognize the difference between check-kiting and a cross burning; or an arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue burning has a profound impact on the congregation, the faith community, the greater community, and the Nation.

Mr. Speaker, some opponents of hate crimes legislation claim that such legislation is a solution in search of a problem. They claim that there is no epidemic of bias-motivated violence and thus no need to legislate. I wish to briefly address this claim.

VICTIMS AND PERPETRATORS

According to the Bureau of Justice Statistics, racially motivated hate crimes most frequently target blacks. 6 in 10 racially biased incidents target blacks, and 3 in 10 incidents targeted whites. Hispanics of all races were targeted in 6.7 percent of incidents and Asians in 3 percent. Younger offenders were responsible for most hate crimes and most of their victims were between 11 and 31. The age of victims of violent hate crimes drops dramatically after age 45. Thirty-one percent of violent offenders and 46 percent of property offenders were under age 18. Thirty-two percent of hate crimes occurred in a residence, 28 percent in an open space, 19 percent in a retail commercial establishment or public building, 12 percent at a school or college, and 3 percent at a church, synagogue, or temple.

EXAMPLES OF CRS HATE CRIME CASES

In Harris County—Houston—Texas, in a case that drew national attention, 16-year-old David Ray Ritcheson, a Mexican-American, was severely assaulted April 23, 2007, by 2 youths while attending a party in the Houston suburb of Spring, Texas. One of his teen-age attackers, a skinhead, yelled ethnic slurs and kicked a pipe up his rectum, severely damaging his internal organs and leaving him in the hospital for 3 months and 8 days—almost all of it in critical care. For the supposed crime of allegedly kissing a white girl, young David Ray's assailants punched him unconscious, kicked him in the head, sadistically inflicted 17 cigarette burns that still scar his body, poured bleach on his face and body, and then assaulted with a pipe taken from a patio umbrella. He was left lying unconscious and unattended in the back yard of a house for more than 8 hours. He has endured more than 30 operations to restore his appearance and regain the normal use of his bodily functions.

In Jasper, Texas, an African-American man, James Byrd, Jr., was brutally murdered by being kidnapped, beaten unconscious, spray painted in the face with black paint, tied to the back of a pick-up truck, pants dropped down to his ankles, dragged 2.5 miles over pavement through a rural Black community in Jasper County called Huff Creek, leaving his skin, blood, arms, head, genitalia, and other parts of his body strewn along the highway, his remains were dumped in front of a Black cemetery.

In Springfield, Missouri, an African-American male in the company of a white female was stabbed at local Denny's restaurant by a group of white males.

Near San Diego, California, elderly immigrant workers were attacked by white youths. The body of a Latino immigrant youth was also discovered in the same vicinity as the attacks on the workers.

An African-American employee of a construction company in Marquette, Kansas, reported that he had been racially harassed for several months by fellow employees through racist graffiti and name-calling.

A Jewish synagogue was vandalized by 4 Arab-American males in the Bronx, New York.

Every individual's life is valuable and sacred, and even one life lost is too many. There is ample evidence that violent, bias-motivated crimes are a widespread and serious problem in our Nation. But it is not the frequency or number of these crimes alone, that distinguish these acts of violence from other types of crime; it is the impact these crimes have on the victims, their families, their communities and, in some instances, the Nation.

Evidence indicates that bias-motivated crimes are underreported; however, statistics show that since 1991 over 100,000 hate crime offenses have been reported to the FBI, with 7,163 reported in 2005, the FBI's most recent reporting period. Crimes based on race-related bias were by far the most common, representing 54.7 percent of all offenses for 2005. Crimes based on religion represented 17.1

percent and ethnicity/national origin, 13.2 percent. Crimes based on sexual orientation constituted 14.2 percent of all bias-motivated crimes in 2005, with 1,017 reported for the year.

The National Coalition of Anti-Violence Programs (NCAVP), a non-profit organization that tracks bias incidents against gay, lesbian, bisexual and transgender people, reported 1,985 incidents for 2005 from only 13 jurisdictions, compared to the 12,417 agencies reporting to the FBI in 2005.

Additionally, the Hate Crimes Statistics Act makes the reporting of bias-motivated crimes by State and local jurisdictions voluntary, resulting in no participation by many jurisdictions each year. Hawaii, for instance, did not participate in reporting at all in 2005. Underreporting is also common. Wyoming, for instance, reported only 4 incidents for 2005. Six States reported 10 or fewer incidents in 2005. Some large cities have been egregiously deficient in reporting hate crimes. Jacksonville, Florida, for example, reported only 5 incidents in 2005.

Sadly, statistics only give a glimpse of the problem. It is widely recognized that violent crimes on the basis of sexual orientation often go unreported due to fear and stigmatization. A Department of Justice report released in October 2001 confirms that bias-motivated crimes are under-reported; that a disproportionately high percentage of both victims and perpetrators of these violent crimes are young people under 25 years of age; and that only 20 percent of reported hate crimes result in arrest.

A December 2001 report by the Southern Poverty Law Center, SPLC, a nonprofit organization that monitors hate groups and extremist activity in the United States, went so far as to say that the system for collecting hate crimes data in this Nation is "in shambles." SPLC estimates that the real number of hate crimes being committed in the United States each year is likely closer to 50,000, as opposed to the nearly 8,000 reported by the FBI.

Next, Mr. Speaker, let me address the specious claim that H.R. 1592 abridges free speech. Opponents seem to be complaining that the legislation would prohibit pursuant to Rule 404 of the Federal Rules of Evidence, the introduction of substantive evidence of the defendant's expression or associations, unless the evidence specifically relates to the offense or is used to impeach a witness. In this way, the legislation strikes the appropriate balance between two competing interests: the interest of the government in punishing hate crimes and the rights of the defendant.

Hate crimes legislation allows society to prescribe greater punishments for hate crimes because of the distinct emotional harm they cause their victims, the community unrest they incite, and the likelihood that they will provoke retaliatory crimes. See *Wisconsin* v. *Mitchell*, 508 U.S. 476, 488 (1993) (upholding a hate crimes punishment enhancement statute). However, H.R. 1592 also protects a defendant's rights by only permitting the introduction of evidence within the confines of the Federal Rules of Evidence and the First Amendment.

The First Amendment protects speech and expressive conduct. Our bill only punishes criminal conduct, which is not protected by the First Amendment. Any argument that this legislation punishes expressive conduct would likely be unsuccessful because using violence to convey one's ideas is outside the scope of the First Amendment. *NAACP* v. *Claiborne Hardware Co.*, 458 U.S. 886, 916 (1982). In Wisconsin v. Mitchell the Court distinguished between statutes that are explicitly directed at expression and statutes that are directed at conduct. 508 U.S. at 487. The Court upheld the statute in Wisconsin v. Mitchell because it was directed at criminal conduct, unlike the statute at issue in R.A.V. v. St. Paul, which the Court struck down because it was explicitly directed at expression. Id. The critical flaw with the statute at issue in R.A.V. was that it was viewpoint discriminatory: It prohibited otherwise permissible speech based on the subject and perspective of the speech. *R.A.V.* v. *St. Paul*, 505 U.S. 377, 391 (1992).

H.R. 1592 does not ban religious, political, or offensive speech, or even punish expressive conduct, such as cross burning or flag burning. Rather, the legislation is only directed at criminal conduct that is independently criminal, such as assault or murder. It punishes conduct that is already criminal more severely because of the defendant's motivation in choosing the victim. Thus, evidence of a defendant's expressions and associations properly can be admitted under certain circumstances.

Moreover, Mr. Speaker, nothing in this legislation would prohibit the lawful expression of one's deeply held religious beliefs. If they wish, any person will continue to be free to say things like: "Homosexuality is sinful"; "Homosexuality is an abomination"; or "Homosexuals will not inherit the kingdom of heaven." This is because H.R. 1592 only covers violent actions committed because of a person's sexual orientation that result in death or bodily injury.

Mr. Speaker, the American public opinion strongly favors this legislation. According to a recent survey by Peter Hart and Associates, voters overwhelmingly favor expanding the definition of hate crimes to include crimes against people based on sexual orientation or gender identity. Three in four (73 percent) voters favor Congress's expanding the definition of hate crimes in this way, including 62 percent who strongly favor it. Just 22 percent oppose this action, with 17 percent who strongly oppose it.

Support for hate crimes definition expansion is strong across the board. Large majorities of every major subgroup of the electorate—including such traditionally conservative groups as Republican men (56 percent) and evangelical Christians (63 percent)—express support for this proposal. Support also crosses racial lines, with three in four whites (74 percent), African Americans (74 percent), and Latinos (72 percent) favoring Congress's including sexual orientation and gender identity in the definition of hate crimes.

Voters believe strongly in government's obligation to protect all citizens, the fact that crimes based on prejudice are directed against an entire community, and that it would give local law enforcement extra help in solving crimes.

Voters soundly reject arguments against this proposal. Whether it is the idea that it creates unequal treatment under the law; that it attacks the moral and religious beliefs of those opposed to homosexuality; or that it equates being gay with being Black or a woman, arguments against the hate crimes bill are not compelling to the public.

Finally, Mr. Speaker, by passing H.R. 1592 we also pay fitting tribute to David Ray Ritcheson of Spring, Texas, my constituent, friend, and a very courageous young man. David Ray, a victim of one of the most horrible hate crimes in Harris County, Texas came forward to tell his story to the Crime Subcommittee in the hopes of saving others from experiencing a similar brutal ordeal. In coming forward, he has performed a valuable service to our Nation. In going forward with H.R. 1592 and seeing it through to final passage, this Committee is also performing a great service to our Nation by hastening the day when we make hate history.

In conclusion, let me say that I strongly support H.R. 1592 and will vote to report the bill favorably to the full Committee.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud to yield 1 minute to JAN SCHAKOWSKY of Illinois.

Ms. SCHAKOWSKY. I thank the gentleman.

I am so proud to stand here against hate, but even more, I feel compelled to stand here against violence.

When the categories of people that are named in this bill were picked, it wasn't sort of a capricious or random or even a liberal bias sort of thing, that we want to support certain people or single them out. It is because the statistics show us and the law enforcement community who supports this bill has said, these are the victims of violence. They are named for only one reason and that's it. And we are talking about people who are victims of assault, of brutal attacks, of torture, or even of murder.

You can say it as many times as you want. This is not about thought. This is not about speech. This is about violence. And you or your pastor may not agree with homosexuals or transgenders, but surely you don't think that is a reason for them to be assaulted.

Support the bill.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I apologize to my colleagues. We have twice as many requests for time than we have the time.

Mr. Speaker, I now yield 30 seconds to the brilliant gentlelady from Oakland, California, BARBARA LEE.

Ms. LEE. Mr. Speaker, let me thank Congresswoman BALDWIN and Congressman BARNEY FRANK for making sure we have a chance to vote on this very important legislation today. And I just want to briefly tell you a story, if I can, very quickly.

There was a young lady next to my district named Gwen Araujo. She was viciously beaten to death and buried.

again, by four men, simply because she was born a male. Gwen was comfortable as herself, as a transgendered woman who had gone through most of high school as a girl and had the love and support of her family, particularly her mother, Sylvia Guerrero.

Mr. Speaker, let me just say there are so many stories of countless people who are dead, countless people who get killed because of their God-given right that they were living to be themselves.

Mr. Speaker, I rise today in strong support of H.R. 1592, and I am pleased that today, we can have a vote on the legislation that I know many of us have in this chamber. Chairman CONYERS, Congresswoman BALDWIN, and Congressman FRANK.

This legislation is long overdue. In the history of this Nation, there is a dark chapter. That chapter is full traumatic scenes of people being murdered, beaten, attacked, raped, harassed, and threatened because something about them was different from their aggressors. Whether it has been the color of their skin, their religion, their gender, their disability, National origin, or their sexual orientation or identity the sad fact is that so many in this country have suffered violence, often ending in death, because of one of these reasons.

Sadly, many of the recent attacks based on sexual orientation have been on black gay men. One of those stories happened in New York this past October, when a young man named Michael Sandy, was beaten by four men who set him up, just so they could beat and rob him. He ended up in a coma for several days, before finally succumbing to his injuries. In court proceedings, it was revealed that his at1ackers would often seek out gay men to steal from and attack. Fortunately, New York has a Hate Crimes law that includes sexual orientation.

Many hate groups have also used the debate on immigration to amp up their hate speech, and violence, promoting hate crimes against Mexican-Americans and other Latinos. In Houston, TX, David Ritcheson, a 16 year-old Mexican-American high school football team member was viciously and savagely beaten by two young skinheads. They poured bleach on him, and sodomized him, leaving him a coma, with massive internal injuries and now deaf in one ear.

And closer to home, right outside my district in Newark, CA, a young woman in high school, named Gwen Araujo, was viciously beaten to death and buried, again, by four young men, simply because she was born a male. Gwen was comfortable as herself, a transgendered woman, who had gone through most of high school as a girl, and had the love and support of her family, particularly her mother, Sylvia Guerrero.

Her story resonates with me because in my time in the California Legislature, I championed the California School Hate Crimes Reduction Act. I did so because our children needed to feel safe in their schools. I was determined to include sexual orientation in that bill. Doing so made passing that legislation an uphill battle, even leading to a veto by Governor Pete Wilson. Nonetheless, we were finally able to pass the California School Hate Crimes Act of 1995, thanks to the assistance of our former Republican colleague, Congressman Tom Campbell who was then serving with me in the California Legislature. During that period, I learned just how deep-seated the hate against people who were gay or transgendered, black or latino, or otherwise somehow different, still is today and that is why we need to pass H.R. 1592 today.

Mr. Speaker, these stories are just a small glimpse of the vicious crimes going on out there. We must pass this legislation today, in the memory of Michael Sandy, Gwen Araujo, and countless others who are now dead, simply because they were themselves. People have a God given right to be themselves and as law makers we must protect everyone from violence based on hate. As an African-American woman who has faced so much hatred and so much discrimination in my life I implore you today to remember the words of Dr. M.L. King, Jr. Injustice anywhere is a threat to justice everywhere.

Mr. CONYERS. Mr. Speaker, I am honored to yield 1 minute to the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, this will be one of the serious votes that we cast during this session. This will be a vote on whether or not we are going to allow bigotry to manifest itself in hate and result in violence.

My friend, Artur Davis, rose and he said he didn't know anybody of faith who recommended violence. I would suggest that tragically the citizens of the United States know all too well some who claim to be men of faith and who have issued fatwas to kill those not of their faith, and that if they do so, Allah will reward them. We call them terrorists. They kill not because of individual wrongdoing or individual action. They kill because of the membership in a faith or a race or a nationality, because perhaps we are Christian or we are Jews or we are Americans. And we call them terrorists.

This is an important vote. Neither the exercise of bigotry nor the rationalization of bigotry ought to be sanctioned in this great House, but we know through the centuries it has been. We know there were those who in times past rose on this floor and rationalized slavery and rationalized why we should not have antilynching laws in America. We know that. We lament it, and we say to ourselves had we lived in those times, had we lived in the 18th century, hopefully we would have been beyond our time, or in the 19th century hopefully beyond our time, or in the 20th century hopefully beyond our time, as Martin Luther King, Jr., urged us to be.

We serve now in the 21st century, and we know that there are those in America and throughout the world who preach hate against a class of people not because of their actions, not because of their character, but because of who they are. That is what this vote is about today.

Through this legislation, the Local Law Enforcement Hate Crimes Prevention Act, the Members of this body will make a strong statement in favor of values that unite us as Americans: tolerance, respect for our differences, and justice and accountability for those who perpetrate violent acts against others.

It has been too recent that lynching was rationalized in our country. It is too present in today's society that some across the sea and, yes, some here rationalize violence because of membership in another class different than they. It is long past time to bring the existing Federal hate crimes law, which was enacted nearly 40 years ago, into the 21st century. Under existing law, Federal jurisdiction over hate crimes is limited to those acts directed at individuals on the basis of race, religion, color, or national origin.

Let me say something about that to my friends. We have come to accept in America in the 21st century that it is not respectable nor acceptable to be bigoted against those who are black, be bigoted against those who are women, be bigoted against those who are Catholic or Baptist or Jews or Muslims. It is not respectable. It is not acceptable. You don't talk about that in the restaurant anymore.

But there is a class in America that is still respectable, rationalized many times by faith. But then segregation was rationalized for faith-based reasons.

My friends, this is an important vote of conscience, of a statement of what America is, a society that understands that we accept differences. We may not agree with those differences, but we know if society is to be free that we must accept differences.

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That is the bedrock of what America means, not just to us, but to all the world.

And so today, my friends, I say we have an important statement to make, not a bill to pass, but a statement to make about the values of our country.

I had a prepared statement here, I won't read the balance of it. But I hope that every Member has the courage and the perspective, that when they rise from their bed 20 years from now, they will be able to say, unlike some of our predecessors in centuries past who failed the test of tolerance, to say that we had the courage to live out the principles that makes America such a wonderful, great, decent and just Nation.

Vote for this bill. Vote for our principles. Vote for your faith that teaches that we reach out to lift up and to love. Vote for this bill.

Mr. Speaker, today, through this legislation—"The Local Law Enforcement Hate Crimes Prevention Act"—the Members of this body will make a strong statement in favor of values that unite us as Americans: tolerance, respect for our differences, and justice and accountability for those who perpetrate violent acts against others.

It is long past time to bring the existing Federal hate crimes law, which was enacted nearly 40 years ago, into the 21st century.

Under existing law, Federal jurisdiction over hate crimes is limited to those acts directed at individuals on the basis of race, religion, color or national origin and only when the victim is targeted because he or she is engaged in a Federally protected activity, such as voting.

This legislation broadens this provision to cover all violent crimes motivated by race, religion, or national origin, when the defendant causes bodily injury or attempts to cause bodily injury.

Furthermore, the bill expands current law to prohibit the same conduct, if such conduct is motivated on the basis of the victim's gender, sexual orientation, gender identity, or disability.

Mr. Speaker, the fact is, the Federal Government has long had a history of combating crimes based on prejudice.

This bill simply expands the current law to groups that historically have been affected by violence and thus it responds to the reality in America today.

According to the FBI, race ranks first among motivations for hate crimes and sexual orientation ranks second among the reasons that people are targeted.

Some people ask: Why is this legislation even necessary?

To them, I answer: because brutal hate crimes motivated by race, religion, national orgin, gender, sexual orientation and identity or disability not only injure individual victims, but also terrorize entire segments of our population and tear at our Nation's social fabric.

Let us be clear: This legislation does not affect free speech, or punish beliefs or thoughts. It only seeks to punish violent acts.

Furthermore, Mr. Speaker, this bill would allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes, and would clarify the conditions under which such crimes could be federally investigated and prosecuted.

Enacting these important additions to current law will send a very powerful message that crimes committed against any American—just because of who he or she is—are absolutely unacceptable.

Not surprisingly, this legislation is supported by 31 State attorneys general, and more than 280 national law enforcement, professional, education, civil rights, religious and civic organizations, including the International Association of Chiefs of Police, the National District Attorneys Association and the National Sheriffs Association.

I urge my colleagues: Vote for this legislation, not only because it is important and necessary but also because it is the right thing to do.

Mr. CONYERS. Mr. Speaker, it is my honor now to recognize the Speaker of the House, Ms. NANCY PELOSI, for 1 minute.

Ms. PELOSI. I thank the distinguished chairman of the Judiciary Committee, Mr. CONYERS, for yielding time, but more importantly, for bringing this important legislation to the floor in his ongoing, long commitment to justice in our country. And I want to commend Congresswoman TAMMY BALDWIN and Chairman BARNEY FRANK for their leadership. It is an honor to call you colleague. Thank you for giving us the opportunity today to make America more American.

Every day we come to this floor, we honor the tradition of our Founders, that every person is created equal, and that we are all God's children. Every day that we come to this floor, we pledge allegiance to the flag, and at the end of that pledge we say "with liberty and justice for all." That is what today is about. Because in the preamble to the Constitution, which we take an oath to, we talk about forming a more perfect union. Our Founders knew that our Constitution had to be amended. They knew that we had to move to a more perfect union in terms of legislation to reflect the values of our country. And so we are here today to extend to the hate crimes legislation others who have had hate crimes committed against them. The record is clear.

What I am so interested in is the fact that so many law enforcement organizations have endorsed this legislation. My colleagues have spoken very eloquently as to why this is about the values of our country. They have spoken very clearly about the need for this legislation. And if it has been said. I think it bears repeating that the law enforcement organizations, many of them, including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, as well as nearly 30 attorney generals across the country, support need for Federal hate crime legislation. They are joined by more than 230 civil rights, education, religious and civic organizations who have voiced their support. Let us be clear that this Congress, this House of Representatives, have heard their call.

Hate crimes, as have been said, have no place in America, no place where we pledge every morning "with liberty and justice for all." We must act to end hate crimes and save lives.

Mr. Speaker, the legislation will help prevent bias-motivated violence based on religion, sexual orientation, gender, gender identity, national origin or disability, while respecting the first amendment rights of free speech and religious expression. It increases the ability of State, local and Federal law enforcement agencies to solve a wide range of violent hate crimes.

We in our country take pride in saying that we are moving to end discrimination of all kinds. Today, we have an opportunity to end discrimination and the violence that goes with it that equal a hate crime. So whatever you may think of any one of us, based on our ethnicity or our gender or whatever, you have no right to act upon that opinion in a violent way. Who would disagree with that? That is why I hope that we can send a clear message from the Congress that this Congress does not agree with that and pass this legislation.

Who of us can think of the story of the Shepard family and the Byrd family and so many examples that we have of this and not say that is wrong. And at the very least, we can pass legislation that tells Federal authorities that they can assist State and local authorities in enforcing the law. Over 100,000 hate crimes reported since 1991. There are so many more that go unreported, many of them unprosecuted.

So today, let us take this step forward that is consistent with the values of our Founders, both in terms of all being equal, and our faith that we are all God's children, but also consistent with the call and the preamble to form a more perfect union.

Again, passing this legislation makes America more American. I urge a "yes" vote.

Mr. CONYERS. Mr. Speaker, I yield now for a unanimous consent request to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I rise in support of this legislation, because our Nation is one.

I rise today in support of the Local Law Enforcement Hate Crimes Prevention Act. Crime, violent crime in particular, has repercussions beyond the individual perpetrator and victim. It impacts family and friends and the surrounding community.

Hate crimes, whether motivated by the race, creed, or sexual orientation of an individual, terrorize a community. In 2005, 7,163 hate crimes were reported to the FBI. Over half of those hate crimes were motivated by race-related bias. Seventeen percent were crimes based on religion. One in six hate crimes is motivated by the victim's sexual orientation. The purpose and intention of these crimes extends beyond the crime itself. They serve to instill fear in others sharing that trait.

This legislation does not punish thoughts or speech; it punishes crimes motivated by bias against the race, religion, national origin, gender identity, or sexual orientation of the victim. It gives law enforcement additional tools to punish violent crimes.

Hate crimes are inherently divisive. Regardless of the group targeted, hate crimes undermine our collective ability to look past our differences and find common ground. If we as a Nation seek the eradication of acts of violence, we must address the underlying causes of that violence. We must uncover and address the hatred and discrimination that motivates these crimes.

This legislation is step towards that goal. I urge my colleagues to support H.R. 1592.

Mr. CONYERS. Mr. Speaker, I now yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, we make progress in dealing with discrimination based on sexual orientation when we're not distracted by myth and bigotry, but when we deal with the rights and needs of real people. I am pleased that that is why we will pass this hate crime legislation today which follows progress in my State of Oregon just this week, where we have provided protection for domestic partnerships and antidiscrimination legislation. I hope it will herald changes on the Federal level in the military for gays and lesbians, and in the workplace with non-discrimination protection for all Americans.

When we deal with real people, their rights and needs, we will solve these problems and America will be a better place.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 30 seconds to my dear friend from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise in strong support of this legislation because it is time to take a stand against the violence, the violent acts that flow from prejudice. This is not about the thought police, this is not about sermons on morality, this is about the status of our civilization, and it is about our humanity.

As human beings, we have the right to be safe from physical attack, no matter our race, our religion, sexual orientation or gender identity. In other words, human beings have the right to be safe from attacks based on who they are. No one should have to be afraid because of who they are.

We need to pass this legislation to ensure that this principle is embodied in our law.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize our brother from Missouri (Mr. CLEAVER), himself a minister, for 30 seconds.

Mr. CLEAVER. Mr. Speaker, as best as can be determined, I have delivered at least 15,600 sermons. I have never been investigated, I have never been indicted. I have spoken in churches and synagogues all around this country. I have spoken to thousands of pastors and clergy. I know not one who has been investigated for a sermon.

And so today I must not say I cannot, I must not, I will not sit silently and watch any injustice because in the words of my unlettered grandmother, "The God I serve don't make no trash."

Mr. CONYERS. Mr. Speaker, I now recognize the gentleman from Rhode Island (Mr. LANGEVIN) for 30 seconds.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. This legislation will expand the Federal definition of hate crimes to include crimes which a victim was selected because of his or her disability.

So much has been done over the years to ensure inclusion of Americans with disabilities in our communities. Sadly, though, there have been shameful instances where these Americans, who may look or speak differently than others, are victims of abuse, neglect or targeted crimes. Investigating and prosecuting hate violence against someone with a disability involves unique challenges to law enforcement. Many violent crimes against people with disabilities go unreported or unprosecuted. Providing Federal resources to law enforcement is essential to help ensure proper prosecution of these crimes.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. This legislation will expand the Federal definition of hate crimes, allowing for Federal resources for law enforcement in their investigations and prosecutions of hate crimes.

I come to the floor today to draw attention to the inclusion of crimes in which a victim was selected because of his or her disability.

The Supreme Court's Olmstead decision, the ADA and other progressive policies have resulted in increased inclusion of Americans with disabilities in our classrooms, workplaces and communities. As a nation, we are growing in our acceptance of those who are perceived as "different." But this effort has not been without growing pains. Many people with disabilities look or speak differently or struggle with challenges like chronic seizures. We have seen too many shameful instances where these Americans are the victims of abuse, neglect and targeted crimes.

I recently learned the story of Ricky Whistnant, a mentally retarded adult man who was excited to have the opportunity to live independently at the age of 39. With the support of a local social service agency, he moved out of a Connecticut state group home and learned to cook for himself, maintain an apartment and be a part of the community. One evening, after cooking himself a chicken dinner, Ricky went to the corner store to buy some soda. He encountered a group of teenagers who mocked him, followed him back to his apartment, hurled a soda bottle at him. After he fell, striking his head on a windowsill, the boys continued to kick and taunt him. Ricky died a short time later in the hospital.

Ricky's story is extreme, but it is not isolated. It represents the reality of the challenges faced by individuals with disabilities. Investigating and prosecuting hate violence against someone with a disability involves unique challenges to law enforcement, and sadly many violent crimes against people with disabilities go unreported or unprosecuted.

As policymakers, we have a responsibility to address this problem. The inclusion of disability in the Federal hate crimes statute is a meaningful and substantive way to combat violence against Americans with disabilities. I urge my colleagues to vote in favor of H.R. 1592.

Mr. CONYERS. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas controls 4 minutes. The gentleman from Michigan has 50 seconds remaining.

Mr. CONYERS. I am now pleased to recognize LYNN WOOLSEY of California for 30 seconds.

Ms. WOOLSEY. Mr. Speaker, my granddaughter, Julia, is 3 years old. She goes to preschool. Even in preschool, they gang up and they bully. The parents at that preschool tell me that my Julia steps in and she stops it. She will not put up with bullying and unfairness.

It is our turn. Be as brave as a 3-year-old. Vote for H.R. 1592. Show the world that if not now, when?

Mr. SMITH of Texas. Mr. Speaker, I will yield the balance of my time to my good friend and colleague from Virginia (Mr. GOODLATTE), a senior member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the gentleman from Texas for his leadership on the committee and his strong opposition to this legislation.

I rise in strong opposition to the legislation as well. This bill would increase penalties for those who commit crimes against certain groups of citizens, but not others. For example, if a man walks down the street and punches another man because the victim is a transvestite, the aggressor would be punishable by up to 10 additional years in prison. However, if the same man walks down the street and punches another person because the victim is a pregnant woman, a senior citizen, a child under the age of 10, a veteran or the like, then the aggressor would not be punishable by the potential 10-year prison sentence. This is simply unfair.

While I strongly support efforts to rid our schools, neighborhoods and communities of violent crimes, I do not believe that new Federal laws specifically addressing hate crimes are necessary.

Today, there are few, if any, cases in which law enforcement has not prosecuted violent crimes to the fullest extent of the law, regardless of the background of the person.

In addition, this bill sets a dangerous and unconstitutional precedent of punishing citizens for their thoughts. When prosecutions occur under this bill, prosecutors will undoubtedly submit evidence of prior statements by individuals to prove that the aggressor was motivated by hate. This will have a chilling effect on citizens' willingness to speak freely as citizens will adapt to a new world where the Federal Government can cause any unpopular statements they make to be used against them in the future.

One of the great freedoms we have as Americans is our first amendment right to speak our minds, whether our thoughts are popular or unpopular, and this legislation undermines that right.

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Again, I abhor acts of violence against any citizen. I abhor bigotry and believe that such crimes should be punished to the fullest extent of the law when aggressive violence occurs. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

For these reasons, I strongly urge my colleagues to oppose this bill. However, if my colleagues need to be reminded further, I would like to share with them the statement of the administration regarding this legislation, H.R. 1592:

"The administration favors strong criminal penalties for violent crime, including crime based on personal characteristics such as race, color, religion, or national origin. However, the administration believes that H.R. 1592 is unnecessary and constitutionally questionable. If H.R. 1592 were presented to the President, his senior advisors would recommend that he veto the bill.

"State and local criminal laws already provide criminal penalties for the violence addressed by the new Federal crime defined in section 7 of H.R. 1592, and many of these laws carry stricter penalties (including mandatory minimums and the death penalty) than the proposed language in H.R. 1592. State and local law enforcement agencies and courts have the capability to enforce those penalties and are doing so effectively.

"There has been no persuasive demonstration of any need to federalize such a potentially large range of violent crime enforcement, and doing so is inconsistent with the proper allocation of criminal enforcement responsibilities between the different levels of government. In addition, almost every State in the country can actively prosecute hate crimes under the State's own hate crimes law."

Mr. Speaker, I include the balance of the statement of administration policy for the RECORD.

H.R. 1592 prohibits willfully causing or attempting to cause bodily injury to any person based upon the victim's race, color, religion, or national origin, gender, sexual orientation, gender identity, or disability. The Administration notes that the bill would leave other classes (such as the elderly, members of the military, police officers, and victims of prior crimes) without similar special status. The Administration believes that all violent crimes are unacceptable, regardless of the victims, and should be punished firmly. Moreover, the bill's proposed section 249(a)(1) of title 18 of the U.S. Code raises constitutional concerns. Federalization of criminal law concerning the violence prohibited by the bill would be constitutional only if done in the implementation of a power granted to the Federal government, such as the power to protect Federal personnel, to regulate interstate commerce, or to enforce equal protection of the laws. Section 249(a)(1) is not by its terms limited to the exercise of such a power, and it is not at all clear that sufficient factual or legal grounds exist to uphold this provision of H.R. 1592.

Mr. Speaker, I urge my colleagues to support the administration and oppose this legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to conclude our debate by yielding our remaining time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, Dr. King reminded us that on some questions, cowards will ask us, is it safe? What will happen to me if I do this? The answer is, what will happen to them if we don't do it? And on some questions, expediency will ask, is it politic? Will I get reelected? And then vanity asks, is it popular?

Today, let's do that which is neither safe nor politic nor popular. Let's do it because it's right.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act.

This bipartisan legislation will give state and local law enforcement the tools and resources they need to prevent and prosecute violent hate crimes.

In the not so distant past, violence motivated by hatred or discrimination towards a minority was sanctioned by our government. As we struggled to right the inequities present in our society, many used targeted violence against individual African Americans as a tactic to scare African Americans in general and discourage the Civil Rights Movement overall.

This type of targeted violence against a minority—violence specifically intended to intimidate and repress all members of that minority—was particularly reprehensible and damaging to society as a whole. Congress recognized that these particularly heinous actions warranted stronger criminal penalties, which were codified in Federal hate crimes law in 1968.

Unfortunately, almost 20 years later bias-based violence continues, and while the groups and individuals victimized have changed, the damage remains the same. In 1998, Matthew Sheppard was viciously murdered because of his sexual orientation. In January 2000, a 16-year-old high school female student was brutally attacked by a group of teenagers because the student was holding hands with another girl—a common practice in her native country in Africa. Just last October, Michael Sandy was beaten then chased into traffic and killed because he was gay.

Under current law, the attackers in each of these cases could not be prosecuted for a hate crime for two reasons. First, in order for it to constitute a federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act addresses both these gaps in current law by expanding the definition of a hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity or disability. It also expands the instances in which federal authorities can prosecute or assist local authorities in prosecuting hate crimes.

Importantly, the bill before the House includes specific language stating that nothing in the bill can be interpreted to prohibit "expressive conduct" protected by the First Amendment. In doing so, we have ensured that this legislation in no way impinges on one's constitutional right to freedom of speech or religious expression.

The Hate Crimes Prevention Act enjoys the strong support of law enforcement, and has been endorsed by International Association of Chief of Police, the National Sheriffs' Association, the National District Attorneys Association, as well as 31 state Attorneys General.

I urge my colleagues to join me in supporting this important legislation. In doing so we are sending a clear message that hate crimes have no place in America.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the Local Law Enforcement Hate Crime Prevention Act, H.R. 1592. This legislation seeks to address the pernicious effects that hate crimes have on our society.

Bigotry, bias, and ignorance have existed since the dawn of time. Yet, in a country founded on the principles of freedom, equality and liberty for all, we must do all we can to stop individuals from committing crimes based solely on prejudice.

According to the FBI's Uniform Crime Report, there were 7,163 hate crimes committed in 2005 and we can be sure that number is low for crimes that are underreported. Hate crimes are very real. And each hate crime spreads fear and violence among an entire community. It's long past time for Congress to pass this important legislation to help prosecute those who would commit these heinous acts.

To paraphrase Martin Luther King, the laws we pass may not change the heart; but they can restrain the heartless.

As an original cosponsor of this legislation, I believe it is the fundamental role of government to protect its citizens. Therefore, it is necessary and proper for the federal government to work in conjunction with local law enforcement officials to robustly prosecute crimes motivated by bigotry.

The Local Law Enforcement Hate Crimes Prevention Act expands our Nation's existing hate crimes laws to ensure that certain violent crimes committed against an individual because of race, religion, national origin, gender, sexual orientation, gender identity, or disability are prosecuted. As this bill states, bias and bigotry related crime "savages the community sharing the traits that caused the victim to be selected" for the crime, Additionally, this legislation expands the hate crime statute by dropping the requirement that the victim had been engaged in six specifically defined federally protected activities, such as voting.

H.R. 1592 also creates a grant program for the federal government to assist state and local law enforcement agencies in investigating and prosecuting hate crimes. State and local law enforcement prosecute the overwhelming majority of hate crimes. However, investigating and prosecuting these acts takes more time and resources than many local and state agencies may possess. Thus, H.R. 1592 authorizes the federal government to provide tools and resources that are needed by local law enforcement.

This legislation is supported by the National Sheriffs Association, National District Attorneys Association, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Coalition of Public Safety Officers, Anti-Defamation League, American Jewish Committee, Consortium of Developmental Disabilities Councils, Human Rights Campaign, NAACP, National Victim Center, United States Conference of Mayors, National Gay and Lesbian Task Force, American Association on Mental Retardation, and more than 200 other law enforcement, religious, civil rights, and civic organizations.

By making our Nation's hate crimes statutes more comprehensive, we will take a needed step in favor of tolerance and against prejudice and hate-based crime in all its forms. This legislation sends a strong message that hate-based crime cannot be tolerated and will be vigorously prosecuted.

Ms. KILPATRICK. Mr. Speaker, at the beginning of every Congress, every member of this august body takes an oath to "defend and protect the Constitution of the United States, against all enemies, foreign and domestic." It is an oath that I am proud that the majority of the citizens of the 13th Congressional District of Michigan have honored me with their vote for more than 12 years. One of the most important duties that I have as a Member of the United States House of Representatives is to protect and defend its citizens, which is precisely what H.R. 1592, the Hate Crimes Prevention Act, introduced by my fellow Michigander and Detroiter, one of the founders of the Congressional Black Caucus, House Judiciary Chairman JOHN CONYERS, JR. This bill protects all Americans from bias-motivated violence; it provides funds so that local authorities can tackle the tough challenge of hate crimes, and it protects the First Amendment to the Constitution. It does not criminalize speech or thoughts; it does not give some people "special rights," and it is not anti-Christian.

As a child and as a proud Christian, the least common denominator of all of the lessons that I learned from my parents and minister is about God's ethic of love. Along that, I learned from the practices of my parents and my minister my divine responsibility to love our neighbors as ourselves. Indeed, it is out of my love that all of my brothers and sisters, and the activism that Jesus Christ illustrated through loving His enemies, through His compassion for the poor, the down trodden, and those who seek justice, that I became an activist, a state legislator and now a Member of Congress. It is that thirst for justice for all human beings that drives all that I do, guided by unerring and infinite wisdom and faith in God.

Despite the teachings of my parents and that of countless clergy—of all religions—around our Nation, there are some who perpetrate crime with hatred and bigotry in their heart. Who can forget that, during the civil rights era, the murders of the courageous Medgar Evers? Who can forget the killing of civil rights workers James Chaney, Michael Schwerner, and Andrew Goodman for merely registering African Americans to vote? Who can forget the murder of native Detroiter Viola Liuzzo, who was gunned down as she drove civil rights workers to voting booths? All of these crimes, motivated by some bias, were ultimately prosecuted under Federal laws because, at the time, local authorities were either unable or unwilling to prosecute these crimes. These crimes could only be prosecuted because all of these individuals were participating in activities protected by the Federal Government—helping individuals vote or register to vote, for example. Only in limited, specific instances does this law even apply.

I vote in support of H.R. 1592 because H.R. 1592 sends a powerful message that all crime motivated by hatred and bias will not be tolerated in our society. I have voted for this bill at every opportunity when it came before the U.S. Congress. This legislation strengthens Federal law by providing local authorities with more money to prosecute hate crime and by expanding the jurisdiction to crimes motivated by bias against the victims actual or perceived sexual orientation, gender, or disability.

Unfortunately, opponents of this bill are shamelessly advancing false claims about the bill's impact on religion, particularly the freedom of clergy to preach about their beliefs, and that the bill legalizes certain sexual acts. Both of these claims are patently false. If you are a minister, this bill does not restrict any sermon, homily, speech or lesson unless that minister plans to start urging people to go out and commit violent crimes against others. During floor debate on the bill, Chairman CONYERS reiterated the fact that the bill would not legalize any one of a plethora of sexual acts or activity, most of which are already illegal in most states.

Again this bill in no way, shape or fashion restricts free speech. Indeed, it clearly states, and has been supported by a Republican-dominated, conservative Supreme Court, that it in fact protects the First Amendment. Language is protected under this bill. Actions are criminalized. Preaching against homosexuality, against disabled people, against women—the categories that this bill protects—is allowed as it has always been, under the protections of the First Amendment. Under this bill, it would be criminal to incite violence by willfully causing "bodily injury based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim or is a violation of the state, local, or tribal hate crime laws."

Since 1991, over 100,000 hate crimes have occurred in our nation. Hate crimes devastate the communities, counties, cities and states in which they occur. These crimes of bigotry and hatred against an identifiable minority—based on race, color, ethnic origin, gender, disability or sexual orientation—not only hurts the individual affected, but demoralizes and dehumanizes whole groups of people. As the civil rights era clearly illustrated, these crimes are committed solely to intimidate and trample upon the human rights of others.

This as the immediate effect of crushing the investment of companies in that locality, of tourists visiting that state, of individuals wanting to relocate to that region. This is measurable in real dollars and cents. The Federal Government cannot stand by to allow these heinous, horrible offenses to be committed. I did not stand for this when I was an activist fighting for human rights in the City of Detroit, Michigan; I will not stand for it as a Member of Congress with an opportunity to make a change and make a difference.

Holocaust survivor and Nobel Peace Prize winner Elie Wiesel once said that "indifference is always the friend of the enemy, for it benefits the aggressor—never his victim, whose pain is magnified when he or she is forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity, we betray our own. Indifference, then, is not only a sin, it is a punishment."

In the past decade, our country has had men murdered merely because they were gay, disabled, or African American. These were all hard-working, tax-paying, law-abiding American citizens, killed because of these differences. As we move onward through this new millennium, as we continue to change course, confront crises, and continue the legacy, I will do so with the continued guidance and love of an infinite God, with extraordinary hope, with profound faith, and with the knowledge that in caring for the least of our brothers and sisters, we care for ourselves. We cannot afford to be indifferent.

As we celebrate two centuries of the end of the African slave trade, it is my hope that today will be the beginning of the end of the decades of mindless hatred, bigotry, and discrimination against all God's children. All Americans have an investment in a stable, violence-free government, and that is exactly what this bill provides.

Mr. RUSH. Mr. Speaker, I rise in strong support of H.R. 1592, the Hate Crimes Prevention Act. This bill lends a voice to those who have no voice.

As a nation, we have been endowed to preserve the truth that all men and women are created equal under God and as Members of Congress, we must fight to preserve this truth as long as we continue to live in a democracy.

The Hate Crimes Prevention Act does not in any way infringe on the First Amendment rights of Americans. On the contrary, the bill only covers violent criminal actions. Nothing in this legislation would prohibit any form of lawful expression of one's religious beliefs.

This legislation brings our current hate crimes laws into the 21st century by expanding the current provision to cover all violent crimes motivated by race, color, religion, or national origin when the defendant causes bodily injury, or attempts to cause bodily injury through use of fire, a firearm, or an explosive device.

Additionally, the bill will also allow the Federal Government to provide crucial Federal resources to State and local agencies to equip local officers with the tools they need to prosecute hate crimes. This resolution ensures that the Federal prosecution of hate crimes is limited to cases that implicate the greatest Federal interest and present the greatest need for Federal intervention.

This bill will protect people like Billy Ray Johnson of Linden, TX, a mentally-challenged African-American man who suffered severe brain damage after being maliciously attacked by four white men who hurled racial expletives at him. This law would properly prosecute the individuals, ensure that justice is allowed to run its course, and is seen by Mr. Johnson's family.

In conclusion Mr. Speaker, hate in any form is neither a Democratic nor an American value and I do not subscribe to it.

We must love our neighbors and moreover we must protect them from crimes committed against them due to their self-expression.

We must be vehemently opposed to prejudice in all forms. I strongly support this legislation and encourage my colleagues to vote in favor of this important bill.

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 1592, The Local Law Enforcement Hate Crimes Prevention Act of 2007.

In 2003 the FBI announced that there were more than 9,000 reported hate crime victims in these United States. This means that on average 25 people per day were victims of violence fueled by the toxic fumes of hate. If you are not outraged by this figure then you haven't been paying attention. As a former prosecutor in Cuyohoga County, OH, I know that these numbers are shocking for a number of reasons.

In a country as blessed as we are, and with the resources that we have, we still have an absurdly high crime rate. Violence is taken to be the norm. Local news in most big cities begins with a report on who was shot. Then, we have a country which regularly puts out a report on the human rights records of other countries around the world. Is a hate crime not a human rights issue? It has been long established constitutional doctrine that individuals should not be treated differently based on their race, color, creed, nationality, gender or sexual orientation.

This Act allows the Justice Department to grant local jurisdictions up to $100,000 to help prosecute hate crimes. It also provides moneys for preventative programs to stem the growing tide of hate crimes committed by minors. In the Bible, verse 5:43 in the Gospel of Matthew, it says "Love thy neighbor." That is what this bill is about.

The time is now to pass this legislation. We honor our founders, ancestors, and the people who built this great Nation by ensuring that going forward, Americans from every walk of life can walk down our streets in peace.

Mr. STARK. Mr. Speaker, I rise today in strong support of hate crime prevention.

Our laws should reflect the reality that hate crimes are fundamentally different from ordinary crimes. Hate crimes cause entire communities to live in fear of being attacked simply because of who they are. Hate crimes are meant to send a message and terrorize an entire group of people, not just an individual victim.

Hate crimes are a national issue and should be dealt with at the national level. In 2005, more than 7,000 hate crimes were reported to the FBI. Even this high number is certainly lower than the actual numbers of crimes committed all across America, as many go unreported and the FBI does not receive information from all law enforcement agencies.

The Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) recognizes the need for a federal response and allocates the necessary resources to investigate and prosecute hate crimes when local officials are unable or unwilling to investigate incidents of hate crime. Local authorities, however, would maintain their autonomy and primary authority for these investigations. Federal intervention would be the last resort.

The bill also removes existing barriers that prohibit the FBI and the Department of Justice from fully assisting local law enforcement agencies in addressing hate crimes. This is vital because local governments often lack the resources necessary to properly conduct expensive hate crimes investigations and prosecutions. For example, the investigation of the Matthew Shepard murder in Wyoming cost over $150,000 and resulted in lay-offs at the local Sheriff's department.

Congress has a moral and constitutional obligation to offer the full protection of our Nation's laws to all individuals. This vital legislation expands existing hate crime protections to those who are targeted because of their gender, disability, or sexual orientation. These groups have been frequent targets of hate crimes. According to the FBI, 14 percent of reported hate crimes are motivated by sexual-orientation bias.

I fully support this bill. But I feel compelled to also note that it fails to address the growing number of hate crimes being committed against homeless individuals. The National Coalition for the Homeless has documented 614 hate crimes against homeless individuals since 1999, including 189 deaths. Some of these crimes against society's most vulnerable have been caught on tape, giving us a glimpse into the violence and fear of violence that many homeless people experience on a daily basis. I hope that this body will work to bring the issue of hate crimes against homeless individuals to light and move toward protections that recognize the value of all of our neighbors, including those lacking shelter.

Hate crimes impact all of us and it is our collective responsibility to actively confront the terror they cause. I urge all of my colleagues to support this important bill.

Mr. CASTLE. Mr. Speaker, today I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1592, which will provide needed assistance to State and local law enforcement agencies and make changes to Federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes against people for no other reason than their perceived or actual race, religion, national origin, sexual orientation, gender, gender identity, or disability.

Hate crimes are alarmingly prevalent and threaten the full participation of all Americans in our democratic society. While State and local governments will maintain principal responsibility, an expanded Federal role in investigating and prosecuting serious forms of hate crimes is critical in targeting and preventing hate crime in our Nation. The measure importantly applies only to bias-motivated violent crimes and does not impinge free speech in any way. In fact, it explicitly states: "Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution."

H.R. 1592 is supported by virtually every major law enforcement organization in the country. I urge my colleagues to join me in supporting H.R. 1592.

Mr. JORDAN of Ohio. Mr. Speaker, I appreciate the opportunity to express my opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act.

This measure represents an unprecedented departure from the deeply rooted American principle of equal justice under law.

Justice should be blind. It should be equal for all Americans, and it should be rendered in a criminal justice system that does not take such issues as race, gender, and religion into consideration.

It makes no sense to me that crimes committed against one citizen should be punished any more or any less than crimes committed against another, which is what this bill will do.

Violent crimes that are not aimed at a certain class of people, like those committed recently at Virginia Tech, are just as reprehensible as those that are committed for other reasons.

Yet this bill would likely treat the senseless, random violence at Virginia Tech less harshly than other, less "random" crimes.

Even worse, the bill asks local law enforcement to infer if a crime was committed "because of" bias toward a protected group. This essentially means that one's "thoughts" or "feelings" might be evidence of hate, and can be considered when determining whether a crime was indeed a "hate" crime.

Let me say that again. The bill would ask law enforcement to consider one's potential "thoughts" as evidence of "hate."

Mr. Speaker, this is the dangerous, likely unconstitutional threat that has caused great concern to so many residents of Ohio's 4th Congressional District.

Upon consideration of this bill in the Judiciary Committee, Mr. Speaker, I sent you a letter, co-signed by many of my Republican colleagues on the committee. The letter expressed concern about H.R. 1592's "thought crime" provisions and their potential to categorize individuals who share spiritual or gospel messages as hate criminals.

In the letter, we noted that the San Francisco Board of Supervisors passed Resolution 060356, which castigated Cardinal William Levada and the Catholic Church for opposing the adoption of children by homosexuals. The resolution, perhaps prophetically, describes the Church's policy using such words as "hateful," "discriminatory," "insulting," and "callous."

It is easy to see how this type of inflammatory anti-religious assertion emanating from a governmental body is disconcerting to those who espouse deep religious beliefs.

This so-called hate crimes bill not only discards the fundamental American legal principle of equal justice, it also lays the groundwork to criminalize individuals and groups that might not share the liberal values of places like San Francisco.

It is rather ironic that on this, the National Day of Prayer—a day where Americans gather to celebrate our religious heritage—liberal members of this House are uniting to pass a bill that could deem their prayerful voices as "hateful."

I urge a "no" vote on this bill.

Ms. HIRONO. Mr. Speaker, I rise today in support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. I would like to thank the chief sponsor of this legislation, Congressman CONYERS, for his work and dedication in bringing this bipartisan bill to the floor for debate.

H.R. 1592 will strengthen existing Federal hate crimes laws in two meaningful ways. First, the bill removes the requirement that victims of violent bias-motivated crimes be engaged in a federally protected activity, such as voting, when the crime is committed. Federal entities would then be able to provide technical and grant support for the hate crimes investigations of State and local law enforcement agencies. Second, the bill provides for a more comprehensive definition of hate crimes to include those motivated by gender, disability, sexual orientation, or gender identity.

In 2005, the FBI documented 7,163 hate crimes directed against institutions and individuals because of their race, religion, sexual orientation, national origin, or disability. These statistics were gathered from 12,417 law enforcement agencies across the country. Yet it is not the frequency or number of crimes alone that distinguish these acts of violence from other crimes.

We know that hate crimes are more than individual assaults—they send shock waves and fear throughout a whole community and segments of our diverse population. Hate violence is also a message crime and the messages are clear: "know your place" and "your kind is not welcome here." Hate crimes clearly pose a serious threat to our Nation's security and the very values upon which our country were founded.

As an original cosponsor of H.R. 1592, I urge my colleagues to vote in support of final passage.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Violent crimes committed against anyone because of their race, religion, national origin, gender, sexual orientation, gender identity, or disability should not be taken lightly. H.R. 1592 would make this kind of violent crime a Federal offense and authorizes Federal grants to assist state and local law enforcement agencies in prosecuting violent hate crimes.

I believe that it is necessary for the Federal Government to secure the lives of all people and bring justice to individuals who have been victims of a violent hate crime. By allowing the Federal Government jurisdiction in certain, limited cases of violent hate crime, this bill provides much-needed support to local law enforcement agencies. This piece of legislation is particularly important at a time when the number of hate groups has grown over the past years. The Southern Poverty Law Center reported that the number of hate groups has seen a 40 percent increase since 2000 and attributed much of this growth to the immigration issue.

Hate crimes that are motivated by bigotry and bias against minority populations affect entire families and communities. We must stand to protect our communities from hateful actions. I urge my colleagues to vote in support of H.R. 1592.

Mr. GINGREY. Mr. Speaker, while I was unavoidably absent from the floor today to attend the funeral of a close personal friend and great Georgian, C.W. Matthews, I want to express my strong opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Had I been present during the actual vote, I would have voted "no" to H.R. 1592 because I believe all crimes should be prosecuted equally without special rights based on gender, race, ethnicity, or sexual orientation. All criminal acts are committed with the intention of harming or depriving another individual, and trying to elevate crimes against certain individuals would be an arbitrary way to punish. I absolutely believe that those who commit crimes against anyone should be punished to the fullest extent of the law. Furthermore, I would have voted "yes" in strong support of the motion to recommit which would have amended the legislation to protect seniors and veterans.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1592, the Local law Enforcement Hate Crimes Prevention Act and to oppose attempts to weaken the bill by removing certain groups from its protection.

Mr. Speaker, no one knows better than a member of the African-American community in this country that hate crimes exist and have been an ugly part of this country's history. And we also know that in the face of all of the apologies offered and passed for slavery and lynching, if we cannot pass this bill today they are but empty words on a piece of worthless paper.

It is time for us to demand through this vote that this country draw the line with a zero-tolerance policy for crimes based on any characteristic of the victim.

This critically needed legislation will provide local police and sheriff's departments with vital Federal resources to address hate crimes; which are crimes against either persons or property where the offender intentionally selects the victim because of their actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

I fail to understand why anyone, including members of the clergy would oppose this legislation. This form of hate for one humanbeing to another should be repugnant to all of us and not be tolerated.

While current Federal law covers hate crimes it is very narrow in scope and does not reach many cases where individuals motivated by hate kill or injure others. H.R. 1592, would strengthen the Federal response to hate crimes by giving the U.S. Justice Department power to investigate and prosecute violence motivated by the victims race color, religion national origin gender or sexual orientation, gender identity of disability.

Sadly, the need for H.R., 1592 is underscored because this problem of violence based on hate for a person of another race, ethnicity, gender or persuasion is getting worse not better. Since 1991, the FBI has received reports of more than 113,000 hate crimes. For the year 2005 (for which the most current data are available), the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents.

It is time that this Congress send a message to the American people that we will not tolerate hate crimes, that they must strengthen the Federal response and prosecution of those who perpetrate them, that we uphold the principles of equality and justice for all upon which this country was founded and that we intend to practice what many of us preach; which is brotherly love.

I urge my colleagues to support H.R. 1592.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

Simply put, the current patchwork of State laws alone does not fully protect the rights of all Americans from violence based upon actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. I am frankly astounded that current Federal laws are not more inclusive.

It is unconscionable that we are only now voting on this legislation today. Almost 150 years after our country enshrined the freedom from violence based upon race, with the 13th, 14th and 15th Amendments to the United States Constitution, we still have not extended those same protections to all of our citizens. Today, this body has the chance and indeed the responsibility to rectify this injustice.

Hate knows no borders, so even though 38 states already provide some of the protections that would be extended by Federal law if H.R. 1592 is enacted, only a Federal law can ensure equal protection under the law for all Americans.

Remarkably, this legislation faces opposition. These opponents have claimed that H.R. 1592 is somehow an attack on free speech or a person's religious beliefs. H.R. 1592 does not criminalize freedom of speech or religious expression, but it does criminalize violence against a person based upon their perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. In fact, a long and diverse list of religious organizations have spoken out in favor of H.R. 1592, including groups representing Catholic, Protestant, Jewish, Buddhist, Muslim and Sikh faiths.

No longer will this body be silent for the millions of Americans that too often have no voice in the world.

I urge my colleagues to vote in favor of this legislation.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to show my support for H.R. 1592, The Local Law Enforcement Hate Crimes Prevention Act of 2007.

Freedoms of speech, expression, and equal protection under the law are the founding principles of this country. The Constitution guarantees these rights to all Americans. I believe that it is our duty to fight for the equal rights of all Americans, regardless of their race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

I abhor all violent crimes. Attacks that are motivated by hate are attacks on a whole class of people. Such hate crimes are intended to instill fear in an entire community and are particularly heinous. We must give law enforcement the proper tools to investigate and prosecute crimes that are motivated by hate.

Laws punishing hate crimes are not intended to value one group over another, but rather to acknowledge the historical bias against certain minority groups and opinions so that all can enjoy the same legal protections as the majority. Hate crime laws protect innocent people and allow them to engage in everyday activity without fear.

I am proud to be an original co-sponsor of this important legislation. This bill helps to better define a hate crime and prevents the erosion of civil liberties critical to our democracy.

Mr. ENGEL. Mr. Speaker, I rise today to support the Hate Crimes Prevention Act. Our country values diversity, values individuality, values different cultures and respects people for who they are. Hate crimes are simply un-American.

In 2005, there were over 7,000 Federal hate crimes committed in this country, but the current law does not cover most true hate crimes.

Late last year in New York, three men lured Michael J. Sandy to a parking lot, beat him and chased him into traffic where he was struck by a car. He died 5 days later, one day after his 29th birthday. Why did these attackers target Michael J. Sandy? Because he was gay.

Today, Mr. Sandy's attackers can not be prosecuted under Federal law for two reasons. First, in order to be a Federal hate crime, a victim must be engaged in a federally protected activity such as voting. Second, the current hate crime law does not consider sexual orientation a protected class.

The Hate Crimes Prevention Act will sensibly expand the definition of a Federal hate crime to cover all violent crimes motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability when the defendant causes bodily injury or attempts to cause bodily injury through the use of a firearm or an explosive device.

Thankfully, New York law has allowed this case to be prosecuted as a hate crime, but it is time to update our Federal laws to protect our citizens.

The bill will also give local law enforcement the help they need in solving and prosecuting these despicable crimes. Some of these cases can strain local resources, but under this legislation, law enforcement can reach out and secure Federal resources to pursue these complex cases.

Because the bill makes common sense reforms, the bill has enjoyed wide bipartisan support. In fact, the bill is supported by 31 State Attorneys General and over 280 national law enforcement, professional, education, civil rights, religious, and civic organizations.

I urge my colleagues to join me in supporting this critical legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today I rise in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act, which would address the appalling crimes that continue to occur today simply because of a person's race, religion, national origin, ethnicity, gender, disability or sexual orientation.

I am proud to be an original cosponsor of H.R. 1592 because it is the government's responsibility to defend the civil liberties of every American and prosecute acts of aggression directed at a specific group of individuals. Current federal law provides for enhanced sentencing for hate crimes, however, the vast majority of these crimes are not tried in federal court. This bill would make it a federal crime to cause, or attempt to cause, bodily harm to another person through the use of fire, a firearm, or an explosive device because of the victim's actual or perceived race, color, religion, national origin, gender or sexual orientation. Opponents of this bill claim that it would chip away at First Amendment rights. On the contrary, H.R. 1592 would protect First Amendment speech and is only intended to prosecute acts of violence.

The bill would also provide federal assistance to states and local jurisdictions to prosecute hate crimes. Specifically, the measure would authorize the Attorney General to make grants available to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes. Currently, the Federal Bureau of Investigation (FBI) collects statistics on crimes based on race, religion, sexual orientation, ethnicity, and disability. This legislation would require that the FBI collect statistics on gender and gender identity-related bias crimes.

I applaud Chairman CONYERS and members of the House Judiciary Committee for their tireless efforts and leadership on this landmark legislation. I would also like to single out the efforts of the gentlewoman from Wisconsin, Ms. BALDWIN, and the gentleman from Massachusetts, Mr. FRANK, for their leadership on this issue. During my tenure in the House of Representatives and as a father of three children, I have been a consistent supporter of this measure and believe it is a tragedy that terrible injustices continue to occur in the 21st century. Our nation was founded on the principles of liberty and justice for all and these hate crimes run counter to our national conscience.

I believe Robert F. Kennedy spoke most eloquently on this issue while commenting on the loss of Dr. Martin Luther King: "What we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness; but love and wisdom, and compassion toward one another, and a feeling of justice toward those who still suffer within our country * * *" Today's legislation takes us one further step towards the kind of nation Senator Kennedy and Dr. King worked for and I encourage my colleagues to join me in voting for it.

Mr. TERRY. Mr. Speaker, I rise today in opposition to H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act. Let me say from the outset: I am strongly opposed to violent crimes committed against an individual, regardless of the motivation of the person committing it. That is why I support strong state and local prosecution measures to curb violent crime and increase safety in our communities. In fact, I am a principal supporter in Congress for increasing Federal funding for state and local law enforcement officers to curb gang and drug crimes, which often leads to violent crimes.

I have also spent considerable time in my district meeting with groups who have experienced discrimination or have been targets of violent behavior simply due to their race, religion or sexual orientation. The concerns they have raised with me have weighed heavily on my mind, and have caused me to reconsider my views on our Constitution's Tenth Amendment.

In the past, I have not supported Federal hate crimes legislation since it has traditionally been the responsibility of state and local prosecutors rather than the Federal Government. States have the right to apprehend and prosecute criminals under their own criminal codes, which must be respected. They also have the right to enhance penalties as they see fit, and many states have taken that step. My own state of Nebraska enacted comprehensive hate crimes legislation in 1997.

The Nebraska legislation authorizes judges to impose harsher penalties in criminal cases when a determination is made that the crime was committed due to the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with persons who fit the specified classifications. The enhanced penalties for hate crimes provided for in the statute would be the next highest penalty classification above the one statutorily imposed for the crime, with the death penalty as the only exception. A broad variety of criminal charges could be enhanced, including manslaughter, assault, terroristic threats, stalking, kidnapping, false imprisonment, sexual assault of an adult or child, arson, criminal mischief, and criminal trespass. Our state statutes also provide victims with the authority to bring civil actions against attackers.

The actions taken by Nebraska and so many other states are appropriate because the states have the ability to expand their criminal codes as each sees fit. At the same time, there is no Federal nexus and thus no need for duplicative Federal legislation.

The Tenth Amendment is clear: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." At some point, we have to stop federalizing every problem in the country, no matter how large or small. When the states are addressing a problem effectively, there is no need for the Federal Government to add an extra layer of bureaucracy. Crime and punishment, with few exceptions, are in the purview of state legislative authority. I am unwilling to interfere with that constitutional balance, no matter how worthy the underlying subject matter might be. For these reasons, I must oppose H.R. 1592.

Mr. UDALL of Colorado. Mr. Speaker, in my view an act of violence against one person is an act of violence against all of us Our actions toward each other should—and our policies as a nation must—be based on compassion and understanding of human experiences if we are to truly have a nation of liberty and justice for all.

In other words, I think in our country all of us, regardless of our race, ethnicity, religion, or sexual orientation, should be able to live our lives free from violence, intimidation, and discrimination.

That is why I believe Congress must pass legislation to make it more likely that people who are guilty of violent crimes based on bias are properly prosecuted, convicted, and punished.

The result will not be to end hate—nor to make hate a crime—but to establish that our government will not tolerate hate and bigotry that manifests itself in violence against anyone.

Because I support that result, since first coming to Congress I have cosponsored and voted for legislation similar to the measure now before us.

And that is why I will vote for this bill today.

The bill will amend the Federal criminal code to prohibit willfully causing bodily injury to any person because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of that person.

It also will authorize the Department of Justice to provide technical, forensic, prosecutorial, or other assistance to help local law enforcement agencies investigate and prosecute acts that are both crimes of violence under Federal law or a felony under State, local, or Indian tribal law; and also are motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. And to further assist State, local, and tribal officials with the expenses related to hate crime cases, the bill would authorize the Attorney General to establish a grant program to be administered by the Office of Justice Programs that would have a particular focus on combating hate crime committed by juvenile offenders.

The bill also will broaden Federal coverage of hate crimes under two scenarios. First, under any circumstance, it will prohibit willfully inflicting bodily injury to any person, attempted or otherwise, through the use of fire, a firearm, explosive, or incendiary device, if such conduct were motivated on the basis of actual or perceived race, color, religion, or national origin of any person. Second, it will prohibit the same conduct, if such conduct were motivated on the basis of the victim's gender, sexual orientation, gender identity, or disability, in addition to the four bases covered by the first scenario, in circumstances involving specific jurisdictional ties to the Constitution's interstate commerce clause.

Under either scenario, offenders could be sentenced to 10 years' imprisonment and a fine, or for any term to life imprisonment if the crime resulted in the victim's death, or involved murder, kidnapping, attempted kidnapping, rape, or attempted rape.

The bill addresses two deficiencies in current law that limit the Federal Government's ability to work with State and local law enforcement agencies and have led to acquittals in some cases in which Federal jurisdiction has been asserted to backstop local efforts.

One is the fact that current Federal law provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity, or disability. The other is that current law requires proof that the crime was committed with the intent to interfere with the victim's participation in one of six specifically defined federally protected activities. The bill addresses both those limitations and provides the Justice Department tools to effectively act against bias-motivated violence by assisting States and local law enforcement agencies and by pursuing Federal charges where appropriate. This is the same approach Congress took in the Church Arson Prevention Act of 1996.

It is important to note that even after enactment of this bill, State and local authorities will deal with the overwhelming majority of hate crimes—and the bill is drafted to ensure that the Federal prosecution of hate crimes will be limited to cases that implicate the greatest Federal interest and present the greatest need for Federal intervention.

The bill is not intended to federalize all rapes, sexual assaults, acts of domestic violence, or other gender-based crimes.

In fact, for a hate crime case to be prosecuted federally, the Attorney General, or a high-ranking subordinate, would have to certify that pertinent state or local officials (1) were unable or unwilling to prosecute; (2) favored Federal prosecution; or (3) prosecuted, but the investigation or trial's results did not satisfy the Federal interest to combat hate crimes.

This certification requirement is intended to ensure that the Federal Government will assert the new hate crimes jurisdiction in a principled and properly limited fashion, consistent with procedures under the current Federal hate crimes statute.

It should also be noted that the bill respects and protects First Amendment rights. It will not bar or punish name-calling, verbal abuse or expressions of hatred toward any person or group—it deals only with violent criminal actions—and includes a provision explicitly stating that conduct protected under the speech and religious freedom clauses of the First Amendment is not subject to prosecution. In short, the bill does not criminalize speech or advocacy, and its enactment will not jeopardize anyone's right to associate, to denounce, to hold fast to a religious belief, or to do anything else protected by the Constitution's First Amendment.

Mr. Speaker, crimes motivated by bias are not as rare as many of us would like to think. Since 1991 the FBI has received reports of more than 113,000 hate crimes. In 2005, the latest year for which data are available, the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents, with more than half being racially-motivated and others reflecting religious bias (17.1 percent), sexual orientation (14.2 percent) and ethnicity/national origin bias (13.7 percent). And, unfortunately, Colorado is not immune—in 2005 our state reported 59 crimes based on racial bias, 22 reflecting religious prejudice, 16 related to sexual orientation, 27 involving ethnic bias, and 1 involving a person's disability, and there have been more since then.

These sobering statistics demonstrate that the legislation before us is appropriate and necessary—especially because it is generally understood that hate crimes are often not reported as such.

Accordingly, I support the bill and urge its passage.

Mr. HONDA. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

As Chair of the Congressional Asian Pacific American Caucus, I know that Asian Americans and Pacific Islanders have faced a long history of hate crimes, from the 1880 lynching of Chinese in Denver's Chinatown, to the brutal killing of Vincent Chin in 1982, to post-September 11 violence against Arabs, Sikhs, and Muslims, including the murder of Balbir Sigh Sodhi, and more recently, the killing of Cha Vang, a Hmong individual, in Wisconsin just this year.

Hate crimes are under-reported and under-prosecuted. The Local Law Enforcement Hate Crimes Prevention Act provides the resources necessary for all levels of government to investigate and prosecute hate crimes based on race, color, religion, national origin, gender, gender identity, sexual orientation, and disability.

Hate crimes are unique in that they are motivated by hostility toward an entire community, and are oftentimes rooted in a wider public sentiment of discrimination, xenophobia, and intolerance. The passage of this Act is a step in the right direction in promoting tolerance in our intgrated society.

Mr. TIAHRT. Mr. Speaker, today I was proud to stand up for the equal protection of all Americans by opposing H.R. 1592, the so called "Hate Crimes Bill." I abhor bigotry and discrimination, and I look forward to an America where no one is physically harmed for any reason. However, creating a special protected class within this country is poor public policy and contrary to the founding principle that all Americans are equal in front of the law.

First, this bill is unnecessary. State and local laws already provide criminal penalties for the violence addressed by the new Federal crimes defined in H.R. 1592. Many of the current state and local laws carry stricter penalties than the proposed language in H.R. 1592. State and local law enforcement agencies and courts already have the capability to enforce those penalties and are doing so effectively. The proof is that the most recent FBI Uniform Crime Report shows that bias-motivated crimes are decreasing. In fact, less than 17% of all law enforcement agencies reported a single hate crime in 2005. No evidence exists that states and localities are failing to prosecute hate crimes under existing statutes. There is simply no need for the Federal government to impinge on the manner in which state and local agencies are attacking these concerns.

Second, there are Constitution questions concerning this bill. The 14th Amendment affords equal protection under the law to all citizens. H.R. 1592 defies this principle by ranking victims according to nebulous categories like "sexual orientation" and "gender identity" that are based on behavior and are not easily definable. All violent crimes are unacceptable, regardless of the victim, and should be punished firmly.

It is ironic that this bill came to the floor on the National Day of Prayer. I am worried that this bill will unfairly target people of faith. Under this bill, Christians and clergy may be targets for prosecution if their traditional teachings on sexuality are considered an inducement to violence of people based on "sexual orientation" or "gender identity" whether real or perceived. Typically, members would have the opportunity to offer amendments to fix omissions such as this. Unfortunately, the Democrat leadership railroaded this bill through the floor with absolutely no opportunity to offer amendments, denying us the opportunity to protect traditional American values.

Instead of passing laws which violate longstanding principles of good government, we must instead continue in our efforts to make sure that criminals understand their behavior will not be tolerated. Individuals caught committing a crime must understand that conviction will be certain, sentencing will be swift and punishment will be severe. Creating classes of victims, as this bill surely does, based on broad indefinable categories makes certain citizens more equal than others, substitutes a federal mandate for local expertise, and fails to protect traditional American values.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of H.R. 1592, The Hate Crimes Prevention Act.

This important legislation is about protecting the fundamental rights of the most vulnerable in our society.

The fact is, hate toward people in our country who are deemed different remains copious and persistent.

What is not fact, however, is the campaign of mistruths right-wing extremists with a megaphone have instigated against this bill. They claim, for instance, that passage of this bill will be used to persecute anti-gay churches. To which I say, I don't know of any pastor or minister who would advocate tying a man to a split-rail fence, beating him brutally, and leaving him to die in the cold of the night for no reason other than he was gay.

This legislation addresses long overdue deficiencies in current federal hate crimes law. It extends protections to even more groups of targeted minorities. And it ensures that when states are unwilling or unable to prosecute hate crimes, justice will be served.

Violent acts committed against a member of a targeted minority do not merely beleaguer the individual. They deprave an entire group and society as a whole by promoting a culture of fear among our diverse communities and perpetuating stereotypes and hate. I have hopes that someday such legislation will no longer be necessary. But the reality is that in this day and age it still is. It is evident in the resurgence of organized white supremacist movements such as the KKK over the past year.

Without the passage of this critical legislation, an alarming amount of hate crime perpetrators around the country will continue to escape punishment under federal law. Such as the assailants who shot frequenters of a gay bar in New Bedford, Massachusetts earlier this year. And the four white male assailants who left Bill Ray, a mentally challenged African American, severely and errantly brain damaged. And the assailants of Michael Sandy, a gay man who was beaten, chased into traffic, hit by a car, and then dragged off the road and attacked a second time.

Until the day comes when there is no need for such legislation, we will continue to have a moral obligation to ensure these victims of hate crimes have access to just recourse.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation.

This legislation provides protection to all Americans, and is consistent with our proud history as a Nation whose founding principle is that all people are created equal. Growing up on a tenant farm in rural North Carolina, I learned basic values that say that you treat all people with respect. These are the values that America stands for. Hate crimes—violent crimes motivated by bigotry against race or creed, hatred against nationality or disability, or intolerance for difference—have no place in a country that holds fast to those values.

Mr. Speaker, hate crimes exhibit exceptional circumstances where a federal role is appropriate and necessary because the crime is intended to intimidate Americans beyond the individual victim or jurisdiction where the crime occurs. The bill that the House is considering today provides vital support for the prosecution of these most heinous acts of violence. It gives local and state law enforcement vital resources to investigate and prosecute hate crimes. These resources are desperately needed, as small rural police departments sometimes cannot afford lengthy and complicated investigations. The funding provided in this bill will ensure crimes do not go unresolved due to lack of funding.

This bill appropriately targets crimes that are motivated by hatred or bigotry, not the hatred or bigotry itself. While we must work towards a world free of racism and prejudice, it is not the place of the government to tell people how to think or feel, or what to believe. What we can and must do, however, is work to sow the seeds of justice, freedom, and equality. We must protect all of our citizens from crime, and ensure that justice prevails when hatred leads to violence.

I support this bill, and I oppose the Republican motion to recommit H.R. 1592 because it is a parliamentary maneuver intended to kill this legislation.

This bill is a step towards a more just, more equal, and more free society. It provides state and local law enforcement crucial federal resources they need, and makes sure that these terrible crimes are fully investigated and prosecuted.

The SPEAKER pro tempore (Mr. SNYDER). All time for debate has expired.

Pursuant to House Resolution 364, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. Mr. Speaker, I do oppose it. in the current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1592 to the Committee on the Judiciary with instructions to report the same back to the House promptly with the following amendments:

Page 12, line 5, after "orientation," insert "status as a senior citizen who has attained the age of 65 years, status as a current or former member of the Armed Forces,".

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) is recognized for 5 minutes in support of his motion.

Mr. SMITH of Texas. Mr. Speaker, this motion to recommit is straightforward. It seeks to protect America's senior citizens and those who serve in our Armed Forces.

My colleagues on the other side contend that a new law is needed to cover crimes against persons based on race, gender, national origin, sexual orientation, gender identity and disability. The motion to recommit makes sure that seniors and our military personnel are added to the list of protected groups.

We all care greatly about the safety and security of our senior citizens. We all understand that they are particularly vulnerable to crime. Criminals who prey on our senior citizens because they are senior citizens should be vigorously prosecuted and punished.

The statistics paint a disturbing picture of violence against senior citizens in our country. A recent Justice Department study found that each year over the last 10 years, for every 1,000 persons over 65, four are violently assaulted. This includes rape, sexual assault, robbery and aggravated assaults. Approximately 65 percent of these crimes against senior citizens are committed by strangers or casual acquaintances. In my hometown, the San Antonio police report rising crime against the elderly, with over 6,200 crimes just this last year.

We were all horrified by the recent videotaped robbery in New York City committed against 101-year-old Rose Morat. Rose was leaving her building to go to church when a robber, who pretended to help her through the vestibule, turned and delivered three hard punches to her face and grabbed her purse. He pushed her and her walker to the ground. Rose suffered a broken cheekbone and was hospitalized. The robber got away with $33 and her house keys. Police believe the same man robbed an 85-year-old woman shortly after beating Rose.

These are horrible crimes that strike fear into the hearts of America's senior citizens and make them wonder whether they will be victimized next.

This motion to recommit also adds the category of current or former members of the Armed Forces to the list of groups in this bill. We honor our men and women of the military because of their patriotism, their commitment to protecting our freedom and their service to our country. In times of controversy surrounding the use of our military, we have seen unfortunate acts by those who use their hostility towards the military to further their political agenda.

With the rising debate over the Iraq war, we are seeing increasing threats to Iraqi war veterans. Recently, a Syracuse woman pleaded guilty to spitting in the face of a Fort Drum soldier at an airport.

Mr. Speaker, Congress needs to make it clear to everyone that we honor our veterans and current members of our Armed Forces. Congress can make the message clear that hate of our Armed Forces will be punished at a heightened level, just like the other groups under this act.

If Congress rejects this motion to recommit, who will explain to the thousands of victims who are senior citizens or military victims that their injuries are less important than those of others protected under the hate crimes law? Are we really prepared to tell seniors and our men and women in uniform across our country that crimes committed against victims because of race, gender, national origin, sexual orientation, gender identity or disability are, as a rule, more worthy of punishment than those committed against seniors and military personnel?

Mr. Speaker, I urge Members to support this motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I would ask the distinguished gentleman from Texas, Mr. SMITH, would he yield for a unanimous consent request that the bill be amended as follows: Page 12, line 5 after "orientation" insert "status as a senior citizen who has attained the age of 65 years; status as a current or former member of the armed services."

Would the gentleman yield for a unanimous consent request on that?

Mr. SMITH of Texas. Mr. Speaker, I respectfully object.

The SPEAKER pro tempore. The gentleman does not yield.

Mr. CONYERS. Mr. Speaker, would the gentleman from Texas, Mr. SMITH, the proponent of the motion to recommit, yield for a unanimous consent request that the motion be amended by striking the word "promptly" and inserting the word "forthwith?"

Mr. SMITH of Texas. Mr. Speaker, I also object to that request.

The SPEAKER pro tempore. The gentleman from Texas does not yield for that purpose.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONYERS. Mr. Speaker, I notice that the motion being offered by the gentleman provides the bill be reported back to the House "promptly" rather than reported back "forthwith."

Is it true, as I believe to be the case, that the effect of the word "promptly" is that the House is not being asked to amend this bill, but to send it off the Floor and back to the Judiciary Committee?

The SPEAKER pro tempore. The adoption of a motion to recommit with instructions to report back "promptly" sends the back bill back to committee, whose eventual report, if any, would not be immediately before the House.

Does the gentleman from Michigan seek time in opposition to the motion to recommit?

Mr. CONYERS. Mr. Speaker, I do.

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Michigan yield for a parliamentary inquiry?

Mr. CONYERS. Mr. Speaker, I am not inclined to at this time.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes in opposition to the motion to recommit.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the motion to recommit, which would not operate as a simple amendment, but, listen to me, would instead send the bill back to the Committee on the Judiciary, in essence killing the bill for the remainder of the Congress.

The categories of individuals included in the amendment, seniors and members of the armed services, are entitled to protection under the law, and in point of fact they have protection under the law at both Federal and State levels. I note that it is already a Federal crime to kill or attempt to kill any member of the armed services under 18 U.S.C. 1114.

We also have programs in the law to provide assistance to prosecutors and law enforcement in the enforcement of crimes against elders, as well as a variety of senior services that will help them in their homes, safety and elder care.

The purpose of the bill is to protect classes of individuals who have been and are the group-wide victims of systemic violence: hanging a man because of his race, dragging someone to death because they are disabled. These are crimes that are designed to target and intimidate entire groups of individuals, and we all know it. That is why they are labeled hate crimes and why this legislation is before us.

As much as any Member here, I believe we can and should do more to protect other members of society. That is why our Committee on the Judiciary approved a COPS bill yesterday, reauthorizing a program to provide for 100,000 local police on the beat and other safety officials. That is why I have in the past pushed for an Elder Justice Act.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. I thank the distinguished chairman.

This motion, my colleagues, reeks with the stench of cynicism. Let me tell you why. The distinguished chairman rose and asked for unanimous consent to add the protections to members of our Armed Forces who are either serving or have served, and he then asked to protect our senior citizens. He asked for unanimous consent to do that, and the gentleman from Texas objected, so it was not added.

Then the chairman rose and asked that we substitute "forthwith" for "promptly" so their amendment could be immediately adopted, and the gentleman from Texas objected.

How cynical can you be to offer an amendment, I tell my friend, which in its own framework will kill the very proposition you are making? For if this amendment prevails, what will happen is, the bill will be killed and the protection of the Armed Forces that he seeks, the protection of the seniors that he seeks, will be killed.

My friends on this side of the aisle, this is a political game. The American public knows it is a political game. Let's reject this cynical political game and pass this legislation.

The SPEAKER pro tempore. The gentleman's time has expired.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRICE of Georgia. Isn't it true, Mr. Speaker, that under the motion to recommit there is nothing that precludes the Judiciary Committee from dealing with the bill when it goes back to the committee and sending it back to the floor of the House?

The SPEAKER pro tempore. The adoption of a motion to recommit with instructions to report back "promptly" sends the bill back to committee, whose eventual report, if any, would not be immediately before the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage of the bill.

The vote was taken by electronic device, and there were—yeas 189, nays 227, not voting 17, as follows:

[Roll No. 298]

YEAS—189

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)

Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode

Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave

Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Putnam
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—227

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor

Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge

Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick

Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Cubin
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Hastert

Hunter
Johnson, E. B.
Lampson
McIntyre
McMorris Rodgers
Ortiz

Paul
Radanovich
Tancredo
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on the vote.

□ 1338

Messrs. HOBSON, GARRETT of New Jersey and BUYER changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 16, as follows:

[Roll No. 299]

YEAS—237

Abercrombie
Ackerman
Allen
Altmire
Andrews

Arcuri
Baca
Baird
Baldwin
Barrow

Bean
Becerra
Berkley
Berman
Biggert

Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey

Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone

Pascrell
Pastor
Payne
Pelosi
Perlmutter
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—180

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman

Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter

Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers

Ellsworth
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gohmert
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Cubin
Davis, Jo Ann
Engel
Fattah
Gingrey
Graves
Hastert
Hunter
Johnson, E. B.
Lampson
McMorris Rodgers
Ortiz
Paul
Radanovich
Tancredo
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain to vote.

□ 1346

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Mr. Speaker, had I been present for the vote on H.R. 1592 I would have voted "yea."

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1868, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1868.

□ 1348

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Oregon (Mr. WU) and the gentleman from Michigan (Mr. EHLERS) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

(Mr. WU asked and was given permission to revise and extend his remarks.)

Mr. WU. Mr. Chairman, I rise in strong support of H.R. 1868, the Technology Innovation Manufacturing Stimulation Act of 2007. This bill authorizes programs at the National Institute of Standards and Technology, or NIST, for fiscal years 2008 through 2010, and strengthens American innovation.

For most Americans, NIST is not a household word. But since its creation more than 100 years ago, NIST has made major contributions to public safety, industrial competitiveness and economic growth. Beginning in the 1900s, when it set standards for fire hydrants that have saved countless lives, to the 1950s, when it developed the world's fastest computer, helping usher in the information age, to its groundbreaking work on the technical aspects of the collapse of the World Trade Center on 9/11, NIST has served the public interest in ways that far exceed its public fame.

Today, NIST's mission focuses on promoting innovation and industrial competitiveness by advancing measurement, science, standards and technology. This mission has never been more urgent. The recent National Academy of Sciences report coauthored by Norm Augustine, "Rising Above the Gathering Storm," warns that we face major challenges in the global marketplace and recommends that we "ensure that the United States is the premier place in the world in which to innovate."

H.R. 1868 helps implement that recommendation by putting the NIST budget on a 10-year path to doubling as an investment in the future of American innovation. The bill increases the NIST research budget, funds key areas such as biologics, health care IT and nanotechnology. It funds the construction of a high performance laboratory at the Boulder, Colorado, campus, and upgrades the Center for Neutron Research in Gaithersburg, Maryland. This enables world class engineers and their scientists to have world class facilities for their work.

H.R. 1868 also addresses problems in the American manufacturing center, which has lost almost 3 million jobs since 2001. It expands the Manufacturing Extension Partnership, or MEP, a proven and highly successful public-private partnership that provides technical assistance to small and medium-size manufacturers to improve productivity and to remain competitive in a global marketplace.

It also establishes a competitive and collaborative grant system for MEP centers, industry groups, and non-industry partners, to undertake manufacturing technology research. Manufacturing is a major source of high skill, high-paying jobs, and this bill will go far to reinvigorate our manufacturing sector.

One of the biggest stumbling blocks to innovation is the technology so-called "Valley of Death," the gap between angel funding and measurable venture capital, the lack of adequate private venture capital for early stage, high-risk, high-reward technology development. Almost 20 years ago, Congress created the Advance Technology Program, or ATP, to address this gap.

Today, the "Valley of Death" remains, but the global innovative environment has changed. H.R. 1868 responds to this by replacing ATP with the Technology Innovation Program, or TIP, which would provide limited, cost-shared grants to small and medium-size firms and joint venture to pursue high risk, high-reward technologies, with potential for broad public benefit.

TIP also acknowledges the vital role that universities play in the innovation cycle by allowing them to fully participate in TIP. H.R. 1868 is a bipartisan bill and incorporates good ideas from both sides of the aisle. It has been endorsed by TechNet, SEMI, the American Small Manufacturers Coalition, the Association of American Universities, the National Association of State Universities and Land-Grant Colleges, the Alliance for Science & Technology Research in America, whose members include the National Association of Manufacturers, the Business Software Alliance and the American Chemical Society. It also enjoys the support of dozens of other organizations, companies, and individuals.

I urge my colleagues to support this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. EHLERS. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 1868, the Technology Innovation Manufacturing and Stimulation Act of 2007.

I certainly want to thank the Chair of the subcommittee for working very, very closely with us in producing this fine bill.

This bill provides a 3-year authorization for the National Institute of Standards and Technology, familiarly called NIST. Since 1901, NIST scientists and engineers have worked directly with American industries to address their needs for measurement methods, tools, data and technology, the building blocks that allow industry to grow and prosper.

NIST is one of three agencies targeted by the President's American Competitiveness Initiative. The ACI aims to double the Federal investment in physical science and research over the next 10 years to ensure that America remains technologically competitive in the global context marketplace. Yesterday this body passed an authorization bill for one of the other ACI agencies, the National Science Foundation. I am very pleased that today we are supporting a second ACI agency by authorizing NIST labs at a rate that would double the budget over the next 10 years.

H.R. 1868 is a bipartisan bill that incorporates recommendations from the administration for some of NIST's programs. However, earlier this week, the administration sent up a critical statement about H.R. 1868, and I want to clarify some misunderstanding that may have arisen from that statement.

H.R. 1868 does not underfund the NIST labs, contrary to the statement and the administration's comments. H.R. 1868 provides a 10 percent increase above fiscal year 2007 for the NIST labs and sets the NIST lab budget on a path to double over the next 10 years. This is entirely consistent with the President's overall stated goal for the American Competitiveness Initiative.

H.R. 1868 does not fund or subsidize management consulting services. H.R. 1868 fully funds the highly successful manufacturing extension partnership, better known as the MEP program.

MEP helps businesses improve manufacturing processes, reduce waste and train workers to use new equipment, which keeps high-paying manufacturing jobs here in the United States. This House has already twice passed this MEP authorization in both the 108th and 109th Congress.

Another comment, MEP receives one-third of its funding from the Federal Government, one-third from the States, one-third from fees charged to participating small manufacturers. MEP has over 350 manufacturing extension offices located in all 50 States and Puerto Rico.

H.R. 1868 creates the Technology Innovation Program based on recommendations from the administration. This bill is very clear that only small and medium-size companies can apply for Federal funding.

Universities partnering with this small company can apply for funding, actually expanding the role of university participation, not limiting it as the administration's letter suggests.

The program's sole goal is to accelerate the development and application of challenging high-risk, high-reward technologies in areas of critical national needs, thus, targeting major societal needs that the administration's letter asserts are not part of the bill.

H.R. 1868 authorizes an important investment in our Nation's future economic competitiveness. Mr. Chairman, I want to thank Chairman GORDON and Technology and Innovation Subcommittee Chairman WU for working with us on this important piece of legislation.

I also want to acknowledge the hard work of the gentleman from Georgia (Dr. GINGREY) to improve this legislation.

I also want to make an additional point. At times, some have considered this as being improper legislation. In particular, the President's statement indicates that is the beginning of an industrial policy.

That is simply not true. For those who are critical of this particular proposal, I want to ask them, first of all, do they oppose the current agricultural extension program, which has been in effect for nearly a century, which has been of inestimable value to our farming communities and to our farmers.

No one would think of ending the cooperative extension service in the agriculture department. It has been extremely valuable to this country. I have been in this body for 14 years. I have never heard anyone offer an amendment to defund the cooperative extension program, even though it costs $400 million a year and benefits less than 2 percent of the workforce in this country.

At the same time, I have met a number of people, and apparently including some in the administration, who want to kill the MEP program, which is only $100 million a year and benefits industries that employ 14 percent of the workers in this Nation.

□ 1400

Now, how can it make sense to want to keep a $400 million program that maintains a workforce of less than 2 million, and kill a program that costs one-fourth as much and helps about eight times as many workers? It doesn't make sense. So that argument is simply out the window.

If we do like the Cooperative Extension Service, we should approve the manufacturing extension partnership, which is of exactly the same nature and is designed to help small- to medium-sized manufacturers develop more jobs in our economy.

Madam Chair, I reserve the balance of my time.

Mr. WU. First, I would like to thank the gentleman from Michigan for his hard work on this legislation. I would further like to thank the gentleman for responding to the factually erroneous statements in the statement of administrative position, and I deeply appreciate the correction for the record.

Madam Chair, I recognize my good friend from New Jersey (Mr. PASCRELL) for 3½ minutes.

Mr. PASCRELL. Madam Chair, I rise in strong support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007, and I wish to congratulate the sponsor of this fine legislation, the chairman of Subcommittee on Technology Innovation, Congressman DAVID WU, and his ranking member, who understandably is not here today, Mr. GINGREY.

I especially am supportive of the provisions of the bill that reauthorize and strengthen the Manufacturing Extension Program. This is very critical. I hope people were listening to Mr. EHLERS, who very cogently spoke and defined what this legislation is all about.

Madam Chair, I represent a district with a long and proud history of manufacturing that goes all the way back to Alexander Hamilton and the birth of the American industry in Paterson, New Jersey. Sadly, we have seen the steady decline of our manufacturing base in America as the state of our competitiveness has fallen behind foreign nations.

The MEP program, the Manufacturing Extension Program, is one of the most successful programs funded by the Federal Government today, and it has provided hope to our Nation's manufacturers. It is a nationwide network of not-for-profit centers in nearly 350 locations, serving all 50 States and Puerto Rico, whose sole purpose is to provide small- and medium-sized manufacturers with the services they need for success.

The president of the New Jersey Manufacturing Extension Program, Bob Loderstedt, captures this program best when he said, "We have a public sector mission accomplished with a private sector mind-set."

I am proud to say that this legislation today will increase funding by 8 percent per year and double the funding over 10 years, so that more small manufacturers will be able to better compete in the global marketplace.

The MEP is certainly no Federal handout. Indeed, it is a public-private partnership for strong manufacturing growth, and these statistics bear this out: In fiscal year 2004 alone, MEP activities directly resulted in almost $2 billion in new sales and more than 12,000 jobs. MEP's ability to analyze the weaknesses of each manufacturer resulted in $721 million in cost savings.

It also led to $941 million worth of investment and modernization to meet the future needs of manufacturers.

I have seen firsthand the benefits of the New Jersey MEP as provided for manufacturers, and similar throughout the entire Nation. I believe that this is a very wise investment for us, and we can secure our Nation's manufacturing base. I urge my colleagues from both sides of the aisle to vote in favor of this vital legislation.

In conclusion, Madam Chair, let me say this. I think this is the beginning of finally having a manufacturing policy in this country. That is why we have seen the demise of manufacturing. Alexander Hamilton was right, we have a multifaceted economy; and we must understand, that won the battle and the debate with Thomas Jefferson. We cannot be one economy here. This is a multifaceted economy, and this is good for manufacturing, this is good for America, this is good for our small businesses.

Mr. EHLERS. Madam Chair, I reserve the balance of my time.

Mr. WU. Madam Chair, I yield 2½ minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Madam Chair, my thanks to my friend, Mr. WU, for leading this debate today. I rise today in strong support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act.

The time has come for our country as a whole to stop ceding progress in science and technology to our competitors overseas. As one of the younger Members of this Chamber, I know that it is this generation's responsibility to keep our country competitive with countries like Japan, China, and India, whose young scientists and engineers are making new technological discoveries every day.

H.R. 1868 is part of the Speaker's Innovation Agenda to address how the United States should create a new generation of innovative thinkers and an educated, skilled workforce in science, math, engineering, and information technology. This bill makes a sustained commitment to Federal research and development, and will promote private sector innovation and provide small businesses with the tools to encourage entrepreneurial innovation and job creation throughout the country.

The Innovation Agenda is of particular importance to me as the Representative to Connecticut's Fifth District. We used to be the vanguard of manufacturing in the Fifth District; it is the home of Stanley Tool, of Scoville Brass, Torrington Ball Bearing Company, the fashioner of ball bearings where my grandfather and great-grandfather worked.

The days of those large manufacturing plants, at least in the Fifth Congressional District, are days of the past. However, my district now stands at the precipice of a new manufacturing era.

As I travel around my district, I am struck by how many small, high-tech manufacturers are setting up shop in this corner of the world. For example, in Torrington, high-tech companies are sprouting up on the grounds of the former Torrington Ball Bearing plant. In Danbury, in the shadow of a deserted hat manufacturing plant, a company that specializes in homeland security devices is growing. And in Waterbury, at an old brass factory, Luvata is making wire for an international consortium creating the world's first nuclear fusion device.

These small manufacturers are struggling every day with rising electricity costs and a lack of qualified workers to fill their growing job demands. This is why the Manufacturing Extension Partnership program, a national network of local centers that are set up to help these small manufacturers, are so critical to my district and districts like mine. This program is an effective public-private partnership that helps to leverage State and Federal dollars into private investment funds for these smaller manufacturers.

The importance of small manufacturers to America cannot be overstated. It is these small manufacturing plants where the most innovative work is being done. That is why I am so proud of where the Fifth District stands as it is ready to lead in this new era.

Lastly, I just would like to voice my support for the Baldrige National Quality Program, named for former Commerce Secretary Malcolm Baldrige. The awards given by the President to businesses that live by Mr. Baldrige's strong belief and quality of performance standards, his widow, Midge Baldrige of Woodbury, Connecticut, and a friend. It is an honor to represent her.

I thank the gentleman for the time, I thank his efforts on this measure, and I urge passage this afternoon here in the House.

Mr. EHLERS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I reiterate my strong support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act.

This bill is a key part of the President's American competitive initiative, and I am pleased it moved through the Science and Technology Committee in a bipartisan manner, and also moved through speedily.

I thank the staff for their hard work on this bill, including Jenny Healy from Dr. GINGREY's office and Julia Jester from my office. I urge my colleagues to support H.R. 1868.

Madam Chair, I yield back the balance of my time.

Mr. WU. Madam Chair, I also urge support for H.R. 1868. As I am frequently fond of saying, if you don't set standards for things, things don't match up. If you can't measure things, it is not real from a technologic or economic perspective.

The underlying legislation is crucial to America's competitiveness and our place in the world market.

Mr. MATHESON. Madam Chairman, I would like to compliment my friend, Chairman WU. He has been a tireless advocate for America's manufacturers and businesses and this bill will be a great benefit to our Nation's workforce. I appreciate working with the Chairman to include language in H.R. 1868 for a pilot program that, among other things, better enables the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities.

The Manufacturing Extension Partnership Competitive Grant Program described in Section 203(c) of H.R. 1868 is intended to, in addition to traditional manufacturing extension activities, emphasize the need to develop MEP projects that define the technological needs of small-to-medium sized manufacturers and to similarly define the capabilities of new technology and innovations available from institutions of higher education, laboratories, and other technology producing entities. When properly defined and characterized, manufacturers and innovators will have the ability, through computer technology or other means, to match needs with capabilities. I believe that the development and deployment of this matching capability by this Competitive Grant Program will permit access to new and maturing technologies for the 350,000 small-to-medium-sized manufacturers on a broad basis, which has not been possible to date.

Mr. WU. Madam Chairman, I am aware of Representative MATHESON's concerns about technology infusion to small manufacturers. There is study by the National Academy of Public Administration that established the critical need for small manufacturers to have better access to changing technology, production techniques, and business management practices. This study also recommended the improving technology transfer and infusion to small and medium-sized manufacturers. The Committee supports the rapid integration of new technologies and innovations into the manufacturing industry. This integration will help small-to-medium sized manufacturers stay competitive in the global economy while promoting American innovation and preserving American jobs. Language in the bill will facilitate these goals.

Mr. CONYERS. Madam Chairman, I rise in strong support of H.R. 1868, The Technology Innovation and Manufacturing Stimulation Act of 2007. H.R. 1868 authorizes appropriations for scientific and technical research at the National Institute of Standards and Technology (NIST) for fiscal years 2008, 2009, and 2010, strengthens and improves the Manufacturing Extension Partnership (MEP) initiative, and establishes the Technology Innovation Program (TIP) to assist U.S. businesses and institutions of higher education to accelerate development and application of challenging, high-risk technologies that promise widespread economic benefits.

H.R. 1868 authorizes $365 million for MEP, a highly successful program that helps small and medium domestic manufacturers compete more effectively in the international marketplace. The goal of MEP is not only to maintain current manufacturing jobs, but also to nurture growth in the manufacturing sector to create additional jobs for American workers. The bill provides for an 8 percent increase per year in MEP appropriations, which would double program funding in 10 years.

The Technology Innovation and Manufacturing Stimulation Act of 2007 also amends the National Institute of Standards and Technology Act to establish an MEP board. The current national MEP board is established by the Secretary of Commerce, and has been woefully neglected for 3 years, not meeting at all in 2005 and 2006. NIST recently reconstituted the board, but most members are now from academia, not industry. H.R. 1868 would establish the MEP advisory board in statute, rather than at the discretion of the Secretary of Commerce, and would require majority representation from industry.

My district and others across the country will benefit from funding research at National Institutes of Standards and Technology, strengthening the Manufacturing Extension Partnership, and establishing the Technology Innovation Program, and I am pleased to be able to support it.

Mr. HOLT. Madam Chairman, I rise today in support of the Technology Innovation and Manufacturing Stimulation Act, H.R. 1868. This important legislation is part of an ambitious initiative that will fulfill the Innovation Agenda.

I am proud of my efforts to help craft the Innovation Agenda, which will help provide for future prosperity through wise investments. H.R. 1868 is an integral part of this effort and will help meet the Agenda's call to double funding over the next 10 years for the National Science Foundation, the National Institute of Standards and Technology (NIST), and the Department of Energy's Office of Science. NIST exists to improve our Nation's economic security and quality of life through the improvement of technology and related sciences and standards. This legislation puts us well on the path to doubling our investment in NIST by setting the appropriate authorization levels through 2010. This will mean actual authorizations of $470.9 million in FY 2008 and $537.6 million in FY 2010. These increases are necessary investments in revitalizing NIST's staffing, activity, and physical infrastructure, particularly at a time when we face unprecedented levels of international competition.

In this bill, the Technology Innovation Program (TIP) is created. TIP gives businesses and universities grants that encourage high-risk investments in technology, in cases where such investments have potential widespread economic benefits. This is a sound use of taxpayer money, as projected economic payoff to society is a necessary precondition for issuance of a grant. This program helps to solve the failure of market forces to encourage full investment in research and development. This failure of market forces is rooted in the fact that only one third of the financial reward of research and development investment is felt by investors, with the rest being felt by society as a whole.

H.R. 1868 also improves the competitiveness of the American manufacturing industry by creating postdoctoral fellowships for related research, and by creating a manufacturing research pilot grants program for interdisciplinary collaborations between businesses, State governments, nonprofits, and universities.

By strengthening our existing investment in our national technology and manufacturing capacity and through the creation of new related programs, this bill is a crucial element of the Innovation Agenda to maintain American economic security and global leadership. I encourage my colleagues to support this resolution.

Mr. UDALL of Colorado. Madam Chairman, I am pleased to support H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act of 2007.

I am a cosponsor of this important legislation, which reauthorizes the National Institute of Standards and Technology (NIST). NIST has not been completely reauthorized since 1992, yet it is the lead federal agency in much cutting-edge technology, such as semiconductor research and nanotechnology.

NIST is particularly important to me because one of its key laboratories is located in Boulder, Colorado, in my district. The Boulder labs employ more than 350 people and serve as a science and engineering center for significant research across the nation.

A critical component of this legislation is that it includes funding for construction at these laboratories. NIST's Boulder facilities have contributed to great scientific advances, but they are now over 50 years old and have not been well maintained. Many environmental factors such as the humidity and vibrations from traffic can affect the quality of research performed at NIST. In fiscal year 2007, NIST-Boulder will begin an extension of Building 1 to make room for a Precision Metrology lab. This new facility will allow for incredibly precise control of temperature, relative humidity, air filtration and vibration to advance research on critical technologies, such as atomic clocks telecommunications, and nanomaterials. To complete this extension, NIST will need further funding in fiscal year 2008 and fiscal year 2009. H.R. 1868 authorizes this critical funding.

The legislation also includes a needed funding increase for overall laboratory research at NIST. As part of the American Competitiveness initiative, NIST will use these funds to expand upon its world-class research, ensuring that the United States will continue to be globally competitive in many industries.

I am also Pleased to see that the legislation reauthorizes and gradually increases funding for the Manufacturing Extension Partnership (MEP) program. The MEP program has a network of centers across the nation to help small and medium-sized manufacturers develop and commercialize their research. Minimal Federal investment has yielded substantial benefits to manufacturers across the country.

In Colorado, the Colorado Association for Manufacturing and Technology (CAMT) hosts the Colorado MEP (CMEP) program and has helped Colorado's more than 6,000 manufacturers save millions of dollars. Over the last 6 years, CMEP has decreased costs for Colorado manufacturers by almost $17 million and increased sales by more than $4 million—so I believe that this is a program that we must continue to support.

This legislation also replaces the Advanced Technology Program (ATP) with the Technology Innovation Program (TIP). The ATP has been a valuable resource to small manufacturers by funding technology development. The TIP will build upon and improve this program to help small U.S. manufacturers remain competitive in the increasingly competitive global market.

I would like to thank Technology and Innovation Subcommittee Chairman WU and Ranking Member GINGREY, as well as Science and Technology Chairman GORDON, for introducing this critical legislation and working to bring it to the floor today.

In conclusion, I encourage all of my colleagues to support H.R. 1868.

Mr. MITCHELL. Madam Chairman, as we find ourselves falling farther and farther behind countries like China and India, which are graduating thousands more engineers and mathematicians than we are, America needs continued technological innovation to remain atop the global economy.

Yet industrial research and development that leads to breakthrough innovation is often expensive, and positive results are often a long time coming.

This can be especially problematic for small businesses. But America cannot afford not to help small business get the technology and training they need to compete in the world market.

I sponsored and supported H.R. 1868 in committee, largely because it includes two programs to help small businesses: the Manufacturing Extension Partnership and the Technology Innovation Program.

The Manufacturing Extension Partnership helps America's small manufacturers improve productivity and competitiveness through technology. The Technology Innovation Program too assists small business to pursue new technology development.

By supporting these programs we are supporting industry and ensuring that our economy continues to lead the world in technological innovation.

I urge my colleagues to vote for H.R. 1868.

Ms. McCOLLUM of Minnesota. Madam Chairman, I rise today in support of H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act, which will reauthorize the National Institute of Standards and Technology, NIST, for the next 3 years.

H.R. 1868 is the first reauthorization of NIST since 1991. Authorizing $2.5 billion over 3 years, this bill would increase funding for the Manufacturing Extension Partnership Program, which keeps jobs in the United States; creates the Technology Innovation Program, which allows universities partnering with businesses to apply for funding through NIST and speed research in high-risk, high-reward technologies in areas of critical national needs; continue funding NIST on a 10-year path to doubling; and provide necessary construction funding for laboratory upgrades.

Founded in 1901 under the National Bureau of Standards Act, NIST has been in the forefront of innovative technology in areas of public safety, industrial competitiveness and economic growth through standards and measurements. Its mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life.

NIST works tirelessly with industry, universities, and other government agencies to address technological innovations that will fundamentally change products and services available in the 21st century. NIST is renowned for working on cutting edge technology. Innovations from this research will ultimately impact our quality of life.

Also supported in this reauthorization would be the Malcolm Baldrige National Quality Award, founded by NIST and given by the President of the United States. The Malcolm Baldrige National Quality Award recognizes businesses for their standard of performance excellence in their business practices. Minnesota has been the recipient of three Malcolm Baldrige National Quality Awards in the past 10 years. Most recently in 2005, Sunny Fresh Foods, Incorporated won its second Malcolm Baldrige National Quality Award for its quality and leadership that continually focuses people and business processes on improving product and services to its customers and stakeholders.

NIST sits at the nexus of science and industry. NIST's unique role is to advance measurements and standards so that the next innovation can be realized and commercialized. In today's global economy, the ability of the United States to remain competitive relies increasingly on our ability to develop and commercialize innovative technologies. I urge my colleagues to support H.R. 1868 in order for National Institute of Standards and Technology to remain as the premier institute for measurements and standards in the world.

Mr. WU. Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN (Mrs. TAUSCHER). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Technology Innovation and Manufacturing Stimulation Act of 2007".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Scientific and technical research and services.
Sec. 102. Industrial technology services.

TITLE II—INNOVATION AND TECHNOLOGY POLICY REFORMS

Sec. 201. Institute-wide planning report.
Sec. 202. Report by Visiting Committee.
Sec. 203. Manufacturing extension partnership.
Sec. 204. Technology Innovation Program.
Sec. 205. Research fellowships.
Sec. 206. Collaborative manufacturing research pilot grants.
Sec. 207. Manufacturing fellowship program.
Sec. 208. Meetings of Visiting Committee on Advanced Technology.

TITLE III—MISCELLANEOUS

Sec. 301. Post-doctoral fellows.
Sec. 302. Financial agreements clarification.
Sec. 303. Working capital fund transfers.
Sec. 304. Retention of depreciation surcharge.
Sec. 305. Non-Energy Inventions Program.
Sec. 306. Redefinition of the metric system.
Sec. 307. Repeal of redundant and obsolete authority.
Sec. 308. Clarification of standard time and time zones.
Sec. 309. Procurement of temporary and intermittent services.
Sec. 310. Malcolm Baldrige awards.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) Laboratory Activities.—There are authorized to be appropriated to the Secretary of Commerce for the scientific and technical research and services laboratory activities of the National Institute of Standards and Technology—

(1) $470,879,000 for fiscal year 2008;

(2) $497,750,000 for fiscal year 2009; and

(3) $537,569,000 for fiscal year 2010.

(b) Malcolm Baldrige National Quality Award Program.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $7,860,000 for fiscal year 2008;

(2) $8,096,000 for fiscal year 2009; and

(3) $8,339,000 for fiscal year 2010.

(c) Construction and Maintenance.—There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(1) $93,865,000 for fiscal year 2008;

(2) $86,371,000 for fiscal year 2009; and

(3) $49,719,000 for fiscal year 2010.

SEC. 102. INDUSTRIAL TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for Industrial Technology Services activities of the National Institute of Standards and Technology—

(1) $222,968,000 for fiscal year 2008, of which—

(A) $110,000,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $45,000,000 shall be for new awards; and

(B) $112,968,000 shall be for the Manufacturing Extension Partnership program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $1,000,000 shall be for the competitive grant program under section 25(f) of such Act;

(2) $263,505,000 for fiscal year 2009, of which—

(A) $141,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $45,000,000 shall be for new awards; and

(B) $122,005,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $4,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(3) $282,266,000 for fiscal year 2010, of which—

(A) $150,500,000 shall be for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), of which at least $45,000,000 shall be for new awards; and

(B) $131,766,000 shall be for the Manufacturing Extension Partnership Program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), of which not more than $4,000,000 shall be for the competitive grant program under section 25(f) of such Act.

TITLE II—INNOVATION AND TECHNOLOGY POLICY REFORMS

SEC. 201. INSTITUTE-WIDE PLANNING REPORT.

Section 23 of the National Institute of Standards and Technology Act (15 U.S.C. 278i) is amended by adding at the end the following new subsections:

"(c) Concurrent with the submission to Congress of the President's annual budget request in the first year after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall transmit to the Congress a 3-year programmatic planning document for the Institute, including programs under the Scientific and Technical Research and Services, Industrial Technology Services, and Construction of Research Facilities functions.

"(d) Concurrent with the submission to the Congress of the President's annual budget request in each year after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall transmit to the Congress an update to the 3-year programmatic planning document transmitted under subsection (c), revised to cover the first 3 fiscal years after the date of that update.".

SEC. 202. REPORT BY VISITING COMMITTEE.

Section 10(h)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)(1)) is amended—

(1) by striking "on or before January 31 in each year" and inserting "within 30 days after the submission to Congress of the President's annual budget request in each year"; and

(2) by adding to the end the following: "Such report also shall comment on the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).".

SEC. 203. MANUFACTURING EXTENSION PARTNERSHIP.

(a) MEP Advisory Board.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

"(e) MEP Advisory Board.—(1) There is established within the Institute a Manufacturing Extension Partnership Advisory Board (in this Act referred to as the 'MEP Advisory Board'). The MEP Advisory Board shall consist of 10 members broadly representative of stakeholders, to be appointed by the Director. At least 2 members shall be employed by or on an advisory board for the Centers, and at least 5 other members shall be from United States small businesses in the manufacturing sector. No member shall be an employee of the Federal Government.

"(2)(A) Except as provided in subparagraph (B) or (C), the term of office of each member of the MEP Advisory Board shall be 3 years.

"(B) The original members of the MEP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of

1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

“(C) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

“(D) Any person who has completed two consecutive full terms of service on the MEP Advisory Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

“(3) The MEP Advisory Board shall meet no less than 2 times annually, and provide to the Director—

“(A) advice on Manufacturing Extension Partnership programs, plans, and policies;

“(B) assessments of the soundness of Manufacturing Extension Partnership plans and strategies; and

“(C) assessments of current performance against Manufacturing Extension Partnership program plans.

“(4) In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(5) The MEP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress within 30 days after the submission to the Congress of the President's annual budget request in each year. Such report shall address the status of the Manufacturing Extension Partnership program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).”.

(b) ACCEPTANCE OF FUNDS.—Section 25(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(d)) is amended to read as follows:

“(d) ACCEPTANCE OF FUNDS.—In addition to such sums as may be appropriated to the Secretary and Director to operate the Centers program, the Secretary and Director also may accept funds from other Federal departments and agencies and under section 2(c)(7) from the private sector for the purpose of strengthening United States manufacturing. Such funds, if allocated to a Center or Centers, shall not be considered in the calculation of the Federal share of capital and annual operating and maintenance costs under subsection (c).”.

(c) MANUFACTURING EXTENSION CENTER COMPETITIVE GRANT PROGRAM.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), as amended by subsection (a) of this section, is further amended by adding at the end the following new subsection:

“(f) COMPETITIVE GRANT PROGRAM.—

“(1) ESTABLISHMENT.—The Director shall establish, within the Manufacturing Extension Partnership program under this section and section 26 of this Act, a program of competitive awards among participants described in paragraph (2) for the purposes described in paragraph (3).

“(2) PARTICIPANTS.—Participants receiving awards under this subsection shall be the Centers, or a consortium of such Centers.

“(3) PURPOSE.—The purpose of the program under this subsection is to develop projects to solve new or emerging manufacturing problems as determined by the Director, in consultation with the Director of the Manufacturing Extension Partnership program, the Manufacturing Extension Partnership Advisory Board, and small and medium-sized manufacturers. One or more themes for the competition may be identified, which may vary from year to year, depending on the needs of manufacturers and the success of previous competitions. These themes shall be related to projects associated with manufacturing extension activities, including supply chain integration and quality management, and including the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities, or extend beyond these traditional areas.

“(4) APPLICATIONS.—Applications for awards under this subsection shall be submitted in such manner, at such time, and containing such information as the Director shall require, in consultation with the Manufacturing Extension Partnership Advisory Board.

“(5) SELECTION.—Awards under this subsection shall be peer reviewed and competitively awarded. The Director shall select proposals to receive awards—

“(A) that utilize innovative or collaborative approaches to solving the problem described in the competition;

“(B) that will improve the competitiveness of industries in the region in which the Center or Centers are located; and

“(C) that will contribute to the long-term economic stability of that region.

“(6) PROGRAM CONTRIBUTION.—Recipients of awards under this subsection shall not be required to provide a matching contribution.”.

SEC. 204. TECHNOLOGY INNOVATION PROGRAM.

Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is amended to read as follows:

“TECHNOLOGY INNOVATION PROGRAM

“SEC. 28. (a) ESTABLISHMENT.—There is established in the Institute a Technology Innovation Program for the purpose of assisting United States businesses and institutions of higher education or other organizations, such as national laboratories and nonprofit research institutes, to accelerate the development and application of challenging, high-risk technologies that promise widespread economic benefits for the Nation.

“(b) GRANTS.—

“(1) IN GENERAL.—The Director shall make grants under this section to eligible companies for research and development on high-risk, high-payoff emerging and enabling technologies that offer significant potential benefits to the United States economy and a wide breadth of potential application, and form an important technical basis for future innovations. Such grants shall be made to eligible companies that are—

“(A) small or medium-sized businesses that are substantially involved in the research and development, including having a leadership role in programmatically steering the project and defining the research agenda; or

“(B) joint ventures.

“(2) SINGLE COMPANY GRANTS.—No grant made under paragraph (1)(A) shall exceed $3,000,000 over 3 years. The Federal share of a project funded by such a grant shall not be more than 50 percent of total project costs. An award under paragraph (1)(A) may be extended beyond 3 years only if the Director transmits to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a full and complete explanation of such award, including reasons for exceeding 3 years. Federal funds granted under paragraph (1)(A) may be used only for direct costs and not for indirect costs, profits, or management fees of a contractor.

“(3) JOINT VENTURE GRANTS.—No grant made under paragraph (1)(B) shall exceed $9,000,000 over 5 years. The Federal share of a project funded by such a grant shall not be more than 50 percent of total project costs.

“(c) AWARD CRITERIA.—The Director shall award grants under this section only to an eligible company—

“(1) whose proposal has scientific and technological merit;

“(2) whose application establishes that the proposed technology has strong potential to generate substantial benefits to the Nation that extend significantly beyond the direct return to the applicant;

“(3) whose application establishes that the research has strong potential for advancing the state-of-the-art and contributing significantly to the United States scientific and technical knowledge base;

“(4) whose application establishes that the research is aimed at overcoming a scientific or technological barrier;

“(5) who has provided a technical plan that clearly identifies the core innovation, the technical approach, major technical hurdles, and the attendant risks, and that clearly establishes the feasibility of the technology through adequately detailed plans linked to major technical barriers;

“(6) whose application establishes that the team proposed to carry out the work has a high level of scientific and technical expertise to conduct research and development, has a high level of commitment to the project, and has access to appropriate research facilities;

“(7) whose proposal explains why Technology Innovation Program support is necessary;

“(8) whose application includes a plan for advancing the technology into commercial use; and

“(9) whose application assesses the project's organizational structure and management plan.

“(d) EXTERNAL REVIEW OF PROPOSALS.—In order to analyze the need for or the value of any proposal made by a joint venture or company requesting the Director's assistance under this section, or to monitor the progress of any project which receives funds under this section, the Director shall consult with industry or other expert sources that do not have a proprietary or financial interest in the proposal or project.

“(e) INTELLECTUAL PROPERTY RIGHTS OWNERSHIP.—

“(1) IN GENERAL.—Title to any intellectual property developed by a joint venture from assistance provided under this section may vest in any participant in the joint venture, as agreed by the members of the joint venture, notwithstanding section 202(a) and (b) of title 35, United States Code. The United States may reserve a nonexclusive, nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the United States in connection with any such intellectual property, but shall not in the exercise of such license publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a participant in the joint venture, until the expiration of the first patent obtained in connection with such intellectual property.

“(2) LICENSING.—Nothing in this subsection shall be construed to prohibit the licensing to any company of intellectual property rights arising from assistance provided under this section.

“(3) DEFINITION.—For purposes of this subsection, the term ‘intellectual property’ means an invention patentable under title 35, United States Code, or any patent on such an invention, or any work for which copyright protection is available under title 17, United States Code.

“(f) PROGRAM OPERATION.—Not later than 9 months after the date of enactment of the Technology Innovation and Manufacturing Stimulation Act of 2007, the Director shall issue regulations—

“(1) establishing criteria for the selection of recipients of assistance under this section;

“(2) establishing procedures regarding financial reporting and auditing to ensure that contracts and awards are used for the purposes

specified in this section, are in accordance with sound accounting practices, and are not funding existing or planned research programs that would be conducted in the same time period in the absence of financial assistance under this section; and

"(3) providing for appropriate dissemination of Technology Innovation Program research results.

"(g) Continuation of ATP Grants.—The Director shall, through the Technology Innovation Program, continue to provide support originally awarded under the Advanced Technology Program, in accordance with the terms of the original award.

"(h) Coordination With Other Federal Technology Programs.—In carrying out this section, the Director shall, as appropriate, coordinate with other senior Federal officials to ensure cooperation and coordination in Federal technology programs and to avoid unnecessary duplication of efforts.

"(i) Acceptance of Funds From Other Federal Agencies.—In addition to amounts appropriated to carry out this section, the Secretary and the Director may accept funds from other Federal agencies to support awards under the Technology Innovation Program. Any award under this section which is supported with funds from other Federal agencies shall be selected and carried out according to the provisions of this section.

"(j) TIP Advisory Board.—

"(1) Establishment.—There is established within the Institute a Technology Innovation Program Advisory Board. The TIP Advisory Board shall consist of 10 members appointed by the Director, at least 7 of which shall be from United States industry, chosen to reflect the wide diversity of technical disciplines and industrial sectors represented in Technology Innovation Program projects. No member shall be an employee of the Federal Government.

"(2) Terms of office.—(A) Except as provided in subparagraph (B) or (C), the term of office of each member of the TIP Advisory Board shall be 3 years.

"(B) The original members of the TIP Advisory Board shall be appointed to 3 classes. One class of 3 members shall have an initial term of 1 year, one class of 3 members shall have an initial term of 2 years, and one class of 4 members shall have an initial term of 3 years.

"(C) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(D) Any person who has completed two consecutive full terms of service on the TIP Advisory Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

"(3) Purpose.—The TIP Advisory Board shall meet no less than 2 times annually, and provide to the Director—

"(A) advice on programs, plans, and policies of the Technology Innovation Program;

"(B) reviews of the Technology Innovation Program's efforts to assess its economic impact;

"(C) reports on the general health of the program and its effectiveness in achieving its legislatively mandated mission;

"(D) guidance on areas of technology that are appropriate for Technology Innovation Program funding; and

"(E) recommendations as to whether, in order to better assess whether specific innovations to be pursued are being adequately supported by the private sector, the Director could benefit from advice and information from additional industry and other expert sources without a proprietary or financial interest in proposals being evaluated.

"(4) Advisory capacity.—In discharging its duties under this subsection, the TIP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

"(5) Annual report.—The TIP Advisory Board shall transmit an annual report to the Secretary for transmittal to the Congress within 30 days after the submission to Congress of the President's annual budget request in each year. Such report shall address the status of the Technology Innovation Program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to the Congress by the Director under section 23(c) and (d).

"(k) Definitions.—For purposes of this section—

"(1) the term 'eligible company' means a company that is incorporated in the United States and does a majority of its business in the United States, and that either—

"(A) is majority owned by citizens of the United States; or

"(B) is owned by a parent company incorporated in another country and the Director finds that—

"(i) the company's participation in the Technology Innovation Program would be in the economic interest of the United States, as evidenced by—

"(I) investments in the United States in research and manufacturing (including the manufacture of major components or subassemblies in the United States);

"(II) significant contributions to employment in the United States; and

"(III) agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry); and

"(ii) the company is incorporated in a country which—

"(I) affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those receiving funding under this section;

"(II) affords to United States-owned companies local investment opportunities comparable to those afforded any other company; and

"(III) affords adequate and effective protection for the intellectual property rights of United States-owned companies;

"(2) the term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

"(3) the term 'joint venture' means a joint venture that—

"(A) includes either—

"(i) at least 2 separately owned for-profit companies that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being one of those companies that is a small or medium-sized business; or

"(ii) at least one small or medium-sized business and one institution of higher education or other organization, such as a national laboratory or nonprofit research institute, that are both substantially involved in the project and both of which are contributing to the cost-sharing required under this section, with the lead entity of the joint venture being either that small or medium-sized business or that institution of higher education; and

"(B) may include additional for-profit companies, institutions of higher education, and other organizations, such as national laboratories and nonprofit research institutes, that may or may not contribute non-Federal funds to the project; and

"(4) the term 'TIP Advisory Board' means the advisory board established under subsection (j).".

SEC. 205. RESEARCH FELLOWSHIPS.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by striking "up to 1 per centum of the" and inserting "up to 1.5 percent of the".

SEC. 206. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

The National Institute of Standards and Technology Act is amended—

(1) by redesignating the first section 32 (15 U.S.C. 271 note) as section 34 and moving it to the end of the Act; and

(2) by inserting before the section moved by paragraph (1) the following new section:

"SEC. 33. COLLABORATIVE MANUFACTURING RESEARCH PILOT GRANTS.

"(a) Authority.—

"(1) Establishment.—The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

"(2) Participants.—Such partnerships shall include at least—

"(A) 1 manufacturing industry partner; and

"(B) 1 nonindustry partner.

"(3) Purpose.—The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and nonprofit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

"(b) Program Contribution.—Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

"(c) Applications.—Applications for awards under this section shall be submitted in such manner, at such time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

"(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

"(2) the research that the grant would fund; and

"(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

"(d) Selection Criteria.—In selecting applications for awards under this section, the Director shall consider at a minimum—

"(1) the degree to which projects will have a broad impact on manufacturing;

"(2) the novelty and scientific and technical merit of the proposed projects; and

"(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

"(e) Distribution.—In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

"(f) Duration.—In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.".

SEC. 207. MANUFACTURING FELLOWSHIP PROGRAM.

Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended—

(1) by inserting "(a) In General.—" before "The Director is authorized"; and

(2) by adding at the end the following new subsection:

"(b) Manufacturing Fellowship Program.—

"(1) Establishment.—To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

"(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

"(B) senior research fellowships to established researchers in industry or at institutions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

"(2) Applications.—To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(3) Stipend Levels.—Under this subsection, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.".

SEC. 208. MEETINGS OF VISITING COMMITTEE ON ADVANCED TECHNOLOGY.

Section 10(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278(d)) is amended by striking "quarterly" and inserting "twice each year".

TITLE III—MISCELLANEOUS

SEC. 301. POST-DOCTORAL FELLOWS.

Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–2) is amended by striking "nor more than 60 new fellows" and inserting "nor more than 120 new fellows".

SEC. 302. FINANCIAL AGREEMENTS CLARIFICATION.

Section 2(b)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(4)) is amended by inserting "and grants and cooperative agreements," after "arrangements,".

SEC. 303. WORKING CAPITAL FUND TRANSFERS.

Section 12 of the National Institute of Standards and Technology Act (15 U.S.C. 278b) is amended by adding at the end the following:

"(g) Amount and Source of Transfers.—Not more than one-quarter of one percent of the amounts appropriated to the Institute for any fiscal year may be transferred to the fund, in addition to any other transfer authority. In addition, funds provided to the Institute from other Federal agencies for the purpose of production of Standard Reference Materials may be transferred to the fund.".

SEC. 304. RETENTION OF DEPRECIATION SURCHARGE.

Section 14 of the National Institute of Standards and Technology Act (15 U.S.C. 278d) is amended—

(1) by inserting "(a) In General.—" before "Within"; and

(2) by adding at the end the following:

"(b) Retention of Fees.—The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A–25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for use in maintenance and repair of the Institute's existing facilities.".

SEC. 305. NON-ENERGY INVENTIONS PROGRAM.

Section 27 of the National Institute of Standards and Technology Act (15 U.S.C. 278m) is repealed.

SEC. 306. REDEFINITION OF THE METRIC SYSTEM.

Section 3570 of the Revised Statues of the United States (derived from section 2 of the Act of July 28, 1866, entitled "An Act to authorize the Use of the Metric System of Weights and Measures" (15 U.S.C. 205; 14 Stat. 339)) is amended to read as follows:

"SEC. 3570. METRIC SYSTEM DEFINED.

"The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.".

SEC. 307. REPEAL OF REDUNDANT AND OBSOLETE AUTHORITY.

The Act of July 21, 1950, entitled "An Act To redefine the units and establish the standards of electrical and photometric measurements" (15 U.S.C. 223 and 224) is repealed.

SEC. 308. CLARIFICATION OF STANDARD TIME AND TIME ZONES.

(a) Section 1 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 261) is amended—

(1) by striking the second sentence and the extra period after it and inserting "Except as provided in section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a), the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the four zone retarded by 7 hours; that of the fifth zone retarded by 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours."; and

(2) by adding at the end the following: "In this section, the term 'Coordinated Universal Time' means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy."

(b) Section 3 of the Act of March 19, 1918, (commonly known as the "Calder Act") (15 U.S.C. 264) is amended by striking "third zone" and inserting "fourth zone".

SEC. 309. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

(a) In General.—The Director of the National Institute of Standards and Technology may procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code to assist on urgent or short-term research projects.

(b) Extent of Authority.—A procurement under this section may not exceed 1 year in duration, and the Director shall procure no more than 200 experts and consultants per year.

(c) Sunset.—This section shall cease to be effective after September 30, 2010.

(d) Report to Congress.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether additional safeguards would be needed with respect to the use of authorities granted under this section if such authorities were to be made permanent.

SEC. 310. MALCOLM BALDRIGE AWARDS.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended to read as follows:

"(3) In any year, not more than 18 awards may be made under this section to recipients who have not previously received an award under this section, and no award shall be made within any category described in paragraph (1) if there are no qualifying enterprises in that category.".

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–118. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WU

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–118.

Mr. WU. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Wu:

In section 204, in the proposed section 28(a), insert "research and" after "to accelerate the".

In section 204, in the proposed section 28(a), strike "technologies" and insert ", high-reward technologies in areas of critical national need".

In section 204, in the proposed section 28(b)(1), strike "this section to eligible companies" and insert "this section" .

In section 204, in the proposed section 28(b)(1), strike "high-payoff" and insert "high-reward".

In section 204, in the proposed section 28(b)(1), strike "offer significant potential benefits to the United States economy and" and insert "address critical national needs and have".

In section 204, in the proposed section 28(b)(1), strike "eligible companies that are".

In section 204, in the proposed section 28(b)(1)(A), insert "eligible companies that are" before "small or".

In section 204, in the proposed section 28(h), insert "State and" after "Coordination With Other".

In section 204, in the proposed section 28(h), insert "State and" after "with other senior".

In section 204, in the proposed section 28(h), insert "State and" after "coordination in".

In section 204, in the proposed section 28(k), insert the following new paragraph after paragraph (1) (and redesignate subsequent paragraphs accordingly):

"(2) the term 'high-risk, high-reward research' means research that—

"(A) has the potential for yielding results with far-ranging or wide-ranging implications;

"(B) addresses critical national needs related to technology and measurement standards; and

"(C) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Oregon (Mr. WU) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WU. Madam Chair, I am pleased to be offering this amendment with Dr. GINGREY, the ranking member of the Technology and Innovation Subcommittee. This amendment was developed as a result of recommendations of the Director of the National Institute of Standards and Technology.

The amendment ensures that the Technology Innovation Program, TIP, will focus on high-reward technologies in areas of critical national need. In addition, it provides additional guidance that the program must coordinate with similar State organizations and programs. Many States have developed innovation agendas to stimulate job growth, and it makes sense that we should ensure that this program coordinates with these existing programs.

Finally, the amendment includes a definition of high-risk, high-reward research. Dr. GINGREY and I worked closely in developing this amendment, and I would urge its adoption.

Madam Chair, I reserve the balance of my time.

Mr. EHLERS. Madam Chair, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. EHLERS. Madam Chair, I yield myself such time as I might consume.

This is a good amendment and I support it. In response to concerns from the administration, as explained earlier, it clarifies that the Technology Innovation Program will only support projects that address critical national needs.

It also expands the definition of high-risk research to ensure that the TIP program will only support projects that are too novel or diverse to fare well in the traditional peer review or venture capital process.

I urge my colleagues to support the Wu-Gingrey amendment. And I also want to just comment, Mr. GINGREY certainly wished to be here. I am filling in his role only because he had to travel home for a funeral, and he may reappear yet before the end of this particular bill.

Madam Chair, I reserve the balance of my time.

Mr. WU. Madam Chair, I regret that Dr. GINGREY is not able to be with us today because of a funeral at home, and I would like to just reiterate my appreciation for his hard work on this amendment and my support for this amendment.

□ 1415

Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WU).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-118.

AMENDMENT NO. 3 OFFERED BY MR. MANZULLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-118.

Mr. MANZULLO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MANZULLO:

At the end of title II, insert the following new section (and amend the table of contents accordingly):

SEC. 209. MANUFACTURING RESEARCH DATABASE.

(a) ESTABLISHMENT.—The National Institute of Standards and Technology shall provide for the establishment of a manufacturing research database to enable private sector individuals and Federal officials to access a broad range of information on manufacturing research carried out with funding support from the Federal Government.

(b) CONTENTS.—The database established under subsection (a) shall contain—

(1) all publicly available information maintained by a Federal agency relating to manufacturing research projects funded in whole or in part by the Federal Government; and

(2) information about all Federal programs that may be of interest to manufacturers.

(c) ACCESSIBILITY.—Information contained in the database shall be accessible in a manner to enable users of the database to easily retrieve information of specific interest to them.

(d) FEES.—The National Institute of Standards and Technology may authorize charging a nominal fee for using the database to access information described in subsection (b)(1) as necessary to recover the costs of maintaining the database.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Institute of Standards and Technology $2,000,000 for carrying out this section.

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. MANZULLO. Madam Chair, I will not use the 5 minutes, and submit my full remarks in the RECORD.

This amendment is very simple. It authorizes $2 million for NIST to develop a software package so that manufacturers have basic information about all the Federal programs available to assist them, particularly in the area of research and development. It will provide a link so that manufacturers would know the latest status of all Federal R&D projects relating to manufacturing.

I first realized the need for this software after speaking at a speaking engagement in Nashville, Tennessee. I was walking on the showroom floor and found a major manufacturer from Kansas City with a display that was very familiar to me. The display had a miniature spur gear mounted near the nose of Lincoln on a Lincoln penny. The EIGERlab in Rockford, Illinois has this exact same way of displaying their miniature spur gear. I asked the employees of the major manufacturer if they had heard of the micro machining work done at the EIGERlab. The Kansas City manufacturer had done its work by using an EDM. The EIGERlab had done its work using a milling process. Neither of these parties had known of each other. It dawned on me that I was the only person that knew these two places were making the exact same product, although by different methods, and both were being funded by the Defense Department.

The story illustrates the need for software that allows users to monitor and track where and to whom research money has been granted relating to manufacturing and the status and purpose of the research. My vision for the system would be that the final product would be easily accessible on NIST's Web site. NIST would also be authorized by my amendment to charge a nominal fee for the use of the service, if they so choose, to establish and maintain the Web site. If a fee is imposed, I would encourage that the fee be as small as possible to reflect the actual cost.

I urge my colleagues to support this amendment.

Madam Chairman, I am proud to represent a district that has a county with the second highest concentration of manufacturing as a percentage its share of the local economy in the entire Nation. Only one other county in America with a population of 250,000 or less has more manufacturing than the county that surrounds the second largest city in Illinois—Rockford. I have made it my life mission to get to know all about manufacturing. I have visited literally hundreds of factories and small shops all around the world to enhance my education about this vital sector of our economy.

I crafted this amendment because I have been frustrated during my time in Congress that no one has a complete picture of who is doing what in the Federal Government concerning manufacturing. No one has a complete list of the federal programs available to help manufacturers, not even the Manufacturing Czar at Commerce. Right now, the Government Accountability Office (GAO) is finalizing a report at my request to document all of the programs that deal with manufacturing. Thus far, they have informed me that there are over 280 programs spread throughout the Federal agencies that focus in some aspect on manufacturing.

This problem is compounded further by a lack of transparency among Federal agencies in terms of funding that is approved for certain projects. Plus, manufacturers who would like to avail themselves of various Federal programs do not know where to turn for answers.

You would think that somewhere a matrix exists that details what firms are receiving Federal R&D money and how it is being used, but I can tell you that it does not. Let me share with you one clear example.

After a speaking engagement in Tennessee, I was walking the showroom floor and found a major manufacturer out of Kansas City, Missouri with a display that was very familiar to me. The display had a miniature spur gear mounted near the nose of Lincoln on a penny. The penny was enclosed in a plastic box with a magnified top so that you can see the gear. The EIGERlab in Rockford, Illinois has this exact same way of displaying their miniature spur gear. I asked the employees of this major manufacturer if they had heard of the EIGERlab and the work they are doing on micromachining. They had not. It dawned on me that I was the only person that knew these two places were making the exact same product and both were being funded by the Defense Department.

This story illustrates well the need for software that allows users to monitor and track where and to whom research money has been granted related to manufacturing, and the status and purpose of the research. This software would allow users to input the material type or process being used and it would scan for all federal dollars being put towards the searched criteria. The purpose of this amendment is to cut down on the possible duplication of research going on even within the same agency.

My amendment would authorize a $2 million dollar set aside for software to develop this system so that manufacturers would have basic information about all the federal programs available to assist them and also to provide a link so that they would be able to know the latest status on all of the federal R&D projects related to manufacturing. NIST could either develop this software system themselves or contract it out to someone else. My vision for this system would be that the final product would be easily accessible on NIST's web site. NIST would also be authorized by my amendment to charge a nominal fee for the use of this service if they so choose to help establish and maintain the web site just as the Department of Commerce does with other services such as in-depth market research for exporters. The fee could be a yearly subscription for frequent users or a per visit charge. If a fee is imposed, I would encourage that the fee be as small as possible to reflect actual cost.

This is a very important amendment and I urge my colleagues to support it. If this interactive software can be established, this will be a huge accomplishment, particularly for small manufacturers.

Madam Chairman, I reserve the balance of my time.

Mr. WU. Madam Chair, I claim the time in opposition to the amendment, although it is not my intent to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. WU. The gentleman from Illinois' amendment will provide useful information to our manufacturing sector, and its inclusion will strengthen a bill already focused on competitiveness in manufacturing.

Madam Chairman, I reserve the balance of my time.

Mr. MANZULLO. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Chairwoman, there's no need to repeat the contents of the amendment. I believe it is a good amendment. I believe it is a needed amendment, and I particularly like that it will be self-funding, although there is a small amount of money needed to start it off, but from that point it should be self-funded, should NIST decide to do that. So I urge support for the amendment.

Mr. MANZULLO. Madam Chairman, I yield back the balance of my time.

Mr. WU. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-118.

Mr. WYNN. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The time when the gentleman's amendment was in order has passed. Amendment No. 4 is now in order.

PARLIAMENTARY INQUIRY

Mr. WYNN. Madam Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WYNN. Would it be permissible to have my amendment considered at the end of the amendments?

The Acting CHAIRMAN. The Committee of the Whole is not able to change the order of the amendments established by House Resolution 350.

Mr. WYNN. I thank the Chair.

AMENDMENT NO. 4 OFFERED BY MRS. BOYDA OF KANSAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-118.

Mrs. BOYDA of Kansas. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. BOYDA of Kansas:

In section 204, in the proposed section 28(c)(2), insert ", to include the replacement of petroleum-based materials," after "benefits to the Nation".

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentlewoman from Kansas (Mrs. BOYDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Kansas.

Mrs. BOYDA of Kansas. Madam Chairman, I appreciate the Chairman's willingness to highlight the potential cost savings to the Nation through the research and commercialization of plastics technology utilizing renewable energy sources for common plastics applications. I hope that the Director of the National Institute of Technology will give attention to the collaborative efforts between universities and small and medium-sized businesses in the development of economical methods of manufacturing common plastic items from renewable energy sources.

I yield to the gentleman from Oregon.

Mr. WU. Madam Chairman, I want to assure the gentlelady from Kansas that we will be happy to work with her to address her concerns as this bill moves through the legislative process.

Mrs. BOYDA of Kansas. I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-118.

Mr. WU. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Virginia) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, had come to no resolution thereon.

PERMISSION TO CONSIDER AMENDMENT OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Mr. WYNN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1868 in the Committee of the Whole, pursuant to H. Res. 350, that amendment No. 2 may be offered out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1868.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, with Mrs. TAUSCHER (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 3 offered by the gentleman from Illinois (Mr. MANZULLO) had been disposed of.

AMENDMENT NO. 2 OFFERED BY MR. WYNN

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–118.

Mr. WYNN. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. WYNN:

In section 204, in the proposed section 28(b)(1), insert "(including any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use)" after "enabling technologies".

The Acting CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. WYNN. Madam Chair, the amendment that I am proposing will make sure that the biotechnology research and innovation are included under TIP's funding objectives by expanding the definition of enabling technologies in section 204 of the bill to include "any technological application that uses biological systems, living organisms or derivatives thereof to make or modify products or processes for specific use."

Biotechnology is an emerging segment of the technology sector often overlooked as an excellent source of manufacturing jobs and research and development. The biotechnology industry is a driving force in the Maryland economy and a rising sector of the American economy.

In the United States, the biotechnology industry has created more than 200 new therapies and vaccines, including products to treat cancer, diabetes, HIV/AIDS and anti-autoimmune disorders.

The industry continues to develop innovative therapies over 400 products are currently in clinical trials targeting over 200 diseases. The biotechnology industry is comprised of mostly small start-ups that don't have an existing stream of revenue and are years away from product commercialization. It takes at least 8 years, and then up to $1.2 billion to get a biotechnology therapy approved.

It is these small companies, many of which will never see a product come to market or turn a product that are undertaking the bulk of early development gambles and working toward innovative cures. In fact, small biotech companies account for two-thirds of the industry's pipeline.

In 2005, there were 1,400 biotech companies in the United States, but only 329 were publicly traded. The majority of the Biotechnology Industry Organization's (BIO) members are small companies that have fewer than 50 employees.

The U.S. is the leader in biotechnology. The number of products in the late stage pipeline in the U.S. has double the number of products in the E.U. This is largely due to the fact that per capita biotech R&D in the U.S. is 574 percent higher than in the E.U.

□ 1430

My State of Maryland is a leader among States in biotechnology research and innovation, and Maryland-based businesses will benefit greatly from the funding awarded under this bill. But not only Maryland; other small startup companies in the biotech industry will benefit by inclusion of this bill.

I believe it is a simple, straightforward amendment that just expands and clarifies the fact that biotechnology companies should be included, and I ask support for the amendment.

Mr. WU. Madam Chairman, will the gentleman yield?

Mr. WYNN. I would be happy to yield.

Mr. WU. Madam Chairman, on the Science and Technology Committee we are keenly aware of the importance of the biotechnology industry to our economy. We also know that the growth in our biotech industry is largely due to early Federal investment and support in this field, and I am pleased to support the gentleman from Maryland's amendment.

Mr. WYNN. Madam Chairman, I thank the chairman for his support.

Madam Chairman, I yield back the balance of my time.

Mr. EHLERS. Madam Chairman, I rise to say I have no objection to the amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCOTT of Virginia) having assumed the chair, Mrs. TAUSCHER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1868) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes, pursuant to House Resolution 350, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ENGLISH of Pennsylvania. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. English of Pennsylvania moves to recommit the bill H.R. 1868 to the Committee on Science and Technology with instructions to report back the same forthwith with an amendment. The amendment is as follows:

In section 204, insert "(a) AMENDMENT.—" before "Section 28 of".

In section 204, add at the end the following new subsection:

(b) LIMITING AUTHORIZATIONS IN ANY YEAR FOLLOWING A YEAR WITH AN ON-BUDGET (EXCLUDING SOCIAL SECURITY) DEFICIT AND AN OFF-BUDGET (SOCIAL SECURITY) SURPLUS.—

(1) LIMITATION.—Notwithstanding any other provision of this Act, for any fiscal year for which funds are authorized to be appropriated under this Act that immediately follows a fiscal year in which the Government has an actual on-budget deficit and an actual off-budget surplus, the amount of money authorized to be appropriated under this Act for the Technology Innovation Program under section 28 of the National Institute of Standards and Technology Act, as amended by subsection (a) of this section, shall not exceed the amount appropriated for that Program, or the predecessor Advanced Technology Program, for the preceding fiscal year.

(2) DEFINITIONS.—For purposes of this subsection—

(A) the term "actual on-budget deficit" means a fiscal year during which total outlays of the Government excluding outlays from Social Security programs exceeds total receipts of the Government excluding receipts from Social Security programs;

(B) the term "actual off-budget surplus" means a fiscal year in which receipts from Social Security programs exceeds outlays from Social Security programs; and

(C) the term "Social Security programs" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

Mr. WU. Mr. Speaker. I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in my view, there are three Grand Canyons in America. One is famous, and it is in Arizona and, I think, familiar to most in the West. Another is well known in the eastern United States, and it is in Wellsboro, Pennsylvania.

The third has opened up since the last election. And here, Mr. Speaker, I am referring to the grand canyon, the gap, between the rhetoric of the Democratic Caucus in the House of Representatives, as witnessed on the floor of the House in the last Congress and in previous Congresses, and the policies of the Democratic Congress since being sworn in in this Congress.

I remember, Mr. Speaker, fondly, some of the speeches that were given on the floor of Congress on behalf of the Social Security system. Some fierce, even lachrymose presentations that any additional funding for any new priority inevitably would be at the expense of the balance of the Social Security system, which is seriously in the red. In other words, new spending, because we were running a deficit, was inevitably at the expense of the Social Security system. I have heard our friends on the other side of the aisle make the case repeatedly in previous Congresses to restrict spending because additional funds would be coming out of the Social Security system.

But, Mr. Speaker, since the election, Democrats seem to have muted these concerns and Democratic actions have been very different.

Mr. Speaker, I propose to give our friends on the other side of the aisle an opportunity to bridge the Grand Canyon. I propose to give the majority a small, perhaps symbolic, but very important opportunity to reach out and express their commitment to fiscal policies that preserve the Social Security balance for what it was intended for: to fund retirement savings.

Mr. Speaker, by commingling our Social Security surplus with our deficit-ridden general fund, we potentially expose our Social Security system to risk by shielding our policymakers from their spending decisions to the full consequences and the full balance sheet. The time has come for us to change that practice.

Specifically, this motion says that the funding authorized for the Advanced Technology Program will be capped at the previous year's appropriated amount until such time as the Social Security surplus is not used to foot part of the bill.

There is no doubt that the ATP program has great merit. But I think we have to ask ourselves, Mr. Speaker, is increasing funding for the program more important than saving the Social Security surplus for future beneficiaries?

Mr. Speaker, I serve on the committee of jurisdiction, and recently we had an opportunity to hear from the Social Security actuaries one more time that the Social Security system is at risk, is under enormous pressure, and that the time has come to take decisive steps to make it solvent so that its promise can be fulfilled to the next generation. What we are proposing here today is maybe to begin this process in a small way and create an opportunity for all of our friends in this institution to go on record firmly in an important policy decision and make it clear that we are not going to raid the Social Security fund in the future.

This is a very clear issue. It is a very simple issue. It is an opportunity to cut past the rhetoric and, frankly, create an opportunity for us to do something very significant on one of the major issues facing the country.

Mr. Speaker, I hope everyone in this body will join me in supporting this very important initiative on behalf of the Social Security fund.

Mr. Speaker, I yield back the balance of my time.

Mr. WU. Mr. Speaker, I withdraw my point of order, and I rise in strong opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. WU. Mr. Speaker, we have heard much talk about the Social Security trust fund and the solvency of Social Security. But in the time that I have been here, in 8 years, the solvency of Social Security has been increased by approximately 8 years, and that increase is because of American economic growth. It was projected at 34 years of solvency. It is currently projected at 42 years of solvency, and that is based on conservative, conservative estimates. The reason why there has been that increase in the solvency period of Social Security is because of economic growth.

There is nothing more important to the American economy and our competitiveness than the legislation that we are considering today.

The motion to recommit which the gentleman offers would fundamentally gut this legislation and prevent us from investing in the most productive of technologies, a traditional role which the Federal Government has played to support research and early-stage development, not commercialization, but early-stage development. By prohibiting those activities with this cap, what in essence would happen is our rate of economic growth would be slackened, our ability to manufacture jobs would be decreased.

This is a motion to recommit which would gut the bill, and I urge its defeat.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 216, not voting 26, as follows:

[Roll No. 300]

YEAS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes

Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

NOT VOTING—26

Brady (PA)
Butterfield
Carson
Costa
Cubin
Davis, Jo Ann
Engel
Fattah
Franks (AZ)
Gingrey
Graves
Hastert
Hunter
Jindal
Johnson, E. B.
Lampson
McHenry
McHugh
McMorris Rodgers
Ortiz
Paul
Pearce
Radanovich
Rothman
Tancredo
Tanner

□ 1505

Ms. BERKLEY, Mr. COHEN and Mr. JOHNSON of Georgia changed their vote from "yea" to "nay."

Ms. ROS-LEHTINEN and Messrs. BILBRAY, KIRK, PICKERING, WOLF and GILCHREST changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCOTT of Virginia). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WU. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 385, noes 23, not voting 24, as follows:

[Roll No. 301]

AYES—385

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—23

Akin
Barrett (SC)
Burton (IN)
Campbell (CA)
Cantor
Carter
Coble
Duncan
English (PA)
Flake
Foxx
Franks (AZ)
Hensarling
Johnson, Sam
King (IA)
Kingston
Lamborn

Mack
Pence
Royce
Sall
Sensenbrenner
Shadegg

NOT VOTING—24

Brady (PA)
Butterfield
Costa
Cubin
Davis, Jo Ann
Engel
Fattah
Graves
Hastert
Hunter
Jindal
Johnson, E. B.
Lampson
McHenry
McHugh
McMorris Rodgers
Miller (FL)
Ortiz
Paul
Pearce
Radanovich
Rothman
Tancredo
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1513

Mr. KING of Iowa changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MILLER of Florida. Mr. Speaker, I missed rollcall vote No. 301 on May 3, 2007. It was a vote on H.R. 1868, the Technology Innovation and Manufacturing Stimulation Act.

If present, I would have voted rollcall vote No. 301, "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1867, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 2007, AND H.R. 1868, TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

Mr. WU. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1867 and H.R. 1868, including corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

☐ 1515

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, for the purpose of inquiring about next week's schedule.

Mr. HOYER. I thank my friend for yielding, and respond to him that on Monday, the House will meet at 12:30 p.m. for morning hour business and 2 p.m. for legislative business. We will consider several bills under suspension of the rules, and we expect to appoint conferees on the fiscal year 2008 budget resolution.

Again, Monday night, we intend to have a motion to go to conference and appoint conferees, so that Members know it will be in addition to suspension bills.

On Tuesday, the House will meet at 10:30 a.m. for morning hour business and noon for legislative business. We will consider additional bills under suspension of the rules. A complete list of those bills will be distributed by the end of business tomorrow.

On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. We expect to consider the fiscal year 2008 intelligence authorization bill; the fiscal year 2008 Homeland Security Department authorization bill; H.R. 1873, a bill regarding small business contracting; H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Recognition Act; and a bill to reauthorize the COPS program.

We are still determining which rules and bills will be considered on which days.

Mr. BLUNT. I thank the gentleman for that. I am wondering based on the discussion we had and the meeting we had yesterday, does the gentleman have any sense when we may expect to see some action on the war supplemental?

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. As you know, Speaker PELOSI and Leader REID in our meeting at the White House indicated that it was their intent and their objective to have to the President's desk before the Memorial Day break another bill to fund our troops, and for such other purposes as the bill may include.

In that context, I am hopeful that we will move a bill through this House no later than the 15th or 16th of May. In other words, not next week but the week after. If we can do it next week, we would maybe do it; but it is our intention to move it before the middle of the second week.

Mr. BLUNT. Right. And I think to meet the objective, which I think is an objective we should do our best to meet, of moving that bill before the Memorial Day break and sending it to the President's desk, we almost have to have a bill through the House by the time the gentleman has mentioned.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I yield to the gentleman.

Mr. HOYER. I think we agree on that, and that is certainly our objective.

Mr. BLUNT. I hope we can do that. I believe the quicker we can get House action, the better off we will be.

On the budget resolution, I would ask my friend. I understand there is a technical reason that budget resolution may have to come before the House again, and maybe the Rules Committee is even meeting on that right now. Would you explain that to me?

Mr. HOYER. If the gentleman would yield, I am not sure I am accurate because when you say come before the House again, what we will do is take the Senate bill from the desk, substitute the House language, ask for a conference, move to go to conference, and then you will have in order your motion to instruct conferees. To that extent, the bill will come before us, but only to that extent. In other words, the budget that was passed by the House, we will take the Senate bill from the floor, substitute the House language.

The reason we need a rule, frankly, is we asked unanimous consent to do that procedure, a unanimous consent which we had given to you in 2003 and 2005. For whatever reasons, it was not your personal determination, but it was the determination of your side not to give unanimous consent for that purpose. Therefore, in order to effect that objective, we need to pass a rule to allow us to do that which is what we will do Monday night.

Mr. BLUNT. I would say to the gentleman, there may be a technicality that neither of us understand; I am sure I don't. But I thought there was a technical problem with the budget passed that made it a different situation than the budgets we had passed in the past, and that the clearest way to take care of that procedural mistake was actually to deal with the bill on the floor.

Mr. HOYER. If the gentleman would yield.

Mr. BLUNT. I would.

Mr. HOYER. That is not my understanding. Now the gentleman may have more information than I have, but if that is the fact, I don't have that information. At this point in time, I was not aware of any such problem.

The only problem I was aware of, as I informed the gentleman, we can either do this by asking for unanimous consent to effect the process of taking the Senate bill, substituting the House bill, and then requesting the conference and appointing conferees by unanimous consent. Or, failing to get unanimous consent, we have to do that by rule. We did not get unanimous consent. The Rules Committee met today. We will consider that rule and the bill itself on Monday late afternoon, early evening.

Mr. BLUNT. I would also ask the gentleman, and then we go to conference on the budget after taking what will be a separate vote on the budget?

Mr. HOYER. Yes.

Mr. BLUNT. And all of that would happen on Monday?

Mr. HOYER. Yes, sir.

Mr. BLUNT. I thank the gentleman for clarifying that for me.

On one other topic that may be coming up soon, the whole question of lobbying reform, I have heard that may also be coming up in the near future. Do you have a sense when a lobbying reform bill might be scheduled for the floor?

Mr. HOYER. It will not be this coming week. That is being worked on. We want to make sure that it is a bill which accurately reflects reform and is workable. That is what we are trying to achieve.

Mr. BLUNT. Is it the gentleman's view that bill will go through a committee process or will it be coming directly to the floor?

Mr. HOYER. It is my view it will go through a committee process. The Judiciary Committee is considering it. Mr. CONYERS' committee is considering it.

Mr. BLUNT. I thank the gentleman for that.

My only other topic, Members, of course get very sentimental about their mothers near Mother's Day, and their wives near Mother's Day. Next Friday, I am hoping we will have an effort to ensure that Members are home for that weekend, and they are, too. We intend to vote Friday. Does the gentleman have a sense yet what the actual Friday schedule might look like in terms of a time away from here on Friday?

Mr. HOYER. If the gentleman would yield, if we have the full cooperation of all those people who have mothers or had mothers, we can accomplish that objective.

Having said that, as you know, I announced we have Friday scheduled as a day for us to do our business. Now if we were extraordinarily fortunate and got our business done by Thursday, or frankly could conclude it late Thursday night, perhaps we would be able to do that. But I do not anticipate that. I know as many Members on my side of the aisle, I want to assure the gentleman, have talked to me, as I am sure Members on your side of the aisle have talked to you about that, and if we can accommodate them, we will. But you heard the schedule. It is a pretty full schedule with a lot of substantive legislation. We have the intelligence authorization and other bills. It is my expectation that we will be in on Friday. But it is also my intent to make every effort to make Friday as short a day as we possibly can. As you know, our objective is no later than 2 p.m.; but if we could do earlier, 12:30, before 1, to accommodate Members and their flights, we certainly would like to do that. I would certainly welcome your help in accomplishing that objective.

Mr. BLUNT. That would be good for our Members to get that done.

One other thing that I would like to bring up, and I know how difficult it is to schedule the floor. Believe me, I know the concerns and criticisms that come from that.

When we were visiting a week ago, I expressed a specific request that as soon as we had an idea when the votes were going to be on Tuesday, we would have more general knowledge of that. At that time, my good friend thought we would vote early afternoon on Tuesday. As it turned out, we didn't actually start the session until noon on Tuesday.

Mr. HOYER. Right.

Mr. BLUNT. That information to our Members a little earlier would have prevented travel on Monday for people that could have easily gotten here by the time of the Tuesday vote. It is still early in this Congress. I am really not saying that in a way that is critical at all, but at the time, we did ask for whatever knowledge the majority had as soon as possible so we wouldn't run into exactly the situation we did, people getting here thinking there could be votes at 12, only to find out we didn't start any of the work of the House until 12. Whatever it takes to work more closely on that, I am more than happy to try to do so we can get information out. But we can't get it out unless we have it.

I was disappointed we didn't get a little more notice on the time we were going to start work on Tuesday, which would have made it clear we would not be having votes at the time we started.

Mr. HOYER. Let me say, I agree with the gentleman. I was not pleased myself that we did not give more notice to Members. As you pointed out, we had votes very late in the day.

I take full responsibility because I think we may have been able to get, certainly early Tuesday at the latest, information to Members. We probably should have done that.

As you know, the issue was the veto, when it was going to go down there and when it was going to come back. That was not decided until late.

But I think the gentleman's criticism is a constructive criticism, and I take responsibility. We should have done that, in my opinion. I was not pleased, frankly, with myself or with the notice our office gave because we do want to give Members as accurate information as we possibly can. And, frankly, we want to give them as timely information as we can so they can accomplish what you have said, make their schedules comport with what we are actually doing. To the extent that did not happen this time, I will try to prevent it from happening a second time.

Mr. BLUNT. Well, I thank my friend for the spirit of your response. If there is any way we can help you in getting that information to Members more quickly, please call on us to do that.

ADJOURNMENT TO MONDAY, MAY 7, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. SARBANES). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1530

HOUR OF MEETING ON THURSDAY, MAY 10, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, May 9, it adjourn to meet at 9 a.m. on Thursday, May 10.

The SPEAKER pro tempore (Mr. SARBANES). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 10, 2007, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday, May 10, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HOUR OF MEETING ON FRIDAY, MAY 11, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, May 10, it adjourn to meet at 9 a.m. on Friday, May 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT PROCESS FOR RULES COMMITTEE CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

(Ms. CASTOR asked and was given permission to address the House for 1 minute.)

Ms. CASTOR. Mr. Speaker, the Rules Committee is expected to meet the week of May 7 to grant a rule which may structure the amendment process for floor consideration of H.R. 1873, the Small Business Fairness in Contracting Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 1:30 p.m. on Monday, May 7. Members are strongly advised to adhere to the amendment deadline to ensure the amendments receive consideration.

Amendments should be drafted to the bill as ordered reported by the Committee on Oversight and Government Reform. A copy of that bill is posted on the Web site of the Rules Committee.

Amendments should be drafted by legislative counsel and also should be reviewed by the Office of the Parliamentarian to be sure that the amendments comply with the rules of the House. Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–121) on the resolution (H. Res. 370) providing for consideration of the Senate concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ESTONIA STATUE CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. McCOTTER) is recognized for 5 minutes.

Mr. McCOTTER. Mr. Speaker, I rise to defend the sovereignty and national dignity of our friend and ally, Estonia; condemn Russia's unwarranted intrusions against these free people; and affirm our commitment to America and Estonia's common cause of human freedom.

After a long, illegal and unjust Soviet occupation, Estonia now rightly and proudly stands by our side in the ranks of free nations. Nobly and selflessly, Estonia is steadfast in its defense of civilization from our barbaric enemies, and has championed the cause of human freedom throughout our world. Disturbingly, last week, this free people's very national sovereignty was threatened.

In what should come as no surprise to Americans, whose own founding generation gained their independence from an imperial power, Estonia relocated an aging statue of a Soviet-era soldier from a central location in Tallinn to the city's Garrison Cemetery. Obstinately refusing to recognize Estonia's patent right to do so, or the obvious irony in the statue's new location, Russia used this routine act of municipal administration by the city of Tallinn to engage in a coordinated attempt to interfere in Estonia's internal affairs.

Using state-controlled TV broadcasts into Estonia, the former Soviet Union used its state-controlled television broadcasts to spew propaganda into Estonia. This provocative Russian propaganda falsely claimed Estonia's relocation of the insulting Soviet statue constituted an international crisis. Russia did so to agitate and, thereby, incite the vandalism and violence which occurred in Tallinn from April 26 through 29.

Prior to these outbreaks of violence, Russian embassy officials were observed meeting with the organizers of radical pro-Russia fringe groups; and, while Russian-speaking mobs roamed Tallinn's streets, Estonia's government Web servers came under cyber attack, the cause of which was later traced to IP addresses located in Moscow and owned by the Russian presidential administration.

So, too, there is a new report Russia has conveniently discovered a need to repair its rail links entering Estonia and, as a result, is suspending oil shipments to Estonia.

Further, Russia continues to flout the Vienna Convention by allowing Russian nationalist extremists to surround and vandalize Estonia's embassy in Moscow.

Mr. Speaker, when one weighs this inexcusable incident along with Russia's recent refusal to adhere to the Conventional Forces in Europe treaty, its recent arrest of Russian democracy advocates and its refusal to honor past agreements to withdraw its military forces from countries such as Moldova, one is compelled to question a former KGB lieutenant colonel's commitment to democracy; and whether the red bear is awakening from its hibernation to once again feast upon the free peoples of Eastern Europe and the world.

Mr. Speaker, I urge my colleagues to join in a righteous defense of Estonia's sovereignty; a condemnation of Russia's belligerent intrusions into this democratic nation's internal affairs; and affirm, in the tradition of American Presidents from Harry Truman to Ronald Reagan, we will stand united against tyranny with our Estonian brothers and sisters as one free people.

EMERGENCY SUPPLEMENTAL FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I appreciate the opportunity to address the House on the still-critical matter to the recovery of the gulf coast.

Mr. Speaker, yesterday President Bush vetoed the emergency supplemental passed out of this body that would have not only addressed the ongoing situation in Iraq, but would have provided the gulf coast with much-needed financial support and relief that would have allowed recovery and rebuilding to continue in a fairer and more equitable manner.

In doing so, he stated, among other things, that the bill contained things, he said, "billions of dollars in non-emergency spending that has nothing to do with fighting the war on terror." In this, I hope he did not contend that the hundreds of thousands of Katrina and Rita victims that were hit by the gulf coast storms in 2005 and whose recovery still depends on what we do here to a great extent is not an emergency issue.

While the main focus of the spending bill has been on our troops abroad, the bill vetoed yesterday would have done so much for the scores of people dealing with the aftermath of the 2005 storms 19 months later. Nineteen months after the storms our levees are still not fully repaired. $1.3 billion for ongoing projects to repair levees and other water infrastructure in the New Orleans area was in the vetoed bill. With the start of the 2007 hurricane season less than a month away, levee repair is an emergency and urgent need.

Dillard University, Tulane University, Southern University and Xavier University were all under water after the storm. Nineteen months later, much of the infrastructure is still undone, and many of their professors are still out of town. The emergency spending bill would have provided $30 million for our Education Department to provide assistance to institutions of this type and to incentivize the return of professionals to their campuses. It would have given a similar amount of $30 million for our elementary and secondary schools to incentivize the return of professionals there and to get our schools jump-started where half of them remain shuttered after the storm.

The extension of the $500 million social services block grant was also in the bill. This would have provided critical funding for social services, including programs for mental health, child welfare, and the treatment of addictive disorders. Thousands of citizens suffering from mental health disorders, drug and alcohol abuse and addiction, and who need care, have nowhere to go. They make our streets unsafe for themselves and for their neighbors.

The SBA is charged with the business of helping our economy recover, yet nearly half of our businesses and 40 percent of the tax base of the city is still not back. The supplemental would have allowed the SBA to use $25 million in unobligated expenses to cover administrative expenses relating to the SBA disaster loan program, thereby providing a total of $140 million in fiscal year 2007 for that account.

The bill would have allowed for the forgiveness of community disaster loans, following this unprecedented devastation of our city government. We now have about 60 percent of our tax base back in place. The city, however, has had to borrow $250 million, which we cannot pay back. This bill would have permitted forgiveness on those loans as it has for loans in disasters prior to ours.

With 225,000 of our people not back home, living day-to-day in other places, they live in a state of emergency every day without our borders and have done so for the last 19 months.

I realize that negotiations have begun on the new spending bill, but it is imperative that this portion of the bill that we are mentioning tonight, that helps our domestic issues related to Katrina, does not go untouched by this new negotiation. In fact, it remains untouched and must be included in the new spending bill that may be introduced shortly.

In vetoing this piece of legislation and proclaiming the gulf coast as a nonemergency, it is an exercise in unreality. It is no time for us to devise an exit strategy at home from the hurricane victims that are depending on our government to restore their lives. There must be a clear plan to rebuild here at home.

The administration labeled the supplemental unacceptable. Yet, let me remind the administration that it was not an act of God that flooded New Orleans. It was the negligence of the Corps of Engineers, a Federal agency, that drowned our city. It, therefore, is the responsibility of the government, since it broke it, to fix it.

To ignore the ongoing emergency in our area is unconscionable, and I urge this House and all who are watching to insist on the supplemental that we are going to follow with here, that it include continued support for the Hurricane Katrina and Rita victims of our area.

☐ 1545

IN MEMORY OF TUSKEGEE AIRMAN 1ST LT. IRA O'NEAL, JR. (RET.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it is with a heavy heart that I rise today to announce the passing of a great American, Ira O'Neal, Jr., who happened to be my cousin, one of the original Tuskegee Airmen recently honored with the Congressional Gold Medal here in the Capitol.

Ira O'Neal was born in Phoenix, Arizona, on June 11, 1918. He was drafted into the 1st Army Corps in 1942, where he served in the 42nd Aviation Squadron as a first lieutenant.

In 1948, President Truman issued his famous executive order that racially integrated the military. At the same time that Truman issued his order, the military was moving from a wartime to a peacetime footing. As a result of our Nation's reduced force structure, Ira was one of the many thousands of soldiers who was discharged.

Although Ira had been discharged from the military, he was not deterred from serving his country. In 1949, Ira was able to reenlist in the U.S. Air Force. He proudly served his country until he retired in 1972.

After retiring, he started a security service that contracted with the Watergate apartments. He hired a young man by the name of Wills, who discovered the Watergate break-in. Ira was contacted, and his report started the Watergate episode.

Ira has been a resident of the District of Columbia for 56 years and has always been active in his community. In 2004, he received the Roots in Scouting Award recognizing a lifetime of work with the Boy Scouts of America.

I was honored to be with Ira at the Bolling Air Force Base Officers' Club on March 28 of this year when Kerwin Miller, Department of Veterans Affairs, presented him with a proclamation declaring Tuskegee Airmen Day in Washington, D.C.

During the same ceremony, a room at the Officers' Club, the Tuskegee room, was also dedicated. A day later, I was again honored to share with Ira that proud moment at the rotunda of the Capitol when he and the other Tuskegee Airmen received the Congressional Gold Medal, the highest civilian award that Congress bestows.

Mr. Speaker, for his dedicated military service, during and after World War II, and for his ongoing public service on behalf of the District of Columbia, I am proud to acknowledge and to salute First Lieutenant Ira O'Neal's service to his country, his community and family.

May God bless him and rest his soul.

IRAQ SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN of Florida) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I would like to begin with a quote from Coretta Scott King: "Struggle is a never ending process. Freedom is never really won. You earn it and win it every generation."

I rise today to talk about one of America's priorities in the emergency supplemental appropriation bill, and that is to fulfill the promise to help rebuild Louisiana and Mississippi from Hurricane Katrina and Hurricane Rita.

In August of 2005, the American people saw something that was hard to believe. They saw a U.S. government that was incompetent, a government that was inept, and a government that did not care about its open people.

Unfortunately, 2 days ago, President Bush vetoed the emergency supplemental bill and showed the American people that things haven't changed. After the President vetoed the bill, he had the audacity to make the following statement: ". . . the bill is loaded with billions of dollars in non-emergency spending that has nothing to do with fighting the war on terror. Congress should debate these spending measures on their own merits—and not as a part of an emergency funding bill for our troops."

Only two other people in the country believe that we are winning the war in Iraq, by the way. That's President Bush and Vice President CHENEY. The cheese stands alone. The $1.3 billion for east and west bank levee protection and coastal protection isn't pork. The $30 million for K–12 education assistance has been debated and has been deemed essential.

The $25 billion for small business disaster loans will help rebuild; the $80 million for HUD rental assistance will bring people back home; the $4.3 billion for FEMA disaster recovery grants is an emergency for our fellow Americans in Louisiana and Mississippi who have been waiting 18 months for you to keep your promise to rebuild Louisiana and Mississippi.

Mr. President, you were wrong to veto this bill. I have been to New Orleans seven times and going back in June. Sadly, every time I look there, it look looks like a war zone. It is unbelievable that 18 months have passed and the most basic human needs have not yet been met; 18 months later, and residents are not able to move back. There is still debris everywhere, and people are without electricity 18 months later. The roads are not passable, no clean running water, not enough schools and teachers; 18 months later and no street signs, toxic fumes in the air and not enough police; 18 months later, this is unacceptable.

My colleagues on the other side of the aisle made the statement over and over again about how we should pass a clean bill. Well, I have been elected 25 years, and I have never seen a clean bill yet. If the President or my Republican colleagues would have done their job 18 months ago, we wouldn't need to have these extra funds in the supplemental bill. It is shameful that the very people who write the checks and pay the taxes in our cities are not given the money they deserve.

I remember the President's press conference in Jefferson Square in New Orleans and his promise to rebuild. His veto showed the American people once again that he has no intention of living up to his promise.

The Democratic majority has done their job. They passed this bill. Sadly, the residents of Louisiana and Mississippi will have to keep waiting on you to remember your promise. The good citizens of Louisiana and Mississippi demand good government. This is responding to the caring, and it is also an example of not just talking the talk, but walking the walk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

THE IRAQ SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, I don't have a vote in the full House, but if I did, I would have voted for the supplemental and for the override of the President's veto. So I am proud that a bipartisan majority voted on my behalf and on behalf of the American public, who do not support the war in Iraq, do not support the surge, and want to see a clear effort to extricate this country from an internal civil war and to bring our troops home.

It is clear to me that, despite the glossed over reports, the surge has done nothing but to cause one of the highest casualty rates in the month that just ended. Although there is no good option, the problems will continue for some time whether we go or leave. It is clear that the Iraqis want us out. It is clear that we lose or disable our own soldiers every day, and that innocent Iraqis are also injured every day that we stay. So the only moral choice is the one embodied in the supplemental and the two votes that have been taken.

I reject the way this supplemental has been characterized. If you listen to the news media, you would think that the nonIraq war items in the supplemental were nothing but pork, used to induce Members to vote on this bill. Nothing could be further from the truth.

In addition to giving the President what he asked for, we have made sure that a number of emergency domestic issues are also addressed. That is what supplementals are for. But let's start with the war, because in addition to fully funding the needs of troops, this bill contains $450 million for a very important and very much needed post-traumatic stress disorder counseling for our men and women when they come home to help them transition and to help them resume normal lives after being immersed in the caldron of war. We owe it to our soldiers and their families, having borne the bankrupt of this war, to have the help they need when they return.

Traumatic brain injury has been called the signature wound of this war, especially if so many of our soldiers suffer from it after exposure to bomb blast and IEDs. This supplemental includes $450 million for research into the best treatment and care for those who have to be hospitalized and rehabilitated because of these injuries.

We were all horrified when the problems at the Walter Reed Medical Center and other veterans facilities across the country were exposed; $20 million is included in the supplemental to address this time-honored facility that is the forefront of care for our war-wounded veterans. There is another $100 million to ensure that our military, National Guard and Reserve members get timely health care, including mental health care. Once again, we owe it to them to respond with the best possible care that we can give.

This bill also addresses the shamefully long lingering needs from one of the biggest and most tragic domestic crises of our time, when Hurricane Katrina devastated the gulf in 2005, much was promised to those who were left homeless and uprooted in its wake. But, unfortunately, until this bill, not enough has been done. Included in the supplemental is $1.3 billion for levee protection and coastal system restoration to make them structurally and environmentally safer so that New Orleaneans and other gulf residents can resume their lives.

After Katrina schools were devastated. Teachers left. In order for people to move back home, they need to be assured that there will be renewed and revitalized schools for their children's education. The supplemental provides $30 million for K–12 education to bring those schools back and for recruitment to bring back teachers and other educational professionals back to the city. Some of our universities, like Southern and Dillard, were also damaged by the storm of the century. There is $30 million requested in that supplemental to assist them.

The health, housing, small business and community development needs of the gulf are also finally heard and responded to this in measure, with a provision for community disaster loan forgiveness to assist local governments in meeting the needs of their displaced and devastated people.

There is also $4.3 billion of FEMA disaster recovery grants and a social services block grant extension; $25 million for small business disaster loans, and $80 billion for HUD tenant-based rental assistance.

In the area of health care, two great needs are addressed in this bill with $1 billion to purchase vaccines, emergency vaccines, that would be needed to protect this country in the case of a global flu pandemic; and another $750 million to make sure that the children's health insurance programs, which cover millions of children in 14 States and some of the territories, will continue uninterrupted.

These are just some of the important areas funded in this bill, and it's why it must go forward. If we don't do it in this supplemental, a measure that is reserved for critical issues like these, it will be difficult, if not impossible, to get them done at all.

The American people are looking at us and wondering if their priorities are our priorities. This legislation demonstrates that we not only know what the priorities are, but that we are ready to stand with them and act on the issues they have told us are important to them.

A BREAK IN THE PURSUIT OF PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today the Associated Press reported that in the middle of the Iraq civil war, their parliament will be taking a 2-month break starting in July. While our troops are dying, while they are being wounded, while they are trying to provide security to the Iraqi people, the Iraqi leadership is planning to take 2 months off.

I hope that this does not mean that the Iraqis are giving up on providing a peaceful resolution to this conflict. If anything, the parliament should be rededicating themselves to providing security and hope to the Iraqi people, not taking a break, not letting any hope for a peaceful resolution slip through their fingers.

Our best hope for peace in the region, actually, will have to come through hard work, through negotiations, through constant attention. Every day we turn a blind eye to the real situation on the ground in Iraq, more people die, more American troops, more Iraqi civilians die. I don't know about anyone else, but this is simply unacceptable to me.

The American people have said again, and they have said again, that they want our troops out of Iraq. This administration must demand that the Iraqi leaders stay in town, stay at the table, and not go on vacation.

After all, how can we stand down if the Iraqis aren't there to stand up?

This is a very serious problem, Mr. Speaker. How can we have a partnership with the Iraqi people, as our administration has promised, a partnership that they say is working to bring peace in Iraq, if half of that partnership goes on vacation?

My position has remained the same from the very beginning: We need to fully fund the withdrawal from Iraq. We need to bring our troops and military contractors home. We need to provide real and reliable health care to our returning troops. We need to work with the international community to provide for a dependable and safe future for the Iraqi people.

The way to bring peace to Iraq is not through building walls around neighborhoods, creating walled-in villages, breaking up lives and breaking up families. The way to bring peace to Iraq is to give sovereignty to the Iraqi people and to have a surge of peaceful negotiations. The only way to bring about peace is to bring our troops home, to empower the Iraqi people to build a future based on hope and equality.

And I ask you, Mr. Speaker, if not now, when?

□ 1600

THE PRESIDENT CUT FUNDING FROM THE TROOPS

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, I rise today to express my disappointment and outrage at President Bush's veto of the Iraq War supplemental bill. By vetoing this bill, the President has vetoed the will of the American people, and it is the President who is denying funding for our troops.

The President has vetoed a responsible funding bill for the troops that would have provided more funding for our troops and military readiness than the President requested. The President rejected a bill that reflects the will of the American people to wind down this war. The American people sent this message very strongly last November.

By vetoing this bill, Mr. Speaker, President Bush vetoed: One, fully funding our troops, and providing $4 billion more than the President requested; honoring our veterans by providing $1.8 billion more for veterans health care. Is $900 million for treating traumatic brain injury pork? Is $20 million to repair facilities at Walter Reed pork?

By vetoing this bill, the President has vetoed accountability for the Iraqi Government, and he has vetoed his own benchmarks that he laid out January 10 in his speech to the Nation. Let me quote from that speech.

"A successful strategy for Iraq goes beyond military operations. Ordinary Iraqi citizens must see that military operations are accompanied by visible improvements in their neighborhoods and communities. So America will hold the Iraqi Government to the benchmarks it has announced.

"To establish its authority, the Iraqi Government plans to take responsibility for security over Iraq's provinces by November. To give every Iraqi citizen a stake in the country's economy, Iraq will pass legislation to share oil revenues.

"To empower local leaders, Iraqis plan to hold provincial elections next year and allow more Iraqis to re-enter their nation's political light, the government will reform de-Baathification laws and establish a fair process for considering amendments to Iraq's Constitution. America will change our approach to help the Iraqi government as it works to meet these benchmarks."

Mr. Speaker, the supplemental contained these benchmarks directly quoted from the President's speech. So was the President's call for benchmarks a sincere request or what?

Providing the President with a clean supplemental bill simply provides him a blank check for the same failed policies in Iraq he has rejected and vetoed, his own benchmarks, as I simply quoted his speech.

New evidence keeps emerging that clearly points to a new direction in Iraq. Despite the President's constant claims of "progress," the facts are otherwise. The U.S. death toll in Iraq reached 104 in April, making it the deadliest month of the year and one of the deadliest of the entire war.

Republican Senator CHUCK HAGEL recently returned from Iraq and paints a bleak picture. "This is coming undone quickly, and Prime Minister Maliki's government is weaker by the day. The police are corrupt, top to bottom. The oil problem is a huge problem. They still can't get anything through parliament." That is a quote from someone who just went there, Senator CHUCK HAGEL.

Over the weekend, the Special Inspector General for Iraq Reconstruction released his quarterly report and paints a dispiriting picture of our $20 billion rebuilding efforts. For example, an audit of the facilities in Iraq discovered serious maintenance and operational problems, with seven out of eight facilities audited. The report concludes that "The U.S. project to rebuild Iraq remains far short of its targets, leaving the country plagued by power outages, inadequate oil production, and shortages of clean water and health care."

Mr. Speaker, it is time to hold the Iraqi Government accountable. This bill's timetable and benchmarks finally hold the Iraqis and the President accountable. As Major General Paul Eaton stated, "This bill gives General Petraeus leverage for moving the Iraqi Government down a more disciplined path laid out by the Iraq Study Group. The real audience for the time-line language is Prime Minister al-Maliki."

Even Defense Secretary Robert Gates has noted that the timetable is helpful and sends a message that "The clock is ticking." Gates said, "The strong feelings expressed by Congress about a timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment." That is Secretary Gates.

This bill represents the views of the American people. The latest CBS News/New York Times poll from April 26: 64 percent of Americans favor a timetable that provides a withdrawal of the U.S. troops from Iraqi in 2008.

Mr. Speaker, it is time for accountability. The veto was wrong, and we must stand firm.

THE TERRORIST WE CAUGHT BUT WON'T PROSECUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, next week Luis Carriles is scheduled to stand trial for allegedly lying to immigration authorities when he entered the United States 2 years ago.

Most Americans have probably never heard of Carriles, but everyone should know the real case against him because it shows the double standard of the Bush administration and its so-called commitment to fight terrorism.

Carriles is being prosecuted for an immigration violation in America, but he has been convicted in other nations for acts of terrorism, including the downing of a commercial Cuban airliner over 30 years ago that killed 33 innocent people. He is a wanted international fugitive. The Bush administration knows this, but instead of turning Carriles over to the sovereign Governments of Cuba or Venezuela, as they have asked, we are going to get him on an immigration violation.

Why is the Bush administration handling Carilles in this way? Three letters say it all: CIA.

Carriles was a CIA agent. He was part of the Bay of Pigs debacle, and his fierce opposition to Cuban President Fidel Castro has been reported by the media.

Officially, Carriles left the CIA in the middle of 1976. That is the year that Luis Carriles was convicted in Venezuela of masterminding the downing of the Cuban airplane.

The administration won't reveal what role Carriles played as a CIA agent or what his assignments were. His shadowy connections to the United States Government almost certainly continued after he and the agency parted ways. The media has reported that Carriles helped funnel U.S. supplies to the Contra rebels attempting to overthrow the Sandinista government in Nicaragua in the 1980s.

Carriles himself has personally boasted of a role in the deadly bombings of hotels in Havana, Cuba, in the 1990s. And Carriles was also convicted in Panama in the year 2000 for a plot to assassinate Fidel Castro. He was sentenced to prison, but he was later pardoned and set free.

You would think that capturing a man like this would have the administration calling a news conference to declare their success in the war on terror with a long-sought terrorist in custody. Not so. Instead, the administration is busy trying to get a court to bar him from testifying about what he did for the CIA. Carriles' lawyers have said his client will talk about that, and the assignments during and after his official employment. One of the CIA directors during the time of Carriles' connection to the agency was former President George H. W. Bush, the President's father.

The American people have a right to know what really happened in the 1970s and what role, if any, the United States played in the deadly games of Carriles. Was he a rogue agent or was he acting on CIA orders?

The Cuban Government wants him, but we are not talking to Havana as long as Castro is alive and in power. Venezuela, which has an 80-year-old extradiction treaty with the United States, has repeatedly asked for Carriles. But the President isn't talking to Venezuela, either, so those requests have been denied.

The U.S. Customs and Immigration Service says Carriles poses a significant danger to our Nation, but the U.S. Justice Department just hasn't acted.

In a recent editorial that I submit for printing in the RECORD, the Los Angeles Times described Luis Posada Carriles as "the Zacarias Moussaoui of Havana and Caracas." The Times points out that Moussaoui is serving a life sentence without parole for his role in the 9/11 attacks, but Carriles was released on bail and is living at home in Miami, with his family, awaiting trial next week. The U.S. is holding a person convicted of major terrorist acts in other countries, but he is going to be prosecuted for an immigration infraction. That is like bringing Osama bin Laden in and trying him for a traffic ticket.

The moral compass of the Bush administration is just spinning round and round over the treatment of Posada Carriles. Next week it is going to stop on a new direction: H, for hypocrisy.

[From the LA Times, Apr. 20, 2007]

A TERRORIST WALKS: LUIS POSADA CARRILES HAS BOASTED OF BOMBING HAVANA HOTELS, YET AMERICAN JUSTICE LETS HIM GO FREE

With a misguided decision upholding bail for Cuban-born terrorist Luis Posada Carriles, the U.S. 5th Circuit Court of Appeals in New Orleans has done more than free a frail old man facing unremarkable immigration charges. It has exposed Washington to legitimate charges of hypocrisy in the war on terror.

By allowing Posada to go free before his May 11 trial, the court has released a known flight risk who previously escaped from a Venezuelan prison, a man who has boasted of helping set off deadly bombs in Havana hotels 10 years ago and the alleged mastermind of a 1976 bombing of a Cuban airplane that killed 73 people. Posada's employees confessed to the attack, and declassified FBI and CIA documents have shown that he attended planning sessions.

In other words, Posada is the Zacarias Moussaoui of Havana and Caracas. Moussaoui is serving a life sentence without parole in a federal prison in Colorado for conspiracy in the 9/11 attacks; Posada is free to live in Miami.

Posada, a 79-year-old Bay of Pigs veteran who served time in Panama for plotting to kill Fidel Castro, has never been charged with crimes of terrorism in U.S. courts. Instead, Immigrations and Customs Enforcement nabbed him for lying to immigration authorities after he sneaked in the country in March 2005 and held a news conference announcing his triumphant return. Both Customs and the Justice Department lobbied to keep Posada behind bars, but U.S. law enforcement has never shown a strong interest in trying him for more serious crimes. In turn, Posada's lawyer has preemptively warned that if charged, his client would likely reveal extensive collaboration with the CIA.

The United States keeps 385 suspected terrorists imprisoned in Guantanamo Bay, many in isolation and all without U.S. norms of due process. Yet Posada, a confessed terrorist, is sent home with an ankle bracelet.

The United States has not been able to persuade any of seven allied nations to accept Posada. A federal judge has ruled that he can't be extradited to Cuba or Venezuela because he might be tortured. The best solution would have been for the court to refuse bail until trial while the State Department keeps searching for a third-party country that would agree to try him on terrorism charges.

Instead, Castro receives a propaganda victory gift, the White House has its moral authority undermined and the victims of Carriles' alleged crimes see justice delayed once more.

The U.S. government has done many odd things in 46 years of a largely failed Cuba policy, but letting a notorious terrorist walk stands among the most perverse yet.

IRAQ WAR SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I rise today to speak to the issue of the Iraqi supplemental that we are currently about to redo.

As you know, Mr. Speaker, the President in his regional message indicated that the bill "is loaded with billions of dollars in nonemergency spending that has nothing to do with fighting the war on terror." He went on to say that Congress should debate these spending measures on their own merits and not as a part of an emergency funding bill for our troops.

Mr. Speaker, for 19 months now, we have been trying to get this administration to pay attention to the people on the gulf coast. We have for weeks and months been trying to get the President to support our efforts to make sure that many of the families and friends of our troops, who have been affected in Louisiana, Mississippi, and even in Florida and Texas by this catastrophic event perpetrated by Hurricanes Katrina, Rita, and Wilma, get help. Today, we have not been able to get the President to support our efforts as we have tried to address these emergencies.

And so, Mr. Speaker, since we are doing an emergency spending bill, we thought it very appropriate for us to do both international and domestic emergencies all in one piece of legislation. Consequently, we have moved in this legislation to address issues such as the East and West Bank Levee Protection and Coastal Restoration System in New Orleans and the surrounding parishes by inserting into this legislation $1.3 billion. We have added another $30 million for K–12 education recruitment assistance, another $30 million for higher education assistance.

I plan to be in Baton Rouge next week to address Southern University's commencement exercises. I would hope that, as I go there, I can carry them more than mere promises to get them to feeling, once again, that we in this body are paying attention to and responding to the problems that they are suffering, many of them having lost a full year out of their educational pursuits.

I would hope that those children in K through 12 can begin to feel that here in this Congress, with this emergency supplemental, that we are going to respond to them as well.

And then there is the Community Disaster Loan Forgiveness Program. We have put language in this bill to address that issue. $4.3 billion for FEMA disaster recovery grants. These State and local grants will be waived, meaning that the Federal Government will be able to finance 100 percent of the grants.

We have been trying for a long time now to get this administration to treat the victims of Katrina, Rita and Wilma in the same way we treated disasters after 9/11 in New York, the same way we treated the earthquakes in California, the same way we treated the Hurricane Andrew down in Florida some years ago and Hurricane Anika out in Hawaii. In each one of those instances, we waived matching requirements. In this instance, we have not. And so we want, in this administration, to waive those requirements of the Stafford Act, the matching requirements, so that we can begin to address these emergencies.

There are other emergencies that we plan to address here, and that is the Children's Health Insurance Program. We think, with 14 States out of money, another 3 States expected to be out of money by September 1, it is an emergency for the children in those 17 States, and I would hope that when we put the final bill together to send back to the President, we will address these emergencies that we have with our people here at home.

□ 1615

REPUBLICAN STUDY GROUP

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PENCE. Mr. Speaker, I thank the Minority Leader for affording not only myself, but other members of the Republican Study Committee, the House conservative caucus on the Republican side of the aisle, the opportunity to take advantage of these opportunities on the House floor periodically in the form of a Special Order.

While I come to the floor today with the objective, Mr. Speaker, of addressing this week's momentous events concerning the President's second veto in the history of this administration and the war supplemental bill, I wanted to also speak about an issue that House conservatives have been heard on and have been active on in the course of this week, and it has to do with today's passage, by a vote of 237–180, of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act. This legislation passed the House today, but not without the strenuous opposition of both the Republican Study Committee, and virtually all of its members who represented a lion's share of the 180 Members who opposed this legislation.

And to lead is to be misunderstood. And it is very likely, Mr. Speaker, that both yourself and maybe others that might be looking in would question why anyone would oppose hate crimes legislation. And I thought I might, before I move on to the attendant topic of the day, address the concerns that House conservatives had with this legislation and why, last night, with the leadership of our caucus chairman, JEB HENSARLING of Texas, and with the support of myself as a former chairman of our caucus, Mrs. SUE MYRICK of North Carolina, a former chairman of our conference, and JOHN SHADEGG of Arizona, we urged the President of the United States to issue a veto threat of this hate crimes legislation, which he did so earlier today by way of a statement of administration policy.

So let me speak to our concerns about this bill before I move on to the topic of the Iraq supplemental. Thomas Jefferson said, famously, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative power of government reach actions only, and not opinions," Jefferson went on to say, "I contemplate with sovereign reverence that the act of the whole American people which declared that their legislature shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, thus building a wall of separation between church and state."

Again, Thomas Jefferson, framing, as perhaps only he in American history could, the issue that grounded conservative concern in the hate crimes legislation today, that legislative powers of government should reach actions only and not opinions, and then reflected on that as the core central logic behind the first amendment protections of the freedom of religion.

In the case of the Local Law Enforcement Hate Crimes Prevention Act, we did not meet that standard today, Mr. Speaker. I believe this legislation was bad public policy, and unnecessary, and many House conservatives in the Republican Study Committee agreed.

Violent attacks on people or property are already illegal, regardless of the motive behind them. And there is no evidence presented on the floor today or before the Judiciary Committee, on which I serve, that underlying violent crimes at issue are not already being fully and aggressively prosecuted in the States. Therefore, hate crimes laws truly serve no practical purpose and instead serve to penalize people for thoughts, for belief, for opinions.

Now, let's grant the point. Some thoughts, beliefs and opinions, like racism or sexism are abhorrent, and I disdain them and condemn them. However, hate crimes bills, as the one we passed today, are broad enough also to include legitimate beliefs, and protecting the rights of freedom and speech and religion must be paramount in cases like the bill we consider today.

The first amendment to the Constitution provides that Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

Now, America was founded on the notion that the government should not interfere with the religious practices of its citizens. Constitutional protections for the free exercise of religion are at the very core of the American experiment in democracy.

But what does that have to do with the hate crimes bill? Well, there is a real possibility that this bill, as written, religious leaders or members of religious groups could be prosecuted criminally, based on their speech and protected activities under conspiracy law or section 2 of title XVIII, which holds criminally liable anyone who aids, abets, counsels, commands or induces or procures its commission, or one who willfully causes an act to be done by another.

In the debate in the Judiciary Committee, much was made of the fact that there was an amendment adopted by my friend and colleague, Mr. DAVIS of Alabama. But that amendment did not go far enough in making it clear that this bill would not limit religious freedom. The sponsor of the amendment even admitted in open markup testimony before the committee, that a pastor could, theoretically, still be targeted under the bill for incitement of violence for simply preaching his religious beliefs having to do with moral issues related to life or family or sexual preference.

For example, if a pastor included a statement in a sermon that sexual relations outside of marriage are morally wrong, and even quoted the Bible to make that point, and then a member of perverse intention in that congregation caused bodily injury to a person having such relations, that sermon could be used as evidence against that pastor.

Now, the real world effect of this, in addition to the possibility of prosecution, is the much greater and geometric possibility of a chilling effect. Putting a chill on pastors' words or religious broadcasters' programming or an evangelical leader's message, or even the leader of a small group Bible study is quite simply a blatant attack on the constitutionally guaranteed right to freedom of religion.

Now, last week, when the Judiciary Committee took up the bill, I offered an amendment in good faith to make it clear, crystal clear, that this bill would not affect the constitutional right to freedom of religion. The Pence amendment stated plainly, "Nothing in this section limits the religious freedom of any person or group under the Constitution." Unfortunately, the Pence amendment was defeated and rejected by the majority of the Judiciary Committee.

Yesterday, I took another bite at the apple. I submitted the Pence religious freedom amendment to the Rules Committee for consideration. But, again, that committee chose to adopt a closed rule, effectively blocking my amendment and many other good amendments offered for consideration.

Now, I would say very emphatically, we must guard against the potential for abuse of hate crimes laws. And very humbly put, the Pence amendment would have done so by stating once and for all that people and groups will not have their constitutionally guaranteed right to religious freedom taken away, even as an addendum to or unintentionally as a result of the aiding and abetting clause of current law.

Mr. Speaker, House conservatives rose, as one man and one woman today, in opposition to this legislation. But it did pass. Again, Congress today adopted legislation, 237-180, but not without a fight.

Members of the Republican Study Committee came together late last night, called on President George W. Bush to veto this legislation should it reach his desk. And as I mentioned earlier today, the administration, in no small measure, due to House conservatives and the leadership of the Republican Study Committee, the administration issued a veto threat pertaining to the Law Enforcement Hate Crimes Prevention Act of 2007. They did so as House conservatives did, out of a belief that this bill threatens religious freedom by criminalizing ultimately religious thought.

And I must say before I move to my next topic, it was particularly grievous to many of us that the Democrat majority in Congress chose the National Day of Prayer to bring this bill to the floor; a bill that intentionally or unintentionally, could put in jeopardy the very religious expression that was being celebrated at tens of thousands of locations across the United States today.

I, myself, began my day in the east room of the White House with the President of the United States and religious leaders representing every faith in America to initiate and kick off this National Day of Prayer in, I believe, its 56th consecutive year.

In the ceremonies that took place here just off the Capitol, across the street in the Cannon Office Building, I learned that due to the leadership of Shirley Dobson and the organizers of the National Day of Prayer, by their estimates, there were some 50,000 venues in the United States of America where people were coming together, Mr. Speaker, not for politics, not for the purpose of political demonstrations, not to support one party over another, but as happened in Anderson, Indiana today at City Hall, for the purpose of coming together in prayer, believing that the effective and fervent prayers of a righteous Nation availeth much, believing that our prayers reach heaven and the throne of grace as Americans, by the millions, have believed from the very inception of our Nation.

□ 1630

And again I say I don't believe it was intentional. I would not ascribe this to the Democrat majority. But it was grievous, I can say, to many of us that this legislation, which we believe in our hearts threaten the very fabric of the first amendment, freedom of religion, was scheduled to come to the floor on the National Day of Prayer.

On the floor today, I closed with the thought that on this National Day of Prayer, we ought to take a stand for the right of every American to believe and speak and pray in accordance with the dictates of their conscience, that we ought to take a stand for religious freedom and the first amendment in opposing the Local Law Enforcement Hate Crimes Prevention Act.

And with that let me yield to the planned topic of the day, and I may well be joined by colleagues on the attendant question that has been the preoccupation of much of official Washington, much of the national media, and, understandably, much of the American people over the last week. It has to do, of course, Mr. Speaker, with the President's decision to exercise his authority in the executive branch under the Constitution to veto legislation delivered to him by the Congress of the United States. This was, in fact, the President's second veto. And today's Republican Study Committee leadership hour was organized to speak to the issue of Iraq and specifically the Iraq supplemental.

It was, as I said, a momentous week. We began with the delivery to the President of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act on May 1. The President very promptly addressed the Nation at the dinner hour and announced his intentions to veto the legislation, just his second veto in the history of the 43rd President of the United States.

The President made his objections clear, that, in effect, he vetoed this legislation because he believed, as I do, as House conservatives do, that the legislation was constitutionally flawed and fiscally irresponsible.

The President made reference specifically to the arbitrary date for beginning withdrawal of American troops without regard to conditions on the ground. He spoke of the effort by Congress, his words now, "to micromanage the commanders in the field by restricting their ability to direct the fight in Iraq." And he also mentioned that this legislation "contained billions of dollars of spending and other provisions completely unrelated to the war."

The President spoke of the precipitous withdrawal from Iraq not being a plan for peace in the region. The mandated withdrawal in the legislation, he argued, would actually embolden our enemies and it could lead to a safe haven for terrorism in Iraq.

The President probably focused most of his objections in his message to the Nation on the micromanagement of the war by Congress. I have said many times on this floor, as many House conservatives have, under the Constitution of the United States, Congress can declare war. Congress can choose to fund or not to fund military operations. But Congress may not conduct war. And in the President's veto message to the Nation, it was precisely that effort by Congress, that constitutional overreach, in his words, to "micromanage" this war in Iraq that he found most unacceptable. The President would say the legislation is unconstitutional "because it purports to direct the conduct of the operations of the war in a way that infringes upon the powers vested in the Presidency by the Constitution, including as commander in chief of the Armed Forces."

In a very real sense this is an issue, Mr. Speaker, that the Founders of this Nation thought about. I would argue, more deeply than maybe any other issue in that balmy summer of 1787. It was the debate over whether or not we want a unified chain of command in the commander in chief, centered in the Presidency, or whether we wanted to risk creating the possibility or the prospect of what our Founders would call "war by committee."

Now, this notion of war by committee was actually something our Founders were fairly familiar with. A very cursory study of the early months of the Revolutionary War, from the signing of the Declaration of Independence in 1776, all the way until that famed Christmas Day, 1776, is a classic case of an American military that is being beaten back, chased out of New York, chased across the Hudson River, chased all the way across New Jersey, and was facing great peril by the time they reached the Delaware. And many would observe, in the years that followed the war during the period of the formation of our constitutional government, that it was precisely war by committee that put our Nation in its nascent days most at risk.

History records that every night General Washington would spend a great deal of his time in his tent in the midst of the war, writing back to Congress, handing letters to couriers to send messages to the Congress to gain specific permission for military operations and appropriations and the conduct of the war. And the Congress was very busy engaging in what our Founders came contemptuously to refer to as "war by committee."

When the Constitutional Convention came around in 1787, it would be precisely that same generation of Americans that would say "no," we want a unified chain of command, we want to vest in the President of the United States the ability to conduct war as the commander in chief.

And I think singularly the President's objection is grounded there.

with the slight addition of some more than $10 billion in additional spending that has nothing whatsoever to do with the conduct of the war in Afghanistan, Iraq, or, to that end, the conduct of the War on Terror.

House conservatives in the past have opposed war supplementals on the grounds that war spending bills ought to be about war spending and emergency war spending bills ought to be about emergency war spending. And the addition of funding, which the President described as "billions of dollars of spending and other provisions" that are "unrelated to the war," are not an emergency and are not justified was altogether appropriate, in our judgment. The President said emphatically that "Congress should not use an emergency war supplemental to add billions in spending to avoid its own rules for budget discipline and the normal budget process," and House conservatives agreed.

We were pleased to see the President veto this legislation, because House conservatives and the Republican Study Committee and, for that matter, virtually all House Republicans believed the bill, as the President found it, was constitutionally flawed and fiscally irresponsible. We would vote in a matter of a few legislative hours later to sustain the President's veto and facilitate a meeting that took place just yesterday, I believe, Mr. Speaker, between the leaders of the House and Senate in Congress and the President. And it seems to me that it was a pivot point in the debate, and I want to shift some of this conversation today to the same kind of pivot point.

While, frankly, Democrat leaders emerged from the West Wing speaking very little about compromise and it seems like the rhetoric of the Senate majority leader as well as the Speaker of the House centered around the phrase "end the war," that their objective remained to be end the war, it would be President Bush in the Cabinet room who struck a more conciliatory tone. And I commend him for it.

The President said, and I am quoting now, "Yesterday was a day that highlighted differences. Today is a day where we can work together to find common ground." And I believe House Republicans would share the President's sentiment that we can and should move forward to find common ground; not to compromise on those principles of constitutionality and fiscal discipline that the President articulated and we fully support, but to look for ways that we can ensure that these resources reach our troops in a timely way without strings attached and without fiscally irresponsible spending. And to that end, we will work and labor in the days ahead.

My personal hope and ambition, Mr. Speaker, is that before we return home for Memorial Day, before we return home to that day where we remember those who did not come home, that we would be able to speed the resources to our soldiers in the field in Afghanistan and Iraq without unconstitutional strings and without additional and unnecessary spending.

But there is one other reason why I believe it is imperative that we provide these resources to our troops in the field, and it has not been highlighted as much I believe as it should, but it has been a point that I have felt a burden about ever since my return from Iraq just shortly 1 month ago. I began the month of April in a delegation that took me literally into the heart of Baghdad and to Ramadi and to Tikrit. We met with General David Petraeus and learned a great deal about the beginnings of modest progress on the ground in Iraq. And so I would posit at the beginning of the balance of my time to suggest that the President was right to veto this legislation because it was constitutionally flawed. The President was right to veto this legislation because it was fiscally irresponsible. But I also believe the President was right to veto this legislation and Congress would be right to find a way to deliver these funds to our troops because we are beginning to see evidence that the surge, that our new strategy, that our new diplomatic initiatives in the region are just beginning to take hold; and now is not the time for us to reverse course and to embrace the objective of those who would say the American people, whatever the circumstances on the ground in Iraq, apparently, want us to end the war.

In my district I would say with confidence, the constituents of eastern Indiana want our troops to come home, but they want us to win and come home, and more importantly, they want freedom to win in Iraq and then bring our soldiers home.

And let me say that despite a recent wave of insurgent bombing, this war in Iraq is not lost. In fact, because of the President's surge, because of the brave conduct of U.S. and Iraqi forces on the ground in Baghdad, we are beginning to see the evidence of modest progress in Iraq. Let me say emphatically Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers that are now spread throughout the capital city of Baghdad.

I had the opportunity, Mr. Speaker, of visiting one of these joint operating centers across the river from the Green Zone right in the heart of downtown Baghdad. These facilities represent a sea change in the strategy of U.S. and Iraqi forces in the capital city of Baghdad. The very essence of the surge, first recommended, of course, by the Iraq Study Group on page 72 of the publication that is available for most Americans, the very centerpiece of this surge was not that we could deal with the instability in Iraq strictly with a military solution but, rather, as the Iraq Study Group recommended and the President ultimately embraced, that we could increase forces in the city of Baghdad temporarily to quell violence in Baghdad, to create a sufficient level of stability in the capital city to allow the political process of reconciliation, de-Baathification, and oil agreement and the diplomatic process in the region to take hold. That is the essence of the surge.

Now, to make that possible, as General Petraeus described to me walking down the streets in Baghdad, our strategy now is different from the strategy we have employed the last 3 years. In Baghdad, rather than sending our troops out on patrols, confronting the enemy, and returning to our base installations, now we move into areas with sufficient forces to clear areas, to hold areas by establishing joint operating centers where U.S. and Iraqi forces live together, and then investing the resources to build up those areas and add further security.

As I said, Baghdad is not safe, and it was not safe the day we were there. But it is safer because American and U.S. forces are beginning to move into these areas, again, more than two dozen of these joint operating centers. Once areas have been cleared in house-to-house searches, clearing out weapons caches, arresting and confronting dangerous insurgents and al Qaeda, then U.S./Iraqi forces move into those joint operating centers and live there and patrol those areas 24/7. U.S. forces actually stay at the joint operating centers, bunking in with Iraqi forces.

One of the more moving moments for me on our tour of Baghdad 1 month ago was walking into the bunkhouse with both U.S. and Iraqi military on either side of us and then being told by U.S. commanders on the ground that they had offered the Iraqis, out of sensitivity to their different religious traditions and observances, to build separate sleeping quarters for the U.S. forces and the Iraqi forces.

□ 1645

And it was the Iraqi forces that said absolutely not, that now you've got bunkhouses, which are really pretty informal, just bunk beds kind of slapped together in wood frames the way you would see at almost any military installation. And U.S. and Iraqi forces are bunking in together. They are deploying together. And the result of that is that sectarian violence in Baghdad has been reduced in some neighborhoods of Baghdad by a very significant amount.

Again, let me say again, because I have demonstrated in the past the capacity to be misunderstood: Baghdad is not safe, but it is safer, I believe, because of the surge of U.S. forces into the neighborhoods of the capital city and the establishment of more than two dozen joint operating centers where U.S. and Iraqi forces are working together to confront al Qaeda and insurgents and to quell violence in the capital city.

There has also been another significant development that argues against reversing course, or to borrow the phrase of some leaders in the majority, "just ending the war" at this point, and that is specifically in western Iraq, what is known as the al Anbar province, which is known as Ramadi.

Now, I stood at the grave site of an Indiana soldier; I stood and prayed with his parents. He fell on the streets in combat in Ramadi some 2 years ago. It's extraordinary the difficulty U.S. forces have faced. The Marines have been in Ramadi for a number of years. It has been one of the most deeply compromised cities in Iraq. Ramadi is, in effect, the upscale Sunni city in Iraq. During the era of Saddam Hussein, those who did not live in the highly fortified Green Zone in downtown Baghdad lived in upscale Sunni neighborhoods in Ramadi.

And so one can imagine that al Qaeda and the insurgency, in efforts to resist the al Maliki government, their violence would be centered on the streets of Ramadi. And that has absolutely been true until very recently.

Things have changed in al Anbar province and Ramadi. Even The New York Times, perhaps one of the harshest critics of the war in Iraq, I think it was Sunday morning, this last weekend, depicted a huge front page story about the change in al Anbar province. And I would like to say, and I will say that the presence of U.S. Marines, under the command of General Odierno on the ground in Ramadi, have played a vital role in the precipitous decline of al Qaeda and insurgent violence in Ramadi and in al Anbar province. But General Odierno and the others would be quick to say that the real difference that has been made has been because the Sunnis themselves, Iraqi tribal leaders, 20 out of the 22 tribes have stepped forward now and initiated what has been called the "Iraq Awakening Movement."

During my trip to Ramadi just one month ago, I had the privilege of meeting with Sheik Sattar, a compelling and impressive man. His father was killed by al Qaeda in Ramadi. His two brothers were killed by al Qaeda in Ramadi. And Sheik Sattar, who presumably had had very little interest in becoming involved in the new government in Baghdad, Sunnis, if you will recall, had largely not participated in the national referendums and elections that have taken place, it would be Sheik Sattar who would go to the Marine Corps base several months ago in Ramadi and say, I'm done with al Qaeda and I'm done with the insurgency, how can I help.

And Sheik Sattar has now organized this Iraq Awakening Movement. To be specific, 22 of the 24 Ramadi area tribes are now cooperating with coalition forces, U.S. and Iraqi forces. And the decline in violence in Ramadi is that U.S. troops have established four bases, along with 40 joint security stations and observation posts throughout the city of Ramadi where they work and deploy and live alongside Iraqi soldiers. There are also 23 police stations in the city and in the surrounding area, as has been reported in the media in recent days.

Al Anbar province is not safe, but significant progress is occurring because the tribal sheiks have begun cooperating with American and Iraqi forces to fight al Qaeda, providing intelligence. And we are beginning to see a significant shift in al Anbar province. And I cite no further than the front page of The New York Times that actually had what I found to be a deeply moving photograph above the fold that showed a city where there has been war for some time.

The rubble of war shown along streets and torn asunder buildings, but there walking on the street were people and couples and children. And I caught sight of people on bicycles. When I was in Ramadi, we were presented with information of areas that had been protected from suicide bombs and car bombs, where soccer fields had opened back up. Children were returning to the streets.

Al Anbar province is changing. Is it safe? No. But is it improving? Yes. And the truth is that the progress that we're making on the ground in Baghdad, the modest progress demonstrated in the reduction of sectarian violence in the capital city, and what appears to be the beginnings of a sea change in the entire western half of Iraq, including in what was a war-torn city of Ramadi, give me hope. In fact, I characterized in an editorial in USA Today that what we saw a month ago in Baghdad could be evidence of just the sprouting of a springtime of hope in Iraq.

Let me say with confidence, Mr. Speaker. I know there is great frustration in this Congress and there are profound visions in this Congress over the role of this institution in developing policy in Iraq, and we will continue to have those arguments. But I would defy anyone to prove to me that there is one single Member of Congress who would like to see freedom lose in Iraq. I don't accept that.

Some may have come to the conclusion that freedom has lost and it can't be saved. I disagree with that. I don't believe freedom is lost. I don't believe the war is lost. But I believe in their heart of hearts, even the most hard-over opponent of continued U.S. involvement in Iraq who serves in this Chamber does not want to see freedom lose.

So I come to the floor today on behalf of the Republican Study Committee, on behalf of my own franchise in Congress, to essentially just suggest that there are many good reasons why the President vetoed the war supplemental this week. Number one, it's constitutionally flawed. It's simply wrong for Congress to place arbitrary timelines for withdrawal, to tie the hands of commanders on the ground, to engage in the kind of micromanagement that is beyond the purview of the Constitution of the United States. Congress can declare war; Congress can choose to fund or not to fund war; but Congress cannot conduct war. And that was reason enough for the President of the United States to veto this bill.

The bill was also fiscally irresponsible. We ought to ensure that war spending bills pertain exclusively to war spending. And particularly emergency war spending bills ought to be emergency war spending and not domestic projects that should be dealt with in the regular budget process.

The third thought I had today was simply to say that we ought to now find a way to come together, without compromising core principles on either side of the aisle, we ought to find a way to come together to get our troops the resources they need to get the job done, because the unspoken fact this week, in the midst of a lot of political conflagration and argument, is the fact that, as General David Petraeus told us here on Capitol Hill last week, there is evidence that the surge, and there is evidence that because of Sunni leadership, tribal leadership in al Anbar province in Ramadi, there is evidence that Iraq is beginning to make modest progress toward exactly the kind of stability that will make possible the political progress and the diplomatic progress that are the real long-term answer here.

Let me emphasize that point one more time. I don't think there is a military solution in Iraq; we simply cannot surge troops to the four corners of Iraq. That is not the President's plan. It would not be workable in any event. I believe the President's plan is sound, to surge troops into the capital city to quell violence sufficient to give the al Maliki government in Baghdad the credibility to move a de-Ba'athification agreement, to move an agreement for sharing the revenues of oil proceeds with all of the people in Iraq on an equitable basis, to move new provincial elections, including in al Anbar province, where many of the Sunni leaders that we met with had expressed an interest in participating in provincial elections, should they be scheduled in the next month or two. But it is that kind of political process that will encourage ownership by Iraqis in this new constitutional republic that will be the real victory for freedom.

As the President said this week, we cannot define success in Iraq as the absence of violence. The day that freedom wins, whatever that day would be, the day that we can know with a moral certitude that this new democratically elected government in Iraq is able to defend itself, able to defend its people, the day we have the moral certitude that they can do that and we can begin then to come home in good conscience, there will likely be insurgent and al Qaeda violence taking place somewhere in Iraq. Therefore, we cannot define victory as the absence of violence, but we can define victory as the presence of a stable democratic, constitutional republic that can defend itself. And that, it seems to me, beyond the issues that the President raised when he vetoed the legislation, is the most compelling argument for finding a way forward, finding the common ground necessary to get our soldiers the resources they need to get the job done and to come home safe.

This is a tough time in Iraq. General Petraeus told me on the ground in Baghdad a month ago, he told Members of Congress gathered in a bipartisan briefing last week that there are difficult days ahead, that there is no guarantee that the surge, which seems to be beginning to take hold in Baghdad, will ultimately succeed. But it seems to me the fact that, despite the recent wave of insurgent bombings, or the fact that sectarian violence is down in Baghdad, the fact that Ramadi and al Anbar province appears, because of Sunni Iraqi leadership and U.S. and Iraqi forces, al Anbar province appears to be taking a turn for the better, however modest, that that argues for us finding a way forward, finding common ground where we can give our soldiers the resources they need. Because in Baghdad, despite the recent bombings, sectarian violence is down.

Baghdad is not safe, but it is safer because of the presence of more than two dozen U.S. and Iraqi joint operating centers in that capital city, more than 40 joint operating centers now spread throughout Ramadi, and the fact that in al Anbar province, more than 20 Sunni sheiks across the region have united together to oppose insurgency and al Qaeda.

□ 1700

This war is not lost. Congress should find the common ground necessary to give our soldiers the resources they need to get the job done, to stand up this government, to ensure this new democracy in Iraq can defend itself, and then lay the framework for us to come home.

Mr. Speaker, I thank you for this time. It is my fondest hope that what the President called us to in his remarks from the Cabinet room this week will characterize much of the debate between now and Memorial Day, and I want to quote his words again. The President, in thanking the leaders for coming down, said, "Yesterday was a day that highlighted differences. Today," he said, "is the day when we can work together to find common ground." But he also added, "It is very important we do this as quickly as we possibly can." And he expressed confidence that we can reach agreement.

I will close with that, Mr. Speaker. I truly believe in all my heart that it is possible for a majority of this Congress to come together in a manner that we can deliver to our soldiers the resources that they need within a constitutional framework that doesn't intrude on the President's role as commander in chief, in a way that reflects fiscal discipline and in a way, also, that continues to provide the resources that if, in fact, the modest progress we are beginning to see continues to widen through the summer, that we, in fact, provide the resources for an expanding success for the surge, an expanding success for Iraqis stepping forward to oppose al Qaeda and insurgency in Al-Anbar, and ultimately a success for freedom in Iraq. I am confident of this, I am confident the common ground is there; and it will be my hope and my prayer and my pledge to work with colleagues on both sides of the aisle to accomplish just that.

On behalf of the Republican Study Committee and our many members, I thank you, Mr. Speaker, and I thank the Republican leadership for yielding us this hour.

WORLD PRESS FREEDOM DAY

The SPEAKER pro tempore (Mr. COHEN). Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHIFF. Mr. Speaker, today is World Press Freedom Day, a day that the international community has set aside to honor the work and sacrifice of journalists around the world.

World Press Freedom Day was first designated by the United Nations Educational, Scientific, and Cultural Organization in 1991 as an occasion to pay tribute to journalists and to reflect upon the role of the media in general in advancing fundamental human rights as codified in international law, regional conventions and national constitutions.

The Universal Declaration of Human Rights, which is the foundation of the postwar human rights movement, states the principle broadly in article 19. "Everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." It may not be as eloquent as our first amendment, but its effect is the same.

For Americans, this day should spur us to consider the role that journalists play in our society and to ponder what our Nation would be like if this cornerstone of our liberty were to be curtailed.

Although most Americans take the concept of a free press for granted, I believe that an unfettered press is vital to America's national security and to our democracy here at home.

A year ago today, my colleague from Indiana, Mr. Spence, and Senators CHRIS DODD and RICHARD LUGAR joined me in launching a new bipartisan, bicameral caucus aimed at advancing press freedom around the world. The Congressional Caucus for Freedom of the Press creates a forum where the United States Congress can work to combat and condemn media censorship and the persecution of journalists around the world. The launch of this new caucus sends a strong message that Congress will defend democratic values and human rights wherever they are threatened.

In launching the caucus, we were encouraged by the wide range of organizations and individuals, such as Reporters Without Borders, Freedom House, the Committee to Protect Journalists, Musa Klebnikov, the widow of Paul Klebnikov, the editor of Forbes Russia, who was shot to death outside of his offices 2 years ago, and the legendary Walter Cronkite, all of whom enthusiastically endorsed our effort.

Freedom of the press is so central to our democracy that the Framers enshrined it in the first amendment of our Constitution. At the time, there was little in the way of journalist ethics, and newspapers were filled with scurrilous allegations leveled at public figures. Even so, our Founders understood its importance to advancing the new Nation's experiment in democracy.

In the Virginia Report of 1799–1800, touching the alien and sedition laws, James Madison wrote that, "Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States that it is better to leave a few of its noxious branches to their luxuriant growth than by pruning them away to injure the vigor of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press alone, checkered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression, who reflect to the same beneficent source. The United States owes much of the lights which conducted them to the rank of a free and independent nation and which have improved their political system into a shape so auspicious to their happiness."

Throughout much of our history, Madison's argument has guided our national attitude toward the media. Journalists have jealously guarded their rights, and American courts have, in the main, carved out broad protection for the press. In the United States, the press operates almost as a fourth branch of government, the fourth estate, independent of the other three and positioned as an agent of the American people.

From the pioneering work of journalists during the Civil War, to the muckrakers who were committed to exposing social, economic and political ills of industrial life in the early 20th century, to the publication of the Pentagon Papers by The New York Times in 1971, to the work of Washington Post reporters Bob Woodward and Carl Bernstein in uncovering the Watergate scandal a year later, journalists have performed a crucial role as the watchdogs of our freedom.

But in order for freedom of the press to do its work properly, it must be unfettered, and journalists must be able to do their work without fear of retribution. Information is power, which is precisely why governments, many of them, attempt to control the press to suppress opposition and to preempt dissent. Far too often, reporters and editors who seek to demand reform, accountability and greater transparency find that their livelihoods and even their very lives are in danger. The censorship, intimidation, imprisonment and murder of these journalists violate not only their personal liberty, but also the rights of those who are denied access to these ideas and information.

The United States, as the world's oldest democracy and the greatest champion of free expression, has a special obligation to defend the rights of journalists wherever and whenever they are threatened. A free press is one of the most powerful forces for advancing democracy, human rights and economic development. So our commitment to these larger objectives requires active engagement in the protection and the promotion of this freedom.

These are difficult and dangerous days for reporters around the world. According to the New York-based Committee to Protect Journalists, 56 journalists were killed in the line of duty in 2006, most of whom were murdered to silence or punish them. The toll was 9 more than the 47 journalists killed in 2005, just the year before, and well above average for the last 2 decades of reporting. Another 30 reporters were killed, but law enforcement authorities cannot confirm that their deaths were the result of their work.

Outright murder is not the only tool that the authorities use to silence reporters. As of December 1, 2006, 134 journalists were imprisoned around the world as a consequence of their work. Of these, more than 100 were held by only five countries: China, Cuba, Eritrea, Ethiopia, and Burma.

These countries which imprison journalists for straying beyond the bounds of official censorship are not the most dangerous for journalists, however. Since 1992, more journalists have been killed in Iraq, Algeria, Russia, Colombia and the Philippines than anywhere else.

We are all familiar with the dangers inherent in covering war and insurgencies, and many of those killed in Iraq, Algeria and Colombia have died covering conflicts in these countries. In the Philippines, the murder of journalists has been part of a larger campaign against perceived left-wing activists.

But it is Russia, where more than 20 journalists have been murdered in 6 years since Vladimir Putin succeeded Boris Yeltsin, that we wish to address this evening.

All alone among the top five countries where journalists are murdered, the deaths of journalists in Russia seem to be part of a concerted effort to silence the few remaining journalists who refuse to tow the Kremlin line. China, Cuba and others have been rightly condemned for imprisoning journalists who raised the ire of their governments. Moscow seems to have taken a different tack. Instead of censoring jailing journalists it doesn't like, the Kremlin seems to look the other way when they turn up dead.

There is no direct evidence tying the Putin government to the murder of journalists in Russia, but there is a wealth of circumstantial evidence pointing to at least acquiescence in the death of journalists.

The number of journalists killed, the circumstances of their deaths, the stories they were working on, and perhaps most telling, the fact that not one of the crimes has been successfully prosecuted involving the murder of these journalists in Russia, is indicative of a deliberate decision not to dig too deeply into these murders.

Others hint at something darker. In an editorial the Washington Post recently stated, "The instances of violence against journalists in Mr. Putin's Russia and of the brutal elimination of his critics both at home and abroad have become so common that it is impossible to explain them all as coincidences."

The evolution of Russian journalism from its dismal Soviet past to its current role as the Kremlin's sycophant is distressing. During the latter part of the 1980s, Mikhail Gorbachev loosened many of the Soviet era's restrictions on the press and the Soviet media became an important player in Gorbachev's policy of Glasnost.

Under Gorbachev, journalists began to explore the full range of issues that had remained hidden for so long by the Soviet Government, the Afghan war, the gulags, the miserable performance of the Soviet economy and the endemic corruption of Soviet society were laid bare. There is little doubt that the Soviet media's revelations were a catalyst in the disintegration of the Soviet Union.

In the immediate post-Soviet era, the Russian press foundered as the economy collapsed, but the first Chechen war, which lasted from 1994 to 1996, revitalized Russian journalism. Television was especially powerful, and its coverage of the war turned millions of Russians against the conflict. In many respects, this period was the high watermark for an independent press in Russia.

But even as NTV and other television outlets helped to shape domestic opposition to the Chechen war, Russian journalism was shedding its independence. As Michael Specter wrote in the New Yorker about this period in Russia, "The moral tone of the journalist's world began to shift from idealistic to mercenary. The practice of writing biased news articles for money became routine, even at the best papers. Restaurant owners, businessmen and public officials knew that, for the right price, it would bring them favorable coverage almost anywhere."

This distortion of the journalistic creed of objectivity and neutrality was exacerbated in 1996 when President Yeltsin, whose support and opinion polls had fallen into the low single digits, faced off against Communist Gennady Zyuganov in the Russian presidential election. Knowing that without third-party intervention Yeltsin was doomed and that Zyuganov would reimpose control over the media, Russia's media elite intervened.

Over the course of the campaign, NTV and other media outlets collectively swayed Russian public opinion and Yeltsin ended up winning. But the damage was done. As a former anchor for NTV told the New Yorker's Michael Specter, the election "put a poisoned seed into the soil, and even if we did not see why, the authorities understood at once mass media could very easily be manipulated to achieve any goal. Whether the Kremlin needed to raise the rating of a president or bring down an opponent or conduct an operation to destroy a businessman, the media could do the job."

□ 1715

Once the Kremlin understood it could use journalists as instruments of its will and saw that journalists would go along, everything that happened in the Putin era was, sadly, quite logical.

The ascension of Vladimir Putin to the Russian presidency cemented the link between Russia's rulers and the press. Even without government censorship, the press has become a passive booster of the president's efforts to centralize authority and to restore

Russia to its former status as a great power. To that end, the Russian media has ignored the corruption and cronyism that has become institutionalized in Russia since the Yeltsin period, and has largely been uncritical of the prosecution of the second Chechnyan war which has raged for nearly 8 years.

But even as the vast majority of their colleagues censor themselves and follow the Kremlin line, a few brave journalists have dared to investigate, to question, and criticize. Journalistic independence in Russia is dangerous. And in a few minutes we will introduce you to some of the journalists whose brave voices have been stilled.

When my colleague arrives back on the floor, MIKE PENCE, I will introduce him. He has been a leading voice in the House on human rights and serves as the other co-chair of our Congressional Caucus For Freedom of the Press.

But this evening I will start in highlighting the Russian journalists who have lost their lives by talking about Ivan Safronov, who died in early March of this year after falling from a fifth floor stairwell window in his apartment building in Moscow.

He was a correspondent at Kommersant, and is the most recent journalist in Russia to die under a cloud of suspicion. Russian officials quickly called his death a suicide. However, according to colleagues of his at Kommersant, he had a very happy family life and had no motive to commit suicide. It was not until Kommersant and some other news media suggested foul play that the authorities agreed to investigate the circumstances of Mr. Safronov's death.

According to his editors, Mr. Safronov, a military affairs writer, was working on a story about Russian plans to sell weapons to Iran and Syria via Belarus. Mr. Safronov had been a colonel in the Russia Space Forces prior to reporting for Kommersant. He frequently angered authorities with his critical reporting and was repeatedly questioned by Federal authorities which suspected him of divulging state secrets. One such report that Mr. Safronov filed that angered officials revealed the third consecutive launch failure of a new Bulava intercontinental ballistic missile. This had been a pet project of President Putin's which was supposed to show the world Russia's nuclear strength.

Strangely enough, no charges were ever brought up against Mr. Safronov. He was well aware that he was reporting on a sensitive issue and was very careful in his work always to have a way to prove he was not divulging state secrets. He was known for making meticulous notes and conducting thorough research so he could always prove he got his information from known sources.

It would seem that sadly Mr. Safronov's reporting was too good and the only way to silence him was by eliminating him. Mr. Safronov is not on either of the lists of journalists that we have tonight to highlight because his death is so recent. But his tragic death is another example of the lack of progress being made to protect journalists in Russia.

Before I begin highlighting 13 of the journalists on the committee to protect journalists of the most recently murdered journalists in Russia, I would like to introduce my colleague from Indiana, MIKE PENCE, who is one of the co-chairs of the caucus and does a superb job advocating for the rights of the media.

Mr. PENCE. I thank the gentleman for yielding.

I am profoundly grateful that while I have the privilege of co-chairing the Congressional Caucus for Protection of the Press, I want to acknowledge you have been the driving force behind this caucus. You recruited me to participation a year ago and I am grateful for this opportunity to have a reunion with you publicly on the House floor. The gentleman from California is a Member I deeply admire, and am honored to be associated with, as well as our Senate colleagues, Senator CHRIS DODD and Senator RICHARD LUGAR from my home State.

I would reflect at the outset about World Press Freedom Day which was the very day that we launched the Congressional Caucus For Freedom of the Press back on May 3, 2006, the profound importance of the freedom of the press and my belief that the United States of America ought to be a beacon of freedom for the world. We ought to inspire, we ought to articulate, we ought to use our freedom, as the gentleman from California is doing today in this Special Order, to highlight the absence of freedom in other parts of the globe. I am greatly enthused by his leadership, Mr. Speaker, and by the opportunity today.

A few thoughts on freedom of the press. I would offer where there is no freedom of the press, there is no freedom. If America is to be a beacon of hope for the world, we must hold high the idea of a free and independent press. We must advance it abroad and we must defend it at home.

A few quotes about the centrality of freedom of the press. As the gentleman from California (Mr. SCHIFF) suggested, sometimes we don't quite understand how central the freedom of the press is to the success of the American experiment. But our Founders enshrined the freedom of the press in the first amendment because they understood, as people who believed in limited government, that the only check on government power in real-time is a free and independent press.

Our Founders did not include freedom of the press in the first amendment because they got good press, they included it there because they believed in limited government and they believed in the survival of liberty, and they understood the role that the press plays in our society and as we seek to promote it through this caucus in other societies. The press is that agency of progress, that agency of accountability that makes freedom possible and sustains freedom.

A few thoughts from our Founders before I yield back to our effort to highlight what has been a train of frightening contract-style killings taking place in Russia that we seek to highlight today. Thomas Jefferson would say, "Our liberty," and I would add parenthetically, anyone else's liberty, "Our liberty cannot be guarded but by freedom of the press, nor that limited without danger of losing it."

Roger McCormick, the founder of the Chicago Tribune, spoke words that are chiseled on the wall of that newspaper to this day, and I wrote them down when I was visiting the paper a few years ago, about the goal, the mission of a newspaper. He said, "The newspaper is an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion, and to furnish that check upon government which no Constitution has ever been able to provide."

Benjamin Rush, one of our Founding Fathers, would say, "Newspapers are the sentinels of the liberties of the country."

James Madison would say, "To the press alone checkered as it is with abuses, the world is indebted for all of the triumphs which have by gained by reason and humanity over error and oppression."

And Daniel Webster would say, "The entire and absolute freedom of the press is essential to the preservation of government on the basis of a free Constitution."

These great minds, these great voices of liberty, some of whom faces are chiseled into the wall of this great room, are what inspired the formation of the Congressional Caucus for the Freedom of the Press, and it inspires me to be able to stand with my co-chair, with the founder of this caucus, Congressman SCHIFF, to now use this platform, this stage, this blue and gold and red carpet to hold up the ideal of the freedom of the press, and in the exercise of our own freedom to challenge those and expose those places in the world where the freedom of the press is under siege.

As I prepare to yield back to the gentleman, I would say that the rising tide of violence against journalists in Russia since the advent of the presidency of Mr. Putin is deeply troubling and ought to be troubling to anyone who cherishes the notion of a free and independent press.

As we saw the wall fall in 1991, we all hoped that the daylight of liberty was rushing in with perestroika and the changes and the democracy movement, but it seems that Boris Yeltsin's recent passing may be a metaphor for Russia today. The Boris Yeltsin who stood against Soviet totalitarianism, stood for democracy in his country, passed into history just a matter of weeks ago, and it seems as I think the gentleman will articulate in a powerful and compelling way today, that as he passes into history, we fear that this experiment in freedom and democracy, and particularly a free press in Russia, is passing into history as well. We do not conclude that, we fear it.

I am honored to be able to join my colleague and participate as he yields time to telling some of the stories of these journalists who have paid the price for doing liberty's work in that country of Russia.

So again, I commend the gentleman and give him whole cloth credit for founding the Congressional Caucus For Freedom of the Press. I am honored to stand with him and honored to call him a friend.

Mr. SCHIFF. I thank the gentleman for your generosity and commitment. I know my colleague probably feels as I do that there is many a morning I get up and read the newspaper, seeing my own name in it, and not feel that this is the day I want to champion a free press. That does happen from time to time. But notwithstanding those occasional morning papers, we almost always recognize the importance of the institution. That is why we are here tonight.

When we have gotten together in the past, it is to highlight journalists who have been imprisoned or murdered or killers who have gone with impunity around the world. But because of the magnitude of the problem in Russia, because of the prevalence and the pernicious nature of what is going on in Russia, we felt that we needed to spotlight one country tonight and devote the entire hour to Russia.

Let me start by highlighting some of the 13 journalists in Russia who have been killed contract-style since President Putin was elected president in 2000.

This list of journalists was compiled by the caucus to protect journalists. These 13 journalists are all believed to have been deliberately killed due to their work as journalists. Their names and the dates they were killed and the media outlets they worked for are listed on some of the graphics that we have here tonight, and these are the faces of the 13 slain journalists.

It is one thing when we talk about the numbers of journalists that have been murdered this year and the number that were murdered last year or the number killed in Russia alone over the last several years. Those are only numbers; but when we look at this chart and we look at these journalists and we realize that these were each promising lives, these were each important lives, these were real people doing a courageous job who are no longer among us, we can understand the enormity of the crime that is going on.

The first of the journalists on the committee's list and the second most recent journalist in Russia to be murdered, probably the most well-known internationally is Anna Politkovskaya. Her portrait is behind me. Anna was found shot to death in her Moscow home on October 7 of last year in a murder that garnered worldwide condemnation.

□ 1730

Her death sparked protests from governments around the world, the European Union, and civil society groups concerned with freedom of the press.

Anna was a courageous and world-renowned writer for the paper Novaya Gazeta. For many years she had campaigned against the war in Chechnya, corruption, and shrinking freedoms throughout the Russian Federation. Anna was a fearless journalist committed to reporting the truth about the conflict in Chechnya, which she called "a small corner of hell."

In 7 years covering the second Chechen war, Anna's reporting repeatedly drew the wrath of Russian authorities. For simply reporting the truth about the conflict, she was threatened, jailed, forced into exile, and even poisoned. Even that was not enough to silence her.

In an interview with the Committee to Protect Journalists, Politkovskaya noted the government's obstruction and harassment of journalists trying to cover the Chechen conflict. She pointed out the difficulty of covering the 2004 hostage crisis in the North Ossetian town of Beslan that left 334 civilians dead. She said, "There is so much more to write about Beslan, but it gets more and more difficult when all the journalists who write are forced to leave."

Apparently the authorities were not content with simply forcing Politkovskaya to leave. She was poisoned on her way to cover the Beslan crisis. After drinking tea on a flight to the region, she became seriously ill and was hospitalized, but the toxin was never identified because the medical staff was instructed to destroy her blood tests.

Politkovskaya was threatened and attacked numerous times in retaliation for her work. In February 2001, security agents detained her in the Vedeno district in Chechnya, accusing her of entering Chechnya without accreditation. She was kept in a pit for three days without food or water, while a military officer threatened to shoot her. Seven months later, she received death threats from a military officer accused of crimes against civilians. She was forced to flee to Vienna after the officer sent an e-mail to Novaya Gazeta promising that he would seek revenge.

When Politkovskaya covertly visited Chechnya in 2002 to investigate new allegations of human rights abuses, security officers arrested her, kept her overnight at a military base, and threatened her. In October of that year, Politkovskaya served as a mediator between armed Chechen fighters and Russian forces during a hostage standoff in a central Moscow theater. Two days into the crisis, with the Kremlin restricting media coverage, Russian forces gassed the theater and 129 hostages died. Politkovskaya delivered some of the most compelling accounts of that tragedy.

Just prior to her murder, Anna was working on an article, accompanied by photos, about torture in Chechnya. It was due to be published days after she was killed. Her article, however, never arrived at the newspaper.

In her last book, Russia Under Putin, which was published this year in France, she not only criticized atrocities in Chechnya but also corruption and human rights violations in Russia.

Anna was internationally acclaimed for her courage and her professionalism, and now you can see why. She was named by the Committee to Protect Journalists as one of the world's top press freedom figures of the past 25 years in the fall 2006 edition of its magazine, Dangerous Assignments.

Anna may have been killed, but her memory continues to live on. Today, Anna was named this year's winner of the prestigious 2007 UNESCO/Guillermo Cano World Press Freedom Prize. This is the first time the honor has been awarded posthumously in its 10-year history.

While the Russian Government claims that many leads have been examined, so far the investigation has stalled, and no charges have been filed, a sadly familiar tale when a journalist is murdered in Russia.

This is the face of a woman of great courage, who gave her life so that the truth could come out and be told, and tonight we honor her memory and we point to her example.

I will turn now to Mr. PENCE to highlight our next journalist.

Mr. PENCE. Mr. Speaker, also pictured on our poster, and I believe the gentleman from California could point to, in the upper left corner of the poster should be the image of Magomedzagid Varisov.

At around 9 p.m. on June 28, 2005, in the city of Makhachkala, assailants armed with machine guns opened fire on Magomedzagid Varisov's sedan as he drove home with his wife. Varisov sustained multiple bullet wounds and died at the scene. The likely motive for Varisov's assassination was his work as a journalist and a commentator.

For three years prior to his murder, Varisov wrote analytical columns for the Novoye Delo, Dagestan's largest weekly newspaper. Dagestan, a Russian republic bordering the Caspian Sea, has been the scene of low-level political violence and unrest driven by a separatist rebellion since 2000. Varisov was often critical of the Dagestan separatists, and his expertise on the Northern Caucuses made him a highly sought after resource for reporters and researchers. As a journalist and a pundit, Varisov wrote that the opposition was trying to destabilize the republic and topple the regional government and authored investigative pieces into terrorism and organized crime in the region.

In an issue of Novoye Delo just before his death, Varisov examined Russian Army operations in the Chechen border town of Borozdinovskaya in which one person was killed and 11 others were reported missing. Ethnic Avars, fearing for their lives, left Borozdinovskaya by the hundreds and crossed into neighboring Dagestan. Varisov criticized Chechen authorities in his article for failing to protect the safety of Borozdinovskaya residents and appealed to Dagestan authorities to do right by them.

For over a year, Varisov had spoken of threats against him and had written about those threats in articles for Novoye Delo. Varisov complained that unknown individuals were following him, and he sought protection from Makhachkala law enforcement authorities. No protection came, and not long after, Varisov was gunned down.

In a tale that has become all too common in Russia, Mr. Varisov's murder will go unsolved and unprosecuted. A raid on October 25, 2005, killed three suspects in Mr. Varisov's death. Local prosecutors closed their case shortly afterward, and Varisov was added to the list of journalists whose murder will go unsolved but not forgotten.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman.

The next casualty in Russia's war on journalism that we will highlight tonight is Paul Klebnikov whose photo appears here.

Paul, editor of Forbes Russia and an investigative reporter, was gunned down as he left his Moscow office late at night on July 9, 2004. Authorities in Moscow described the case as a contract murder and said that he may have been killed because of his work. Paul, a U.S. journalist of Russian descent, was 41 years old when he was shot at least nine times from a passing car.

I had the opportunity to speak with his widow a year ago today when Representative PENCE and I launched this caucus, and I expressed my deep sorrow to her and their three young children about this tragic occurrence.

Paul had just started as the editor of Forbes Russia, which had launched three months prior to his death. He had risen through the ranks of Forbes over the prior 15 years with the magazine, starting as a reporter covering Russian economic reform and the rise of the country's new business elite. As a son of Russian emigrants with a long military tradition across the political stratosphere, Paul developed a significant expertise in Russian and Eastern European politics and economics, which he used to report on the murky world in post-Soviet Russia where politics and business meet.

Over the course of his career, Paul conducted hundreds of interviews with top Russian officials and business leaders and had interviewed nearly all of Russia's most famous businessmen, its oligarchs. His research into the activities of these leaders led to his first book. Further research into organized crime in Chechnya led to his second book. In 2003, he published a groundbreaking article on corruption among Iran's theocratic rulers.

When given the opportunity to launch Forbes Russia, Paul considered it a great opportunity to bring the best of Western values to a Nation struggling through a difficult political, economic and social transition. He wrote that Russia, despite setbacks, was entering an era where lawful, innovative, free enterprise capitalism could emerge. In Forbes Russia's inaugural edition of April 2004, Paul published an investigative piece that led to criticism from the Kremlin. The following May issue included a list of Russia's 100 richest people, noting that Moscow had more billionaires than any other city. Both articles incited the subjects of the pieces, and Paul's tradition of creating enemies through his reporting continued.

That history followed him to the night of his murder when Paul, after leaving work, was shot multiple times and killed. In his dying words, he said he couldn't imagine who wanted him dead.

A special crimes unit was assigned to investigate Paul's murder.

On September 28, 2004, Moscow police said they arrested two Chechen men suspected in the murder. But the suspects denied involvement, and police backed off their initial assertion. Less than two months later, on November 18, 2004, Moscow police and the Belarusian security service arrested three other Chechens considered suspects in the murder. Authorities provided only limited information about the evidence they used to link the new suspects to the crime.

Some analysts reacted to the arrests with skepticism. After the September arrests were reported, Oleg Panfilov, director of the Moscow-based press freedom group Center for Journalism in Extreme Situations, told an interviewer that authorities were pursuing a "farfetched Chechen trail."

Today, Paul's case remains another unsolved murder in Russia.

Paul may have believed Russia was entering a new era, but today we can still see that with independent reporting stifled and investigative journalists living in fear of contract killings, post-Soviet Russia still must close a vast gap to begin to have a free and unbiased press.

I yield to my colleague from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, Aleksei Sidorov is our next victim, and his image appears along with Valery Ivanov at the center of the poster, if the gentleman from California would point it out. I do think, as Mr. SCHIFF said earlier, it is important in this moment that we dwell on the fact that these were people who demonstrated courage, who had loved ones and who are now gone forever, both to the cause and to their families and their communities, and it is imperative we look them in the face.

On October 9, 2003, Aleksei Sidorov, the editor-in-chief of the independent daily known as Tolyatinskoye Obozreniye, was murdered in Togliatti, a city on the Volga River 600 miles east of Moscow.

Sidorov was the second editor-in-chief of that newspaper to be murdered in a 2-year span. His predecessor, shown in the same photograph, Valery Ivanov, was shot eight times at point-blank range in April 2002.

According to local press reports, two unidentified assailants stabbed Sidorov in the chest several times as he approached the apartment building in Togliatti where he lived with his family. The assailants fled after stabbing Sidorov, and the editor died in his wife's arms after she heard his call for help and came down to the entrance of their building.

Sidarov's paper was a newspaper known for its investigative reports on organized crime, government corruption, and shady corporate deals in the heavily industrialized city of Togliatti. His colleagues are convinced the murder was in retaliation for the paper's investigative work.

One of them told the Committee to Protect Journalists, "All of our investigative work was supervised by Aleksei." Another journalist at the paper told CPJ that Sidorov had received unspecified threats in retaliation for his work.

Government officials initially agreed that Sidorov's murder appeared to be a contract killing in retaliation for his work as a journalist. But a week after the killing, officials began offering conflicting explanations about the motive for the murder. On October 16, the local head of the Interior Ministry, Vladimir Shcherbakov, said Sidorov was stabbed after refusing to give a stranger a sip of some vodka he had supposedly been drinking, the independent Moscow daily Gazeta reported.

That same day, Deputy Prosecutor General Vladimir Kolesnikov said the murder was related to "the journalist's professional activity," the independent Moscow daily Kommersant reported. But the next day, he switched his story, calling the murder, "an act of hooliganism," the ITAR-TASS news agency reported.

☐ 1745

According to local news reports, Deputy Prosecutor General Yevgeny Novozhylov said that an intoxicated welder from one of the local factories, Yevgeny Maininger, stumbled upon Sidorov that evening and murdered him after a brief argument. The local police detained Maininger on October 12 and charged him with murder after he confessed to the killing.

Sidorov's family and journalists at the newspaper Tolyatinskoye Obozreniye were skeptical that the authorities had found the true killer. A year later, a Russian district court judge confirmed their doubts by acquitting the man.

On October 11, 2004, Judge Andrei Kirillov found that the 29 year-old alleged assailant was not involved in Sidorov's murder and said the prosecution's case was untenable, according to the independent Moscow daily known as Kommersant. Sidorov's family father said the family was pleased that the acquittal ended what they considered to be a flawed investigation. "The investigation, instead of seeking out the real killer of my son, tried to dump everything on this innocent person," Mr. Sidorov's father, said. "We will do everything possible to ensure the [authorities] start a normal investigation."

Karen Nersisian, the defense lawyer representing the Sidorov family, said, he will work to have the case transferred to a higher court in Moscow, according to local press reports.

More than 3 years later, Sidorov's killer has not been identified.

Mr. SCHIFF. It is a sad commentary on the number of journalists that have been murdered in Russia, that in an hour we will not have time to discuss all of them.

There are several journalists we may not be able to fully describe this evening who are featured on our chart. I do want to let those know who are listening and watching know that the full biographies and facts that we are outlining tonight can be obtained from the Committee to Protect Journalists and Reporters Without Borders. Much of the material we are using tonight is drawn from their sources, and we are deeply grateful for their work and assistance.

The next journalist we will highlight tonight is Dmitry Shvets. Dmitry's picture appears here in the middle of the chart. On April 18, 2003, the 37 year-old deputy director general of the independent television station TV–21 Northwestern Broadcasting in the northern Russian City of Murmansk, was shot dead outside of the station's offices.

An unknown assailant shot Dmitry several times at approximately 5:00 in the afternoon in front of witnesses and escaped in a getaway car that was waiting nearby. Dmitry died instantly. Dmitry was well known in Murmansk, not only for running the television station, but also for his political activism and a number of commercial interests. Although he had not worked as a journalist in many years, Dmitry remained in a managerial position and on the station's board of directors. According to press reports in the Moscow-based Center for Journalism in Extreme Situations, he influenced the station's editorial policy and TV–21's reporting.

The Murmansk media covered Dmitry's murder widely and actively speculated about the possible motive. Dmitry's colleague said the TV–21 had received several threats for its critical reporting on several influential politicians, include Andrei Gorshkov, a candidate in the city's mayoral race.

Several weeks before Dmitry's murder, Gorshkov had threatened TV–21's journalists several times after they broadcast a tough interview with him. TV–21 news editor Svetlana Bokova told the Committee to Protect Journalists that at the time of his death, Dmitry was using his contacts at the police and prosecutor's office to investigate the mayoral candidate's links to organized crime.

Police investigated various motives behind the murder, including Dmitry's political, commercial and journalistic activities at TV–21. Dmitry's colleagues maintain that he was killed in retaliation for TV–21's critical reporting on local politics.

Sadly, Dmitry's murder has yet to be solved.

I now yield to the gentleman from Indiana.

Mr. PENCE. On March 9, 2002, Natalya Skryl, a business reporter working for the Nashe Vremya newspaper in the City of Rostov-on-Don in southwestern Russia died from head injuries sustained during an attack the previous evening. Her image appears on our poster at the lower right-hand. Perhaps the gentleman from California could point that out for our C–SPAN camera team, Natalya Skryl.

Late on the night of March 8, Natalya was returning to her home in the town of Taganrog just outside of Rostov-on-Don when she was attacked from behind and struck in the head about a dozen times with a heavy blunt object. Neighbors called an ambulance and the police after hearing her scream. Natalya was found unconscious just outside her home and taken to Taganrog hospital, where she died the following day.

Natalya, who was 29, reported on local business issues for a newspaper owned by Rostov regional authorities. Just before her death, she was investigating an ongoing struggle for the control of Tagmet, an metallurgical plant. Nashe Vremya editor-in-chief Vera Yuzhanskaya believes that Natalya's death was related to her professional activities, ITAR-TASS news agency reported.

Since opening an investigation shortly after her murder, officials have changed their theory several times. Initially, the prosecutor's office said that because Natalya was carrying jewelry and a large sum of cash that were not taken at the time of the murder, that robbery could be ruled out as a motive.

But on July 24, 2002, the Taganrog Directorate of Internal Affairs announced that robbery was the motive, and that the crime was unrelated to her journalistic activities, according to a local radio station report. Taganrog authorities switched their story again on September 5, and the Nashe Vremya editor in chief, Vera Yuzhanskaya, told the Committee to Protect Journalists, when they closed the murder investigation without officially identifying the reason for the murder.

Gregory Bochkarov, a local analyst in Rostov-on-Don for the Moscow-based Center For Journalism in Extreme Situations told the Committee to Protect Journalists that the only credible motive for Natalya's murder was her reporting about Tagmet and that police had emphasized the robbery motive in an effort to play down the significance of her case. Just prior to her death Natalya reportedly told several of her colleagues that she had recently obtained sensitive information about the Tagmet story and was planning to publish an article revealing this information.

Let me say that again. Just prior to her death, Natalya told several colleagues that she had recently obtained sensitive information about the story and was planning to publish an article revealing that information.

Natalya, like all other journalists, is among the ranks of unsolved ranks of murders of journalists in Russia.

Mrs. Pence is waiting supper. I will ask the gentleman's forbearance. I extend my gratitude for your leadership of our caucus, for the honor of participating in this special order with you and to say how much I look forward to continuing to work with you as we use this institution of freedom to promote press freedom around the world.

Mr. SCHIFF. I thank the gentleman very much, and particularly since the gentleman conducted a special order hour before this one, I am amazed that his voice has held up this long. I thank the gentleman for all your work, and appreciate you joining me tonight.

The next journalist that I will highlight this evening is Eduard Markevich, and Eduard's picture appears in the upper left-hand corner. Mr.

Markevich was the 29-year-old editor and publisher of Novy Reft, the local newspaper in the town of Reftinsky, Sverdlovsk Region. He was found dead, shot in the back.

Novy Reft often criticized local officials, and Eduard's colleagues told the ITAR-TASS news service that he had received threatening telephone calls prior to the attack. This was not the first attack on Eduard, the Region-Inform news agency reported. In 1998, two unknown assailants broke into his apartment and severely beat him in front of his pregnant wife. They were never caught.

In 1999, Eduard was illegally detained for 10 days after local prosecutor's office charged him with defamation over a Novy Reft article questioning the propriety of a lucrative government contract that gave a former deputy prosecutor the exclusive right to represent the Reftinsky administration in court.

In May 2001, federal prosecutor general Vladimir Ustinov reprimanded the local prosecutor for violating Eduard's constitutional rights.

Police investigated, or launched an investigation into Eduard's murder. Now 6 years after the journalist's death. Authorities have made no progress, the Moscow-based Center for Journalism in Extreme Situations has reported. There is continually no progress made.

His wife continues to publish the Novy Reft, and, this evening, Eduard is in our thoughts and in our memories.

The next journalist I will highlight this evening, is Adam Tepsurgayev. Adam's picture appears just here to my right. Adam was a 24-year-old Chechen cameraman. He was shot dead at a neighbor's house in the village of Alkhan-Kala. His brother, Ali, was wounded in the leg during the attack.

A Russian government spokesman blamed Chechen guerillas for the murder. The gunman reportedly spoke Chechen, but local residents said the guerillas had no reason to kill a cameraman. During the first Chechen war in 1994–1996 Adam worked as a driver and fixer for foreign journalists. Later he started shooting footage from the front lines of the conflict between Russian troops and separatists guerillas. Reuters' Moscow bureau chief, Martin Nesirky, described him as an "irregular contributor." While most of Reuter's footage from Chechyna in 2000 was credited to Adam, including shots of Chechen field commander Shamil Basayev, having his foot amputated, he had not worked for Reuters in the 6 months before he died. His murder, too, is yet to be solved, and there are no details about any investigation.

The next journalist I will highlight this evening is Valery Ivanov. Valery's picture appears here. On April 29, 2002, Mr. Ivanov, editor of the newspaper, Tolyatinskoye Obozreniye, in the southern Russian city of Togliatti, was shot dead outside his home at approximately 11 at night. He was 32 years old and was shot eight times in the head at point blank range while entering his car, a colleague at the newspaper said.

My eyewitnesses saw a 25- to 30-year-old man walk up to Valery's car and shoot him, according to local press reports and the Committee to Protect Journalists sources. The killer used a pistol with a silencer and fled the scene on foot.

Valery's colleagues believe the killing was connected to his work. The newspaper he worked for is well known for its reports on local organized crime, drug trafficking and official corruption. Valery also served as a deputy in the local legislative assembly.

Local police opened a criminal investigation into the murder, and many considered several possible motives, though it is believed by many that he was killed in retaliation for his writing. Five years later, no one has been brought to justice for Valery's murder.

The next journalist we will highlight this evening is Sergey Ivanov. There is little known about the death of Sergey Ivanov. His picture appears here.

Around 10 p.m. on October 3, 2000, unknown gunmen killed Sergey in front of his apartment building in Togliatti, a town in Samara Province. He was the director of the largest independent television company in Togliatti. Sergey was shot five times in the head and chest.

Lada-TV, which the 30-year-old Sergey had headed since 1993, was a significant player in the local political scene. Investigators have considered a possible or commercial programming dispute as the motivation for the murder. However, the murder still remains unsolved. Without a complete investigation, we may never know the circumstances of his death.

The next journalist murdered in Russia we will highlight this evening is Iskandar Khatloni. Mr. Khatloni's picture appears to the far right on this chart, to my far right, that is.

On September 21, 2000, Iskandar, who was a reporter for the Tajik-language service of Radio Free Europe/Radio Liberty, was attacked late at night at his Moscow apartment by an unknown, axe-wielding assailant. The door of his apartment was not damaged, indicating that there was no forced entry and that the journalist might have known his attacker.

The 46-year-old Iskandar was struck twice in the head, according to Radio Free Europe's Moscow bureau. He then stumbled into the street and collapsed and was later found by a passerby. The journalist died later that night in Moscow's Botkin Hospital. Local police opened a murder investigation, but had made little progress by year's end.

Iskandar had worked since 1996 as a Moscow-based journalist for the Tajik service of the U.S.-funded RFE/RL, which broadcasts daily news programming to Tajikistan.

A Radio Free Europe spokeswoman said at the time of his death, Iskandar had been working on stories about the Russian military's human rights abuses in Chechyna.

□ 1800

Earlier in the year, a senior official in Russia's Media Ministry charged that Radio Free Europe was "hostile to our state." His death, along with all the other journalists killed in Russia since 2000, remains unsolved.

The next journalist we will highlight this evening is Sergey Novikov. On the night of July 26, 2000, Sergey Novikov, the 36-year-old owner of the only independent radio station in Smolensk, was shot and killed on the stairwell of his apartment building. The killer shot him four times and escaped through the back door.

Sergey had received death threats earlier in the year after announcing his intent to run for provincial governorship. He was one of the most successful businessmen in the region, serving on the board of directors of a local glass-making factory.

Sergey's employees believed his murder was politically motivated. His radio station, Radio Vesna, was a frequent critic of the government of Smolensk Province. Three days before his death, Sergey had taken part in a television panel that had discussed the alleged corruption of the provincial deputy government. To this day, his killer remains at large and the police have not determined a motive for his death.

My time will soon run out. There is one final reporter that I wish to highlight on this chart tonight, Igor Domnikov. On July 16, 2000, Igor, a 42-year-old reporter and special projects editor for the twice-weekly Moscow paper, Novaya Gazeta, died after being attacked 2 months earlier in the entryway of his apartment building in southeastern Moscow. According to numerous sources, the reporter was attacked by an unidentified assailant who hit him repeatedly on the head with a heavy object, presumably a hammer, and left him lying unconscious in a pool of blood, where a neighbor found him.

Igor was taken to the hospital with injuries to the skull and brain. After surgery and 2 months in a coma, the journalist died on July 16.

From the very beginning, Igor's colleagues and the police were certain the attack was related to his professional activity or that of the newspaper. It was also believed for a while that the assailant mistook Igor, who covered social and cultural issues, for a Novaya Gazeta investigative reporter named Oleg Sultanov, who lives in the same building. Sultanov claimed to have received threats from the Federal Security Service in January for his reporting on corruption in the Russian oil industry.

According to the paper's editorial staff, the Interior Ministry was actively investigating the brutal attack and promised Igor's colleagues to finish the investigation by the end of the summer if the latter agreed not to interfere or disclose any details of the case to the public. However, in early fall of that year the police downgraded the case's high priority status and archived it, as allowed by law for cases unresolved within 3 months.

Igor's colleagues were not informed about the downgrade. As they explained, archiving does not mean outright closure of the investigation; the case may be reopened if new information emerges. But this did not appear likely and has yet to happen almost 7 years later.

Those are the journalists we have time to highlight this evening. They are just a window into the attack on press freedom going on in Russia, and they stand as a shining example of the courage and dedication of some of the men and women around the world devoted to freedom of the press.

Tonight we honor their memory and we call on the Putin government to investigate their deaths and hold those responsible accountable

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTA (at the request of Ms. PELOSI) for after 2 p.m. today.

Mr. GINGREY (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Ms. PELOSI) for today and through May 9, 2007 on account of official business in district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of personal health reasons.

Mr. PEARCE (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFERSON) to revise and extend their remarks and include extraneous material:)

Mr. CLYBURN, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. JEFFERSON, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HAYES) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 10, 2007.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, May 7, 8, 9, and 10, 2007.

ADJOURNMENT

Mr. SCHIFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, May 7, 2007, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1476. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Washington; Modification of Administrative Rules Governing Committee Representation [Docket No. AMS-FV-06-0182; FV06-946-1 FR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1477. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Docket No. AMS-FV-06-0225; FV07-932-1 PR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1478. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2006-07 Crop Natural (sun-dried) Seedless Raisins [Docket No. AMS-FV-07-0027; FV07-989-1 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1479. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Apricots Grown in Designated Counties in Washington; Suspension of Container Regulations [Docket No. AMS-FV-07-0031; FV07-922-1 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1480. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Changes in Hourly Fee Rates for Science and Technology Laboratory Services-Fiscal Years 2007-2009 [Docket No. AMS-ST-07-0045; ST-05-01] (RIN: 0581-AC48) received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1481. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Olives Grown in California; Increased Assessment Rate [Docket No. AMS-FV-06-0225; FV07-932-1 FR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1482. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Onions Grown in South Texas; Exemption of Onions for Export [Docket No. AMS-FV-07-0043; FV07-959-2 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1483. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Almonds Grown in California; Outgoing Quality Control Requirements [Docket No. FV06-981-1 FR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1484. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 05-09, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1485. A letter from the Chair, Equal Employment Opportunity Commission, transmitting report of a violation of the Antideficiency Act by the Equal Employment Opportunity Commission, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1486. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report to Congress on the use of Aviation Continuation Pay (ACP) for Fiscal Year 2006, pursuant to 37 U.S.C. 301b(i); to the Committee on Armed Services.

1487. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report for improving the recruitment, placement, and retention within the Department of individuals who receive scholarships and fellowships under the National Security Education Act of 1951, pursuant to Public Law 109-364, section 945(c); to the Committee on Armed Services.

1488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Temporary Exhaust Emission Test Procedure Option for All Terrain Vehicles [EPA-HQ-OAR-2006-0858; FRL-8305-8] (RIN: 2060-A035) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the "Major Emitting Facility" Defition [EPA-HQ-OAR-2006-0089; FRL-8301-4] (RIN: 2060-AN77) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to Illinois portion of the St. Louis, Illinois portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area [EPA-HQ-OAR-2006-0841 FRL-8304-1] (RIN: 2060-A034) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1491. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — National Air Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning [EPA-HQ-OAR-2002-0009; FRL-8303-6] (RIN: 2060-AK22) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products [EPA-HQ-OAR-2002-0093; FRL-8304-2] (RIN: 2060-AN10) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Approval of Revision to Rescind Portions of the Ohio Transportation Conformity Regulations [EPA-R05-OAR-2007-0155; FRL-8305-3] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County; Prevention of Significant Deterioration (PSD) and New Source Review [EPA-R06-OAR-2006-0568; FRL-8305-1] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Operating Permit Programs; Maryland; Revisions to the Acid Rain Regulations [EPA-R03-OAR-2007-0254; FRL-8304-8] received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; and Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units [EPA-HQ-OAR-2005-0031; FRL-8302-3] (RIN: 2060-AN97) Received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1497. A letter from the Acting Inspector General, Department of Defense, transmitting the resultant review report, "Interagency Review of U.S. Export Controls for China," pursuant to Public Law 106-65; to the Committee on Foreign Affairs.

1498. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's notification of its intention to obligate up to $5.0 million of FY 2006 funds for the Cooperative Treat Reduction (CTR) Program, pursuant to Public Law 109-163, section 1302; to the Committee on Foreign Affairs.

1499. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 28, 2007 — April 24, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

1500. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final version of "Report on U.S. Government Assistance to and Cooperative Activities with Eurasia ," pursuant to Public Law 102-511, section 104; to the Committee on Foreign Affairs.

1501. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Foreign Affairs.

1502. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1503. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "Federal Student Loan Repayment Program FY 2006," pursuant to 5 U.S.C. 5379(a)(1)(B) Public Law 106-398, section 1122; to the Committee on Oversight and Government Reform.

1504. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 22), pursuant to 43 U.S.C. 1596; to the Committee on Natural Resources.

1505. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting the Proposed Final 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2007-2012; to the Committee on Natural Resources.

1506. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report on the adequacy of those rules to protect privacy and security, pursuant to Public Law 107-347 section 205(g); to the Committee on the Judiciary.

1507. A letter from the Director, Judicial Conference of the United States, transmitting the Office's fiscal year 2007 update to the Long Range Plan for Information Technology in the Federal Judiciary and the Judiciary Information Technology Fund Annual Report for Fiscal Year 2006, pursuant to 28 U.S.C. 612; to the Committee on the Judiciary.

1508. A letter from the Chairman, Inland Waterway Users Board, transmitting the Board's 21st annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b); to the Committee on Transportation and Infrastructure.

1509. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Market Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2006-2007 Marketing Year [Docket Nos. AMS-FV-07-0039; FV07-985-2 IFR] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1510. A letter from the Administrator, FAA, Department of Transportation, transmitting the Federal Aviation Administration's report required by Section 757 of Public Law 106-181, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 1873. A bill to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes; with an amendment (Rept. 110–111, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Ms. SLAUGHTER: Committee on Rules. H. Res. 370. A resolution providing for consideration of the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 (Rept. 110–121). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. LATOURETTE, and Ms. SCHAKOWSKY):

H.R. 2122. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. STARK, Mr. GRIJALVA, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. OBERSTAR, Mr. RANGEL, Ms. SCHWARTZ, and Mr. TOWNS):

H.R. 2123. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia:

H.R. 2124. A bill to amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Oversight and Government Reform.

By Mr. OBERSTAR (for himself, Mr. Baker, Mr. Berry, Mr. Walz of Minnesota, Mr. Franks of Arizona, Mr. Kind, Mr. Alexander, Mr. Boustany, Ms. Hirono, Mr. Simpson, Ms. Herseth Sandlin, and Mr. Pomeroy):

H.R. 2125. A bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes; to the Committee on Transportation and Infrastructure.

By Mr. CARNEY (for himself and Mr. Platts):

H.R. 2126. A bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 2127. A bill to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. CHABOT (for himself and Mr. Delahunt):

H.R. 2128. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

By Mr. McGOVERN (for himself and Mrs. Emerson):

H.R. 2129. A bill to strengthen the Food Stamp Act of 1977; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 2130. A bill to require a study and comprehensive analytical report on transforming America by reforming the Federal tax code through elimination of all Federal taxes on individuals and corporations and replacing the Federal tax code with a transaction fee-based system; to the Committee on Ways and Means.

By Mr. MARSHALL (for himself, Mr. King of New York, Mr. Towns, Mr. Fossella, Mr. Ackerman, Mr. Arcuri, Mr. Bishop of New York, Ms. Clarke, Mr. Crowley, Mr. Engel, Mrs. Gillibrand, Mr. Hall of New York, Mr. Higgins, Mr. Hinchey, Mr. Israel, Mr. Kuhl of New York, Mrs. Lowey, Mrs. McCarthy of New York, Mr. McHugh, Mr. McNulty, Mrs. Maloney of New York, Mr. Meeks of New York, Mr. Nadler, Mr. Rangel, Mr. Reynolds, Mr. Serrano, Ms. Velázquez, Ms. Slaughter, Mr. Walsh of New York, and Mr. Weiner):

H.R. 2131. A bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself, Mrs. Capps, Mr. Carnahan, Mr. Doggett, Ms. Schakowsky, Mr. Waxman, Ms. Baldwin, Mr. Emanuel, Mr. Gene Green of Texas, Ms. McCollum of Minnesota, and Ms. DeLauro):

H.R. 2132. A bill to amend the Public Health Service Act to establish a small business health benefits program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALLEN (for himself, Mr. McHugh, Mr. Patrick Murphy of Pennsylvania, and Ms. Eddie Bernice Johnson of Texas):

H.R. 2133. A bill to provide support for small business concerns, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Small Business, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. McIntyre, Mr. Jefferson, Mr. Poe, Mr. Garrett of New Jersey, Mr. Bartlett of Maryland, Mr. Terry, Mr. Burton of Indiana, Mr. Hunter, Mr. Miller of Florida, Mr. Lamborn, Mr. Smith of New Jersey, Mr. McCaul of Texas, Mr. Sali, Mr. Jones of North Carolina, Mr. Fortenberry, Mr. Pitts, Mr. Gingrey, Mr. Campbell of California, Mr. Pearce, Mr. Weldon of Florida, Mr. Neugebauer, Mr. Carter, Mr. Marchant, Mrs. Musgrave, Mr. Bilbray, Mr. Barrett of South Carolina, Mr. Bishop of Utah, Mr. Rogers of Alabama, Mr. Conaway, Mr. Hoekstra, Mr. Aderholt, Mrs. Jo Ann Davis of Virginia, Mr. Wicker, Mr. Everett, Mrs. Drake, Mr. Rogers of Kentucky, and Mr. Wamp):

H.R. 2134. A bill to establish certain requirements relating to the provision of services to minors by family planning projects under title X of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mrs. Cubin, Ms. Kaptur, Mr. Braley of Iowa, and Mr. Loebsack):

H.R. 2135. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture.

By Mr. DOGGETT (for himself, Mr. Emanuel, Mr. Levin, Ms. DeLauro, Ms. Lee, Mr. McGovern, Mr. Pascrell, Ms. Schakowsky, Mr. Stark, Ms. Sutton, Mr. Van Hollen, Mr. Grijalva, Mr. Lynch, Mr. Nadler, Mr. Lewis of Georgia, Mr. Fattah, Mr. Stupak, Ms. Kaptur, Mr. Rush, Mr. McNulty, Mr. George Miller of California, Mr. Andrews, Ms. Solis, Ms. Watson, Mr. Payne, Mr. Costello, Mr. Conyers, Ms. Slaughter, Mr. Farr, Mr. Filner, Mr. Hinchey, Mr. Cleaver, Mr. Johnson of Georgia, Mr. Welch of Vermont, Mr. Ellison, Mr. Bishop of New York, Mr. Neal of Massachusetts, Mr. Tierney, Mr. DeFazio, Mr. Abercrombie, and Ms. Clarke):

H.R. 2136. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. Blumenauer, and Ms. Schwartz):

H.R. 2137. A bill to amend the Internal Revenue Code of 1986 to modify the energy efficient appliance credit for appliances produced after 2007; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. Camp of Michigan, Mr. McDermott, Mr. Herger, Mr. Lewis of Georgia, Mr. Ramstad, Mr. Neal of Massachusetts, Mr. Sam Johnson of Texas, Mr. Pomeroy, Mr. English of Pennsylvania, Mrs. Jones of Ohio, Mr. Weller, Mr. Larson of Connecticut, Mr. Hulshof, Mr. Emanuel, Mr. Lewis of Kentucky, Mr. Blumenauer, Mr. Brady of Texas, Mr. Kind, Mr. Reynolds, Mr. Pascrell, Mr. Cantor, Ms. Berkley, Mr. Nunes, Mr. Crowley, Mr. Tiberi, Mr. Van Hollen, Mr. Porter, Ms. Schwartz, and Mr. Davis of Alabama):

H.R. 2138. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and strengthen the alternative simplified credit for qualified research expenses; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself, Mr. Frank of Massachusetts, Mr. Feeney, and Mr. Tiberi):

H.R. 2139. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. Porter, Mr. Thompson of Mississippi, Mr. Crowley, Mr. LoBiondo, Mr. Heller, Mr. Walz of Minnesota, Mr. Cohen, Mr. Meeks of New York, Mr. Al Green of Texas, Mr. Berman, Mr. Frank of Massachusetts, Mr. Ruppersberger, Mr. Yarmuth, Mr. Serrano, Mr. McGovern, Mr. Towns, Mr. Pascrell, Ms. Jackson-Lee of Texas, Mr. Payne, Mr. Clay, Mr. Capuano, Mr. Larson of Connecticut, Mr. Ryan of Ohio, Ms. Linda T. Sánchez of California, Mr. Weiner, Mr. Ackerman, Mrs. Maloney of New York, Mr. Wexler, Mr. Meek of Florida, Mrs. Napolitano, Mr. Peterson of Minnesota, Mr. Melancon, Mr. Abercrombie, Mr. Hill, Mr. Taylor, Mr. Thompson of California, Ms. Watson, Mr. Lewis of Georgia, Mr. Conyers, Ms. Kilpatrick, Mr. Gutierrez, Mr. Costello, Ms. Loretta Sanchez of California, Mr. Moore of Kansas, Ms. Corrine Brown of Florida, Mrs. Jones of Ohio, Mr. Nadler, Mr. Rangel, Mr. Honda, Mr. Hastings of Florida, Mr. Davis of Illinois, Mr. Langevin, Mr. Faleomavaega, Mr. Hinchey, Ms. Schakowsky, Mr. Gonzalez, Mr. Grijalva, Mr. Israel, Mr. Costa, and Mr. Clyburn):

H.R. 2140. A bill to provide for a study by the National Academy of Sciences to identify the proper response of the United States to the growth of Internet gambling; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. FLAKE, and Mr. SIMPSON):

H.R. 2141. A bill to allow small public water systems to request an exemption from the requirements of any national primary drinking water regulation for a naturally occurring contaminant, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 2142. A bill to amend title 39, United States Code, to allow absentee ballots in Federal elections to be mailed by voters free of postage; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Kentucky:

H.R. 2143. A bill to require the Secretary of Defense to enter into an agreement with the Center for the Study of the Presidency to study reforms of the national security interagency system; to the Committee on Armed Services.

By Ms. DELAURO (for herself, Mr. GILCHREST, Mr. MURPHY of Connecticut, Ms. WOOLSEY, Mr. ROTHMAN, Mr. GERLACH, Mr. RUPPERSBERGER, Mr. SHAYS, Mr. ALLEN, Mr. HINCHEY, Mr. COURTNEY, Ms. KAPTUR, Mr. LARSON of Connecticut, Ms. SCHAKOWSKY, Mr. HODES, Mr. CASTLE, Mr. ARCURI, Mr. FARR, Mr. WELCH of Vermont, Mr. MCHUGH, Mr. REYNOLDS, Ms. SHEA-PORTER, and Mr. OLVER):

H.R. 2144. A bill to extend and enhance farm, nutrition, and community development programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARIO DIAZ-BALART of Florida:

H.R. 2145. A bill to establish a pilot program in the Department of State for improvement of government-to-government relations with the Miccosukee Tribe of Indians of Florida; to the Committee on Natural Resources.

By Mr. ELLISON (for himself, Ms. CORRINE BROWN of Florida, Mr. CLAY, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. HODES, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. PERLMUTTER, Mr. WALZ of Minnesota, Ms. WATERS, and Ms. WOOLSEY):

H.R. 2146. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. EMANUEL (for himself, Mr. RAMSTAD, Mr. LAHOOD, Mr. ROSS, Ms. SCHWARTZ, Ms. SHEA-PORTER, Mrs. EMERSON, Mr. KENNEDY, Mr. COURTNEY, Mr. PLATTS, Mr. SCHIFF, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. ALEXANDER, Ms. HIRONO, Ms. BERKLEY, Mr. SARBANES, Mr. COHEN, Mr. MORAN of Virginia, Ms. NORTON, Mr. JACKSON of Illinois, Mr. DAVIS of Alabama, Mr. SMITH of Washington, Mr. KIND, Mrs. TAUSCHER, Mr. CROWLEY, Mr. RUSH, Mr. HARE, Mr. HIGGINS, Mr. BRALEY of Iowa, Mr. SNYDER, Mr. MEEKS of New York, and Mr. CLEAVER):

H.R. 2147. A bill to amend titles XXI and XIX of the Social Security Act to extend the State Children's Health Insurance Program (SCHIP) and streamline enrollment under SCHIP and Medicaid and to amend the Internal Revenue Code of 1986 to provide for a healthy savings tax credit for purchase of children's health coverage; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 2148. A bill to amend the Internal Revenue Code of 1986 to provide a 15-year recovery period for property used in the transmission or distribution of electricity for sale; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 2149. A bill to amend title XVIII of the Social Security Act to waive the late enrollment penalty under the Medicare part D benefit for certain months for individuals who are first eligible to enroll for such benefit for 2006 or 2007 and who enroll by the end of the first annual, coordinated election period following their initial enrollment period, to limit the amount of such penalty, and to require the Secretary of Health and Human Services to conduct a study on such penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 2150. A bill to authorize appropriations to provide for South Pacific exchanges; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H.R. 2151. A bill to provide technical and other assistance to countries in the Pacific region through the United States Agency for International Development; to the Committee on Foreign Affairs.

By Mr. FALEOMAVAEGA:

H.R. 2152. A bill to authorize appropriations to provide Fulbright Scholarships for Pacific Island students; to the Committee on Foreign Affairs.

By Mr. GORDON:

H.R. 2153. A bill to recognize and enhance the contributions of the National Aeronautics and Space Administration to the Nation's competitiveness in the 21st Century, and for other purposes; to the Committee on Science and Technology.

By Ms. HERSETH SANDLIN (for herself, Mr. FORTENBERRY, and Ms. KAPTUR):

H.R. 2154. A bill to enhance and improve the energy security of the United States, expand economic development, increase agricultural income, and improve environmental quality by reauthorizing and improving the renewable energy systems and energy efficiency improvements program of the Department of Agriculture through fiscal year 2012, and for other purposes; to the Committee on Agriculture.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 2155. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mr. CARNEY, Mr. RYAN of Ohio, Mr. HODES, Mr. BISHOP of New York, Mr. MOORE of Kansas, and Mr. PERLMUTTER):

H.R. 2156. A bill to require a clear accounting of the combat proficiency of the security forces of Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Illinois:

H.R. 2157. A bill to amend title XVIII of the Social Security Act to provide that certain facilities located in areas designated as rural areas before January 1, 2000, qualify as rural health clinics regardless of whether or not such areas remain so designated; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas (for himself, Mr. HERGER, Mr. ENGLISH of Pennsylvania, Mr. BRADY of Texas, Mr. REYNOLDS, Mr. CANTOR, Mr. GRAVES, and Mr. BUCHANAN):

H.R. 2158. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits; to the Committee on Ways and Means.

By Mr. KIND (for himself and Mrs. MCMORRIS RODGERS):

H.R. 2159. A bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. PASCRELL, and Mr. GOODE):

H.R. 2160. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN:

H.R. 2161. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

By Mrs. LOWEY (for herself, Mr. HALL of New York, and Mr. HINCHEY):

H.R. 2162. A bill to provide certain requirements for the licensing of commercial nuclear facilities; to the Committee on Energy and Commerce.

By Mr. MACK (for himself, Mr. MILLER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, Mr. ALEXANDER, Mr. BONNER, Mr. CRENSHAW, Mr. WESTMORELAND, Mr. FEENEY, Mrs. BONO, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, and Mr. CAMPBELL of California):

H.R. 2163. A bill to amend the Internal Revenue Code of 1986 to expand incentives for saving; to the Committee on Ways and Means.

By Mr. MCNULTY (for himself, Mr. REYNOLDS, Mr. ALLEN, Mr. PICKERING, and Mr. ENGLISH of Pennsylvania):

H.R. 2164. A bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas (for himself, Mrs. MCCARTHY of New York, Ms. SHEA-PORTER, Mr. HARE, Mr. MANZULLO, Mr. POE, and Mr. RAMSTAD):

H.R. 2165. A bill to establish a grant program to assist in the provision of safety measures to protect social workers and other professionals who work with at-risk populations; to the Committee on Education and Labor.

By Mr. MORAN of Kansas (for himself, Mr. STUPAK, and Mr. MOORE of Kansas):

H.R. 2166. A bill to amend the Elementary and Secondary Education Act of 1965 to improve the method of determining adequate yearly progress, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts (for himself, Mr. ENGLISH of Pennsylvania, Mr. EMANUEL, Mr. LARSON of Connecticut, and Ms. SCHWARTZ):

H.R. 2167. A bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2168. A bill to authorize the Secretary of Health and Human Services to establish a dental education loan repayment program to encourage dentists to serve at facilities with a critical shortage of dentists in areas with a high incidence of HIV/AIDS; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. SHAYS, Mr. BLUMENAUER, Mrs. CAPPS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. CHANDLER, Ms. MCCOLLUM of Minnesota, Mr. FARR, Mr. LANGEVIN, Mr. SIRES, Mr. GRIJALVA, Mr. PAYNE, Mr. HINCHEY, Mr. GUTIERREZ, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. DELAHUNT, Mr. BERMAN, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. SMITH of Washington, Mr. CONYERS, Mr. MILLER of North Carolina, Mr. HARE, Ms. SCHAKOWSKY, Ms. WOOLSEY, Mr. SCHIFF, Mr. KUCINICH, Mr. SERRANO, Mr. MCHUGH, Mr. MCGOVERN, Mr. MEEHAN, Mr. STARK, Mr. COOPER, Mr. GILCHREST, Mr. MCNERNEY, Mr. INSLEE, Mr. DEFAZIO, Mr. KENNEDY, Mr. MCNULTY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. ROTHMAN, Mr. TIERNEY, Mr. MCDERMOTT, Mr. YARMUTH, Mr. RUSH, Mr. CUMMINGS, Mr. PLATTS, Mr. CLAY, Mr. HODES, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. ALLEN, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Mr. KILDEE, Ms. LEE, Ms. DELAURO, Mr. SHULER, and Mr. SPRATT):

H.R. 2169. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE (for himself and Mr. RADANOVICH):

H.R. 2170. A bill to prevent any individual who has been convicted of a sexual offense involving a minor from serving in the Department of the Interior or the Department of Agriculture; to the Committee on Oversight and Government Reform.

By Mr. REYES:

H.R. 2171. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for disclosure to consumers of the fuels and sources of electric energy purchased from electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REYES:

H.R. 2172. A bill to amend title 38, United States Code, to require that all Department of Veterans Affairs orthotic-prosthetic laboratories, clinics, and prosthesists are certified by either the American Board for Certification in Orthotics and Prosthetics or the Board of Orthotics and Prosthetic Certification, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ (for himself and Mrs. NAPOLITANO):

H.R. 2173. A bill to amend title 38, United States Code, to authorize additional funding for the Department of Veterans Affairs to increase the capacity for provision of mental health services through contracts with community mental health centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SALAZAR:

H.R. 2174. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. WHITFIELD):

H.R. 2175. A bill to amend the Interstate Horseracing Act of 1978 to require, as a condition to the consent for off-track wagering, that horsemen's groups and host racing commissions offer insurance coverage for professional jockeys and other horseracing personnel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 2176. A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 2177. A bill to establish certain requirements relating to area mail processing studies; to the Committee on Oversight and Government Reform.

By Mr. WALBERG (for himself and Mr. GINGREY):

H.R. 2178. A bill to amend the Clean Air Act to require that, after 5 years, all diesel fuel sold to consumers in the United States for motor vehicles contain not less than 2 percent bio-fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALZ of Minnesota:

H.R. 2179. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish traumatic brain injury centers; to the Committee on Veterans' Affairs.

By Mr. MEEKS of New York (for himself, Ms. CORRINE BROWN of Florida, Ms. LORETTA SANCHEZ of California, Mr. JEFFERSON, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. HINOJOSA, Mrs. MALONEY of New York, Mrs. JONES of Ohio, Mr. CUELLAR, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. BISHOP of Georgia, Mr. WEINER, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. AL GREEN of Texas, Mr. WYNN, Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. RUSH, Mr. FATTAH, Mr. RANGEL, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Mr. KUCINICH, Ms. WATSON, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. CLEAVER, Mr. BUTTERFIELD, Mr. ACKERMAN, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. CLYBURN, Mr. BACA, Mr. CROWLEY, Mr. CONYERS, Mr. SERRANO, Mr. LEWIS of Georgia, Ms. CARSON, Mr. ELLISON, Mr. GUTIERREZ, Ms. WATERS, Mr. WATT, Mrs. LOWEY, Ms. VELÁZQUEZ, Ms. JACKSON-LEE of Texas, Mr. LYNCH, Mr. ROTHMAN, Mr. DELAHUNT, Mr. WEXLER, Mr. GRIJALVA, Mr. SIRES, Mr. CLAY, Mr. CUMMINGS, Mr. SCOTT of Virginia, Ms. CLARKE, and Ms. NORTON):

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H. Con. Res. 141. Concurrent resolution honoring the life of Betty Shabazz; to the Committee on Oversight and Government Reform.

By Mr. SHAYS (for himself, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mr. DEFAZIO, Mr. MOORE of Kansas, and Mr. KIRK):

H. Con. Res. 142. Concurrent resolution expressing the sense of the Congress that there should be established a National Pet Week; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL:

H. Res. 368. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. BERKLEY:

H. Res. 369. A resolution supporting the goals and ideals of National Osteoporosis Awareness and Prevention Month; to the Committee on Energy and Commerce.

By Mr. ALTMIRE (for himself, Mrs. MCCARTHY of New York, Mr. KUCINICH, Ms. SHEA-PORTER, and Mr. HOLDEN):

H. Res. 371. A resolution in observance of National Physical Education and Sports Week; to the Committee on Education and Labor.

By Mr. FEENEY (for himself, Mr. GOODLATTE, Mr. SESSIONS, Mr. JONES of North Carolina, Mr. HERGER, Mr. PENCE, Mr. KING of Iowa, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. ISSA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Ms. FOXX, Mrs. MYRICK, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. PAUL, Mrs. MUSGRAVE, Ms. FALLIN, Mr. CAMPBELL of California, Mr. AKIN, Mr. GOHMERT, Mr. LAMBORN, Mr. MILLER of Florida, Mr. CHABOT, Mr. FORBES, Mr. CANNON, Mrs. BLACKBURN, Mrs. JO ANN DAVIS of Virginia, Mr. WESTMORELAND, Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. BOOZMAN, Mr. TERRY, Mr. WILSON of South Carolina, Mr. CANTOR, Mr. FORTUÑO, Mr. MACK, Mr. BLUNT, Mr. SULLIVAN, Mr. GALLEGLY, Mr. GOODE, Mr. TIAHRT, Mr. PITTS, Mr. WELDON of Florida, Mr. CARTER, Mr. POE, and Mr. INGLIS of South Carolina):

H. Res. 372. A resolution expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. BILIRAKIS, Mr. PALLONE, Mr. MCGOVERN, Ms. WATSON, Mr. BROWN of South Carolina, Mr. SARBANES, Mr. MCNULTY, and Mr. SPACE):

H. Res. 373. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

By Mr. RUPPERSBERGER (for himself and Mr. FARR):

H. Res. 374. A resolution congratulating and commending Free Comic Book Day as an enjoyable and creative approach to promoting literacy and celebrating a unique American art form; to the Committee on Oversight and Government Reform.

By Mr. WESTMORELAND (for himself, Mr. KINGSTON, Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. DEAL of Georgia, Mr. GINGREY, Mr. BARROW, and Mr. SCOTT of Georgia):

H. Res. 375. A resolution honoring United Parcel Service and its 100 years of commitment and leadership in the United States; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON:

H.R. 2180. A bill for the relief of Adela and Darryl Bailor; to the Committee on the Judiciary.

By Mr. MCDERMOTT:

H.R. 2181. A bill for the relief of Mohuiddin A. K. M. Ahmed; to the Committee on the Judiciary.

By Mr. RUSH:

H.R. 2182. A bill for the relief of Elvira Arellano, Juan Carlos Arreguin, Martin Guerrero Barrios, Maria I. Benitez, Francisco J. Castro, Jaime Cruz,Martha Davalos, Herminion Davalos, Disifredo Adan Delvalle, Angel Espinoza, Veronica Lopez, Francisca Lino, Maria A. Martin, Juan Jose Mesa, Maria Natividad Loza, Blanca E. Nolte, Domenico Papaianni, Romina Perea, Juan Jose Rangel Sr., Dayron S. Rios Arenas, Araceli Contreras-Del Toro, Doris Oneida Ulloa, Bladimir I. Caballero, Arnulfo Alfaro, Consuelo and Juan Manuel Castellanos, Eliseo Pulido, Gilberto Romero, Maria Liliana Rua-Saenz, Aurelia and Tomas F. Martinez-Garcia, Flor Crisostomo; Fatuma Karuma, Stanislaw Rychtarczyk, Slobodan Radanovich, and Agustin Sanchez-Dominguez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. GEORGE MILLER of California and Mr. HARE.

H.R. 89: Mr. MICHAUD.

H.R. 111: Mr. FATTAH, Mr. THOMPSON of Mississippi, Mr. KLEIN of Florida, Mr. CARNAHAN, Mr. LAMPSON, Mr. DOGGETT, and Mr. MORAN of Virginia.

H.R. 157: Mr. LANTOS.

H.R. 178: Ms. WATERS and Ms. SOLIS.

H.R. 180: Ms. SOLIS and Mr. MCINTYRE.

H.R. 197: Mr. ARCURI, Mr. COHEN, Mr. COURTNEY, Mr. GILCHREST, Mr. TIERNEY, and Mr. WEXLER.

H.R. 204: Mr. GRIJALVA.

H.R. 269: Mr. LOBIONDO, Mr. COLE of Oklahoma, Mr. MARSHALL, and Mr. ORTIZ.

H.R. 274: Mrs. DRAKE.

H.R. 281: Mr. DAVIS of Alabama.

H.R. 297: Ms. ESHOO.

H.R. 303: Mr. CHANDLER.

H.R. 346: Mr. TURNER.

H.R. 451: Ms. ZOE LOFGREN of California, Mr. KUCINICH, Mr. GENE GREEN of Texas, Ms. ROS-LEHTINEN, and Mr. FILNER.

H.R. 463: Mr. RYAN of Ohio.

H.R. 549: Mr. TURNER.

H.R. 550: Mr. MORAN of Virginia, Mr. CAPUANO, Mr. SCHIFF, Ms. MCCOLLUM of Minnesota, Mr. POMEROY, Mr. MARSHALL, Mr. SMITH of Washington, Mr. PERLMUTTER, Mr. LEE, Mr. HOEKSTRA, and Mr. THOMPSON of California.

H.R. 551: Mr. DOOLITTLE, Mr. LAMPSON, Ms. WATSON, Mr. DREIER, Mr. BRADY of Texas, Mr. EDWARDS, and Mr. ISSA.

H.R. 563: Mr. CALVERT and Mr. SPACE.

H.R. 619: Ms. WOOLSEY, Mr. ISRAEL, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mr. OLVER, and Mr. DEFAZIO.

H.R. 636: Mr. TURNER.

H.R. 657: Ms. FOXX, Mr. SPRATT, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. BAIRD, and Mr. HELLER.

H.R. 662: Ms. BORDALLO and Mr. ISSA.

H.R. 676: Mr. WELCH of Vermont.

H.R. 677: Ms. KAPTUR.

H.R. 687: Mr. WAXMAN, Mr. EMANUEL, Mr. MORAN of Virginia, and Mr. MCCOTTER.

H.R. 691: Mr. GRIJALVA and Mr. TIM MURPHY of Pennsylvania.

H.R. 692: Ms. KAPTUR.

H.R. 695: Mr. TIERNEY and Ms. DEGETTE.

H.R. 718: Mr. KING of New York.

H.R. 725: Mr. WAMP.

H.R. 728: Mr. HARE.

H.R. 743: Mr. BURTON of Indiana.

H.R. 758: Mr. UPTON and Mr. FORTUÑO.

H.R. 779: Mr. MILLER of Florida.

H.R. 784: Mr. WELLER and Mr. PEARCE.

H.R. 809: Mr. MURTHA and Mr. PLATTS.

H.R. 881: Mr. DOOLITTLE.

H.R. 887: Mr. PAYNE.

H.R. 901: Mr. MCNULTY.

H.R. 906: Mr. LANTOS, Mr. GILCHREST, Mr. INSLEE, and Mr. JONES of North Carolina.

H.R. 916: Mr. POE.

H.R. 939: Mr. DEAL of Georgia.

H.R. 943: Mr. DELAHUNT, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas.

H.R. 964: Mr. BUYER.

H.R. 971: Mr. HARE.

H.R. 992: Ms. SCHAKOWSKY and Mr. FARR.

H.R. 1011: Mrs. NAPOLITANO.

H.R. 1014: Mr. WELLER, Mr. ISRAEL, Mr. KIND, Mr. LANGEVIN, Mr. HARE, Mr. BURGESS, Mr. TIERNEY, and Ms. WATERS.

H.R. 1022: Mr. LANGEVIN and Mr. OLVER.

H.R. 1023: Mr. ROTHMAN, Mr. AKIN, Mr. MCCOTTER, Mr. CRENSHAW, Mr. REHBERG, Mr. TERRY, Mr. ROSKAM, Mr. YOUNG of Alaska, Mr. MARIO DIAZ-BALART of Florida, and Ms. ROS-LEHTINEN.

H.R. 1028: Mr. MICHAUD.

H.R. 1049: Mr. PENCE.

H.R. 1061: Mr. STUPAK and Mrs. MCMORRIS RODGERS.

H.R. 1076: Mr. CONAWAY.

H.R. 1091: Mr. HIGGINS, Mr. YOUNG of Florida, Mr. KELLER, and Mr. KLINE of Minnesota.

H.R. 1102: Mr. LAMPSON, Mr. WALZ of Minnesota, and Mr. RYAN of Ohio.

H.R. 1105: Mr. ALLEN.

H.R. 1108: Mr. KIND, Mr. CARNEY, Mrs. CAPITO, and Mr. UDALL of Colorado.

H.R. 1110: Mr. OLVER, Ms. HOOLEY, Mr. ROGERS of Alabama, Mr. HIGGINS, Mr. CARNAHAN, Ms. PRYCE of Ohio, Mrs. CUBIN, Mr. INGLIS of South Carolina, Mr. CAPUANO, Mr. SMITH of Texas, Mr. BOUCHER, Mr. WALDEN of Oregon, Mr. SOUDER, Mr. CLAY, Mr. MARSHALL, Mr. KING of New York, Mrs. WILSON of New Mexico, Mr. STEARNS, MR. CROWLEY, Mr. SARBANES, Mr. GARY G. MILLER of California, Mr. DEAL of Georgia, Mr. POMEROY, and Mr. CARTER.

H.R. 1112: Mr. FORTENBERRY and Mr. MILLER of Florida.

H.R. 1113: Mr. WAXMAN, Mr. SESSIONS, Mr. MCDERMOTT, Mr. KENNEDY, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. TAYLOR, and Mr. GRIJALVA.

H.R. 1119: Ms. ROYBAL-ALLARD.

H.R. 1139: Mrs. BONO.

H.R. 1142: Mr. INSLEE, Mr. CARNEY, Mr. BLUMENAUER, Mr. REYES, Mr. CLEAVER, Mr. TERRY, and Mr. COSTELLO.

H.R. 1147: Mr. WELLER.

H.R. 1157: Ms. KAPTUR, Mr. LATOURETTE, Mr. SCOTT of Virginia, and Mr. ARCURI.

H.R. 1177: Mr. MCINTYRE, Mr. HINCHEY, and Mrs. EMERSON.

H.R. 1192: Mr. BILIRAKIS, Mr. YARMUTH, Mr. KIRK, and Mr. YOUNG of Florida.

H.R. 1199: Mr. TERRY.

H.R. 1232: Mr. JOHNSON of Illinois.

H.R. 1239: Mr. MORAN of Kansas.

H.R. 1248: Mr. SIRES.

H.R. 1252: Ms. SHEA-PORTER, Mr. INSLEE, Mr. BRALEY of Iowa, and Mr. COURTNEY.

H.R. 1267: Mr. LEVIN, Mr. WILSON of Ohio, Mr. COSTA, Mrs. CUBIN, and Mr. KIND.

H.R. 1280: Ms. BERKLEY.

H.R. 1283: Mrs. DRAKE and Mr. HAYES.

H.R. 1293: Mr. BOOZMAN.

H.R. 1302: Mr. PRICE of North Carolina and Mr. MEEK of Florida.

H.R. 1303: Mr. MOORE of Kansas.

H.R. 1328: Mrs. WILSON of New Mexico.

H.R. 1350: Mr. ROGERS of Michigan.

H.R. 1398: Mr. FLAKE, Mr. REYNOLDS, Mr. SHUSTER, and Mr. NUNES.

H.R. 1399: Mr. BOREN and Mr. WELLER.

H.R. 1409: Mr. PAYNE.

H.R. 1415: Mr. GRIJALVA and Mr. MARKEY.

H.R. 1416: Mr. GRIJALVA and Mr. MARKEY.

H.R. 1419: Mr. HINOJOSA, Mr. CONAWAY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BACHUS, Mr. HOLT, Mr. MILLER of Florida, Ms. MATSUI, Mr. ROHRABACHER, Mr. SKELTON, Mr. PETRI, Mr. WILSON of South Carolina, Mr. REHBERG, Mr. FEENEY, Mr. STUPAK.

H.R. 1424: Mr. MITCHELL and Mrs. CAPITO.

H.R. 1439: Mr. ROGERS of Kentucky, Mr. TIERNEY, Mr. HULSHOF, and Mr. ISSA.

H.R. 1459: Mr. HINOJOSA, Mr. BOREN, Mr. MILLER of Florida, Mr. BUCHANAN, Mr. PAUL, and Mr. TOWNS.

H.R. 1461: Mr. HODES.

H.R. 1474: Mr. COSTELLO, Mr. MICHAUD, Mr. THOMPSON of Mississippi, and Ms. MATSUI.

H.R. 1475: Mr. HARE.

H.R. 1481: Mr. TERRY and Mr. POE.

H.R. 1494: Mr. GRIJALVA.

H.R. 1506: Mr. OBERSTAR, Ms. ROYBAL-ALLARD, and Mr. WEXLER.

H.R. 1509: Mr. KIND and Mr. BLUMENAUER.

H.R. 1527: Mr. CUELLAR and Mr. GILLMOR.

H.R. 1543: Mr. MARIO DIAZ-BALART of Florida and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1560: Mr. RUSH.

H.R. 1567: Mr. CROWLEY, Mr. RUSH, Mr. JEFFERSON, and Mr. MCNULTY.

H.R. 1584: Mr. ALLEN, Mr. SHUSTER, Mr. ALTMIRE, Mrs. MILLER of Michigan, Mr. KIRK, Mr. MILLER of Florida, Mr. DUNCAN, Mr. MICHAUD, and Mr. LATHAM.

H.R. 1588: Mr. MORAN of Kansas.

H.R. 1589: Mr. WELLER and Mr. PEARCE.

H.R. 1618: Ms. KAPTUR and Mr. KUHL of New York.

H.R. 1619: Mr. WALBERG and Ms. KAPTUR.

H.R. 1623: Ms. CORRINE BROWN of Florida, Ms. SUTTON, and Mr. HARE.

H.R. 1645: Mr. JACKSON of Illinois, Ms. MCCOLLUM of Minnesota, and Mrs. CAPPS.

H.R. 1647: Mr. DENT, Mr. CALVERT, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. WHITFIELD, Ms. HERSETH SANDLIN, and Mr. LANGEVIN.

H.R. 1649: Mrs. CUBIN.

H.R. 1653: Mr. RUSH.

H.R. 1660: Mr. HARE.

H.R. 1663: Mr. GRIJALVA, Mr. HIGGINS, Mr. DAVIS of Alabama, Mr. LEWIS of Georgia, Mr. PASTOR, and Ms. KAPTUR.

H.R. 1688: Ms. MCCOLLUM of Minnesota, Mr. LEWIS of Georgia, and Ms. WATERS.

H.R. 1700: Mr. SPACE, Ms. LORETTA SANCHEZ of California, Ms. DEGETTE and Mr. DAVIS of Illinois.

H.R. 1702: Mr. HARE, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mr. WATT, Mr. MEEKS of New York, Mr. WYNN, and Mr. OLVER.

H.R. 1707: Mr. PASTOR.

H.R. 1713: Mr. PASTOR, Mr. TIERNEY, and Mr. WEXLER.

H.R. 1721: Mr. BARROW, Mr. CARTER, Mrs. MCCARTHY of New York, and Ms. JACKSON-LEE of Texas. .

H.R. 1727: Mr. KENNEDY, Mr. YARMUTH, Mr. GRIJALVA, Mr. GILCHREST, and Mr. WEXLER.

H.R. 1738: Mrs. MYRICK and Ms. SCHAKOWSKY.

H.R. 1745: Mr. GRIJALVA.

H.R. 1747: Mr. MCGOVERN, Ms. BALDWIN, Mr. ELLISON, and Ms. LEE.

H.R. 1758: Mr. CROWLEY.

H.R. 1764: Mr. ALLEN.

H.R. 1766: Mr. CASTLE.

H.R. 1768: Mr. LINCOLN DAVIS of Tennessee and Mr. LAMPSON.

H.R. 1773: Ms. WOOLSEY, Mr. HARE, Mr. POE, Mr. ENGLISH of Pennsylvania, and Mr. MOLLOHAN.

H.R. 1774: Mr. PLATTS and Mr. LEWIS of Kentucky.

H.R. 1783: Mr. BISHOP of New York, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. HARE, Mr. WILSON of Ohio, Mr. ELLSWORTH, Mrs. GILLIBRAND, and Mr. HALL of New York.

H.R. 1801: Mr. ROTHMAN.

H.R. 1810: Mr. REYNOLDS and Mr. CAMP of Michigan.

H.R. 1818: Mr. HONDA, Ms. WATSON, and Mr. HINCHEY.

H.R. 1823: Mr. CLAY.

H.R. 1829: Mr. MARIO DIAZ-BALART of Florida and Mr. MILLER of Florida.

H.R. 1840: Mr. BECERRA.

H.R. 1841: Mr. LANTOS and Mr. WELCH of Vermont.

H.R. 1845: Mr. MCCOTTER, Mr. GOODE, and Mr. PRICE of North Carolina.

H.R. 1852: Mr. SIRES, Mr. SCHIFF, Mr. JEFFERSON, and Mr. RUSH.

H.R. 1853: Mr. BRADY of Pennsylvania and Mr. PETERSON of Minnesota.

H.R. 1858: Mr. FLAKE.

H.R. 1889: Ms. HERSETH SANDLIN.

H.R. 1890: Mr. MCCOTTER.

H.R. 1892: Mr. SHIMKUS, Mr. BRADY of Texas, Mr. BURGESS, Mr. WELDON of Florida, and Mr. GINGREY.

H.R. 1907: Mr. GRIJALVA.

H.R. 1909: Mrs. BOYDA of Kansas.

H.R. 1927: Mr. TERRY.

H.R. 1932: Mr. KIND, Mr. HINCHEY, Mr. LANGEVIN, and Mr. GOHMERT.

H.R. 1933: Mr. SALAZAR.

H.R. 1940: Mr. MARCHANT, Mr. BILIRAKIS, Mr. GOODE, Mrs. JO ANN DAVIS of Virginia, and Mr. SHAYS.

H.R. 1941: Mr. CASTLE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FLAKE, Mr. KIRK, Mr. PITTS, and Mr. SMITH of New Jersey.

H.R. 1945: Mr. MORAN of Virginia and Ms. LEE.

H.R. 1947: Mr. WAXMAN.

H.R. 1957: Mr. WAXMAN, Mr. OLVER, Ms. WOOLSEY, Mrs. MALONEY of New York, and Mr. PAYNE.

H.R. 1964: Mr. SHERMAN, Ms. ZOE LOFGREN of California, Mr. LEWIS of Georgia, and Mr. TIERNEY.

H.R. 1971: Ms. CARSON.

H.R. 1975: Mr. DELAHUNT.

H.R. 2005: Mr. KIND and Mr. CUELLAR.

H.R. 2017: Mr. RYAN of Ohio and Mr. WILSON of Ohio.

H.R. 2036: Mr. HOOLEY and Mr. KLEIN of Florida.

H.R. 2048: Mr. SHULER.

H.R. 2060: Mr. HIGGINS, Ms. FOXX, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LEWIS of Georgia, Mrs. MCMORRIS RODGERS, Mr. MICHAUD, Mr. FARR, and Mr. RYAN of Ohio.

H.R. 2074: Mr. SHAYS and Mr. FOSSELLA.

H.R. 2075: Mr. MCHUGH.

H.R. 2086: Mr. PRICE of Georgia, Mr. FRANKS of Arizona, Mr. SALI, Mr. WALBERG, Mr. MCHENRY, Mr. BILBRAY, and Mrs. BLACKBURN.

H.R. 2090: Ms. MCCOLLUM of Minnesota, Mr. BARRETT of South Carolina, Mr. PITTS, Mr. AKIN, Mr. DOOLITTLE, Mr. CHABOT, Mr. WESTMORELAND, Mr. GARRETT of New Jersey, Mr. MCHENRY, Mrs. MYRICK, Mr. GOODE, Ms. FALLIN, Mr. MARCHANT, Mr. SESSIONS, Mr. FEENEY, Mr. CAMPBELL of California, Mr. RYAN of Wisconsin, Mr. GINGREY, Mr. WELDON of Florida, Mr. BRADY of Texas, Mr. HERGER, Mr. LAMBORN, Mrs. BLACKBURN, Mrs. MUSGRAVE, and Mr. CARTER.

H.R. 2111: Mr. LATOURETTE.

H.J. Res. 9: Mr. MILLER of Florida and Mrs. CUBIN.

H.J. Res. 12: Mrs. CUBIN.

H.J. Res. 14: Mr. BRALEY of Iowa.

H. Con. Res. 49: Mr. FEENEY, Mr. FRELINGHUYSEN, and Mrs. LOWEY.

H. Con. Res. 70: Mr. TANNER and Mr. PRICE of North Carolina.

H. Con. Res. 85: Mr. MCDERMOTT.

H. Con. Res. 117: Ms. BORDALLO, Mr. WAXMAN, Mr. FOSSELLA, and Mr. DOYLE.

H. Con. Res. 131: Mr. TANCREDO, Mr. CANTOR, Mr. FRANKS of Arizona, Mr. GOHMERT, Mr. CARTER, Mr. GINGREY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mr. KING of Iowa, Mr. LINDER, Mr. CONAWAY, Mr. FEENEY, Mr. HAYES, Mr. MCHENRY, Mr. RENZI, Mr. SMITH of Nebraska, Ms. FOXX, Ms. FALLIN, Mr. GOODE, Mrs. MYRICK, Mr. DOOLITTLE, Mr. JORDAN, Mr. PITTS, Mr. KLINE of Minnesota, Mrs. MUSGRAVE, Mr. LAMBORN, Mr. HERGER, Mr. BRADY of Texas, Mr. WELDON of Florida, Mr. RYAN of Wisconsin, Mr. CAMPBELL of California, Mr. CULBERSON, Mr. LUCAS, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. FERGUSON, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Mr. WESTMORELAND, and Mrs. BLACKBURN.

H. Con. Res. 133: Mr. TERRY.

H. Res. 49: Mr. WALBERG.

H. Res. 101: Mrs. LOWEY, and Ms. CARSON.

H. Res. 143: Mr. VAN HOLLEN.

H. Res. 151: Mr. FORTENBERRY, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. WATT, Ms. LEE, Mr. SNYDER, Mr. RANGEL, Mr. RUSH, Mr. BISHOP of Georgia, Mr. HINCHEY, Mr. MEEK of Florida, Mr. MCCOTTER, Ms. MATSUI, Mr. AL GREEN of Texas, Ms. KILPATRICK, and Ms. SHEA-PORTER.

H. Res. 189: Mr. ELLISON, Mrs. DAVIS of California, Mr. SKELTON, Mr. LEWIS of Georgia, and Mr. HARE.

H. Res. 223: Mr. NEUGEBAUER.

H. Res. 227: Mr. RUSH.

H. Res. 245: Ms. ZOE LOFGREN of California.

H. Res. 258: Mr. LEVIN.

H. Res. 259: Mr. CLEAVER.

H. Res. 264: Mr. BRALEY of Iowa.

H. Res. 281: Mr. HUNTER, Ms. BERKLEY, and Mr. WOLF.

H. Res. 282: Mr. BRADY of Pennsylvania, Mr. WELCH of Vermont, Mr. WEXLER, Mr. GERLACH, and Mr. BISHOP of New York.

H. Res. 290: Mr. EHLERS, Mr. HERGER, Mr. TIM MURPHY of Pennsylvania, Mr. SAXTON, Mr. BARTON of Texas, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mrs. BLACKBURN, Ms. FOXX, Mr. GOODE, Mr. GILCHREST, Mr. DAVID DAVIS of Tennessee, and Mr. MCCAUL of Texas.

H. Res. 296: Mr. WEXLER, Mr. GRIJALVA, Mr. LAMPSON, Mrs. BOYDA of Kansas, Mr. LOBIONDO, Mr. BRADY of Pennsylvania, Mr. GERLACH, and Mr. KENNEDY.

H. Res. 313: Mr. WALZ of Minnesota and Mr. SPACE.

H. Res. 361: Ms. LEE, Mr. ENGEL, Mr. MCGOVERN, Mr. BERMAN, Ms. PELOSI, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. WAXMAN, Mr. GORDON, Ms. SLAUGHTER, Ms. MCCOLLUM of Minnesota, Mr. NEAL of Massachusetts, Mr. MURTHA, Mr. LEWIS of Georgia, Mr. CONYERS, Ms. MATSUI, Mr. HOYER, Mr. BUYER, Mr. ALTMIRE, Mr. FARR, Ms. ESHOO, Mr. CLYBURN, Mrs. TAUSCHER, and Mr. MOORE of Kansas.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Bennie G. Thompson of Mississippi or a designee to H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SENATE—*Thursday, May 3, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, the protector of those who put their trust in You, on this National Day of Prayer, we thank You for the gift of intercession. When in need, we can enter Your throne room with our praise and petitions. When tempted to despair, we have an antidote in prayer.

Transform the lives of our lawmakers as they seek You in prayer. Free them to live life more fully. Through their ups and downs, help them to love You with a decisive loyalty. Lord, draw them to a relationship of grateful trust in You, as they seek Your wisdom in solving the challenging questions which trouble our world. Hear the prayers of Your people today and always.

We pray in Your amazing Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 3, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, following any time that may be used by the leaders, there will be 60 minutes of debate on the motion to invoke cloture on the Dorgan drug reimportation amendment, with the time divided between Senators DORGAN and the Republican leader or his designee. The vote then will occur around 10:30 or a few minutes after that this morning. Members who have second-degree amendments to the Dorgan amendment must file them by 10 this morning. A number of other amendments are still pending, and today will be a busy day, with votes occurring throughout the day.

Another issue which will need the Senate's attention will be the conference on the budget resolution. The House is going to act either today or Monday appointing conferees, which will mean we will act shortly thereafter. The chairman of the Budget Committee, Senator CONRAD, and the ranking member, Senator GREGG, have had initial conversations about the likelihood of there being motions to instruct the conferees.

Under the Budget Act, there is a maximum of 10 hours of debate to get to conference. I would hope the two managers of that budget resolution, Senators CONRAD and GREGG, can make a determination as to how many motions to instruct there will be to give some idea. As I understand the rule, we have 10 hours of debate no matter what. If there are motions to instruct that have been filed and not enough time to debate them, the votes will take place with no debate. I hope there will be adequate time to debate whatever motions to instruct and basic conversation about that most important budget resolution that we need to complete so we can get to the appropriations bills. I will be discussing this matter with the Republican leader and may have more to say during the day.

If there is a lull in the schedule today, we have a number of judges we can vote on. We may do that. Senators KENNEDY and ENZI have done a masterful job in moving this matter along. We hope they will continue their masterful work and complete this legislation.

I do say, as I have said, but it is worth repeating, Senator ENZI and Senator KENNEDY, some would say, are not a matched pair. They have different political philosophies, they come from different parts of the country. But that is really what the Senate is all about. They have set an example of how individual Senators can work together. They are really exemplary, as far as I am concerned, in being able to move a very difficult, complicated piece of legislation by understanding that this is not the last word. There is going to be a conference. Senator KENNEDY has told Senator ENZI that he would be a part of that conference. They trust each other. That is important. We finished the competition bill last week. This is another step forward. I hope we can complete this bill today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

> Landrieu amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.
>
> Dorgan amendment No. 990, to provide for the importation of prescription drugs.
>
> Cochran amendment No. 1010 (to amendment No. 990), to protect the health and safety of the public.
>
> Stabenow amendment No. 1011, to insert provisions related to citizens petitions.
>
> Brown (for Brownback/Brown) amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases.
>
> Vitter amendment No. 983, to require counterfeit-resistant technologies for prescription drugs.
>
> Inhofe amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school.
>
> Gregg/Coleman amendment No. 993, to provide for the regulation of Internet pharmacies.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be an hour for debate prior to a vote on the motion to invoke cloture on amendment No. 990, with the time equally divided between the Senator from North Dakota, Mr. DORGAN, and the Republican leader or their designees.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Would the Senator from Wyoming yield me 3 minutes.

Mr. ENZI. Certainly.

Mr. KENNEDY. Mr. President, we now have an agreement that we are going to vote on cloture on the Dorgan amendment. The Senator from North Dakota will be here to speak on that. He has a half hour. To bring our colleagues up to date, we have made very good progress during the evening, clearing matters with the Members. There are still a number of items that we will want to accept. We will indicate to the Members the topical areas so they will be familiar with the areas that we are moving ahead on. But we have narrowed the areas of controversy to probably four or five important areas where we may very well have votes during the day. The rest we will announce the agreements that have been made with the particular Senators on these issues.

We want to thank all of our colleagues. This has been very constructive. A number of these suggestions and ideas are extremely valuable. We will tell our colleagues the areas and the content of these agreements as we move on through the day.

We are in touch with a couple of Senators so we will be able to make a judgment decision at the conclusion of this vote on the cloture. We will be ready to go so we will not miss any opportunity to make progress on the bill.

I thank the Senator. The Senate will now debate the underlying cloture motion.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have not had an opportunity to speak with the Senator from North Dakota. I hope I am not abusing my privilege of working with him and having some time this morning. I yield myself 7 minutes.

The Dorgan amendment is the moment American consumers have been waiting for. I am here to urge my colleagues to vote for cloture so we can finally legalize drug importation.

As I said yesterday, the Dorgan amendment is the result of a collaborative effort by myself, with Senators DORGAN, SNOWE, and KENNEDY, to finally make drug importation legal. This is a golden opportunity that we have been waiting for years to accomplish. The bill before us is the vehicle this year to get it done.

The bill we are debating is a must-pass Food and Drug Administration bill. The Senate should send a strong message that we are committed to finally getting it done this year. This is what we have been working to accomplish today.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots of America. It needs to be a top priority here in Washington.

It is something that shows up in almost every one of my town meetings throughout Iowa. I have long advocated allowing American consumers access to safe drugs from other countries. I have always considered this more a free trade issue than I have a health or prescription drug issue.

Imports create competition and keep domestic industry more responsive to consumers. In the United States—so that I explain why I consider this a free trade issue more than a health issue—we import everything. We allow everything that consumers might want to buy; based upon the quality they choose and the price they choose, we have allowed it to come into the country if Americans want to buy from overseas. Hopefully, they want to buy American-made products. But we have considered free trade something that has given consumers the best deal they can get. So why not do it for pharmaceuticals as well as any other product people want to buy?

Consumers in the United States now pay far more for prescription drugs than consumers in other countries. If Americans could legally and safely access prescription drugs from outside the United States under a regulation that we established to guarantee safety, drug companies will be forced to reevaluate the price strategies that they have for American consumers. They would no longer be able to gouge American consumers by making them pay more than their fair share for the high cost of research and development. I sort out research and development because I think Canadians are getting a better deal from American pharmaceuticals. Germans are getting a better deal from American pharmaceuticals. They get such a low price. They don't pay the fair share. The American consumer of pharmaceutical products pays for most of the research and development that benefits the entire world. It is not fair to the American consumer.

It is true that pharmaceutical companies do not like the idea of opening American consumption of drugs to the global marketplace. They want to keep the United States closed to other markets in order to charge higher prices here. They would argue: We have to charge higher prices here. The Government directs what we pay the consumers or charge the consumers of Germany. Well, that is not fair to the American to pay for that sort of research.

However, with the Dorgan amendment—and this is what we are talking about on this important vote coming up—prescription drug companies will be forced to compete, forced to establish a fair price here in America.

Some don't want this to happen. I want to reiterate that there is an attempt to kill drug importation, as has been done many times before in this Chamber. I am referring to an amendment to make sure there is certification of health and safety. That amendment is designed to kill drug importation once again. It is a clever amendment, but it is a poison pill. Our effort develops an effective and safe system. This amendment requires all imported drugs to be approved by the Food and Drug Administration. That is the right thing to do. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs into this country, and there are stiff penalties for violation. Don't be fooled by this poison pill amendment. Voting for that amendment is a vote to kill drug importation. That amendment surely will be up if we get beyond the cloture vote, the next vote. It is important that people vote for cloture.

With the Dorgan amendment, we are getting the job of safety done. We need to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry. We must make sure they have access to affordable prescription drugs.

I urge my colleagues to vote for cloture.

One additional editorial comment that is legitimate to maybe criticize GRASSLEY for voting for this amendment but a criticism that I think I would now explain; that is, that comes from a very good fellow Member and friend of mine in the Senate who came up to me yesterday and said: Then wouldn't I be for having all restrictions against ethanol coming into this country done away with because I represent a State that is very high in ethanol.

I said the answer to that is twofold: No. 1, all restrictions ought to go off when ethanol is no longer an infant industry, and it is still an infant industry. Secondly, and more importantly, there is already a free importation of ethanol in this country of up to 7 percent of our production, and we have not even reached that 7 percent importation of ethanol. I will debate that issue when the leeway within present law allows.

So I do not think there is an inconsistency on my part in what I said about the free entry from the mature industry of pharmaceuticals—maybe not mature in biotechnology but surely mature in pharmaceuticals.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be charged to both sides equally.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me yield myself 5 minutes from the time allotted.

Mr. President, the vote that will occur at 10:30 or thereabouts is a vote that will determine whether we can proceed to have a vote on my amendment. It is called a cloture vote—to shut off debate so we can move to the amendment I have offered. I wish to remind my colleagues again of what this amendment is.

This amendment is a bipartisan amendment sponsored by 33 Senators, Republicans and Democrats—Senator GRASSLEY, who just spoke, myself, Senator SNOWE, Senator MCCAIN, Senator KENNEDY, Senator STABENOW; a wide range of Senators, Republicans and Democrats—who believe U.S. citizens ought to be able to purchase FDA-approved prescription drugs, the identical FDA-approved drugs that are sold in other countries for a fraction of the cost of what they are sold for in this country. We believe the American people ought to be able to make the global economy work for them and ought to be able to access those same prescription drugs as long as they are in a chain of custody that makes them safe and as long as they are FDA approved.

I described them yesterday, and let me, again, ask unanimous consent to describe to my colleagues these two bottles.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. In these bottles is the medication called Lipitor. Lipitor is made in Ireland. It is a common cholesterol-lowering drug taken by a good many Americans. As you can see, when made in the plant in Ireland, it is put in these bottles—identical bottles—with a label that is blue in this case, red in this case, otherwise identical. The difference in this situation is that this blue bottle is sent to Canada from Ireland, this red bottle is sent to the United States. It is the same pill, same bottle, made in the same manufacturing plant, FDA approved.

The difference? Well, the American consumer is told: You get to pay twice as much for the identical drug. You get to pay twice as much.

It describes a serious problem of what I believe is the overpricing of prescription drugs in this country. We pay the highest prices in the world for prescription drugs. I do not know of anyone in this Chamber who stands up and says: Let me sign up for that. Let me tell you, I think it is right. I think it is fair, and I think it is important that the American consumers pay the highest prices in the world for prescription drugs.

I do not think anybody stands up here and claims that. What they claim is, if they do not get that kind of money, they will shut down research and development, and they are forced to charge lower prices overseas because those governments overseas won't allow them to make money.

Let me show you what happened a while ago. This Chamber—without my support because it was a foolish thing to do—said: Do you know what. We want to say to the biggest economic interests in our country, the biggest companies that have moved American jobs overseas and make investments overseas, we want to say to them that if you make profits overseas, we will allow you to repatriate those profits into this country, back here, and you get to pay a special tax rate.

Normally, when a company repatriates its profits made elsewhere, it pays normal income tax rates. But this Congress said to them: Do you know what. We will give you a special deal, a big fat tax break. If you repatriate your foreign profits, you get to pay a 5.25-percent income tax rate. Nobody gets to pay a 5.25-percent income tax rate. I would love to pay that. Everybody else would, as well. But the biggest companies in our country got to repatriate a massive amount of money and save, I estimate, about $100 billion in taxes that should have been paid because they got a 5.25-percent sweetheart deal.

So let me just turn to one drug company—Pfizer, a good company, one of the world's biggest drugmakers. This is from the New York Times of June 24, 2005. It said it would return "$8.6 billion in overseas profits." So the combined repatriation of $36.9 billion—it had already announced $28.3 billion—so that makes it $36 billion they are repatriating in profits they have made overseas. The New York Times says that is four times what Pfizer spent on research and development last year.

But isn't it interesting that they charge lower prices for prescription drugs in other countries, they say they do not make money in other countries, yet when they get a big fat sweetheart deal to pay a 5.25-percent income tax rate, they repatriate $36 billion. That is on the profit they made in other countries. It looks to me as if it is profitable selling these drugs at lower prices in foreign countries. So much for that argument.

The price discrepancy I have indicated previously. I used Canada as an example, but I could use France, Italy, Germany, Spain—it would not matter. Lipitor, 96 percent higher prices for Americans; Prevacid, 97 percent higher prices for Americans; Nexium, 55 percent higher prices; Zocor—the fact is, we are paying the highest prices for brand-name prescription drugs in the world, and it is unfair. We are trying to change that.

What we are saying is: Let's let the global economy work for everybody, not just the large pharmaceutical industry. How about allowing it to work for regular folks, to buy a safe FDA-approved prescription drug, for example, from a Canadian pharmacy.

Can anybody give me one reason why a U.S.-licensed pharmacist should not be able to go to a licensed pharmacist in Winnipeg, Canada—both licensed, both with an identical chain of custody—why a U.S.-licensed pharmacist should not be able to go to a licensed pharmacist in Canada and acquire an FDA-approved drug, such as Tamoxifen, at one-fourth or one-fifth of the price charged in the United States and pass the savings along to the consumer? I am not asking for five reasons. I am asking: Can anyone give me one reason why that should be prohibited? I think the answer is that there is not a good reason why we should prohibit that sort of thing.

So we will have a vote on this amendment. My hope is we will be able to invoke cloture so we will be able to proceed to the amendment. There will be a Cochran amendment to my amendment, a second degree, and then a vote on my amendment. My hope is we will be able to do that today.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield 10 minutes to the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am on the floor to urge the Senate not to invoke cloture. This is a very serious amendment the Senator from North Dakota has proffered and is being considered by the Senate, and it should attract the attention and careful review of all Senators.

I noticed in the Washington Post, in an article on Thursday, May 3, the editorial writer says—of the amendment the Senator from North Dakota has offered, which "would allow the importation of prescription drugs from other countries," which he claims and other supporters claim "would let cut-rate pharmaceuticals flow into the United States" allegedly "saving ailing Americans untold amounts of money." But here is the catch, and I quote from the editorial:

> This is a mirage; importation will not solve the problem of drug pricing. U.S. drug firms sell prescription medications to countries such as Canada at low prices, a situation that would quickly change if Canadian

distributors started to recycle large quantities of drugs back to the United States.

Another fact in this debate that should not be overlooked is that President Bush has threatened to veto the bill if it contains this language.

So to achieve our goal of helping to ensure safe and unadulterated prescription drugs marketed in the United States are safe, we need to have the Federal agencies that have the responsibility of assuring that safety to be in charge of certifying that.

So I have offered an amendment to the Dorgan amendment—if cloture is invoked, it will be subject to consideration—that says unless the Food and Drug Administration or the Department of Health and Human Services can certify and vouch for the safety and efficacy of imported drugs, this amendment would not be operative. And we have been told by administration officials they cannot make that certification. They do try. We all try to help by working together to ensure that what the consumers are buying is what the labels on the drugs say they are. But we have seen in recent years a growing threat from counterfeit drugs that are made in other countries—not Canada necessarily but other countries—which could be transshipped through Canada or could be mailed directly to purchasers in the United States that aren't what they say they are. Some are even dangerous. Some contain nothing at all—nothing that is effective to do what the drug is supposed to do.

So we are already confronted with a serious problem. This is going to make it much worse and exceedingly difficult for those who are charged with certifying the efficacies of drugs, protecting our citizens from dangerous drugs, counterfeit drugs, to do their job. This is going to make it much more difficult.

This is not the first time the Senate has been asked to make a decision on this amendment or amendments similar to it. On three different occasions the Senate has, without objection, or on a vote—one vote was 99 to nothing—rejected this amendment. There have been votes that have been closer. Recently, I think Senators have gotten the message this is not an amendment that is going to achieve the goals that the proponents who are offering it say it will. There will be some cheaper drugs coming into the country—but maybe temporarily—for the reasons that have been pointed out by others and in the Washington Post editorial this morning.

So I am hopeful Senators will carefully look at the situation we face. The intent, of course, is certainly laudable, but we have an overriding responsibility to make sure medications purchased by American citizens in the United States are safe and that those are decisions made by the regulators and the inspectors in the United States who have the responsibility of making those decisions. So I am hopeful the Senate will not vote to invoke cloture. If it does, we will talk a little more about the situation. But up until that point, I hope Senators will review the history of the Senate on this subject and vote against the motion to invoke cloture.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I yield 5 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we have an interesting challenge in front of us today. All of us support drug availability at affordable prices. The challenge that brings us to the floor today is how to ensure that prescription drugs used by Americans are both affordable and safe. That is the goal for all of us, I believe, in the Senate.

We trust the drugs we get at our local pharmacies, our neighborhood pharmacies, are safe because they go through a rigorous FDA approval process, and a series of tests and inspections are done before they reach our medicine chests. Those drugs improve, extend, and save lives.

I am proud so many of these drugs originate in my home State. In fact, more than half the medicines approved by the FDA in 2001 were developed by 70,000 hard-working people employed in the pharmaceutical companies of New Jersey. These companies have received more than 11,000 patents for their products since 1985 for their innovative work. Many of these products are life-extending and limit often painful and debilitating conditions.

When we look at the prospects these companies are offering, we want to encourage the research. I heard this morning about an inoculation that could be sufficient, given one time to women, that could prevent osteoporosis. What a wonderful thing. Recently, we have had a product come to the market called Gardasil. It says that young women who receive an injection of Gardasil can be protected against cervical cancer for their lives. What a wonderful thing that is. Lipitor has been known for some time to reduce plaque gathering in the valves and the veins that lead to the heart. We want to encourage that kind of development, and our goal is to make sure these workers continue developing life-saving medications and at the same time lower costs and increase access to these drugs.

I support the efforts to lower prescription drug prices, and I understand the appeal of reimportation, as long as we are absolutely assured of the safety and efficacy of these products. So if we are going to trust drugs imported from other countries, we need to be sure they are as effective and completely safe. We cannot put our citizens in the position of buying medicine they think will lower their cholesterol or prevent heart disease only to find out years later the drug was a fake.

According to the World Health Organization, up to 10 percent of all drugs sold across the globe are counterfeit. We heard debate about the countries that some of these drugs come from. If we want to give consumers the chance to buy drugs imported from other countries, we have to insist these drugs are authentic, reliable, and safe.

That is why the Senate has, on three prior occasions, required the Department of Health and Human Services to certify that importation be without additional risk to the public health while it reduces costs. That is why I intend to support the Cochran second-degree amendment, and I encourage my colleagues to do the same thing. Let's make sure what we are telling the public to buy is absolutely safe, harmless, and can improve life's qualities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent for 30 seconds more.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, the Cochran amendment would require the same certification this body has approved three times before—to guarantee prescription drugs and provide consumers peace of mind, knowing that the drugs they are taking are safe and effective no matter where they originated.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the article I referred to from the washingtonpost.com be printed in the RECORD, and I thank the distinguished Senator from New Jersey for his excellent statement. We urge the Senate to reject this motion to invoke cloture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washingtonpost.com, May 3, 2007]

ALMOST THE RIGHT RX

Legislation to give the FDA important new powers can do without one provision

While most attention this week has been focused on the Iraq supplemental appropriations bill, the Senate also has been debating far-reaching legislation to give the Food and Drug Administration a long-needed increase in its regulatory powers. A very unneeded amendment, however, is threatening the bill.

The bill would reauthorize the system of user fees that the FDA charges pharmaceutical companies and manufacturers of medical devices. Congress approved this arrangement in 1992 to speed FDA decision making and get needed drugs onto the market more efficiently. User fees account for a large portion of the FDA budget, but the agency's authority to collect them expires in

> September. There is broad support not only for maintaining the system but for increasing the amount of fees that the FDA can collect.
>
> Attached to the must-pass user fees measure are a number of important enhancements to the FDA's regulatory authority and responsibilities. Under the legislation, the agency would be required to collect massive amounts of data on prescription drug use from public and private sources after drugs have been approved, to detect harmful side effects and other dangers that testing before approval might have missed. The FDA would also be able to require drug companies to alter warnings and other information on labels. And, critically, the agency would have the power to order drug trials after a drug's approval in certain cases.
>
> All of these reforms would lead to better-informed regulators, patients and doctors. Everyone has an interest in enhancing the data available to the government and, ultimately, the public on prescription drugs after they enter the market. Compiling more evidence more quickly would help detect problems with new prescription medications faster and with greater accuracy and assist consumers in making reasoned choices about the drugs they take.
>
> Complicating the bill's prospects for passage, however, is an amendment from Sens. Byron L. Dorgan (D-N.D.) and Olympia J. Snowe (R-Maine) that would allow the importation of prescription drugs from other countries, a proposal that supporters claim would let cut-rate pharmaceuticals flow into the United States, saving ailing Americans untold amounts of money. This is mirage; importation will not solve the problem of drug pricing. U.S. drug firms sell prescription medications to countries such as Canada at low prices, a situation that would quickly change if Canadian distributors started to recycle large quantities of drugs back to the United States. Further, President Bush has threatened to veto the bill if it contains such language. For the sake of common sense, and to enhance the chances of urgently needed legislation, the Senate should reject the importation amendment before passing the bill.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, if I could ask the ranking member for a few minutes to speak about reimportation.

Mr. ENZI. I yield 4 minutes to the Senator from North Carolina.

Mr. BURR. Mr. President, I thank the ranking member.

I find it somewhat ironic that we are on the floor to discuss an amendment to a drug safety bill which would allow drugs to be imported freely from any country around the world. Maybe I am the only one who finds some irony in that. We are constructing a mechanism in this country to set up a system of surveillance, to recognize red flags that may suggest to us we need to look deeper into the unintended consequences of drugs that have already been proven safe and effective; and we go even further than that and codify into law a very regimented process for the Food and Drug Administration to go through if, in fact, it is triggered that there might be a problem. Then, in the same bill, because of the outrage over the concerns we have for prescription drugs, now we are going to say to the Chinese: continue to manufacture, continue to ship in, and these products may not even have an active ingredient.

We adopted Senator DURBIN's amendment that related to pet food safety standards. Well, what this suggests to me is that for us to consider the importation or reimportation of drugs is to say we put pet food above the drug chain for the American people, that we are willing to put more standards on pet food today than we are on the importation of these drugs.

Passage of the Medicare prescription Part D plan, which was a year ago, lowered significantly the pressure that was felt to obtain drugs over the Internet or drugs from other countries. Why? Because in the first year, we have seen a 33-percent reduction in the price of those pharmaceuticals for our Medicare-eligible population. It is not that all the pressure is off, but I am not sure the remaining pressure is going to be alleviated by providing a drug supply that has no active ingredient or that denies consumers the security of knowing they are going home and they are taking their drugs but then they suffer the consequences of ending up in an emergency room because they didn't get the active ingredient they needed.

Last year, 1.7 million tablets of counterfeit Viagra were uncovered; 1 million tablets of Lipitor that were, in fact, counterfeit; and a half a million tablets of Norvasc were seized in China.

What is unfortunate is China is not the only country in the world where we have created a cottage industry of producing drugs that look just like the ones we sell in a pharmacy but that we regulate at a gold standard that many on this floor have tried to protect every time we debate legislation that is about the Food and Drug Administration. We are here today to assure the American people that we are raising the gold standard—that it is not just the bar of where we determine safety and efficacy but we are raising the standard when the population at large is exposed to that medication to make sure that, in fact, unintended consequences are fully investigated. To accept the importation of foreign drugs is to open the door for a cottage industry today to become a mega industry tomorrow by supplying counterfeit drugs with no active ingredient, with the potential that there are ingredients in it that are adulterated, that will not only not solve the health problems but, as has been proven in the pet food supply, could kill. Now, when people die, we put the standards higher than we do the standards of reimportation or importation of drugs. I urge my colleagues to at least accept the Cochran amendment which puts a safety standard in, but do not pass this importation legislation.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my colleague is apparently going to win a debate we are not having: that this is a bill that will allow the import of prescription drugs from any country around the world. I don't know of that piece of legislation, but if it exists, I will be happy to vote against it. That is not what this amendment is. This amendment doesn't allow imported drugs from anywhere around the world at all. So I am not interested in losing a debate I am not involved in. This debate is about a piece of legislation, carefully constructed, in which we allow imported drugs from countries which have been judged to have a safe supply of drugs.

Let me give an example of testimony from David Kessler. I would say if you could find an expert better on these subjects than David Kessler, I would like to hear the name. He ran the FDA for 8 years and has been identified by everybody as an outstanding FDA Commissioner. Here is what he says. The Dorgan-Snowe bill provides:

> A sound framework for assuring that imported drugs are safe and effective. Most notably, it provides additional resources to the agency to run such a program, oversight by the FDA of the chain of custody of imported drugs back to the FDA-inspected plants, a mechanism to review imported drugs to ensure that they meet FDA's approval standards, and the registration and oversight of importers and exporters to assure that imported drugs meet these standards and are not counterfeit.

All of this discussion about counterfeit that is happening today, under today's rules, without importation. That is a specious issue. Dr. David Kessler says it provides a sound framework for assuring that imported drugs are safe and effective.

Let me show you a chart from Dr. Rost. I mentioned earlier that they have been doing this for 20 years in Europe. Dr. Peter Rost, former vice president of marketing at Pfizer, said:

> During my time responsible for a region in northern Europe, I never once—not once—heard the drug industry, regulatory agency, the government, or anyone else saying that this practice was unsafe—

He was talking about importation of prescription drugs. If you are in Germany and you want to bring a drug in from France, you can do it through what is called parallel trading. If you are in Spain and want to bring a drug in from Italy, you can do that. So he said not once has anybody raised the issue that this practice was unsafe.

He also said:

> Personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

That is the fact. One other thing: the Congressional Budget Office says this amendment will save $50 billion in 10 years. The leading expert says there is no safety issue. We have a regime in this bill that provides for safety. So the question isn't on all of these ancillary issues—by the way, the Washington Post doesn't take on this issue with respect to safety. It says there is, in fact, a problem with drug pricing. I will read it. They don't want this passed, but the reason is they are worried it will undercut the underlying bill because the President will veto it.

Here is what the President said when he was running in 2000. He was asked:

> What about importing drugs?

The President said:

> Well, if it is safe, then it makes sense.
>
> Obviously, he was telling those at that debate that he thinks it makes sense if it is safe. How about consulting Dr. David Kessler, who says it is safe and effective, as we have described it in this legislation. So what the Washington Post says—because the President threatened to veto the bill—they are talking about "importation will not solve the problem of drug pricing."

Apparently, the Washington Post thinks there is a problem in drug pricing. What is that problem? To respond to my colleague's comments, in the first quarter of 2007 we had the largest price increase in prescription drugs in this country in 6 years. The American Association of Retired Persons, AARP, said in 2006 the price of prescription drugs rose four times the rate of inflation. There is no problem? I think there is a problem. The Washington Post says there is. The numbers show there is a problem.

The question is, Are we going to solve the problem, or are we going to punt it down the road one more time?

Mr. President, I yield 5 minutes to my colleague from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I congratulate my colleague from North Dakota for the extraordinary and comprehensive outline of this issue that he has made not only today but in the past.

Mr. President, every single day in this Congress, and throughout America, people sit down and eat their lettuce and tomato and their salads. Their tomatoes come from Mexico, Latin America, and their lettuce comes from Latin America. Other foods they eat come from as far away as China. Billions of dollars of food imports come into this country, but I don't hear anybody in this body standing up and saying, oh, we have a problem about food safety or food coming from other countries. They come in.

There is a problem—and I don't hear it too often here, but somehow the U.S. Government, with the FDA, cannot regulate a small number of drug companies so that we can safely bring in prescription drugs from Canada and other industrialized countries so that, as a result, we can substantially lower the cost of medicine for millions and millions of Americans. This is absurd. Of course, we can safely regulate the flow of medicine coming into this country.

The real issue is not the safety of medicine. The real issue is the power of the pharmaceutical industry, the most powerful industry in terms of lobbying impact in the United States of America. If you think the oil companies are powerful, take a look at the drug companies. If you think the banks are powerful, take a look at the drug companies. Today, we are living under a Medicare Part D prescription drug program that was written by the drug companies, for the drug companies. Today, billions of dollars of taxpayer money goes into research and development for new medicines that go to benefit the drug companies, while the American people do not get reasonable prices for the products they help to produce.

Mr. President, since 1998, the pharmaceutical industry has spent over $900 million on lobbying activity—$900 million. That is more than any other industry. Today, there are over 1,200 prescription drug lobbyists right here on Capitol Hill and throughout this country. Do you know what their job is? Their job is to make sure in the United States of America we continue to pay, by far, the highest prices in the world for the medicine we use.

If you have a chronic illness, there is a strong likelihood you will be paying two times as much for the same medicine as our friends in Canada or Europe pay. Why is it that the same medicine, manufactured in the same factory, costs us, in some cases two times, and in some cases three times, as much money as it costs our Canadian and European friends?

The answer is pretty simple. It has everything to do with the power of the pharmaceutical industry and the enormous amounts of money they spend on lobbying, on campaign contributions, on advertising, and the pressure they put on Members of the United States Congress.

Mr. President, I have been involved in this issue for a number of years. I have been involved in it in an emotional way because I was the first Member of Congress to take constituents over the Canadian border to purchase, in that case Tamoxifen, which is a widely prescribed breast cancer drug that ended up costing Vermont women one-tenth the price they had to pay in the United States.

In our country today, there are people struggling very hard with terrible illnesses who have no health insurance and who need their prescription drugs. Some of them simply cannot purchase their prescription drugs. Some are taking money out of their food budget to buy their prescription drugs. We are a great nation in many respects. But the time is long overdue for Members of the Senate, for Members of the House, to reclaim this institution from the powerful special interests.

Today is a day of reckoning. This is very important legislation. This can drive the price of prescription drugs down by 25 to 50 percent. Let's stand together and, for those Members who are wavering on the issue, who think they cannot vote for it, I hope at least they will support cloture to allow us to continue this debate and to finally lower the cost of prescription drugs for the American people.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Wyoming has 10 minutes. The Senator from North Dakota has 3½ minutes.

Mr. ENZI. Mr. President, I rise to oppose cloture on the amendment. I find it ironic that in the midst of the work on the biggest drug safety reform in the last decade, perhaps longer than that, we are even considering the issue of drug importation.

Our drug safety bill is an acknowledgment that we don't have things quite right in our domestic drug safety system. I am baffled that we want to take on all the hard work and effort to fix our drug safety problems and throw it away by opening our borders to foreign drugs.

When I was Chairman of the HELP Committee, we held three hearings on drug importation. The witnesses at the hearings raised a number of problems and questions about importation in general, and this bill in particular. In fact, one of those hearings was entirely about this bill. At that time, I asked my colleague from North Dakota if he would work with me to develop a State-based pilot program for drug importation. He turned me down. He was convinced then, as he is now, that this bill is the way to go. I would like to take these kinds of proposals in small chunks, if we are going to have to take them, to ensure we don't create a large-scale disaster. I hope we are not going to create a disaster here by accepting this amendment without further consideration.

I respectfully suggest that this bill is not the way to go, and even if it were, this isn't the time for it to go there. We have heard a lot of comments about the Washington Post editorial, and I refer people to that editorial. They cover a number of factors, but they do emphasize that the main bill, the safety bill—the FDA safety reform bill that we are working on—is a very important bill. They do recognize this amendment would add some very strong complications to it. The Senator from North Dakota suggests we read the bill. You know, that is a good suggestion for anything we cover around here. I make an effort to read all of the bills we do, and I have read this one. I hope everybody takes a look at this one.

I think you will vote against cloture if you read the bill. It is a roadmap to loopholes. Yes, every time somebody brings up a potential safety issue, they stick another clause in there that might cover that gap. But it shows where the gaps are most likely. They keep adding paragraphs to try to patch up these loopholes. We have an amendment that would have been a second degree, but it was too late for it to be submitted as a second degree, so it is a first-degree amendment that would deal with anti-counterfeiting.

That is another area that has to be looked at carefully. The Senator from Vermont talks about taking people into Canada to buy drugs. Well, you know they are going to the exact pharmacy at that point. They are not going through the Internet or through the telephone. These drugs can be intercepted—there are false sites that are set up out there, and people may think they are getting drugs from Canada, but are actually getting them from Saudi Arabia and other places around the world. It is so easy to get information and believe it is coming from a particular location—they may even imply it is a particular location to get the consumer's confidence. There are so many ways they can mislead consumers and it may not be that location. To try to solve some of that, Senator GREGG has an amendment that would perhaps tighten up the Internet problems. But look at that, too, and you will see there are problems if you are not getting it directly from the pharmacy.

I am a strong supporter of people getting drugs from their local pharmacist, the one who will help you interpret all of the sheets of paper that come with the prescription. They are going to know what other drugs you are taking and if there are possible interactions. Local pharmacists are the most valuable asset we have in the entire pharmaceutical chain. But bills like this work against them and may have consequently put them out of business. That is going to be a tragedy for America.

I have read the amendment. I encourage people to read it and look at the complexity of the amendment and look at the loopholes they are suggesting they have fixed. See if you think this patchwork fixed them. But I also ask that you look at what the Washington Post said, and I am not one of those who normally advocates that you listen to what they say. But it is definitely food for thought on this bill. It will take away a major reform that we could have by throwing something else in that we need to discuss more.

I ask my colleagues to oppose cloture for the sake of the safety of our drug supply. Let's get it fixed at home before we try to open it up to the world.

Mr. President, how much of my time remains?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. ENZI. Mr. President, in order to allow the Senator from North Dakota to have the final word, since it is his amendment, I ask people to vote against cloture.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague from Wyoming. I regret he cannot be a supporter of cloture and the amendment. I respect and understand his position. We disagree, and I do so respectfully.

I do wish to mention one thing with respect to a pilot program. Following that hearing, I did put together a pilot project and went to Tommy Thompson. I went down to his office and made a presentation of a northern plains pilot project on prescription drugs. He felt like he couldn't move forward with it.

I do want to say what he said to me after he left Health and Human Services. I met him in the elevator outside the Senate Chamber one day after he left being Secretary. I badgered him a lot about the issue of reimportation. As I got off the elevator and he was getting on, we greeted each other. I liked him. I thought he was a good Health and Human Services Secretary. He said: By the way, Byron, you keep working on the imported drug issue. You are right about that. That was after he left Health and Human Services.

Let me again respond with respect to David Kessler. All this talk about safety. First of all, this is where this amendment belongs, on this bill. This improves the bill. It doesn't detract from safety issues at all. It does address something not addressed in this bill, and that is a serious pricing problem with prescription drugs in our country.

There is no answer to this that I have heard in all the discussion. David Kessler, head of FDA for 8 years—I think he is the expert on these issues—said: The Dorgan-Snowe bill "provides a sound framework for assuring that imported drugs are safe and effective."

He says they will be safe and effective. Why would someone go to some fraudulent Web site, as was discussed, or maybe go to a bad Web site, why would somebody go to a bad Web site in order to import prescription drugs if a Web site by the FDA exists that would describe where they can access these prescription drugs safely? Those are specious arguments.

The Congressional Budget Office says this amendment will save $50 billion over 10 years. Why would they say that? Precisely because the Washington Post acknowledges there is a pricing problem with prescription drugs in our country. There will be a $50 billion savings over 10 years.

I mentioned that in the first quarter of this year the price of prescription drugs had the largest increase in 6 years in this country. Last year, 2006, according to AARP, it rose four times the rate of inflation.

There is a pricing problem with prescription drugs. The identical drug FDA approved, same pill, put in the same bottle, made by the same company, is sent virtually every other place in the world at a lower price, and the American consumer is told: You know what, we have a special deal for you. You get to pay the highest price in the world.

The question is whether this Congress will decide that special deal of the highest price in the world ought to stop. I hope this Congress will decide we are going to stand with the consumers. Yes, we are going to insist on safety, but we are going to stand with consumers. There is a pricing problem. This amendment is one way to fix that problem in a manner that is safe and effective.

Finally, Mr. Rost says that for 20 years, they did this in Europe. He said:

> I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

Of course, we can do this. Of course, we can allow someone to go to Canada and buy from a Canadian drugstore that has as safe a chain of custody as we do and buy prescription drugs, in this case Lipitor, for half the price that is being charged 5 miles south across the border.

Why on Earth should the global economy not be able to work for average folks? The pharmaceutical industry imports all of these drugs. Why should the average person in this country not be able to put downward pressure on prescription drug prices by being able to access FDA-approved drugs from other countries, such as Canada and other countries, that have a supply of safe drugs. That is what our amendment does. It is the right thing to do.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Then I yield the floor, Mr. President.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule

XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dorgan amendment No. 990 to S. 1082, the FDA Revitalization bill.

Byron L. Dorgan, Dick Durbin, Claire McCaskill, John Kerry, Ted Kennedy, Amy Klobuchar, Sherrod Brown, Ken Salazar, Mark Pryor, Daniel K. Inouye, Chuck Schumer, Harry Reid, Ron Wyden, Dianne Feinstein, Carl Levin, Blanche L. Lincoln.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 990, offered by the Senator from North Dakota, to provide for the importation of prescription drugs shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. GRAHAM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) and the Senator from South Carolina (Mr. GRAHAM) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 28, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—63

Akaka
Baucus
Bayh
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Coleman
Collins
Conrad
Corker
Craig
DeMint
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NAYS—28

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Cochran
Cornyn
Crapo
Dole
Domenici
Ensign
Enzi
Gregg
Hagel
Hutchison
Inhofe
Isakson
Kyl
Lugar
McConnell
Murkowski
Roberts
Stevens
Sununu
Thomas
Voinovich

NOT VOTING—9

Biden
Bingaman
Brownback
Dodd
Graham
Hatch
Johnson
McCain
Warner

The PRESIDING OFFICER (Mr. BROWN.) On this vote, the yeas are 63, the nays are 28. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 1010

Mr. COCHRAN. Mr. President, I have an amendment at the desk. It is to S. 1082. I propose this amendment in my behalf and in behalf of Senators CARPER, NELSON of Nebraska, HATCH, BENNETT, ENZI, BURR, and MENENDEZ. I ask the amendment be stated or reported.

The PRESIDING OFFICER. The amendment of the Senator is already pending. The Senator may proceed.

Mr. COCHRAN. Mr. President, the purpose of this amendment is to require, before importation can be undertaken, a certification by the Secretary of Health and Human Services or the Food and Drug Administration that the importation of the drugs will indeed have an economic benefit to the consumers who buy those drugs and that they are safe and not harmful for human consumption.

We have had discussions over the last several years, really, with administration officials who have been very concerned that the importation of drugs that would be permitted by the Dorgan amendment needs to be balanced by the interest we have in protecting the integrity of the marketplace so no counterfeit drugs are imported, creating the impression that they are something that they are not.

This is a very real problem. I recall having meetings here in the Senate with members of the committees with jurisdiction, learning about the growing problem and the continuing increase in instances where postal inspectors and others who are charged with the responsibility of enforcing our laws and protecting American consumers are finding that drugs which are manufactured in other countries—not Canada necessarily but in India, in Asia, in South America—are counterfeit. They look like the real thing. The labels look like the legitimate and ordinary labels you see on the drugs being purchased, but they are not what they say they are.

This is a very difficult issue to deal with. What we are asking in this amendment is that the Senate insist that if drugs are going to be imported, then there has to be a certification by the FDA or the Department of Health and Human Services that they are safe for human consumption, that they have not been tampered with, and that they are not counterfeit.

I hope the Senate will approve this amendment to the Dorgan amendment. I don't know of anything else to say. I submitted, in earlier comments, a washingtonpost.com article, which is printed in the RECORD now, which supports this effort and talks about the importance of certification to the consuming public. We have a lot of information. We will be happy to discuss the details with any Senator who is undecided about approving this amendment, but I hope the Senate can adopt this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 991

Mr. KOHL. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up my amendment, amendment No. 991, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENZI. There is still a lot of work being done on this amendment. Senator KYL and others are involved in it and would not want the debate until we had more chance to work on it.

Mr. KOHL. I will offer the amendment after that.

Mr. President, I rise to speak to amendment No. 991, which is supported by Senators GRASSLEY and LEAHY. I thank my colleagues for their support. Our amendment is in almost all respects identical to S. 316, the Preserve Access to Affordable Generics Act, which passed the Judiciary Committee unanimously earlier this year.

Our amendment will prevent one of the most egregious tactics used to keep generic competitors off the market, leaving consumers with unnecessarily high drug prices. The way it is done is simple—a drug company that holds a patent on a brandname drug pays a generic drugmaker to not put a competing product on the market. The brandname company profits so much by delaying competition that it can easily afford to pay off the generic company. And the generic company can also make much more money by simply accepting this pay-off settlement. The losers are the American people, who would continue to pay unnecessarily high drug prices for years to come.

Our amendment is basically very simple—it will make these anticompetitive, anticonsumer patent payoffs illegal. We will thereby end a practice seriously impeding generic drug competition, competition that could save consumers literally billions of dollars in health care costs.

Despite the FTC's opposition, recent court decisions have permitted these backroom payoffs. And the effect of these court decisions has been stark. In the year after these two decisions, the FTC has found, half of all patent settlements—14 of 28—involved payments from the brandname to the generic manufacturer in return for an agreement by the generic to keep its drug off the market. In the year before these two court decisions, not a single patent settlement reported to the FTC contained such an agreement.

When brandname drugs lose their patent monopoly, this opens the door for consumers, employers, third-party payers, and other purchasers to save billions—63 percent on average—by using generic versions of these drugs. A recent study released earlier this year by Pharmaceutical Care Management Association, showed that health plans and consumers could save $26.4 billion over the next 5 years by using the generic versions of 14 popular drugs that are scheduled to lose their patent protections before 2010.

We have heard from some in the generic drug industry that on occasion these patent settlements may not harm competition. That is why our amendment includes a new provision not contained in S. 316. This new provision would permit the Federal Trade Commission—the guardians of competition in this industry—to exempt from this amendment's ban certain agreements if the FTC determines such agreements would benefit consumers. This provision will ensure that our amendment does not prevent any agreements which will truly benefit consumers.

It is also important to note that—contrary to the arguments made by some—our amendment will not ban all patent settlements. In fact, our amendment will not ban any settlement which does not involve an exchange of money. Our amendment will do nothing to prevent parties from settling patent litigation with an agreement that a generic will delay entry for some period of time in return for ending its challenge to the validity of the patent. Only the egregious pay-off settlements in which the brandname company also pays the generic company a sum of money to do so will be banned.

We understand that several of our colleagues would prefer alternative versions of this proposal. As I have said all along, we continue to be willing to consider modifications to this measure as long as this legislation will be effective to ensure these anticonsumer payoff settlements stop. I am happy to work with my colleagues to find an effective manner to do this. I have directed my staff to work with the staff of other interested Senators in this regard, and I am willing to continue to engage in this process. Short of such an effective alternative being presented to me, we will ask for a vote on adoption of this amendment.

In closing, we cannot profess to care about the high cost of prescription drugs while turning a blind eye to anticompetitive backroom deals between brand and generic drug companies. It is time to stop these drug company payoffs that only serve the companies involved and deny consumers to affordable generic drugs. I urge my colleagues to join me in this effort by supporting this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, the Kohl amendment seeks to end abuse of the system for bringing generic drugs to the market. Under Hatch-Waxman, there is a sensible and balanced system for rewarding generic drug makers who enter the market first, but some companies have subverted this balanced system.

Instead of allowing market forces to bring medicines to consumers at lower prices, companies collude to deny consumers the benefit of the lower cost drugs through "reverse payments." Essentially, there is a payoff from the brand drug companies to the generic companies to split the benefits of the incentives provided under Hatch-Waxman.

Everyone benefits under these arrangements, except consumers. Brand drug companies get further protection from competition, generics get payoffs and a guaranteed market. Only consumers get left behind, stuck with high prices and lesser competition.

The Judiciary Committee reported legislation on this important issue. I commend Senator KOHL for his leadership. I know Senator SPECTER and Senator HATCH have important recommendations. I am sure we can work these matters out in a proposal to include the best ideas.

We understand there are members of the Judiciary Committee who may want to speak to this amendment. I would hope the Senator would withhold further comments until we can see if there are members of the Judiciary Committee who want to address this amendment. I hope we will be able to include it and adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent the Senator from New Mexico, Mr. DOMENICI, be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I send to the desk a modified version of amendment No. 1001 to the desk. We are adding Senator KOHL, Senator HATCH, and Senator COBURN as cosponsors of the amendment.

Mr. ENZI. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, as was indicated earlier, the Cochran amendment, with cosponsors, is currently pending, I believe, or has been appropriately offered and is pending. I would like to make a couple of comments about the vote we will have at some point in the future on the Cochran amendment. And what I would like to do is go through so that all of our colleagues understand what is in the underlying bill.

I indicated earlier that one of my colleagues stood up and said the legislation we had offered would allow drug importation from any country in the world, and that is not true. There is no such debate on a bill that doesn't exist.

Mr. President, I have a piece of information distributed by Pfizer Corporation that is opposed to my amendment. It describes various problems with the drugs that are purchased online and counterfeit drugs, and so on. Interestingly enough, all of these problems would be solved by the legislation I have introduced with all of the safety issues involved. You know these are specious issues because the underlying legislation would address all of those issues.

Now, let me go through a list—this is the list; you won't be able to read it, but I will go through them—of the safety provisions in this legislation. First of all, with imported drugs, drugs imported from other countries, which, as I have indicated, Europe has done for 20 years with no safety issues at all, so we are as competent as the Europeans are in being able to do this.

Our bill would require that all imported drugs be approved by the Food and Drug Administration. So we are not talking about any renegade drugs, all FDA-approved drugs, all of them imported be approved by the FDA.

It creates a process to approve medications sold outside the United States which are identical to FDA-approved products. It sets a process by which the FDA may approve medications which differ from the domestic version of the drug; provides that no imported drug may be misbranded or adulterated, and requires compliance with GMP. It requires the FDA to enter into agreements to monitor drug recalls and approval status changes; establishes a set of standards which countries must meet to be a "permitted" country. With respect to pharmacies and wholesalers on this list, we say it provides for registration and regulation of exporting pharmacies and importing wholesalers, only by licensed operators in both cases; requires registrants to pay an application fee, submit to evaluation, and post a substantial bond; requires pharmacists and wholesalers to be fully compliant with applicable local, State, provincial, and national laws; requires the FDA to perform inspections of operations, including facilities and records, at least 12 times per year; requires exporting pharmacies to verify prescriptions, to review medications for interactions, to ensure privacy; requires pharmacies to maintain records for 2 years for FDA review.

Exporting pharmacies must preserve samples of each lot of a drug for the FDA to utilize for testing. It gives authority to FDA to monitor and inspect the full chain of custody of a drug; sets penalties for violation, including suspension, lifetime revocation, and criminal penalties. It requires every imported drug to have a full record of the chain of custody, which is a pedigree. That is very important. Every imported drug will have to have a pedigree, full record of the chain of custody.

It requires every package to have an FDA-approved label affixed, and every product must clearly be identified as "imported." Drug labeling would also include the name of the registrant who handled the medication and the product lot number as a part of that pedigree. Any differences in the imported drug, even in an inert ingredient, must be noted on the label.

It requires packaging to include anticounterfeiting or track-and-trace technologies. Exporters must provide the FDA with prior notice of shipments of prescription drugs to the U.S. importing wholesalers.

It provides, for the first sale of a drug, it may not be shipped outside of the permitted countries. It requires the FDA to provide information to consumers to identify the safe and legal directed sources of approved imports. It gives Customs Service the authority to seize and destroy any unauthorized shipments; blocking elicit electronic payments to unauthorized foreign pharmacies by Customs; full funding for FDA to facilitate the drug import regulatory operations through a 2½-percent user fee.

It provides implementation of drug pedigrees for domestic medications by 2010, which do not exist now, by the way; requires the packaging of all prescription drugs to incorporate a standardized numerical identifier unique to each package of a drug and counterfeit resistant technologies.

When one reads through these safety features and then alleges that this is unsafe, I mean it just—it baffles me how one can reach that conclusion.

Tommy Thompson, Secretary of Health and Human Services, said: In order to import drugs from any country, and especially Canada, I have to certify that all of those drugs are safe. That is an impossible thing. If Congress wants to import drugs, they should take out that provision.

Well, let me ask this question: Would it be possible for the Health and Human Services Secretary to certify that all drugs sold in this country, FDA-approved drugs, are safe? Does one think the HHS Secretary could certify that? The answer is, no, of course not.

I can give you examples of metal traces and things in pharmaceuticals that were sold in this country, FDA-approved, by major manufacturers. Could a Health and Human Services Secretary certify that the existing drug supply is "safe," possess no "risk"? They can't do that for pet food. They could not do that for lettuce. They could not do it for carrots. They could not do it for celery. They could not do it for imported vegetables. They can't do it for imported meats. They can't do it for domestic production to say, there is no risk.

The issue of requiring certification is an attempt to kill the legislation. It is perfectly appropriate for some to say: The current system works fine, don't change it. I don't quarrel with that. I don't agree with it, but I respect those who hold that view. But I do believe it is hard for anyone to, with great merit, make the case that with what we have done in this legislation, on a bipartisan basis, it still renders this to be an unsafe process.

The experience in Europe, of course, undermines that argument. They have done it for 20 years. It has been perfectly safe. Also, let me go back to David Kessler's statement. I don't know of an FDA Commissioner who comes to his belt buckle, let alone his shoulders in terms of capability.

I thought David Kessler had been an extraordinary FDA Commissioner back for 8 years. I worked with him when he was there. He said this: The Dorgan-Snowe bill "provides a sound framework for assuring that imported drugs are safe and effective."

Now, we can talk all day about these drugs being unsafe, but, obviously, that does not change the facts. It does not change Dr. Kessler's opinion. It does not change the circumstances of the safety provisions we put in the bill. They are there. They are there for a very specific reason. We took the interests and concerns of Secretary Shalala and Secretary Thompson. We wrote them into this bill dealing with safety provisions.

The fact is, this bill will make our domestic supply of prescription drugs safer. That is the plain fact. Then we will have a pedigree for all prescription drugs, imported or domestic. That is just a fact.

Now, the second part of the amendment says it has to be assured that it will save money and pose no risk. Well, "save money," that is easy. The Congressional Budget Office has said it is going to save $50 billion in 10 years. And $6.1 billion—I thought it was 5—$6.1 billion of that is savings to the Federal Government.

We just have a new estimate by the Congressional Budget Office that if the Cochran amendment is passed, that savings goes to zero. Why? It undermines the bill. It means this will not have impact. Importing won't happen. Not because anyone wants to import an unsafe drug because, in fact, the safety provisions we have included will make this supply, the drug supply, domestic supply included, as well as imported drugs, safer. That is the point.

This issue is not horribly complicated. The question is, should the American people have the ability in this global economy to access a drug that has been produced, in many cases by an American company, with research in many cases paid for by American taxpayers, produced in many cases in a plant here in the United States, and then sent to another country at a much lower price? Should the American consumers be able to access that FDA-approved drug that is sold for a lower price elsewhere? Stated another way, should American consumers continue to accept the notion that they should pay the highest prices in the world?

Some say: There is not a problem here. They cite the Washington Post editorial today. That editorial says there is a problem with respect to drug pricing. The first 3 months of this year saw the highest price increases on prescription drugs in the last 6 years. In 2006, it was six times the rate of inflation, the price increase in prescription drugs. In addition, we pay the highest prices of all the other countries. Does that make sense? It doesn't to me.

I want to have somebody stand up on the other side of this issue and say: I disagree; I think the American people should pay the higher prices; I think that is fair.

That is the alternative, it seems, because that is the reality. I am not interested in debating some fiction. The reality is this: We pay prices that I believe are wrong. I said yesterday, I don't come here with any disrespect for the pharmaceutical industry. I have met many of these people. I know the head of PhRMA, former Congressman Billy Tauzin. I used to serve with him. I like him. I don't come here disrespecting the industry. They do important work. I have a profound disagreement with their pricing policies because they are unfair to consumers in this country. That is my difference and my beef. Their pricing policies are wrong.

Why should an 80-year-old woman have to go to Canada every 3 months as she is fighting breast cancer in order to buy Tamoxifen at a price she can afford? Why should you be able to cross an imaginary line into Canada and discover that you could pay one-fifth the price you have to pay for Tamoxifen in this country? The pricing policy is wrong, and we ought to fix it. This is an approach that will fix it.

We will have other debate. I do not disrespect the pharmaceutical industry. I have great respect for what they do. I have a profound disagreement about their pricing policy. I don't disrespect those who have a profound disagreement with my amendment. I respectfully think they are wrong.

In the end, the question for the Congress is, do you think what is happening with respect to drug pricing is appropriate? My answer is no. The American people are being disserved by a pricing policy that the pharmaceutical industry can make stick. They have the capability to control prices. They do it behind a law that says the only interest that is able to import prescription drugs is the manufacturer of that drug. Europe doesn't require that. Europe hasn't required that for a long while. They allow parallel trading so the consumer can take advantage of price shopping among the countries of Europe. Only this country has decided, no, the consumer doesn't have this right. The manufacturer has the right but not the consumer.

I say let's let the consumer, let's let the American people have access to the benefits of the global economy as well. Yes, let's make it safe. We have done that. This legislation with the safety precautions I have described in some detail, if passed, this amendment, if passed, would significantly improve the safety of the domestic drug supply and significantly improve safety of the reimportation that now occurs on an occasional basis by people driving back and forth across the border, those who are fortunate enough to live near a border.

We have just gotten a Congressional Budget Office score on the amendment I have offered. It says the amendment, if passed, will save the Federal Government $10.6 billion in a 10-year period. I believe it is a $50 billion savings in total for consumers. I will put in the CONGRESSIONAL RECORD the specifics. But I do know the Congressional Budget Office has just scored this amendment. It will save consumers tens of billions of dollars. The specific savings to the Federal Government itself, as a result of savings through our programs and expenditures, will be $10.6 billion.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, I will seek to define in more specific terms exactly what the Dorgan-Snowe prescription drug amendment does.

Before proceeding to that, I ask unanimous consent that the Senator from Pennsylvania, Mr. SPECTER, be added as a cosponsor to amendment No. 1010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the Dorgan-Snowe bill, pending before the Senate as an amendment, eliminates language from the Food, Drug, and Cosmetic Act that allows importation to take effect only if the Secretary of Health and Human Services can demonstrate to Congress that it will pose no additional risk to the public health and result in a significant reduction in the cost of covered products to the American consumer.

The amendment I have offered to the Dorgan-Snowe bill would restore this language. The Senate has overwhelmingly voted on three occasions to include a safety and savings certification provision in prescription drug importation legislation for the purpose of protecting the public health. Following passage of the safety and savings certification requirement, no Secretary of HHS, Democrat or Republican, has been able to demonstrate that importation is safe or will lead to cost savings. Both Secretary Shalala in the Clinton administration and Secretary Thompson in the Bush administration could not demonstrate that importation poses no additional risk to public health or would lead to significant cost savings.

Back in 2000, Secretary Shalala concluded it was "impossible . . . to demonstrate that it [importation] is safe and cost effective."

Secretary Thompson reached a similar conclusion in the next year, 2001, by saying he could not "sacrifice public safety for uncertain and speculative cost savings."

The Dorgan-Snowe bill contains numerous provisions that would expose Americans to harmful or adulterated imported drugs—could expose. In particular, the bill permits the importation of drugs that originate in such countries as Latvia, Estonia, Slovakia, Greece, Hungary, and the Czech Republic. These are outside the control of the manufacturers and outside of the jurisdiction of the Food and Drug Administration.

The bill also permits the importation of drugs that are not FDA approved and are not equivalent to FDA-approved products. Some of the drugs that could be imported under this provision would violate Food, Drug, and Cosmetic Act requirements against adulteration and misbranding.

Canadian law has been discussed here. It permits the transshipment of unapproved prescription drugs from any country in the world through its borders to the United States. These shipments move across borders, free from examination from Canadian regulators who have said their Government will not ensure the safety and effectiveness of exported drugs. The FDA and Customs officials have seized counterfeit drugs entering the United States from alleged Canadian pharmacies that are established for the purpose of permitting transshipments from other countries outside of Canada into the United States. These places where the drugs have originated include countries such as India, Pakistan, China, and Thailand.

If my amendment is not adopted, the underlying bill, as amended by the amendment of the Senator from North Dakota, would permit transshipment and severely restrict the ability of border officials to stop suspected drug shipments entering the United States. My amendment would not allow importation to begin unless these safety concerns are resolved and the Government can assure the American public that imported drugs will not endanger their health.

There is no guarantee that American consumers will experience reductions in their prescription drug costs if the Dorgan bill takes effect, because middlemen have shown they may keep the savings. The amendment I have offered ensures that consumers would benefit from importation before weakening consumer protections against potentially unsafe drugs.

In conclusion, the Dorgan bill requires the FDA to allow importation from Canada within 90 days of enactment, whether the FDA has had time to set up an appropriate regulatory framework or not.

In addition, the bill places an arbitrary cap on user fees collected to oversee the importation system. My amendment would ensure that an importation program would take effect only after a regulatory system has been put in place to protect American consumers.

I hope the Senate will approve my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I won't speak at length. I do want to make one point. The Senator from Mississippi indicated the amendment I have offered would allow for the reimportation of drugs that are not FDA approved. I don't know where that information comes from, but it is demonstrably untrue. I don't want there to be a mistaken impression on that. I ask my colleague from Mississippi if we could at least resolve that issue. The intent of this, the written version of this, is very clear. No drug will be imported into this country unless it is FDA approved. My colleague indicated this amendment would allow drugs to come in that are not approved. I don't know where that information comes from. If he and I could at least exchange information so that we resolve that, I would appreciate that.

Mr. COCHRAN. Mr. President, if the Senator will yield, I am advised that the FDA has said it could not put a regulatory framework in effect to guarantee what my amendment insists it should guarantee; that is, the effectiveness of the drug, the fact that there will likely be savings that will result for American consumers if the Dorgan amendment is adopted.

Mr. DORGAN. Mr. President, that is a different issue. The amendment itself, whether there is a regulatory framework or not, will not allow a drug to be imported that is not FDA approved. That is the written provision in the amendment itself.

Second, with respect to cost, we may have a disagreement on that, but I again observe that the Congressional Budget Office this morning has given us another score, and the score from the Congressional Budget Office says this will save the Federal Government $10.6 billion in a 10-year period. I believe the global savings—the rest would be for consumers—is slightly over $50 billion in 10 years. So it seems to me it is self-evident. If the Congressional Budget Office is putting out information to the Senate this morning that describes the amount of savings, in this case averaging about $5 billion a year, it is quite clear, someone is going to save something somewhere. I think we also can resolve the cost issue at some point down the road.

Let me say, I respect the Senator from Mississippi. He is a very worthy legislator, cares passionately about the things he works on. I do the same. I think the way to resolve this is to talk through what are the safety provisions in the bill. If they are inadequate, demonstrably inaccurate, I will accept that we would make some changes. But I do not believe that is the case. I do not believe it has been demonstrated.

As I have indicated previously, Dr. David Kessler, who ran FDA for 8 years, says this bill provides a sound framework for assuring that imported drugs are safe and effective. I understand the pharmaceutical industry does not say that. I understand some others do not believe that. I understand and respect that. But I also believe, very strongly, that the evidence is overwhelming. We have added the safety provisions that were raised by Secretary Shalala. We have added the provisions raised by Secretary Thompson.

I believe—and 33 of my colleagues in this Chamber, Republicans and Democrats, believe—we have done a very good job in resolving those issues. This issue almost has a gray beard. It has been around a long time. We have been trying a long time. It is hard to win on this issue. I accept that, and I understand it. But I am hoping that perhaps this is the year in which we might give the American consumer an opportunity to be able to participate in the global marketplace in a safe and effective way, just as the Europeans do, and be able to access a lower price of FDA-approved drugs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I agree with my colleague that this issue has been around for a long time. One of the reasons we continue to debate it is because we continue to have real-life examples of a product that comes in that is adulterated. I am not sure we have done anything to eliminate the ability to counterfeit, other than to confuse it even more, because, in fact, today we basically say it is almost impossible, unless you are an individual crossing the border, to bring in drugs from another country.

We are challenged at Customs today with immigration. Oh, we are just as challenged at Customs today on the shipment of pharmaceutical products that come into this country from abroad. It is not held to a single country.

I do not believe the reason we embrace this bill is because the Europeans do it. There are a lot of things the Europeans do today that I would not necessarily suggest are right for America. As a matter of fact, we have some international treaties that suggest we should harmonize our drug standards with the European Union. What we found was, for the European Union, with 22 members, they accept whichever country the application was applied for. If that country approves it, then it is good for the EU. If you look at some of the standards throughout the 22 countries, it would be dismantling the gold standard of the FDA.

So for those who suggest what we would do in this amendment maintains our gold standard, it would not happen. The reality is, as you accept what they do—which does not come close to the gold standard of the FDA for safety and efficacy—over time it would bring further deterioration to the confidence of our drug supply. When every American goes to their local pharmacy and they have their prescription that is written by a doctor, they go in with 100 percent confidence of knowing there is an active ingredient in it, that it is not adulterated, that their health is not going to be affected adversely when they take it.

We are on the floor today. This is part of the drug safety bill. Why? Because in some cases when products are approved and given to a much larger population, that larger population experiences different side effects because every person is genetically different. There are no two alike, unless we change the cloning laws in this country. The reality is, I do not think we are going to do that, so we do not have it to worry about. But we are here trying to strengthen the safety of the product. We currently can maintain the chain of custody because it is manufactured, it is distributed, and every product has a case lot number.

What have we experienced with counterfeit drugs? They have been able to make a pill look identical to the pills we go to the pharmacy and buy—identical in not just the pill but the packaging. As we shift packaging, so do those who are trying to game the system. The reality is, the person who is on the receiving end—and I sympathize with exactly what the Senator from North Dakota has claimed; that in many cases, pharmaceuticals are not affordable for some people. That is why we created Part D Medicare. That is why over 30 million Americans who are Medicare eligible now have coverage—coverage that has brought down the price of pharmaceuticals 33 percent in the first year.

For any other area for which we would propose legislation, if we saw a trend like this, we would be embracing the fix we put in. But no, we are going to delude it even further and confuse seniors across the country and say: Now just go on the Internet and buy it because we have said it can only come in if it is an FDA-approved product. Well, FDA-approved products are the only things we write prescriptions for in the country. The reality is, the only counterfeit product that counterfeiters are making are FDA look-alikes.

There is nothing in the Dorgan bill that says somebody cannot counterfeit anymore. There is nothing in the bill that says if we do not catch it at Dulles Airport when it flies in and test it immediately to find there is no active ingredient, we have not put somebody's life in danger. There is no assurance in this bill that if there is an adulteration of some kind that affects somebody's health—in the host of millions of pills that come in, if we do not catch it, there is somebody on the receiving end who is going to be adversely affected health-wise.

So I appreciate the fact that everybody wants cheaper drugs. We all do. But there is a reality about the United States of America: We protect intellectual property; therefore, we attract companies. And it is not just limited to pharmaceuticals. I guess the next thing we are going to do is claim Microsoft software is too expensive, so we are now going to allow that to come in from somewhere else. Well, we protect handbags. We protect clothing. We protect the copyrights, the intellectual property. There is even more of a reason to do it in pharmaceuticals. It is because there is a safety component.

I think when many people think they might be buying a counterfeit handbag—if they buy it on the streets of this town or some other town—they probably think: Well, if I get a year's use out of it, based on the price, that is OK. I do not think you can apply the same standard to pharmaceuticals. If it does not have the active ingredient, somebody might die. In fact, we beefed up, in the drug safety bill, dog food higher than what this importation provides for our pharmaceutical supply in this country.

We are going to have plenty of time to talk about it. And just as the Senator from North Dakota brings a lot of facts and figures to the floor, there are a lot of facts and figures from the 8 years—maybe more—we have debated this issue. It has not been Congress that has turned it down, it has been the American people. At the end of the day, they send us here to make decisions that are positive in relation to their health and their future. I do not think Americans want to take a pig in a poke on pharmaceuticals. But that is what this amendment will allow to happen.

This will probably change America being the innovator of drugs and medical devices because we will ignore patents and copyrights. We are advantaged by that. There are many countries in the world where you do not have access to the drugs and biologics and devices we have in this country. Yes, they are expensive because they are expensive to develop, but we put more value on quality of life, the ability for us in this country to treat what others are not able to treat because we believe that, in the overall scheme of our system, we save more money in health care if, in fact, we give somebody a pill. If that was not the case, we would not have programs for HIV/AIDS. But every time we supply that therapeutic for an HIV/AIDS patient, we know they are not going to have one case a year with some type of retinal infection. We know they are not going to be admitted to the hospital for a week because of pneumonia. We know the savings over that incident is probably going to be $15,000 or $20,000, and that is before we put any cost on the quality of life of the patient who is affected by the disease.

Well, I would imagine we will see counterfeit HIV products because they are expensive. It is one of those diseases that does not stay in the same place. It is smart. It changes itself within somebody's body, and it means that over a period of time, you can take a drug that is very effective or a combination of drugs that is very effective, and after 2 or 2½ or 3 years, the disease has now changed, and if you do not change with new therapies, the reality is there is going to be a deterioration of that person's quality of life and a further advance of the disease.

Right now, we have companies that are excited about working on the next product that will continue to take a disease we cannot cure today but for which we can stop the progression right in its tracks. What we are going to say to those companies that spend hundreds of millions of dollars, if not billions of dollars, is: Well, the United States does not put any value on that anymore. Say that to the population that is affected by the disease. Say that to the population of any group of Americans that is affected by a disease, that we are not going to have the policies in place that advance the development of drugs, biologics, and devices. When we do this, that is what we are saying.

Again, I appreciate the authors' attempts to try to assure us that safety is at the forefront. But that is only there if we are smart enough to catch it. If we were that smart, we would not have an illegal immigration problem in this country. If we were that smart, we would know that we caught 100 percent of what was coming in the country. But I do not think there is anybody who is going to take this floor and suggest to the American people that we catch 100 percent of the adulterated or counterfeit drugs. There is certainly nobody who can come to the floor, even with our food safety standards where they are—where the FDA is in charge and USDA is in charge and DHS now has some responsibility for it—and suggest to the American people that we catch 100 percent of the contaminated food before it finds its way to the shelf or to a plate in our house.

The reality is, we have had 12 examples just in the last year where we are just not that good. We are not perfect. I would suggest to you, to try the system, by setting up a program that cannot be policed—and I think that is what my colleague from Mississippi was saying. Time and time again, we have had the debate. We have pulled in the experts. They have said this is just something which is undoable for us. We cannot do it.

My hope is that as this debate goes on, more and more Members will realize it sounds good, but it is not a risk we should take in this country. It is a risk that affects people's lives.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from North Dakota.

Mr. DORGAN. Mr. President, one of the observations I made when I was privileged to come to the Senate is that virtually everyone here is a pretty effective communicator. I am reminded of that every day. I hear debate by people who really are effective, and I always appreciate it, and it is always interesting to me.

I do think—certainly everybody is entitled to their opinions; I respect their opinions—not everybody is entitled to their own set of facts. We have to deal with a common set of facts.

My colleague just made a statement, a philosophical statement, about what he believes. I respect that. But the statement included thoughts like that this piece of legislation would probably abrogate or not respect copyrights. Nothing could be further from the truth. There is nothing in here that would abrogate copyright protection, and so on. In fact, this amendment provides the requirement of serial numbers on lots and samples by those who are engaged in this sort of thing that has been prevented from occurring inside this country. It requires it for importation, and it requires it for domestic medicines. This will dramatically change the safety of the drug supply here and with respect to that which would be imported.

With respect to the American people, the American people are not undecided on this issue. Mr. President, 70 or 80 percent of them believe there ought to be allowed the importation of prescription drugs. This is not something the American people are undecided about. It is only in this Congress that it has not been decided. So I think that is something we should understand. Why would the American people believe they should be able to import FDA-approved drugs? Because they believe it is fair for them to be able to do it.

Let me describe where the prescription drugs come from by the manufacturers of the drugs. If you are taking Lipitor, that is not made here; that is made in Ireland. If you are taking Toprol XL, that is made in Sweden. Nexium is made in France. Altace is made in Malta. Vytorin is made in Singapore and Italy. These drugs are already imported. Regrettably, by the way, I might say they are imported without the protections that would exist in our amendment. It would require the manufacturer—the manufacturer of the drug—to have serial numbers on the lots, to have samples of every lot reserved, to have a pedigree for every medicine that is moved. That is for domestic consumption. I am not talking about the imported drugs under my bill; I am talking about the drugs that are made in these countries and other countries that ship them into this country, and every drug that is produced in this country will require the same.

The fact is we have tried to get that same requirement on domestic drugs and have been blocked for a long time. This legislation will make the drug supply in this country far more safe than it currently is.

We all know the amendment that is being offered about risk. Were that amendment to be offered with respect to new prescription drugs that come from research to say, you can't put a drug out there if there is risk, do you think you would have a new drug on the market anytime soon? Do you think a Health and Human Services Secretary or an FDA administrator can say: By the way, I am approving this drug and there is no risk. Of course, they can't. Of course, they would not. We know that. Drugs have risks. In fact, some drugs are put on the marketplace, and we discover later they should not have been there—a substantial risk. Vioxx. An official at the FDA says he believes 50,000 to 70,000 American people died of heart attacks as a result of Vioxx being put on the market. Further, he says—this isn't me, this is an official at the FDA—that Vioxx was widely advertised and widely promoted as some wonderful new drug, when in fact it was not a new class of drugs that had any significant benefit over existing drugs. The point is this: If one were to ascribe this risk category to new drugs, there would be no new drugs.

I know all this talk about counterfeiting—and man, have we talked a lot about counterfeiting in this Chamber in the last couple of days—all this talk about counterfeiting ignores the point that it is occurring under today's laws. The way to fix that and the way to stop counterfeiters is to do what we do in this amendment: You require on every prescription drug that is sold, that it have a pedigree. You require in every circumstance there be serial numbers on lots and samples. It is incontrovertible, in my judgment, that this will dramatically improve the safety of domestic prescription drugs as well as imported prescription drugs.

One final point with respect to the issue of research. My colleague said: Well, if we pass this amendment, what the Senate has said is there is no value to research on prescription drugs. I don't have the foggiest idea where that concept comes from. We spend a lot of money on research. I was one of a group of Senators who said: Let's double the amount of money at the National Institutes of Health, and we did, in 5 years, to dramatically improve and increase the amount of research at the National Institutes of Health. I am a big supporter of research. We do a lot of wonderful research, some in the public sector, some in the private sector. At the NIH, by the way, we do the research and often much of that research is used by the pharmaceutical industry to produce lifesaving drugs. But lifesaving drugs save no lives if you can't afford to get them, if you can't afford to have them, and if you can't afford to take them.

It is true none of us have a problem, in this Chamber, dealing with the price of drugs; we have health care policies and those kinds of things. But there are a lot of folks all over the country who are taking a lot of different prescription drugs. I think prescription drugs are wonderful. They keep people out of an acute care hospital bed, the most expensive kind of health care. Interestingly enough, in many cases they are taking 10 or 12 different kinds of prescription drugs to manage various diseases. As a result of that, we passed Part D; my colleague is correct about that. Part D provides drug benefits to those who have reached the age of Medicare. Regrettably, of course, there was nothing in Part D that would put downward pressure on prescription drug prices. I would say look at the increase in prescription drug prices in the first quarter in this country. Look at the increase in prescription drug prices in 2006, and then ask yourself whether all of this is working to put some downward pressure on pricing. It is not. It is just not.

So as I said earlier this morning, I hate to lose a debate I am not having. I would love to have a debate in which we are both debating the same bill, but a suggestion somehow that this bill allows drugs to come into this country that are not FDA-approved means that you are off debating some other bill someplace. Well, fine. Win that debate if you want. It is not the bill that is on the floor of the Senate. It isn't. The same is true with a number of statements that have been made about respecting copyrights, and so on. In fact, what we have required is a regulatory burden that the industry doesn't like—I understand that—but it will, in fact, protect them and protect their copyright because it will make it much harder for anyone to counterfeit. That is a fact.

One of the interesting aspects of this country is that we are seeing some unbelievably good news. The good news is people are living longer and better lives. In a century, in 100 years, we have increased the lifespan by somewhere around 30 years, from 46 years old to about 76 years old. That is good news. People are living longer and better lives. A significant part of that, I think, is being able to, at an advanced age, manage diseases. A significant part of that is prescription drugs. There are some who don't have that. I have an uncle I have described before who is now 86 years old. He and his wife take no prescription drugs at age 86. The fact is, as I have also described to my colleagues, he is a runner. He runs in the Senior Olympics at age 86. He used to run in his seventies and early eighties the 400 meter and the 800 meter. Now he tells me he is a specialist in the 100-meter dash, at age 86. He has a good life. He is healthy. He likes life. He is very active. He is not riding his motorcycle so much anymore, but he has one of the biggest motorcycles you can get sitting in his garage. He doesn't need to take prescription drugs. Good for him.

We have a lot of folks who reach their eighties and nineties. We know about that because in our part of the country, my State of North Dakota ranks No. 1 in the Nation in the number of people 86 years of age or older as a percent of the population. We rank No. 5 in the country in the number of people 65 years of age or older as a percent of the population. So a lot of people are living a lot longer. That is good news. It puts some drain on Social Security and Medicare.

A quick way to fix Social Security and Medicare is to go back to the old life expectancy, go back to age 46. We wouldn't have any trouble. I am digressing a bit, but when Social Security was created, on average, people lived to be 63. So we created a system that says: When you retire, you get benefits at 65. Well, I went to a small school, but I understood enough in math to think that works out real well. You pay taxes and, on average, you are going to live to age 63, and when you retire at 65, you get some benefits. That is not a system that is going to have financing trouble at all. But then the problem is people began living much longer. That is not a problem. That is a success. So good for them.

At any rate, prescription drugs about 40 years ago became a much larger part of the discussion in modern life, to keep people out of the acute care hospital beds and to manage their diseases. So that is a wonderful thing. I have said before, and I will say it again: The pharmaceutical industry is a fine industry; I have serious problems with their pricing strategy. I think it is wrong. I want them to succeed. I want them to research. I want them to do the research on prescription drugs. I would like them to stop advertising early in the morning when I am shaving and brushing my teeth and getting ready for work, telling me what I ought to go talk to my doctor about. They have all these pills they want me to ask the doctor if they are right for me. I get confused. I am not sure I need them. But there is a lot of advertising going on and a lot of promotion.

I want them to find new medicines to unlock the mysteries of dread diseases. I want the Federal Government, through the NIH, to substantially invest in new research and development. I want all of those things. But I also want, even as I compliment the pharmaceutical industry and I compliment the NIH and all those who are spending their days—today, Thursday—trying to figure out how do you unlock the mysteries of ALS or diabetes or cancer or heart disease, even as I do that, I say to the pharmaceutical industry: I think your pricing strategy is wrong and it is unfair to the American people. We ought not be paying the highest prices in the world for prescription drugs. That is unfair.

The amendment I have offered with 33 of my colleagues, Republicans and Democrats, would change that. No, it wouldn't shut down research, not at all. No, it wouldn't exacerbate counterfeiting, not at all. The fact is this will be fair to the American people, if we pass this legislation. It will continue, I think, to see substantial research. It will also, in my judgment, contribute to shutting down the counterfeiting of prescription drugs, but most importantly, it will finally say to the American people that we are on your side on this issue. We believe in fair pricing and we finally are going to insist on it.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I rise in strong opposition to the Cochran amendment. We should be very clear. For anybody who is interested in prescription drug reimportation, for anybody who is interested in lowering the cost of prescription drugs in this country from 25 to 50 percent, for anybody who is interested in standing up for the working families of this country who are getting ripped off every day by outrageously high prescription drug costs, the Cochran amendment is a poison pill. To vote for the Cochran amendment is to vote against prescription drug reimportation; it is to kill the Dorgan amendment.

The idea of asking permission from the Secretary of Health and Human Services, from the Bush administration, who have already gone on record rather firmly and decisively in opposition to reimportation, is to simply mask your vote. The Bush administration represents the pharmaceutical industry. They will kill prescription drug reimportation. To ask their permission to go forward is simply to kill prescription drug reimportation. So anyone who is serious about lowering the cost of prescription drugs will not be supporting the Cochran amendment.

The unfortunate reality is, in the United States of America we continue to pay, by far—it is not even close—the highest prices in the world for prescription drugs. Because of the escalating cost of medicines, many of our fellow Americans, many working people, many people with chronic health problems, simply do not get their prescriptions filled. I am sure in Montana the experience is the same as it is in Vermont. People tell me they walk into the drugstore and cannot believe the prices they are being charged. They can't afford those prices. I have talked to pharmacists, as I suspect the Chair has as well, who have been embarrassed. They have seen tears coming out of people's eyes when they have told them the cost of their medicine.

Meanwhile, as a result of the power of the pharmaceutical industry, we have the highest prices in the world, and those prices are rising every single day. In fact, tomorrow, if an American walks into a pharmacy and the pharmacist says to that person: I am sorry to have to tell you this, but the cost of your medicine went up 50 percent, or 75 percent, we can do nothing about it. Unlike the rest of the industrialized world—Canada, Europe—where they understand prescription drugs are an integral part of a whole strategy regarding health care, we let the drug companies do anything they want to do.

As the first Member of Congress to take constituents across the Canadian border to enable them to pay substantially lower prices than they were paying in the United States, I have seen firsthand what it means to people's lives when they get the drugs they need at a price they can afford. I will never forget—never forget—when in 1999 I brought a busload of Vermonters over the Canadian border. Many of the women there were struggling with breast cancer, fighting for their lives, and they didn't have a whole lot of money. They went to Montreal and purchased Tamoxifen, a widely prescribed breast cancer drug, which at that time—at that time—was one-tenth the price they were paying in the United States. Imagine that. Fighting for your life, not having a lot of money, and needing a drug. Suddenly, they looked at the price they were paying and they literally could not believe it.

Mr. President, I ask unanimous consent that a chart which compares prices in the year 2005—so the prices may be different today, but as of April 2005, a price comparison between United States prices and Canadian prices, and United States prices and German prices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOME PRICE COMPARISONS AS OF 4/06/2005

Drug (in US $)	Illness/condition	US price	Canadian price
Actos (15mg, 90)	diabetes	296.89	257.97
Cardizem CD (240mg, 90)	heart	215.89	88.03
Celexa (20mg, 30)	depression	81.99	52.05
Clarinex (5mg, 30)	allergies	74.99	37.31
Fosamax (10mg, 100)	osteoporosis	242.89	178.62
Imitrex (50mg, 27)	migraines	503.89	365.08
Nexium (20mg, 30)	heartburn	144.99	87.77
Norvasc (5mg, 90)	blood pressure	127.59	135.32
Prevacid (15mg, 30)	ulcers	129.99	74.40
Prilosec (20mg, 30)	ulcer	128.99	74.50
Procardia XL (30mg, 30)	heart	53.99	33.84
Relafen (500mg, 200)	arthritis	340.19	183.86
Tamoxifen (20mg, 30)*	breast cancer	68.59	40.21
Ticlid (250mg, 60)	stroke	171.99	101.36
Vasotec (10mg, 60)	heart	70.99	63.30
Zocor (20mg, 30)	cholesterol	131.99	74.65
Zoloft (50mg, 100)	depression	227.49	182.04
Zyrtec (10mg, 30)	allergies	69.99	41.87

Drug (in US $)	Illness/condition	US Price	German price
Actos (15mg, 30)	diabetes	116.64	50.62
Celexa (20mg, 30)	depression	85.46	35.72
Clarinex (5mg, 30)	allergies	77.06	38.64
Imitrex (50mg, 9)	migraines	166.40	102.67
Nexium (20mg, 30)	heartburn	145.33	60.25
Norvasc (5mg, 30)	blood pressure	54.83	35.72
Prevacid (15mg, 30)	ulcers	146.47	35.22
Zocor (50mg, 30)	cholesterol	85.39	23.83
Zoloft (50mg, 30)	depression	89.44	54.98
Zyrtec (10mg, 30)	allergies	73.02	34.33

All prices found via www.walgreens.com and www.canadadrugs.com.
*Price found at www.cvs.com.

Mr. SANDERS. Mr. President, let me talk about a few of the drugs.

Actos is a drug for diabetes. As of 2005, in the United States, the price of that drug was $116. For the same number of pills and the same milligrams, it was $50.62 in Germany. Twice the price—same product, same company, same factory, but less than half the price in Germany.

For Celexa, a drug for depression, it was $85 in the United States and $35 in Germany. Same company, same product. Clarinex was $77 in the United States and $38 in Germany. On and on it goes—sometimes more, sometimes less but often half the price in Germany, and different prices in Canada but often the same end result.

The very simple question the Members of the Senate have to ask themselves is: Why is it that in the United States we have to pay the highest prices in the world for our medicine? Why is it that at a moment in history when we are eating food products from farms in Mexico and in Latin America, produced in China, and they are coming to our kitchen tables today, why is it that anybody here can say with a straight face it is OK for products all over the world to come into this country from tens of thousands of farms, but in terms of a handful of major drug companies, somehow we cannot regulate the flow of those medicines from Canada, for goodness' sake, into the United States?

Give me a break. That argument is so totally absurd as to be almost beyond the laugh test. This debate has nothing to do with drug safety. All of us are concerned about drug safety, and the Dorgan amendment has page after page after page of regulations making sure the FDA-approved medicines that come into our country will be safe.

What saddens me very much is that in many ways the American people have given up on this issue in terms of the ability of their own government to act, and they have taken matters into their own hands. I don't know what goes on in Montana, but in the State of Vermont thousands of people in our State go over the Canadian border. They go to the Canadian drugstores and buy the products they need. It is not a big deal, and they save substantial sums of money.

There was an estimate a few years ago, and I don't know what those numbers are today, but there was an estimate several years ago that about 2 million Americans were buying their medicine in Canada. What the Dorgan amendment is about is simply saying that it is a little bit absurd for Americans to have to get in their cars and drive to Canada to get the drugs they need; that it might make more sense for our pharmacists to be able to purchase that medicine, our prescription drug distributors to be able to purchase that medicine so, in fact, Americans could take advantage of the lower prices at their own local drugstore.

That is what we want to do. We don't want all of America to have to go to Canada or Germany to buy reasonably priced medicine. We want those products sold in this country at an affordable price.

I think many Americans are wondering: Well, how does it happen that a product made by an American drug company—at a time when the taxpayers of this country, by the way, spend billions of dollars in research and development for drugs that go to the drug companies—that in the midst of all this, how does it happen that we pay two or three times as much as our neighbors in Canada or our friends in Germany or throughout Europe? How does that happen?

Well, the answer is pretty simple. The answer is pretty simple. The answer has everything to do with the way we do politics in this country and the enormous power of large multinational corporations and the enormous power of lobbyists who represent those corporations. Let me quote from a Washington Post article of Friday, January 12, 2007. It is a front page article. This is what it says. This is January 12, 2007:

> This month alone [i.e. January] the Pharmaceutical Research and Manufacturers of America [PhRMA] spent more than $1 million on full-page newspaper ads touting the success of the existing Medicare drug system.
>
> Drug companies spent more on lobbying than any other industry between 1998 and 2005—$900 million, according to the nonpartisan Center for Responsive Politics. They donated a total of $89.9 million in the same period to Federal candidates and party committees, nearly three-quarters of it to Republicans.
>
> "You can hardly swing a cat by the tail in Washington without hitting a pharmaceutical lobbyist," said Senator Charles E. Grassley, Republican of Iowa, a key sponsor of the 2003 legislation that created the current program.

That is what we are dealing with today, and we should not kid ourselves. The pharmaceutical industry, year after year, turns out to be one of the more financially successful industries in our country. According to Fortune magazine, the top 19 pharmaceutical companies in 2005 made $42.1 billion in profit; in 2004 the profit margin was almost 16 percent, three times higher than the average Fortune 500 company.

That is what you have. We have a situation where millions of Americans are struggling to pay their prescription drug costs. We have a situation where many Americans simply cannot afford the medicine they desperately need. We have a pharmaceutical industry which, year after year, enjoys some of the highest profits of any industry in this country. We have an industry which pays its CEOs very exorbitant salaries. We have an industry which has an estimated 1,200 paid lobbyists in this country, many of them former leaders of the Republican and Democratic Parties. We have an industry that makes huge amounts of campaign contributions. We end up with a situation in which we pay by far the highest prices in the world for prescription drugs.

Senator DORGAN quoted a study from the CBO, I believe it was, that suggests we could save some $50 billion over a 5-year period if we move to prescription drug reimportation. In this body we have people who get up every day and tell us how wonderful they perceive unfettered free trade to be. It is not a problem when American workers are thrown out on the street because factories are moved to China where people are paid 30 cents an hour; hey, that is part of the global economy. No problem there. There is no problem when food comes into this country from China and our farmers lose money. No problem. That is part of the global economy.

But somehow, amazingly enough, when an aspect of free trade works for the average American and not for a large multinational corporation, suddenly we do not like unfettered free trade. Suddenly we cannot reimport prescription drugs from Canada—from Canada, which neighbors us, obviously—from a handful of drug companies. We cannot do that. I think that argument is very absurd.

Let me conclude. A vote for the Cochran amendment is a vote to kill prescription drug reimportation, pure and simple. The Bush administration has said they will not go forward with reimportation. Let us defeat the Cochran amendment. Let us pass the Dorgan amendment. Let us lower prescription drug costs in this country by 25 percent to 50 percent. Perhaps even more important, let us show the American people that the Congress has the courage to stand up to the most wealthy and powerful lobby on Capitol Hill.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Ms. MIKULSKI. As a member of the HELP Committee and someone who was an active participant in shaping this legislation, I rise to let everyone know it is very important that we pass this bill. This legislation is perhaps one of the most important bills in more than a decade to improve drug safety. I am very distressed that for a variety of ideological reasons, this bill is being impeded. Yet drug safety should not be impeded. Drug safety is one of the most important issues we face. The recent testimony of two former FDA commissioners—one appointed by a Republican, Dr. Mark McClellan, and the other appointed by a Democrat, Dr. David Kessler—discussed the need for this legislation as one of the most important items to come before the Senate.

Congress has a unique opportunity to change the way we monitor the safety of drugs. We can't afford to miss this chance. We owe it to consumers, physicians, and patients, who rely on FDA to be the gold standard, to pass this legislation. This is about protecting the American people. There are countries all over the world that can't afford an FDA so they look to us to see what drugs are approved.

I have long been a supporter of the Food and Drug Administration. It is in my State, and I am very proud of it. I have fought hard for the employees at the FDA; for the resources to maintain the mission of the FDA. Through the years we have done a variety of things to improve FDA but nothing as important as this bill.

When we began to work on this legislation, I wanted to know what impact I could make. I was concerned about the fact that FDA seemed to have lost its way. It seemed not to have the right leadership, and it certainly didn't have the right monitoring for drug safety—particularly post-market surveillance. So we ended up with the Vioxx situation. We ended up with drugs to treat young adolescents triggering suicidal thoughts and worse. The issue of drug safety is paramount in America. When I looked at this legislation before the HELP Committee, I wanted to find a way to strengthen the FDA but not create a whole set of regulations that were bureaucratic and technocratic but without efficacy. So where did I turn? I turned to the Institute of Medicine. The Institute of Medicine is the premier agency that often gives advice and direction to the larger community.

They published a report called "The Future of Drug Safety." It had been commissioned by the FDA itself. As I read this report, I was struck by its commonsense provisions. I was also struck by the fact that we have endless reports. We have lots of commissions that Congress asks to be created, but we never act upon them. Just yesterday, the Journal of the American Medical Association ran an editorial about how the Institute of Medicine developed the right prescription for FDA, but no one is going to act on it.

Well, I acted on it. I took the prescription to help the ailing FDA. While our leadership, through Senators KENNEDY and ENZI, was working a comprehensive bill, I brought to their attention these recommendations. By working in a civilized, collegial way, my amendments were adopted. It is not about my amendments. It is about the Institute of Medicine recommendations. Isn't it great when we can take the best thinking, work on a bipartisan basis, and put it into action to protect the American people. To me, that is what it is all about.

Today when I look at this bill, I am so proud of the provisions we included. It strengthens science. It increases transparency. It improves drug safety. Yet it doesn't shackle the FDA.

Let me share the recommendations of the Institute of Medicine. In terms of strengthening science, they were very clear and said that science must be strong to protect the public and to keep the best and brightest scientists at FDA. What did we do? No. 1, we created the Office of Chief Scientist at the FDA. A single scientist will now oversee all of the offices to be sure they have strong scientific guidance from the very top of the agency. This Chief Scientist will work with a strengthened Scientific Advisory Board who will make sure the Commissioner and the Center Directors are getting the best scientific advice. Imagine, the FDA didn't have a chief scientist. We have a chief scientist at the National Space Agency. We should certainly have a chief scientist at the Nation's drug safety agency.

Then we made sure that all new drugs would be reviewed by an Advisory Committee. That means all new drugs will receive a comprehensive review. You might ask: Don't they now? No. Most got an advisory committee review, but under this legislation, there will be an advisory committee review of ALL new drugs to help assure that as a drug moves into clinical practice, it will be as safe as it can be. Remember, the FDA has a job to make sure drugs do two things: are safe and effective. These Advisory Committees will help make sure the drugs do no harm but also make sure they do good.

We also reinforced the ability of scientists at the FDA to publish their scientific papers. One might ask: Can't they now? No. If you work at the FDA, you often can't publish articles unless your boss says it is OK. Imagine that. We are talking about allowing scientists to publish in peer-reviewed scientific journals. This might sound kind of wonky, but it is important to morale. Its important for Scientists who now work at the FDA and important for recruiting new scientists that the FDA desperately needs.

The other actions we took were to improve transparency. Transparency at the FDA is critical, especially throughout the drug approval process where all scientific views, even dissenting ones, should be made public. I added provisions to make sure this will happen. Through language I had incorporated in the bill, we will make summaries of the drug approval process available to the public on the Internet. A summary will be available 48 hours after the drug is approved and the whole drug review package will be publically available within 30 days. If there are dissenting scientific views, they will also be made available as well. If you are a scientist, a researcher, even if you are a consumer, you will be able to know the history of a particular drug and review its approval process. You can learn if there were there flashing lights raised during the approval process about which you can talk to your doctor.

This is big. I know the distinguished presiding Senator was the attorney general for the great State of Colorado. I know he would also be very concerned about protecting proprietary information. This is not going to be about that. It is about safety issues, and they will be made public. We are also going to make sure patients and consumers help to make sure the FDA is communicating well with the public by creating an Advisory Committee on Risk Communication. This is modeled after two committees at the NIH and will facilitate getting FDA's message out to the public.

We also made additional changes that will directly improve drug safety. Throughout the approval process, it is important to include scientists who know how to follow drugs after they are approved. This takes me to one of my most important considerations. This legislation will strengthen the Office of Surveillance and Epidemiology to make sure it is part of the drug process from the beginning and all the way through.

This legislation will also generate additional money for drug safety. Provisions in this bill would add $29 million in PDUFA fees and up to an additional $65 million specifically for monitoring drug safety.

In sum, there are about 15 IOM drug safety recommendations we added to this bill. By working together, we have improved safety, we have improved transparency, we have improved morale, and we have improved resources. This is a good bill.

I say to my colleagues on the other side of the aisle: I don't know what you are cranky about. I don't know why you are holding up this bill. I will tell you what I am cranky about. I am real cranky when a drug goes out into clinical practice, and all of a sudden kids have problems. Kids have problems because they are trying to be like other kids. They are taking medication and it triggers something biomedical in their brain and gives them very dark thoughts. We don't want them to do dark things to each other. I am cranky when we have a doctor working in a rural part of my State, who doesn't have the time to read every medical journal but is relying on the fact that the drug he is prescribing to a patient for a heart condition has been approved by the FDA. He relies on the FDA to make sure that drug is as safe and as reliable as that doctor is in his own clinical practice.

I get cranky, real cranky, when we cannot improve drug safety. If we want to talk about that, we have to get back to mission and to purpose. It is the mission of the FDA to stand sentry over our food and drug supply to ensure safety and efficacy. It is incumbent upon us to give them the right policy framework and the right resources. I think we ought to get into action and pass this bill. Let's work together to make sure that when we talk about defending America, we defend Americans by passing this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I wanted to speak briefly, partially in response to statements made on the other side of the aisle, specifically by the Senator from Vermont whom I had the good fortune to listen to and whom I always enjoy listening to—the junior Senator from Vermont. Although I always enjoy listening to him, the junior Senator, I enjoy listening to the senior Senator, too, but in this case it was the junior Senator, a very eloquent individual and a neighbor.

I did want to make a couple of points. He said, or implied—in fact, he said—that the Cochran amendment was essentially a poison pill to the efforts of Senator DORGAN to generate reimportation language which would be effective in allowing Americans to purchase drugs from Canada, or over the Internet for that matter. Then he said this was a result of the fact that the Bush administration was basically a tool—those are my words, but I think that is a characterization that is fairly accurate—a tool of the pharmaceutical industry, and the Cochran language was a reflection of that sort of attitude.

I think it is important to understand what the genesis of the Cochran language is. The Cochran language did not come from the Bush administration. The Cochran language actually came from the Clinton administration. I was here when it was originally proposed, and it was supported by President Clinton and by his Secretary of Health and Human Services—I believe it was Donna Shalala—because they felt very strongly, as does the Bush administration, that the FDA should not have two standards of safety. It should not have a standard of safety that says the products that are sold in the United States have to be subject to FDA review to make sure they are safe, but for products which somebody goes out of the country and buys and brings back to the United States, the FDA will be forced to turn a blind eye and will not review that product's safety.

The language is simple. It says if the Secretary of Health and Human Services cannot assure, through the FDA, a product coming into the country is safe and effective, then the product cannot be brought into the country. That is pretty reasonable language. That is what we asked the FDA to do. That is why the FDA was created, to protect American citizens who are purchasing pharmaceutical products or medicines. What this language which Senator COCHRAN is proposing would do is simply extend that language, should the Dorgan amendment pass, to products which are purchased outside of the United States and brought into the United States the same way, the exact same way, the FDA is required to review the safety and efficacy of a product which is purchased in the United States. That is all the language does.

Yes, it will have a significant impact on the Dorgan language because, yes, both under the Clinton administration and under the Bush administration the Secretaries of Health and Human Services have said it is going to be extremely difficult, with the resources they have, with the authorities they presently have, to assure the safety and efficacy of drugs that are being reimported into this country.

But it is truly an inaccurate representation to say this is a Bush initiative, the purposes of which are to protect the pharmaceutical industry. It is just the opposite, in fact. This was an initiative created by President Clinton and his administration to protect the American consumer from purchasing drugs which the FDA doesn't have the wherewithal to determine whether or not they are adulterated.

Now, the response to this, of course, the substantive response versus the pejorative response, which is that it is just a pharmaceutical stalking horse—the substantive response to this from the Senator from North Dakota is, we are not suggesting anything that gets purchased isn't FDA approved. It has to be an FDA-approved drug. That is what the language in his amendment says. Yes, that is true; that is what the language of his amendment says. But the practical way it works is the FDA can't assure you, the American customer, my constituents, they can't assure that customer who goes to Canada the product they purchase in Canada is FDA approved, is the FDA-approved drug it says it is because the FDA has no ability to monitor that drug in Canada.

In the United States, it can absolutely guarantee if you buy—the Senator from North Dakota has been using the example of Lipitor—if you buy a bottle of Lipitor, that it is going to be Lipitor. But if you buy that bottle and you cross the border and bring it back into the United States, the FDA has no way of knowing or being able to manage the question of whether that is the drug that is supposed to be in that bottle. That bottle can be bottled in a way that puts a drug that has been adulterated into the bottle and then claim to be FDA approved. That is not a projection. In fact, that is exactly what is happening today.

Yesterday, for example, the FDA put out a press release citing the fact that there are 24 pharmacies that are online today people use in America that are not American pharmacies, that are international, and they now have absolutely firm evidence those pharmacies, or the group of pharmacies, the group that manages those pharmacies, is selling drugs representing that they are one type of drug but actually what is being delivered is something entirely different. In some cases it was just starch. It wasn't a drug at all. Even though it was claimed to be an FDA-approved drug, with the certification on it, with the batch number on it, with the expiration number on the package, it turned out it was starch.

In another instance it turned out it was an entirely different component than the drug which was allegedly being sold, which could do significant harm to you if you took it. In fact, we have innumerable anecdotal examples of people being harmed by purchasing drugs both over the Internet and by crossing the border because those drugs turned out to be fabrications. They turned out to be counterfeit. They turned out to be basically fraud on that consumer. So the purpose of the FDA is to ensure that doesn't happen.

What this language says very simply is, the FDA will assure that doesn't happen by giving the authority to the Secretary to make the decision—the same authority asked for by President Clinton and his Secretary of Health and Human Services—to make the determination as to whether a drug coming into this country through reimportation is safe and effective. That is what we charge the FDA to do. To claim it is some sort of an attempt to undermine the purpose of keeping consumers safe is just the exact opposite of what it is.

The purpose of this amendment is to make sure American consumers, when they buy a pharmaceutical, whether they buy it in the United States or whether they go over the border and buy it and bring it back into the United States, can be confident that pharmaceutical is safe and effective as determined by the FDA. So it is extremely reasonable language. It is not language that was proposed, as was represented by the Senator from Vermont, by the Bush administration as a stalking horse for the drug industry. It is, in fact, language which was proposed by President Clinton, President Clinton's Secretary of Health and Human Services, supported by them. They asked for the authority, and it is now the same position which has been taken by this administration, the Bush administration.

Mr. President, the Senator from Georgia has been very courteous in allowing me to go forward and taking this time before he and the Senator from Arkansas were to speak. So at this time I will reserve my comments and yield the floor so the Senator from Georgia can take his time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank my good friend from New Hampshire for yielding. I certainly agree with everything he has just been speaking about relative to the bill that is on the Senate floor now.

(The remarks of Mr. CHAMBLISS pertaining to the introduction of S. 1283 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, the debate we are now having is an extraordinarily important debate; in fact, it will be one of the most important votes we will be casting this year.

This vote is about whether we stand with the American people, millions of whom are having a very difficult time paying their prescription drug bills or whether we stand with the most powerful and greedy lobby on Capitol Hill, and that is the pharmaceutical industry which has spent extraordinary sums of money to make sure the American people pay outrageously high prices for the medicine they desperately need.

I wish to briefly examine a chart which talks about the very high profit margin of the pharmaceutical industry. One of the reasons why the pharmaceutical industry can spend so much money on lobbying, on campaign contributions, on advertising is because of the profits they make year after year.

In 2004, drug companies ranked as the third most profitable industry in the United States with a 15.8-percent profit margin, which is about three times higher than the profitability of a median Fortune 500 company, which is at about 5.3 percent. This is in 2004. This comes from the Kaiser Foundation.

What we can also see, and what this chart tells us, is the extraordinary profits the drug companies are making from particular drugs. Epogen is the drug. Amgen is the company with profits of $2.5 billion. Taxol is the drug; the firm is Bristol-Myers Squibb, $2.1 billion for one drug, and on it goes. They are profitable year after year. The pharmaceutical industry continues to be one of the most profitable industries in this country.

I have another chart. One of the issues I look forward to discussing with Members of the Senate is the fact that as taxpayers in our country, we contribute billions and billions of dollars to the National Institutes of Health, the universities, the foundations for the very noble and important purpose all of us support: to create drugs that will address the major illnesses facing us, whether it is cancer, diabetes, AIDS, whatever it may be. We have spent billions and billions of taxpayers' dollars in a sense subsidizing the drug companies and, in fact, taxpayers do not get any reasonable price returns from them. We just give them the money.

Here is an example. Taxol is a very important and widely used medicine. According to a 2003 GAO report, the NIH spent $484 million on research for Taxol, Bristol-Myers Squibb spent $1 billion and subsequently earned $9 billion in profits.

In other words, American taxpayers are paying twice: once in the form of underwriting pharmaceutical research and the second time in the form of monopoly prices.

When we talk about the drug companies, we should also deal with the issue they often bring up. PhRMA is a very powerful lobbying group, the most powerful trade group on Capitol Hill. What they tell us is they need these very high prices, they need all of the taxpayers' money because they are putting all of that into research and development. Don't we all want new drugs for diabetes, cancer, AIDS, and a dozen other terrible illnesses? This chart tells us something a little bit different.

This chart tells us the pharmaceutical industry spends far more for marketing—and goodness knows we have seen their ads on television over and over again, and guess who is paying for those ads. We are, in terms of high prices for the drugs, far more for marketing than for research and development.

Let me get back to the thrust of what this debate is all about, and let me be very clear. As I mentioned a little while ago, the Cochran amendment is a poison pill. If anyone is serious about prescription drug reimportation, if people are serious about lowering the cost of prescription drugs from 25 to 50 percent, if people are serious about standing up for consumers in this country, they will vote against the Cochran amendment.

So that no Senator has any doubt about what is going on, Mr. President, I ask unanimous consent to have printed in the RECORD a Statement of Administration Policy, dated May 1, 2007, from the President's office, and I will quote from the bottom of page 2, where there it is in black and white. This is a two-page letter. It says:

> As a result, if any such importation provision were included in the final version of the bill presented to the President, the President's senior advisers would recommend that he veto the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 1, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 1082—FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

(Sen. Kennedy (D) MA)

The Administration strongly supports reauthorization of the Prescription Drug User Fee Act (PDUFA) and the Medical Device User Fee and Modernization Act (MDUFMA). These two programs account for nearly one quarter of the Food and Drug Administration's (FDA) annual budget and support more than two thousand Agency employees who work diligently to ensure the safety and efficacy of the medical products on which the American people rely. Reauthorizing PDUFA and MDUFMA will enhance FDA's ability to more efficiently and effectively regulate drugs, biological products, and medical devices, a critical component of the Agency's public health mission. Additionally, the Administration is committed to reauthorizing the Best Pharmaceuticals for Children Act (BPCA) and the Pediatric Research Equity Act (PREA), which have provided invaluable information to the Agency about medical products' interaction with pediatric populations.

The Administration shares the goal of S. 1082 to provide FDA with the appropriate tools and resources to enhance the safety and efficacy of the products the agency regulates. However, the Administration has serious concerns with S. 1082 in its current form and will work with Congress to address them as the legislative process moves forward.

The Administration appreciates that portions of S. 1082 are consistent with the Administration's recommendations for reauthorization, which strengthen FDA's ability to ensure the safety and availability of new drugs and medical devices, create a new program for review of television advertisements, and strengthen post-market review. These user fee programs expire at the end of the current fiscal year, and their timely reauthorization is critical to the ability of FDA to continue to carefully and expeditiously review and approve new drugs and devices to benefit the health of the American people.

The Administration is committed to further improving drug safety through better tools for surveillance of drug events, improved scientific tools for evaluating drug safety problems, and better means of communicating drug safety problems to providers and patients. However, the Administration is concerned that the bill, as written, would require significant resources to implement burdensome process changes that will not contribute meaningfully to improving drug safety. For example, the prescriptive timeframes to develop and process Risk Evaluation and Mitigation Strategies are particularly burdensome and are not likely to contribute to improving drug safety. Additionally, the Administration is concerned about the provision in S. 1082 that would use increased user fees to fund certain additional drug safety activities that were not agreed to during the statutorily required Agency-industry negotiations. This provision reopens and is inconsistent with the Administration PDUFA proposal that was developed through extensive consultation.

There are other provisions in S. 1082 that also raise serious concerns. Specifically, the bill would make changes to the BPCA and PREA to reduce the incentives to conduct clinical trials for children, thus reducing the effectiveness of the program. It also would impose administrative burdens that would make the programs inefficient and in many ways unworkable. These provisions would reduce the flexibility the agency needs to conduct these programs, require an inefficient duplication of scientific expertise, and cause delays in the review of pediatric assessments. Both BPCA and PREA have been very successful in providing the necessary incentives for drug companies to conduct pediatric clinical trials to improve our understanding of how drugs work in children, thus enhancing the quality of their medical care. BPCA and PREA should be extended without modification.

Potential Amendments: Follow-on Protein Products and Importation of Prescription Drugs

The Administration supports the goal of making safe and effective drugs available and affordable for American consumers. While some in Congress may be interested in attaching legislation related to follow-on protein products to this bill, the Administration believes that these complex issues should be considered thoroughly through a robust scientific, regulatory, and legal discussion. Sufficient discussion has not yet occurred and should not be abbreviated for the convenience of a particular legislative vehicle. Any legislative proposal considered to authorize a regulatory pathway for follow-on protein products must, as a first priority, ensure the safety and efficacy of the resulting products, thus protecting patient safety. Furthermore, it should also include adequate intellectual property protections for innovators, in order to maintain the research enterprise that has generated life-saving medications. The Administration believes further discussion must take place before addressing these issues in legislation. The Administration strongly opposes the inclusion in this bill of any provision related to follow-on protein products.

The Administration would also strongly oppose any provision that might be added on the Senate Floor regarding the importation of prescription drugs that does not address the serious safety concerns identified in the December 2004 Department of Health and Human Services Task Force Report on Prescription Drug Importation. The Administration believes that allowing importation of drugs outside the current safety system established by the FDA without addressing these serious safety concerns would threaten public health and result in unsafe, unapproved, and counterfeit drugs being imported into the United States. As a result, if any such importation provision were included in the final version of the bill presented to the President, the President's senior advisors would recommend that he veto the bill.

The Administration strongly opposes the inclusion of any unrelated provisions that would disrupt the timely reauthorization of the user fee program. The Administration looks forward to working with Congress to reauthorize PDUFA and MDUFMA expeditiously to avoid any disruptions to these successful programs.

Mr. SANDERS If you are voting for the Cochran amendment, which says, well, we want the Secretary to certify we can go forward, what you are voting for is to kill reimportation. The White House was honest enough to make that very clear. So it would seem to me that for those people who want reimportation, you have to vote "no." If you don't want reimportation, then you can vote for it. But that is the simple reality.

There is another issue which I understand was raised a little while ago—I was not on the floor at that moment—and that dealing with the Clinton administration's attitude toward reimportation. I must say when I was a Member of the House, I was very involved in this issue. I was one of the leaders in the House in fighting for prescription drug reimportation. Back in the year 2000, we worked very closely with the Clinton administration and with then Secretary of Health and Human Services Donna Shalala to craft and pass reimportation legislation. During that process, the Clinton administration came to support reimportation over a period of time.

Unfortunately, as many in this Chamber remember, it was during that debate on reimportation that the Senator from Mississippi first offered the certification language he is putting forward today. So he has been doing this for quite a while. It is true Secretary Shalala refused to implement the reimportation legislation passed in 2000 as a result of this certification. I know opponents of reimportation like to characterize Secretary Shalala's refusal to implement reimportation because she believed reimportation was impossible to make safe. That is the argument we hear over and over again: Hey, it is not us. Even the Clinton administration said reimportation could not be made safe. But what I must say, as straightforwardly as I can, is that argument is not accurate. It is not right.

In her December 26, 2000, letter to President Clinton dealing with this issue, Secretary Shalala outlined several "flaws and loopholes" that would prevent the legislation from being effective. As someone who was active in the debate of 2000, let me also say it is a fact that these "flaws and loopholes" were identified prior to the passage of that legislation, but opponents of reimportation refused to address them because they knew those flaws and loopholes would be fatal.

The legislation being offered today by Senator DORGAN addresses each and every one of those flaws and loopholes identified by Secretary Shalala. So let me say this again. If anyone comes to the floor of the Senate and says the Clinton administration thought reimportation should not go forward because there were flaws in it that could not be dealt with, that is simply inaccurate. What Secretary Shalala said is, there are concerns I have, and these concerns have got to be addressed. Well, guess what. Senator DORGAN's legislation does just that.

Let us take a look at her letter. Mr. President, I ask unanimous consent that the letter I am referring to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 26, 2000.

Hon. WILLIAM J. CLINTON,
The White House
Washington, DC.

DEAR MR. PRESIDENT: The annual appropriations bill for the Food and Drug Administration (FDA) (P.L. 106-387), signed into law earlier this year, included a provision to allow prescription drugs to be reimported from certain countries for sale in the United States. The law requires that, prior to implementation, the Secretary of Health and Human Services demonstrate that this reimportation poses no additional risk to the public's health and safety and that it will result in a significant reduction in the cost of covered products to the American consumer.

I am writing to advise you that I cannot make the demonstration called for in the statute because of serious flaws and loopholes in the design of the new drug reimportation system. As such, I will not request the $23 million that was conditionally appropriated for FDA implementation costs for the drug reimportation system included in the FY 2001 appropriations bill.

As you know, Administration officials worked for months with members of Congress and staff to help them design safe and workable drug reimportation legislation. Unfortunately, our most significant concerns about this proposal were not addressed. These flaws, outlined below, undermine the potential for cost savings associated with prescription drug reimportation and could pose unnecessary public health risks.

First, the provision allows drug manufacturers to deny U.S. importers legal access to the FDA approved labeling that is required for reimportation. In fact, the provision explicitly states that any labeling information provided by manufacturers may be used only for testing product authenticity. This is a major loophole that Administration officials discussed with congressional staff but was not closed in the final legislation.

Second, the drug reimportation provision fails to prevent drug manufacturers from discriminating against foreign distributors that import drugs to the U.S. While the law prevents contracts or agreements that explicitly prohibit drug importation, it does not prohibit drug manufacturers from requiring distributors to charge higher prices! limit supply, or otherwise treat U.S. importers less favorably than foreign purchasers.

Third, the reimportation system has both authorization and funding limitations. The law requires that the system end five years after it goes into effect. This "sunset" provision will likely have a chilling effect on private-sector investment in the required testing and distribution systems because of the uncertainty of long-term financial returns. In addition, the public benefits of the new system are diminished since the significant investment of taxpayer funds to establish the new safety monitoring and enforcement functions will not be offset by long-term savings to consumers from lower priced drugs. Finally, Congress appropriated the $23 million necessary for first year implementation costs of the program but did so without funding core and priority activities in FDA, such as enforcement of standards for internet drug purchase and post-market surveillance activities.

In addition, while FDA's responsibilities last five years, its funding authorization is only for one year. Without a stable funding base, FDA will not be able implement the

> new program in a way that protects the public health.
>
> As you and I have discussed, we in the Administration and the Congress have a strong obligation to communicate clearly to the American people the shortcomings in policies that purport to offer relief from the high cost of prescription drugs. For this reason, I feel compelled to inform you that the flaws and loopholes contained in the reimportation provision make it impossible for me to demonstrate that it is safe and cost effective. As such, I cannot sanction the allocation of taxpayer dollars to implement such a system.
>
> Mr. President, the changes to the reimportation legislation that we have proposed can and should be enacted by the Congress next year. At the same time, I know you share my view that an importation provision—no matter how well crafted—cannot be a substitute for a voluntary prescription drug benefit provided through the Medicare program. Nor is the solution a low-income, state-based prescription drug program that would exclude millions of beneficiaries and takes years to implement in all states. What is needed is a real Medicare prescription drug option that is affordable and accessible to all beneficiaries regardless of where they live. It is my strong hope that, when Congress and the next Administration evaluate the policy options before them, they will come together on this approach and, at long last, make prescription drug coverage an integral part of Medicare.
>
> Sincerely,
>
> DONNA E. SHALALA.

Mr. SANDERS. Mr. President, the first flaw Secretary Shalala identified was the lack of any requirement that the drug manufacturers give importers permission to use the FDA-approved labeling for imported medicines.

The Dorgan amendment addresses that concern.

The second flaw identified by Secretary Shalala was the lack of any ban on drug companies discriminating against foreign companies that export medicines to the United States.

The Dorgan amendment addresses that concern.

The third flaw identified by Secretary Shalala was the 5-year sunset in that version of the bill. That sunset would limit the public benefit from the investment the public would be making to put a safe reimportation system in place. In other words, she was saying, why should we go through all this effort if we are to only have a 5-year process.

The Dorgan amendment addresses that concern.

Finally, the Secretary noted the absence of a long-term income stream to fund enforcement of the reimportation system.

The Dorgan amendment addresses that concern.

In short, to characterize Secretary Shalala's letter as one that says reimportation is unsafe is to mischaracterize the essence of that letter. What Secretary Shalala was critical of was poison pills, what she called "flaws and loopholes" that were put in, or allowed to remain in the bill at the bidding of the pharmaceutical industry so they could defeat reimportation.

I have been involved in this issue for a long time, and that is what the drug companies do. Every day there is another reason why we can't go forward to lower the cost of prescription drugs. Every day there is another reason why we have to pay the highest prices in the world for prescription drugs. We have 1,200 lobbyists, no doubt many of them running around right now knocking on doors, to make sure our people continue to pay the highest prices in the world.

Secretary Shalala wrote in her letter that she, in fact, hoped Congress would fix the flaws and close the loopholes in that 2000 legislation of 7 years ago, and this is what she wrote to President Clinton:

> Mr. President, the changes to the reimportation legislation that we have proposed can and should be enacted by the Congress next year.

In other words, in 2001. Let me repeat that. Secretary Shalala wrote to President Clinton:

> Mr. President, the changes to the reimportation legislation that we have proposed can and should be enacted by the Congress next year.

Unfortunately, it has taken 7 years of work to bring us to where we are today. This should have been done years ago. Under the Republican leadership, there was no question we could not get to first base on reimportation. I hope things have changed now.

Let me conclude by saying that anyone who comes up here and says they are for reimportation but they are voting for the Cochran amendment is in fact not for reimportation. Anybody who comes up here and says, well, even the Clinton administration said we could not do that, I am afraid also that is not accurate and I think they are quoting Secretary Shalala, who was then Secretary of Health and Human Services, out of context.

As I have mentioned before, I have been through these battles with the drug companies before. There is nothing the pharmaceutical industry will not do—nothing—in order to make sure they remain one of the most profitable industries in America. They will say anything, do anything, and put any kind of pressure they can on Members of the Senate or Members of the House.

Today, we have an opportunity to do something important. For many years there was growing concern in this country about a do-nothing Congress, about a Congress that was worried far more about the wealthy and the powerful than the needs of ordinary Americans. The elections in November have changed that. We have new leadership here. I hope very much that under this new leadership we will all summon up the courage to stand up to the drug companies, the most powerful, the most greedy lobby and industry right here on Capitol Hill, and that we will go forward and we will pass this legislation to lower the cost of prescription drugs for all Americans.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. BURR. Mr. President, we are at a lull in the movement of the drug safety bill, a bill to assure American consumers, American patients, that there is more than just the acknowledgment by the Food and Drug Administration that a drug is safe and effective; that there is a mechanism post-approval as Americans across the country begin to take those medications; that we are watching for potentially any adverse reactions to a drug that a new population, an increased number of Americans that may be taking the drug. It is in an effort to make sure that if we see the signals of that unintended consequence, that we look more thoroughly at the benefits of that drug being on the market.

When I left the floor earlier today, the sponsor of the importation amendment suggested that Vioxx was not beneficial to anybody. The fact is, I do not think it is the role of Members of the Senate—unless you are Dr. COBURN—to suggest that you practice medicine. There are physicians who found the advantages of Vioxx, while it was on the market, they found it was advantageous to thousands, if not hundreds of thousands, of patients.

I am sure those patients are back on ibuprofen, Naprosyn, or other products that might cause significant gastro challenges for them, and that is why their doctors switched them originally. They needed relief from pain.

Well, a lot of things have been said, and the Senator from North Dakota said we should stay focused on the facts. I have come to the floor for a few minutes just to talk about some of the facts.

Many of us have suggested that, two years ago, when we created Medicare Part D—which is a prescription drug benefit for individuals in this country who are Medicare eligible—we lessened the problem that many seniors had expressed; and that is, their inability to buy pharmaceutical products.

Just recently, an analysis published by AARP, the American Association of Retired Persons, showed the new Medicare drug benefit saves seniors more money than buying pharmaceuticals from Canada. Now there is a new one. For those who are on border States, the AARP—the authority because they certainly had a loud voice before Part D was created—said drugs from Canada are actually more expensive than what Part D has been able to negotiate.

Let me say in every State we have multiple choices. Seniors make their choice. They participate in a plan. It is a private sector plan. But there are basically four large benefit managers, and they negotiate prices. What they have done is, they have been able to negotiate a price that has even exceeded what Canada could sell drugs for at retail.

This AARP bulletin found that many who choose the least expensive plan that meets their prescription drug needs—this is under Part D—will still pay less for those drugs than they would purchasing them from Canada. So it is not the "Cadillac" plan that seniors would have to choose to get less expensive drugs in the United States than from Canada. In fact, with the least expensive plan, AARP evaluated they would get a cheaper price on their pharmaceuticals by having Part D, accessing it at a U.S. pharmacy where they can feel fairly confident, if not totally confident, the product is, in fact, what they thought it was.

Just recently, in Detroit, MI, an indictment charging 19 individuals with operating a global racketeering conspiracy, was unsealed. The Federal court announced—the U.S. attorney for the Eastern District of Michigan—the indictment alleges that portions of the profits made from illegal enterprises were, in fact, funding Hezbollah. This is a foreign terrorist organization, by the way. Nine of the individuals were arrested. The indictment charged that between 1996 and 2004, this group worked together in a criminal enterprise to traffic in contraband cigarettes, counterfeit Zig-Zag rolling papers, and counterfeit Viagra.

So as to the claims we have made on the Senate floor—I believe the Senator from North Dakota when he says: We have done everything we can in this bill to assure the public of the safety and integrity of the product—though there is nothing in the bill that forbids anybody who wants to circumvent the law, in other words, make counterfeit drugs, make drugs that have no active ingredient, make drugs that look just like those drugs that are approved by the FDA, whether they are Viagra or Zocor, and to find a way for those to come to the marketplace.

It is not something the FDA today, or any FDA prior, has said they can police. For those Members who have been intricately involved since September 11, 2001, at understanding what our ability is to have a full knowledge of what comes into this country, some of us have actually gone to Washington Dulles Airport. We have seen the Customs officials go through the bags and bags of pharmaceutical products that come into this country. It is impossible, without a chemical test, to determine whether one tablet is authentic or the next one is counterfeit, whether one has an active ingredient or whether one is minus all active ingredients.

There have been several operations conducted in this country that deal with the cyber-trafficking of pharmaceutical products.

Fictitious pharmacies: These are companies that prey on individuals who are solely looking for low-priced pharmaceuticals. They think they are dealing with reputable pharmacies around the world. Yet there is no pharmacy. At the other end of the Internet are crooks. They prey on people who look for pricing. In fact, as some of those groups have been rolled up by our law enforcement, what we find is the products that were coming in had substantial deficiencies in things such as active ingredients.

What happens when a patient takes a product where the active ingredient does not exist? The illness they have is not affected. For an individual who might have high cholesterol who has been put on a drug that will lower that cholesterol because they are susceptible to heart problems, to have no active ingredient means they have a cholesterol buildup in their veins, and without intervention the likelihood is they might have a heart attack. They might die. Unfortunately, when they take a drug they think is real, but it has no active ingredient, unfortunately, they do not know until they have a medical incident.

So let me make this point to all my colleagues: If the purpose is to lower the cost of health care, then we are taking a mighty big risk because, in fact, what we may be doing is we may be raising the cost of health care in America, and with a disregard for the lives of the individuals who might be affected.

When I came to the floor earlier today, I mentioned that last year alone 1.7 million tablets of counterfeit Viagra were uncovered, 1 million tablets of Lipitor. This is according to the Wall Street Journal. I think that is surpassed, though, by the fact that last year—as we were in the heat of this new potential pandemic flu, H5N1, the bird flu; and we aggressively in this country then and still today are trying to come up with a vaccine and with other countermeasures that might be able to defeat or minimize the impact of the bird flu—companies around the world started to look for Tamiflu as a successful countermeasure.

Individuals in this country searched outside of the country because the supply was so limited. Well, Customs agents have intercepted more than 50 shipments of counterfeit Tamiflu. It is an antiviral drug that is specifically designed to be stockpiled for the pandemic flu.

You see, my point is this: Counterfeiting, the trafficking of pharmaceuticals exists today. Anything that loosens the regulations on access to these pharmaceuticals invites more people to participate in gaming the U.S. consumer and, for that matter, the global patient. This is not something that is limited to the United States.

Clearly, the adulterated product is usually a product that is manufactured somewhere outside of this country. Not only can they make a handbag look like a designer bag, they can make a "Viagra" pill look like Viagra. Now, unfortunately, you will know real quick whether there is an active ingredient in that. But you will not know if it is, in fact, a cholesterol-lowering drug or one of the things that really does affect the long-term health of the American people.

A study published in the medical journal Science found when a cholesterol-lowering drug manufactured in the United States was compared just to generic copies bought over the Internet from Mexico, Thailand, India, and Brazil, there were differences in the blend, the uniformity of the blend—an error that could dilute their effect on patients. The authors concluded that clinically this would have significance for a patient who was prescribed a half a tablet per day, which is not an uncommon practice.

So for that senior at home, who has suggested an increase in the amount of milligrams of active ingredients so they can cut their pills—take half one day and half the next day because there are ways to maximize—what this report found, published in the medical journal Science, was that an adulterated product that does not reach the correct consistency throughout the pill might on one side provide the active ingredient and might on the other side not provide any active ingredient whatsoever. It could affect the dissolving rate, which could affect the onset of effect, or bioavailability.

These are stories that come right out of medical journals. This is not about pharmaceutical companies and how powerful they are in Washington. This is about whether the focus of the Senate is on the safety and the well-being of the American people. This is about whether, in fact, we are going to maintain the gold standard of the Food and Drug Administration or whether we are going to accept the standards of other countries in the world where their bar is not quite as high, where they are willing to accept less in innovation, just to receive less in price.

I am not sure that is a good tradeoff for the country. Clearly, the Senator from North Dakota has the votes potentially to win this. I do not find that too comforting, myself. I spent 2 years of my life actively involved in the 1997 modernization of the Food and Drug Administration. I worked with people on the right, the left, and the middle. I worked with people who wanted to do things at the FDA that today we still have not done, thank goodness, but there are still people who want to do it.

But we all came together to uphold one thing in that process—not to lower the bar, not to lower the standard that we asked companies to reach with their products for us to put that FDA stamp of approval, "safe and effective," on it.

There are products sold outside the United States that could never pass the application process in this country. I know the Senator from North Dakota does not, in his bill, allow those products to come in. He limits it to FDA-approved products. So my focus is solely on the product that is FDA-approved in this country, but that has been manufactured in a way that either provides little active ingredient or no active ingredient, and with potentially harmful components found in that pill, or whatever the dosage might be.

It is my hope we will continue to talk about this issue. But when I left the floor I thought it was important to go look at some of the articles to see if this is still a real problem. It is a problem today. It will be a problem tomorrow, and if we pass this, I think it will be a bigger problem in the future. It is a problem that is involved in funding terrorism around the world. It is a problem that will not go away, but at least today, we are able to control it. We are able to control it in a way that has a smaller effect on the quality of life of the people in this country. I think that is why they have us here. But we will continue the debate and we will see where we end. I think it is important enough that we spend days, if it takes days, to debate this legislation and to make sure everybody in this country understands what is at stake.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I would like to offer a few comments about this subject. My colleague has spoken on it several times. As I have indicated, we all want to deal from the same set of facts. This is not—let me emphasize again—it is not importing the standards of other countries with respect to the safety of prescription drugs. It does not do that. I want to make sure everybody understands what the facts are. Everyone is entitled to their own opinion; everyone is not entitled to their own set of facts. This does not import the standards of some other country into this country with respect to the safety of prescription drugs. This is simply the question of whether we want to continue to have FDA-approved drugs made in FDA-approved plants; that is, a plant inspected by our Food and Drug Administration, producing medicine and put into a bottle that is approved by our Food and Drug Administration and sold in this country and the same medicine, in the same bottles, sold in France, sold in Italy, sold in Germany, sold in Canada, sold in England, to have the U.S. consumer pay the highest prices of all of those countries. Is that fair to the U.S. consumer? The answer is no.

We have a lot of issues that are being raised on the issue of safety. All the things I have heard discussed on the floor of the Senate apply to today—now—when we don't have importation. We are not able to import safely. I should say we are not able to import, rather, prescription drugs because there is a prohibition against it. The only entity that can import a prescription drug is the manufacturer. Lipitor. I held up two bottles of Lipitor on the floor today. Lipitor is made in Ireland. They send it all around the world. They send it to Canada and they send it to the United States. The bottle looks the same, the pill looks the same because it is the same, and it is sold under the same chain of custody—Canada and the United States. There is only one difference. The U.S. consumer is treated to double the price when they purchase their Lipitor. Is that fair? Should we pay twice the price for an FDA-approved drug? I don't think so.

My colleagues have said there are counterfeiting issues. Well, all of the stories that have been recounted about counterfeiting issues are occurring under today's schematic of prescription drug sales in America. This has nothing to do with importing. In fact, the legislation I have offered is legislation that would make the supply of prescription drugs in this country and the supply that would come into this country under reimportation much safer. They would be safer because we have put in place safety procedures that have previously been blocked in the Congress, establishing serial numbers on the supply of prescription drugs, samples of the supply of prescription drugs to be held back by those who are manufacturing and moving the prescription drugs, establishing a pedigree for all of these drugs and the bottles in which they travel. It is much safer. It will be much safer for the domestic supply in addition to the supply of imported prescription drugs. That is the point we make.

I suppose people will be tired of hearing me say that I respect those who have a different opinion, but I would prefer if they would stand up and say: You know something. Here is my situation. I think the American people ought to pay twice the cost for Lipitor because I believe that. That is a pricing strategy that works for my constituents.

I don't hear anybody saying that, of course. They stand up and say there will be big safety issues, or my colleague who in an earlier speech this morning said this amendment would allow drugs to be imported into this country from all over the world. I am sorry. That is not right. That is not debating the bill that exists. We are not letting drugs in from all over the world; only from countries that would qualify, that meet the safety standards. These would only be FDA-approved drugs, and they would only be drugs that are retained under a chain of custody, with a pedigree attached to the drug. There are no safety issues, unless one thinks it is unsafe for the pharmaceutical industry not to make the profits they currently make. They perhaps would see some smaller amount of profit if they passed part of the lower cost along to the consumers.

Maybe perhaps the industry could do a little less advertising, just a little less advertising. When you turn on the television at night and you sit down at the end of a long day and you see somebody driving in a convertible with beautiful people and they park under a tree someplace and the Sun is setting, it is a beautiful appearance, and they say: These people are feeling good because of medicine they are taking. You should be asking your doctor whether you might want to take some of that. Get some of this pill. Get some of this medicine. The Sun shines, you get to ride in convertibles, feel better, hang around beautiful people. That is the way advertising works, I guess. I have talked about the purple pill. They say: Ask your doctor, is the purple pill right for you? I don't know what the purple pill is, but I almost feel like asking the doctor, is the purple pill right for me? All of this promotion and advertising, maybe they could back off a little bit of that and reduce the prices to the American consumer. But that is not the strategy.

The strategy in pricing prescription drugs is that almost every country has some kind of limitation on what can be priced with respect to prescription drugs, except the United States of America, and here it is Katie bar the door. Whatever they want. We do have price controls in America. Not imposed by the Government; price controls by the pharmaceutical industry.

Now, this is a fine industry. They have men and women working, trying to unlock the mystery of diseases, trying to find ways to produce medicines that will manage diseases. I admire all of that. I say congratulations to them. But I have a serious disagreement with them on pricing strategy. They are wrong to believe they have to charge the highest prices to American consumers. That is a fact. They are wrong about that. They say: Well, it is the only way we can do research and development. That is not true at all. That is not true. A substantial portion of research and development is done by the taxpayer through the National Institutes of Health and others, and the product of that is turned over to the pharmaceutical manufacturers in terms of intellectual property that is developed and they manufacture drugs. Good for them. I know they also do substantial research on their own and I appreciate that. I don't appreciate the pricing strategy because I think it is unfair to the American consumer.

I don't know how many people I have talked to over the years who have come up to me and told me of their problems: I am 80 years old. I have heart disease. I have diabetes. I take all kinds of medicines, they say, but I can't afford them. The doctor says in Dickinson, ND, one night: I have this welfare woman, and this patient has a pretty aggressive form of breast cancer. He says: You have to be taking this medicine to prevent a reoccurrence when you have surgery. You have to take this medicine to prevent a reoccurrence of breast cancer. She says: What does it cost? He tells her. She says: I can't possibly do that. I can't possibly take that. I don't have the money to do that. I can't buy that medicine. Does this matter? It sure matters to the person whose life is at stake. So price is an issue. It is a big issue.

We have all these anecdotal stories. We know the data. The amendment I have offered will save $50 billion over the next 10 years—$50 billion—most of it to consumers, through lower drug prices. That is a fact. It is not going to, in any way, injure the safety of our prescription drug supply. It will, in fact, enhance it dramatically by establishing pedigrees with respect to the movement of prescription drugs in this country and into this country. That is a fact as well.

I said this morning I hate to lose debates I am not having, and it happens all the time on the floor of the Senate because someone is debating a bill I didn't introduce. They are welcome to do that. If it is attractive, maybe I will introduce it someday, but I am not interested in having a debate with somebody who wants to reformulate the legislation I have introduced. This addresses safety, all of the issues that Donna Shalala, the former Secretary of Health and Human Services raised, so we have incorporated into the bill, Senator SNOWE and I and others have incorporated that right into the legislation. So you can't, it seems to me, make a strong case that there are valid safety issues. Again, I don't have problems with those who come to the floor saying let's continue the current system, but I think the current system is wrong. They have a right to advocate for the current system, but the current system is unfair to the American consumer, in my judgment.

I want us to have the opportunity to have good health care and opportunities to be able to access miracle drugs, the opportunity to use those miracle drugs to manage diseases so you can stay out of an acute care bed, which is the most costly health care in our country. But I think it becomes almost a health care rationing in our country when we say we will ignore the situation that exists in this global economy in which the American consumer pays one price and consumers in virtually every other country pay a lower price for their prescription drugs. That, I think, is a horrible disadvantage to consumers in our country.

Some will say: Well, you know now we have a Part D in Medicare which offers prescription drug benefits to senior citizens. Yes, that is true. It does. It has what has been defined around here only in the lexicon of politics as a doughnut hole. Only in the political system could we use those kinds of descriptions, but it has a kind of a circumstance where you reach a certain level and then there is no drug coverage on up from that level. Obviously, the prescription drug Part D for Medicare is helpful to senior citizens; there is no question about that. But it certainly isn't perfect because there is a substantial portion of it in which prescription drugs are not covered. At that point, senior citizens who are reaching the declining years of their lives are finding it very difficult to purchase their prescription drugs.

There is much to say about this issue. I know there are some who worry that offering this amendment on prescription drug pricing to this underlying bill, the FDA Reauthorization Act, injures the underlying bill. I support the underlying bill. I think my colleagues, Senator KENNEDY and Senator ENZI, have done some good work. I support that work. Let me say—and I know they know this—it is perfectly appropriate to offer this amendment on this bill because this is where it belongs. This is exactly where you would offer an amendment of this type. No one should express surprise about that.

So we offer the amendment and then we file cloture so we can actually get to a vote on it, and all of a sudden it is like the circus left town. They pull up the tent stakes, fold up the tent, everybody is gone. All of a sudden we can't vote anymore. Why? I guess they are upset that my amendment is now in order to be voted on, and they say: You know, I don't know. We can't do that.

As I have indicated before, I would be willing to offer this amendment in a different form—the same amendment but in a circumstance where I had an agreement to be able to bring it up. Four hours of debate, for example, a couple of amendments that would be offered by the other side, I would have the right to offer second-degree amendments, we would go to a vote and decide whether the Senate will pass a proposition that would give us an opportunity to reimport FDA-approved drugs from other countries that are identical to the other drugs we now purchase, except at a lower price. I would be happy to agree with others who would give us that time and that circumstance so that we could have this vote. I don't need to have the vote today or Monday or Tuesday, if I have an agreement that we will be able to get the vote at some moment.

This vote has been stalled a long while. Senator Frist, when he was the majority leader, standing right back here at the end of this aisle at about 1 o'clock in the morning, in exchange for my releasing a hold on the nomination of Dr. McClellan, indicated to me and then put into the CONGRESSIONAL RECORD, in the Senate RECORD, that we were going to have action on this kind of legislation. It turns out it never happened. Senator Frist, of course, is now gone. For whatever reason, it never happened. I spoke at great length to him about these issues, but it didn't happen.

So this is an opportunity for us to advance this legislation, and it is the right place at the right time. This has 33 cosponsors. JOHN MCCAIN is a cosponsor, TED KENNEDY is a cosponsor, CHUCK GRASSLEY is a cosponsor, DEBBIE STABENOW is a cosponsor, and OLYMPIA SNOWE is the major cosponsor with me. It is the Dorgan-Snowe bill.

Thirty-three Republicans and Democrats are cosponsors of this legislation. This is exactly where it should have been offered, and it was. Now, all of a sudden, apparently there is some kind of gastric distress because we had a cloture vote and we prevailed in the vote that we say, all right, let's have votes on this amendment. So my hope is that, first, while we might form opinions on this amendment, we could coalesce on a central set of facts that represents what the amendment does and says; and, second, that we can begin, on behalf of the American people, to make some movement here and to begin to have votes.

I also hope that, as I listen to further debate on the floor, we can stick to what the amendment is. It is not to reimport lower priced FDA-approved prescription drugs from everywhere. It limits it to those areas where we have safe and effective supplies of prescription drugs.

I hope we can get all of the facts straight. This amendment has a lot of support. I believe the American people, by 75 to 80 percent, support this. I have seen poll after poll where the American people believe it is wrong and unfair for them to be charged the highest prices in the world for prescription drugs. Why on Earth should they drive 10 miles between two drugstores—one on the Canadian side and one on the American side of the border—only to find that the same medicine, put in the same bottle, made by the same company, FDA approved, has only one difference—the American consumer gets a chance to pay double. How do you justify that? You don't. We ought to change it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. POLICY IN IRAQ

Mr. BYRD. Madam President, President Bush marked the fourth anniversary of his announcement that major combat operations in Iraq have ended by vetoing war funding legislation because he claimed it limited his ability to prosecute a war unconditionally and indefinitely. Our Armed Forces are now well into their fifth year of combat operations—longer than the U.S. was involved in World War II—and the time is overdue to examine and update U.S. policy in Iraq.

The legislation, which President Bush vetoed, would have set a responsible, new course for the war that was a balanced and fair proposal that I was pleased to support. Sadly, the President continues to believe peace and stability can be forced on the Iraqi people at the point of a gun. He was wrong in 2002 when he sought authorization to go to war, and he is wrong today.

However, now that the President has insisted on continuing down this failed path, it is our responsibility to discuss alternatives that can become law. The Congress is not an ATM, spitting out billions whenever the President requests it. It is a policy arm of the Government, as well as its banker. The Constitution says the Congress shall have power to provide for the common defense. It is the Congress—yes, it is the Congress—that is given the sole power to declare war. The Congress is sworn to raise and support armies. The Congress and the people of the United States have a right to expect clarity in our mission and a foreseeable end to this conflict.

The situation in Iraq, in 2007, is very different from what it was in 2002, when the Congress authorized the use of military force in Iraq. The President himself said this:

> This is not the war we entered in Iraq, but it is the war we are in.

It is time to rethink, reset our goals, and consider a new authorization which outlines the mission as the President now sees it. The October 11, 2002, authorization for the President to use force in Iraq was very specific. After expressing support for diplomatic efforts to resolve the causes of conflict with Iraq, the authorization allowed the use of force for two purposes. The first was to defend the national security of the United States against the continuing threat posed by Iraq. The second reason was to enforce all relevant United Nations Security Council resolutions against Iraq.

In 2002, and early 2003, President Bush made his case to Congress and to the American people for the invasion of Iraq. His stated goals included the elimination of the weapons of mass destruction programs that Iraq was thought to possess, and the overthrow of Saddam Hussein's regime. By that yardstick, the U.S. military has achieved brilliant success. No weapons of mass destruction were found in Iraq—not just weapons that could threaten the national security of the United States but also no weapons of mass destruction of any description. Saddam Hussein and his Government are gone. The Iraqi people have elected a new government. The U.S. military has achieved success in Iraq, and that success has come at a high price, both in dollars and in lives. Thus far, over 3,350 American men and women have been killed, and many more have been wounded. Including the funding in the emergency supplemental vetoed by the President, over $450 billion has been provided by Congress to execute this war.

The October 11, 2002, authorization to use force has run its course. It is time—past time—to decommission this authorization and retire it to the archives. If the President has more that he wants to do in Iraq, then he needs to make that case to Congress and to the American public. Our continuing presence in Iraq is not supported by the people or the Congress. The President must redefine the goals and submit his plan to achieve them to a thorough and open debate in the Congress and throughout the country. That is the American way. Success will elude us without the support of the people whose sons and daughters are being asked to die daily in the sands—yes, the sands—of Iraq.

I propose October 11, 2007, as the expiration date for the 2002 authorization and that the President seek a new authorization from the elected representatives of the people in Congress. The President must be clear about what he now hopes to accomplish in Iraq and how he intends to achieve it. President Bush must build support for his plan. Without the support of the public and the Congress, we should no longer be in this fight. It is now an Iraqi fight for national reconciliation, not a war to ensure U.S. national security. If the President sees a further role for U.S. troops, he should articulate it and seek consensus for a changed mission. I hope my colleagues on both sides of this important debate and on both sides of the aisle can agree that the 2002 authorization has run its course. It is no longer viable, and it should be set aside.

What I propose does not mandate redeployment on any date certain. It simply calls on the President to make the case for the new situation in which we find ourselves. My proposal does not set limits on troop levels, nor prevent them from doing what is necessary to protect themselves and U.S. personnel. It also does not prevent us from pursuing terrorists who may have set their sights on the United States. What it does is stop our troops from fighting endlessly in an Iraqi civil war after October 11, 2007, unless the President—our President—receives a mandate from the American public and the U.S. Congress.

Let us try to give the President a chance to refocus his vision on the changed circumstances in Iraq, free from the shackles of a shamelessly outdated grant of authority. I deplore the political gamesmanship which has polarized our Nation. I regret the harsh partisanship which rages while our brave troops fight and die.

A fresh start could help to change the dynamic in this country. A concerted effort by the White House to reassess its goals and opportunities in Iraq could point a path to progress. A new debate in Congress could resolve confusion and contention about continuing a strategy for Iraq that no longer addresses the exigencies of today. We need a new mission which makes clear the changed role of our troops. We need a diplomatic component to the plan which might encourage the national reconciliation so badly needed to quell the violence in Iraq. We need a plan to reach out to other countries in the area which share our interest in seeking stability in Iraq. But first we need to clear the cobwebs and the confusion caused by a grant of authority that no longer has any relevance to the present conditions of Iraq.

I ask other Senators to consider my proposal, whether this proposal is considered on the supplemental, on the Defense authorization bill, or on the Defense appropriations bill. I ask cooler heads to see the possibilities of beginning a new assessment of where we are and where we are going. I ask for a cease-fire in the political war in Washington for the sake of our troops and for the sake of our country.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Madam President, I rise to join my colleague and friend, Senator BYRD, to announce our intention to introduce legislation which proposes October 11, 2007—the 5-year anniversary of the original resolution authorizing the use of force in Iraq—as the expiration date for that resolution.

As Senator BYRD pointed out, the October 11, 2002, authorization to use force has run its course, and it is time to reverse the failed policies of President Bush and to end this war as soon as possible.

Earlier this week, President Bush vetoed legislation reflecting the will of the Congress and the American people that would have provided needed funding for our troops while also changing course in Iraq and beginning to bring our troops home.

I believe this fall is the time to review the Iraq war authorization and to have a full national debate so people can be heard. I supported the Byrd amendment on October 10, 2002, which would have limited the original authorization to 1 year, and I believe a full reconsideration of the terms and conditions of that authorization is overdue. This bill would require the President to do just that.

The American people have called for change, the facts on the ground demand change, and the Congress has passed legislation to require change. It is time to sunset the authorization for the war in Iraq. If the President will not bring himself to accept reality, it is time for Congress to bring reality to him.

I urge my colleagues to join Senator BYRD and me in supporting this effort to require a new authorization resolution or to refuse to do so for these new times and these new conditions that we and our troops are facing every single day.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, what we are actually on, of course, is the 30 hours of debate postcloture on the drug importation amendment, and I do want to make some comments on that. I perhaps should have done more extensive debate before, rather than agreeing for a time specific for a vote on it, but that option has passed at the moment. I congratulate Senator DORGAN for his tremendous victory.

I am hoping there will be some changes yet. Perhaps there will not be. We took a 300-page bill that dealt with drug safety in the United States and we then added a 140-page bill that deals with bringing in drugs from other countries. It is a limited number of countries, to start with, but it is bringing in drugs from other countries. I suggest if they are as safe as what we have been told, parts of this bill would not exist.

For instance, page 48, on bioequivalence. It was my understanding what would be brought into the United States would be drugs from companies from the United States that went to Canada, or went to some other place, and could be brought back into this country. These would be FDA-approved drugs. These would be the ones we rely on the FDA for. If they are exactly the same drugs, by exactly the same company, why would there be a section on bioequivalence?

It says:

> . . . if the Secretary determines that the qualifying drug is not bioequivalent . . . the Secretary shall . . . include in the labeling provided under paragraph (3) prominent advisory that the qualifying drug is safe and effective.

Well, let me see. We didn't ask them to review it, we didn't ask that it go through the same procedure, but we want the Secretary to provide labeling that says it is safe and effective. I don't know why we would expect the FDA to say anything that is bioequivalent should have their endorsement of being safe and effective. If we do, it expands their job dramatically and there ought to be resources that go with it to be sure that what we are promising will be done gets done.

There are a lot of pages here, a lot of different things. I am definitely not going to hit on all of them, but I am going to mention a few that people probably ought to be a little concerned about.

Here again, on page 56, I thought it was going to be U.S. drugs, or at least drugs from U.S. companies that are already FDA approved that we were going to make sure there was an absolute chain of making sure they got back into the United States so that you could trust what came from U.S. companies. Yet on page 56 we see:

> Notice; drug difference not requiring approval.

What?

> . . . supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference.

And then a whole bunch of requirements again for the Secretary, which goes down the line to the FDA. So I think we can conclude we are not just going to bring in U.S. drugs. If there is anything you would like to have, you can.

Then there is a section called "Importation by Individual." This covers the portion where each person can get on the Internet or telephone or whatever way and order drugs. There are requirements in this bill for exporters, which are the people who are sending drugs to other countries; there are requirements in here for importers, which are companies receiving drugs—and those could be pharmacies, probably would be pharmacies, although there could be some wholesale—but there is also this section about importation by the individual.

I hope everybody takes a little look at that, because in the United States I have been working a lot on financial literacy, trying to get people to understand finances and how they can stay financially sound and hopefully financially secure, and it is a huge job. With regard to the No Child Left Behind Act and in Education, we keep talking about plain old literacy; just being able to have people read, and read at grade level, and hopefully read well enough to have a good job and to protect themselves. They better be literate, because look on page 62 and read what the importing individual is responsible for. Because if they are not responsible for this, they could easily be getting something that is not an approved drug or that is not from the source they think it is. It could be a counterfeit drug, and particularly as this opens up on the front end. How many people doing counterfeit drugs now are going to want to jump into the breach and catch people before they understand any of this? I suspect there will be a huge escalation of companies getting into the counterfeit business. There are a few dollars in it—quite a few dollars.

I would encourage people to look on page 62. There are things scattered throughout the bill an individual would have to know to be sure what they were getting was safe, if they ordered individually. But that is kind of the point of the bill, because most of them probably will be ordered individually.

On page 64, Request for Copy of Special Labeling and Ingredient List. I think that probably would be handy.

Then, on page 65, it goes into the question of adulteration, where it says a qualifying drug that is imported or offered for import shall be considered to be in compliance if the drug is in compliance with all these other sections.

There is also a section titled Standards for Refusing Admission. There are quite a few ways it can be denied, but in order for these adulterated drugs to be denied, to be refused admission, somebody has to find them. So what kind of force are we going to add to the FDA to make sure these things can be found?

I am particularly fascinated with item (F), which gives the Secretary some extra capability if the drug is counterfeit or if the drug may have been prepared, packed, or held under insanitary conditions. Now, the fact that they mention it has to make you believe there is a possibility—maybe a probability, the way it is put in here—that they will be prepared, packed, or held under insanitary conditions.

The United States has a little different level of sanitation than a lot of the countries around the world. Of course, all of these aren't going to come from all around the world to begin with, or will they?

Let's see. They do not have to be bioequivalent. There are a whole bunch of things the individual has to watch out for themselves. It doesn't have to be the same drug that was manufactured in the United States or from a United States company, and if it gets into the EU, it can come to us. That is EU now; EU later. The EU is expanding. We ought to take a look at some of the countries that are being brought into consideration, particularly if you might be worried about them being packed, held, or prepared under insanitary conditions.

Then we get to page 71. Again, there are a lot of things I would like to mention in between, but this is all boring detail stuff, anyway, so I will highlight a few of these things and let people think about them a little bit.

On page 71, we give the Secretary some more responsibilities. They have to:

> . . . enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; to monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

There are requirements for notice and changes in the labeling, packaging, and that sort of thing.

That is all additional. We are asking them to do some more things in the United States to make what we have here and are relatively certain about even safer. That is the purpose of the bill. Now we are adding these additional sections, 140 pages, which bring the problem from other countries to our country. I grant it, a lot of those are made in the United States or by companies from the United States.

Page 72, again, has a whole bunch of requirements for what kinds of things ought to be included with the drug. You need to know those because if they are not, you maybe ought to suspect there may be a problem. You have to be able to check the packaging and note whether it has the proper seals and whether there could have been any damage to them. It is your problem—unless, of course, the consumer consents to waive the requirements after being informed the packaging does not comply. There is fascinating stuff in here.

Here is one of the parts that really ought to interest us. When we get to page 76, page 76 says you have to play the game: You can't win, you can't lose, and you can't get out. Here is how that works.

Canada has price fixing. There is no doubt about it. That is how they get some of the lower prices on some of the drugs. You can't buy all of the drugs in Canada at lower prices. In fact, I have a friend in Afton, WY, who is a pharmacist. He had a fellow come in who was from Canada but he could not get back to Canada and his prescription had run out, so he relied on an American pharmacy to get his prescription refilled. At the time they were filling the thing, he is complaining about how this darned prescription is going to cost him an arm and a leg because it is in the United States and the cheap drugs are in Canada. The pharmacist gave it to him, told him what the price was, and he said: But that is cheaper than I get it in Canada.

That is a little bit of financial literacy. Just because you heard everything is cheaper in Canada doesn't mean it is.

You should particularly pay attention if there are generics because U.S. generics do not translate to Canada nearly as quickly, if at all. The companies had to go through this bidding process. The bid doesn't take into consideration the change, and that is part of the deal, that you get a little bit of exclusivity with your pill.

I was interested in Zocor. It is a big drug in the United States and a big drug in Canada, although Canada has one-tenth the population of the United States. The Health Minister called me and said: You cannot be considering this import thing. We do not have the capability to supply the United States with their drugs. We will be inundated with prescriptions, and we do not have that big of a supply because we have a tenth of the people the United States has.

Getting back to my Zocor story, that has gone generic. In Canada, you still have to get Zocor, and it is $33.64 for 30 pills. That is a 1-month supply of 10-milligram pills. That would not, of course, include the cost of shipping and handling.

In the United States, there is a generic Zocor, simvastatin. The statins are all designed so that part of the label talks about doing similar things. But the generic Zocor in the United States costs $29.99 for 30. So that is $3.50 less. It is not a lot, depending on what you consider a lot to be, but it is less. But if you are willing to use provostatin or lovastatin, we are talking about $4 a month—$4 a month as opposed to $33.64 a month.

People need to be aware that just because we say Canada is cheaper, it is not always cheaper. But for those drugs which are cheaper, page 75 has a little provision.

I need to explain how Canada gets this price fix. It is called negotiated price. How do you negotiate a price if there is a sole supplier? You really do not have much luck negotiating if it is a sole supplier, so you have to take similars. I use the example that if there are five heart medicines, you make those five bid against each other. That is your leverage. If you make them bid against each other, you have to drop somebody to get the price down, and probably several to get the price down, so maybe you have one or two heart drugs instead of five. But you tell your doctors—who in Canada work for the state—that is their choice, and they make it.

But in the United States, we are used to having our doctor make the decision. And because of television advertising, we are able to make some of our own decisions on what we think would be the best one and tell our doctor what he better do for us. Sometimes that is another little problem.

At any rate, that is how Canada gets lower prices. We can probably do that in the United States, too, but people in the United States really expect to be able to get the drug their doctor says they ought to have. I think we would have a large-scale revolution if we started suggesting that the Government could figure out which drugs they could have so we could get lower prices.

Page 75, section (b), that is where they say if a company has a drug that is in Canada, it has to be sold in the United States at the same price. So you really do not have to go through Canada. That will just move Canada's price fixing down to the United States.

I have to mention a little thing on pricing when the Government gets into that business. Back in 1975, I got married, and my wife and I started a shoe store in Gillette, WY. You will recall at that time that the Government decided they would put some prices in there. This really shows that it was 1975. We always made sure there were several styles of men's shoes that were under $10. I don't know if you can get the laces for $10—yes, you can. But you cannot buy $10 leather shoes, leather lined, particularly not made in America. That has disappeared, too.

But they decided, for a whole range of products in the United States, that the Government would set the price to keep down inflation. The companies, as soon as they heard about that, said: This will really affect our profitability, and we are not going to be allowed to raise them except at set particular times and for set amounts. So what they did was raise their prices right away. A $10 shoe became a $15 shoe overnight. Then the price setting went into effect and they were allowed to raise it again, and they raised it again to the maximum there. And every time they were allowed to raise it, they raised it. It made a huge difference in the price of shoes, as it did with everything that was being attempted to be controlled. People wound up paying a lot more than if there had been no Government pricing.

How will that work here, if you are a pharmaceutical company and they say that you are not going to be able:

> . . . to discriminate by denying, restricting or delaying supplies of a prescription drug to a registered exporter or other person in a &fnl;permitted country that exports a qualifying drug to the United States under this section. . . .

And you can't:

> discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section . . .

And so on. I am reading from the bill here. What it says is that if you are selling it to them now, you can't change at all.

If I am the company that is about to find out that the price I have in this deal with Canada, which is just a small part of the deal, and I am doing it—I am the only accountant in the Senate. For accounting purposes, sometimes these companies will sell to another entity a ways away—in this case, another country—for a lower price because they cover the costs and make a profit on what they are doing. But by picking up peripheral sales, there is less cost involved in them, so there is still the same amount of profit. Granted, that is kind of an accounting technique, but it is the way a lot of businesses have to pick it up. That is why they keep going for additional sales and looking for ways to get additional sales. They have gotten additional sales in Canada by going through this bidding process which fixes the price.

But what we are saying on page 75 of this bill is that if you sell to Canada, you have to keep selling, you have to keep selling at the same price, and you cannot get out of the game unless—and here is the "unless" that I bet you kicks in—unless you are not selling to them. So unless there is some kind of ironclad contract that requires them to continue to do that, Canada is just about to lose its drug supply because they are not going to continue to sell up there at a rate that is below cost—if you are doing it at U.S. costs—if you can jerk that drug.

That is why Canada is a little bit concerned about what we are doing here. First of all, they don't have enough drugs in the pharmacy and enough pharmacies to supply 10 times their population, for the people in the United States, and second, they are worried because their supply will be cut off before this bill goes into effect, so it really doesn't go into effect. That would be the effect of it, that this would be 140 pages of wasted trees.

You have to believe, unless there is an ironclad contract, that is what a business would do. It is a terrible thing to have happen to Canada or the other countries. But that is what happens when you fix prices.

I would mention that on page 115, it begins a section on Internet sales of prescription drugs. I will give them credit for giving it a try. I will not give them credit for having a very complete or safe job on it, but it is a try. It is important for them to try because most of the people in the United States will be ordering their drugs, probably, through the Internet—perhaps over the telephone but not in person.

The examples we have heard of everything working fine have been of people going across the border in a car and buying at a pharmacy. That makes sure the trail of concern and safety is more likely to be there. But the Internet is a little bit more universal. Things can go around the world in a matter of minutes. They can go from one server to another server to another server—you are now covering three countries—and it looks as if it came out of the last country, perhaps, if you want it to look like that. There are a lot of things that can be done. I know the kids would probably understand that more than I would because they are able to do a lot more things on the Internet than I am able to do on it.

I know there are some difficulties with the Internet because the FDA has already intercepted problems and been able to confiscate some drugs that were tremendous problems. They are pretty sure some got into the country and didn't wind up in a situation of death, but they did find out they wound up in a situation where the person was not getting what they thought they were getting and it wouldn't digest and problems such as that. But they have also confiscated a huge amount of drugs which have been sold over the Internet which came into this country and which have a lot of problems.

I had a display up here on the desk. The Senator from North Dakota likes to hold up two pill bottles and say: What is the difference between these two pill bottles? One is the United States and one is Canada. What is the difference in price? And he goes through the pricing difference. But one of the things he ought to go through at the same time is: Can you tell which was made in the United States and which was not? Can you be sure the one you say was made in Canada was made in Canada? I will tell you, there are some absolutely marvelous counterfeits out there.

The box I have here has a couple of examples of confiscated drugs from the FDA. You cannot tell by the box, you cannot tell by the packaging, you cannot tell by the pill. I am even told that if you grind it up, you will wind up with the same components; they are just not put together right, so they don't work. But as long as it is not a lifesaving drug for you, you can get along with it, anyway, you just will not be getting the benefits from the drug. Something to think about.

There is a possibility of improving that section, because one of the amendments that has already been filed is by the Senator from New Hampshire, Mr. GREGG, who has been working this Internet problem for a long time. He has an amendment that is a vast improvement over this section and might be able to greatly enhance and perhaps correct some of the problems that can happen there.

I would mention one more. Page 131, a restricted transaction. See if you have the pharmaceutical literacy to know exactly what is happening here. A restricted transaction means a transaction or transmittal on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of a registered foreign pharmacy.

Now we have got to know who the registered and unregistered ones are and whether it is lawful or unlawful drugs. Again, there is so much literacy that has to go into this, as opposed to what you get in the United States, that you know it was from the United States.

We probably do pay a premium for our safety. Most people want to be sure they are safe. There is also a little bit of a problem with the bill the way it is written and being able to tell about the wholesale licensure and the pedigrees that go with that licensure. There will be another amendment that will be submitted that hopefully can clear up some of those problems. I hope people will work with us.

As you can see, one of the things we are trying to do is to make a problem better. I think it would have been a lot better if we could have gone ahead and had the drug safety taken care of today, which we were on a track to do, because Senator KENNEDY and I had already worked through all of the amendments that had been turned in, with the exception of the importation one. We had been able to resolve or have them withdrawn for almost everything and could have wrapped it up with a few more votes. But it will take us a little longer now. We are hoping there are opportunities to improve the bill. I know under the procedure of the Senate there are ways to keep people from being able to have votes.

I mentioned a number of times the success Senator KENNEDY and I have had with the Health, Education, Labor, and Pension Committee, a big bite of the apple, the success we have had in the previous 2 years. Some was because we did not follow an exact procedure of going to a markup and arguing until things were polarized. We took what we could and worked with people through the process, and they trusted us enough to work through the process, so by the time it came to the floor, we had a managers' amendment that covered a lot of the difficulties people had with the bill.

When you put in an amendment, technically the amendment is one way or the other. Oh, yes, there are ways to do second-degree amendments, but you will not see many of those around here, because that is putting in another very concise set of words that is accepted or rejected. They can change the original bill a little, or perhaps a lot. Some of them can be complete substitutes. But they are polarizing, and they do not take care of the technicalities. The advantage of running the bill through this sized body, then through the other end of the building with 435 people, is to get 535 opinions of what ought to be done. Out of 535 opinions, we can usually come up with a pretty good bill. But when an amendment is put in and there is no way to do any correcting, or the only way you can do correcting is another take-it-or-leave-it bill correction to it, it is a very difficult way to get any legislation done.

Our success over the last 2 years of getting legislation done was because we worked this process of continually working until we got to a final product, which meant cleared through conference committee.

But evidently we are not going to do that this year with this piece. It was a significant victory for someone who has worked very hard on it. Senator DORGAN has worked hard on it for a long time. He did an outstanding job of presenting it. Now I am hoping he will work to see that it gets perfected a little bit more. It cannot be perfected in the way we normally perfect it, but a little bit more as we go through the process, and perhaps by about next Thursday we can finish with the bill. It is an extra week of work, but I think this could have been brought up in a separate bill, handled individually, and had some of the same mechanisms for improving it we would normally have in a bill. But that is behind us now. So we continue to work on the bill, and we hope by a week from today we can have this concluded.

Mr. President, I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, to review where we are in this debate and discussion, we will be meeting again on Monday next, making critical choices and decisions about the way we are going to proceed. We have made good progress over the course of this week. Some of us were hopeful that we would be able to move toward the completion of this legislation. But this legislation is enormously complex and enormously important.

We have made, as I say, good progress. We have a number of different areas we have worked through over the period of these past days. We will propose a managers' package and we will make the final judgments about the determination of this legislation on Monday next.

Again, we thank all of our colleagues who have worked with us on the legislation. Very quickly, to say again why this legislation is important, and that is because, as we know, the FDA effectively protects the prescription drug supply and our pharmaceutical supplies, medical devices, vaccines, food supply and cosmetics; about 25, almost 30 percent of all of the consumer products. So, it is enormously important that we have the FDA be the gold standard to protect American families, particularly with regard to prescription drugs and with regard to food and other items as well.

So very quickly, and finally, to review exactly what this legislation does and why it is so important, why it is so urgent, why it is so necessary—and this legislation falls in that category—that is why we are urging that we reach conclusion on Monday next.

One of the notorious recent examples of fear that took place in many households this past year, over the period of the last year, was the Vioxx scare, the whole issue and question about those whose lives may very well have been shortened because of Vioxx.

The best way to illustrate what we are talking about in terms of patient safety is how this legislation would deal with a future kind of a Vioxx that might endanger the health of our fellow citizens.

First, can the FDA quickly detect a safety problem with a drug? With the Vioxx situation, the answer was no. Now we have a completely new system, a sort of an information technology system with regard to post-marketing surveillance. We draw on all of the public as well as private systems—the Mayo system, the veterans system, the myriad different systems that will be collecting information. It will be collected in one central place—the FDA—so the Food and Drug Administration can demonstrate that there is a safety problem. There will be notice for the Agency.

Can the FDA require the label changes to warn of safety problems? Under the existing circumstances, there was a negotiation for some 14 months before they were able to resolve that issue. Finally, the drug was withdrawn by the company. If the company doesn't deal with the Agency, the Food and Drug Administration has the authority and power to withdraw the approval and effectively repeal the drug. But that has very important safety considerations because there may be certain populations where this particular drug may be suitable. That is probably true with Vioxx. It is not suitable for the general population but suitable for a particular population. What this does is give the FDA the kind of opportunity for labeling changes to warn of safety problems. It has other alternatives which I will refer to lower in the chart.

Are companies stopped from hiding safety problems? It is extremely difficult because we include the publication of clinical trials so they will be available to the public. This transparency included in this legislation is enormously important. The value of clinical trials is not only important from a safety point of view but also for individuals who are affected by disease and illness. They may make a judgment that they want to enroll in a particular clinical trial and try to remedy their particular health challenge. There will be the registry and the opportunity for them to do that. That has not existed in the way we have done this. That opens up enormous kinds of opportunities for many people who have many of the illnesses and sicknesses we know affect so many of our families. So, we have the safety provision and also the opportunity for people who have those illnesses and diseases to take advantage of this program.

Does the FDA have flexible tools to enforce safety decisions? The answer is yes. This was described well by my friend from Wyoming, Senator ENZI. He talked about the toolbox available to the FDA. It can be included in labeling. It can be included in terms of training of various personnel to administer the drug. It can be included in terms of specialized targeting, particularly groups in the medical profession who have the skills to dispense those drugs. There are a variety of different tools that are in there that do not exist today.

Finally, is the FDA the gold standard for protecting the public health and assuring access? We believe the answer is yes. These are practical examples of how we protect families.

We have another chart which makes this point as well. We had an excellent study done by the Institute of Medicine, an extraordinary group of individuals who reviewed the powers of the FDA and made recommendations. This chart shows we have incorporated in this legislation, by and large, the recommendations made by the Institute of Medicine, with respect to drug safety. We built in the epidemiology and the informatics capacity to improve post-marketing assessment, using information technology; to make public the results of the post-clinical trial; to regularly analyze post-market study results; to give FDA clear authority to require post-marketing risk assessment and management. If there are additional kinds of requirements in terms of the drug itself, the FDA will have that authority and give better enforcement tools. We also include some civil penalties to make sure this is going to be enforced—that is important—and conduct regular evaluation of a new drug's safety profile. We will continue with post-marketing surveillance. This will be a continuing process to protect the American consumer. It is an enormously important concept to implement this. We will also increase drug safety resources available to the FDA. We have done all of these in this legislation.

We have enhanced the Office of Science, and we have improved significantly the conflict of interest and other provisions.

This gives you some idea. We have an excellent statement from groups who represent 30 million patients: This legislation gives the FDA the ability to continue to study the safety of drugs after approval, flexible enforcement tools necessary to ensure compliance with these new safety protections, and additional funding to support these new activities. Allowing the Agency to act on clear safety signals could actually allow the FDA to approve drugs more quickly, knowing it will have the ability to respond on behalf of patients if safety concerns appear post-market.

That is important. With breakthroughs in the life sciences and different opportunities that are now available, the Agency will feel more comfortable in approving drugs which they may have a speck of doubt about, but they will know that with the kind of review processes we have insisted on in this legislation, they can get on the market quicker and that it can improve the quality of health and safe lives. This is very important: "knowing it will have the ability to respond on behalf of patients if safety concerns appear post-market."

This is from the Alliance for Drug Safety that represents 30 million patients, a very solid endorsement of what this legislation is all about.

We have done a similar protocol with regard to food safety as well, of the importance of surveillance. As we would with some bioterrorist threat, it is enormously important that we understand what is happening in a number of these countries around the world, early survey labs, and the follow-on provisions that we have included.

A final point, we have had a debate with regard to the differential that has taken place in the different countries. The presentation has been made. There has now been the pending Dorgan amendment which recognizes this disparity to make some adjustments on this issue in terms of the medicines.

We will move ahead on this. We have other items which have been proposed by our colleagues and on which we are prepared to make some recommendations. We have worked very closely during the evening, early morning with Senator ENZI and our colleagues. We are hopeful we will be able to see a conclusion of this legislation, which is so vitally important to the American people during the early part of next week.

Again, we are enormously thankful to all and extremely grateful to my friend and colleague, Senator ENZI. We look forward to a good discussion and debate and continued progress on this very important bill at the beginning of the week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE IN SUDAN

Mr. DURBIN. Mr. President, I rise today to once again address the ongoing violence in Darfur, Sudan.

Hundreds of thousands of people have been killed in that terrible genocide, and millions have been driven from their homes.

This week, the International Criminal Court has issued its first arrest warrants for these murderous crimes. The ICC issued warrants for the arrest of Sudan's so-called Humanitarian Affairs Minister Ahmed Haroun and against a jingaweit militia leader known as Ali Kushayb. Sudan says there is no need for such a trial and that its own courts are capable of prosecution. This is the very same Government that has helped orchestrate this campaign of violence, a government wheree courts are more likely to prosecute rape victims than the men who attack them. That is why we need international action in response to these crimes against humanity.

Mr. Haroun, who today serves as Sudan's Minister for Humanitarian Affairs, was in charge of Darfur in 2003 and 2004, at the height of the killing.

The jingaweit commander, who is the second man named in the warrant, commanded thousands of militia members and is accused of promoting rape and torture as part of his war strategy. The Sudanese Government claims he is in custody, but witnesses have told reporters that in reality he has been traveling in Darfur under police protection.

These arrest warrants are a significant, if small, step toward justice, but there is so much more the world must do to bring peace, justice, and security to the people of Darfur.

Recently, President Bush delivered a speech at the Holocaust Museum, promising that unless Sudan agreed to a full-scale peacekeeping mission and took other steps, then the United States would expand unilateral sanctions against the Sudanese—in the President's words—"within a short period of time." The President also stated he would press for multilateral sanctions through the United Nations. Both are important steps. I wish they had been taken far earlier, but they are still welcome steps.

Deputy Secretary of State John Negroponte recently returned from Sudan. The report on his trip was not encouraging. He told us that Sudan's President Bashir continues to stand in the way of a full-scale U.N. mission. He also said Bashir is not taking steps to disarm the militia that have terrorized villages in Darfur, with the Khartoum Government's tacit, if not open, support.

I know President Bush had planned to announce new sanctions at his speech at the Holocaust Museum. He agreed to delay implementing further measures in response to a strong personal request from the Secretary General of the United Nations.

We cannot solve Darfur alone. It will take many nations. I understand why President Bush felt compelled to give the United Nations an opportunity. But the world cannot wait long, and the people in Darfur certainly cannot be asked to wait any longer. The violence there is entering its fifth year.

A new report by the International Crisis Group, a nongovernmental organization working to prevent conflict across the world, spells out the urgency. This report states that combat in Darfur is rising, and the Sudanese Government continues to rely on aerial bombardment and raids by the jingaweit militia as its tactics of choice against its own people.

The Crisis Group report also spells out the complexity of what is happening there. The report states:

> Darfur is the epicenter of three overlapping circles of conflict.
>
> First and foremost, there is the four-year-old war between the Darfur rebel movements and the government, which is part of the breakdown between Sudan's centre—the National Congress Party in Khartoum, which controls wealth and political power—and the marginalized peripheries.
>
> Secondly, the Darfur conflict has triggered a proxy war that Chad and Sudan are fighting by hosting and supporting the other's rebel groups.
>
> Finally, there are localized conflicts, primarily centered on land tensions between sedentary and nomadic tribes.
>
> The regime has manipulated these to win Arab support for its war against the mostly non-Arab rebels.
>
> International interests, not least the priority the U.S. has placed on regime assistance in its "war on terrorism" and China's investment in Sudan's oil sector, have added to the difficulty in resolving the conflict.

This report calls for implementation of a full-scale peacekeeping mission and the need to revitalize the peace process itself. Peacekeeping troops can help keep civilians protected. International mediators from the African Union and the United Nations must also help the rebel groups and the Sudanese Government reach a more broad-based peace agreement. The first requirement, however, is getting peacekeepers into Darfur. Conflict is rising. The humanitarian space is shrinking. It is becoming harder and harder for many relief groups to reach those in need.

In testimony before the Senate Foreign Relations Committee on April 11, Special Envoy to Sudan Andrew Natsios stated that Secretary General Ban Ki-moon had requested a 2- to 4-week window in order to pursue diplomatic negotiations with Khartoum before any additional measures were taken. May 11, just a few days away, will mark a full month since Mr. Natsios's testimony. On that date, if Khartoum has not acted to take the necessary steps toward peace, I hope President Bush will launch expanded, hard-hitting U.S. sanctions and seek to pass a United Nations Security Council resolution with meaningful multilateral sanctions.

We need to strike out economically where it will hurt—against Sudan's oil industry. And I hope that China, which sits as a permanent member of the Security Council and represents Sudan's biggest oil customer, will join in our efforts. China buys 70 percent of Sudan's oil, and reportedly the Khartoum Government spends 60 to 80 percent of its oil revenue on its military. The Sudanese Government uses that military against its own people, especially in Darfur.

As a rising power, as the host of the next Olympics, and as a member of the Security Council, it really is China's responsibility to use its influence to convince Sudan to accept the full-scale peacekeeping mission that is really needed. China has helped convince Sudan to say it will accept 3,000 U.N. peacekeepers, but far more than that is needed, and Beijing can play a pivotal role in bringing peace to Darfur. The statement made by the Chinese Government a few days ago was encouraging, but it was a very modest statement when you consider the magnitude of this genocide.

Today, there are fewer than 7,000 underequipped African Union peacekeepers spread across Darfur—an area the size of Texas but Texas without roads or infrastructure.

The cause of Darfur has captured the hearts of millions of Americans. This past weekend, in Chicago and in cities across the Nation and around the world, thousands of people gathered in support of the people of Darfur and in support of efforts to divest from companies that invest in Sudan.

I should also mention that this same weekend, at Soldier Field in Chicago, thousands of young people gathered in support of the "Invisible Children" of Uganda. These children have also been victimized by years of war, and indeed the conflicts in Northen Uganda and Sudan are intertwined.

For years, the Sudanese Government has supported and assisted the Lord's Resistance Army, which has terrorized northern Uganda.

One of the focal points of the Sudan rally last weekend was to support legislation introduced by my friend, State Senator Jackie Collins of Chicago. She is a wonderful leader on this issue. She has shown such persistence and courage, pushing for divestment so that Illinois, my home State, can have maximum impact to end this genocide. Her bill would divest State pension funds and other investments that add to the coffers of the Sudan Government.

At the rally, participants also supported efforts here in Congress, which Senator JOHN CORNYN and I have introduced, to express Federal support for States, universities, and others that choose to divest.

This movement is expanding, not just here at home but abroad as well. Rolls-Royce has announced it is withdrawing from Sudan. According to media accounts, including the Associated Press, the Ford Motor Company, which produces Land Rovers, will no longer sell Land Rovers in Sudan. According to these press accounts, Ford made this decision after the Securities and Exchange Commission sent the company an inquiry asking about reports that some Land Rovers may have been used by military or paramilitary organizations.

This Saturday, Berkshire Hathaway, one of the largest and most respected investment firms in the country, will convene a shareholder meeting. Warren Buffett, who runs Berkshire Hathaway, has agreed to put the divestment question on the agenda.

The divestment movement was launched on college campuses. It is now reaching the boardrooms of major corporations and the agenda of shareholder meetings. Divestment is one tool among many, along with U.S. and U.N. sanctions, increased penalties for violations of U.S. law, stepped up engagement by China, and a commitment to reengage the peace process itself.

I have made these points before, but we must not let the Sudanese Government think that the often limited American attention span will wander away from Darfur. We will not blind ourselves to genocide, and we will not grow fatigued by more news stories of suffering in this distant place. We must do, in every way possible, what we can do as individuals, as Members of Congress, and as Americans who care, Americans who have said when it comes to a genocide: Never again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I appreciate very much Senator DURBIN's words on Darfur and how he continues to keep that issue in front of the American public, and how important it is that the assistant majority leader do that.

I rise to speak on behalf of the Dorgan amendment, the reimportation amendment, which will mean major cost savings to Americans when they buy prescription drugs. Several times over the last decade as a Member of the House of Representatives from a district in northeast Ohio, including Lorraine, Akron, and Medina, I took busloads of senior citizens to Windsor, Ontario to buy prescription drugs—a rather peculiar thing perhaps for a Federal official to do, to take people to another country to buy a consumer good. But what all of us know in this Chamber and most of the American people who have paid attention to this and understand, is that the same drug, the same dosage, the same manufacturer, often the same packaging—that those prescription drugs cost one-half, one-third, and sometimes as little as one-fourth in Canada what they cost in the United States. So we would take busloads of mostly seniors across I90 on the turnpike, up through Toledo, into Windsor, Ontario to buy prescription drugs and save seniors several hundred dollars, sometimes several thousand dollars a trip for each of them.

The opponents of the Dorgan amendment, the opponents of reimportation, for years—and when I was in the House they used these same arguments—have continued to use the issue of safety, as if the drugs you buy at Hunter's Pharmacy in Windsor, Ontario are any less safe than the drugs you buy 3 miles away across the bridge in Detroit, MI, or 50 miles down the road or 60 miles down the road in Toledo, OH. The fact is that issue is a smokescreen. We know that drugs sold in Canada often are drugs that are made in the United States. Lipitor is a drug made in Ireland. It is sent to Canada or it is sent to Steubenville, OH. It is the same drug, the same packaging, the same dosage, the same manufacturer, and it is every bit as safe in Steubenville, OH, as it is in Windsor, Canada, or just as safe in Windsor as it is in Steubenville.

Let me talk for a moment about the whole issue of the safety of these drugs. Importation, I believe, as Senator DORGAN does and as do so many in this Chamber, as do I believe 62 Senators who voted for cloture, importation is safe for drugs and for other sensitive commodities. In the year 2000, for example, the Pentagon imported Anthrax vaccine from Canada for U.S. troops. There was no question as to whether it was safe. Of course it was safe, and it mattered, and it protected our troops. The U.S. imports guns and explosive chemicals, uranium, food, pacemakers, heart valves, and other medical devices safely. Again, we are able to make sure these drugs are safe.

If the Federal Government can put a man on the Moon, they can certainly ensure the safety of imported prescription drugs. The Federal Government that says it can build a nationwide missile shield with thousands of precisely coordinated weapons and sensors can ensure the safety of imported prescription drugs. The Federal Government that says it can develop hydrogen-powered cars within 15 years can surely ensure the safety of imported prescription drugs. A Federal Government that says it can safely ship and store thousands of tons of nuclear waste can surely ensure the safety of imported prescription drugs.

What is the real safety issue? The real safety issue is not whether a consumer from Ohio, from Ashtabula, driving up to Canada, driving through Erie, PA, into Buffalo and across the river into Ontario, can't buy the same safe drug with the same safe drug regimen in Ontario as that consumer does in

Ashtabula. The issue about drug safety is that, frankly, unaffordable drug prices are what compromise the safety of these drugs.

Let me give a couple of examples. The drug companies' pricing policies compromise the health and safety of U.S. patients in this way: A study completed last year found that seniors who can't pay what the drug companies demand fill fewer of their prescriptions. That means the doctor is telling the patient that the patient should take this drug the doctor prescribed and the patient is not fully filling the prescription, so the patient is compromising his or her safety. Another study found that thousands of seniors with serious health problems reported they skipped doses to make prescriptions last longer. My wife last year was in a Shaker Heights drugstore—a generally affluent suburb west of Cleveland—and standing in line behind a patient who was trying to negotiate the price with the pharmacist. The patient asked if there was any way she could get the drug less expensively. The pharmacist said: This is the only price I am able to charge. The elderly woman said: How about if I just skip today and take the drug every other day, and the pharmacist said: You can't do that. It would compromise your health. The lady said: How about if I cut the pill in half and take a half a pill every day, and the pharmacist cautioned against that. When she walked away, my wife said: Does that happen often? The pharmacist said that happens every day, all day.

A 2001 study determined that patients were choosing less effective alternative medicines instead—pill-splitting, for instance. Patients will sometimes buy doses larger than appropriate for their condition in order to save money, and then divide the pills with a knife. That kind of pill-splitting is on the rise. Some health insurers actually require their enrollees to do it. The VA encourages it. Florida's Medicaid Program requires its beneficiaries to split their antidepressant medication that way. This controversial practice raises important safety concerns, all because of cost. It is why Medicaid, why the VA, and why health insurers require their enrollees to do it. The American Medical Association, the American Pharmaceutical Association, the American Society of Consultant Pharmacists, all oppose this pill-splitting.

The Miami Herald last year reported that a recent study of 11 commonly split tablets found that 8 of them, after splitting, no longer met industry guidelines.

A spokesman for the drugmaker Pfizer told the Washington Post:

> We don't recommend it for patients. Splitting can lead patients to receive too much or too little medicine.

All of this happens because of the pricing of prescription drugs.

So when the opponents of the Dorgan amendment say we can't guarantee the safety of these prescriptions we get from Canada, that Drug Mart or CVS might buy wholesale from Canada, that these can't be guaranteed safe—they can be guaranteed safe just as well as CVS or Drug Mart going to an American wholesaler the FDA has approved. The real safety issues are when patients cannot afford the high cost of these drugs and either don't fill the prescription or take the drug every other day or cut the pill in half so their prescription lasts twice as long for the same costs. Those are the real problems.

Only the Dorgan amendment will save money. When you think about what has happened with drug costs in this country, the Alliance for Retired Americans issued a comparison this year of United States and Canadian retail prices for 20 popular medicines. Compared to Canadian citizens, United States customers pay 20 percent more, for instance, for their high blood pressure medicine Norvasc, 60 percent more for their cholesterol medicine Pravachol, 100 percent more, twice as much, for the heartburn drug Prilosec, 200 percent more, 3 times as much, for the heart medicine Toprol XL, and 750 percent more for the breast cancer medicine Tamoxifen—750 percent more.

Many of these drugs were developed by U.S. taxpayers through National Institutes of Health grants. Yet the drug companies thank American taxpayers for doing all this research by charging Americans 750 percent more for Tamoxifen that will save the lives of women who have breast cancer, and by charging 3 times more for heart medicine, and by charging 3 times more for another drug or 60 percent more for cholesterol medicine. The fact is, again, that safety is compromised because of the high price of these drugs.

In 2001, U.S. consumers filled 24 million prescriptions for the arthritis medicine Celebrex and another 23 million prescriptions for the arthritis medicine Vioxx. Using the ARA price differential of about $41 for Celebrex and $46 for Vioxx, U.S. consumers spent almost $1 billion more for Celebrex in 2001 than Canadian consumers, and over $1 billion more for Vioxx than did Canadian consumers.

No wonder so much is at stake in the Dorgan amendment. It saves consumers billions—$50 billion is I think the number he used on the floor yesterday—$50 billion. This saves American consumers billions of dollars. That means individual seniors out of pocket, it means insurance companies, it means taxpayers, it means the VA, it means all of us would save significant amounts of money. But we know what is at stake because the drug companies are going to make that much more money as a result.

That is what this is all about. It is all about drug companies protecting their profits, increasing their profits. We all know the drug industry—and this amendment is not against the drug industry. It is for consumers. It is for taxpayers. It is for small businesses. It is for insurers. It is for the payers, people who are paying for these expensive drugs. But we know that in this institution, in the Senate and down the hall in the House of Representatives, it is all about drug company lobbyists, hundreds and hundreds and hundreds of drug company lobbyists fighting to keep their profits, to expand their profits. It is an industry that over the last 20 years has been the most profitable industry in America, year in and year out, exceeded only a couple of years by the oil industry. But typically, in a normal year, the drug industry's return on investment, return on equity, return on sales is far and away the most profitable industry in this country.

The U.S. market accounted for 60 cents of every dollar in revenue for the 10 biggest drugmakers. The 10 biggest drugmakers in 2001, for instance, their revenue was $217 billion more than the gross domestic product of Austria. They had profits of $37 billion—more than the Government spent on VA health care, more than the entire budget that year for the U.S. Department of Housing and Urban Development; profit margins of over 18 percent, 3 times the average of other Fortune 500 companies. These companies charge too much. They get much of their research done by the U.S. Government, and then they are charging these kinds of prices, which compromises the safety of seniors who struggle to pay for these prescriptions that their doctors have ordered.

In addition, when you think about what these skyrocketing drug prices mean—health care overall, and especially skyrocketing drug prices—just for American families, not just for seniors but for taxpayers and for small businesses—prescription drug costs increased almost 19 percent in 2002. Medicaid prescription drug costs increased a similar amount in 2001. Private health insurance premiums grew 15 percent and are projected to grow another 14 percent this year. Small employers saw HMO premiums increase 25 percent. This is consistently, 25 percent, 15 percent, 10 percent, year to year to year. What that means is because of the high cost of drugs, it is not just compromising the safety of our seniors, it is also hurting our small businesses. It also means that in too many cases, American companies simply have difficulty internationally competing with other countries, because they want to take care of their own employees and provide prescription drug coverage for them.

The Dorgan amendment makes sense for small business. It makes sense for taxpayers. It makes sense especially for seniors who are taking these prescription drugs. Pure and simple, it makes sense for our country. If we care about the safety of seniors and the safety of drugs, don't buy the argument that these drugs are contaminated or adulterated or not safe. The fact is we know the drugs that are sold in pharmacies in Canada or Great Britain or by pharmacists in those countries or pharmacies in Japan or Israel and Germany are safe. They have a regimen like FDA to protect the safety of their drugs. The issue here is whose side are you on? Are you on the side of seniors, on the side of taxpayers, on the side of small business, or are you going to side with the drug companies? It is pretty clear where people line up in this institution.

I ask my colleagues in the Senate to support the Dorgan amendment when it comes to a vote next week.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise to support the Dorgan amendment of which I am a cosponsor. Senior citizens in Florida in the year 2007 should not be in a position, as some are, of having to make a choice between buying groceries or buying their medicine. Unfortunately, there are some seniors who have to make that choice. Ultimately, once we get the Medicare prescription drug law changed that will ultimately bring down the cost of those prescriptions, that will solve the problem.

I might say that the private marketplace is starting to have an effect. It was some several months ago that Wal-Mart announced it was going to start selling, for $4 per prescription for a 30-day supply, generic drugs from a compendium of over some 200 drugs. That program has been successful. And, of course, others, such as Target, have picked up and started that program as well. So we are seeing that the marketplace is starting to have some say in this.

But with regard to the delivery of these drugs, senior citizens are having difficulty, even under what is supplied by Medicare right now. Until we have, eventually, the ability of Medicare to use its bulk purchasing power in order to negotiate prices of drugs—something the Veterans' Administration has been doing for years—until that occurs, along with the effects of the marketplace, along with the entry of generic drugs—until all of that happens, we are not going to see the cost of these drugs brought down to where in America today we do not have a senior citizen making a choice between buying groceries or buying their prescription medicines. In the meantime, there is something we can do about it; that is, we can allow senior citizens to purchase drugs from Canada, where often the price is one-half of what they get those drugs retail here.

This Senator has been involved in this because, naturally, my State has the highest percentage of the population that is 65 and older. Naturally, when their shipments of drugs coming from Canada are interdicted, as they have been by Customs over the last several years, guess who they are going to call. I get involved in this, and then I have to get ahold of the Customs Department to find out why they are doing this. I have to get ahold of the FDA, and I get conflicting messages.

A couple years ago, I spoke to the acting head of the FDA. He said that, as a policy, we do not have any objection to a limited supply—and he named that as 90 days or less—for personal use. Naturally, the FDA has to be concerned about the safety of large quantities of counterfeit drugs. That is what we want to protect. That is what we want Customs to be going after.

He pointed out that all of the counterfeits we have to go after—it is not the individual senior citizen wanting a limited supply, 90 days or less, for personal use coming from a Canadian pharmacy; that is not a threat to the health of our people.

Last year on the floor, Senator VITTER of Louisiana and I coauthored and offered an amendment, and it passed. It would have allowed what I just described. That bill went to the House in a conference committee and, because of the power of the pharmaceutical industry, they watered it down so that instead of the senior citizen being able to order by mail, by Internet, or by telephone, what became law was that they could bring it personally across the border. Well, that may do somebody good in Michigan or in North Dakota, but it is obviously not going to do senior citizens in other parts of the country, including Florida, any good.

Thus, until we can get this equilibrium of the marketplace by bulk purchases, by additional generics—all the time—and there is an interest, I agree, of the pharmaceutical industry, protecting them with those patents so they can recoup research and development costs but not to keep extending that patent after the life of the patent so that the generic can never get to the marketplace—until we can get all of those things straightened out, we simply have to bring some relief to our people. Albeit this is just one small way of doing it, it is an important step to allow the purchase from Canadian pharmacies. It is the same drug, made in the same pharmaceutical facility, that we get here. Indeed, it is even the same packaging, except it is sold through a Canadian pharmacy at half the price.

I am as reasonable as any Senator in trying to work out an accommodation with certain interests that want to protect their turf, but this has simply gone too far. As the Senator from Ohio has just given a number of examples his wife was observing at the counter of the pharmacy, so too have I witnessed this among seniors.

A lot of the seniors today came out of the "greatest generation." We have an obligation to them, and no senior citizen should not be able, either through a Government program such as Medicare or a Government-subsidized program, through Medicaid—if they don't get their pharmaceuticals from one of those, they simply should not be in a position where they have to cut those pills in half or take them every other day or not be able to take those pills at all.

When Medicare was set up back in the mid sixties, we didn't have the miracles of modern-day drugs; there wasn't a Medicare prescription drug benefit back then. Now, thanks to—kudos ought to go to the pharmaceutical industry, and the money we vote here for the research that goes through a lot of our scientific and medical institutions, federally funded money that goes to that research, the commendations ought to be all the way around the block, including the pharmaceutical companies. But we have to take the view that we cannot keep looking out for our own selfish interests all the time. We have to look to the greater good. When there is a part of America that is hurting, we have to address it.

It is for those reasons that I am a cosponsor of this amendment. I was quite heartened when, earlier today, we got the necessary 60 votes in order to break the filibuster and proceed with the amendment. I hope that once we pass it here in this Chamber, it will not be stripped off when it gets to the other Chamber.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

Mr. REID. Mr. President, this is regarding the substitute amendment to S. 1082.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 1082, the FDA Revitalization bill.

Ted Kennedy, Dick Durbin, Byron L. Dorgan, B.A. Mikulski, Patty Murray, Claire McCaskill, Amy Klobuchar, Sherrod Brown, Jack Reed, Herb Kohl, Charles Schumer, Christopher Dodd, Barbara Boxer, Bill Nelson, Jeff Bingaman, Debbie Stabenow.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

Mr. REID. Mr. President, this is calendar No. 120, S. 1082.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 120, S. 1082, the FDA Revitalization Act.

Harry Reid, Jeff Bingaman, Patrick Leahy, Russell D. Feingold, H.R. Clinton, Patty Murray, Bernard Sanders, Frank R. Lautenberg, Christopher Dodd, Dianne Feinstein, Ted Kennedy, Benjamin L. Cardin, Benjamin Nelson, Bryon L. Dorgan, Kent Conrad, Dick Durbin, Jack Reed.

Mr. DURBIN. Mr. President, I rise today to discuss two amendments that I have filed to this bill, Nos. 1027 and 1023. I do not intend to offer them at this time, but they raise important issues that I would like to highlight.

I want to begin by thanking the chairman, Senator KENNEDY, and ranking member, Senator ENZI, for their hard work on this bill. Together, we made significant progress yesterday by adopting an ambitious amendment to improve our food safety system for both humans and pets.

I also want to thank Senators KENNEDY and ENZI for agreeing to work on a comprehensive food safety package. That commitment is not taken lightly, and I look forward to working with them on this comprehensive package.

Although we took great strides yesterday with respect to food safety, there are two important areas where the FDA is limited in its ability to protect our food supply. These weaknesses have been exposed in recent recalls: the E. coli spinach contamination; the peanut butter recall; and, most recently, the expanding pet food recall that has entered, or at least come very close to entering, the human food supply.

The first weakness is that the FDA lacks the authority to issue a recall or pull defective products from shelves to protect consumers.

This is surprising to many people, but here is a quote from the FDA website, summarizing its recall authorities:

> The manufacturers or distributors of the product carry out most recalls of products regulated by FDA voluntarily. In some instances, a company discovers that one of its products is defective and recalls it entirely on its own. In others, FDA informs a company of findings that one of its products is defective and suggests or requests a recall. Usually, the company will comply.

This is true. Most often, companies comply, and there are penalties for failing to recall.

However, sometimes companies recognize that they have a problem but choose not to recall a product because they are afraid of upsetting consumer confidence or losing market share. The FDA has reported multiple instances of firms failing to recall or recall in a timely fashion.

In the pet food recall, companies have time and time again expanded their recalls, and the process has lasted more than 6 weeks. Just yesterday Menu Foods, the first company to recall on March 16, 2007, expanded its recall yet again. This recall was for products made during the same period of time as the other recalled products announced on March 16. Menu Foods has also announced an expanding date range of contaminated product.

This same weakness was on display in 2002 in the ConAgra beef recall.

Unfortunately, without the power of mandatory recall, the FDA is in a weaker position to force companies to announce recalls quickly or to thoroughly study the extent of a recall. The result is slow, uneven, voluntary recalls that leave consumers at risk.

The Consumer Protection Safety Commission, the EPA, and even the FDA with respect to infant formula have recall authority. Why, then, does the FDA not have that authority for the other foods it regulates?

This authority would expedite the speed and thoroughness of voluntary recalls, protect consumers, and protect industries against bad actions that threaten consumer confidence.

A revision of recall authority is very much overdue, and my amendment would provide that. I hope that this issue will be seriously considered in the broader package of food safety reform.

The second area I would like to raise is the lack of resources for the FDA's food safety efforts.

One of the most significant aspects of the pet food recall and other food contaminations we have observed in recent years is that the FDA is struggling with its increasing responsibilities and its current level of resources.

If we look at the increasing volume of food that the United States imports each year, it is clear why this is a problem. In 2003, the United States imported $45.6 billion of agricultural products. Today, that number is $64 billion. Agricultural imports from China alone have nearly doubled from $1.2 billion to $2.1 billion.

Much of the responsibility for overseeing and inspecting the safety of these imports rests with the FDA. However, due to fairly flat budgets, the overall number of inspectors looking at these shipments and at domestic food processors actually has decreased from 2003 to the present from a level of more than 3,000 inspectors to about 2,700 inspectors today.

Less than 1.5 percent of these imports are inspected by the FDA, and the FDA lacks the resources and authorities to certify the standards of our trading partners.

This situation presents an economic, public health, and bioterrorism risk to the United States. The CDC estimates that 76 million Americans become sick from food borne illnesses each year. More than 300,000 are hospitalized and 5,000 die each year.

We clearly need to review the FDA's funding to ensure it has the resources necessary to safeguard the 80 percent of our food supply that it is responsible for regulating.

The FDA office that is responsible for food imports, the Center for Food Safety and Nutrition, is also responsible for regulating $417 billion of domestic food and $59 billion of cosmetics. This includes points of entry into the United States, approximately 300,000 food establishments, and 3,500 cosmetic firms. President Bush has requested only $467 million for fiscal year 2008 for this department to regulate all of this activity, and only $312 million of that amount would be for inspectors.

Therefore, I am pursuing two tracks in this area. Last week, I sent a letter to Chairman KOHL and Senator BENNETT of the Agriculture Appropriations Subcommittee, which funds the FDA, asking for a significant increase in the level of funding for the FDA Foods Program. I hope my colleagues will join me in this effort.

Secondly, the amendment I have filed to this bill would direct the Secretary of Health and Human Services to study the feasibility of a user fee program for foods that would incorporate lessons learned from the prescription drug user fee program. This study would present various options on creating a user fee program for foods that could increase the resources and capabilities of the FDA in this area. Specifically, it calls for legislative recommendations that analyze the expected revenues for the FDA, as well as the costs to industry by sector.

For the sake of improving food safety, I think it is vital that we explore the various options for providing the FDA with adequate resources.

Again, I will not offer this amendment at this time, but I hope my colleagues will join me in supporting such a study in the future as Congress deals with broad food safety reform.

Mr. HATCH. Mr. President, a number of questions have been raised about how the Durbin amendment on food safety, adopted yesterday by a unanimous vote, would affect regulation of dietary supplements.

I wanted to take this opportunity to clarify the record.

First, let me indicate my support for the efforts of the Senator from Illinois, Mr. DURBIN. The recent misfortunes with peanut butter, spinach, and pet food show me that our Nation's food safety policies are pitifully lacking. Therefore, I am supportive of Senator DURBIN's work and also the considerable work of Senator ENZI and his staff to resolve problems that were found with the draft amendment.

For the edification of my colleagues, section 201ff of the Federal Food, Drug and Cosmetic Act, FFDCA, contains the definition of dietary supplements. That definition includes a proviso that supplements are to be considered foods, except in the instance when a product makes a drug claim. In other words, by Federal law, dietary supplements are generally considered to be foods.

It is for this reason that the language of the original Durbin amendment establishing a new adulterated food registry could have been read to apply to dietary supplements.

This raised problems for me, and indeed for our colleague Senator HARKIN, since we had spent more than 2 years working with Senators DURBIN, KENNEDY, and ENZI to draft, pass and enact the Dietary Supplement and Nonprescription Drug Consumer Protection Act, Public Law 109-462. That law authorizes a new program so that reports of serious adverse events related to the use of a dietary supplement or over-the-counter drug would be reported to the Food and Drug Administration, FDA, on a priority basis.

As I said, the Durbin amendment contemplates a new adulterated food registry. Under the provisions establishing that registry, reports of adulterated foods would be made by many, if not all, of the same parties who are required to file reports of serious adverse events associated with the use of dietary supplements under Public Law 109-462. And so passage of the Durbin amendment could be seen to supersede the law we enacted last year for supplements, which I am relieved to hear was not the intent of our colleague, Senator DURBIN.

Consequently, the amendment we adopted yesterday contains language that Senator HARKIN and I suggested to make certain that dietary supplements would not be covered by the new food safety language and thus last year's law would not be superseded. To reassure those who are interested in the Dietary Supplement Health and Education Act, DSHEA, I wanted to take a moment to outline those changes.

First, there is new language in the section establishing the adulterated food registry to express the sense of the Senate that: (1) DSHEA has established the legal framework to ensure that dietary supplements are safe and properly labeled foods; (2) the Dietary Supplement and Nonprescription Drug Consumer Protection Act has established a mandatory reporting system of serious adverse events for nonprescription drugs and dietary supplements sold and consumed in the United States; and (3) the adverse events reporting system under that act will serve as the early warning system for any potential public health issues associated with the use of these food products.

In addition, language contained in the Durbin amendment modifies the definition of supplement contained in 201ff of the FFDCA so that supplements will not be considered foods for the purpose of the new adulterated foods registry. This in no way would alter the time-honored conclusion of the Congress that supplements are to be considered foods. On the contrary, all it would do is exempt supplements from the registry.

These changes, all contained in the amendment which was approved yesterday, make clear that there are no new dietary supplement requirements in the Food and Drug Administration Revitalization Act. It is my hope this will reassure the many who have expressed concern that Congress was inadvertently repealing Public Law 109-462.

Mr. KOHL. Mr. President, I rise to make a correction to the record. Earlier today, I erroneously named Senator LEAHY as a cosponsor of my amendment No. 991. Senator LEAHY is not a cosponsor of this amendment.

I thank the chair.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SYMBOLC TRANSFER OF THE HISTORIC WALDSEEMÜLLER MAP

Mrs. FEINSTEIN. Mr. President, as chairman of the Joint Committee on the Library, I want to take this opportunity to recognize the symbolic handover of the historic 1507 Martin Waldseemiller Map from German Chancellor Angela Merkel to the American people. This event took place Monday at the Library of Congress.

The map is often referred to as "America's birth certificate." It was designed and printed by Martin Waldseemiller, a 16th century scholar and cartographer who worked in France. This mapmaker departed from accepted knowledge of the world at that time. He portrayed, in remarkably accurate fashion, the Western Hemisphere separating two huge and separate bodies of water, the Atlantic and Pacific Oceans.

There were 1,000 copies of the map printed from woodcuts, but only a single surviving copy exists today. The Library of Congress worked for decades to acquire this map from its owners. The map was housed for more than 350 years in the 16th century castle belonging to the family of Prince Johannes Waldburg-Wolfegg in southern Germany. The map was long thought lost, but it was rediscovered in storage in the castle in 1901.

In 1992, knowing of the Library's great interest in acquiring the map, Prince Waldburg-Wolfegg notified the Library that the German national government and the Baden-Württemberg state government had granted an export license. This license permitted the map, which is considered a German national treasure, to come to the Library of Congress.

The purchase of the map was accomplished through a combination of appropriated funds and matching private funds. Congress has played an important role in making this acquisition possible, as it has throughout the Library's history. Congress's first major purchase was Thomas Jefferson's library, which is the seed of the vast collections the Library holds today. Another once-in-a-lifetime purchase made possible by congressional support is the Gutenberg Bible, which is on display in the Jefferson Building.

The Library will begin displaying the map to the public in the Thomas Jefferson Building later this year. The map will be part of the Library's new visitor's experience. As an important acquisition to the Library's treasures, the map will be on view for limited periods of time as preservation standards permit.

AMERICA COMPETES ACT

Mr. DOMENICI. Mr. President, I would like to speak for a brief moment about recent Senate approval of the America COMPETES Act.

This legislation is the product of several years of work by many individuals here in the Senate and it was immensely gratifying to see this bill pass the Senate. For the last 3 years Senators from numerous committees, Republicans and Democrats, have worked together on this legislation. They saw America falling behind the rest of the world in math and science and realized the need to do something. Well I believe this bill is going to do that something. It will double spending on physical science research, provide money to recruit 10,000 new math and science teachers and retrain hundreds of thousands of our existing ones. This bill is a huge step in the right direction for our country, a step that could not have been taken by just one Senator or one party. In these often partisan times, the America COMPETES Act is a fine example of what this body can accomplish when it works together in a bipartisan manner.

I am very proud of the work my colleague from New Mexico Senator BINGAMAN, Senator ALEXANDER and I put into this legislation. I am proud that the members of our committee, Energy and Natural Resources, continue to work in this bipartisan way.

Additionally, I ask unanimous consent that two articles concerning the America COMPETES Act, one from the Santa Fe New Mexican, the West's oldest newspaper, and one by David Broder of the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Santa Fe New Mexican, May 3, 2007]

Jeff, Pete Provide Boost For Scientific Resurgence

David Broder's right: Senate approval of the America COMPETES Act, he notes in today's column, is big news. This nation lurched from lethargy to the moon during the dozen exciting years that followed Russia's launch of a man-made earth satellite—then most of us went back to our beer and barbecues, leaving all too few dedicated individuals fighting to keep us in the big leagues of pure science and high technology. Thus this act.

It might have gotten short shrift from the national press, but the importance of this bill wasn't lost on The New Mexican's Andy Lenderman: He reported, on the front page of our local news section Saturday that this was overdue action on the math-and-science front.

The measure, the full name of which is America Creating Opportunities to Meaningfully Promote Excellence in Education and Science Act of 2007—an aggravating cuteness whose creator should be banished to Madison Avenue—features a four-year, $16-billion authorization of new money to invest heavily in physical-sciences research, recruitment of new math and science teachers nationwide, while updating those in the field. It would be part of a $60 billion campaign to put America back—and in some areas keep it—at the cutting edge of theoretical and applied science.

Lenderman noticed that the bill, with Majority Leader Harry Reid's sponsorship, was approved by an 88–8 tally. But at least as important as the political weight was the groundwork laid by New Mexico's senators:

Jeff Bingaman, who has spent so much of his Capitol Hill career urging his colleagues to support the sciences and academics in general, sponsored a 2005 study—the report of which carried a title both ominous and promising: "Rising Above the Gathering Storm." It told our nation of the challenge from China, India and other nations in science and technology—which could cost our country its competitiveness in world markets.

If evidence were needed to support that concern, we need only look at our schools: Only 29 percent of eighth-graders nationwide tested proficient in science. In New Mexico, only 18 percent did.

This isn't a Sputnik situation of 50 years ago, where within four months America had its own satellite in orbit while back on earth science fairs were the rage; this is a case of math-dedicated cultures creeping past one of B.A. generalists dedicated to fun, comfort and prestige predicated on material goods.

It'll take more than money to rebuild momentum: Some of America's many Renaissance-person scientists must be persuaded to sing the glories of research—or at least the joys and rewards of what sometimes results from it. Computers as tools and toys, too, should help.

What's great is that Bingaman and fellow Sen. Pete Domenici, so often teammates in bipartisan congressional initiatives, have put their skills and influence together for this push. They're their parties' highest-ranking members of the Energy and Natural Resources Committee, and Domenici still is influential on the budget and appropriations committees.

New Mexico, with its national scientific laboratories, stands to benefit from this initiative—which comes, we hope, en buena hora for the people of our region: Just last week, contractors at Los Alamos National Laboratory laid off scores more of the workforce.

The construction and maintenance people there have always been at the mercy of LANL's whims, and those of its academic and technical allies. But some of their children are seeing the need for higher education to provide them more steady work. The America COMPETES Act could raise awareness of, and provide support for, generations of homegrown scientific and technical people.

The bill still must make it through the House of Representatives—and as Broder implies, our nation's news media could and should help the effort along.

[From the Washington Post]

COMPETES Act Is Real Boost, Real News

(By David Broder)

On Monday, with few of his colleagues present and the Senate press galleries largely unoccupied, Sen. Lamar Alexander of Tennessee took the floor to make one of those personal statements that fill the Congressional Record, but rarely go any further.

"Last week," he said, "while the media covered Iraq and U.S. attorneys, the Senate spent three days debating and passing perhaps the most important piece of legislation of this two-year session. Almost no one noticed."

Alexander has a point. The bill, boldly named "the America COMPETES Act," authorized an additional $16 billion over four years as part of a $60 billion effort to "double spending for physical sciences research, recruit 10,000 new math and science teachers and retrain 250,000 more, provide grants to researchers and invest more in high-risk, high-payoff research."

As Alexander noted, "these were recommendations of a National Academy of Sciences task force" that he and others had asked to tell Congress the 10 things it most urgently needs to do "to help America keep its brainpower advantage so we can keep our jobs from going to China and India."

Back in December 2005, I wrote about the report that Alexander, and Sens. Jeff Bingaman and Pete Domenici, both of New Mexico, had requested—and about the bipartisan support that seemed to be available for this "competitiveness" agenda. I even suggested that it was a natural topic for President Bush's 2006 State of the Union address, if he wanted to break through the growing partisan roadblocks on Capitol Hill.

The President included these ideas in his message, but did little to build public support or press Congress for action. Nonetheless, major elements of the bill passed the Senate last year, only to bog down in the bitterly divided House.

But persistence paid off. As Alexander said, "Senators and their staffs worked across party lines for two years. Senior committee members, chairmen and ranking members, waived jurisdictional prerogatives. The administration participated in extensive 'homework sessions' with senators and outside experts. The effort was so bipartisan that when the Senate shifted to the Democrats in January, the new majority leader and minority leader introduced the same bill their predecessors had in the last Congress. Seventy senators co-sponsored the legislation. . . . The final vote was 88–8."

The fight is far from over.

The House has yet to act on most of the provisions, and finding the money to carry it out will not be easy. Alexander and Bingaman added an amendment to the budget resolution, allowing $1 billion of extra spending for the first-year costs of the program.

Domenici and other appropriators will try to steer funds in that direction, Alexander said.

The Tennessee Republican's larger point is that this is the model that Congress and the president need to follow—if any of the major challenges facing the country are to be met.

"There are issues that are too big for either party to solve by itself," Alexander told me. "Globalization and competitiveness are two of them. Immigration is the next one on the agenda. And then there is health care."

He pointed out that the bipartisan breakfast sessions he and Sen. Joe Lieberman of Connecticut have been hosting regularly this year have included discussions of health policy.

As a byproduct of the breakfasts, "10 of us, five Republicans and five Democrats, have written the President saying that we are ready to work with him on a bill that has two principles—universal coverage and private markets. We hope he responds."

Iraq looms as the supreme test, of course, and Alexander, a Bush supporter, nonetheless says "it was a mistake" for the president not to seize on the Baker-Hamilton commission recommendations as the basis for a bipartisan answer to the dilemma of the war.

"It's still sitting there on the shelf," he said, implying that Bush will have to come back to Baker-Hamilton at some point.

Meantime, Alexander has a gentle reminder for the press that our mind-set means that "unfortunately, bipartisan success, even on the biggest, most complex issues, has an excellent chance of remaining a secret.

"Despite the size of the accomplishment, the passage of the 208-page America COMPETES Act was barely noticed by the major media.

This is not a complaint, merely an observation. More than ever, the media, outside interest groups, and party structures reward conflict and the taking of irreconcilable positions. There is little reward for reconciling principled positions into legislation."

Sadly, I think he is right.

ADDITIONAL STATEMENTS

CONGRATULATING UNITED PARCEL SERVICE ON ITS 100TH ANNIVERSARY

• Mr. LAUTENBERG. Mr. President, I wish to recognize and congratulate the United Parcel Service on its 100th anniversary. In these 100 years, many of us have grown to see UPS's ubiquitous brown vans as symbols of reliability and to know and trust the remarkable people who drive them. As UPS has evolved to become the largest package delivery company in the world, it has become a cornerstone of commerce in America and a vital part of my State's economy.

When James E. Casey founded UPS in 1907 with a $100 loan from a friend, surely it would have been beyond even his wildest dreams that the company would grow to deliver 15.6 million documents and packages every day, to employ 360,600 employees here in the United States, and to make deliveries to over 200 countries and territories throughout the world. By constantly innovating and improving service and through the dedication of its employees, UPS has reached the pinnacle of its industry and has set the standard by which its competitors must follow.

I am proud to say that since opening their first facility in Newark, NJ, in 1928, UPS has maintained a significant presence in my home State of New Jersey. It employs more than 18,000 people statewide, making it one of the 10 largest employers in our State. I recently had the privilege and opportunity to visit a UPS hub in Edison to help commemorate UPS's 100th anniversary. At the Edison facility, 3,000 dedicated employees process and sort packages originating from and destined for points all over our State. Individuals and businesses across New Jersey rely on their efforts every day, and the intricate and sophisticated processes used by these employees ensure that important packages and documents are delivered on time.

I encourage my colleagues to join me in congratulating UPS on 100 years in business. I personally extend my best wishes to the company and its employees in New Jersey and across the world for many more years of success and prosperity.•

TRIBUTE TO WALTER M. "WALLY" SCHIRRA

• Mr. MARTINEZ. Mr. President, I want to commend a great American, Astronaut Walter M. "Wally" Schirra, who passed away today. Captain Schirra leaves behind a praiseworthy legacy as a Navy veteran, a pioneer for NASA and of outer-space exploration, a television commentator, and a devoted husband and father.

Captain Schirra began his distinguished career in the U.S. Navy when he arrived in Annapolis in the early days of World War II; he graduated from the U.S. Naval Academy in 1945 and soon became a pilot through Naval Flight Training in Pensacola, FL. Through an exchange program with the Air Force during the Korean war, he proudly served our Nation as a pilot of F–86 Sabres.

He carried this dedicated service to America into the stratosphere and beyond, making history as one of the "Original Seven" astronauts named by NASA to the Mercury program. On October 3, 1962, Captain Schirra became the first person ever to orbit the Earth 6 times. He is unique in that he is the only astronaut to have flown in NASA's first 3 space programs: Mercury, Gemini, and Apollo. After retiring from NASA, he later served with distinction as a widely known television commentator for CBS.

The passion that Wally Schirra had for space exploration and his accomplishments as a pioneer astronaut underscore the importance of our continuing to strengthen the NASA space program. The Apollo 7 mission—under the command of Schirra—proved to those at NASA that they had the ability to send a spacecraft into orbit around the moon. Since then, NASA has taken many giant leaps. We must continue the exploration, research, and discovery that have all constituted NASA's trademark for decades.

Exploration into outer space helps us to better understand the world in which we live. NASA understood this well when they sent Captain Wally Schirra into outers pace nearly 45 years ago; I am hopeful that this vision and reach will only continue to grow with time.

On behalf of Florida and the people of the United States, I thank Captain Schirra for his service to country and the science he helped to advance. He will be missed.•

HONORING MAINELY TRUSSES

• Ms. SNOWE. Mr. President, I wish today to recognize, for the week of April 29, an exceptional entrepreneur from my home State who has been awarded the Maine 2007 Small Business Person of the Year, Michael Boulet. Mike is truly one of our Nation's shining small business success stories. His company—Mainely Trusses—exemplifies the heart and soul of the American dream becoming reality.

Last March, I had the privilege to witness first hand the products and services that Mike's company provides when he was awarded an intermediary relending program loan from Kennebec Valley Council of Governments.

Mike's investment in his company through the Small Business Administrations' Maine Small Business Development Center and Costal Enterprises, Inc., has paid tremendous dividends for the future of Mainely Trusses—with a state-of-the-art facility, new technologies, a dedication to customer service, and full benefits for his employees. In fact, Mainely Trusses is so advanced that they use all laser beams to construct the trusses which is completely driven by computer software and highly skilled employees.

Since Mike has been president, Mainely Trusses has shown no signs of slowing down, growing from 3 to 50 employees over the last 15 years—a tremendous achievement for any business. Think about it—that is a 1,600-percent increase. Just imagine if we had that kind of explosive progress in the U.S. Congress, then we would really be onto something.

And what is all the more remarkable is Mike's courage to take on the family business after his father, John Boulet, passed away in a work-related accident. But Mike doesn't just reserve his considerable talents and energy for his business—he also exhibits those traits through his tireless leadership within the community whether serving as a member of the Maine Merchants Association Workers Compensation Trust Fund Broad of Trustees, chairing the board for the Central Maine Youth Hockey Association, supporting Habitat for Humanity, or his involvement with Vietnamese orphanages and children's center.

The fact is small businesses are the critical element in our efforts to strengthen and bolster the Nation's economy. It used to be said, "What's good for General Motors is good for the Nation." Now, it is what is good for small business is best for the Nation and job growth.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am reminded daily of the immense—and often overlooked—contributions that risk-takers and dreamers like Mike and countless Americans make. They are the unsung heroes of our Nation's economy, creating two-thirds of all new jobs throughout our country.

That is why I appreciate SBA's commitment to providing our Nation's small businesses, as they have helped Mike, with the financial and business development tools to help them grow and excel. With more than 5.3 million jobs created or retained since 1999, this is proof-positive that our investment in the SBA is paying tremendous dividends to the Nation's economy.

We understand that Maine is a veritable "hotbed" for small business and a small business laboratory for the country. This year, at the vanguard of Maine entrepreneurs stands Mike Boulet. Once again, I would like congratulate Mike for being an exceptional model for Maine and the Nation. We here in the Senate wish Mike all the best for many more successful years to come.•

TRIBUTE TO VINCENZO ANTONIO MANNO

• Mr. VOINOVICH. Mr. President, today I honor the musical genius of fellow Ohioan Vincenzo Antonio Manno, a renowned opera singer and devoted professor of music.

Mr. Manno was born and raised in my great hometown of Cleveland, OH. In fact, he grew up right down the street from my family in the Collinwood neighborhood—the same neighborhood I live in still today. But his musical gift eventually took him far beyond Collinwood to some of the finest music institutions in Europe.

Cleveland's rich cultural environment and outstanding music tradition prepared Mr. Manno for his world-renowned career. Before completing his studies at Oberlin College under the tutelage of Professor Richard Mill, Mr. Manno was trained at the Cleveland Music School Settlement under Burton Garlinghouse and John Shurtleff; at summer sessions in Chautauqua, NY, under Josephine Antoine; and at the Cleveland Institute of Music under Eleonor Steber.

After receiving his degree from Oberlin, Mr. Manno continued his studies on a Fulbright Fellowship in Italy at Santa Ceclia in Rome with Ettore Campogalliani. His private studies in Milan continued with Dr. Otto Mueller, who was affiliated for years with the Metropolitan Opera House of New York.

After Dr. Mueller's death, Mr. Manno was accepted into the prestigious private singing school directed by Professor Dennis Hall in Bern, Switzerland. As a result of his studies with Professor Hall, Mr. Manno was encouraged to open a voice studio in Milan, which has become a mecca for singers from around the world.

Mr. Manno's singing career embraces a wide repertory—from the baroque to the modern—and he has sung with opera companies around the world. His radio performances within Europe have been admired by the public and critics alike. And, he is currently a permanent member of the Teatro alla Scala in Milan, Italy.

Not all accomplished musicians make good teachers, but Mr. Manno's teaching career has taken great strides in the past 10 years. He has been recognized for teaching and helping emerging singers on many continents. He also holds seminars and master classes on singing style.

Mr. Manno is regularly invited to teach singing technique at the world-renowned Accademia dei Giovani Cantanti—Academy of Young Singers—under the artistic direction of Leyla Gencer, affiliated with the Teotro alla Scala and the Accademia Internazionale della Musica—International Music Academy—in Milan. The students of Vincenzo Manno can be heard regularly around the world in opera houses, recording studios, concerts halls, and radio and television stations.

Mr. Manno also lends his expertise in pop music, broadway and operetta. He has guided many Italian pop singers through recording sessions and is regularly contacted by Italian television to help arrange songs for singers and give advice on new compositions.

For all he has accomplished, Mr. Manno has received several awards. He received the "Grand Prix du Disque" for baroque music recorded with the great Swiss conductor Edwin Loehrer, and the "Best Recording of the Year" from Gramophone Magazine for his second CD solo recording of tenor music of the 17th century, "Strana Armonia d'Amore" with Roberto Gini.

Mr. President, on the 40th anniversary of his career, it is my pleasure to honor Vincenzo Antonio Manno for his great success and significant contributions to the world of music.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, a withdrawal and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1301. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1305. A bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 992. A bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes (Rept. No. 110–60).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit.

Richard Sullivan, of New York, to be United States District Judge for the Southern District of New York.

Joseph S. Van Bokkelen, of Indiana, to be United States District Judge for the Northern District of Indiana.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. CANTWELL, Mrs. CLINTON, Mr. HARKIN, and Mr. OBAMA):

S. 1276. A bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska:

S. 1277. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

By Mr. HAGEL (for himself and Mr. REED):

S. 1278. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH:

S. 1279. A bill to secure America's future economy through reform of the Federal budget process; to the Committee on the Budget.

By Mr. BROWN (for himself and Mr. DORGAN):

S. 1280. A bill to provide greater accountability in reviewing the national security considerations of free trade agreements; to the Committee on Finance.

By Mr. THOMAS:

S. 1281. A bill to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Ms. SNOWE):

S. 1282. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. CHAMBLISS):

S. 1283. A bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. STABENOW, Mr. Rockefeller, Mr. Levin, Mrs. Feinstein, Mr. Johnson, Mr. Harkin, Mr. Feingold, Mr. Leahy, Mr. Kohl, and Mr. Kennedy):

S. 1284. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. Specter, Mr. Feingold, and Mr. Obama):

S. 1285. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. SMITH:

S. 1286. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; to the Committee on Indian Affairs.

By Mr. SMITH (for himself and Mr. Kennedy):

S. 1287. A bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for State judicial debts that are past-due; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Conrad, Mr. Kerry, Mr. Bingaman, and Ms. Snowe):

S. 1288. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase the retirement security of women and small business owners, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 1289. A bill to amend title 38, United States Code, to modify the salary and terms of judges of the United States Court of Appeals for Veterans Claims, to modify authorities for the recall of retired judges of such court, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRAIG:

S. 1290. A bill to amend title 38, United States Code, to provide additional discretion to the Secretary of Veterans Affairs in contracting with State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE:

S. 1291. A bill to amend the Internal Revenue Code of 1986 to extend and modify the renewable energy production credit and to extend and modify the credit to holders of clean renewable energy bonds; to the Committee on Finance.

By Mr. SCHUMER:

S. 1292. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products by enhancing the ability of the Secretary of Agriculture to retrieve the history, use, and location of a meat or poultry product through a recordkeeping and audit system or registered identification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG:

S. 1293. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members and former members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. Akaka, and Mr. Cochran):

S. 1294. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. Coleman, and Ms. Landrieu):

S. 1295. A bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. Biden, and Mrs. Feinstein):

S. 1296. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mrs. BOXER (for herself, Ms. Collins, and Mr. Lieberman):

S. 1297. A bill to amend the Clean Air Act to promote the use of advanced clean fuels that help reduce air and water pollution and protect the environment; to the Committee on Environment and Public Works.

By Mr. KERRY (for himself and Mr. Reed):

S. 1298. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. Brown, and Mr. Casey):

S. 1299. A bill to establish on behalf of consumers a fiduciary duty and other standards of care for mortgage brokers and originators, and to establish standards to assess a consumer's ability to repay, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. Lott, Mr. Inouye, and Mr. Stevens):

S. 1300. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to modernize the air traffic control system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DeMINT:

S. 1301. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; read the first time.

By Mr. KENNEDY (for himself and Mr. Kerry):

S. 1302. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. Isakson, and Mr. Vitter):

S. 1303. A bill to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself and Mr. Kyl):

S. 1304. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

By Mr. COBURN:

S. 1305. A bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes; read the first time.

By Mr. OBAMA (for himself, Mr. Durbin, and Mrs. Clinton):

S. 1306. A bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself, Mr. Levin, and Mrs. McCaskill):

S. 1307. A bill to include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. Conrad, and Mr. Enzi):

S. 1308. A bill to prohibit the Secretary of Agriculture from allowing the importation of certain cattle and beef from Canada until the implementation of country of origin labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER:

S. 1309. A bill to amend the Truth in Lending Act to prohibit universal defaults on credit card accounts, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. Lott, and Mr. Conrad):

S. 1310. A bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By. Mr. SALAZAR (for himself, Mr. Brown, Mr. Allard, Mr. Leahy, Mrs. Feinstein, and Mrs. Clinton):

S. Res. 185. A resolution supporting the ideals and values of the Olympic Movement; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself, Mrs. Lincoln, Mrs. Dole, Mr. Durbin, Mr. Vitter, Mr. Pryor, Mr. Levin, Mrs. Murray, Mr. Kohl, Mr. Salazar, and Ms. Cantwell):

S. Res. 186. A resolution designating June 5, 2007, as "National Hunger Awareness Day" and authorizing the Senate offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area; considered and agreed to.

By Mr. VOINOVICH (for himself, Mr. Biden, Mr. Lieberman, Mr. Smith, and Ms. Mikulski):

S. Res. 187. A resolution condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia; considered and agreed to.

By Mr. CARDIN (for himself, Mr. Coleman, Mr. Biden, Mr. Smith, and Mr. Bunning):

S. Res. 188. A resolution expressing the sense of the Senate in support of the accession of Israel to the Convention on the Organisation for Economic Co-operation and Development; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. SUNUNU):

S. Con. Res. 31. A concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease, improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity; to the Committee on Foreign Relations.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. Con. Res. 32. A concurrent resolution honoring the 50th anniversary of Stan Hywet Hall & Gardens; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 21

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 57

At the request of Mr. INOUYE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 309

At the request of Mr. SANDERS, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 430

At the request of Mr. BOND, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 431

At the request of Mr. SCHUMER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 446

At the request of Mr. DURBIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 495

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 495, a bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 579

At the request of Mr. REID, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 590

At the request of Mr. SMITH, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 622

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 622, a bill to enhance fair and open competition in the production and sale of agricultural commodities.

S. 634

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 704

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 704, a bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

S. 773

At the request of Mr. WARNER, the names of the Senator from California (Mrs. BOXER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1181

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1196

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Iowa (Mr. HARKIN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1196, a bill to improve mental health care for wounded members of the Armed Forces, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1205

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1205, a bill to require a pilot program on assisting veterans service organizations and other veterans groups in developing and promoting peer support programs that facilitate community reintegration of veterans returning from active duty, and for other purposes.

S. 1226

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

S. 1237

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1256

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1256, a bill to amend the Small Business Act to reauthorize loan programs under that Act, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1261

At the request of Ms. CANTWELL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1261, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1267

At the request of Mr. LUGAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1267, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. CON. RES. 22

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 171

At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. SMITH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

AMENDMENT NO. 991

At the request of Mr. LEAHY, his name was withdrawn as a cosponsor of amendment No. 991 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

At the request of Mr. SCHUMER, his name was withdrawn as a cosponsor of amendment No. 991 intended to be proposed to S. 1082, supra.

AMENDMENT NO. 1010

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 1010 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

At the request of Mr. COCHRAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 1010 proposed to S. 1082, supra.

AMENDMENT NO. 1011

At the request of Ms. STABENOW, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1011 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1016

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1016 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1024

At the request of Mr. SALAZAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1024 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. GRASSLEY, Ms. CANTWELL, Mrs. CLINTON, Mr. HARKIN, and Mr. OBAMA):

S. 1276. A bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the bipartisan Methamphetamine Production Prevention Act of 2007. I am pleased to have the support and cosponsorship of Senator GRASSLEY for this important legislation, and I look forward to working closely with Chairman LEAHY and Ranking Member SPECTER to advance the bill through the judiciary Committee and to secure its enactment into law.

The Methamphetamine Production Prevention Act will take the next step toward wiping out the domestic production of methamphetamine, or "meth." The bill will make it easier to use electronic logbook systems in order to monitor sales of meth precursor drugs and notify enforcement agencies when individuals illegally stockpile these precursors by traveling from pharmacy to pharmacy.

This legislation is endorsed by the National Alliance of State Drug Enforcement Agencies, the National Narcotics Officers' Associations' Coalition, the National Criminal Justice Association, the National Sheriffs' Association, the Major County Sheriffs' Association, the National Troopers Coalition, the National District Attorneys Association, the National Association of Counties, and the Community Anti-Drug Coalitions of America. I also want to commend and thank Illinois Attorney General Lisa Madigan and her staff for their assistance in preparing this legislation.

For years, the manufacture and use of methamphetamine have plagued communities in Illinois and throughout the Nation. Meth is unique among illegal drugs in that its harms stem not only from its distribution and use, but also from the clandestine manufacturing labs that meth "cooks" use to make meth. These labs pose serious dangers to those who live nearby and to the surrounding environment. Law enforcement agencies in Illinois and elsewhere are forced to devote a significant percentage of their time to locating, busting, and cleaning up meth labs.

The Combat Methamphetamine Epidemic Act, "Combat Meth Act," enacted in 2006, took several important steps to reduce domestic meth manufacturing. These steps included limiting the amount of meth precursor drug products that a purchaser can buy, such as pseudoephedrine, and requiring pharmacies to keep written or electronic logbooks recording each precursor purchase. The Combat Meth Act has led to a drop in the number of meth labs discovered in many States.

However, domestic meth cooks have begun adapting to the Combat Meth Act. They have figured out how to circumvent the act's restrictions by "smurfing," or purchasing illegal amounts of meth precursor drugs by traveling to multiple pharmacies that keep written logbooks and buying legal quantities at each one. According to Illinois law enforcement authorities, smurfing now accounts for at least 90 percent of the pseudoephedrine used to make meth in Illinois.

The next step in combating domestic meth production is to promote the use of effective electronic logbook systems. Law enforcement experts agree that if pharmacies maintain electronic logbook information and share that information with appropriate law enforcement and regulatory agencies, this information can be used to prevent the sale of meth precursor drugs in excess of legal limits, and to identify and prosecute "smurfs" and meth cooks.

This legislation, the Methamphetamine Production Prevention Act, facilitates and encourages the use of meth precursor electronic logbook systems in several ways.

First, the bill revises the technical logbook requirements in the Combat Meth Act. While the Combat Meth Act provides for the use of electronic logbook systems, several of the act's requirements are not tailored for logbooks kept in electronic form. For example, under the act, a prospective purchaser must "enter[] into the logbook his or her name, address, and the date and time of the sale." This requirement is unwieldy for retailers who use electronic logbook systems, because many purchasers cannot type quickly or accurately. The Methamphetamine Production Prevention Act would permit retailers' employees to type the name and address of a purchaser into an electronic logbook system, and would allow retailers to use software programs that automatically record the date and time of each sale. Under the bill, a retail employee would have to ensure that the name the employee types into the system matches the name on the ID that the purchaser is currently required to present.

Also, the Combat Meth Act requires purchasers to sign a logbook at the time of sale, regardless of whether the seller uses a paper or electronic logbook. Collecting and retaining electronic signatures requires a large amount of computer memory, and the transmission of these electronic signature files to law enforcement agencies does not provide a significant law enforcement benefit. Sellers who use electronic logbook systems should be given the option of collecting signatures on paper, as long as those signatures are stored for the requisite 2-year retention period, and as long as the signatures are clearly linked to the electronically-captured sale information.

The Methamphetamine Production Prevention Act would permit a seller who uses an electronic logbook to collect purchaser signatures through any of three different methods: (1) Having the purchaser sign an electronic signature device; (2) having the purchaser sigh a bound paper book in which the signature is placed adjacent to a unique identifier number, or a printed sticker that clearly links the signature to the purchaser's logbook information; or (3) having the purchaser sign a document that the seller prints out at the time of sale that displays the required logbook information and contains a signature line. These options ensure that each purchaser's signature will be collected, but they give sellers flexibility in developing cost-effective electronic logbook systems.

The Methamphetamine Production Prevention Act would also create a small but important Federal grant program to help States plan, create or enhance electronic logbook systems. Several States, including Oklahoma, Arkansas, West Virginia and Kentucky, have already begun developing electronic logbook systems, and many other States are considering them. The Methamphetamine Production Prevention Act authorizes $3 million in grants to States and localities, with grants capped at a maximum of $300,000. The bill imposes a 25-percent State matching requirement, to ensure that States have invested in their logbook systems and have a stake in ensuring the successful operation of these systems.

Instead of mandating how States design their electronic logbook systems, the bill provides incentives for States to design effective logbook systems. Because meth smurfs frequently travel across State lines to stockpile meth precursors, State efforts to develop electronic logbook systems will be more successful if those efforts are coordinated with the activities of other states. The bill would therefore give priority to grant applicants whose logbook systems are developed in consultation with a working group of key Federal, State and private stakeholders spearheaded by the National Alliance for Model State Drug Laws. This working group will advise States on best practices in developing logbook systems and will help States develop logbook systems that are compatible and interoperable with other systems across the country.

The bill also gives a grantmaking preference to applicants whose logbook systems are statewide, are capable of sharing information in real time, and are designed to share information across jurisdictional boundaries. At the same time, the bill preserves the privacy safeguards currently established under the Combat Meth Act and State law. To promote accountability, the bill requires the Attorney General to provide an annual report to Congress that evaluates the grant program and its effectiveness in curtailing meth production.

The Methamphetamine Production Prevention Act does not mandate the use of electronic logbook systems, nor does it mandate the features that an electronic logbook system must possess. The bill respects the fact that States have enacted various types of anti-meth restrictions above the Federal Combat Meth Act baseline, and that pharmacies and retailers in different States have different capabilities with regard to electronic tracking. At the same time, we want to encourage States to coordinate their development of methamphetamine precursor electronic logbook systems so that smurfs will not be able to supply their meth labs by hopping across State lines. Our bill aims to strike a balance by coordinating the various State efforts, while still allowing States the flexibility to innovate and to respond to their specific State needs.

There are many actions besides promoting electronic logbook systems that we must take to address the scourge of methamphetamine. For example, we must provide for the prevention and treatment of meth use, and we must also prevent the illegal distribution of meth and its precursors over the Internet and from other countries. However, law enforcement experts agree that electronic logbook systems are an important tool in our effort to combat meth, particularly domestic meth labs. We can, and should, do more to help make these logbook systems work.

By facilitating and encouraging the use of electronic logbook systems, the Methamphetamine Production Prevention Act will help wipe out domestic meth labs and the environmental and social harms they cause. The bill will also help free up law enforcement resources from meth lab busts and cleanup, allowing our law enforcement agencies to focus on other crime prevention and enforcement efforts. The production of methamphetamine has plagued our communities for far too long, and this legislation takes a critical step to stop it. I urge the Senate to pass this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Methamphetamine Production Prevention Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) the manufacture, distribution and use of methamphetamine have inflicted damages on individuals, families, communities, businesses, the economy, and the environment throughout the United States;

(2) methamphetamine is unique among illicit drugs in that the harms relating to methamphetamine stem not only from its distribution and use, but also from the manufacture of the drug by "cooks" in clandestine labs throughout the United States;

(3) Federal and State restrictions limiting the sale of legal drug products that contain methamphetamine precursors have reduced the number and size of domestic methamphetamine labs;

(4) domestic methamphetamine cooks have managed to circumvent restrictions on the sale of methamphetamine precursors by "smurfing", or purchasing impermissibly large cumulative amounts of precursor products by traveling from retailer to retailer and buying permissible quantities at each retailer;

(5) although Federal and State laws require retailers of methamphetamine precursor products to keep written or electronic logbooks recording sales of precursor products, retailers are not always required to transmit this logbook information to appropriate law enforcement and regulatory agencies, except upon request;

(6) when retailers' logbook information regarding sales of methamphetamine precursor products is kept in a database in an electronic format and transmitted between retailers and appropriate law enforcement and regulatory agencies, such information can be used to further reduce the number of domestic methamphetamine labs by preventing the sale of methamphetamine precursors in excess of legal limits, and by identifying and prosecuting "smurfs" and others involved in methamphetamine manufacturing;

(7) States and local governments are already beginning to develop such electronic logbook database systems, but they are hindered by a lack of resources;

(8) efforts by States and local governments to develop such electronic logbook database systems may also be hindered by logbook recordkeeping requirements contained in section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) that are tailored to written logbooks and not to electronic logbooks; and

(9) providing resources to States and localities and making technical corrections to the Combat Methamphetamine Epidemic Act of 2005 will allow more rapid and widespread development of such electronic logbook systems, thereby reducing the domestic manufacture of methamphetamine and its associated harms.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(2) the term "methamphetamine precursor electronic logbook system" means a system by which a regulated seller electronically records and transmits to an electronic database accessible to appropriate law enforcement and regulatory agencies information regarding the sale of a scheduled listed chemical product that is required to be maintained under section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of a scheduled listed chemical product, or any other Federal, State, or local law;

(3) the terms "regulated seller" and "scheduled listed chemical product" have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(4) the term "State"—

(A) means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(B) includes an "Indian tribe", as that term is defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

SEC. 4. AUTHORIZATION FOR EFFECTIVE METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

Section 310(e)(1) of the Controlled Substances Act (21 U.S.C. 830(e)(1)) is amended—

(1) in subparagraph (A)(iii), by striking "a written or electronic list" and inserting "a written list or an electronic list that complies with subparagraph (H)"; and

(2) adding at the end the following:

"(H) ELECTRONIC LOGBOOKS.—

"(i) IN GENERAL.—A logbook maintained in electronic form shall include, for each sale to which the requirement of subparagraph (A)(iii) applies, the name of any product sold, the quantity of that product sold, the name and address of each purchaser, the date and time of the sale, and any other information required by State or local law.

"(ii) SELLERS.—In complying with the requirements of clause (i), a regulated seller may—

"(I) ask a prospective purchaser for the name and address, and enter such information into the electronic logbook, and if the seller enters the name and address of the prospective purchaser into the electronic logbook, the seller shall determine that the name entered into the electronic logbook corresponds to the name provided on the identification presented by the purchaser under subparagraph (A)(iv)(I)(aa); and

"(II) use a software program that automatically and accurately records the date and time of each sale.

"(iii) PURCHASERS.—A prospective purchaser in a sale to which the requirement of subparagraph (A)(iii) applies that is being documented in an electronic logbook shall provide a signature in at least 1 of the following ways:

"(I) Signing a device presented by the seller that captures signatures in an electronic format.

"(II) Signing a bound paper book.

"(III) Signing a printed document that corresponds to the electronically-captured logbook information for such purchaser.

"(iv) ELECTRONIC SIGNATURES.—

"(I) DEVICE.—Any device used under clause (iii)(I) shall—

"(aa) preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature; and

"(bb) display information that complies with subparagraph (A)(v).

"(II) DOCUMENT RETENTION.—A regulated seller that uses a device under clause (iii)(I) to capture signatures shall maintain each such signature for not less than 2 years after the date on which that signature is captured.

"(v) PAPER BOOKS.—

"(I) IN GENERAL.—Any bound paper book used under clause (iii)(II) shall—

"(aa) ensure that the signature of the prospective purchaser is adjacent to a unique identifier number or a printed sticker that clearly links that signature to the electronically-captured logbook information relating to that prospective purchaser; and

"(bb) display information that complies with subparagraph (A)(v).

"(II) DOCUMENT RETENTION.—A regulated seller that uses bound paper books under clause (iii)(II) shall maintain any entry in such books for not less than 2 years after the date on which that entry is made.

"(vi) PRINTED DOCUMENTS.—

"(I) IN GENERAL.—Any printed document used under clause (iii)(III) shall—

"(aa) be printed by the seller at the time of the sale that document relates to;

"(bb) display information that complies with subparagraph (A)(v);

"(cc) for the relevant sale, list the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale;

"(dd) contain a clearly identified signature line for a purchaser to sign; and

"(ee) include a notice that the signer has read the printed information and agrees that it is accurate.

"(II) DOCUMENT RETENTION.—

"(aa) IN GENERAL.—A regulated seller that uses printed documents under clause (iii)(III) shall maintain each such document for not less than 2 years after the date on which that document is signed.

"(bb) SECURE STORAGE.—Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.".

SEC. 5. GRANTS FOR METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

(a) ESTABLISHMENT.—The Attorney General of the United States, through the Office of Justice Programs of the Department of Justice, may make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local governments to plan, develop, implement, or enhance methamphetamine precursor electronic logbook systems.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A grant under this section may be used to enable a methamphetamine precursor electronic logbook system to—

(A) indicate to a regulated seller, upon the entry of information regarding a prospective purchaser into the methamphetamine precursor electronic logbook system, whether that prospective purchaser has been determined by appropriate law enforcement or regulatory agencies to be eligible, ineligible, or potentially ineligible to purchase a scheduled listed chemical product under Federal, State, or local law; and

(B) provide contact information for a prospective purchaser to use if the prospective purchaser wishes to question a determination by appropriate law enforcement or regulatory agencies that the prospective purchaser is ineligible or potentially ineligible to purchase a scheduled listed chemical product.

(2) ACCESS TO INFORMATION.—Any methamphetamine precursor electronic logbook system planned, developed, implemented, or enhanced with a grant under this section shall prohibit accessing, using, or sharing information entered into that system for any purpose other than to—

(A) ensure compliance with this Act, section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of any scheduled listed chemical product, or other applicable Federal, State, or local law; or

(B) facilitate a product recall to protect public safety.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Attorney General shall not award a grant under this section in an amount that exceeds $300,000.

(2) DURATION.—The period of a grant made under this section shall not exceed 3 years.

(3) MATCHING REQUIREMENT.—Not less than 25 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(4) PREFERENCE FOR GRANTS.—In awarding grants under this section, the Attorney General shall give priority to any grant application involving a proposed or ongoing methamphetamine precursor electronic logbook system that is—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, in consultation and ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the non-profit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers.

(5) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than December 31 of each calendar year in which funds from a grant received under this section are expended, the Attorney General shall submit a report to Congress containing—

(i) a summary of the activities carried out with grant funds during that year;

(ii) an assessment of the effectiveness of the activities described in clause (i) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems;

(iii) an assessment of the effect of the activities described in clause (i) on curtailing the manufacturing of methamphetamine in the United States and the harms associated with such manufacturing; and

(iv) a strategic plan for the year following the year of that report.

(B) ADDITIONAL INFORMATION.—The Attorney General may require the recipient of a grant under this section to provide information relevant to preparing any report under subparagraph (A) in a report that grant recipient is required to submit to the Office of Justice Programs of the Department of Justice.

SEC. 6. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date on which grant funds under section 5 are first distributed, the Comptroller General of the United States shall conduct a study and submit to Congress a report regarding the effectiveness of methamphetamine precursor electronic logbook systems that receive funding under that section.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a summary of the activities carried out with grant funds during the previous year;

(2) an assessment of the effectiveness of the activities described in paragraph (1) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems in the United States;

(3) an assessment of the extent to which proposed or operational methamphetamine precursor electronic logbook systems in the United States, including those that receive funding under section 5, are—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, upon consultation with and in ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the non-profit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers;

(4) an assessment of the effect of methamphetamine precursor electronic logbook systems, including those that receive funding under this Act, on curtailing the manufacturing of methamphetamine in the United States and reducing its associated harms;

(5) recommendations for further curtailing the domestic manufacturing of methamphetamine and reducing its associated harms; and

(6) such other information as the Comptroller General determines appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $3,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each fiscal year thereafter.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator DURBIN, in introducing the Methamphetamine Production Prevention Act of 2007. Together we offer this important legislation in an effort to strengthen existing law by providing some necessary changes and updates.

During my time in the Senate, I have come to the floor many times to speak about methamphetamine and how it has destroyed individuals, families, and communities across the country. The Midwest was hit especially hard by meth and the impacts of this drug were devastating to rural areas. As opposed to other illegal drugs, meth is often times home cooked and made in rural areas using ingredients that are largely available over the counter. I am proud to say that Congress has taken action to attack this problem head on by working to cut off access to these over the counter products that form the basis of the drug.

Legislation such as the Combat Methamphetamine Act of 2005, Combat Meth Act of 2005, which was included into the USA Patriot Act Reauthorization in 2005 immediately impacted the production of home cooked meth. Just a week ago when I joined with Senator FEINSTEIN in introducing two other separate bills, the Saving Kids from Dangerous Drugs Act and the Drug Endangered Children Act, I noted that because of the efforts of Congress in passing the Combat Meth Act, the number of clandestine meth lab seizures has dropped across the country.

The Combat Meth Act was a tremendous step in the right direction limiting access to psuedoephedrine, PSE, the main ingredient in methamphetamine. The Combat Meth Act required this product to be removed from store shelves and placed behind the counter at pharmacies across the country. It also limited the number of products containing PSE a person could buy at once. Further, it required a logbook system be kept by pharmacies containing information regarding the individuals that purchased products containing PSE.

Despite these successes, ever determined meth cooks and users have learned how to game this system and continue to produce home grown meth.

The preferred method of these meth cooks is to "smurf" between different pharmacies for PSE products. Smurfing occurs when a person visits a number of different locations buying the legal maximum amount of PSE product at each site. The result is an amount of PSE sufficient to produce home cooked meth. Smurfing occurs because the Combat Meth Act only required that retailers keep a logbook which could be kept on paper or electronically. It did not require interoperability or electronic transmission of data. As a result, these unscrupulous individuals have learned that if they provide false information or visit multiple stores, tracking and arresting these individuals is more difficult and time consuming for law enforcement. This is especially true in metropolitan communities that share a common border, one such example is the Quad Cities on the Iowa/Illinois border.

Recently, the Quad City Times highlighted the successes of the Combat Meth Act in an article titled, The Next Step in Meth War. This article detailed the efforts of a Scott County Deputy and his dedication in fighting the meth war. One noteworthy portion of this article raised a question about the lengths that were required for this deputy to do his job in combating mom and pop meth labs. The article stated, "Now we're stuck with this image of a detective in each Iowa county sorting through thousands of paper forms." It read further, "He must call county to county to find out if those purchasing the limit in Scott County might be doing so elsewhere as well." This statement gets right to the heart of our bill. We can't effectively combat meth if we don't close the smurfing loophole.

To address this loophole, Senator DURBIN and I have introduced the Methamphetamine Production Prevention Act of 2007. This legislation would revise the technical requirements of the Combat Meth Act to allow for electronic logbook systems. The bill would also create a Federal grant program for states looking to create or enhance existing electronic logbook systems. Finally, this bill would prioritize these Federal grants to states that design and implement the most effective systems for sharing information via an electronic logbook system.

This legislation will take a big step forward in closing this loophole that home grown meth cooks abuse. Additionally, it does so without creating burdensome mandates upon states to meet requirements. This bill facilitates innovation and growth by offering financial assistance to states looking to create an electronic logbook system. By avoiding mandates, this legislation seeks to promote innovation and growth of electronic logbook systems.

This bill has broad support from the law enforcement community and has been endorsed by the National Sheriffs' Association, the National Narcotics Officers' Associations' Coalition, National Alliance of State Drug Enforcement Agencies, the National Criminal Justice Association, the National Troopers Coalition, the National District Attorneys Association, the National Association of Counties, and the Community Anti-Drug Coalitions of America among others.

As you can see, this legislation has a broad base of support. Working together, state and local governments can use this legislation and grant program to create interoperable networks that will reduce the illegal smurfing of

PSE products and lead us to the goal of ending domestic production of meth. I urge my colleagues, join us in support of this important legislation and pass the Methamphetamine Production Prevention Act of 2007 and help wipe out domestic production of meth.

Mr. President, I ask unanimous consent that the aforementioned article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Quad-City Times]

THE NEXT STEP IN METH WAR

Scott County Deputy Robert Jackson figures he searched through 12,000 cold medicine receipts to find three possible meth-making offenders. Needles have better odds in haystacks.

His diligent work has nailed at least three alleged meth makers who tried to skirt Iowa law restricting purchase of pseudoephedrine, a key ingredient in making the recreational poison.

When Iowa lawmakers began talking about toughening meth laws in 2005, we were among those cautious about what that would mean to the privacy and convenience of the 99.9 percent of Iowans who bought cold medicine for their colds. But the scourge that is meth convinced us the intrusion was minor and the impact could be major. We joined those supporting the bill, which became law.

Jackson's success in tracking down offenders affirms the intent was correct. "When I first started doing it, I'd find 12 offenders at a time," Jackson says of his paper-trail detective work. Meth makers, indeed, were driving from store to store to buy enough of the key ingredient to make enough meth to sell.

Now he says the pickings are slimmer. And, he says, the county's biggest pharmacies are talking among themselves, inquiring about people who are trying to buck the limit of 7,500 milligrams of pseudoephedrine per month. That's eliminated the high volume meth makers.

What's left, Jackson surmises, are personal meth-using addicts who cook smaller amounts for themselves and a little to deal. Jackson warns that meth use still rages, fueled by drugs shipped from southern states. But the dangerous labs, set up in hotels, cars, even public parks, have diminished considerably, thanks to laws restricting access to ingredients.

Now we're stuck with this image of a detective in each Iowa county sorting through thousands of paper forms. Although the record-keeping is required, Jackson must get a court order to view the records. He must call county to county to find out if those purchasing the limit in Scott County might be doing so elsewhere as well.

We're wondering if a central registry of some sort might help enforcement statewide, alerting authorities to individuals making purchases in multiple counties. Compiling the information electronically at the site of purchase certainly would add costs and require careful planning to assure privacy for the 99 percent of law-abiding psuedoephedrine buyers. But it would trim significant enforcement cost by eliminating the hours that officers like Det. Jackson spend combing paper records. And it would detect meth-makers skirting the law by spreading out their purchases over several counties.

By Mr. CARDIN (for himself and Ms. SNOWE):

S. 1282. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, as you know, teachers are the most valuable resource when it comes to educating our Nation's children. Under the No Child Left Behind Act, (NCLB), States are required to recruit highly qualified teachers, yet schools in rural or high poverty areas have trouble attracting and retaining these teachers. It is for this reason that Senator Snowe and I have joined together to introduce The Master Teacher Act of 2007.

We have an education problem in America. The schools that most need experienced educators simply do not have the resources to attract and keep the best teachers. We must give our schools the tools they need to prepare our students to succeed.

As currently designated by NCLB, 100 percent of our Nation's schools must meet Adequate Yearly Progress, AYP, in reading/language arts and mathematics by the 2013/2014 school year. To date, almost 26 percent of schools in the U.S. are not making the grade. According to a report released by the National Education Association last year, fewer schools met AYP in the 2004/2005 school year than the prior school year. In my home State of Maryland, 311 out of 1,429 schools, or almost 22 percent, did not make Adequate Yearly Progress, as defined by the No Child Left Behind Act and the State targets. During the 2005–2006 school year, 79 schools, or about 6 percent of Maryland's elementary and secondary schools had missed Adequate Yearly Progress toward State achievement targets for 5 or more consecutive years. As a result they were placed in restructuring and were subject to a variety of major school-wide reform strategies. A large majority of these restructuring schools are urban schools, and more than half are in the Baltimore City Public School System.

According to research, teacher quality is the schooling factor with the most profound effect on student achievement. Good teachers can make up to a full year's difference in learning growth for students and overwhelm the impact of any other educational investment, including smaller class sizes.

Unfortunately, our educational system pairs the children most behind with teachers who, on average, have less experience, less education, and less skill than those who teach other children. Certainly, there are exceptions, excellent and experienced teachers who have devoted their lives to at-risk students. But the overall patterns are clear.

Despite evidence that teachers become more effective after several years experience, students in high-poverty and high-minority schools are assigned to novice teachers almost twice as often as children in low-poverty schools. Classes in high-poverty and high-minority schools are much more likely to be taught by teachers without a major or minor in the subject they teach. Certainly, there are excellent first-year teachers and ineffective veterans. Indeed, mastery of a subject matter does not necessarily translate into effective teaching. But these proxies for teacher effectiveness are backed by substantial bodies of research. Studies of effective teachers reveal they are distributed among our Nation's schools in a manner that actually enlarges achievement gaps.

We will only close student achievement gaps when we improve teacher quality and experience. We must make obtaining advanced training and experience in teaching more accessible and teaching at-risk students more desirable. In short, we must establish a class of "master teachers" with extensive experience and training who are willing to teach for an extended period of time in the schools that need them the most.

Fortunately, research also shows even modest monetary incentives lower teacher attrition, especially in high-risk school districts. Our legislation will reward master teachers with a 25 percent Federal tax exemption on their salary for four years if they agree to teach in a school that is not meeting AYP. A master teacher is a teacher that has at least 5 years of teaching experience in a public elementary or secondary school, holds a master's degree, meets the definition of highly qualified as defined by the NCLB, and has obtained advanced certification in their state licensing system. Each State would have a cap of 10 percent of public school teachers eligible to receive master teacher tax treatment at a time. This program would go into effect in 2007 and end with the 2013/2014 school year, when NCLB requires that 100 percent of students perform at the proficient level.

Good teachers are essential to a successful education system; they are the profession charged with educating our future work force. The Master Teacher Act of 2007 will provide our children access to the best possible teachers and our teachers much needed financial support.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MASTER TEACHER EXCLUSION.

(a) MASTER TEACHER EXCLUSION.—Part III of subchapter B of chapter 1 of the Internal

Revenue Code of 1986 is amended by inserting after section 139A the following new section:

"SEC. 139B. CERTAIN WAGES OF CERTIFIED MASTER TEACHERS.

"(a) 25 PERCENT EXCLUSION.—Gross income does not include 25 percent of wages earned by a certified master teacher in remuneration for employment at a qualified school in need of improvement or a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.).

"(b) CERTIFIED MASTER TEACHER.—For purposes of this section—

"(1) IN GENERAL.—The term 'certified master teacher' means any eligible teacher who is certified by a State as being eligible for the exclusion from gross income provided under subsection (a) with respect to wages earned during a 4-year certification period. A teacher shall not be treated as a certified master teacher except during the certification period.

"(2) RECERTIFICATION PROHIBITED.—A teacher shall not be certified as a certified master teacher for more than one certification period.

"(3) STATE LIMITATION ON NUMBER OF CERTIFIED MASTER TEACHERS.—A State may not certify any teacher if such certification would result (at the time of such certification) in more than 10 percent of the State's public school teachers being certified master teachers.

"(c) QUALIFIED SCHOOL IN NEED OF IMPROVEMENT.—For purposes of this section, the term 'qualified school in need of improvement' means, with respect to any certified master teacher—

"(1) the school in need of improvement which first employs such teacher during the certification period,

"(2) any school in need of improvement which subsequently employs such teacher, but only if each school in need of improvement which previously employed such teacher during the certification period has ceased to be a school in need of improvement, and

"(3) any school described in paragraph (1) or (2) which ceases to be a school in need of improvement, but only if such teacher was employed by such school (during such teacher's certification period) at the time that such school ceased to be a school in need of improvement.

"(d) SCHOOL IN NEED OF IMPROVEMENT.—For purposes of this section, the term 'school in need of improvement' means a public elementary or secondary school that—

"(1) is identified for school improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), and

"(2) is eligible for a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

"(e) ELIGIBLE TEACHER.—For purposes of this section, the term 'eligible teacher' means a teacher who—

"(1) has had at least 5 years of teaching experience in a public elementary or secondary school,

"(2) is highly qualified, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801),

"(3) has a master's degree, and

"(4) has earned—

"(A) advanced certification in the teacher's State licensing system, or

"(B) in the case of a teacher in a State that does not offer advanced certification, certification from the National Board for Professional Teaching Standards.

"(f) CERTIFICATION PERIOD.—For purposes of this section, the term 'certification period' means, with respect to any certified master teacher, the 4-year period described in subsection (b).

"(g) STATE IDENTIFICATION REQUIRED ON RETURN.—With respect to any certified master teacher, no exclusion shall be allowed under subsection (a) for any taxable year unless the certified master teacher includes the State in which the teacher has been certified on the certified master teacher's return of tax for such taxable year.

"(h) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2013.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 139A the following new item:

"Sec. 139B. Certain wages of certified master teachers.".

(c) REPORT TO CONGRESS.—The Secretary of the Treasury shall transmit to the Congress for each of calendar years 2007 through 2013 an annual report stating, with respect to each State, the number of individuals certified by such State as certified master teachers who were allowed an exclusion from gross income under section 139B of the Internal Revenue Code of 1986 for a taxable year ending in such calendar year.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. PRYOR (for himself and Mr. CHAMBLISS):

S. 1283. A bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services.

Mr. CHAMBLISS. Mr. President, I rise today to join my colleague and my good friend, the Senator from Arkansas, Mr. PRYOR, in introducing legislation to ensure that the medical needs of wounded service men and women are properly met and that the military bureaucracy does not interfere with their recovery progress.

We have watched with embarrassment and compassion as the unacceptable conditions of some of our military medical care facilities and housing facilities were revealed and shown to the public. Clearly, we owe our wounded military personnel the best treatment and care that can be offered. This bill we are introducing today will help provide that.

Let me say, first of all, I have recently had the opportunity to visit the Eisenhower Medical Center at Fort Gordon, GA, as well as the medical facility at Fort Benning, GA, and I am reminded once again that medical care given to our military men and women is truly second to none. Are there exceptions? Sure. There are problems that arise from time to time in the delivery of health care services to our military men and women. Our purpose today is to try to make some of the bureaucracy go away and to try to help make sure our medical suppliers at all of our military facilities around the country and around the world have the ability to deliver the very best medical care to our men and women.

Our bill, S. 1283, the Wounded Warrior Assistance Act of 2007, will improve the access to and quality of the health care our military personnel receive by requiring that case managers for personnel in medical holdover status handle no more than 17 cases and review each case once a week.

Our bill will also create a system of patient advocates who can help personnel navigate the cumbersome medical board and review process, as well as add necessary funding to hire additional physicians.

Our bill increases training for health care professionals, medical case managers, and patient advocates, with an emphasis on identifying and treating difficult-to-diagnose and complex conditions, such as post-traumatic stress disorder and traumatic brain injury.

Our bill establishes a toll-free hotline for patients and their families to report problems with medical facilities or patient care and creates an independent advocate to counsel servicemembers appearing before medical evaluation boards.

Our bill creates a wounded warrior battalion, which will be an Army pilot program to improve the transition from military to civilian life for wounded combat veterans, as well as track and assist members of the Armed Forces who are in outpatient status and in need of medical treatment. More than 24,900 soldiers have been wounded in Iraq. We owe it to them and their loved ones to have a responsive health care system in place, in addition to the very best medical care available.

This legislation increases the resources available to our veterans in order to allow them to focus on their recovery rather than redtape. Heroes such as these need and deserve the best medical care and attention we can offer them, and this bill will help provide that. They do not need to be disadvantaged by an outdated, bureaucratic process that adds more stress to their recovery process.

Our legislation is a step in the right direction to reform and modernize the outpatient treatment process and will increase the morale and welfare of our recovering servicemembers. They deserve our fullest support, and we are committed to meeting their needs.

This bill mirrors H.R. 1538, which was passed by the House of Representatives by a vote of 426 to 0 on March 28 of this year.

I thank Senator PRYOR for the chance to work together with him on this important legislation. He and I have had the opportunity to work on any number of measures during our now going on 5 years in the Senate. He is a true champion of not just our wounded but all of our military personnel, and it has been a pleasure to work with him.

I commend this bill to all of my colleagues. I hope we can move to a swift passage of the bill so we can present it to the President for his signature. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Senator from Georgia for his kind remarks. Of course, everybody in the Senate knows what a friend to the men and women in uniform Senator CHAMBLISS has been since he has been in the Senate. I am sure that also relates back to his House days. He has really been a fabulous leader for our soldiers, and it is an honor for me to ask him to join me in the Wounded Warrior Act.

Last Friday, I had the chance to go to Walter Reed and see three Arkansans who were injured in various ways in Iraq. It is always a sobering experience to go see our soldiers whom we are so proud of. We are proud of the people who put on the uniform and put their lives in jeopardy for the principles of this country. And we have other facilities, not just Walter Reed. I know that is the one that gets the most publicity nationally. Obviously, every State or region has a lot of facilities. In Little Rock, there is the John McClellan Veterans Hospital, which I visited not too long ago, and we have at least a couple of other very good facilities in our State. They offer, generally speaking, great care. We know that sometimes people fall through the cracks, but we are very proud of our VA presence in the State of Arkansas.

I must say that in my office in Little Rock—and the one here, for that matter—we have people on staff who deal and work with soldiers virtually on a daily basis—people who are in the VA system who, for some reason, have run into some bureaucratic roadblock or a file gets lost or a record gets lost or some box doesn't get checked or whatever the case may be. We, more or less, like many colleagues here, have full-time staff who do that on virtually a full-time basis. We are honored to help the citizens of our State in any way we can, but we also would like to say that we can help the VA system run better and provide better health care with less bureaucracy.

Arkansas has had about 40 soldiers killed in Iraq. It has been a very hard circumstance for our State to go through. It impacts every community in the State and almost every family in the State. In addition to those 40, which obviously are going to get more notice and publicity and discussion, as they should, there are 369 Arkansans who have been injured in Iraq. Those numbers track fairly well what the national numbers are.

Across this Nation, there have been 11,215 soldiers, at last count, who have been wounded in Iraq so severely that they have not been able to return to duty. So it is critical that we have legislation such as the Wounded Warrior Assistance Act. It will require case managers for outpatients to handle no more than 17 cases. They will have to review each case weekly. It creates a system of patient advocates within our health care system. It increases training for health care professionals, medical case managers, and patient advocates, with an emphasis on identifying and treating post-traumatic stress disorder and traumatic brain injuries. It establishes a toll-free hotline for patients and families to report problems with medical facilities or patient care. It creates an independent advocate to counsel servicemembers appearing before medical evaluation boards. We think all of those are healthy, positive, and constructive reforms. We think the time has come for this to happen.

Senator CHAMBLISS, a few moments ago, mentioned that the House passed this legislation 426 to 0. They did that late last month. It is the Senate's turn to weigh in and be on record for helping our wounded warriors.

The Wounded Warrior Assistance Act allows them to focus on healing and not be frustrated by redtape. It improves the access and quality of care our veterans receive. It puts an advocate on their side. We know that with any large organization, there will be some bureaucracy and files will be lost and information gets misplaced. We understand that. But, hopefully, what this will do is streamline the process and make the system work a lot better for those who have been willing to make the sacrifice for this country.

Mr. President, I think this is important legislation because it does good things, but it is also symbolic legislation. It shows our members of the military that we are willing—their Government and the people of this country—to stand behind them during and after their Active-Duty service.

I ask that my colleagues give this legislation their strong consideration. The House passed it overwhelmingly. I hope we will have broad-based, bipartisan support in this body. It is an honor for me to offer it with my lead cosponsor, Senator CHAMBLISS of Georgia.

I yield the floor.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. STABENOW, Mr. ROCKEFELLER, Mr. LEVIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. HARKIN, Mr. FEINGOLD, Mr. LEAHY, Mr. KOHL, and Mr. KENNEDY):

S. 1284. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senators MIKULSKI, DURBIN, STABENOW, ROCKEFELLER, LEVIN, FEINSTEIN, JOHNSON, HARKIN, FEINGOLD, LEAHY, KOHL, and KENNEDY in introducing legislation to close an insidious loophole in the U.S. Tax Code that actually rewards U.S. companies that move American manufacturing jobs overseas. Some may think this is a belated April Fools' Day joke; regrettably, it is not. Let me explain how this perverse tax break for these companies works.

When a U.S. company closes down a U.S. manufacturing plant, fires its American workers, and moves those good-paying jobs to China or other locations abroad, U.S. tax laws allow these firms to defer paying any U.S. income taxes on the earnings from those now foreign-manufactured products until those profits are returned, if ever, to this country. This tax break is not available to American companies that make the very same products here on American soil. So the U.S. company that decides to stay at home suffers a competitive disadvantage, a disadvantage that our tax laws have helped to create. Multinational companies ought to pay the same taxes that domestic companies pay. At a minimum, U.S. companies that keep their jobs here should not be put at a competitive disadvantage by Federal tax policy.

The notion that granting large tax breaks to companies that move their manufacturing operations offshore is good for this country is utter nonsense. Among other things, those who support this half-cocked fiscal policy claim that shutting down U.S. manufacturing operations and moving them abroad will result in more U.S. jobs and increase our exports.

However, this assertion is not supported by the facts. According to the latest available data, the number of foreign manufacturing affiliates has grown from 7,420 to 8,490, up some 14 percent since 1993. From 1993 though 2004, U.S. companies moved 1 million manufacturing jobs offshore to their foreign affiliates.

Throughout this entire period, this perverse deferral break has been in effect. Has it resulted in new U.S. manufacturing jobs? No. We have lost some 3.2 million U.S. manufacturing jobs since 2000 alone. Has this misguided tax subsidy resulted in higher exports from U.S. companies to their foreign affiliates as the proponents of this tax subsidy suggest? No. In fact, imports into the United States from the foreign subsidiaries of U.S. companies more than doubled from $92 billion in 1993 to $203 billion in 2004. And the balance of trade with foreign affiliates of U.S. firms plummeted to a $72 billion deficit in 2004 as compared to $3.4 billion in 1997.

I have been working to end this wrong-headed Federal tax break for many years. Senator MIKULSKI and I have forced the Senate to vote to repeal this tax subsidy several times. I have described stories on the Senate floor about a number of American companies that have moved production overseas, companies like Huffy bicycles and Radio Flyer little red wagons to China; Samsonite, which went to Mexico and then China; Levi's, which are now made all over the world, everywhere except in the very country that invented them; Maytag, which now makes appliances in Mexico and Korea; and Fruit of the Loom, which moved to Mexico. And I would point out, once again, that this tax deferral break given to companies like Radio Flyer or formerly to Huffy bicycles is not available to American companies that make the very same products on U.S. main streets.

But we have run into stiff opposition from many U.S. multinational companies, their lobbyists, and some policymakers who claim our proposal would impede the ability of U.S. firms to compete and grow in the global economy. That is hogwash. This proposal does nothing to hinder U.S. multinationals that produce abroad from competing with foreign firms in foreign markets. The legislation we are introducing today is carefully targeted: it ends the deferral tax break only where U.S. multinationals produce goods abroad and ship those products back to the U.S. market. In more technical language, this legislation would end tax deferral for the "imported property" income of controlled foreign corporations. The proposal also adds a new separate foreign tax credit basket for imported property income. The separate foreign tax credit basket is an anti-abuse provision that will stop U.S. multinational companies from using the foreign tax credit to shelter profits generated in a tax haven country by preventing the cross-crediting of high foreign taxes on general income against the U.S. tax on imported property income that is subject to low foreign taxes.

The tax experts with the Joint Committee on Taxation estimate that this pernicious tax break will costs U.S. taxpayers some $15.5 billion over the next decade. It is no wonder that the powerful lobby for the largest U.S. multinational firms has fought to keep this tax loophole fully intact. But as I have told my colleagues on the Senate floor a number of times, I intend to offer this proposal again and again until this tax subsidy is finally repealed.

I understand that some U.S. companies will still choose, with or without this tax subsidy, to dislocate thousands of workers in America in search of cheaper labor, lax regulation, and greater profits abroad at whatever the cost. They will be free to do so. But at least U.S. taxpayers will not be asked to provide billions of dollars in tax subsidies for those who do.

I urge all of my colleagues in the Senate, Democrats and Republicans alike, to take a fresh look at this issue and help us do what Congress should have done many years ago; that is, repeal this ill-conceived tax break once and for all.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. FEINGOLD, and Mr. OBAMA):

S. 1285. A bill to reform the financing of Senate elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fair Elections Now Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

Sec. 101. Findings and declarations.
Sec. 102. Eligibility requirements and benefits of fair elections financing of Senate election campaigns.

"TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

"Sec. 501. Definitions.
"Sec. 502. Senate Fair Elections Fund.
"Sec. 503. Eligibility for allocations from the Fund.
"Sec. 504. Seed money contribution requirement.
"Sec. 505. Qualifying contribution requirement.
"Sec. 506. Contribution and expenditure requirements.
"Sec. 507. Debate requirement.
"Sec. 508. Certification by Commission.
"Sec. 509. Benefits for participating candidates.
"Sec. 510. Allocations from the Fund.
"Sec. 511. Payment of fair fight funds.
"Sec. 512. Administration of the Senate fair elections system.
"Sec. 513. Violations and penalties.
Sec. 103. Reporting requirements for nonparticipating candidates.
Sec. 104. Modification of electioneering communication reporting requirements.
Sec. 105. Limitation on coordinated expenditures by political party committees with participating candidates.
Sec. 106. Audits.

Subtitle B—Senate Fair Elections Fund Revenues

Sec. 111. Deposit of proceeds from recovered spectrum auctions.

Subtitle C—Fair Elections Review Commission

Sec. 121. Establishment of Commission.
Sec. 122. Structure and membership of the commission.
Sec. 123. Powers of the Commission.
Sec. 124. Administration.
Sec. 125. Authorization of appropriations.
Sec. 126. Expedited consideration of Commission recommendations.

TITLE II—VOTER INFORMATION

Sec. 201. Broadcasts relating to candidates.
Sec. 202. Political advertisement vouchers for participating candidates.
Sec. 203. FCC to prescribe standardized form for reporting candidate campaign ads.
Sec. 204. Limit on Congressional use of the franking privilege.

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

Sec. 301. Petition for certiorari.
Sec. 302. Filing by Senate candidates with Commission.
Sec. 303. Electronic filing of FEC reports.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Severability.
Sec. 402. Review of constitutional issues.
Sec. 403. Effective date.

TITLE I—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

Subtitle A—Fair Elections Financing Program

SEC. 101. FINDINGS AND DECLARATIONS.

(a) UNDERMINING OF DEMOCRACY BY CAMPAIGN CONTRIBUTIONS FROM PRIVATE SOURCES.—The Senate finds and declares that the current system of privately financed campaigns for election to the United States Senate has the capacity, and is often perceived by the public, to undermine democracy in the United States by—

(1) creating a conflict of interest, perceived or real, by encouraging Senators to accept large campaign contributions from private interests that are directly affected by Federal legislation;

(2) diminishing or giving the appearance of diminishing a Senator's accountability to constituents by compelling legislators to be accountable to the major contributors who finance their election campaigns;

(3) violating the democratic principle of "one person, one vote" and diminishing the meaning of the right to vote by allowing monied interests to have a disproportionate and unfair influence within the political process;

(4) imposing large, unwarranted costs on taxpayers through legislative and regulatory outcomes shaped by unequal access to lawmakers for campaign contributors;

(5) driving up the cost of election campaigns, making it difficult for qualified candidates without personal wealth or access to campaign contributions from monied individuals and interest groups to mount competitive Senate election campaigns;

(6) disadvantaging challengers, because large campaign contributors tend to donate their money to incumbent Senators, thus causing Senate elections to be less competitive; and

(7) burdening incumbents with a preoccupation with fundraising and thus decreasing the time available to carry out their public responsibilities.

(b) ENHANCEMENT OF DEMOCRACY BY PROVIDING ALLOCATIONS FROM THE SENATE FAIR ELECTIONS FUND.—The Senate finds and declares that providing the option of the replacement of private campaign contributions with allocations from the Senate Fair Elections Fund for all primary, runoff, and general elections to the Senate would enhance American democracy by—

(1) eliminating the potentially inherent conflict of interest created by the private financing of the election campaigns of public officials, thus restoring public confidence in the integrity and fairness of the electoral and legislative processes;

(2) increasing the public's confidence in the accountability of Senators to the constituents who elect them;

(3) helping to eliminate access to wealth as a determinant of a citizen's influence within the political process and to restore meaning to the principle of "one person, one vote";

(4) reversing the escalating cost of elections and saving taxpayers billions of dollars that are (or that are perceived to be) currently allocated based upon legislative and regulatory agendas skewed by the influence of campaign contributions;

(5) creating a more level playing field for incumbents and challengers by creating genuine opportunities for all Americans to run for the Senate and by encouraging more competitive elections; and

(6) freeing Senators from the incessant preoccupation with raising money, and allowing them more time to carry out their public responsibilities.

SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS.

The Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

"TITLE V—FAIR ELECTIONS FINANCING OF SENATE ELECTION CAMPAIGNS

"SEC. 501. DEFINITIONS.

"In this title:

"(1) ALLOCATION FROM THE FUND.—The term 'allocation from the Fund' means an allocation of money from the Senate Fair Elections Fund to a participating candidate pursuant to sections 510 and 511.

"(2) FAIR ELECTIONS QUALIFYING PERIOD.—The term 'fair elections qualifying period' means, with respect to any candidate for Senator, the period—

"(A) beginning on the date on which the candidate files a statement of intent under section 503(a)(1); and

"(B) ending on the date that is 30 days before—

"(i) the date of the primary election; or

"(ii) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

"(3) FAIR ELECTIONS START DATE.—The term 'fair elections start date' means, with respect to any candidate, the date that is 180 days before—

"(A) the date of the primary election; or

"(B) in the case of a State that does not hold a primary election, the date prescribed by State law as the last day to qualify for a position on the general election ballot.

"(4) FUND.—The term 'Fund' means the Senate Fair Elections Fund established by section 502.

"(5) IMMEDIATE FAMILY.—The term 'immediate family' means, with respect to any candidate—

"(A) the candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(6) INDEPENDENT CANDIDATE.—The term 'independent candidate' means a candidate for Senator who is—

"(A) not affiliated with any political party; or

"(B) affiliated with a political party that—

"(i) in the case of a candidate in a State that holds a primary election for Senator, does not hold a primary election for Senator; or

"(ii) in the case of a candidate in a State that does not hold primary election for Senator, does not have ballot status in such State.

"(7) MAJOR PARTY CANDIDATE.—

"(A) IN GENERAL.—The term 'major party candidate' means a candidate for Senator who is affiliated with a major political party.

"(B) MAJOR POLITICAL PARTY.—The term 'major political party' means, with respect to any State, a political party of which a candidate for the office of Senator, President, or Governor in the preceding 5 years, received, as a candidate of that party in such State, 25 percent or more of the total number of popular votes cast for such office in such State.

"(8) MINOR PARTY CANDIDATE.—The term 'minor party candidate' means a candidate for Senator who is affiliated with a political party that—

"(A) holds a primary for Senate nominations; and

"(B) is not a major political party.

"(9) NONPARTICIPATING CANDIDATE.—The term 'nonparticipating candidate' means a candidate for Senator who is not a participating candidate.

"(10) PARTICIPATING CANDIDATE.—The term 'participating candidate' means a candidate for Senator who is certified under section 508 as being eligible to receive an allocation from the Fund.

"(11) QUALIFYING CONTRIBUTION.—The term 'qualifying contribution' means, with respect to a candidate, a contribution that—

"(A) is in the amount of $5 exactly;

"(B) is made by an individual who—

"(i) is a resident of the State with respect to which the candidate is seeking election; and

"(ii) is not prohibited from making a contribution under this Act;

"(C) is made during the fair elections qualifying period; and

"(D) meets the requirements of section 505(c).

"(12) SEED MONEY CONTRIBUTION.—The term 'seed money contribution' means a contribution or contributions by any 1 individual—

"(A) aggregating not more than $100; and

"(B) made to a candidate after the date of the most recent previous election for the office which the candidate is seeking and before the date the candidate has been certified as a participating candidate under section 508(a).

"SEC. 502. SENATE FAIR ELECTIONS FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the 'Senate Fair Elections Fund'.

"(b) AMOUNTS HELD BY FUND.—The Fund shall consist of the following amounts:

"(1) PROCEEDS FROM RECOVERED SPECTRUM.—Proceeds deposited into the Fund under section 309(j)(8)(E)(ii)(II) of the Communications Act of 1934.

"(2) EXCESS SPECTRUM USER FEES.—Amounts deposited in the Fund under section 315A(f)(2)(B)(ii) of the Communications Act of 1934.

"(3) VOLUNTARY CONTRIBUTIONS.—Voluntary contributions to the fund.

"(4) QUALIFYING CONTRIBUTIONS, PENALTIES, AND OTHER DEPOSITS.—Amounts deposited into the Fund under—

"(A) section 504(2) (relating to limitation on amount of seed money);

"(B) section 505(d) (relating to deposit of qualifying contributions);

"(C) section 506(c) (relating to exceptions to contribution requirements);

"(D) section 509(c) (relating to remittance of allocations from the Fund);

"(E) section 513 (relating to violations); and

"(F) any other section of this Act.

"(5) INVESTMENT RETURNS.—Interest on, and the proceeds from, the sale or redemption of, any obligations held by the Fund under subsection (c).

"(c) INVESTMENT.—The Commission shall invest portions of the Fund in obligations of the United States in the same manner as provided under section 9602(b) of the Internal Revenue Code of 1986.

"(d) USE OF FUND.—

"(1) IN GENERAL.—The sums in the Senate Fair Elections Fund shall be used to make allocations to participating candidates in accordance with sections 510 and 511.

"(2) INSUFFICIENT AMOUNTS.—Under regulations established by the Commission, rules similar to the rules of section 9006(c) of the Internal Revenue Code shall apply.

"SEC. 503. ELIGIBILITY FOR ALLOCATIONS FROM THE FUND.

"(a) IN GENERAL.—A candidate for Senator is eligible to receive an allocation from the Fund for any election if the candidate meets the following requirements:

"(1) The candidate files with the Commission a statement of intent to seek certification as a participating candidate under this title during the period beginning on the fair elections start date and ending on the last day of the fair elections qualifying period.

"(2) The candidate has complied with the seed money contribution requirements of section 504.

"(3) The candidate meets the qualifying contribution requirements of section 505.

"(4) Not later than the last day of the fair elections qualifying period, the candidate files with the Commission an affidavit signed by the candidate and the treasurer of the candidate's principal campaign committee declaring that the candidate—

"(A) has complied and, if certified, will comply with the contribution and expenditure requirements of section 506;

"(B) if certified, will comply with the debate requirements of section 507;

"(C) if certified, will not run as a nonparticipating candidate during such year in any election for the office that such candidate is seeking; and

"(D) has either qualified or will take steps to qualify under State law to be on the ballot.

"(b) GENERAL ELECTION.—Notwithstanding subsection (a), a candidate shall not be eligible to receive an allocation from the Fund for a general election or a general run off election unless the candidate's party nominated the candidate to be placed on the ballot for the general election or the candidate qualified to be placed on the ballot as an independent candidate, and the candidate is qualified under State law to be on the ballot.

"SEC. 504. SEED MONEY CONTRIBUTION REQUIREMENT.

"A candidate for Senator meets the seed money contribution requirements of this section if the candidate meets the following requirements:

"(1) SEPARATE ACCOUNTING.—The candidate maintains seed money contributions in a separate account.

"(2) LIMITATION ON AMOUNT.—The candidate deposits into the Senate Fair Elections Fund or returns to donors an amount equal to the amount of any seed money contributions which, in the aggregate, exceed the sum of—

“(A) in the case of an independent candidate, the amount which the candidate would be entitled to under section 510(c)(3); and

“(B) in the case of any other candidate, the amount which the candidate would be entitled to under section 510(c)(1).

“(3) USE OF SEED MONEY.—The candidate makes expenditures from seed money contributions only for campaign-related costs.

“(4) RECORDS.—The candidate maintains a record of the name and street address of any contributor of a seed money contribution and the amount of any such contribution.

“(5) REPORT.—Unless a seed money contribution or an expenditure made with a seed money contribution has been reported previously under section 304, the candidate files with the Commission a report disclosing all seed money contributions and expenditures not later than 48 hours after receiving notification of the determination with respect to the certification of the candidate under section 508.

“SEC. 505. QUALIFYING CONTRIBUTION REQUIREMENT.

“(a) IN GENERAL.—A candidate for Senator meets the requirement of this section if, during the fair elections qualifying period, the candidate obtains a number of qualifying contributions equal to the sum of—

“(1) 2,000; plus

“(2) 500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

“(b) SPECIAL RULE FOR CERTAIN CANDIDATES.—

“(1) IN GENERAL.—Notwithstanding subsection (a), in the case of a candidate described in paragraph (2), the requirement of this section is met if, during the fair elections qualifying period, the candidate obtains a number of qualifying contributions equal to 150 percent of the number of qualifying contributions that such candidate would be required to obtain without regard to this subsection.

“(2) CANDIDATE DESCRIBED.—A candidate is described in this paragraph if—

“(A) the candidate is a minor party candidate or an independent candidate; and

“(B) in the most recent general election involving the office of Senator, President, or Governor in the State in which the candidate is seeking office, the candidate and all candidates of the same political party as such candidate received less than 5 percent of the total number of votes cast for each such office.

“(c) REQUIREMENTS RELATING TO RECEIPT OF QUALIFYING CONTRIBUTION.—Each qualifying contribution—

“(1) may be made by means of a personal check, money order, debit card, or credit card;

“(2) shall be payable to the Senate Fair Elections Fund;

“(3) shall be accompanied by a signed statement containing—

“(A) the contributor's name and home address;

“(B) an oath declaring that the contributor—

“(i) is a resident of the State in which the candidate with respect to whom the contribution is made is running for election;

“(ii) understands that the purpose of the qualifying contribution is to show support for the candidate so that the candidate may qualify for public financing;

“(iii) is making the contribution in his or her own name and from his or her own funds;

“(iv) has made the contribution willingly; and

“(v) has not received any thing of value in return for the contribution; and

“(4) shall be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the election authorities in the State with respect to which the candidate is seeking election.

“(d) DEPOSIT OF QUALIFYING CONTRIBUTIONS.—

“(1) IN GENERAL.—Not later than 21 days after obtaining a qualifying contribution, a candidate shall—

“(A) deposit such contribution into the Senate Fair Elections Fund, and

“(B) remit to the Commission a copy of the receipt for such contribution.

“(2) DEPOSIT OF CONTRIBUTIONS AFTER CERTIFICATION.—Notwithstanding paragraph (1), all qualifying contributions obtained by a candidate shall be deposited into the Senate Fair Elections Fund and all copies of receipts for such contributions shall be remitted to the Commission not later than—

“(A) in the case of a candidate who is denied certification under section 508, 3 days after receiving a notice of denial of certification under section 508(a)(2); and

“(B) in any other case, not later than the last day of the fair elections qualifying period.

“(e) VERIFICATION OF QUALIFYING CONTRIBUTIONS.—The Commission shall establish procedures for the auditing and verification of qualifying contributions to ensure that such contributions meet the requirements of this section. Such procedures may provide for verification through the means of a postcard or other method, as determined by the Commission.

“SEC. 506. CONTRIBUTION AND EXPENDITURE REQUIREMENTS.

“(a) GENERAL RULE.—A candidate for Senator meets the requirements of this section if, during the election cycle of the candidate, the candidate—

“(1) except as provided in subsection (b), accepts no contributions other than—

“(A) seed money contributions;

“(B) qualifying contributions made payable to the Senate Fair Elections Fund;

“(C) allocations from the Senate Fair Elections Fund under sections 510 and 511; and

“(D) vouchers provided to the candidate under section 315A of the Communications Act of 1934;

“(2) makes no expenditures from any amounts other than from—

“(A) amounts received from seed money contributions;

“(B) amounts received from the Senate Fair Elections Fund; and

“(C) vouchers provided to the candidate under section 315A of the Communications Act of 1934; and

“(3) makes no expenditures from personal funds or the funds of any immediate family member (other than funds received through seed money contributions).

For purposes of this subsection, a payment made by a political party in coordination with a participating candidate shall not be treated as a contribution to or as an expenditure made by the participating candidate.

“(b) CONTRIBUTIONS FOR LEADERSHIP PACS, ETC.—A political committee of a participating candidate which is not an authorized committee of such candidate may accept contributions other than contributions described in subsection (a)(1) from any person if—

“(1) the aggregate contributions from such person for any for a calendar year do not exceed $100; and

“(2) no portion of such contributions is disbursed in connection with the campaign of the participating candidate.

“(c) EXCEPTION.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions accepted before the date the candidate files a statement of intent under section 503(a)(1) are not expended and are—

“(A) returned to the contributor; or

“(B) submitted to the Federal Election Commission for deposit in the Senate Fair Elections Fund.

“(2) SPECIAL RULE FOR SEED MONEY CONTRIBUTIONS AND CONTRIBUTIONS FOR LEADERSHIP PACS.—For purposes of paragraph (1), a candidate shall not be required to return, donate, or submit any portion of the aggregate amount of contributions from any person which is $100 or less to the extent that such contribution—

“(A) otherwise qualifies as a seed money contribution; or

“(B) otherwise meets the requirements of subsection (b).

“(3) SPECIAL RULE FOR CONTRIBUTIONS BEFORE THE DATE OF ENACTMENT OF THIS TITLE.—Notwithstanding subsection (a), a candidate shall not be treated as having failed to meet the requirements of this section if any contributions accepted before the date of the enactment of this title are not expended and are—

“(A) returned to the contributor;

“(B) donated to an organization described in section 170(c) of the Internal Revenue Code of 1986;

“(C) donated to a political party;

“(D) used to retire campaign debt; or

“(E) submitted to the Federal Election Commission for deposit in the Senate Fair Elections Fund.

“SEC. 507. DEBATE REQUIREMENT.

“A candidate for Senator meets the requirements of this section if the candidate participates in at least—

“(1) 1 public debate before the primary election with other participating candidates and other willing candidates from the same party and seeking the same nomination as such candidate; and

“(2) 2 public debates before the general election with other participating candidates and other willing candidates seeking the same office as such candidate.

“SEC. 508. CERTIFICATION BY COMMISSION.

“(a) IN GENERAL.—Not later than 5 days after a candidate for Senator files an affidavit under section 503(a)(4), the Commission shall—

“(1) certify whether or not the candidate is a participating candidate; and

“(2) notify the candidate of the Commission's determination.

“(b) REVOCATION OF CERTIFICATION.—

“(1) IN GENERAL.—The Commission may revoke a certification under subsection (a) if—

“(A) a candidate fails to qualify to appear on the ballot at any time after the date of certification; or

“(B) a candidate otherwise fails to comply with the requirements of this title.

“(2) REPAYMENT OF BENEFITS.—If certification is revoked under paragraph (1), the candidate shall repay—

“(A) to the Senate Fair Elections Fund an amount equal to the value of benefits received under this title plus interest (at a rate determined by the Commission) on any such amount received; and

"(B) to Federal Communications Commission an amount equal to the amount of the dollar value of vouchers which were received from the Federal Communications Commission under section 315A of the Communications Act of 1934 and used by the candidate.

"SEC. 509. BENEFITS FOR PARTICIPATING CANDIDATES.

"(a) IN GENERAL.—A participating candidate shall be entitled to—

"(1) for each election with respect to which a candidate is certified as a participating candidate—

"(A) an allocation from the Fund to make or obligate to make expenditures with respect to such election, as provided in section 510;

"(B) fair fight funds, as provided in section 511; and

"(2) for the general election, vouchers for broadcasts of political advertisements, as provided in section 315A of the Communications Act of 1934 (47 U.S.C. 315A).

"(b) RESTRICTION ON USES OF ALLOCATIONS FROM THE FUND.—Allocations from the Fund received by a participating candidate under sections 510 and 511 may only be used for campaign-related costs.

"(c) REMITTING ALLOCATIONS FROM THE FUND.—Not later than the date that is 45 days after the date of the election, a participating candidate shall remit to the Commission for deposit in the Senate Fair Elections Fund any unspent amounts paid to such candidate under this title for such election.

"SEC. 510. ALLOCATIONS FROM THE FUND.

"(a) IN GENERAL.—The Commission shall make allocations from the Fund under section 509(a)(1)(A) to a participating candidate—

"(1) in the case of amounts provided under subsection (c)(1), not later than 48 hours after the date on which such candidate is certified as a participating candidate under section 508;

"(2) in the case of a general election, not later than 48 hours after—

"(A) the date the certification of the results of the primary election or the primary runoff election; or

"(B) in any case in which there is no primary election, the date the candidate qualifies to be placed on the ballot; and

"(3) in the case of a primary runoff election or a general runoff election, not later than 48 hours after the certification of the results of the primary election or the general election, as the case may be.

"(b) METHOD OF PAYMENT.—The Commission shall distribute funds available to participating candidates under this section through the use of an electronic funds exchange or a debit card.

"(c) AMOUNTS.—

"(1) PRIMARY ELECTION ALLOCATION; INITIAL ALLOCATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B), the Commission shall make an allocation from the Fund for a primary election to a participating candidate in an amount equal to 67 percent of the base amount with respect to such participating candidate.

"(B) INDEPENDENT CANDIDATES.—In the case of a participating candidate who is an independent candidate, the Commission shall make an initial allocation from the Fund in an amount equal to 25 percent of the base amount with respect to such candidate.

"(C) REDUCTION FOR EXCESS SEED MONEY.—An allocation from the Fund for any candidate under this paragraph shall be reduced by an amount equal to the aggregate amount of seed money contributions received by the candidate in excess of the sum of—

"(i) $75,000; plus

"(ii) $7,500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

"(2) PRIMARY RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a primary runoff election to a participating candidate in an amount equal to 25 percent of the amount the participating candidate was eligible to receive under this section for the primary election.

"(3) GENERAL ELECTION ALLOCATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission shall make an allocation from the Fund for a general election to a participating candidate in an amount equal to the base amount with respect to such candidate.

"(B) UNCONTESTED ELECTIONS.—

"(i) IN GENERAL.—The Commission shall make an allocation from the Fund to a participating candidate for a general election that is uncontested in an amount equal to 25 percent of the base amount with respect to such candidate.

"(ii) UNCONTESTED ELECTIONS.—For purposes of this subparagraph, an election is uncontested if not more than 1 candidate has received contributions (including payments from the Senate Fair Elections Fund) in an amount equal to or greater than the lesser of—

"(I) the amount in effect for a candidate in such election under paragraph (1)(C), or

"(II) an amount equal to 50 percent of the base amount with respect to such candidate.

"(C) REDUCTION FOR EXCESS SEED MONEY.—The allocation from the Fund for the general election for any participating candidate in a State that does not hold a primary election shall be reduced by an amount equal to the aggregate amount of seed money contributions received by the candidate in excess of the sum of—

"(i) $75,000; plus

"(ii) $7,500 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

"(4) GENERAL RUNOFF ELECTION ALLOCATION.—The Commission shall make an allocation from the Fund for a general runoff election to a participating candidate in an amount equal to 25 percent of the base amount with respect to such candidate.

"(d) BASE AMOUNT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the base amount for any candidate is an amount equal to the sum of—

"(A) $750,000; plus

"(B) $150,000 for each congressional district in excess of 1 in the State with respect to which the candidate is seeking election.

"(2) MINOR PARTY AND INDEPENDENT CANDIDATES.—

"(A) REDUCED AMOUNT FOR CERTAIN CANDIDATES.—

"(i) IN GENERAL.—In the case of a minor party candidate or independent candidate described clause (ii), the base amount is an amount equal to the product of—

"(I) a fraction the numerator of which is the highest percentage of the vote received by the candidate or a candidate of the same political party as such candidate in the election described in clause (ii) and the denominator of which is 25 percent; and

"(II) the amount that would (but for this paragraph) be the base amount for the candidate under paragraph (1).

"(ii) CANDIDATE DESCRIBED.—A candidate is described in this clause if, in the most recent general election involving the office of Senator, President, or Governor in the State in which the candidate is seeking office—

"(I) such candidate, or any candidate of the same political party as such candidate, received 5 percent or more of the total number of votes cast for any such office; and

"(II) such candidate and all candidates of the same political party as such candidate received less than 25 percent of the total number of votes cast for each such office.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any candidate if such candidate receives a number of qualifying contributions which is greater than 150 percent of the number of qualifying contributions such candidate is required to receive in order to meet the requirements of section 505(a).

"(3) INDEXING.—In each odd-numbered year after 2010—

"(A) each dollar amount under paragraph (1) shall be increased by the percent difference between the price index (as defined in section 315(c)(2)(A)) for the 12 months preceding the beginning of such calendar year and the price index for calendar year 2008;

"(B) each dollar amount so increased shall remain in effect for the 2-year period beginning on the first day following the date of the last general election in the year preceding the year in which the amount is increased and ending on the date of the next general election; and

"(C) if any amount after adjustment under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.

"(4) ADJUSTMENT BY MEDIA MARKET.—

"(A) IN GENERAL.—The Commission, in consultation with the Federal Communications Commission, shall establish an index reflecting the costs of the media markets in each State.

"(B) ADJUSTMENT.—At the beginning of each year, the Commission shall increase the amount under paragraph (1) (after application of paragraph (3)) based on the index established under subparagraph (A).

"SEC. 511. PAYMENT OF FAIR FIGHT FUNDS.

"(a) DETERMINATION OF RIGHT TO PAYMENT.—

"(1) IN GENERAL.—The Commission shall, on a regular basis, make a determination on—

"(A) the amount of opposing funds with respect to each participating candidate, and

"(B) the applicable amount with respect to each participating candidate.

"(2) BASIS OF DETERMINATIONS.—The Commission shall make determinations under paragraph (1) based on—

"(A) reports filed by the relevant opposing candidate under section 304(a) with respect to amounts described in subsection (c)(1)(A)(i)(I); and

"(B) reports filed by political committees under section 304(a) and by other persons under section 304(c) with respect to—

"(i) opposing funds described in clauses (ii)(I) and (iii)(I) of subsection (c)(1)(A); and

"(ii) applicable amounts described in subparagraphs (B)(i) and (C)(i) of subsection (b)(2).

"(3) REQUESTS FOR DETERMINATION RELATING TO CERTAIN ELECTIONEERING COMMUNICATIONS.—

"(A) IN GENERAL.—A participating candidate may request to the Commission to make a determination under paragraph (1) with respect to any relevant opposing candidate with respect to—

"(i) opposing funds described in clauses (ii)(II) and (iii)(II) of subsection (c)(1)(A); and “(ii) applicable amounts described in subparagraphs (B)(ii) and (C)(ii) of subsection (b)(2).

“(B) TIME FOR MAKING DETERMINATION.—In the case of any such request, the Commission shall make such determination and notify the participating candidate of such determination not later than—

“(i) 24 hours after receiving such request during the 3-week period ending on the date of the election, and

“(ii) 48 hours after receiving such request at any other time.

“(b) PAYMENTS.—

“(1) IN GENERAL.—The Commission shall make available to the participating candidate fair fight funds in an amount equal to the amount of opposing funds that is in excess of the applicable amount—

“(A) immediately after making any determination under subsection (a) with respect to any participating candidate during the 3-week period ending on the date of the election, and

“(B) not later than 24 hours after making such determination at any other time.

“(2) APPLICABLE AMOUNT.—For purposes of this section, the applicable amount is an amount equal to the sum of—

“(A) the sum of—

“(i) the amount of seed money contribution received by the participating candidate;

“(ii) in the case of a general election, the value of any vouchers received by the candidate under section 315A of the Communications Act of 1934; plus

“(iii)(I) in the case of a participating candidate who is a minor party candidate running in a general election or an independent candidate, the allocation from the Fund which would have been provided to such candidate for such election if such candidate were a major party candidate; or

“(II) in the case of any other participating candidate, an amount equal to the allocation from the Fund to such candidate for such election under section 510(c);

“(B) the sum of—

“(i) the amount of independent expenditures made advocating the election of the participating candidate; plus

“(ii) the amount of disbursements for electioneering communications which promote or support such participating candidate;

“(C) the sum of—

“(i) the amount of independent expenditures made advocating the defeat of the relevant opposing candidate; plus

“(ii) the amount of disbursements for electioneering communications which attack or oppose the relevant opposing candidate; plus

“(D) the amount of fair fight funds previously provided to the participating candidate under this subsection for the election.

“(3) LIMITS ON AMOUNT OF PAYMENT.—The aggregate of fair fight funds that a participating candidate receives under this subsection for any election shall not exceed 200 percent of the allocation from the Fund that the participating candidate receives for such election under section 510(c).

“(c) DEFINITIONS.—For purposes of this section—

“(1) OPPOSING FUNDS.—

“(A) IN GENERAL.—The term ‘opposing funds’ means, with respect to any participating candidate for any election, the sum of—

“(i)(I) the greater of the total contributions received by the relevant opposing candidate or the total expenditures made by such relevant opposing candidate; or

“(II) in the case of a relevant opposing candidate who is a participating candidate, an amount equal to the sum of the amount of seed money contributions received by the relevant opposing candidate, the value of any vouchers received by the relevant opposing candidate for the general election under section 315A of the Communications Act of 1934, and the allocation from the Fund under section 510(c) for the relevant opposing candidate for such election;

“(ii) the sum of—

“(I) the amount of independent expenditures made advocating the election of such relevant opposing candidate; plus

“(II) the amount of disbursements for electioneering communications which promote or support such relevant opposing candidate; plus

“(iii) the sum of—

“(I) the amount of independent expenditures made advocating the defeat of such participating candidate; plus

“(II) the amount of disbursements for electioneering communications which attack or oppose such participating candidate.

“(2) RELEVANT OPPOSING CANDIDATE.—The term ‘relevant opposing candidate’ means, with respect to any participating candidate, the opposing candidate of such participating candidate with respect to whom the amount under paragraph (1) is the greatest.

“(3) ELECTIONEERING COMMUNICATION.—The term ‘electioneering communication’ has the meaning given such term under section 304(f)(3), except that subparagraph (A)(i)(II)(aa) thereof shall be applied by substituting ‘30’ for ‘60’.

“SEC. 512. ADMINISTRATION OF THE SENATE FAIR ELECTIONS SYSTEM.

“(a) REGULATIONS.—The Commission shall prescribe regulations to carry out the purposes of this title, including regulations—

“(1) to establish procedures for—

“(A) verifying the amount of valid qualifying contributions with respect to a candidate;

“(B) effectively and efficiently monitoring and enforcing the limits on the use of personal funds by participating candidates;

“(C) the expedited payment of fair fight funds during the 3-week period ending on the date of the election;

“(D) monitoring the use of allocations from the Fund under this title through audits or other mechanisms; and

“(E) returning unspent disbursements and disposing of assets purchased with allocations from the Fund;

“(2) providing for the administration of the provisions of this title with respect to special elections;

“(3) pertaining to the replacement of candidates;

“(4) regarding the conduct of debates in a manner consistent with the best practices of States that provide public financing for elections; and

“(5) for attributing expenditures to specific elections for the purposes of calculating opposing funds.

“(b) OPERATION OF COMMISSION.—The Commission shall maintain normal business hours during the weekend immediately before any general election for the purposes of administering the provisions of this title, including the distribution of fair fight funds under section 511.

“(c) REPORTS.—Not later than April 1, 2009, and every 2 years thereafter, the Commission shall submit to the Senate Committee on Rules and Administration a report documenting, evaluating, and making recommendations relating to the administrative implementation and enforcement of the provisions of this title.

“SEC. 513. VIOLATIONS AND PENALTIES.

“(a) CIVIL PENALTY FOR VIOLATION OF CONTRIBUTION AND EXPENDITURE REQUIREMENTS.—If a candidate who has been certified as a participating candidate under section 508(a) accepts a contribution or makes an expenditure that is prohibited under section 506, the Commission shall assess a civil penalty against the candidate in an amount that is not more than 3 times the amount of the contribution or expenditure. Any amounts collected under this subsection shall be deposited into the Senate Fair Elections Fund.

“(b) REPAYMENT FOR IMPROPER USE OF FAIR ELECTIONS FUND.—

“(1) IN GENERAL.—If the Commission determines that any benefit made available to a participating candidate under this title was not used as provided for in this title or that a participating candidate has violated any of the dates for remission of funds contained in this title, the Commission shall so notify the candidate and the candidate shall pay to the Senate Fair Elections Fund an amount equal to—

“(A) the amount of benefits so used or not remitted, as appropriate, and

“(B) interest on any such amounts (at a rate determined by the Commission).

“(2) OTHER ACTION NOT PRECLUDED.—Any action by the Commission in accordance with this subsection shall not preclude enforcement proceedings by the Commission in accordance with section 309(a), including a referral by the Commission to the Attorney General in the case of an apparent knowing and willful violation of this title.”.

SEC. 103. REPORTING REQUIREMENTS FOR NONPARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following:

“(i) NONPARTICIPATING CANDIDATES.—

“(1) INITIAL REPORT.—

“(A) IN GENERAL.—Each nonparticipating candidate who is opposed to a participating candidate and who receives contributions or makes expenditures aggregating more than the threshold amount shall, within 48 hours of the date such aggregate contributions or expenditures exceed the threshold amount, file with the Commission a report stating the total amount of contributions received and expenditures made or obligated by such candidate.

“(B) THRESHOLD AMOUNT.—For purposes of this paragraph, the term ‘threshold amount’ means 75 percent of the allocation from the Fund that a participating candidate would be entitled to receive in such election under section 510 if the participating candidate were a major party candidate.

“(2) PERIODIC REPORTS.—

“(A) IN GENERAL.—In addition to any reports required under subsection (a), each nonparticipating candidate who is required to make a report under paragraph (1) shall make the following reports:

“(i) A report which shall be filed not later than 5 P.M. on the forty-second day before the date on which the election involving such candidate is held and which shall be complete through the forty-fourth day before such date.

“(ii) A report which shall be filed not later than 5 P.M. on the twenty-first day before the date on which the election involving such candidate is held and which shall be complete through the twenty-third day before such date.

“(iii) A report which shall be filed not later than 5 P.M. on the twelfth day before the date on which the election involving such candidate is held and which shall be complete through the fourteenth day before such date.

"(B) ADDITIONAL REPORTING WITHIN 2 WEEKS OF ELECTION.—Each nonparticipating candidate who is required to make a report under paragraph (1) and who receives contributions or makes expenditures aggregating more than $1,000 at any time after the fourteenth day before the date of the election involving such candidate shall make a report to the Commission not later than 24 hours after such contributions are received or such expenditures are made.

"(C) CONTENTS OF REPORT.—Each report required under this paragraph shall state the total amount of contributions received and expenditures made or obligated to be made during the period covered by the report.

"(3) DEFINITIONS.—For purposes of this subsection and section 309(a)(13), the terms 'nonparticipating candidate', 'participating candidate', and 'allocation from the Fund' have the respective meanings given to such terms under section 501.".

(b) INCREASED PENALTY FOR FAILURE TO FILE.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437(g)) is amended by adding at the end the following new paragraph:

"(13) INCREASED CIVIL PENALTIES WITH RESPECT TO REPORTING BY NONPARTICIPATING CANDIDATES.—For purposes of paragraphs (5) and (6), any civil penalty with respect to a violation of section 304(i) shall not exceed the greater of—

"(A) the amount otherwise applicable without regard to this paragraph; or

"(B) for each day of the violation, 3 times the amount of the fair fight funds under section 511 that otherwise would have been allocated to the participating candidate but for such violation.".

SEC. 104. MODIFICATION OF ELECTIONEERING COMMUNICATION REPORTING REQUIREMENTS.

Paragraph (2) of section 304(f) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(f)(2)) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of a communication referring to any candidate in an election involving a participating candidate (as defined under section 501(9)), a transcript of the electioneering communication.".

SEC. 105. LIMITATION ON COORDINATED EXPENDITURES BY POLITICAL PARTY COMMITTEES WITH PARTICIPATING CANDIDATES.

(a) IN GENERAL.—Section 315(d)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(d)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following new subparagraph:

"(A) in the case of a candidate for election to the office of Senator who is a participating candidate (as defined in section 501), the lesser of—

"(i) 10 percent of the allocation from the Senate Elections Fund that the participating candidate is eligible to receive for the general election under section 510(c)(3); or

"(ii) the amount which would (but for this subparagraph) apply with respect to such candidate under subparagraph (B);".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 315(d)(3) of such Act, as redesignated by subsection (a), is amended by inserting "who is not a participating candidate (as so defined)" after "office of Senator".

SEC. 106. AUDITS.

Section 311(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following:

"(2) AUDITS OF PARTICIPATING CANDIDATES.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), after every primary, general, and runoff election, the Commission shall conduct random audits and investigations of not less than 30 percent of the authorized committees of candidates who are participating candidates (as defined in section 501).

"(B) SELECTION OF SUBJECTS.—The subjects of audits and investigations under this paragraph shall be selected on the basis of impartial criteria established by a vote of at least 4 members of the Commission.".

Subtitle B—Senate Fair Elections Fund Revenues

SEC. 111. DEPOSIT OF PROCEEDS FROM RECOVERED SPECTRUM AUCTIONS.

Section 309(j)(8)(E)(ii) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)(ii)) is amended—

(1) by striking "deposited in" and inserting the following: "deposited as follows:

"(I) 90 percent of such proceeds deposited in"; and

(2) by adding at the end the following:

"(II) 10 percent of such proceeds deposited in the Senate Fair Elections Fund established under section 502 of the Federal Election Campaign Act of 1972.".

Subtitle C—Fair Elections Review Commission

SEC. 121. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Fair Elections Review Commission" (hereafter in this subtitle referred to as the "Commission").

(b) DUTIES.—

(1) REVIEW OF FAIR ELECTIONS FINANCING.—

(A) IN GENERAL.—After each general election for Federal office, the Commission shall conduct a comprehensive review of the Senate fair elections financing program under title V of the Federal Election Campaign Act of 1974, including—

(i) the number and value of qualifying contributions a candidate is required to obtain under section 505 of such Act to qualify for allocations from the Fund;

(ii) the amount of allocations from the Senate Fair Elections Fund that candidates may receive under sections 510 and 511 of such Act;

(iii) the overall satisfaction of participating candidates with the program; and

(iv) such other matters relating to financing of Senate campaigns as the Commission determines are appropriate.

(B) CRITERIA FOR REVIEW.—In conducting the review under subparagraph (A), the Commission shall consider the following:

(i) REVIEW OF QUALIFYING CONTRIBUTION REQUIREMENTS.—The Commission shall consider whether the number and value of qualifying contributions required strikes a balance between the importance of voter choice and fiscal responsibility, taking into consideration the number of primary and general election participating candidates, the electoral performance of those candidates, program cost, and any other information the Commission determines is appropriate.

(ii) REVIEW OF PROGRAM ALLOCATIONS.—The Commission shall consider whether allocations from the Senate Elections Fund under sections 510 ad 511 of the Federal Election Campaign Act of 1974 are sufficient for voters in each State to learn about the candidates to cast an informed vote, taking into account the historic amount of spending by winning candidates, media costs, primary election dates, and any other information the Commission determines is appropriate.

(2) REPORT, RECOMMENDATIONS, AND PROPOSED LEGISLATIVE LANGUAGE.—

(A) REPORT.—Not later than March 30 following any general election for Federal office, the Commission shall submit a report to Congress on the review conducted under paragraph (1). Such report shall contain a detailed statement of the findings, conclusions, and recommendations of the Commission based on such review, and shall contain any proposed legislative language (as required under subparagraph (C)) of the Commission.

(B) FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS.—A finding, conclusion, or recommendation of the Commission shall be included in the report under subparagraph (A) only if not less than 3 members of the Commission voted for such finding, conclusion, or recommendation.

(C) LEGISLATIVE LANGUAGE.—

(i) IN GENERAL.—The report under subparagraph (A) shall include legislative language with respect to any recommendation involving—

(I) an increase in the number or value of qualifying contributions; or

(II) an increase in the amount of allocations from the Senate Elections Fund.

(ii) FORM.—The legislative language shall be in the form of a proposed bill for introduction in Congress and shall not include any recommendation not related to matter described subclause (I) or (II) of clause (i)

SEC. 122. STRUCTURE AND MEMBERSHIP OF THE COMMISSION.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 5 members, of whom—

(A) 1 shall be appointed by the Majority Leader of the Senate;

(B) 1 shall be appointed by the Minority Leader of the Senate; and

(C) 3 shall be appointed jointly by the members appointed under subparagraphs (A) and (B).

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The members shall be individuals who are nonpartisan and, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Commission.

(B) PROHIBITION.—No member of the Commission may be—

(i) a member of Congress;

(ii) an employee of the Federal government;

(iii) a registered lobbyist; or

(iv) an officer or employee of a political party or political campaign.

(3) DATE.—Members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(4) TERMS.—A member of the Commission shall be appointed for a term of 5 years.

(b) VACANCIES.—A vacancy on the Commission shall be filled not later than 30 calendar days after the date on which the Commission is given notice of the vacancy, in the same manner as the original appointment. The individual appointed to fill the vacancy shall serve only for the unexpired portion of the term for which the individual's predecessor was appointed.

(c) CHAIRPERSON.—The Commission shall designate a Chairperson from among the members of the Commission.

SEC. 123. POWERS OF THE COMMISSION.

(a) MEETINGS AND HEARINGS.—

(1) MEETINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) QUORUM.—Four members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 124. ADMINISTRATION.

(a) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) CHAIRPERSON.—The Chairperson shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(b) PERSONNEL.—

(1) DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) STAFF APPOINTMENT.—With the approval of the Chairperson, the Executive Director may appoint such personnel as the Executive Director and the Commission determines to be appropriate.

(3) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of the Chairperson, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Chairperson, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and other agencies and elected representatives of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this subtitle.

SEC. 126. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—Not later than 60 days after the Commission files a report under section 121(b), the Majority Leader of the Senate, or the Majority Leader's designee, shall introduce any proposed legislative language submitted by the Commission under section 121(b)(2)(C) in the Senate (hereafter in this section referred to as a "Commission bill").

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission bill introduced in the Senate shall be referred to the Committee on Rules and Administration of the Senate.

(B) REPORTING.—Not later than 60 calendar days after the introduction of the Commission bill, the Committee on Rules and Administration shall hold a hearing on the bill and report the bill to the Senate. No amendment shall be in order to the bill in the Committee.

(C) DISCHARGE OF COMMITTEE.—If the Committee on Rules and Administration has not reported a Commission bill at the end of 60 calendar days after its introduction, such committee shall be automatically discharged from further consideration of the Commission bill and it shall be placed on the appropriate calendar.

(b) EXPEDITED PROCEDURE.—

(1) FLOOR CONSIDERATION IN THE SENATE.—

(A) IN GENERAL.—Not later than 60 calendar days after the date on which a committee has reported or has been discharged from consideration of a Commission bill, the Majority Leader of the Senate, or the Majority Leader's designee shall move to proceed to the consideration of the Commission bill. It shall also be in order for any member of the Senate to move to proceed to the consideration of the bill at any time after the conclusion of such 60-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the Senate. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the Senate until disposed of.

(C) AMENDMENTS, MOTIONS, AND APPEALS.—No amendment shall be in order in the Senate, and any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the motion or appeal.

(D) LIMITED DEBATE.—Consideration in the Senate of the Commission bill and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the Senate or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(E) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the Senate of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (D) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the Senate to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the Senate to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(2) FLOOR CONSIDERATION IN THE HOUSE.—

(A) IN GENERAL.—If a Commission bill is agreed to in the Senate, the Majority Leader of the House of Representatives, or the Majority Leader's designee shall move to proceed to the consideration of the Commission bill not later than 30 days after the date the House or Representatives receives notice of such agreement. It shall also be in order for any member of the House of Representatives to move to proceed to the consideration of the bill at any time after the conclusion of such 30-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission bill is privileged in the House of Representatives. The motion is not debatable and is not subject to a motion to postpone consideration of the Commission bill or to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the House of Representatives shall immediately proceed to consideration of the Commission bill without intervening motion, order, action, or other business, and the Commission bill shall remain the unfinished business of the House of Representatives until disposed of.

(C) AMENDMENTS, MOTIONS, AND APPEALS.—No amendment shall be in order in the House of Representatives, and any debatable motion or appeal is debatable for not to exceed 5 hours to be divided equally between those favoring and those opposing the motion or appeal.

(D) LIMITED DEBATE.—Consideration in the House of Representatives of the Commission bill and on all debatable motions and appeals in connection therewith, shall be limited to not more than 40 hours, which shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the House of Representatives or their designees. A motion further to limit debate on the Commission bill is in order and is not debatable. All time used for consideration of the Commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote), shall come from the 40 hours of consideration.

(E) VOTE ON PASSAGE.—

(i) IN GENERAL.—The vote on passage in the House of Representatives of the Commission bill shall occur immediately following the conclusion of the 40-hour period for consideration of the Commission bill under subparagraph (D) and a request to establish the presence of a quorum.

(ii) OTHER MOTIONS NOT IN ORDER.—A motion in the House of Representatives to postpone consideration of the Commission bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission bill is not in order. A motion in the House of Representatives to reconsider the vote by which the Commission bill is agreed to or not agreed to is not in order.

(c) RULES OF SENATE AND HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules, and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE II—VOTER INFORMATION

SEC. 201. BROADCASTS RELATING TO CANDIDATES.

(a) LOWEST UNIT CHARGE; NATIONAL COMMITTEES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) by striking "to such office" in paragraph (1) and inserting "to such office, or by a national committee of a political party on behalf of such candidate in connection with such campaign,"; and

(2) by inserting "for pre-emptible use thereof' after "station" in subparagraph (A) of paragraph (1).

(b) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)), as amended by subsection (a), is amended—

(1) in paragraph (1)(A), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) PARTICIPATING CANDIDATES.—In the case of a participating candidate (as defined under section 501(10) of the Federal Election Campaign Act of 1971), the charges made for the use any broadcasting station for a television broadcast shall not exceed 80 percent of the lowest charge described in paragraph (1)(A) during—

"(A) the 45 days preceding the date of a primary or primary runoff election in which the candidate is opposed; and

"(B) the 60 days preceding the date of a general or special election in which the candidate is opposed.

"(4) RATE CARDS.—A licensee shall provide to a candidate for Senate a rate card that discloses—

"(A) the rate charged under this subsection; and

"(B) the method that the licensee uses to determine the rate charged under this subsection.".

(c) PREEMPTION; AUDITS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively and moving them to follow the existing subsection (e);

(2) by redesignating the existing subsection (e) as subsection (c); and

(3) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

"(d) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding the requirements of subsection (b)(1)(A), a licensee shall not preempt the use of a broadcasting station by a legally qualified candidate for Senate who has purchased and paid for such use.

"(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program shall be treated in the same fashion as a comparable commercial advertising spot.

"(e) AUDITS.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct such audits as it deems necessary to ensure that each broadcaster to which this section applies is allocating television broadcast advertising time in accordance with this section and section 312.".

(d) REVOCATION OF LICENSE FOR FAILURE TO PERMIT ACCESS.—Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended—

(1) by striking "or repeated";

(2) by inserting "or cable system" after "broadcasting station"; and

(3) by striking "his candidacy" and inserting "the candidacy of the candidate, under the same terms, conditions, and business practices as apply to the most favored advertiser of the licensee".

(e) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by striking "the" in subsection (f)(1), as redesignated by subsection (b)(1), and inserting "BROADCASTING STATION.—";

(2) by striking "the" in subsection (f)(2), as redesignated by subsection (b)(1), and inserting "LICENSEE; STATION LICENSEE.—"; and

(3) by inserting "REGULATIONS.—" in subsection (g), as redesignated by subsection (b)(1), before "The Commission".

SEC. 202. POLITICAL ADVERTISEMENT VOUCHERS FOR PARTICIPATING CANDIDATES.

(a) IN GENERAL.—Title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following:

"SEC. 315A. POLITICAL ADVERTISEMENT VOUCHER PROGRAM.

"(a) IN GENERAL.—The Commission shall establish and administer a voucher program for the purchase of airtime on broadcasting stations for political advertisements in accordance with the provisions of this section.

"(b) CANDIDATES.—The Commission shall only disburse vouchers under the program established under subsection (a) to individuals who meet the following requirements:

"(1) QUALIFICATION.—The individual is certified by the Federal Election Commission as a participating candidate (as defined under section 501(10) of the Federal Election Campaign Act of 1971) with respect to a general election for Federal office under section 508 of the Federal Election Campaign Act of 1971.

"(2) AGREEMENT.—The individual has agreed in writing—

"(A) to keep and furnish to the Federal Election Commission such records, books, and other information as it may require; and

"(B) to repay to the Federal Communications Commission, if the Federal Election Commission revokes the certification of the individual as a participating candidate (as so defined), an amount equal to the dollar value of vouchers which were received from the Commission and used by the candidate.

"(c) AMOUNTS.—The Commission shall disburse vouchers to each candidate certified under subsection (b) in an aggregate amount equal to $100,000 multiplied by the number of congressional districts in the State with respect to which such candidate is running for office.

"(d) USE.—

"(1) EXCLUSIVE USE.—Vouchers disbursed by the Commission under this section may be used only for the purchase of broadcast airtime for political advertisements relating to a general election for the office of Senate by the participating candidate to which the vouchers were disbursed, except that—

"(A) a candidate may exchange vouchers with a political party under paragraph (2); and

"(B) a political party may use vouchers only to purchase broadcast airtime for political advertisements for generic party advertising, to support candidates for State or local office in a general election, or to support participating candidates of the party in a general election for Federal office, but only if it discloses the value of the voucher used as an expenditure under section 315(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(d)).

"(2) EXCHANGE WITH POLITICAL PARTY COMMITTEE.—

"(A) IN GENERAL.—An individual who receives a voucher under this section may transfer the right to use all or a portion of the value of the voucher to a committee of the political party of which the individual is a candidate in exchange for money in an amount equal to the cash value of the voucher or portion exchanged.

"(B) CONTINUATION OF CANDIDATE OBLIGATIONS.—The transfer of a voucher, in whole or in part, to a political party committee under this paragraph does not release the candidate from any obligation under the agreement made under subsection (b)(2) or otherwise modify that agreement or its application to that candidate.

"(C) PARTY COMMITTEE OBLIGATIONS.—Any political party committee to which a voucher or portion thereof is transferred under subparagraph (A)—

"(i) shall account fully, in accordance with such requirements as the Commission may establish, for the receipt of the voucher; and

"(ii) may not use the transferred voucher or portion thereof for any purpose other than a purpose described in paragraph (1)(B).

"(D) VOUCHER AS A CONTRIBUTION UNDER FECA.—If a candidate transfers a voucher or any portion thereof to a political party committee under subparagraph (A)—

"(i) the value of the voucher or portion thereof transferred shall be treated as a contribution from the candidate to the committee, and from the committee to the candidate, for purposes of sections 302 and 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 432 and 434);

"(ii) the committee may, in exchange, provide to the candidate only funds subject to the prohibitions, limitations, and reporting requirements of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

"(iii) the amount, if identified as a 'voucher exchange' shall not be considered a contribution for the purposes of sections 315 or 506 of that Act.

"(e) VALUE; ACCEPTANCE; REDEMPTION.—

"(1) VOUCHER.—Each voucher disbursed by the Commission under this section shall have a value in dollars, redeemable upon presentation to the Commission, together with such documentation and other information as the Commission may require, for the purchase of broadcast airtime for political advertisements in accordance with this section.

"(2) ACCEPTANCE.—A broadcasting station shall accept vouchers in payment for the purchase of broadcast airtime for political advertisements in accordance with this section.

"(3) REDEMPTION.—The Commission shall redeem vouchers accepted by broadcasting stations under paragraph (2) upon presentation, subject to such documentation, verification, accounting, and application requirements as the Commission may impose to ensure the accuracy and integrity of the voucher redemption system. The Commission shall use amounts in the Political Advertising Voucher Account established under subsection (f) to redeem vouchers presented under this subsection.

"(4) EXPIRATION.—

"(A) CANDIDATES.—A voucher may only be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on the day before the date of the Federal election in connection with which it was issued and shall be null and void for any other use or purpose.

"(B) EXCEPTION FOR POLITICAL PARTY COMMITTEES.—A voucher held by a political party committee may be used to pay for broadcast airtime for political advertisements to be broadcast before midnight on December 31st of the odd-numbered year following the year in which the voucher was issued by the Commission.

"(5) VOUCHER AS EXPENDITURE UNDER FECA.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), for purposes of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), the use of a voucher to purchase broadcast airtime constitutes an expenditure as defined in section 301(9)(A) of that Act (2 U.S.C. 431(9)(A)).

"(B) PARTICIPATING CANDIDATES.—The use of a voucher to purchase broadcast airtime by a participating candidate shall not constitute an expenditure for purposes of section 506 of such Act.

"(f) POLITICAL ADVERTISING VOUCHER ACCOUNT.—

"(1) IN GENERAL.—The Commission shall establish an account to be known as the Political Advertising Voucher Account, which shall be credited with commercial television and radio spectrum use fees assessed under this subsection, together with any amounts repaid or otherwise reimbursed under this section or section 508(b)(2)(B) of the Federal Election Campaign Act of 1971.

"(2) SPECTRUM USE FEE.—

"(A) IN GENERAL.—The Commission shall assess, and collect annually, from each broadcast station, a spectrum use fee in an amount equal to 2 percent of each broadcasting station's gross advertising revenues for such year.

"(B) AVAILABILITY.—

"(i) IN GENERAL.—Any amount assessed and collected under this paragraph shall be used by the Commission as an offsetting collection for the purposes of making disbursements under this section, except that—

"(I) the salaries and expenses account of the Commission shall be credited with such sums as are necessary from those amounts for the costs of developing and implementing the program established by this section; and

"(II) the Commission may reimburse the Federal Election Commission for any expenses incurred by the Commission under this section.

"(ii) DEPOSIT OF EXCESS FEES INTO SENATE FAIR ELECTIONS FUND.—If the amount assessed and collected under this paragraph for years in any election period exceeds the amount necessary for making disbursements under this section for such election period, the Commission shall deposit such excess in the Senate Fair Elections Fund.

"(C) FEE DOES NOT APPLY TO PUBLIC BROADCASTING STATIONS.—Subparagraph (A) does not apply to a public telecommunications entity (as defined in section 397(12) of this Act).

"(3) ADMINISTRATIVE PROVISIONS.—Except as otherwise provided in this subsection, section 9 of this Act applies to the assessment and collection of fees under this subsection to the same extent as if those fees were regulatory fees imposed under section 9.

"(g) DEFINITIONS.—In this section:

"(1) BROADCASTING STATION.—The term 'broadcasting station' has the meaning given that term by section 315(f)(1) of this Act.

"(2) FEDERAL ELECTION.—The term 'Federal election' means any regularly-scheduled, primary, runoff, or special election held to nominate or elect a candidate to Federal office.

"(3) FEDERAL OFFICE.—The term 'Federal office' has the meaning given that term by section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)).

"(4) POLITICAL PARTY.—The term 'political party' means a major party or a minor party as defined in section 9002(3) or (4) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(3) or (4)).

"(5) OTHER TERMS.—Except as otherwise provided in this section, any term used in this section that is defined in section 301 or 501 of the Federal Election Campaign of 1971 (2 U.S.C. 431) has the meaning given that term by either such section of that Act.

"(h) REGULATIONS.—The Commission shall prescribe such regulations as may be necessary to carry out the provisions of this section. In developing the regulations, the Commission shall consult with the Federal Election Commission.".

SEC. 203. FCC TO PRESCRIBE STANDARDIZED FORM FOR REPORTING CANDIDATE CAMPAIGN ADS.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall initiate a rulemaking proceeding to establish a standardized form to be used by broadcasting stations, as defined in section 315(f)(1) of the Communications Act of 1934 (47 U.S.C. 315(f)(1)), to record and report the purchase of advertising time by or on behalf of a candidate for nomination for election, or for election, to Federal elective office.

(b) CONTENTS.—The form prescribed by the Commission under subsection (a) shall require, broadcasting stations to report, at a minimum—

(1) the station call letters and mailing address;

(2) the name and telephone number of the station's sales manager (or individual with responsibility for advertising sales);

(3) the name of the candidate who purchased the advertising time, or on whose behalf the advertising time was purchased, and the Federal elective office for which he or she is a candidate;

(4) the name, mailing address, and telephone number of the person responsible for purchasing broadcast political advertising for the candidate;

(5) notation as to whether the purchase agreement for which the information is being reported is a draft or final version; and

(6) the following information about the advertisement:

(A) The date and time of the broadcast.

(B) The program in which the advertisement was broadcast.

(C) The length of the broadcast airtime.

(c) INTERNET ACCESS.—In its rulemaking under subsection (a), the Commission shall require any broadcasting station required to file a report under this section that maintains an Internet website to make available a link to such reports on that website.

SEC. 204. LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

(a) IN GENERAL.—Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A)(i) Except as provided in clause (ii), Member of Congress or a Congressional Committee or Subcommittee of which such Member is Chairman or Ranking Member shall not mail any mass mailing as franked mail during the period which begins 90 days before date of the primary election and ends on the date of the general election with respect to any Federal office which such Member holds, unless the Member has made a public announcement that the Member will not be a candidate for reelection to such office in that year.

"(ii) A Member of Congress or a Congressional Committee or Subcommittee of which such Member is Chairman or Ranking Member may mail a mass mailing as franked mail if—

"(I) the purpose of the mailing is to communicate information about a public meeting; and

"(II) the content of the mailed matter includes only the name of the Member, Committee, or Subcommittee, as appropriate, and the date, time, and place of the public meeting.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3210(a)(6) of title 39, United States Code, is amended by striking subparagraph (B) and by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively.

(2) Section 3210(a)(6)(E) of title 39, United States Code, as redesignated by paragraph (1), is amended by striking "subparagraphs (A) and (C)" and inserting "subparagraphs (A) and (B)".

TITLE III—RESPONSIBILITIES OF THE FEDERAL ELECTION COMMISSION

SEC. 301. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d(a)(6)) is amended by inserting "(including a proceeding before the Supreme Court on certiorari)" after "appeal".

SEC. 302. FILING BY SENATE CANDIDATES WITH COMMISSION.

Section 302(g) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(g)) is amended to read as follows:

"(g) FILING WITH THE COMMISSION.—All designations, statements, and reports required to be filed under this Act shall be filed with the Commission.".

SEC. 303. ELECTRONIC FILING OF FEC REPORTS.

Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)) is amended—

(1) in subparagraph (A), by striking "under this Act—" and all that follows and inserting "under this Act shall be required to maintain and file such designation, statement, or

report in electronic form accessible by computers.";

(2) in subparagraph (B), by striking "48 hours" and all that follows through "filed electronically)" and inserting "24 hours"; and

(3) by striking subparagraph (D).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. SEVERABILITY.

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.

SEC. 402. REVIEW OF CONSTITUTIONAL ISSUES.

An appeal may be taken directly to the Supreme Court of the United States from any final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided for in this Act, this Act and the amendments made by this Act shall take effect on January 1, 2008.

By Mr. SMITH (for himself, Mr. CONRAD, Mr. KERRY, Mr. BINGAMAN, and Ms. SNOWE):

S. 1288. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase the retirement security of women and small business owners, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am introducing the Women's Retirement Security Act of 2007. This measure has the potential to make a significantly positive impact on the ability of Americans to save for their retirement years. This is a truly bi-partisan bill and I am pleased to be joined today in introducing this important legislation with Senators CONRAD, KERRY, BINGAMAN and SNOWE.

Preparing for retirement and achieving financial security are daunting tasks for all Americans; however, women face many unique challenges. Women are more likely to work part-time or work in industries where employers are less likely to offer retirement benefits. And many women have significant gaps in their work histories due to caring for children or elderly parents.

As a result, women receive substantially less income during retirement than men. What makes this trend even more disturbing is the fact that women generally live longer. So if anything, women should be entering retirement with more income.

The Women's Retirement Security Act of 2007 works to narrow the retirement income gap between men and women. For example, because women are more likely than men to work part-time, the bill will require employers to allow long-term, part-time employees to make elective deferrals to their 401(k) plans. In addition, the bill expands the Saver's Credit, which is a tax credit for certain low and moderate-income individuals, so that more Americans will benefit.

The bill also creates automatic IRAs. Over 75 million Americans work for an employer that does not sponsor a retirement plan. This is almost half of all working Americans. The Women's Retirement Security Act will allow those employees not covered by a qualified retirement plan to save for retirement through automatic payroll deposits to IRAs. Under the bill, employers with more than 10 employees that don't sponsor a retirement plan would be required to offer an option for their employees to make regular payroll deposits to IRAs. This concept is very similar to direct deposit of paychecks to employees' bank accounts, which many employers already do.

Another key component provides incentives for lifetime payments. Since women generally live longer than men, they must be particularly concerned with protecting against the risk of exhausting their retirement income. Life annuities help ensure that older Americans will not outlive their retirement savings, adding stability and security in retirement years. The Women's Retirement Security Act encourages annuitization by allowing individuals to exclude from taxation a portion of payments from qualified or nonqualified annuities that last a lifetime.

I look forward to working with my colleagues to narrow the pension gap between men and women by enacting the important reforms in this legislation.

I ask unanimous consent that a copy of this legislation be printed in the RECORD. I also ask unanimous consent that my statement be included in the RECORD next to the bill.

Thank you.

Mr. KERRY. Mr. President, I am pleased to join my colleagues Senators SMITH, CONRAD, SNOWE, and BINGAMAN in introducing the Women's Retirement Security Act of 2007. This legislation comes on the heels of the passage of the Pension Protection Act of 2006, which makes improvements to the defined benefit pension plan system.

The legislation that we are introducing today builds upon that legislation and focuses on defined contribution plans. Our pension system has shifted away from defined benefit plans to defined contribution plans. We should make it easier for employers to offer defined contribution plans and for individuals to participate in these plans.

At a time when we have a negative savings rate that is the lowest since the Great Depression, we should provide appropriate incentives to help individuals save for retirement. In an effort to achieve this, the Women's Retirement Security Act of 2007 focuses on increasing retirement savings, the preservation of income, equity in divorce, improving financial literacy, and encouraging small businesses to enter and remain in the employer retirement plan system.

This legislation increases savings by allowing employees to contribute a portion of their paycheck to an individual retirement account (IRA) if their employer does not offer a pension plan. Automatic IRAs will help the 71 million workers that do not have employer-sponsored plans. It is a low-cost, sensible solution that provides a stepping stone toward employer-sponsored retirement plans. More workers are likely to contribute to an IRA if the contribution is deducted from their payroll. Automatic IRAs will help combat the inertia that is a factor in our low savings rate. The bill also provides a tax credit to help small businesses with the cost of implementation.

The Pension Protection Act of 2006 increase made the tax credit for contributions to qualified pension plans permanent, commonly referred to as the saver's credit, permanent. Our legislation builds upon this provision by making this credit refundable and making it 50 percent of the contribution for all eligible taxpayers. The annual contribution eligible for this credit is $2,000. In 2005, five million households benefited from this provision. These changes will help many more benefit from this important credit. Making the credit refundable will help those who are struggling and do not have enough income to save.

Women are often placed at a disadvantage in our retirement system because they cycle in and out of the work force. The Women's Retirement Security Act of 2007 addresses this issue by requiring employers that offer defined contribution plans to cover part-time employees that meet specific requirements.

Pension coverage needs to improve, particularly for small businesses. In 2004, only 26 percent of workers at firms with fewer than 25 employees participated in pension plans. Progress has been made on providing coverage to small businesses. Currently, more than 19 million workers are covered by small business retirement plans, but more than 36 million Americans work for firms with less than 25 employees.

The Women's Retirement Security Act of 2007 provides a start-up credit for new small business retirement contributions. In addition, it removes rules that discourage small employers from adopting deferral only plans.

I look forward to continuing to work with my colleagues to help improve the retirement of mothers, sisters, daughters, and wives. We should work together to provide incentives that encourage participation in retirement plans and remove barriers preventing employers from offering them.

Thank you.

By Mr. CRAIG:

S. 1289. A bill to amend title 38, United States Code, to modify the salary and terms of judges of the United States Court of Appeals for Veterans Claims, to modify authorities for the recall of retired judges of such court, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on a bill I am introducing to help ensure the long-term ability of the United States Court of Appeals for Veterans Claims to promptly dispense justice in all veterans cases.

In 1988, Congress created this court to hear appeals from decisions of the Department of Veterans Affairs, most commonly on veterans' claims for disability compensation based on injuries or diseases they suffered during service. As was discussed at a hearing I called last year while serving as chairman of the Committee on Veterans' Affairs, the CAVC is facing some serious challenges, which may impede its ability to consistently provide timely decisions to our Nation's veterans.

In fact, between 2004 and 2006 the court experienced something akin to a "perfect storm." The last four of the original judges, who were appointed when the court was created, all retired, taking 60 years of experience with them; the court's incoming caseload experienced a dramatic 67-percent increase; and the court was left with a single judge who had at least 2 years of experience deciding these often complex cases. As a consequence, the court received 30 percent more cases than it decided during that time and the number of pending cases doubled in less than 2 years. With over 6,000 cases still pending, almost 4,000 more than a decade ago, and with the court continuing to receive record levels of incoming cases, veterans seeking justice from the court may feel the effects of this "perfect storm" for many years to come, as the court struggles to eliminate the existing backlog and to keep up with new appeals.

For the men and women who have served, sacrificed, and suffered for our Nation, I believe we must take steps to ensure that they will receive timely decisions on their appeals, not just today but for many years to come. That is why I am introducing this bill to help the court deal with its existing caseload and to help ensure that, in the long term, the court will not face such a devastating combination of events.

As one means of helping with the current caseload, the bill would modify the rules that govern the recall of retired judges. Under current law, a retiring judge may opt to be recall eligible, which means the judge may be involuntarily called back to work for up to 90 days per year when needed and may voluntarily serve up to 180 days per year. For this court, like other Federal courts, the option of receiving help from retired judges can be an extremely important resource. In fact, last year, after the court began recalling retired judges to help with its caseload, the court's productivity rose over 19 percent in 3 months.

In view of the obvious value of having experienced retired judges continue to decide veterans' cases and the fact that they currently receive the same salary as active judges regardless of how much, if any, service they provide in a year, it would be a win-win situation for veterans, the court, and taxpayers if a retired judge opted to return to the bench more frequently or for longer periods than current law permits. To allow for that possibility, the bill would eliminate the 180-day cap and permit a retired judge to voluntarily serve in recall status as many days during a year as he or she wishes.

Also, because the court may need an unprecedented level of service from retired judges in the next several years to help deal with its caseload, the bill would provide an incentive for the current complement of recall-eligible judges to provide as much service as practical during that time. Specifically, the bill would provide that, once a recall-eligible judge has served an aggregate of 5 years of recall service, the judge will no longer be subject to involuntarily recall and will continue to receive the same salary, that of an active judge.

To put that into perspective, if a retired judge were to be recalled for 90 days each year, as current law permits, it would take 20 years to provide the equivalent of 5 years of recall service. In addition to allowing judges to accelerate their service into fewer years, at a time when it may be most beneficial to veterans, this change may also encourage retired judges to serve in recall status for longer periods of time. This should help minimize concerns expressed by the Chief Judge in recent years about how much retired judges would be able to accomplish in the limited 90 day recall period. With these changes, the court should have the judicial resources it needs to handle its caseload in the near term.

In addition, this bill would take steps to ensure that the court, in the long run, is not faced with a difficult transition like the one it experienced in recent years. By way of background, the original judges, except for one who died, all retired between 2000 and 2005, with four of those retirements occurring within a single 12-month period. Given the delays inherent in the appointment and confirmation process, this left the CAVC without a full complement of active judges for much of that 5-year period. As the Chief Judge testified in 2006, functioning with less than seven judges "led to a backlog" of cases at the court.

Perhaps more significantly, this cluster of retirements meant that, as of August 2005, the court had only one judge, the new Chief Judge, who had at least 2 years of experience on the bench. In the words of that Chief Judge, "no other Federal court would be faced with the transition that we were faced with as of August 2005. Where else in the Federal judiciary system could I, the junior judge . . . suddenly become the senior judge, and have all of the experience of the court departing?" The Chief Judge also opined that "[t]his turnover on the Court has had great significance, particularly in the short term, on the Court's case management."

The effects of this turnover may have been magnified by the fact that this court deals with a very specialized area of law, which by all accounts has become increasingly complex in recent years. In fact, the Veterans of Foreign Wars of the United States recently described veterans' law as "a complex thicket of court decisions and statutory requirements."

To further complicate the situation, the court experienced a dramatic rise in the number of incoming cases in recent years. In fact, in 2005 the court received 37 percent more cases than it had received in any prior year and, then, in 2006 the court received an even higher level of incoming cases. As I indicated earlier, the combined effect of these factors led the court to be "in the red" for several years, taking in almost 3,000 more cases than it decided.

Although some factors that have contributed to the court's challenges cannot be controlled, it seems clear that multiple retirements of experienced judges within a relatively short period of time can have a profound impact on the court's ability to decide veterans' cases. It is worth noting that Congress previously attempted to stagger the retirement dates of the judges by temporarily expanding the size of the court and by shortening the length of two judges' terms. Despite those efforts, it is possible that 6 of the 7 judges now on the bench will retire within a 4-year window, an even shorter period than the disruptive turnover between 2000 and 2005.

That is why I believe we need to try a completely new approach to help ensure that experienced judges will stay on the bench for as long as practicable and will not retire in clusters as their terms expire. To that end, this bill would eliminate the term limits for any new judges appointed to the court and would provide those judges with full pay-of-the-office only when serving as an active judge or when providing service as a recalled retired judge. The combined effect of those provisions should encourage judges to stay on the bench longer before they retire and to regularly volunteer for recall service after they retire.

Yes, this represents a significant departure from the traditional model for article I courts. But as experience has shown, the current model is not adequate to consistently provide veterans with timely decisions on their claims and we simply cannot allow further disruptions in service to our Nation's heroes each time the court turns over. Once judges gain years of valuable experience in this complex, specialized area of law, we should not force them, and their experience, into retirement. Rather, we should take steps, as this bill would do, to permit veterans and the court to receive the maximum possible benefit from their years on the bench.

To avoid "changing the rules" on those judges who have already been appointed and confirmed, these changes would be prospective, applying only to judges appointed to the court on or after the date of enactment of this bill. In the meantime, I hope the changes to the current recall provisions that I mentioned earlier will help avoid a difficult transition when the current sitting judges retire.

In addition to these changes to the term limits and recall rules, the bill would require the Chief Judge, in conjunction with the court's stakeholders, to set guidelines for when recall would be appropriate, taking into account such factors as the number of active judges, temporary or prolonged increases or decreases in caseload, and the complexity of the caseload. It would also require the court to submit annual performance reports to Congress including information on the court's workload during the prior year, as well as an analysis of whether the standards for recalling judges were met and what service, if any, was performed by retired judges. Such guidelines should aid the court, retired judges, and Congress in planning for periods when recall will likely be used and when it will not.

More importantly, the number of recall-eligible judges and their level of activity are important factors that must be considered in determining whether the court has sufficient judicial resources. If current caseload trends continue and the court, even fully utilizing the services of recalled judges, is unable to provide veterans with the level of service they deserve, the addition of judgeships may need to be considered. These guidelines and reports will allow Congress to closely monitor that situation to ensure that the court has the necessary capacity.

Finally, the bill would recognize the critical and increasingly demanding role of the Chief Judge by allowing the salary of the Chief Judge to be increased by $7,000 per year, and the bill would direct the General Services Administration to provide Congress with a report as to the feasibility and desirability of converting the court's current location into a dedicated Veterans Courthouse and Justice Center.

It is my sincere hope that the fundamental changes in this bill will help ensure that the Court of Appeals for Veterans Claims is able to consistently provide veterans with timely decisions, now and for many years to come. I ask my colleagues to support this legislation.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Justice Assurance Act of 2007".

SEC. 2. REPEAL OF TERM LIMITS FOR JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Section 7253(c) of title 38, United States Code, is amended to read as follows:

"(c) TERM OF OFFICE.—(1) Except as provided in paragraph (2), judges of the Court shall hold office during good behavior.

"(2) In the case of an individual who is serving a term of office as a judge of the Court on the date of the enactment of the Veterans' Justice Assurance Act of 2007, such term shall be 15 years. A judge who is nominated by the President for appointment to an additional term on the Court without a break in service and whose term of office expires while that nomination is pending before the Senate may continue in office for up to 1 year while that nomination is pending.".

(b) CONFORMING AMENDMENT.—Section 7296(b)(2) of such title is amended by striking "A judge who" and inserting "A judge who was appointed before the date of the enactment of the Veterans' Justice Assurance Act of 2007 and who".

SEC. 3. INCREASED SALARY FOR CHIEF JUDGE OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7253(e) of title 38, United States Code, is amended—

(1) by inserting "(1)" before "Each judge"; and

(2) by adding at the end the following new paragraph:

"(2) The annual salary rate under paragraph (1) for a judge shall be increased by $7,000 during any period that such judge is serving as chief judge of the Court.".

SEC. 4. PROVISIONS RELATING TO RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) ELIMINATION OF LIMIT ON SERVICE OF RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) of title 38, United States Code, is amended by striking "or for more than a total of 180 days (or the equivalent) during any calendar year".

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIODS OF RECALL.—

(1) IN GENERAL.—Section 7296(c) of such title is amended by striking paragraph (1) and inserting the following:

"(1)(A) Except as provided in subparagraph (B), in the case of a judge who retires under subsection (b) of this section and elects under subsection (d) of this section to receive retired pay under this subsection, the retired pay of the judge shall (except as provided in paragraph (2) of this subsection and section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement (disregarding any increase in salary provided in accordance with section 7253(e)(2) of this title).

"(B) A judge who was appointed before the date of the enactment of the Veterans' Justice Assurance Act of 2007 and who retires under subsection (b) of this section and elects under subsection (d) of this section to receive retired pay under this subsection shall (except as provided in paragraph (2) of this subsection) receive retired pay as follows:

"(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

"(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

"(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.".

(2) PAY DURING PERIOD OF RECALL.—Section 7257(d) of such title is amended to read as follows:

"(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

"(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.".

(3) NOTICE.—The last sentence of section 7257(a)(1) of such title is amended to read as follows: "Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.".

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) of such title is amended by adding at the end the following new sentence: "This paragraph shall not apply to—

"(A) a judge to whom section 7296(c)(1)(A) of this title applies; or

"(B) a judge to whom section 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years (or the equivalent) of recalled service on the Court under this section.".

(d) ESTABLISHMENT OF CASELOAD THRESHOLDS FOR DETERMINING WHEN TO RECALL RETIRED JUDGES.—Section 7257(b) of such title is amended by adding at the end the following new paragraph:

"(5) For purposes of paragraph (1), the chief judge shall establish guidelines for determining whether recall-eligible retired judges should be recalled on either a voluntary or involuntary basis, taking into account such factors as the number of active judges, temporary or prolonged increases or decreases in caseload, and the complexity of the caseload. In establishing such guidelines, the chief judge shall, to the extent practicable, consult with the following:

"(A) Organizations recognized by the Secretary for the representation of veterans under section 5902 of this title.

"(B) The bar association of the Court.

"(C) The Secretary.

"(D) Such persons or entities the chief judge considers appropriate.".

SEC. 5. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) of title 38, United States Code, is amended—

(1) in the first sentence, by inserting "reasonable" after "impose a";

(2) in the second sentence, by striking ", except that such amount may not exceed $30 per year"; and

(3) in the third sentence, by inserting "reasonable" after "impose a".

SEC. 6. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7288. Annual report

"(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

"(1) The number of appeals filed.

"(2) The number of petitions filed.

"(3) The number of applications filed under section 2412 of title 28.

"(4) The number and type of dispositions.

"(5) The median time from filing to disposition.

"(6) The number of oral arguments.

"(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

"(8) A summary of any service performed by recalled retired judges during the fiscal year and an analysis of whether any of the caseload guidelines established under section 7257(b)(5) of this title were met during the fiscal year.

"(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 of such title is amended by inserting after the item related to section 7287, the following new item:

"7288. Annual report.".

SEC. 7. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress finds the following:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the "most cost-effective alternative appears to be leasing substantial additional space in the current location", which would "require relocating other current government tenants" from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should taken to convert the building into a Veterans Courthouse and Justice Center and a time line for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

By Mr. CRAIG:

S. 1290. A bill to amend title 38, United States Code, to provide additional discretion to the Secretary of Veterans Affairs in contracting with State approving agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on a bill I am introducing to ensure that veterans and their families have access to educational assistance benefits unimpeded by layers of bureaucracy and inflexible legal requirements.

Each year, the Department of Veterans Affairs provides educational assistance benefits to veterans, servicemembers, reservists, and their families to pursue a wide array of educational opportunities, including traditional college degrees, vocational training, apprenticeships, and on-the-job training programs. VA contracts with entities called "State approving agencies," SAAs, to assess whether schools and training programs are of sufficient quality for individuals to receive VA education benefits while pursuing their programs. That SAA approval process was originally instituted after World War II to help stem abuses of veterans' education benefits, such as scam vocational and business schools profiting from those education benefits and then not providing veterans with an education of any value.

Today, unlike 60 years ago, schools and educational programs of all types may be scrutinized by a number of different entities, including the Department of Education, the Department of Labor, various national and regional accrediting bodies, and state licensing agencies. In fact, in 1995 the Government Accountability Office found that a substantial portion of the approval activities performed by SAAs overlapped with work done by others. Several years later, the Commission on Servicemembers and Veterans Transition Assistance concluded that veterans should be "the primary judge of the appropriateness of accredited courses to their plans for the future" and that "[a]pproval of institutions accredited by accrediting bodies recognized by the Department of Education should suffice for veterans' training approval."

In the years since those findings, Congress has altered the responsibilities of SAAs by requiring them to perform additional functions, such as promoting the development of apprenticeships and on-the-job training programs, conducting outreach services, and approving licensing tests. However, the traditional approval functions performed by SAAs, which are specifically required by statute, have not been significantly modified.

Last year, in order to assess whether veterans face unnecessary or inefficient barriers in accessing VA education benefits under the current system, I asked GAO to evaluate the extent to which SAA approval activities currently overlap with functions performed by the Departments of Labor and Education and what value is added by the services performed by SAAs. Let me give you a few examples of GAO's recent findings:

> Many education and training programs approved by SAAs have also been approved by the Departments of Education or Labor and VA and SAAs have taken few steps to coordinate approval activities with those Departments.
>
> To streamline approval processes, VA should collaborate with other agencies but,

> according to VA, that may be difficult because of the specific approval requirements in law.
>
> VA does not require SAAs to track the amount of resources they spend on specific duties and functions, including those that may be performed by other agencies, and thus does not have all relevant information to make resource allocation decisions or to determine whether it is spending federal funds efficiently and effectively.
>
> It is difficult to assess the effectiveness and progress of SAAs because VA does not have outcome-oriented performance measures in place to fully evaluate their performance.

Although I have no doubts about the dedication and sincerity of SAA personnel in the field, I believe GAO's findings demonstrate that we do not have a systematic or objective way to determine whether the current mix of services provided by SAAs, which are mandated by statute, are either necessary or beneficial to the veterans and their families who participate in VA's education programs. That is why I believe we should overhaul the entire statutory scheme regarding SAAs, as this bill would do, to help eliminate redundant administrative procedures, increase VA's flexibility in determining the nature and extent of services that should be performed by SAAs, and improve accountability for any activities they undertake.

Specifically, this bill would strike statutory provisions that mandate what activities SAAs must perform, how those functions must be carried out, and how VA must pay for them. Instead, VA would have authority to contract with SAAs for services that it deems valuable and to determine how those services should be performed, evaluated, and compensated. The bill would also require VA to coordinate approval activities performed by State approving agencies, the Department of Labor, the Department of Education, and other entities to reduce overlapping and unnecessary layers of bureaucracy. To ensure that VA, Congress, and other stakeholders will be able to objectively assess the effectiveness of any functions performed by SAAs, VA would be required to establish outcome-oriented performance measures and SAAs would be required to track and report information on the resources expended on all activities they perform.

Finally, the bill includes a provision, similar to legislation that the Senate passed last year, that would provide a $19 million spending authorization for SAAs effective at the start of the upcoming fiscal year and would allow, for the first time, SAA funding to be drawn from both mandatory spending accounts and discretionary accounts. By way of background, since 1988 VA payment for the services of SAAs has been made only out of funds available for "readjustment benefits", a VA account funded through mandatory appropriations, and has been subject to annual funding caps.

For the current fiscal year, SAA funding from this entitlement account is capped at $19 million, but under current law there will be a $6 million reduction in authorized spending, to $13 million, for every fiscal year thereafter. Although the provisions of this bill would maintain a $19 million funding level in future years, it is important to note that that level is a ceiling, not a floor. As with any private-sector business or good-government business model, budgeting and funding decisions should be linked to performance and VA should contract only for those services that are necessary and valuable.

In sum, this bill would provide VA with the flexibility to streamline approval processes, eliminate redundant bureaucratic procedures, focus resources on services that will meet the current needs of education program participants, and ensure that veterans and their families will not confront layers of bureaucracy and inflexible legal requirements in accessing their educational assistance benefits. I ask my colleagues to support this measure.

I also ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF AUTHORITIES FOR STATE APPROVING AGENCIES.

(a) TECHNICAL AMENDMENT TO SCOPE OF APPROVAL.—Section 3670 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a)".

(b) MODIFICATION OF PROVISIONS RELATING TO APPROVAL OF COURSES.—

(1) MODIFICATION OF REQUIREMENT THAT STANDARDS FOR PROGRAMS OF APPRENTICESHIP BE APPROVED UNDER THE NATIONAL APPRENTICESHIP ACT.—Subsection (c)(1)(A) of section 3672 of such title is amended by striking "pursuant to section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a),".

(2) MODIFICATION OF REQUIREMENT TO PROMOTE DEVELOPMENT OF APPRENTICESHIP PROGRAMS.—Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) by striking "and State approving agencies"; and

(ii) by striking "shall utilize the services of" and inserting "may utilize the services of State approving agencies and"; and

(B) in paragraph (2), by striking "shall" and inserting "may".

(3) MODIFICATION OF REQUIREMENTS RELATING TO APPROVAL OF PROGRAM OF EDUCATION EXCLUSIVELY BY CORRESPONDENCE.—Subsection (e) of such section is amended by striking "only if" and all that follows through the period and inserting "under such criteria as the Secretary prescribes pursuant to section 3675.".

(c) RESTATEMENT OF REQUIREMENT FOR COORDINATION OF APPROVAL ACTIVITIES.—

(1) IN GENERAL.—Subsection (a) of section 3673 of such title is amended to read as follows:

"(a) IN GENERAL.—The Secretary shall take appropriate measures to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities to reduce overlap and improve efficiency with respect to the activities.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b), by inserting "FURNISHING MATERIALS.—" before "The Secretary"; and

(B) in the heading by striking "**Cooperation**" and inserting "**Coordination of approval activities**".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3673 and inserting the following:

"3673. Coordination of approval activities.".

(d) ADDITIONAL DISCRETION FOR THE SECRETARY OF VETERANS AFFAIRS FOR REIMBURSING STATE APPROVING AGENCIES FOR EXPENSES.—Section 3674 of such title is amended to read as follows:

"§ 3674. Reimbursement of expenses

"(a) IN GENERAL.—(1) Subject to subsections (b) and (c), the Secretary is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies and an allowance for administrative expenses in accordance with such criteria as the Secretary determines appropriate for activities performed pursuant to this chapter for purposes of chapters 30 through 35 of this title and chapters 1606 and 1607 of title 10.

"(2) Each such contract or agreement shall be conditioned upon such terms and conditions as the Secretary determines appropriate for services performed pursuant to this chapter, including the condition that the State approving agency shall collect and report annually to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives information on—

"(A) the amount of resources expended on such services performed pursuant to that contract; and

"(B) the qualification and performance standards for State approving agency personnel responsible for such services.

"(b) SOURCE OF PAYMENTS.—Subject to subsection (c), the Secretary shall make payments authorized under subsection (a) to State and local agencies first out of amounts available for the payment of readjustment benefits and then from other amounts made available to make the payments.

"(c) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—(1) The total amount authorized and available under this section for any fiscal year may not exceed $19,000,000, except that the total amount made available for purposes of this section from amounts available for the payment of readjustment benefits may not exceed the following:

"(A) $19,000,000 for fiscal year 2007.

"(B) $13,000,000 for fiscal year 2008, and each subsequent fiscal year.

"(2) For any fiscal year in which the total amount that would be made available under this section would exceed the amount applicable to that fiscal year under paragraph (1) except for the provisions of this subsection, the Secretary shall provide that each agency shall receive the same percentage of the amount applicable to that fiscal year under paragraph (1) as the agency would have received of the total amount that would have been made available without the limitation of this subsection.".

(e) EVALUATIONS OF AGENCY PERFORMANCE; QUALIFICATIONS AND PERFORMANCE OF AGENCY PERSONNEL.—Section 3674A of such title is amended—

(1) by striking subsection (b);

(2) in subsection (a), by striking "(a)";

(3) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(4) by inserting before paragraph (2), as redesignated by paragraph (3) of this subsection, the following new paragraph (1):

"(1) establish performance measures—

"(A) to assess the effectiveness of all services for which a State approving agency is reimbursed pursuant to section 3674 of this title that are based on the outcomes of the services; and

"(B) to assess the effectiveness of the State approving agency in coordinating with other entities, including the Department of Labor and the Department of Education, to reduce overlap and improve efficiency in approval activities;";

(5) by amending paragraph (2), as redesignated by paragraph (3) of this subsection, to read as follows:

"(2) conduct an annual evaluation of each State approving agency on the basis of the performance measures established under paragraph (1);"; and

(6) in paragraph (3), as redesignated by paragraph (3) of this subsection, by striking "under paragraph (1)" and inserting "under paragraph (2)".

(f) APPROVAL OF COURSES.—

(1) IN GENERAL.—Section 3675 of such title is amended to read as follows:

"§ 3675. Approval of courses

"(a) STANDARDS.—The Secretary shall establish standards of approval for accredited and nonaccredited courses offered by an educational institution that the Secretary determines are necessary to carry out the provisions of this chapter. Such standards shall be based on the following, as appropriate:

"(1) Student achievement.

"(2) Curricula, program objectives, and faculty.

"(3) Facilities, equipment, and supplies.

"(4) Institutional objectives, capacity, and administration.

"(5) Student support services.

"(6) Recruiting and admissions practices.

"(7) Record of student complaints.

"(8) Process related requirements, such as application requirements.

"(9) Such other criteria as the Secretary considers appropriate.

"(b) APPROVAL.—A State approving agency may approve courses offered by an educational institution when the standards established under subsection (a) have been satisfied by such educational institution. In performing such approval function, the State approving agency may, to the extent permitted by the Secretary, rely upon determinations made by other entities, including the Department of Labor and the Department of Education.

"(c) DISAPPROVAL.—Approval granted under this section may be revoked by the Secretary or a State approving agency under conditions established by the Secretary.".

(2) CONFORMING AMENDMENT.—Section 3452(h) of such title is amended by striking "an entrepreneurship course (as defined in section 3675(c)(2) of this title)" and inserting "a non-degree, non-credit course of business education that enables or assists a person to start or enhance a small business concern (as defined pursuant to section 3(a) of the Small Business Act (15 U.S.C. 362(a)))".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item related to section 3675 and inserting the following new item:

"3675. Approval of courses.".

(g) MODIFICATION OF PROVISIONS RELATING TO APPROVAL OF NONACCREDITED COURSES.—

(1) IN GENERAL.—Section 3676 of such title is repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 3677 of such title is redesignated as section 3676.

(B) Section 3672(d)(1) of such title is amended by striking "sections 3677" and inserting "sections 3676".

(C) Section 3687(a)(2) of such title is amended by striking "section 3677" and inserting "section 3676".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3676 and inserting the following:

"3676. Approval of training on the job.".

(h) NOTICE OF APPROVAL.—

(1) IN GENERAL.—Section 3678 of such title is amended to read as follows:

"SEC. 3677. NOTICE OF DETERMINATIONS BY STATE APPROVING AGENCIES.

"A State approving agency shall provide to the Secretary, an educational institution, or such other entities as the Secretary considers appropriate such notification as the Secretary may consider necessary regarding determinations made by the State approving agency pursuant to section 3675 of this title.".

(2) CONFORMING AMENDMENT.—Section 3689(d) of such title is amended by striking "3678" and inserting "3677".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the items relating to section 3677 and 3678 and inserting the following:

"3677. Notice of determinations by State approving agencies.".

(i) MODIFICATION OF PROVISIONS RELATING TO DISAPPROVAL OF COURSES.—

(1) IN GENERAL.—Section 3679 of such title is repealed.

(2) CONFORMING AMENDMENT.—Section 3689(d) of such title is amended by striking "3679,".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3679.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this section.

By Mr. CRAIG:

S. 1293. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members and former members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition today to comment on a bill I am introducing to enhance educational assistance benefits provided to active duty servicemembers, veterans, members of the Guard and Reserve, and their survivors and dependents by the Department of Veterans Affairs, VA, and the Department of Defense.

In recent years, many veterans' organizations, members of Congress, and others have highlighted the need to modernize these education programs to support emerging and alternative education opportunities and to recognize that the role of Guard and Reserve members has been transformed since September 11, 2001. This bill would take significant steps in that direction by providing greater flexibility in the use of these education benefits, revising eligibility criteria to reflect current mobilization strategies for Guard and Reserve units, and enhancing the education program for our "citizen soldiers" who have been called up to serve in the war on terror.

First, this bill would provide veterans, Guard and Reserve members, and their spouses and dependents with additional flexibility in using existing education benefits. Traditionally, educational assistance benefits have been paid in equal monthly allotments throughout a semester or term. For veterans, the maximum basic rate is now $1,075 per month, which means a veteran may receive at least $9,675 over the course of an average school year and almost $39,000 during a 4-year college program.

This system works well for veterans attending a traditional four-year college. But, as the Commission on Servicemembers and Veterans Transition Assistance reported in 1999, the existing payment structure "constrains veterans and servicemembers desiring to enroll in short-term career-focused technical courses," a problem that is "especially acute if the cost of the course dramatically exceeds the benefits payable for the few months' duration of the course."

That is why in 2001 I cosponsored legislation to establish an "accelerated" payment option for veterans' education benefits. With that program now in place, a veteran may receive an upfront, lump-sum payment of up to 60 percent of the cost of certain high-tech, high-cost programs. Since that option was made available, many veterans have used that additional flexibility to train for jobs in high technology sectors of the economy, such as the computer and telecommunications industry, the aerospace industry, and the electronics industry.

Then last year, as chairman of the Committee on Veterans' Affairs, I supported legislation that would have expanded this option to allow accelerated payments for short-term, high-cost education programs leading to jobs in any high growth sectors of the economy. Although VA also supported that legislation, VA testified that "implementation would be challenging" and that "[i]t would be cleaner and more direct if the bill simply stated that all high-cost short-term courses were eligible for accelerated payments."

Having taken those concerns into account, this bill would allow veterans to receive accelerated payments for any short-term, high-cost education programs, and it would authorize VA to spend up to $3 million for those payments in each fiscal year from 2009 to 2012. Not only would this provide veterans with the flexibility to pursue nontraditional or technical educational opportunities, but it may help veterans quickly obtain job skills that currently are in high demand.

For example, the trucking industry is now experiencing a critical shortage of trained drivers, but the GI Bill, as currently structured, may pay only a fraction of the cost for a veteran to take the 6 to 8 week training course, about $2,000 of a total $6,000 bill. With the availability of accelerated payments for those and other short-term, high-cost training programs, veterans may be able to obtain the skills needed to thrive in sectors of the economy that, today, are growing rapidly and can provide them with lucrative, rewarding career opportunities.

In addition, the bill would, for the first time, provide Guard and Reserve members with the option of receiving accelerated payment of their education benefits. They, too, would be eligible to receive up-front, lump-sum payments of up to 60 percent of the cost of any short-term, high-cost education program. For fiscal years 2009 to 2012, the bill would authorize $2 million per year for the Montgomery GI bill, Selected Reserve program and $1 million per year for the smaller Reserve Educational Assistance Program to make these payments.

To ensure that the families of veterans also have flexibility in the use of their education benefits, the bill would extend the same accelerated payment option to participants in the Survivors' and Dependents' Educational Assistance program. It would authorize VA to spend up to $1 million per year for those payments in fiscal years 2009 to 2012.

The second principal goal of the bill is to update and enhance the education program for members of the Guard and Reserve who are called to active duty. In 2004, recognizing the increased sacrifices being made by our "citizen soldiers" who are fighting in the War on Terror, Congress created the Reserve Educational Assistance Program for Guard and Reserve members who are activated for at least 90 days after September 11, 2001. This program was a significant step in the right direction, providing a maximum benefit of $860 per month for 36 months, a total possible benefit of over $30,000.

However, the maximum monthly benefit requires a deployment of 2 continuous years or more of active duty, and the Secretary of Defense has recently announced that "from this point forward, members of the Reserves will be involuntarily mobilized for a maximum of one year at any one time, in contrast to the current practice of sixteen to twenty-four months." To bring those eligibility criteria in line with current practice, this bill would allow members of the Guard or Reserve to receive the maximum benefits if they are deployed for an aggregate period of 3 or more years.

Finally, the bill would provide these "citizen soldiers" with access to a valuable option now available only under the Montgomery GI bill program for active duty servicemembers. Specifically, it would allow members of the Guard or Reserve to contribute up to $600 in order to receive an additional $150 per month in education benefits, which amounts to an additional $5,400 in benefits over the course of 36 months. Under this bill, Guard and Reserve members would, for the first time, have access to this valuable opportunity.

With these modifications, we can take significant strides towards ensuring that current education programs are up-to-date and flexible and that they provide members of the Guard and Reserve with benefits commensurate with the level of service they are now performing on behalf of the entire Nation. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Education and Vocational Benefits Improvement Act of 2007".

SEC. 2. TEMPORARY EXPANSION OF COURSES FOR WHICH ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE MAY BE MADE.

(a) ACCELERATED PAYMENT UNDER MONTGOMERY GI BILL FOR CERTAIN SHORT-TERM PROGRAMS.—

(1) IN GENERAL.—Section 3014A of title 38, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "who is—" and inserting "who—";

(ii) by striking paragraph (1) and inserting the following new paragraph (1):

"(1)(A) is enrolled in an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

"(B) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in any other approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (h); and"; and

(iii) in paragraph (2), by inserting "is" before "charged"; and

(B) by adding at the end the following new subsection:

"(h) The aggregate amount of basic educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1)(B) may not exceed $3,000,000.".

(2) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking "**leading to employment in high technology occupation in high technology industry**".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of such title is amended in the item relating to section 3014A by striking "leading to employment in high technology occupation in high technology industry".

(b) ACCELERATED PAYMENT OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Subchapter IV of chapter 35 of such title is amended by inserting after section 3532 the following new section:

"§ 3532A. Accelerated payment of educational assistance allowance

"(a) The educational assistance allowance payable under section 3531 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

"(b) An eligible person described in this subsection is an individual who—

"(1) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (h); and

"(2) is charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the individual under section 3531 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the individual remains entitled under this chapter at the time of the payment.

"(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—

"(1) the person's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 3531 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 3531 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

"(f) The Secretary may not make an accelerated payment of educational assistance allowance under this section for a program of education with respect to an eligible person who has received an advance payment under section 3680(d) of this title for the same enrollment period.

"(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of this title as the Secretary considers appropriate for purposes of this section.

"(h) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $1,000,000.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 35 of such title is amended by inserting after the item relating to section 3532 the following new item:

"3532A. Accelerated payment of educational assistance allowance.".

(c) Accelerated Payment of Educational Assistance for Members of the Selected Reserve.—

(1) In general.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

"§ 16131A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

"(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who—

"(1) during the period beginning on October 1, 2008,,and ending on September 30, 2012, first enrolls in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) is charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

"(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(A) In the case of a person enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

"(B) In the case of a person enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the person's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $2,000,000.".

(2) Clerical amendment.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

"16131A. Accelerated payment of educational assistance.".

(d) Accelerated Payment of Educational Assistance for Reserve Component Members Supporting Contingency Operations and Other Operations.—

(1) In general.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

"§ 16162A. Accelerated payment of educational assistance

"(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

"(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who—

"(1) during the period beginning on October 1, 2008, and ending on September 30, 2012, first enrolls in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

"(2) is charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

"(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

"(A) the amount equal to 60 percent of the established charges for the program of education; or

"(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

"(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

"(A) In the case of a member enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the member for the term, quarter, or semester.

"(B) In the case of a member enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the member for the entire program of education.

"(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

"(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

"(1) the member's enrollment in and pursuit of the program of education; and

"(2) the amount of the established charges for the program of education.

"(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

"(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

"(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

"(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $1,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

"16162A. Accelerated payment of educational assistance.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 3. ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking "for two continuous years or more." and inserting "for—

"(i) two continuous years or more; or

"(ii) an aggregate of three years or more.".

(b) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—Such section is further amended by adding at the end the following new subsection:

"(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

"(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

"(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

"(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

"(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

"(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

"(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.".

By Mr. DURBIN (for himself, Mr. AKAKA, and Mr. COCHRAN):

S. 1294. A bill to strengthen national security by encouraging and assisting in the expansion and improvement of educational programs in order to meet critical needs at the elementary, secondary, and higher education levels, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I urge my colleagues to support the Homeland Security Education Act. This bill encourages initiatives to increase the number of Americans trained in science, technology, engineering, math, and foreign languages.

More than a century ago, Henry Ford revolutionized transportation and industry with the creation of the Model T. This car and the process designed to create it were so innovative that it was copied by every other company. The Model T became the base model for all cars that followed. This is a classic American story. Some of the most important scientific breakthroughs in modern history have occurred in the labs, workshops, and classrooms of America. We take pride in our Nation's ability to meet any challenge and solve any problem with innovation and discovery. But we are falling behind. Today's innovations in the auto industry come not from Detroit but from Japan. Engineers in Asia are designing tomorrow's hybrid car while Henry Ford's company and other American companies are just trying to keep up.

America's colleges and universities can play an important role in reversing the decline in American innovation. The United States graduates some of the world's best engineers, scientists, and mathematicians, but a far higher proportion of the students in China, India, South Korea, and Japan are focusing on these fields. The National Academies of Science reports that in 2004, only 32 percent of the undergraduate degrees awarded in the United States were in science or engineering compared to 59 percent in China and 66 percent in Japan. If we do not address this crisis soon, China, India, and Japan will become the new centers for scientific and technological innovation, while American workers scramble to keep up. We must act now to ensure that America remains the world's economic, scientific, and technological leader.

American workers are also increasingly finding themselves at a disadvantage in a multilingual global community. In our increasingly global economy and with a heightened concern for security in the post-911 world, we need Americans who can speak a foreign language. Only 9 percent of American students enroll in a foreign language course in college. We especially need to focus on less commonly taught languages, including Arabic, Farsi, Chinese, and Korean, and other languages that are of particular value in the world today.

The best place to address both of these concerns is in the classroom. We must adapt our educational system by providing the teachers and resources needed to encourage students to study science, technology, engineering, mathematics, and foreign languages. The Homeland Security Education Act is an important step in the right direction.

This bill would encourage students to pursue math, science, technology, engineering, and critical foreign languages by providing them with $5,000 scholarships. Scientists, engineers, technology professionals, and those fluent in foreign languages would be encouraged to return to the classroom and use their career experiences to inspire students in high-need or low-income schools. New grant programs would encourage educational institutions, public entities, and businesses to enter into partnerships that improve math and science curricula, establish programs that promote students' foreign language proficiency along with their science and technological knowledge, and create and establish foreign language pathways from elementary school through college. Finally, the bill would fund a student loan repayment program for qualified individuals trained in science, technology, engineering, math, and foreign languages who join the Federal workforce.

Our country is quickly approaching a crisis of competitiveness. To avoid falling behind our international competitors in science and innovation, we must confront this problem immediately in our schools. We need to strengthen our students' proficiency in science, technology, engineering, math, and foreign languages and provide them with the incentives necessary to pursue careers in those fields. Today's students are tomorrow's innovators, scientists, and technology leaders, and we can't afford not to invest in them. I encourage my colleagues to join me in cosponsoring the Homeland Security Education Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Education Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) Investing in science, technology, engineering, mathematics, and foreign language education is essential to maintaining the competitive advantage and national security of the United States. Significant improvements in the quantity and quality of science, technology, engineering, mathematics, and foreign language instruction offered in United States elementary schools and secondary schools are necessary.

(2) For the past 3 decades, about one-third of the baccalaureate degrees awarded in the United States have been granted in science and engineering, compared to 59 percent in China and 66 percent in Japan.

(3) The United States is behind its European counterparts in foreign language skills, in that one-half of European citizens speak a second language while only 9 percent of Americans speak another language.

(4) Elementary schools and secondary schools in the United States need more qualified teachers, equipment, and resources to improve education in mathematics, science, and foreign languages.

(5) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation.

(6) Foreign language study can increase children's capacity for critical and creative thinking skills, and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.

(7) All people of the United States should strive to have a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.

(8) Federal agencies have reported shortfalls in language capability that is integral to, or directly supports, every discipline and is an essential factor in national security readiness, disaster response, law enforcement, information superiority, and coalition peacekeeping or warfighting missions.

(b) Purpose.—It is the purpose of this Act to ensure the national security and the competitiveness of the United States through increasing the quantity, diversity, and quality of the teaching and learning of subjects in the fields of science, technology, engineering, mathematics, and foreign language.

SEC. 3. SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE EDUCATION.

(a) Purpose.—It is the purpose of this section to establish and implement a program to award scholarships to individuals who are citizens, nationals, or permanent legal residents of the United States or citizens of the Freely Associated States (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)), to serve as incentives for students to obtain degrees in science, technology, engineering, mathematics, and foreign language.

(b) Scholarships for Science, Technology, Engineering, Mathematics, and Foreign Language Education.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Scholarships for Science, Technology, Engineering, Mathematics, and Foreign Language Education

"SEC. 420K. SCHOLARSHIPS FOR SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE EDUCATION.

"(a) Purpose.—It is the purpose of this section to award scholarships to students to provide incentives for pursuing and obtaining a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language.

"(b) Definitions.—In this section:

"(1) Critical foreign language.—The term 'critical foreign language' means any language identified as critical by the National Security Education Board and the Secretary.

"(2) Science.—The term 'science' means any of the natural and physical sciences, including chemistry, biology, physics, and computer science. Such term shall not include any of the social sciences.

"(c) Program Authorized.—From the amounts appropriated under subsection (g), the Secretary shall carry out a program to award scholarships in the amount of $5,000 each to individuals who meet each of the following requirements:

"(1) The individual agrees to obtain a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language.

"(2) The individual is a student at an institution of higher education who is in good academic standing and is capable, in the opinion of the Secretary, of maintaining good standing in such course of study.

"(d) Selection of Recipients.—The Secretary shall promulgate regulations to establish a formula for the selection of scholarship recipients under this section that—

"(1) ensures fairness and equality for applicants in the selection process, based on the amounts appropriated under subsection (g); and

"(2) awards not less than 50 percent of amounts available under this section for an academic year for scholarships to students who meet the requirements described in subsection (c) and are eligible for a Federal Pell Grant under subpart 1 for such year.

"(e) Failure to Complete Degree.—If, by the end of the 5-year period beginning when an individual receiving a scholarship under this section begins a program of study in accordance with the agreement described in subsection (c)(1), the individual does not obtain a baccalaureate degree in science, technology, engineering, mathematics, or a critical foreign language, the individual shall reimburse the Federal Government for the amount of the scholarship, including interest, at a rate and schedule to be determined by the Secretary pursuant to regulations.

"(f) Report to Congress.—

"(1) Proposed regulations.—Not later than 180 days after the date of enactment of the Homeland Security Education Act, the Secretary shall—

"(A) publish the proposed regulations that the Secretary determines are necessary to carry out this section; and

"(B) submit to the appropriate committees of Congress a report on how the Secretary plans—

"(i) to implement the program under this section; and

"(ii) to advertise such program to institutions of higher education and potential applicants.

"(2) Final regulations.—Not later than 180 days after the last day of the comment period for the proposed regulations under paragraph (1)(A), the Secretary shall promulgate the final regulations to carry out this section.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 4. FEDERAL GRANTS TO PUBLIC SCHOOLS.

(a) In General.—Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"PART E—STRENGTHENING MATHEMATICS AND SCIENCE EDUCATION

"SEC. 5701. DEFINITIONS.

"In this part:

"(1) CONDITIONAL AGREEMENT.—The term 'conditional agreement' means an arrangement between representatives of the private sector and a local educational agency to provide certain services and funds to the local educational agency, such as—

"(A) the donation of computer hardware and software;

"(B) the donation of science laboratory equipment suitable for students in kindergarten through grade 12;

"(C) the establishment of internship and mentoring opportunities for students who participate in mathematics, science, and information technology programs under this part;

"(D) the donation of scholarship funds for use at institutions of higher education by eligible students who have participated in the mathematics, science, and information technology programs under this part; and

"(E) the donation of technology tools.

"(2) PRIVATE SECTOR.—The term 'private sector' includes corporations, institutions of higher education, State or local government agencies, membership organizations, and other similar entities involved in the mathematics and science fields.

"(3) SCIENCE.—The term 'science' means any of the natural and physical sciences, including chemistry, biology, physics, and computer science. The term does not include any of the social sciences.

"SEC. 5702. FEDERAL GRANTS TO PUBLIC SCHOOLS.

"(a) GRANT PROGRAM AUTHORIZED.—The Secretary shall establish a demonstration program under which the Secretary shall award grants to local educational agencies to enable such agencies to—

"(1) develop and implement programs that—

"(A) build or expand mathematics and science curricula;

"(B) provide—

"(i) a rich standards-based course of study in mathematics and science to students; and

"(ii) opportunities for students who excel in mathematics or science, particularly students who are members of traditionally underrepresented groups in the fields of mathematics or science, to be mentored by adults currently active in the appropriate field;

"(2) provide mentoring opportunities for students in the fields of mathematics and science;

"(3) upgrade existing laboratory facilities; or

"(4) purchase the equipment necessary to establish and maintain such programs.

"(b) APPLICATION.—

"(1) IN GENERAL.—A local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require by regulation, in accordance with paragraph (3).

"(2) CONTENTS.—The application described in paragraph (1) shall include—

"(A) a description of the proposed activities under the grant, consistent with the uses of funds described in subsection (a);

"(B) a description of how programs under the grant will involve innovative experience learning, such as laboratory experience;

"(C) a description of any mathematics and science mentoring component (which may take place at the school, at a workplace and paired with internships, or via the Internet), including—

"(i) the program model and goals;

"(ii) the anticipated number of students served;

"(iii) the criteria for selecting students for the mentoring component; and

"(iv) the mentoring best practices that will be followed;

"(D) a description of any applicable higher education scholarship program, including—

"(i) the criteria for student selection;

"(ii) the duration of the scholarships;

"(iii) the number of scholarships to be awarded each year; and

"(iv) the funding levels for the scholarships;

"(E) evidence of the private sector participation and support in cash or in kind, as required under subsection (c); and

"(F) an assurance that, upon receipt of a grant under this part, the local educational agency will—

"(i) execute a conditional agreement with a representative of the private sector; and

"(ii) enter into an agreement with the Secretary to comply with the requirements of this part.

"(3) REGULATIONS.—Not later than 180 days after the date of enactment of the Homeland Security Education Act, the Secretary shall issue and publish proposed regulations for this subsection. Not later than 180 days after the date on which the period for comment concerning the proposed regulations ends, the Secretary shall issue the final guidelines under this subsection.

"(c) PRIVATE SECTOR PARTICIPATION.—A local educational agency receiving a grant under this section shall enter into a conditional agreement with a representative of the private sector regarding the programs carried out under this section, including not less than 1 conditional agreement with a private sector entity that has agreed to recruit the entity's employees or members in the mathematics and science fields to serve as mentors to students.

"(d) AWARD BASIS.—

"(1) IN GENERAL.—The Secretary shall select a local educational agency to receive a grant under this section on the basis of merit, as determined after the Secretary has conducted a comprehensive review of the application.

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a local educational agency that is a high need local educational agency (as such term is defined in section 201(b) of the Higher Education Act of 1965).

"SEC. 5703. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $75,000,000 for fiscal year 2008, and such sums as may be necessary for each of the 5 succeeding fiscal years.".

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

"PART E—STRENGTHENING MATHEMATICS AND SCIENCE EDUCATION

"Sec. 5701. Definitions.
"Sec. 5702. Federal grants to public schools.
"Sec. 5703. Authorization of appropriations.".

SEC. 5. FROM THE LABORATORY TO THE CLASSROOM SCHOLARSHIPS.

(a) PURPOSE.—The purpose of this section is to increase the amount of elementary and secondary educators with a background and expertise in scientific or engineering subjects by awarding scholarships to practicing scientists and engineers to encourage them to return to school to become certified or licensed elementary and secondary teachers in those disciplines.

(b) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means a person who—

(A) is a citizen, national, or permanent legal resident of the United States or a citizen of 1 of the Freely Associated States (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));

(B) holds a baccalaureate or graduate degree in a scientific or engineering field from an institution of higher education; and

(C) has not less than 3 years of work experience in a scientific or engineering position.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) QUALIFIED EXPENSES.—The term "qualified expenses" means the tuition, books, fees, supplies, and equipment required for a course of instruction, at the institution of higher education the eligible individual chooses to attend, that leads to elementary or secondary teaching certification or licensure in any State, and other expenses for completing a teacher preparatory program or obtaining a teaching certificate or license.

(4) SCIENTIFIC OR ENGINEERING.—The term "scientific or engineering" means any discipline within the natural sciences, physical sciences, technology, mathematics, or engineering subject areas.

(5) STATE.—The term "State" means each of the several States of the United States and the District of Columbia.

(c) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary of Education shall award scholarships to eligible individuals which shall be used to enable the individuals to pay for qualified expenses and attend an institution of higher education of the individual's choosing.

(2) DESIGNATION.—A scholarship awarded under this section shall be known as a "From the Laboratory to the Classroom Scholarship".

(d) AMOUNT; DURATION.—

(1) AMOUNT.—A scholarship awarded under this section shall be in an amount of not more than $15,000 per year.

(2) DURATION OF SCHOLARSHIP.—A scholarship awarded to an eligible individual under this section shall be for the period of time required for the individual to complete a course of study leading to elementary or secondary school teacher certification or licensure in a State or a territory of the United States, except that no scholarship shall exceed a period of 2 years.

(e) TERMS OF SCHOLARSHIP.—

(1) EMPLOYMENT AS TEACHER.—As a condition of receiving a scholarship under this section, an eligible individual shall agree to be employed full-time as an elementary or secondary education teacher in science, mathematics, or engineering at a high-need, low-income school, as determined by the Secretary, for a period of not less than 5 years after receiving the teacher certification or licensure.

(2) FAILURE TO TEACH.—If an individual who receives a scholarship under this section does not comply with paragraph (1), the individual shall reimburse the Federal Government for the amount of such scholarship, including interest, at a rate and schedule to be determined by the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $375,000,000 for fiscal year 2009;

(3) $450,000,000 for fiscal year 2010; and

(4) $600,000,000 for each of the fiscal years 2011 through 2014.

SEC. 6. ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES

"SEC. 2501. ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES.

"(a) PURPOSE.—It is the purpose of this section to improve the performance of students in the study of foreign languages by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

"(1) upgrade the status and stature of foreign language teaching by encouraging institutions of higher education to assume greater responsibility for improving foreign language teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

"(2) focus on the education of foreign language teachers as a career-long process that should continuously stimulate the teachers' intellectual growth and upgrade the teachers' knowledge and skills;

"(3) bring foreign language teachers in elementary schools and secondary schools together with linguists or higher education foreign language professionals to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated resources that institutions of higher education are better able to provide than the schools; and

"(4) develop more rigorous foreign language curricula that are aligned with—

"(A) professional accepted standards for elementary and secondary education instruction; and

"(B) the standards expected for postsecondary study in foreign language.

"(b) DEFINITIONS.—In this section:

"(1) CRITICAL FOREIGN LANGUAGES.—The term 'critical foreign languages' refers to any language identified as critical by the National Security Education Board and the Secretary.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) a foreign language department of an institution of higher education; and

"(ii) a local educational agency; and

"(B) may include—

"(i) another foreign language department, or a teacher training department, of an institution of higher education;

"(ii) another local educational agency, or an elementary school or secondary school;

"(iii) a business;

"(iv) a nonprofit organization, including a museum;

"(v) a heritage or community center for language study;

"(vi) a national language resource and training center authorized under part A of title VI of the Higher Education Act of 1965; or

"(vii) the State foreign language coordinator or State educational agency.

"(3) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(4) SUMMER WORKSHOP OR INSTITUTE.—The term 'summer workshop or institute' means a workshop or institute that—

"(A) is conducted for a period of not less than 2 weeks during the summer;

"(B) provides direct interaction between students and faculty; and

"(C) provides for followup training during the academic year that—

"(i) except as provided in clause (ii) or (iii), shall be conducted in the classroom for a period of not less than 3 days, which may or may not be consecutive;

"(ii) if the program described in subparagraph (A) is for a period of not more than 2 weeks, shall be conducted for a period of more than 3 days; and

"(iii) may be conducted through distance education.

"(c) GRANTS TO PARTNERSHIPS.—

"(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in this section.

"(2) DURATION.—A grant awarded under this section shall be for a period of 5 years.

"(3) FEDERAL SHARE.—The Federal share of the costs of the activities described in this section shall be—

"(A) 75 percent of the costs for the first year of a grant under this section;

"(B) 65 percent of such costs for the second such year; and

"(C) 50 percent of such costs for each of the third, fourth, and fifth such years.

"(4) NON-FEDERAL SHARE.—The non-Federal share of the costs of carrying out the authorized activities described in this section may be provided in cash or in kind, fairly evaluated.

"(5) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible partnerships—

"(A) that include high need local educational agencies; or

"(B) that emphasize the teaching of the critical foreign languages.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—An application submitted under paragraph (1) shall include—

"(A) an assessment of the teacher quality and professional development needs of all the schools and educational agencies participating in the eligible partnership with respect to the teaching and learning of foreign languages;

"(B) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of foreign language instruction; and

"(C) a description of—

"(i) how the eligible partnership will carry out the authorized activities described in subsection (e); and

"(ii) the eligible partnership's evaluation and accountability plan in accordance with subsection (f).

"(e) AUTHORIZED ACTIVITIES.—An eligible partnership that receives a grant under this section may use the grant funds to carry out activities such as—

"(1) creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of foreign language teachers;

"(2) recruiting students from 4-year institutions of higher education with foreign language majors for teaching;

"(3) promoting strong teaching skills for foreign language teachers and teacher educators;

"(4) establishing foreign language summer workshops or institutes (including followup training) for teachers;

"(5) establishing distance learning programs for foreign language teachers;

"(6) designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at the school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute; and

"(7) developing instruction materials.

"(f) EVALUATION AND ACCOUNTABILITY PLAN.—Each eligible partnership receiving a grant under this section shall develop an evaluation and accountability plan for activities assisted under this section that includes strong performance objectives and measures for—

"(1) increased participation by students in advanced courses in foreign language;

"(2) increased percentages of secondary school classes in foreign language taught by teachers with academic majors in foreign language; and

"(3) increased numbers of foreign language teachers who participate in content-based professional development activities.

"(g) REPORT.—Each eligible partnership receiving a grant under this section shall annually report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in subsection (f).

"(h) TERMINATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in subsection (f) by the end of the third year of a grant under this section, the Secretary shall not make grant payments to the eligible partnership for the fourth and fifth years of the grant.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008, and such sums as may be necessary for each succeeding fiscal year.".

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 2441 the following:

"PART E—ENCOURAGING EARLY FOREIGN LANGUAGE STUDIES

"Sec. 2501. Encouraging early foreign language studies.".

SEC. 7. SCIENCE, ENGINEERING, TECHNOLOGY, AND ADVANCED FOREIGN LANGUAGE EDUCATION GRANT PROGRAM.

(a) PURPOSE.—It is the purpose of this section to support programs in institutions of higher education that encourage students—

(1) to develop an understanding of science, technology, and engineering;

(2) to develop foreign language proficiency; and

(3) to foster future international scientific collaboration.

(b) DEVELOPMENT.—The Secretary of Education shall develop and carry out a program to award grants to institutions of higher education that develop innovative programs for the teaching of foreign languages.

(c) Regulations and Requirements.—The Secretary of Education shall promulgate regulations for the awarding of grants under subsection (b).

(d) Application.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary shall require.

(e) Use of Funds.—An institution of higher education receiving a grant under this section shall use grant funds for, among other things—

(1) the development of an on-campus cultural awareness program by which students attend classes taught in the foreign language and study the science, technology, or engineering developments and practices in a non-English-speaking country;

(2) immersion programs where students study science, technology, or engineering related coursework in a non-English-speaking country; and

(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science, technology, or engineering.

(f) Grant Distribution.—In awarding grants to institutions of higher education under this section, the Secretary of Education shall give priority to—

(1) institutions that have programs focusing on a curriculum that combines the study of foreign languages and the study of science and technology and produces graduates who have both skills; and

(2) institutions teaching the languages identified as critical by the National Security Education Board and the Secretary of Education.

(g) Definitions.—In this section:

(1) Institution of higher education.—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Science.—The term "science" means any of the natural and physical sciences, including chemistry, biology, physics, and computer science. Such term does not include any of the social sciences.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2008, and such sums as may be necessary for each succeeding fiscal year.

SEC. 8. NATIONAL SECURITY EDUCATION PROGRAM SERVICE AGREEMENT.

Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(b)(2)) is amended to read as follows:

"(2) will—

"(A) in the case of a recipient of a scholarship, not later than 3 years after the date of the recipient's completion of the study for which scholarship assistance was provided under the program, work—

"(i) for not less than 1 year in a position in the Department of Defense, the Department of Homeland Security, the Department of State, or any element of the intelligence community that is certified by the Secretary as contributing to national security;

"(ii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) is available, for not less than 1 year in a position in another department or agency of the Federal Government that is certified by the Secretary as contributing to national security; or

"(iii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) or (ii) is available, for not less than 1 academic year in a position in the field of education in a discipline related to the studies supported under this section; or

"(B) in the case of a recipient of a fellowship, not later than 2 years after the date of the recipient's completion of the study for which the fellowship assistance was provided under the program, work—

"(i) for not less than 1 year in a position in the Department of Defense, the Department of Homeland Security, the Department of State, or any element of the intelligence community that is certified by the Secretary as contributing to national security;

"(ii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) is available, for not less than 1 year in a position in another department or agency of the Federal Government that is certified by the Secretary as contributing to national security; or

"(iii) if such recipient demonstrates to the Secretary of Defense that no position described in clause (i) or (ii) is available, for not less than 1 academic year in a position in the field of education in a discipline related to the studies supported under this section.".

SEC. 9. CRITICAL FOREIGN LANGUAGE EDUCATION PROGRAM.

(a) Grants Authorized.—From amounts appropriated under subsection (f), the Secretary of Education shall award grants to institutions of higher education to pay the Federal share of programs established by the institutions, in collaboration with elementary schools and secondary schools, for language learning pathways that train students from kindergarten through graduate education to be proficient in the critical foreign languages.

(b) Application Requirements.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary of Education shall require. In the application, the institution of higher education shall—

(1) demonstrate the ability of the institution to collaborate effectively with elementary schools and secondary schools to ensure that students who successfully achieve an advanced proficiency level in a critical foreign language at such schools will continue studying a foreign language at an institution of higher education and achieve a superior proficiency level while enrolled in an academic degree program;

(2) demonstrate that the program designed by the institution under this section can be replicated for use by other institutions of higher education and elementary schools and secondary schools in the United States; and

(3) agree to provide the non-Federal share of the costs of the program under this section.

(c) Federal Share; Non-Federal Share.—The Federal share of the costs of the program under this section shall be not more than 90 percent of such costs. The non-Federal share shall be not less than 10 percent of such costs, and may be provided in cash or in kind, fairly evaluated.

(d) Program.—A program assisted under this section may include—

(1) study or work abroad opportunities;

(2) experiential and community learning;

(3) distance learning;

(4) language learning for professional purposes, business, and other disciplines; and

(5) innovative opportunities for language learning through immersion, internships, and community service.

(e) Definition of Critical Foreign Language.—In this section, the term "critical foreign language" means any language identified as critical by the National Security Education Board and the Secretary of Education.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008 and each succeeding fiscal year.

SEC. 10. WORLD LANGUAGE TEACHING SCHOLARSHIPS.

(a) Purpose.—The purpose of this section is to increase the number of elementary school and secondary school educators with foreign language proficiency by awarding scholarships to language proficient individuals to enable the individuals to become certified or licensed as foreign language teachers.

(b) Definitions.—In this section:

(1) Eligible individual.—The term "eligible individual" means a person who—

(A) is a citizen, national, or permanent legal resident of the United States or is a citizen of 1 of the Freely Associated States (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));

(B) holds at least a baccalaureate degree from an institution of higher education; and

(C) demonstrates written and verbal fluency in a critical foreign language.

(2) Critical foreign language.—The term "critical foreign language" means any language identified as critical by the National Security Education Board and the Secretary of Education.

(3) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) Qualified expenses.—The term "qualified expenses" means the tuition, books, fees, supplies, and equipment required for a course of instruction, at the institution of higher education the eligible individual chooses to attend, that leads to elementary or secondary teaching certification or licensure in any State, and other expenses for completing a teacher preparatory program or obtaining a teaching certificate or license.

(5) State.—The term "State" means each of the several States of the United States and the District of Columbia.

(c) Program Authorized.—

(1) In general.—From amounts appropriated under subsection (e), the Secretary of Education shall award scholarships to eligible individuals that shall be used to pay for the qualified expenses of a teacher certification or licensure program.

(2) Designation.—A scholarship under this section shall be known as a "World Language Teaching Scholarship".

(d) Amount; Duration; Terms.—

(1) Amount.—A scholarship awarded under this section shall be in an amount of not more than $15,000 per year.

(2) Duration of scholarship.—A scholarship awarded to an eligible individual under this section shall be for the number of years required to complete a course of study leading to elementary or secondary school teaching certification or licensure in a State or a territory of the United States, except that no scholarship shall exceed a period of 2 years.

(3) Terms of scholarship.—

(A) Employment as a teacher.—As a condition of receiving a scholarship under this section, an eligible individual shall agree to be employed full-time as a foreign language elementary or secondary education teacher at a high-need, low-income school, as determined by the Secretary, for a period of not less than 5 years.

(B) FAILURE TO TEACH.—If an individual who receives a scholarship under this section does not comply with subparagraph (A), the individual shall reimburse the Federal Government for the amount of such scholarship, including interest, at a rate and schedule to be determined by the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $300,000,000 for fiscal year 2008;

(2) $375,000,000 for fiscal year 2009;

(3) $450,000,000 for fiscal year 2010; and

(4) $600,000,000 for each of the fiscal years 2011 through 2013.

SEC. 11. PILOT PROGRAM FOR STUDENT LOAN REPAYMENT FOR FEDERAL EMPLOYEES WITH CRITICAL SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND FOREIGN LANGUAGE SKILLS.

(a) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, is amended by inserting after section 5379 the following:

"§ 5379a. Pilot program for student loan repayment for Federal employees with critical science, technology, engineering, mathematics, and foreign language skills

"(a) In this section:

"(1) The term 'agency' means any agency that, based on the agency's human capital strategic plan, has a shortfall in the number of individuals possessing critical science, technology, engineering, mathematics, and foreign language skills.

"(2) The term 'human capital strategic plan' means an agency's strategic plan under section 306 of this title.

"(3) The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.); or

"(C) a health education assistance loan made or insured under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.).

"(b) The Director of the Office of Personnel Management shall establish and administer a program under which not less than 3 but not more than 5 agencies, for a period of 5 years, shall set aside an amount, as described in subsection (d), to fund a student loan repayment program under section 5379 of this title to repay (by direct payments on behalf of the employee) any student loan previously taken out by employees possessing science, technology, engineering, mathematics, or foreign language skills deemed critical to an agency under the agency's human capital strategic plan.

"(c) A program established under this section shall remain in effect for the 5-year period beginning on the date of enactment of the Homeland Security Education Act. Notwithstanding the previous sentence, such program shall continue to pay an employee recruited under this program who is in compliance with this section and section 5379 of this title the employee's benefits under this section through the commitment period in accordance with section 5379(c).

"(d) Each agency participating in this program shall set aside enough funds to repay the student loans of at least one-half of the number of employees needed with critical science, technology, engineering, mathematics, or foreign language skills, according to the agency's human capital strategic plan.

"(e)(1) Not later than 60 days after the date of enactment of the Homeland Security Education Act and after consultations with the heads of agencies, the Director of the Office of Personnel Management shall propose regulations for the pilot program.

"(2) Not later than 180 days after the date on which the comment period for proposed regulations under paragraph (1) ends, the Director of the Office of Personnel Management shall promulgate final regulations.

"(f)(1)(A) Not later than 180 days after the date of enactment of the Homeland Security Education Act, the Director of the Office of Personnel Management shall report to the appropriate committees of Congress on the implementation of the program under this section.

"(B) As part of its annual report on the Federal Government's student loan repayment program under section 5379, the Director of the Office of Personnel Management shall report on the status of the program established under this section and the success of such program in recruiting and retaining employees possessing such skills, including an assessment as to whether the program should be expanded to other agencies or to individuals possessing other critical skills.

"(2) The head of each agency establishing a student loan repayment program under this section shall provide any necessary information to the Director of the Office of Personnel Management to enable the Director to carry out this subsection.

"(g) For the purpose of enabling the Federal Government to recruit and retain employees possessing critical science, technology, engineering, mathematics, and foreign language skills under this section, there are authorized to be appropriated such sums as may be necessary to carry out this section for each fiscal year.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5379 the following:

"Sec. 5379a. Pilot program for student loan repayment for Federal employees with critical science, technology, engineering, mathematics, and fcreign language skills.".

Mr. AKAKA. Mr. President, I rise today, along with my friends Senators DURBIN and COCHRAN, to reintroduce legislation that will provide students much needed educational opportunities in foreign languages and science, technology engineering and mathematics, STEM.

The future economic health and security of our Nation depends on programs such as those called for in our legislation. This country's national security depends upon having a workforce with the necessary science, technology, engineering, math, and foreign language skills to rapidly and efficiently adapt to the challenges of globalization. Yet, we are falling behind.

According to a study conducted by the Committee on Economic Development, the Federal Bureau of Investigation and other Federal Government agencies do not have a sufficient number of personnel trained in critical languages to translate intelligence information in a timely manner. Similarly, a GAO report issued August 4, 2006, GAO–06–894 noted that the State Department was still suffering from gaps in language proficiency which could adversely impact its ability to communicate with foreign audiences and execute critical duties.

We all know that we live in a global marketplace. The United States, which has the world's largest economy, is the engine for global economic growth. However, this also means that American workers must compete with others in the global market for skilled labor. The signs have long been clear that we are failing to develop the next generation of workers. As a recent study by the National Center for Public Policy and Higher Education observes, in the United States "about one-quarter of 15-year-olds fall into the lowest proficiency level on assessments of skills and knowledge." The United States ranks 16th among 27 countries in the number of students who earn a college degree or certificate. We can delay no longer in taking the steps to train students to compete and thrive in a multilingual and technologically complex environment.

Our bill the Homeland Security Education Act, provides schools with the framework they need to prepare our Nation's youth for the future. Its enactment is a critical step in reenergizing and reinvigorating our education system to meet the needs of our Nation. It will increase students' proficiency in foreign languages and encourage them to become scientists and engineers.

The Homeland Security Education Act provides schools with the equipment and materials necessary to teach STEM and foreign language courses by encouraging public private partnerships to improve science and math curricular—upgrade laboratory facilities; provide scholarships for students to study math, science, or engineering at the university level; and Establish internship and mentoring opportunities for students in grades K–12; developing cultural awareness and immersion programs in colleges and universities that combine science, technology, and engineering instruction with foreign language to expand international understanding and scientific collaboration; and creating language learning pathways to facilitate proficiency in critical foreign languages from kindergarten through graduate school.

In addition, this act addresses the shortage of STEM and foreign language teachers. Our Nation needs mathematicians, scientists, and linguists in order to compete in a global mart. Accordingly, our bill awards scholarships in the amount of $15,000 to language proficient individuals and to practicing scientists and engineers to encourage them to become certified to teach these critical skills to students in high-need, low-income schools. The bill would also allow National Security Education Program scholarship and fellowship recipients to meet their service requirements by teaching in critical areas if they cannot find a national security position in the Federal service. In addition, a key provision awards grants to build professional development programs, summer workshops or institutes, and foreign language distance learning programs for elementary and secondary school teachers in order to facilitate partnerships between 12 schools and institutions of higher education.

Not only do we need to encourage individuals and professionals to become teachers in these critical need areas, we also need to encourage students to study languages, science, technology, engineering, and math by underscoring the importance of these subjects to our country's security and economic well-being. As Secretary of Education Margaret Spellings noted in January 2006, only 44 percent of this country's high school students are studying any foreign language, while learning a second or even a third language is compulsory for students in the European Union, China, Thailand, and many other nations. Only 32 percent of undergraduates in the United States receive their degrees in science and engineering compared to 59 percent in China and 66 percent in Japan. Our children deserve better opportunities to become math, science, and language proficient. The Homeland Security Education Act helps correct this growing skill gap between students in the United States and students across the globe by providing scholarships for students to earn their degrees in STEM or a foreign language.

Mr. President, education is the foundation of our Nation's long-term security. In order to fulfill our role as a world leader, this Nation needs Americans who are well educated and can communicate and compete in a global environment. The bill we are introducing today will help us meet this essential goal.

By Mr. KERRY (for himself and Mr. REED):

S. 1298. A bill to amend the Social Security Act to establish a Federal Reinsurance Program for Catastrophic Health Care Costs; to the Committee on Finance.

Mr. KERRY. Mr. President, States like my home state of Massachusetts are setting an example for the rest of the country by taking bold steps to provide quality health coverage for everyone. Now it is time for Washington to do the same by bringing meaningful, affordable healthcare to the uninsured, in Massachusetts and across America.

In Massachusetts there is still a major obstacle in the overall goal of universal coverage: cost. The fact is the problem of the uninsured can't be solved unless the issue of skyrocketing health costs to families and businesses is also tackled. And fully reforming the healthcare system will require that the Federal Government begin shouldering some of the burden to help alleviate costs.

Healthcare costs are highly concentrated in this country. The very few who suffer from catastrophic illness or injury drive costs up for everyone. One percent of patients account for 25 percent of healthcare costs, and 20 percent of patients account for 80 percent of costs. To make healthcare more affordable, we must find a better way to share the immense burden of insuring the chronically ill and seriously injured.

Part of the reason that businesses and health plans today fail to cover their workers is an aversion to risk, a fear that they will be saddled with a sick employee whose high premiums will bankrupt them. And patients who are catastrophically ill or injured often face the tragic combination of failing health and financial peril. But there's a way to combat these costs.

Congress should make employers and healthcare plans an offer they can't refuse. It's called "reinsurance." Reinsurance provides a backstop for the high costs of healthcare. The Federal Government will reimburse a percentage of the highest cost cases if employers agree to offer a substantive insurance benefit to all full time employees, including preventative care and health promotion benefits that are proven to make care affordable. This means lower costs and lower premiums for both employers and employees. If the Federal Government can help small and large businesses bear the burden of cost in the most expensive cases, we'll dramatically improve the health of everyone.

Today I am introducing the Healthy Businesses, Healthy Workers Reinsurance Act, a bill that will make Government a partner in helping businesses with the heavy financial burden of those catastrophic cases: those that use over $50,000 in a single year in healthcare costs. Healthy Businesses, Healthy Workers will protect business owners from skyrocketing premiums, and provide more working families affordable, quality healthcare. With reinsurance, health insurance premiums for all of us will go down, by up to 10 percent under this plan. This plan does have a cost associated with it, but the benefits will outweigh the costs. We spend hundreds of billions of dollars each year on inefficient and wasteful health expenditures. We need to make sure that these funds are being spent wisely to ensure that we can lower health care costs and improve coverage.

I believe that even in today's sharply divided Washington, this plan is feasible. There is a growing bipartisan consensus that the Federal Government has a responsibility to help the catastrophically ill. Consider the Medicare prescription drug program: Despite its flaws, the bill did cover 95 percent of the cost of prescription drugs once seniors passed through the disastrous "doughnut hole" in their coverage. The same approach has been used to protect the insurance market from going under in case of another catastrophic act of terrorism.

As we take the next steps toward alleviating our Nation's healthcare crisis, a commonsense partnership between employers, families, and the government to share the costs of the sickest among us will lay the groundwork for achieving our ultimate goal: healthcare coverage for every single American.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Healthy Businesses, Healthy Workers Reinsurance Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The cost of health insurance premiums for families has risen 87 percent since 2000, nearly 4 times the growth in overall inflation and workers earnings.

(2) Health insurance premium increases have resulted in a nearly 10 percentage point drop in the number of firms choosing to offer coverage to their workers over that time period.

(3) Today, just 48 percent of firms with between 3 and 9 employees offer health insurance benefits, down from 58 percent in 2001.

(4) The decline in employer-sponsored coverage has added to the growing problem of the uninsured. An additional 4 million Americans have been added to the ranks of the uninsured since 2001.

(5) Health care costs are highly concentrated. Twenty percent of the population that is catastrophically or chronically ill accounts for 80 percent of the health care spending, with just 1 percent driving a full 22 percent of health care costs.

SEC. 3. FEDERAL REINSURANCE PROGRAM FOR CATASTROPHIC HEALTH CARE COSTS.

(a) PROGRAM.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new title:

"TITLE XXII—FEDERAL REINSURANCE PROGRAM FOR CATASTROPHIC HEALTH CARE COSTS

"SEC. 2201. OFFICE OF FEDERAL REINSURANCE.

"(a) IN GENERAL.—There is established within the Department of Health and Human Services an office to be known as the 'Office of Federal Reinsurance'.

"(b) DUTY.—The Office of Federal Reinsurance shall establish and administer the Federal Reinsurance Program for Catastrophic

Health Care Costs in accordance with the provisions of this title.

"SEC. 2202. PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Office shall establish and administer a Federal Reinsurance Program for Catastrophic Health Care Costs under which reinsurance payments are provided to eligible health plans that experience catastrophic health care costs during a year with respect to an individual covered under the plan. For purposes of this title, the term 'individual covered under the plan' includes employees, retirees, spouses, and dependants.

"(2) PROGRAM TO BEGIN IN 2009.—The Office shall establish the Program in a manner so that reinsurance payments are made with respect to catastrophic health care costs occurring on or after January 1, 2009.

"(3) ELIGIBLE HEALTH PLAN.—

"(A) IN GENERAL.—In this title, the term 'eligible health plan' means any of the following:

"(i) A group health plan that meets the requirements described in subparagraph (B).

"(ii) A governmental plan (as defined in section 3(32) of the Employee Retirement Income Security Act of 1974) that meets the requirements described in subparagraph (B).

"(iii) A multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974) that meets the requirements described in subparagraph (B).

"(iv) A plan that offers coverage through health purchasing cooperatives in conjunction with a State health program that makes available health insurance coverage to the small group market and the individual market on the same terms and that meets the requirements described in subparagraph (B).

"(B) REQUIREMENTS.—The requirements described in this subparagraph are that—

"(i) the plan involved—

"(I) provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4))) to all full-time employees of the employer maintaining or contributing to the plan;

"(II) ensures that if there is a deductible under the plan, such deductible does not exceed $1,000 for an individual and $2,000 for a family;

"(III) ensures that the plan offers preventative benefits; and

"(IV) ensures that the plan employs effective high-cost case management tools (in accordance with the definition of disease management by the Disease Management Association of America) in order to reduce costs over time; and

"(ii) the employer maintaining or contributing to the plan involved pays at least 50 percent of the costs of health insurance coverage for each employee covered under the plan (regardless of whether the employee is a full-time or part-time employee).

"(C) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of any calendar year after 2009, each dollar amount in subparagraph (B)(ii) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for such calendar year determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) DATE FOR DETERMINATION.—For purposes of clause (i), section 1(f)(4) of such Code shall be applied by substituting 'March 31' for 'August 31', and the Secretary of the Treasury shall publish the adjusted amounts under subparagraph (B)(ii) for the calendar year not later than June 1 of the preceding calendar year.

"(iii) ROUNDING.—If any increase under clause (i) is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

"(D) EMPLOYER.—For purposes of this title, the term 'employer' includes the Federal government and any other governmental entity (within the meaning of section 5000(d) of Internal Revenue Code of 1986).

"(b) ENROLLMENT.—

"(1) PROCEDURES.—The Office shall establish procedures for the enrollment of eligible health plans in the Program.

"(2) APPLICATION AND ANNUAL RECERTIFICATION.—

"(A) IN GENERAL.—The procedures established under paragraph (1) shall include a process for an eligible health plan—

"(i) to submit an application to the Office for enrollment in the Program; and

"(ii) to be annually recertified for enrollment in the Program.

"(B) REQUIREMENT.—The application and recertification process under subparagraph (A) shall require that an eligible health plan submit to the Office—

"(i) a detailed description of the projected and actual reduction in total costs under the plan that are a result of the Program, including both individual and employer portions; and

"(ii) such other information determined appropriate by the Office.

"(3) APPROVAL.—

"(A) IN GENERAL.—The procedures established under paragraph (1) shall provide for the approval or disapproval of applications and requests for recertification submitted by eligible health plans under paragraph (2).

"(B) SPECIFIC REQUIREMENT.—The Office shall not approve an application or a request for recertification unless the Office finds that the eligible health plan is reducing total costs under the plan, based on the information submitted under paragraph (2)(B) and audits conducted under paragraph (4).

"(4) AUDITS.—The Office shall conduct audits of claims data of eligible health plans in order to ensure that the eligible health plan is in compliance with the requirements under the Program, including the requirement under paragraph (3)(B). An eligible health plan shall not be eligible for reinsurance payments unless it provides the Office with access to such data.

"(c) COST-SHARING IN COSTS OF PROGRAM.—

"(1) IN GENERAL.—An eligible health plan that participates in the Program shall pay the fee established by the Office under paragraph (2).

"(2) AUTHORIZATION.—The Office is authorized to charge a fee to each eligible health plan that participates in the Program. Any amounts collected shall be deposited into the Trust Fund.

"(3) REQUIREMENTS.—In establishing the fee under paragraph (2)—

"(A) the Office shall consult with interested parties; and

"(B) shall ensure that the amount of such fee is not excessive so as to unduly discourage eligible health plans from enrolling in the Program.

"(d) APPEALS PROCESS.—The Office shall establish an appeals process under the Program.

"(e) PROCEDURES TO PROTECT AGAINST FRAUD, WASTE, AND ABUSE.—The Office shall establish procedures to protect against fraud, waste, and abuse under the Program.

"SEC. 2203. REINSURANCE PAYMENTS.

"(a) AMOUNT.—

"(1) IN GENERAL.—The amount of a reinsurance payment under the Program to an eligible health plan that experiences catastrophic health care costs in a year with respect to an individual covered under the plan shall be an amount equal to 75 percent of such costs.

"(2) CATASTROPHIC HEALTH CARE COSTS.—

"(A) IN GENERAL.—In this title, the term 'catastrophic health care costs' means, with respect to a year, costs for medical care (as defined in section 9832(d)(3) of the Internal Revenue Code of 1986) provided under an eligible health plan to an individual covered under the plan, but only with respect to such costs which exceed $50,000.

"(B) NEGOTIATED PRICES.—In determining the amount of catastrophic health care costs under the Program, the eligible health care plan shall take into account any negotiated price concessions, such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations, obtained by the plan.

"(C) INFLATION ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2009, the $50,000 amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount; multiplied by

"(II) the percentage (if any) by which the average of the medical care component of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with August of the preceding calendar year exceeds such average for the 12-month period ending with August 2008.

"(ii) ROUNDING.—If any dollar amount after being increased under clause (i) is not a multiple of $1,000, such dollar amount shall be rounded to the nearest multiple of $1,000.

"(b) REQUESTS FOR PAYMENT.—To be eligible for a reinsurance payment with respect to an individual for a year, an eligible health plan shall submit to the Office, at a time and in a manner determined appropriate by the Office, a request for payment that contains—

"(1) a certification—

"(A) that the plan paid or incurred catastrophic health care costs during the year with respect to the individual; and

"(B) of the amount of such costs; and

"(2) such other information determined appropriate by the Office.

"(c) PAYMENTS FROM TRUST FUND.—

"(1) IN GENERAL.—Payments to eligible health plans under the Program shall be made from the Trust Fund.

"(2) TAX TREATMENT.—For purposes of the Internal Revenue Code of 1986—

"(A) payments from the Trust Fund to the eligible health plan shall not be included in gross income; and

"(B) no deduction shall be allowed to the eligible health plan with respect to the payment of any catastrophic health care costs for the portion of such costs which was reimbursed from the Trust Fund.

"SEC. 2204. FEDERAL REINSURANCE FOR CATASTROPHIC HEALTH CARE COSTS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Federal Reinsurance for Catastrophic Health Care Costs Trust Fund', consisting of such amounts as may be appropriated or credited to the Trust Fund (including any fees deposited under section 2202(c)).

"(b) MANDATORY APPROPRIATIONS.—There are appropriated to the Trust Fund such sums as may be necessary in order to make the reinsurance payments required under section 2203.

"(c) RULES REGARDING TRANSFERS TO AND MANAGEMENT OF TRUST FUND.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

"(d) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available for making payments under section 2203.

"SEC. 2205. REPORTS.

"(a) SECRETARY.—

"(1) IN GENERAL.—Not later than March 1, 2011, and biennially thereafter, the Secretary shall submit to Congress a report on the Program.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

"(i) a detailed description of the Program, including a detailed description of the impact the Program has had on reducing premiums for health insurance coverage and increasing the number of individuals with health insurance coverage; and

"(ii) any other information or recommendations determined appropriate by the Secretary.

"(B) INDIVIDUAL MARKET.—The first report submitted under paragraph (1) shall also contain recommendations regarding expanding the Program to the individual market.

"(C) CONSULTATION.—The Secretary shall consult with the National Association of Insurance Commissioners in preparing each report under paragraph (1).

"(b) GAO.—

"(1) IN GENERAL.—Not later than March 1, 2011, and biennially thereafter, the Comptroller General of the United States shall submit to Congress and the Secretary a report on the Program.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Each report submitted under paragraph (1) shall contain—

"(i) a detailed description of the Program, including a detailed description of the impact the Program has had on reducing premiums for health insurance coverage and increasing the number of individuals with health insurance coverage; and

"(ii) any other information or recommendations determined appropriate by the Comptroller General.

"(B) INDIVIDUAL MARKET.—The first report submitted under paragraph (1) shall also contain recommendations regarding expanding the Program to the individual market.

"SEC. 2206. DEFINITIONS.

"In this title:

"(1) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term by section 5000(b)(1) of the Internal Revenue Code of 1986.

"(2) INDIVIDUAL MARKET; SMALL GROUP MARKET.—The terms 'individual market' and 'small group market' have the meanings given such terms by section 2791 of the Public Health Service Act.

"(3) OFFICE.—The term 'Office' means the Office of Federal Reinsurance established under section 2201.

"(4) PROGRAM.—The term 'Program' means the Federal Reinsurance Program for Catastrophic Health Care Costs under this title.

"(5) TRUST FUND.—The term 'Trust Fund' means the Federal Reinsurance for Catastrophic Health Care Costs Trust Fund established under section 2204.".

(b) FUNDING START-UP ADMINISTRATIVE COSTS FOR PROGRAM.—

(1) IN GENERAL.—There are appropriated to the Secretary of Health and Human Services $200,000,000 to carry out the provisions of, and amendments made by, this Act.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until September 30, 2009.

Mr. REED. Mr. President, I join my colleague, Senator KERRY, in introducing the Reinsure America's Businesses Act of 2007. This legislation represents a critical step forward in bringing affordable health care to the uninsured and lowering the ever increasing costs of health care for families and businesses.

The bill that we are introducing today proposes that the Federal Government assume responsibility for the most burdensome risk for employers, and in doing so helps to provide greater access to lower priced health care. Under our legislation, the Federal Government will reimburse employers for a significant portion of the costs of their most ill employees—75 percent of medical bills in excess of $50,000. In exchange, employers agree to offer all of their workers preventative care and quality coverage.

At the heart of this bill lies the fact that 1 percent of patients account for 25 percent of health care costs, and 20 percent of the population that is catastrophically ill accounts for 80 percent of the costs. Planning for the unfortunate chance that one falls into one of these categories is precisely why individuals have health insurance. Yet it is also the primary reason why many employers, particularly small businesses where one critically ill individual can have a tremendous influence on the overall cost, do not offer their employees health insurance. Through reinsurance, the Federal Government has an opportunity to absorb a large portion of this risk and encourage more affordable and meaningful employer sponsored health coverage. This legislation also eases the burden on health insurance companies by making rate determinations more predictable.

Federal reinsurance is an efficient use of Federal dollars because it spreads the burden across employers, the Federal Government, and employees, thereby lowering costs and increasing access to quality health care. Reinsurance reduces health insurance premiums for everyone; some estimates suggest as much as 10 percent. Actions to decrease the cost of health care and improve access to care are crucial if we are to combat ever-rising health care costs in this country. In Rhode Island, from 2000 to 2006, premiums increased 75 percent while median earnings went up only 23 percent. Uninsured rates have also grown in Rhode Island with more than 13 percent of residents under age 65 with no health insurance, up from 8.1 percent in 1999. Rhode Island is not unique; the entire country bears the burden of high health care costs and increasingly declining access. This legislation lays the groundwork for achieving our goal of making health care more affordable and more accessible to every American.

I am pleased to join with my colleague in introducing this important initiative and hope the Senate will give it prompt consideration.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 1302. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am pleased today to introduce the Keeping Parents and Communities Engaged or Keeping PACE Act, to foster greater involvement of parents in their children's education, engage community partners in supporting the comprehensive learning needs of students in school, as well as to address our Nation's high dropout rate.

It is clear that engaged parents can make a positive difference in students' achievement. Parents are their children's first teachers, and they have immense influence over their children's attitudes, focus, priorities and goals. Well-informed parents are more likely to be involved, to ask questions, to suggest constructive changes and to make a difference in their child's education. They deserve to know what their children are learning and being tested on, what their children's grades and assessment scores mean, and how assessment data may be used for improvement. Informed and engaged parents can help turn around struggling schools.

We crafted the No Child Left Behind Act to recognize parents as full partners in their children's education. The Act includes essential requirements to develop parent involvement policies and programs, develop and release school report cards, and to establish a team of parents and community representatives to construct a plan to improve schools if they are identified as struggling. We should build on these important reforms. But in the upcoming reauthorization of the law, we must also explore new and innovative strategies to engage parents and communities in helping kids succeed in school.

Better coordination among parents, schools, and the community can also help create a network that enables and empowers students to take advantage of every opportunity to learn. That's particularly important for students needing the greatest help and attention in their learning and those who need more challenging schoolwork to keep them engaged and progressing, as well as students at risk of dropping out of school. Today, more than one million students who enter the ninth grade fail to receive a high school diploma 4 years later and approximately 7,000 students drop out of school every day. We've made great advances in recent years to improve the education of every student, but it remains clear that more must be done to respond to this challenge.

We must support and strengthen our elementary and secondary schools and do more to attend to the learning and nonacademic needs of our most at-risk students, which make such a difference in how well they master their subjects. That means support for community programs to meet children's social, intellectual, emotional, and physical needs. It means making parent involvement a top priority, and offering support to schools to involve parents and families more effectively in their children's education, including postsecondary education planning.

The Keeping PACE Act will address these fundamental issues. This bill amends the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed supports and services to children, and to ensure that schools are centers of communities.

Educators recognize, on the basis of abundant research and common experience, that parental involvement is a critical element in children's academic and social development. Unfortunately, as noted in a recent report by Appleseed, too often, schools and districts continue to face challenges that impede efforts to effectively advance parental involvement. My bill enables States to award grants to local education agencies to assist schools in hiring and maintaining Parent and Community Outreach Coordinators. These coordinators will build critical partnerships among families, schools, and the community. They'll work with school principals, teachers, and staff to encourage parents to become more involved in their child's education and give them the tools necessary to become successful advocates for their children.

Last year, a Massachusetts pilot initiative placed 17 full-time Family and Community Outreach Coordinators in Boston Public Schools. The Coordinators were responsible for supporting families, teachers, and the community in a common effort to help students excel academically and socially.

Their efforts have worked. The Family and Community Outreach Coordinator at the Condon School in Boston, Massachusetts, has offered workshops for parents on middle school transition and math curriculum; coordinated parent participation on the School Climate Committee, an anti-bullying initiative at the school; helped teachers and parents make connections for parent-teacher conferences; and brought in over 200 parents to participate in the fall open house, where some teachers reported having contact with over 80 percent of their students' families. The Coordinator has also leveraged donations to the school through the generosity of local businesses.

The success of the coordinators led the Boston School Committee to approve its budget for the next school year with the addition of 14 more full-time Family and Community Outreach Coordinators. All together this means that almost 22 percent of Boston Public Schools will have a coordinator by September 2007–2008.

The director of the Harvard Family Research Project notes that many years of research confirm that "now is the time . . . for action. The question we must ask is, in addition to quality schools, what non-school learning resources should we invest in and scale up to improve educational outcomes, narrow achievement gaps, and equip our children with the knowledge and skills needed to succeed in the complex and global 21st century."

The bill answers that question and responds directly to these needs by creating new grants for community-based organizations to work in partnership with schools to bring essential comprehensive and integrated services to children in need. These support services may include health care, counseling, social services, enrichment, mentorship, and tutoring, services that can often spell the difference between a dropout and a graduate.

Rather than giving teachers, counselors, and principals more to do as they address the non-classroom needs of students, every school should have a resource they can turn to for help with identifying student needs and leveraging community services to help all students succeed. We know that comprehensive, integrated supportive services increase graduation rates and improve student achievement. In one national report: 82 percent of tracked students improved their attendance in school; 86 percent of tracked students had fewer behavior incidents; 89 percent of tracked students had fewer suspensions. In addition, 98 percent of tracked students stayed in school and 85 percent of eligible seniors graduated. Students who are identified as needing these services, but do not receive them are more likely to drop out of school.

The Lucy Stone School in Boston, Massachusetts, demonstrates the effectiveness of student supports on learning. The once failing school took action and focused on improving core learning skills, a broad array of enrichment activities and health and social supports. Lucy Stone is making strong progress. Students in Grades 3 and 4 are passing the literacy MCAS at rates well above the Boston Public School average percentages, and are approaching State averages. Grade 4 math MCAS passing rates are approaching Boston and State averages as well.

In other communities, diverse community partners have played an important role in providing accelerated learning and mentoring opportunities that have made all the difference for students.

For example, a comprehensive evaluation of nine schools in New England found that classroom participation in community service outdoor learning projects increased student engagement and retention of science knowledge. And the "Being Enthusiastic about Math and Science" (BEAMS) enrichment program at the Jefferson National Lab in Virginia, which serves 1,800 inner-city students and their teachers, has resulted in increased achievement and attendance rates, and a better understanding of academic subjects, careers and applications among participating students.

The National Commission on Service Learning found that mentorships and internships with caring adults in a workplace resulted in higher grade point averages and better attendance than for students who spend less time with adult mentors.

There is one particular organization that has a demonstrated track record in helping leverage the integrated services and supports that students need to succeed in school. Communities in Schools (CIS) is the Nation's largest dropout prevention organization, and has a nearly 30-year track record of helping connect students, families and schools with supportive services to help them graduate and prepare for life. With affiliates operating in 27 States and the District of Columbia, Communities in Schools helps about 2 million students every year.

Community involvement means real help for children in need, and the evidence shows. For instance:

In Georgia, CIS currently supports graduation coaches directly serving approximately 37,000 high school students who are at risk of dropping out.

In the wake of Hurricane Katrina, CIS stepped in to provide morning classes and afternoon activities for students whose parents had lost their social support systems after they were forced to relocate to Houston, Texas.

There are also countless individual stories of community-based integrated services making a difference. In Texas, CIS helped 14-year-old Yeana Carbajal, who was born with cerebral palsy, to obtain proper medical attention and social services, enabling her to return to school after hip surgery when her doctors had told her that would be impossible. Yeana is now back in school and thriving academically and socially.

Another student, who at 14 became the primary caregiver of a mother who eventually died with AIDS, overcame homelessness and became the first in her family to graduate high school. A turning point for her came when she participated in a career exploration program coordinated through the community-based program office at her school. She discovered her special talents in the culinary arts, and is now an honor student at Johnson and Wales University.

Finally, a growing body of educational research suggests that student achievement improves in environments where learning is a community value, and where schools have the ability to address a broad range of educational needs. Many school districts have gone even further to respond to this research, by establishing full-service community schools that directly involve parents, families, and the entire community in education.

The Keeping PACE Act also responds to this research by providing new avenues to establish and support full-service community schools. These efforts have wide-ranging positive impacts, including "better family functioning and parental involvement, healthy youth development and improved social behavior, improved academic achievement and learning outcomes, and enhanced community life." Two prominent researchers in the field further note, "In community schools . . . schools are transformed into much more than just a portfolio of programs and services. They become a powerful agent for change in the lives of young people and their families and improve the climate of the entire school."

This bill enables States to provide incentives to local education agencies that coordinate with mayors, community-based organizations, for-profit organizations and other community partners to re-design and modernize their current school plans and facilities to better link students with community resources. School districts across the country are beginning to recognize the benefits of planning a school not only as an academic center for students, but also as a neighborhood center that serves the entire community. Designing schools from the onset to leverage integrated services to students helps meet multiple local needs such as educational, health, social service, and recreational needs.

It's time for America to make a real commitment, and give real opportunity and real fairness to address the comprehensive learning needs of children and families, guarantee a place for parents and families in schools, and provide real hope to our students most at-risk of dropping out. Engaging parents and communities in the success of students enrolled in our public schools is critical to the future and prosperity of our entire Nation.

This bill is supported by 15 organizations representing education communities. I ask unanimous consent that their letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMUNITIES IN SCHOOLS,
Alexandria, VA, April 16, 2007.

DEAR SENATOR KENNEDY: On behalf of Communities In Schools—our national offices and our network of local affiliates in 27 states and District of Columbia—I would like to congratulate you on the introduction of the Keeping Parents and Communities Engaged (Keeping PACE) Act. For 30 years Communities In Schools has been working to connect existing community resources with schools to improve student achievement. This legislation provides much needed structure, funding, and support at the federal level for critical community engagement activities in our nation's public schools. The Keeping PACE Act's provisions are research-based, effective, and fiscally responsible. Communities In Schools strongly supports this legislation.

While much of the rhetoric in education is about the problems in the system, the Keeping PACE Act offers a real solution to help to lower the high school dropout rate and raise the achievement level of students in need. Too often, students at risk of dropping out or not achieving academically have the talent, intelligence, and potential to achieve, but they need assistance to address challenges that may block their way. The Keeping PACE Act's three components provide a strong foundation to help students—particularly those at risk of dropping out of school—with their challenges by supporting: grants to states to support parent and community outreach coordinators in schools; grants to community-based organizations to engage schools and provide integrated services; and grants to help make schools the centers of their communities.

Communities In Schools is particularly pleased that the Keeping PACE Act provides support for community-based organizations that provide integrated student services. Community-based, integrated student services are interventions that improve student achievement by connecting community resources—such as mentoring, service-learning, and afterschool programs—with both the academic and social service needs of students. Programs focus energy, resources, and time on shared school and student goals. The core strategy of community-based, integrated student services is to leverage existing community resources and effectively link these resources with students in need in order to address whatever barriers the students may face. This leverages a greater return on federal, state, and local investments that are already being made in education. Without coordination, however, many students cannot benefit from these programs. The Keeping PACE Act supports funding for this critical coordination and effectively leverages current federal, state, and local investments in education.

Importantly, research and experience establish that the model supported by the Keeping PACE Act works in all types of schools across the country—urban, rural, and suburban. By supporting community-based, integrated student services and parental involvement, the Keeping PACE Act provides strong support for a very effective strategy to address our nation's dropout rate and the achievement gap in communities across the country.

Thank you again for your leadership the Keeping PACE Act. This very important bill will go along way toward supporting the services that young people need and will make a huge difference in lowering the dropout rate and closing the achievement gap.

Sincerely,

DANIEL J. CARDINALI,
President.

CENTER FOR AMERICAN
PROGRESS ACTION FUND,
Washington, DC, April 16, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: This letter is written to express the support of the Center for American Progress Action Fund for your PACE Act of 2007. The PACE Act takes great strides towards facilitating community support for low-income schools, a crucial step towards closing the achievement gap and providing all American children with equal educational opportunity.

Schools, families, communities, and children themselves all play important roles in promoting student learning. Children are more likely to do their best when all these players work together to ensure that challenges students face outside the classroom are addressed, rather than remaining as ongoing barriers to student learning and achievement.

Community schools reshape the structure of traditional schools and recast their roles in the community by explicitly positioning schools, families and communities as vital partners in fostering the health, well-being and academic growth of children. These schools help address the out-of-school needs of students and their families so that young people can focus on learning when they are in the classroom, and also take advantage of nurturing opportunities outside of the classroom.

Providing supplemental support services to students and their families has been shown to lead to real improvements in their well-being. Researchers have documented that students in community schools demonstrate positive outcomes, including higher test scores, fewer disciplinary problems, improved attendance and graduation rates, and diminished incidence of self-destructive behaviors.

We are pleased that the report by the Renewing Our Schools, Securing Our Future National Task Force on Public Education, issued by our sister organization, the Center for American Progress, has influenced the drafting of this legislation, and that the PACE Act reflects the community schools recommendations in that report. It is our hope that Congress and the nation as a whole will embrace the ideas in this important piece of legislation.

Best Regards,

JOHN PODESTA,
President and CEO.

CITIZEN SCHOOLS,
Boston, MA, April 13, 2007.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing in support of the Keeping Parents and Communities Engaged (Keeping PACE) Act of 2007. The Keeping PACE Act proposes a promising set of initiatives to strengthen two areas that are key to student success: parental involvement and coordinated community support.

At Citizen Schools, we see the importance of parental engagement and integrated student support systems every day. Citizen Schools operates a national network of after-school programs that advance student achievement and mobilize adult volunteers to teach hands-on apprenticeship courses. Our programs blend real-world learning projects with rigorous academic and leadership development activities, preparing students in the middle grades for success in high school, college, the workforce, and civic life. Citizen Schools currently serves 3,000 students and engages 2,400 volunteers in California, Massachusetts, New Jersey, North Carolina and Texas. In Massachusetts, our programs operate in Boston, Lowell, Malden, New Bedford, Worcester, and Springfield.

Citizen Schools works intensively with low-income students, most of whom are struggling academically. A rigorous independent evaluation has reported that Citizen Schools' students significantly outperformed a matched comparison group on key metrics of school success and advancement, including grades and standardized test scores. These achievements would not be possible without the engagement and support of students' families and communities.

Our program also brings together students and adult volunteers, and we have seen the rewards that both groups derive from this opportunity to interact. As such, Citizen Schools wholeheartedly supports efforts that reduce the barriers between schools and communities.

The Keeping PACE Act will produce positive outcomes for our neediest students by facilitating parent involvement and access to community resources. Thank you for your leadership on this important issue.

Sincerely,

ERIC SCHWARZ,
President and CEO.

NATIONAL ASSOCIATION
FOR GIFTED CHILDREN,
Washington, DC, April 11, 2007.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN KENNEDY: The National Association for Gifted Children (NAGC), the largest organization devoted to meeting the needs of the nation's more than three million gifted and talented students, is writing to express its support of the Keeping Parents and Communities Engaged (Keeping PACE) Act.

In high-poverty school districts, little attention is being paid to finding and supporting the children who meet the requirements of NCLB-mandated tests and are ready to move to higher levels of achievement. Many low-income promising students may be trapped in schools that do not acknowledge the presence of gifted children, do not offer appropriate level of intellectual stimulation, and do not provide the services necessary to encourage talent development. This failure to address the learning needs of high-ability children is a tragedy for the children, their families, communities, and the nation.

The Keeping PACE Act will be a catalyst for developing the partnerships necessary to support bright children from disadvantaged backgrounds. The Act establishes an integrated service strategy for students and their families in several key areas--including mentoring, tutoring, and enrichment—which go a long to supporting the intellectual appetites of students who are unchallenged in the classroom, who want to explore in-depth learning on their own, or who need safe haven from negative peer attitudes towards academic achievement. We also applaud the Act's focus on assisting students and parents in planning for post-secondary educational opportunities. Many of these bright children will be the first in their families to pursue post-secondary options and they will need assistance to make appropriate decisions and to understand the range of grant and other funding opportunities available to high-achieving students.

NAGC is invested in building alliances with other national organizations that serve low-income learners and has made a strong commitment to enhancing the competency of teachers who work with underserved populations of students. We look forward to working with you and your office in support of this legislation and to strengthen NCLB in other ways for gifted and talented students.

Sincerely,

NANCY GREEN,
Executive Director.

NATIONAL COLLABORATION FOR YOUTH,
Washington, DC, March 26, 2007.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY: The National Collaboration for Youth is writing to express its support of the Keeping Parents and Communities Engaged (Keeping PACE) Act.

The National Collaboration for Youth membership comprises national youth-serving organizations that have a presence in almost every community in the United States. The signers of this letter include community-based organizations, and organizations that conduct research, evaluation, and provide technical assistance to communities and schools across the country. As advocates striving to improve the conditions of young people in America, we believe that student achievement is enhanced when parents, caregivers and communities are engaged in education.

Research and experience demonstrate that improving the interaction between school and community, and providing integrated services and supports for students and their families in such areas as healthcare, employment, mentoring, tutoring, enrichment and recreation, will help to serve the intellectual, social, emotional, and physical well-being of students. Access to these and other related non-academic needs pave the way for the successful education of a young person. By incorporating family and community engagement with schools, the Keeping PACE Act will strengthen the Elementary and Secondary Education Act, and will be an important tool in reducing the school dropout rate and closing the achievement gap.

We look forward to continuing to work with you and your office to strengthen the goals of this legislation, and move it towards enactment. Please do not hesitate to contact us if we can be of any assistance.

Thank you for your leadership and public service.

Sincerely,

America's Promise—The Alliance for Youth, Marguerite Kondracke, President and CEO.

Big Brothers Big Sisters of America, Judy Vredenburgh, President and CEO.

Camp Fire USA, Jill Pasewalk, National President and CEO.

Communities In Schools, Inc., Daniel Cardinali, President.

First Focus, Bruce Lesley, President.

Forum for Youth Investment, Karen J. Pittman, Executive Director.

GLSEN—The Gay Lesbian and Straight Education Network, Kevin Jennings, Executive Director.

Leadership & Renewal Outfitters, Janet R. Wakefield, CEO.

MENTOR/National Mentoring Partnership, Gail Manza, Executive Director.

National Collaboration for Youth, Irv Katz, President and CEO.

National Network For Youth, Victoria Wagner, President and CEO.

YMCA of the USA, Neil Nicoll, President and CEO.

FIRST FOCUS,
Alexandria, VA, March 23, 2007.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: It is a pleasure to formally endorse the Keeping Parents and Communities Engaged Act. This important legislation recognizes the critical role played by families and communities in improving the academic success of our students. We applaud this bill and look forward to working with you toward its enactment.

First Focus believes, and research demonstrates, that we must meet the needs of students in and outside the classroom in order to bolster their success in school. A study commissioned by the America's Promise Alliance analyzed the impact of having five key resources in children's lives: caring adults, safe places, a healthy start, an effective education, and opportunities to help others. Students with four or five of these resources were twice as likely as their peers with zero or one resource to get As in school, 40 percent more likely to volunteer, and twice as likely to avoid violence. The Keeping PACE Act is crucial because it will help to connect young people to an array of services and supports, thereby increasing their access to these and other important resources.

The debate surrounding the reauthorization of the No Child Left Behind Act will appropriately center on issues surrounding accountability, teacher quality, national standards and other important topics. We thank you for raising the importance of parent and community engagement as well. Every child can succeed, but we must provide them with the tools to do so. By building stronger connections between parents, schools, and communities, the Keeping PACE Act will help the nation be stronger supporters of our students.

Chairman Kennedy, thank you for your leadership. We look forward to working with you.

Sincerely,

BRUCE LESLEY,
President.

By Mr. MCCAIN (for himself and Mr. KYL):

S. 1304. A bill to amend the National Trails System Act to designate the Arizona National Scenic Trail; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am pleased to be joined today by Senator KYL in introducing the Arizona Trail Feasibility National Scenic Trail Act.

This bill would designate the Arizona Trail as a National Scenic Trail. A similar bill is being introduced in the House of Representatives by Congresswoman GIFFORDS.

The Arizona Trail is a beautifully diverse stretch of public lands, mountains, canyons, deserts, forests, historic sites, and communities. The Trail is approximately 807 miles long and begins at the Coronado National Memorial on the U.S.-Mexico border and ends in the Bureau of Land Management's Arizona Strip District on the Utah border near the Grand Canyon. In between these two points, the trail winds through some of the most rugged, spectacular scenery in the Western United States. The corridor for the Arizona Trail encompasses the wide range of ecological diversity in the State, and incorporates a host of existing trails into one continuous trail. In fact, the trail route is so topographically diverse that a person can hike from the Sonoran Desert to Alpine forests in 1 day.

For over a decade, more than 16 Federal, State, and local agencies, as well as community and business organizations, have partnered to create, develop, and manage the Arizona Trail. Through their combined efforts, these agencies and the members of the Arizona Trail Association have completed over 90 percent of the longest contiguous land-based trail in the State of Arizona. Designating the Arizona Trail as a National Scenic Trail would help streamline the management of the high-use trail to ensure that this pristine stretch of diverse land is preserved for future generations to enjoy.

Since 1968, when the National Trails System Act was established, Congress has designated over 20 National trails. Before a trail receives a national designation, a Federal study is typically required to assess the feasibility of establishing a trail route. The Arizona Trail doesn't require a feasibility study because it's virtually complete with less than 60 miles left to build and sign. All but 1 percent of the trail resides on public land, and the unfinished segments don't involve private property. The trail meets the criteria to be labeled a National Scenic Trail and already appears on all Arizona State maps. Therefore, the Congress has reason to forego an unnecessary and costly feasibility study and proceed straight to National Scenic Trail designation.

The Arizona Trail is known throughout the State as boon to outdoor enthusiasts. The Arizona State Parks recently released data showing that two-thirds of Arizonans consider themselves trail users. Millions of visitors also use Arizona's trails each year. In one of the fastest-growing States in the U.S., the designation of the Arizona Trail as a National Scenic Trail would ensure the preservation of a corridor of open space for hikers, mountain bicyclists, cross country skiers, snowshoers, eco-tourists, equestrians, and joggers.

I urge my colleagues to support the passage of this legislation.

Mr. KYL. Mr. President, today I am pleased to join with Senator McCAIN in introducing the Arizona National Scenic Trail Act. This bill would amend the National Trails System Act to designate the Arizona Trail as a national scenic trail. In 1968, Congress established the National Trails System to promote the preservation of historical resources and outdoor areas. National scenic and historic trails may be designated only by an act of Congress.

This is not a new proposal. Senator McCAIN and I have been working on legislation relating to the Arizona Trail since the 108th Congress. Past legislation focused on conducting a feasibility study to determine whether the trail is physically possible and financially feasible. A feasibility study is generally the first step toward national trail designation, but such legislation was not successfully enacted. In the meantime the Arizona Trail Association and its State and Federal partners have continued to develop the trail with national designation in mind. Senator McCAIN and I believe a feasibility study is not necessary. Let me explain: the Arizona Trail already exists. It extends over 800 continuous miles and is over 90 percent complete—clearly, it is physically possible. It is also financially feasible, as this trail does not require a single land acquisition, and commitments already exist to manage the trail and complete the remaining few miles of trail construction. This trail is ready for designation. In fact, the Arizona Trail is farther along than many national scenic trails that have already been designated by Congress.

The Arizona Trail is highly deserving of national designation. The trail is a roller coaster ride through the wide range of ecological diversity in the State. The trail corridor begins at the Coronado National Memorial on the U.S.–Mexico border and winds some 800 miles, ending on the Bureau of Land Management's Arizona Strip District on the Utah border. Between these two points, it invites recreationists to explore the State's most renowned mountains, canyons, deserts and forests, including the Grand Canyon and the Sonora Desert. This trail is unique in that it maximizes the incorporation of already existing public trails into one continuous trail to showcase some of the most spectacular scenery in the West.

Over 16 Federal, State and local agencies, as well as numerous community and business organizations and countless volunteers, have cooperated to develop and sustain the trail as a recreational resource for future generations. Designating the Arizona Trail as a national scenic tail will help streamline its management, boost tourism and recreation, and preserve a magnificent natural, cultural, and historical experience of the American West. I urge my colleagues to enact this legislation at the earliest possible date.

By Mr. COLEMAN (for himself, Mr. LEVIN, and Mrs. McCASKILL):

S. 1307. A bill to Include Medicare provider payments in the Federal Payment Levy Program, to require the Department of Health and Human Services to offset Medicare provider payments by the amount of the provider's delinquent Federal debt, and for other purposes; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I rise to introduce the Medicare Provider Accountability Act on behalf of myself, and my colleagues Senator LEVIN and Senator McCASKILL. This bill is a direct result of the recent bipartisan investigation by the Permanent Subcommittee on Investigations exposing Medicare physicians and related providers who cheat on their taxes. At our March 20 hearing, entitled "Medicare Doctors Who Cheat On Their Taxes," the Subcommittee presented evidence that more than 21,000 physicians and other providers received millions of dollars through the Centers for Medicare and Medicaid Services, CMS, under Medicare Part B, even though they collectively owe more than $1.3 billion in undisputed Federal taxes as of September 30, 2006.

I think it is important to note that the vast majority of physicians are working hard to provide services to Medicare beneficiaries. In fact, I know that many doctors struggle with ongoing reductions in payments under the so-called Sustainable Growth Rate.

The focus of PSI's ongoing investigations has been tax fraud and government contractors. CMS is the only Federal agency of considerable size that has resisted participating in the Federal Payment Levy Program that I will describe later. As we looked into CMS, we found that there were physicians receiving payments from the government while they simultaneously withheld money from the government by cheating on taxes, and failing to pay child support or student loan debts. Through their actions, these "bad apples" are hurting efforts to promote the longterm sustainability of the Medicare Program.

What is disturbing is that the delinquent doctors identified by our investigation were not hardship cases but rather folks living the "good life." This minority of physicians live in multimillion-dollar homes, own luxury vehicles and pleasure boats, and gamble with millions of dollars, yet still cheat the government.

Some of the most egregious examples that GAO discovered include the following:

An ambulance company received more than $1 million from Medicare in just the first 9 months of 2005, although it owed more than $11 million in back taxes.

One doctor has refused to pay Federal income taxes since the 1970s and now owes more than $3 million in unpaid Federal taxes, and more than $1 million to another Federal agency. He was paid approximately $100,000 by Medicare in the first 9 months of 2005. He tried to hide his assets by attempting to transfer property to his children.

Another physician who owes more than $1 million, primarily as payroll taxes withheld from his employees, received more than $1 million from Medicare between January and September 2005. He was flaunting his illegally gained windfall with a million-dollar home, 58-foot yacht, and ownership of several night clubs. His recently reported income is half a million dollars, but the compromise offer he made to the IRS only covers the penalty for nonpayment and not the overdue taxes themselves.

Another physician whose medical license is on probation owes more than $400,000 in unpaid Federal taxes. Despite this debt, he purchased a luxury vehicle predominantly with cash, deposited tens of thousands of dollars in cash in such a way as to avoid mandatory reporting to the IRS, and gambled away millions of dollars. Although he did report more than $600,000 in net profits for 2 recent years, he still managed to fall behind in his child support payments by tens of thousands of dollars and to default on his installment agreement with the IRS.

Unfortunately, the list goes on and on. Worse, as if failing to pay their taxes was not a sufficient insult to American taxpayers, Medicare providers also owed $33 million in child support, $27 million in unpaid student loans, $114 million owed to other Federal agencies, and $22 million in unpaid state income taxes.

While these figures and case studies are obviously disturbing, the good news is that the Federal Government has two marvelous programs for recovering Federal debt from Federal payments, the Federal Payment Levy Program, FPLP, for tax debt, and the Treasury Offset Program, TOP, for non-tax debt, such as delinquent student loans, child support, and money owed Federal agencies. The Financial Management Service, FMS, handles both of these programs and matches pending payments from the Federal Government against outstanding Federal tax debt in the case of FPLP, and against other outstanding federal debt in TOP. If such debt exists, a levy of 15 percent or more is imposed upon each payment made to the delinquent taxpayer until that debt is recovered. FMS currently screens most Federal payments for unpaid taxes, including salaries and payments to contractors and vendors.

The Government Accountability Office specifically recommended that CMS confer with the IRS and FMS to figure out how to get Medicare payments into the levy program. That recommendation came in six years ago, in 2001, so it is clear that CMS and the other agencies have been "on notice" about this very issue for years. In fact, although CMS has been sending information on payments to Medicare Part C and D providers to FMS for matching in FPLP, it has failed to include the more than $300 billion in payments to Part A and B providers.

As a result, the Federal Government has lost countless opportunities to levy Medicare payments made to tax-delinquent doctors and other suppliers. The GAO estimated that, if CMS had participated in the levy program, the government could have recouped anywhere between $50 million and $140 million of unpaid Federal taxes from these Medicare tax-cheats in just the first nine months of 2005 alone. That does not include potential millions recouped for delinquent student loans, unpaid child support, and back-taxes owed to States.

But we are not in the blame business, we are in the problem-solving business. So, the paramount question is how to fix this mess. Make no mistake: these are complex problems, but I am confident that we can fix them. This legislation is a good start.

The bill, entitled the Medicare Provider Accountability Act, has three prongs to assist the Federal government with the collection of these outstanding debts. It establishes a timetable for CMS to join the Federal Payment Levy Program for all payments to Medicare providers, and expressly authorizes CMS to participate in the Treasury Offset Program to collect nontax debt. Finally, it enables the IRS to begin levying payments earlier in the notice process.

First, this bill sets a deadline by which CMS must fully participate in the FPLP. Fifty percent of the payments to Part A and B providers must be sent to FMS for matching tax debt under FPLP within 1 year of enactment. Within 2 years of enactment, every Medicare provider payment, regardless of Part, will be checked by FMS under FPLP for outstanding Federal tax debt.

Second, this bill gives CMS the authority to submit payments to its providers to TOP, which it had previously been unable to do. CMS and FMS testified at the hearing that CMS cannot legally participate in TOP as a Federal disbursing authority, and that to do so will require a Legislative fix. This bill explicitly includes payments to Medicare providers as disbursements that can be offset, allowing for the recovery of delinquent student loans, overdue child support, debts owed to other federal agencies and state taxes.

In addition, this legislation enables IRS to levy Federal payments to recover delinquent tax debt earlier in the process. Currently, only about half of the $140 billion in tax debt eligible for matching is "turned on" to allow FMS to begin levying payments through FPLP. This is a result of IRS's current procedure, sending four computer-generated notices followed by a Collection Due Process, CDP, notice. Although the delinquent taxpayer can enter a payment plan or challenge the amount throughout the process, the formal appeals process begins only after all of those notices are issued. This protracted process allows a delinquent taxpayer to drag out the process and prevent automatic levies anywhere from months to years. An additional problem beyond the delay is that by the time the appeals process concludes, the contractor may no longer be receiving Federal payments. This provision of the bill accelerates the collection process, enabling a postlevy appeals process, whereby the IRS can begin to levy Federal payments prior to the CDP notice. To be clear, this would permit the Government to begin levying payments earlier, while still preserving the taxpayer's right to appeal. This will not affect levies on third parties.

Congress has spent much of this session focusing on health care. We all know that we have a crisis looming with Medicare. In order to ensure the long term sustainability of the program, we need to be sure that the money that is going out through this program is being spent efficiently and effectively. We also need to be sure that the money that is coming into this program through our taxes is being collected efficiently and effectively. They are part and parcel of the same problem. As we look for money to spend on programs to benefit our most vulnerable, this legislation can go a long way to identifying possible sources.

I would especially like to thank Chairman LEVIN for his ongoing support of our efforts to address those who receive Federal payments without paying their taxes. This is truly a bipartisan effort and a bipartisan bill in its writing and its sponsorship.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Provider Accountability Act".

SEC. 2. INCLUSION OF MEDICARE PROVIDER PAYMENTS IN FEDERAL PAYMENT LEVY PROGRAM.

(a) In General.—The Centers for Medicare and Medicaid Services shall take all necessary steps to participate in the Federal Payment Levy Program under section 6331(h) of the Internal Revenue Code of 1986 as soon as possible and shall ensure that—

(1) at least 50 percent of all payments under parts A and B of title XVIII of the Social Security Act are processed through such program within one year of the date of enactment of this Act, and

(2) all remaining payments under such parts A and B are processed through such program within two years of such date.

(b) Assistance.—The Financial Management Service and the Internal Revenue Service shall provide assistance to the Centers for Medicare and Medicaid Services to ensure that all payments described in subsection (a) are included in the Federal Payment Levy Program by the deadlines specified in that subsection.

SEC. 3. APPLICATION OF ADMINISTRATIVE OFFSET PROVISIONS TO MEDICARE PROVIDER PAYMENTS.

(a) In General.—Section 3716 of title 31, United States Code, is amended—

(1) by inserting "the Department of Health and Human Services," after "United States Postal Service," in subsection (c)(1)(A), and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

"(D) This section shall apply to claims or debts, and to amounts payable, under title XVIII of the Social Security Act.".

(b) Effective Date.—The amendments made by this section shall apply to payments made after the date of enactment of this Act.

SEC. 4. STREAMLINING TAX LEVIES ON FEDERAL PAYMENTS.

(a) In General.—Section 6330(f) of the Internal Revenue Code of 1986 (relating to jeopardy and State refund collection) is amended—

(1) by striking "or" at the end of paragraph (1),

(2) by striking the comma at the end of paragraph (2) and inserting "; or",

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has approved a levy, including a continuing levy under section 6331(h), on specified payments, as defined in section 6331(h)(2),", and

(4) by striking the heading and inserting "Jeopardy, State Refund, and Collection From Federal Payments".

(b) Effective Date.—The amendments made by this section shall apply to levies made after the date of enactment of this Act.

Mr. LEVIN. Mr. President, I join today with my colleagues, Senator Coleman and Senator McCaskill, in introducing the Medicare Provider Accountability Act. This bill targets Medicare, a program which is indispensable to the health of our citizens, because some Medicare service providers are profiting from the program while abusing the federal tax system. The facts show that, while the vast majority of Medicare health care providers are honest, tax-paying citizens, others are getting paid with taxpayer dollars while, at the same time, failing to pay their taxes.

Legislation to stop this abuse is a product of the work of the Permanent Subcommittee on Investigations, on which I serve as Chairman and Senator Coleman serves as the Ranking Member. On March 20, 2007, a Subcommittee hearing presented testimony from the Government Accountability Office (GAO) showing that about 21,000 Medicare Part B health care providers, including doctors, ambulance companies, and medical laboratories, collectively owe more than $1 billion in delinquent taxes. GAO also determined that, despite this pending tax debt, during the first 9 months of 2005 alone, these health care providers had received payments on Medicare claims totaling around $140 million. In other words, these providers were stuffing taxpayer dollars in their pockets at the same time they were stiffing Uncle Sam by not paying their taxes.

Federal programs exist to stop this type of abuse. One key program is the Federal Payment Levy Program, which was established about ten years ago to enable the Federal government to identify federal payments being made to tax delinquents, and authorize the withholding of a portion of those taxpayer dollars to apply to the person's tax debt. That program has successfully collected taxes from federal payments made through the Treasury Department and by agencies like the Defense Department who screen their own payments to contractors through Treasury's Financial Management Service.

As our March hearing demonstrated, however, despite a legal requirement to do so, The Centers for Medicare and Medicaid Services (CMS) have never participated in the tax levy program with respect to Medicare Part A and B payments. This failure means that, year after year, as much as $300 billion in Federal Medicare payments have not been screened for unpaid taxes. The first substantive provision of our bill would redress this situation by mandating CMS to bring all Medicare part A and B payments into the Federal Payment Levy Program over the next two years.

The second part of our bill would enable CMS to participate in a similar automated program, known as the Treasury Offset Program, to collect non-tax debt, such as unpaid student loans and child support. GAO has determined that certain Medicare health care providers collectively owe hundreds of millions of dollars in student loans, child support, and unpaid state taxes that could be collected through administrative offsets.

The third and final part of our bill would eliminate a barrier to including a large part of IRS's uncollected tax assessments in the Federal Payment Levy Program for collection from Medicare provider payments, as well as other federal contractor payments. Right now, for a variety of legal and technical reasons, only 45 percent of the tax debt assessed but still uncollected in 2006 was actually made subject to levy under the federal program. In 2006, over half of this assessed tax debt—some $67 billion—was never "turned on" for actual collection under the tax levy program. Now, $67 billion is a big number, even by Washington standards.

One key reason that this tax debt was not "turned on" for collection by levy is that many of the accounts had not reached the stage in their processing where the required notice of intent to levy had been sent to the taxpayer. Until that notice is sent and the taxpayer has exhausted all rights of appeal available under the tax law, the IRS is currently barred from placing a tax levy on the taxpayer's property. In the case of Medicare providers and other federal contractors, that means federal dollars continue to go into their pockets, without any withholding, despite their unpaid taxes.

While it may be appropriate to delay tax levies on most types of taxpayer property until a taxpayer's appeals are exhausted, it makes no sense to keep sending taxpayer dollars to a tax delinquent Medicare provider or other federal contractor while they are appealing the tax assessment. Withholding should be allowed when it is taxpayer dollars that are being paid to the tax delinquent. That's why our bill would create a special rule for federal payments, allowing a tax levy to be initiated and continue in effect, while the taxpayer's appeal goes forward. The taxpayer would retain the same due process rights, but a tax levy would be allowed to begin earlier in the administrative process; it would no longer have to wait until all of the taxpayer's appeal rights were exhausted. For property other than federal payments, the bill would maintain the current system, requiring a pre-levy notice and exhausted appeal rights before the property could be levied.

The vast majority of Medicare providers render valuable services to their patients, and they do so while paying their taxes. These honest health care providers are put at a competitive disadvantage by the Medicare tax cheats who reduce their operating costs by failing to pay taxes. Besides hurting honest businesses, this type of tax dodging hurts our country by undermining the fairness of our tax system and by forcing honest taxpayers to make up the shortfall needed to pay for basic federal protections—like health care. When these tax delinquents also receive large payments of federal funds, it adds insult to injury. We must force these tax dodgers to pay their tax debt, and a key tool is to subject any federal payments they receive to an effective tax levy program.

The Medicare Providers Accountability Act would target those tax dodgers by strengthening the tax levy program and subjecting additional hundreds of billions of dollars in federal payments each year to screening for unpaid taxes. An improved tax levy program would, in turn, strengthen federal tax enforcement, take a load off the shoulders of honest taxpayers, and reduce the tax gap. I urge my colleagues to join us in supporting the bill's enactment.

I ask unanimous consent that my remarks follow those of Senator Coleman in today's Congressional Record.

By Mr. SCHUMER (for himself, Mr. Lott, and Mr. Conrad):

S. 1310. A bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program; to the Committee on Finance.

Mr. SCHUMER. Mr. President, today I, along with Senators Lott and Conrad, introduce the Medicare Ambulance Payment Extension Act. Without this legislation, ambulance service providers stand to lose $306 million in Medicare reimbursement in 2008 and 2009 in addition to the nearly $150 million they will lose this year. Our legislation will restore $341 million in Medicare reimbursement with a 5 percent increase in payments for 2008 and 2009.

Ambulance services are a vital component of the health care and emergency response systems of our Nation. Unfortunately, ambulance services providers are being significantly underfunded in providing their critical services to Medicare patients. We need to ensure that our ambulance service providers have the financial resources necessary to provide all Americans with high quality, life-saving services.

Fortunately, in the Medicare Modernization Act of 2003, MMA, Congress implemented several provisions to provide temporary relief to help struggling ambulance service providers. The MMA ambulance provisions provided short-term relief through 1 percent urban and 2 percent rural increases, a mileage rate increase for long trips, a payment boost for ambulance transports in extremely rural areas, and a regional adjustment that helped a majority of providers depending on their state. While the rural payment boost and long trip increase are temporarily still intact, the 1 percent urban and 2 percent rural increases expired at the end of last year and the regional adjustment has dropped from 80 percent to only 20 percent of payments. If Congress does not act, ambulance service providers will lose over $450 million in relief from 2007 through 2009.

Ambulance service providers cannot afford to face decreased reimbursement in the coming years. Ambulances services respond to not only 911 calls and nonemergency requests but also as first responders to natural disasters and acts of terrorism. Medicare patients account for approximately 45 percent of the call volume of an ambulance operation. Ambulance service providers cannot afford to have half of their transports reimbursed at below the cost of providing services.

While all health care providers face reimbursement challenges, ambulance service providers are required by law to respond to a plea for emergency medical care, regardless of whether the provider will recoup the full, if any, cost of the service. This additional responsibility along with the requirement that ambulance service providers accept the Medicare ambulance fee schedule rate as payment in full has further deteriorated the financial stability of ambulance operations. With increased focus on ensuring that our first responders are prepared in the event of a terrorist attack or national disaster, we should be bolstering, not deteriorating, this health care safety net.

The Medicare Ambulance Payment Extension Act will ensure that patients across America will continue to have access to critical ambulance services. We urge our colleagues to support this legislation, and I look forward to its passage this year.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Ambulance Payment Extension Act".

SEC. 2. EXTENSION OF INCREASED MEDICARE PAYMENTS FOR GROUND AMBULANCE SERVICES.

Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A), in the heading, by striking "In General" and inserting "For the Second Half of 2004 and for 2005 and 2006";

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting the following after subparagraph (A):

"(B) For 2008 and 2009.—After computing the rates with respect to ground ambulance services under the other applicable provisions of this subsection, in the case of such services furnished on or after January 1, 2008, and before January 1, 2010, the fee schedule established under this section shall provide that the rate for the service otherwise established, after application of any increase under paragraphs (11) and (12), shall be increased by 5 percent."; and

(4) in subparagraph (C), as redesignated by paragraph (2)—

(A) in the heading, by striking "Application of Increased Payments After 2006" and inserting "No Effect on Subsequent Periods"; and

(B) by adding at the end the following new sentence: "The increased payments under subparagraph (B) shall not be taken into account in calculating payments for services furnished after the period specified in such subparagraph.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—SUPPORTING THE IDEALS AND VALUES OF THE OLYMPIC MOVEMENT

Mr. SALAZAR (for himself, Mr. Brown, Mr. Allard, Mr. Leahy, Mrs. Feinstein, and Mrs. Clinton) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. Res. 185

Whereas, for over 100 years, the Olympic Movement has built a more peaceful and better world by educating young people through athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, sportsmanship, and fair play;

Whereas the United States Olympic Committee is dedicated to coordinating and developing athletic activity in the United States to foster productive working relationships among sports-related organizations;

Whereas the United States Olympic Committee promotes and supports athletic activities involving the United States and foreign countries;

Whereas the United States Olympic Committee promotes and encourages physical fitness and public participation in athletic activities;

Whereas the United States Olympic Committee assists organizations and persons concerned with sports in the development of athletic programs for able-bodied and disabled athletes regardless of age, race, or gender;

Whereas the United States Olympic Committee protects the opportunity of each athlete, coach, trainer, manager, administrator, and official to participate in athletic competition;

Whereas athletes representing the United States at the Olympic Games have achieved great success personally and for the Nation;

Whereas thousands of men and women of the United States are focusing their energy and skill on becoming part of the United States Olympic Team and aspire to compete in the 2008 Olympic Games in Beijing, China;

Whereas the Nation takes great pride in the qualities of commitment to excellence, grace under pressure, and good will toward other competitors exhibited by the athletes of the United States Olympic Team; and

Whereas June 23, 2007, is the anniversary of the founding of the Modern Olympic Movement, representing the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the Modern Olympic Games: Now, therefore, be it

Resolved, That the Senate—

(1) supports the ideals and values of the Olympic Movement; and

(2) calls upon the people of the United States to observe the anniversary of the founding of the Modern Olympic Movement with appropriate ceremonies and activities.

SENATE RESOLUTION 186—DESIGNATING JUNE 5, 2007, AS "NATIONAL HUNGER AWARENESS DAY" AND AUTHORIZING THE SENATE OFFICES OF SENATORS GORDON H. SMITH, BLANCHE L. LINCOLN, ELIZABETH DOLE, AND RICHARD J. DURBIN TO COLLECT DONATIONS OF FOOD DURING THE PERIOD BEGINNING MAY 7, 2007, AND ENDING JUNE 5, 2007, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, D.C., METROPOLITAN AREA

Mr. SMITH (for himself, Mrs. Lincoln, Mrs. Dole, Mr. Durbin, Mr. Vitter, Mr. Pryor, Mr. Levin, Mrs. Levin, Mrs. Murray, Mr. Kohl, Mr. Salazar, and Ms. Cantwell) submitted the following resolution; which was considered and agreed to:

S. Res. 186

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the Federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the special supplemental program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and other child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money to such efforts;

(2) volunteering for such efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2007, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

SENATE RESOLUTION 187—CONDEMNING VIOLENCE IN ESTONIA AND ATTACKS ON ESTONIA'S EMBASSIES IN 2007, AND EXPRESSING SOLIDARITY WITH THE GOVERNMENT AND THE PEOPLE OF ESTONIA

Mr. VOINOVICH (for himself, Mr. Biden, Mr. Lieberman, Mr. Smith, and Ms. Mikulski) submitted the following resolution, which was considered and agreed to:

S. Res. 187

Whereas, on April 27, 2007, the Bronze Soldier Soviet monument in central Tallinn was moved to a prominent location in the Garrison Military Cemetery as a result of a decision by the Government of Estonia;

Whereas the Government of Estonia communicated its reasons for this decision to the Government of the Russian Federation and offered to work with Russian officials during the process, which the Russian officials declined to do;

Whereas, on April 27, 2007, a crowd of more than 1,000 demonstrators gathered at the site of the memorial and riots broke out across Tallinn;

Whereas more than 153 people were injured as a result of the riots, and one died as a result of stabbing by another rioter;

Whereas several stores in Tallinn and surrounding villages were looted as a result of the riots, and a statue of an Estonian general was set on fire;

Whereas, since April 27, 2007, the Government of Estonia has reported several cyber-attacks on its official lines of communication, including those of the Office of the President;

Whereas, on April 28, 2007, and in days following, the Embassy of Estonia in Moscow was surrounded by angry protesters who demanded the resignation of the Government of Estonia, tore down the flag of Estonia from the Embassy building, and subjected Embassy officials inside the building to violence and vandalism;

Whereas, on April 30, 2007, a delegation of the State Duma of the Russian Federation visited Estonia and issued an official statement at the Embassy of the Russian Federation in Estonia that "the government of Estonia must step down";

Whereas, on May 2, 2007, the Ambassador of Estonia to the Russian Federation was physically attacked by protesters and members of youth groups during an official press conference;

Whereas, on May 2, 2007, the Swedish Ambassador to the Russian Federation was attacked as he left the Embassy of Estonia in Moscow, and his car was damaged by a crowd, resulting in a formal protest to the Russian Federation by the Swedish Foreign Ministry;

Whereas the Government of Estonia has reported other coordinated attacks against Estonian embassies in Helsinki, Oslo, Copenhagen, Stockholm, Riga, Prague, Kiev, and Minsk, and the Estonian Consulate in St. Petersburg;

Whereas, on May 2, 2007, Prime Minister of Estonia Andrus Ansip stated that a "sovereign state is under a heavy attack" and that the events constitute "a well-coordinated and flagrant intervention with the internal affairs of Estonia";

Whereas, on May 2, 2007, the public prosecutor's office of Estonia initiated an investigation into the cyber-attacks against Internet servers in Estonia and requested cooperation from the Russian Federation to identify the source of the attacks;

Whereas, on May 2, 2007, the European Commission expressed its solidarity with Estonia and urged Russia to respect its obligations to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and end the blockade of the Embassy of Estonia in Moscow; and

Whereas the Embassy of Estonia in Russia has been closed since April 27, 2007, and Estonia has suspended consular services to Moscow because conditions remain unsafe for Embassy officials: Now, therefore, be it

Resolved, That—

(a) it is the sense of the Senate that the Soviet Union's brutal, decades-long occupation of Estonia was illegal, illegitimate, and a patent violation of Estonia's sovereignty and right to self-determination; and

(b) the Senate—

(1) expresses its strong support for Estonia as a sovereign state and a member of the North Atlantic Treaty Organization (NATO) and the Organization of Security and Cooperation in Europe (OSCE) as it deals with matters internal to its country;

(2) condemns recent acts of violence, vandalism, and looting that have taken place in Estonia;

(3) condemns the attacks and threats against Estonia's embassies and officials in Russia and other countries;

(4) urges all activists involved to express their views peacefully and reject violence;

(5) honors the sacrifice of all those, including soldiers of the Red Army, that gave their lives in the fight to defeat Nazism;

(6) condemns any and all efforts to callously exploit the memory of the victims of the Second World War for political gain;

(7) supports the efforts of the Government of Estonia to initiate a dialogue with appropriate levels of the Government of the Russian Federation to resolve the crisis peacefully and to sustain cooperation between their two sovereign, independent states; and

(8) urges the governments of all countries—

(A) to condemn the violence that has occurred in Estonia, Moscow, and elsewhere in 2007 and to urge all parties to express their views peacefully;

(B) to assist the Government of Estonia in its investigation into the source of cyber-attacks; and

(C) to fulfill their obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961.

SENATE RESOLUTION 188—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF THE ACCESSION OF ISRAEL TO THE CONVENTION ON THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Mr. CARDIN (for himself, Mr. COLEMAN, Mr. BIDEN, Mr. SMITH, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas Israel has met the membership criteria for the Organisation for Economic Co-operation and Development (OECD), and has actively sought membership in the body since 2000;

Whereas, in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas the OECD is expected to vote on enlargement and consider new countries for membership at a ministerial meeting in May 2007;

Whereas Israel is the most active nonmember country in the OECD, is a member, observer, or ad hoc observer in 50 working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel made significant economic reforms in recent years that grew the private sector and streamlined the public sector, and the Prime Minister of Israel, Ehud Olmert, stated that OECD membership would anchor these reforms and allow additional reforms;

Whereas membership in the OECD would strengthen the position of Israel in the global economy, solidify Israel's transition from an emerging market to an advanced economy, and encourage increased foreign domestic investment in Israel;

Whereas the inclusion of Israel in the OECD would strengthen the OECD because of Israel's high living standard, liberal and stable markets, and commitment to democratic values;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending, per capita;

Whereas, in 2006, the World Economic Forum ranked Israel as the world's 15th most competitive economy;

Whereas the accession of Israel to the Convention on the OECD would benefit other OECD member countries because of Israel's leadership in high-technology companies and research and development; and

Whereas Israel is a strong ally of the United States and supports the United States in international organizations more consistently than any other country: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Israel shares the commitment of the United States to, and the Organisation of Economic Co-operation and Development (OECD) foundational principles of, good government, free markets, and democratic values;

(2) Israel meets the OECD membership criteria, and is well deserving of membership;

(3) it is in the interest of the United States to strongly support the accession of Israel to the Convention on the OECD; and

(4) the United States should strongly advocate for Israel's accession to the Convention on the OECD before and during the OECD ministerial meeting in May 2007 and use all necessary and available means to secure Israel's membership in the OECD.

SENATE CONCURRENT RESOLUTION 31—EXPRESSING SUPPORT FOR ADVANCING VITAL UNITED STATES INTERESTS THROUGH INCREASED ENGAGEMENT IN HEALTH PROGRAMS THAT ALLEVIATE DISEASE AND REDUCE PREMATURE DEATH IN DEVELOPMENT NATIONS, ESPECIALLY THROUGH PROGRAMS THAT COMBAT HIGH LEVELS OF INFECTIOUS DISEASE IMPROVE CHILDREN'S AND WOMEN'S HEALTH, DECREASE MALNUTRITION, REDUCE UNINTENDED PREGNANCIES, FIGHT THE SPREAD OF HIV/AIDS, ENCOURAGE HEALTHY BEHAVIORS, AND STRENGTHEN HEALTH CARE CAPACITY

Mr. FEINGOLD (for himself and Mr. SUNUNU) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Whereas health is integral to social and economic development and to building stable, independent, and productive societies;

Whereas unnecessarily high levels of preventable death and disability persist in developing nations, including over 10,000,000 child deaths every year—30,000 each day—a majority of which are from easily preventable or treatable causes, including pneumonia, diarrhea, malaria, malnutrition, measles, and complications immediately following birth; 40,000,000 people infected with HIV and 3,000,000 AIDS deaths per year; 530,000 deaths of women every year from complications related to pregnancy and childbirth and millions of cases of trauma and disability caused by obstetric fistula and other preventable injuries; an unmet need for family planning among over 100,000,000 married women; 1,000,000 deaths annually from malaria, most of which are among young children and in sub-Saharan Africa; an expanding threat from tuberculosis, which is a principal cause of death among those infected with HIV and is evolving into forms increasingly resistant to all known drugs; the increasing impact of preventable, non-communicable disease, especially those deriving from tobacco use, alcohol and drug abuse, and other risky lifestyle behaviors; and the potential of new disease threats, such as avian influenza, which demand new levels of preparedness and health capacity;

Whereas the short and long-term economic, military, and political security of countries is directly threatened by increased mortality and morbidity resulting from infectious diseases like HIV/AIDS, tuberculosis, and malaria, poor maternal and newborn health, the lack of family planning services, and the absence of clean water;

Whereas proven and cost-effective solutions that have already achieved astonishing successes are readily available and could dramatically further reduce the burden of death and disease, including access to immunization, antibiotics, diarrheal disease control, newborn care, improved nutrition, antiretrovirals, essential obstetric care, family planning, anti-malarials and insecticide treated nets, and tuberculosis treatment;

Whereas long term gains in health require a comprehensive approach that addresses the range of critical health problems and builds local capacity while ensuring equitable access, especially by the poor, women and girls, and other vulnerable populations, to services; and

Whereas the United States has a history of leadership and success in building international consensus and improving health throughout the world by investing in basic health services, particularly services for poor and vulnerable populations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that contributing to improving health in developing nations is in the vital interest of the United States, as it helps protect the health of the American people, facilitates development among partner nations, cultivates a positive image for the United States, and projects the humanitarian values of the American people;

(2) acknowledges the need to strengthen health care systems to meet essential health needs, including surveillance and information systems, facilities and equipment, management capacity, and an adequately compensated health care work force that is appropriate in number, composition, and skills;

(3) supports the unprecedented and unparalleled investments of the United States in reducing the global burdens of HIV/AIDS and malaria through the President's Emergency Program for AIDS Relief and the President's Malaria Initiative; and

(4) encourages the United States Government to expand its adoption and implementation of policies and programs that alleviate the greatest burden of disease in developing nations in the most efficient and cost-effective manner possible.

SENATE CONCURRENT RESOLUTION 32—HONORING THE 50TH ANNIVERSARY OF STAN HYWET HALL & GARDENS

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 32

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin "F.A." Augustus Seiberling and his wife, Gertrude;

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States;

Whereas Alcoholics Anonymous, an organization that continues to help millions of individuals worldwide recover from alcohol addiction, was founded on Mother's Day 1935 following a meeting between Mr. Bill Wilson and Dr. Bob Smith and hosted by Henrietta Seiberling at Stan Hywet Hall;

Whereas, in 1957, in keeping with the Stan Hywet Hall crest motto of "Non Nobis Solum (Not for Us Alone)", the Seiberling family donated Stan Hywet Hall to a nonprofit organization, which came to be known as Stan Hywet Hall & Gardens, so that the public could enjoy and experience part of a noteworthy chapter in the history of the United States;

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall & Gardens is one of Ohio's top 10 tourist attractions, is a Save America's Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1999;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy;

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington's Mount Vernon, Thomas Jefferson's Monticello, and Washington, D.C.'s Octagon House; and

Whereas Stan Hywet Hall & Gardens relies on more than 1,300 volunteers to ensure that its doors remain open to the public, including the Women's Auxiliary Board, the Friends of Stan Hywet, the Stan Hywet Gilde, the Stan Hywet Needlework Guild, the Stan Hywet Flower Arrangers, the Stan Hywet Garden Committee, the Carriage House Gift Shop, the Conservatory, Vintage Base Ball, Vintage Explorers, the Akron Garden Club, and the Garden Forum of Greater Akron: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Stan Hywet Hall & Gardens on its 50th anniversary;

(2) honors Stan Hywet Hall & Gardens for its commitment to sharing its history, gardens, and art collections with the public; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to Stan Hywet Hall & Gardens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1034. Mr. DURBIN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 1035. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1036. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. McCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. McCASKILL) to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1037. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1038. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1039. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1040. Mrs. CLINTON (for herself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1041. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1042. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1043. Mr. REED (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 1035 submitted by Mr. BURR and intended to be proposed to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1044. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1034. Mr. DURBIN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

In title II, strike subtitle D and insert the following:

Subtitle D—Conflicts of Interest

SEC. 241. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

"SEC. 712. CONFLICTS OF INTEREST.

"(a) DEFINITIONS.—For purposes of this section:

"(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

"(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

"(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

"(1) RECRUITMENT.—

"(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary, through the Office of Women's Health, the Office of Orphan Product Development, the Office of Pediatric Therapeutics, and other offices within the Food and Drug Administration with relevant expertise, shall develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

"(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

"(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

"(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

"(iii) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

"(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

"(3) PARTICIPATION OF GUEST EXPERT WITH FINANCIAL INTEREST.—Notwithstanding any other provision of this section, an individual with a financial interest with respect to any matter considered by an advisory committee may be allowed to participate in a meeting of an advisory committee as a guest expert if the Secretary determines that the individual has particular expertise required for the meeting. An individual participating as a guest expert may provide information and expert opinion, but shall not participate in the discussion or voting by the members of the advisory committee.

"(c) GRANTING AND DISCLOSURE OF WAIVERS.—

"(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

"(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

"(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

"(4) LIMITATIONS.—

"(A) ONE WAIVER PER COMMITTEE MEETING.—Notwithstanding any other provision of this section, with respect to each advisory committee, the Secretary shall not grant more than 1 waiver under paragraph (3) per committee meeting.

"(B) SCIENTIFIC WORK.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

"(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

"(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

"(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

"(ii) the reasons of the Secretary for such determination, certification, or waiver.

"(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

"(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SA 1035. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

SEC. . ADDITION TO PRIORITY LIST CONSIDERATIONS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m), as amended by this Act, is further amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

"(A) shall consider—

"(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

"(B) may consider the availability of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response."; and

(2) in subsection (b), by striking "subsection (a)" and inserting "paragraphs (1) and (2)(A) of subsection (a)".

SA 1036. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 990 submitted by Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Mr. NELSON of Florida, Mr. PRYOR, Mr. SANDERS, Mr. WHITEHOUSE, and Mrs. MCCASKILL) to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 88 of the amendment, strike lines 5 through 7 and insert the following:

"(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.

"(o) PROHIBITION ON COMMINGLING.—

"(1) IN GENERAL.—A registered importer shall not commingle a prescription drug imported into the United States under this section with another prescription drug unless such other prescription drug is imported from a permitted country.

"(2) LABEL.—A registered importer (including an Internet pharmacy) that dispenses a prescription drug imported from a permitted country shall affix on each dispensed container of the prescription drug the label required under paragraph (3), unless such a label is already affixed to the container.

"(3) REQUIREMENTS.—Each prescription drug imported under this section shall be in a container that bears a label stating, in prominent and conspicuous type—

"(A) the lot number of the prescription drug;

"(B) the name, address, and phone number of the exporter of the drug, regardless of whether the exporter is registered;

"(C) the following statement: 'This drug has been imported from __________.' with the name of the permitted country from which the prescription drug has imported in the blank space;

"(D) a unique identifier code provided by the Secretary that modifies the national drug code of the prescription drug to indicate that the drug has been imported;

"(E) a statement that discloses the originating country of the drug; and

"(F) that the container complies with any other applicable requirement of this Act.".

SA 1037. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . REQUIRED TESTING OF DRUGS.

Notwithstanding any other provision of this title (and the amendment made by this title) a prescription drug may only be imported by a pharmacist, wholesaler, or individual under this title (or amendments) if the importer of such drug complies with subsections (d)(1) and (e) of section 804 of such Act (21 U.S.C. 384(d)(1) and (e)), as in effect on the day before the date of enactment of this Act.

SA 1038. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. . REQUIRED FDA APPROVAL OF DRUGS.

Notwithstanding any other provision of this title (and the amendment made by this title) a prescription drug may only be imported by a pharmacist, wholesaler, or individual under this title (or amendments) if—

(1) such drug complies with section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)(including with respect to being safe and effective for the intended use of the prescription drug) and with sections 501 and 502 of such Act (21 U.S.C. 351 and 352);

(2) the importer of such drug complies with subsections (d)(1) and (e) of section 804 of such Act (21 U.S.C. 384(d)(1) and (e)), as in effect on the day before the date of enactment of this Act; and

(3) the drug or importer of such drug complies with any additional requirements determined by the Secretary of Health and Human Services to be appropriate as a safeguard to protect the public health or as a means to facilitate the importation of prescription drugs.

SA 1039. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, insert the following:

SEC. 2 . AUTHORITY OF THE OFFICE OF SURVEILLANCE AND EPIDEMIOLOGY.

With respect to all actions of the Food and Drug Administration related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, the Office of Surveillance and Epidemiology (or successor office) of such Administration and the Office of New Drugs (or successor office) of such Administration shall make decisions jointly. In the event of a disagreement with respect to an action related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, between such 2 offices, the Commissioner of Food and Drugs shall make the decision with respect to such action.

SA 1040. Mrs. CLINTON (for herself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . JOINT TASK FORCE WITH THE FOOD AND DRUG ADMINISTRATION AND THE DEPARTMENT OF AGRICULTURE.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, and the Secretary of Agriculture shall establish a joint task force concerning foodborne illnesses.

(b) Chairperson.—The Secretary of Health and Human Services shall serve as the chairperson of the joint task force established under subsection (a).

(c) Duties.—The joint task force established under subsection (a) shall—

(1) develop recommendations on how to effectively address the problem of foodborne illness in the United States;

(2) submit to Congress recommendation for changes in the law to address the sources of food contamination before hazards enter the food supply, such as mandatory recall authority, trace back procedures, and modification to farm regulations; and

(3) identify measures to be taken at the Federal agency level to effectively improve internal and external communication and information sharing with respect to addressing the problem of foodborne illness.

(d) Participation and Input of Others.—The joint task force established under subsection (a) shall establish mechanisms to allow relevant stakeholder, including farmers, the food industry, consumer groups, and relevant State agencies, to participate in task force activities and to provide the task force with input on food safety policy.

SA 1041. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMPROVING GENETIC TEST SAFETY AND QUALITY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetic Testing and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

SA 1042. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LIABILITY OF HEALTHCARE PROVIDERS.

A healthcare provider who prescribes, or who dispenses pursuant to a prescription, a drug, biologic product, or medical device approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such drug, biological product, or medical device.

SA 1043. Mr. REED (for himself and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 1035 submitted by Mr. BURR and intended to be proposed to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

( ) Addition to Priority List Considerations.—

(1) In general.—Section 409I of the Public Health Service Act (42 U.S.C. 284m), as amended by this Act, is amended—

(A) by striking subsection (a)(2) and inserting the following:

"(2) Consideration of available information.—In developing and prioritizing the list under paragraph (1), the Secretary—

"(A) shall consider—

"(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

"(B) may consider the availability of qualified countermeasures (as defined in section 319F–1) and qualified pandemic or epidemic products (as defined in section 319F–3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response."; and

(B) in subsection (b), by striking "subsection (a)" and inserting "paragraphs (1) and (2)(A) of subsection (a)".

(2) Biomedical advanced research and development authority.—Section 319L(c)(6) of the Public Health Service Act (42 U.S.C. 247d–e(c)(6)) is amended by striking "may give priority" and inserting "shall give priority".

SA 1044. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON IMPORTATION FROM A FOREIGN FOOD FACILITY THAT DENIES ACCESS TO FOOD INSPECTORS.

Notwithstanding any other provision of law, no food product may be imported into the United States that is the product of a foreign facility registered under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) that refuses to permit United States inspectors, upon request, to inspect such facility or that unduly delays access to United States inspectors.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on May 15, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System; S. 800, to establish the Niagara Falls National Heritage Area in the State of New York; S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System; S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service; S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System; H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington; H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Rachel Pasternack at (202) 224-0883.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 3, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 310, the Native Hawaiian Government Reorganization Act of 2007.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES.

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 2007, at 9:30 a.m., in open, and possibly closed, session to receive testimony on United States Central Command in review of the Defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 3, 2007, at 3 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review pending Corporate Average Fuel Economy legislation and related matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 3, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Offshore Tax Evasion: Stashing Cash Overseas."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 3, 2007, at 10 a.m. for a hearing titled "The Internet: A Portal to Violent Islamist Extremism."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 3, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 376, Law Enforcement Officers Safety Act of 2007. (Leahy, Specter, Grassley, Kyl, Sessions, Cornyn) S. 221, Fair Contracts for Growers Act of 2007. (Grassley, Feingold, Kohl, Leahy, Durbin) S. 495, Personal Data Privacy and Security Act of 2007. (Leahy, Specter, Feingold, Schumer) S. 239, Notification of Risk to Personal Data Act of 2007. (Feinstein) S. 1202, A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft. (Sessions)

III. Nominations: Debra Ann Livingston to be U.S. Circuit Judge for the Second Circuit; Roslynn Renee Mauskopf to be U.S. District Judge for the Eastern District of New York; Richard Joseph Sullivan to be U.S. District Judge for the Southern District of New York; Joseph S. Van Bokkelen to be U.S. District Judge for the Northern District of Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAPOWER SUBCOMMITTEE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Seapower Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 3, 2007, at 2:30 p.m., in closed and open sessions to receive testimony on Navy Force structure requirements and programs to meet those requirements in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 3, 2007 at 2:30 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 3, 2007 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 205 and H.R. 865, to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah; S. 647, to designate certain land in the State of Oregon as wilderness; S. 1139, to establish the National Landscape Conservation System; H.R. 276, to designate the Piedras Blancas Light Station and the surrounding public land as an Outstanding Natural Area to be administered as a part of the National Landscape Conservation System; and H.R. 356, to remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 3, 2007 at 10 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 27, a bill to authorize the implementation of the San Joaquin River Restoration Settlement.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that it be in order to proceed to calendar No. 128, H.R. 1495, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to calendar No. 128, H.R. 1495, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 128, H.R. 1495, Water Resources Development Act.

Harry Reid, Robert P. Casey, Jr., Byron L. Dorgan, Patty Murray, Barbara Boxer, Dick Durbin, Claire McCaskill, Bernard Sanders, Tom Carper, Max Baucus, Frank R. Lautenberg, Ben Cardin, Robert Menendez, Ken Salazar, Edward Kennedy, H.R. Clinton, Amy Klobuchar.

Mr. REID. Mr. President, I now withdraw that motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived with respect to the three cloture motions filed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 4, AND MONDAY, MAY 7, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday morning, May 4; that on Friday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further, that when the Senate completes its business Friday, it stand adjourned until 2:15 p.m., Monday, May 7; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business until 4 p.m., with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each; that at 4 p.m., the Senate resume consideration of S. 1082 and there be 2 minutes of debate prior to a vote in relation to the Cochran amendment No. 1010; that upon disposition of the Cochran amendment, there be 2 minutes of debate prior to a vote in relation to the Dorgan amendment No. 990, as amended, if amended; that upon disposition of the Dorgan amendment, there be 2 minutes of debate, then the Senate proceed to vote on the motion to invoke cloture on the substitute amendment, with all debate time equally divided and controlled in the usual form and with no intervening amendments or action in order prior to the votes covered in this agreement; that Members have until 3 p.m., Monday, to file any first-degree amendments.

I also ask unanimous consent that the vote after the first vote be a 10-minute vote rather than a 15-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–2

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 3, 2007, by the President of the United States:

Singapore Treaty on the Law of Trademarks, Treaty Document No. 110–2.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for the Senate's advice and consent to ratification the Singapore Treaty on the Law of Trademarks (the "Treaty" or "Singapore Treaty") adopted and signed by the United States at Singapore on March 28, 2006. I also transmit for the information of the Senate a report of the Department of State with respect to the Treaty.

If ratified by the United States, the Treaty would offer significant benefits to U.S. trademark owners and national trademark offices, including the United States Patent and Trademark Office. The beneficial features of the Trademark Law Treaty of 1994 (the "1994 TLT"), to which the United States is a party, are included in the Singapore Treaty, as well as the improvements to the 1994 TLT that the United States Government sought to achieve through the revision effort. Key improvements allow for national trademark offices to take advantage of electronic communication systems as an efficient and cost-saving alternative to paper communications, at such time as the office is ready to embrace the technology. The Treaty also includes trademark license recordation provisions that reduce the formalities that trademark owners face when doing business in a country that is a Contracting Party that requires trademark license recordation. The goal of these provisions is to reduce the damaging effects that can result from failure to record a license in those jurisdictions that require recordation. These and other improvements create a more attractive treaty for World Intellectual Property Organization Member States. Consequently, once the Treaty is in force, it is expected to increase the efficiency of national trademark offices, which in turn is expected to create efficiencies and cost savings for U.S. trademark owners registering and maintaining trademarks abroad.

Ratification of the Treaty is in the best interests of the United States. I recommend, therefore, that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 3, 2007.*

ACCESSION OF ISRAEL TO CONVENTION ON ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 188.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The resolution (S. Res. 188) expressing the sense of the Senate in support of the accession of Israel to the Convention on the Organisation for Economic Co-operation and Development.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas Israel has met the membership criteria for the Organisation for Economic Co-operation and Development (OECD), and has actively sought membership in the body since 2000;

Whereas, in May 2006, the OECD adopted in full the Report by the Working Party on the Implications of Future Enlargement on OECD Governance, stating that expanding membership is vital to the organization;

Whereas the OECD is expected to vote on enlargement and consider new countries for membership at a ministerial meeting in May 2007;

Whereas Israel is the most active nonmember country in the OECD, is a member, observer, or ad hoc observer in 50 working bodies, is party to various OECD declarations, and is already in compliance with multiple OECD standards;

Whereas Israel made significant economic reforms in recent years that grew the private sector and streamlined the public sector, and the Prime Minister of Israel, Ehud Olmert, stated that OECD membership would anchor these reforms and allow additional reforms;

Whereas membership in the OECD would strengthen the position of Israel in the global economy, solidify Israel's transition from an emerging market to an advanced economy, and encourage increased foreign domestic investment in Israel;

Whereas the inclusion of Israel in the OECD would strengthen the OECD because of Israel's high living standard, liberal and stable markets, and commitment to democratic values;

Whereas Israel is a world leader in science and technology and is home to the most high-technology start-up companies, scientific publications, and research and development spending, per capita;

Whereas, in 2006, the World Economic Forum ranked Israel as the world's 15th most competitive economy;

Whereas the accession of Israel to the Convention on the OECD would benefit other OECD member countries because of Israel's leadership in high-technology companies and research and development; and

Whereas Israel is a strong ally of the United States and supports the United States in international organizations more consistently than any other country: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Israel shares the commitment of the United States to, and the Organisation of Economic Co-operation and Development (OECD) foundational principles of, good government, free markets, and democratic values;

(2) Israel meets the OECD membership criteria, and is well deserving of membership;

(3) it is in the interest of the United States to strongly support the accession of Israel to the Convention on the OECD; and

(4) the United States should strongly advocate for Israel's accession to the Convention on the OECD before and during the OECD ministerial meeting in May 2007 and use all necessary and available means to secure Israel's membership in the OECD.

NATIONAL HUNGER AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent we now proceed to S. Res. 186.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 186) designating June 5, 2007, as "National Hunger Awareness Day" and authorizing the Senate offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that almost 38,200,000 people in the United States live in households experiencing hunger or food insecurity;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas the Federal Government provides essential nutritional support to millions of low-income people through numerous Federal food assistance programs, including—

(1) the Federal food stamp program, as established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the special supplemental program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and other child nutrition programs; and

(3) food donation programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money to such efforts;

(2) volunteering for such efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 5, 2007, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local antihunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the offices of Senators Gordon H. Smith, Blanche L. Lincoln, Elizabeth Dole, and Richard J. Durbin to collect donations of food during the period beginning May 7, 2007, and ending June 5, 2007, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

CONDEMNING VIOLENCE IN ESTONIA

Mr. REID. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 187.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 187) condemning violence in Estonia and attacks on Estonia's embassies in 2007 and expressing solidarity with the Government and people of Estonia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 187) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 187

Whereas, on April 27, 2007, the Bronze Soldier Soviet monument in central Tallinn was moved to a prominent location in the Garrison Military Cemetery as a result of a decision by the Government of Estonia;

Whereas the Government of Estonia communicated its reasons for this decision to the Government of the Russian Federation and offered to work with Russian officials during the process, which the Russian officials declined to do;

Whereas, on April 27, 2007, a crowd of more than 1,000 demonstrators gathered at the site of the memorial and riots broke out across Tallinn;

Whereas more than 153 people were injured as a result of the riots, and one died as a result of stabbing by another rioter;

Whereas several stores in Tallinn and surrounding villages were looted as a result of the riots, and a statue of an Estonian general was set on fire;

Whereas, since April 27, 2007, the Government of Estonia has reported several cyber-attacks on its official lines of communication, including those of the Office of the President;

Whereas, on April 28, 2007, and in days following, the Embassy of Estonia in Moscow was surrounded by angry protesters who demanded the resignation of the Government of Estonia, tore down the flag of Estonia from the Embassy building, and subjected Embassy officials inside the building to violence and vandalism;

Whereas, on April 30, 2007, a delegation of the State Duma of the Russian Federation visited Estonia and issued an official statement at the Embassy of the Russian Federation in Estonia that "the government of Estonia must step down";

Whereas, on May 2, 2007, the Ambassador of Estonia to the Russian Federation was physically attacked by protesters and members of youth groups during an official press conference;

Whereas, on May 2, 2007, the Swedish Ambassador to the Russian Federation was attacked as he left the Embassy of Estonia in Moscow, and his car was damaged by a crowd, resulting in a formal protest to the Russian Federation by the Swedish Foreign Ministry;

Whereas the Government of Estonia has reported other coordinated attacks against Estonian embassies in Helsinki, Oslo, Copenhagen, Stockholm, Riga, Prague, Kiev, and Minsk, and the Estonian Consulate in St. Petersburg;

Whereas, on May 2, 2007, Prime Minister of Estonia Andrus Ansip stated that a "sovereign state is under a heavy attack" and that the events constitute "a well-coordinated and flagrant intervention with the internal affairs of Estonia";

Whereas, on May 2, 2007, the public prosecutor's office of Estonia initiated an investigation into the cyber-attacks against Internet servers in Estonia and requested cooperation from the Russian Federation to identify the source of the attacks;

Whereas, on May 2, 2007, the European Commission expressed its solidarity with Estonia and urged Russia to respect its obligations to the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961, and end the blockade of the Embassy of Estonia in Moscow; and

Whereas the Embassy of Estonia in Russia has been closed since April 27, 2007, and Estonia has suspended consular services to Moscow because conditions remain unsafe for Embassy officials: Now, therefore, be it

Resolved, That—

(a) it is the sense of the Senate that the Soviet Union's brutal, decades-long occupation of Estonia was illegal, illegitimate, and a patent violation of Estonia's sovereignty and right to self-determination; and

(b) the Senate—

(1) expresses its strong support for Estonia as a sovereign state and a member of the North Atlantic Treaty Organization (NATO) and the Organization of Security and Cooperation in Europe (OSCE) as it deals with matters internal to its country;

(2) condemns recent acts of violence, vandalism, and looting that have taken place in Estonia;

(3) condemns the attacks and threats against Estonia's embassies and officials in Russia and other countries;

(4) urges all activists involved to express their views peacefully and reject violence;

(5) honors the sacrifice of all those, including soldiers of the Red Army, that gave their lives in the fight to defeat Nazism;

(6) condemns any and all efforts to callously exploit the memory of the victims of the Second World War for political gain;

(7) supports the efforts of the Government of Estonia to initiate a dialogue with appropriate levels of the Government of the Russian Federation to resolve the crisis peacefully and to sustain cooperation between their two sovereign, independent states; and

(8) urges the governments of all countries—

(A) to condemn the violence that has occurred in Estonia, Moscow, and elsewhere in 2007 and to urge all parties to express their views peacefully;

(B) to assist the Government of Estonia in its investigation into the source of cyber-attacks; and

(C) to fulfill their obligations under the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961.

MEASURES READ THE FIRST TIME EN BLOC—S. 1301 AND S. 1305

Mr. REID. Mr. President, I understand there are two bills at the desk. I ask for their first reading, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1301) to preserve and protect the free choice of individual employees to form, join or assist labor organizations, or to refrain from such activities.

A bill (S. 1305) making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

Mr. REID. I now ask for a second reading and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Friday, May 4, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 2007:

COMMODITY FUTURES TRADING COMMISSION

JILL E. SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2009, VICE SHARON BROWN-HRUSKA, RESIGNED.

BARTHOLOMEW H. CHILTON, OF DELAWARE, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2008, VICE FREDERICK WILLIAM HATFIELD, RESIGNED.

PENSION BENEFIT GUARANTY CORPORATION

CHARLES E.F. MILLARD, OF NEW YORK, TO BE DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION. (NEW POSITION)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

TEVI DAVID TROY, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE ALEX AZAR II.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

KERRY N. WEEMS, OF NEW MEXICO, TO BE ADMINISTRATOR OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, VICE MARK B. MCCLELLAN.

DEPARTMENT OF STATE

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA.

DEPARTMENT OF LABOR

BRADFORD P. CAMPBELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE ANN LAINE COMBS, RESIGNED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

STAN Z. SOLOWAY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011, VICE CAROL KINSLEY, TERM EXPIRED.

JAMES PALMER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2011, VICE DONNA N. WILLIAMS, TERM EXPIRED.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

ALEJANDRO MODESTO SANCHEZ, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2010. (REAPPOINTMENT)

GORDON JAMES WHITING, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2010. (REAPPOINTMENT)

ANDREW SAUL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2008. (REAPPOINTMENT)

ANDREW SAUL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID W. TITLEY, 5416

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL S. ROGERS, 9688

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID A. DUNAWAY, 0499

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. SAMUEL J. COX, 9719

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DAVID G. SIMPSON, 8388

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) EDWARD H. DEETS III, 2048

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) JEFFREY A. WIERINGA, 5245

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. GODDARD, 4746
REAR ADM. (LH) KEVIN M. MCCOY, 6826

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. TERRY J. BENEDICT, 6933
CAPT. MICHAEL E. MCMAHON, 6567

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) GERALD R. BEAMAN, 7819
REAR ADM. (LH) MARK S. BOENSEL, 9146
REAR ADM. (LH) DAN W. DAVENPORT, 4237
REAR ADM. (LH) WILLIAM E. GORTNEY, 9997
REAR ADM. (LH) VICTOR G. GUILLORY, 1980
REAR ADM. (LH) CECIL E. D. HANEY, 0815
REAR ADM. (LH) HARRY B. HARRIS, JR., 2998
REAR ADM. (LH) JOSEPH D. KERNAN, 3385
REAR ADM. (LH) MICHAEL A. LEFEVER, 2036
REAR ADM. (LH) CHARLES J. LEIDIG, JR., 4367
REAR ADM. (LH) ARCHER M. MACY, JR., 7023
REAR ADM. (LH) CHARLES W. MARTOGLIO, 2785
REAR ADM. (LH) RICHARD O'HANLON, 7322
REAR ADM. (LH) SCOTT R. VAN BUSKIRK, 0831
REAR ADM. (LH) MICHAEL C. VITALE, 7437
REAR ADM. (LH) RICHARD B. WREN, 0911

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOSEPH P. AUCOIN, 7194
CAPTAIN PATRICK H. BRADY, 7370
CAPTAIN TED N. BRANCH, 6225
CAPTAIN PAUL J. BUSHONG, 1319
CAPTAIN JAMES F. CALDWELL, JR, 5859
CAPTAIN THOMAS H. COPEMAN III, 8822
CAPTAIN PHILIP S. DAVIDSON, 3050
CAPTAIN KEVIN M. DONEGAN, 5361
CAPTAIN PATRICK DRISCOLL, 5178
CAPTAIN EARL L. GAY, 8829
CAPTAIN MARK D. GUADAGNINI, 5808
CAPTAIN JOSEPH A. HORN, 3338
CAPTAIN ANTHONY M. KURTA, 8509
CAPTAIN RICHARD B. LANDOLT, 1248
CAPTAIN SEAN A. PYBUS, 7161
CAPTAIN JOHN M. RICHARDSON, 1324
CAPTAIN THOMAS S. ROWDEN, 5003
CAPTAIN NORA W. TYSON, 2668

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL R. MURRAY, 5104

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CURT W. DODGES, 5943

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL L. INCZE, 7492

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

SANDRA C. IRWIN, 9030

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM R. FENICK, 5514
CATHERINE T. MUELLER, 1469
ISAAC N. SKELTON, 8554

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT B. CALDWELL, JR., 9991
FREDERIC W. HEPLER, 3107
RICHARD B. LORENTZEN, 1986
NORBERT F. MELNICK, 5860
ELLEN E. MOORE, 0969

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DAWN H. DRIESBACH, 9751
DAVID E. HALLADAY, 5985
CHRISTOPHER J. MCDONALD, 6154
GLENN J. OLARTE, 1765
JOSEPH W. PIONTEK, 8700
GLENN S. ROSEN, 7078

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

NICHOLAS J. CIPRIANO III, 5291
JOHN M. DIMENTO, 6748
JOHN V. GURLEY, 8839
DOUGLAS C. MARBLE, 7622
JAMES T. MONROE, 7972
DEAN A. SADANAGA, 4737
CHARLES L. SCHILLING, 9141
STEPHEN C. WOLL, 2141

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RHETTA R. BAILEY, 1163
DONNA A. CHERRY, 3034
ANNETTE P. CORNETT, 3896
GREGORY D. GJURICH, 3729
ANNE G. HAMMOND, 8586
DONNA M. JOYAL, 8029
KATHARINE A. M. REED, 8621
CAROL E. SHIVERS, 1393
KELLY J. WILD, 4473

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY S. COLE, 0437
DONALD P. DARNELL, JR., 4532
JON A. DOLLAN, 8066
GARY EDWARDS, 9461
JAMES E. HAGY, 5845
STEPHANIE T. KECK, 5639
PETER C. NULAND, 0551
DARREN L. TURNER, 1521
TIMOTHY J. WHITE, 2079

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BRUCE A. BASSETT, 7141
ROBERT GARDENIER, 6376
REZA GHAFFARI, 0296
DOUGLAS G. MCBANE, 0412
DONALD J. MISCH, 5523
JOSEPH E. SWEENEY, 8795
MICHAEL A. YUKISH, 8618

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JULIE S. CHALFANT, 4828
RONALD R. FRITZEMEIER, 5801
VINCENT J. GAST, 5665
ARNOLD S. LIM, 7696
DAVID L. LOVE, 0603
PAUL J. VANBENTHEM, 9598

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL J. MACDONNELL, 0104
SCOTT A. MILLER, 3799
ROBERT J. PAVUR, 2200
JEAN M. VACURA, 6486
MICHAEL J. WILKINS, 7051

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

HARRY S. DELOACH, 0894
LEE A. JUDSON, 5803
JAMES T. ROONEY, 3656
MARK Q. SCHWARTZEL, 2992

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

KENNETH BRANHAM, 3023
RICHARD P. CARRANO, 5950
WILLIAM C. HENDRICKS, 3616
KEVIN J. MCGOVERN, 0413

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

STEVEN P. CLANCY, 2206
BURTON L. COOPER, 2202
STEWART B. WHARTON III, 5278

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES A. ALBANI, 6870
BRIAN D. BLOWER, 7835
MATTHEW V. FENTON, 9579
TIMOTHY FORSYTH, 6419
ROBERT J. FURUKAWA, 0460
ALEXANDER E. HALLIDAY, 9112
KEVIN J. MULVEY, 6258
SCOTT W. OCONNOR, 2642
RALPH J. ORTOLANO, JR., 9988
BRADDOCK L. PARKS, 6323
MARK C. PATTERSON, 5527
RICHARD M. PAYTON, 3240
ROBERT R. YOUNG, 6485

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PATRICK J. BARRETT, 9446
DWAYNE F. BAXTER, 7199
ADAM C. BINFORD, 2933
JAMES L. BROWN, JR., 9427
WILLIAM T. CARNEY, 6991
ROLAND W. CLATTERBUCK, 7717
JAMES R. CUSTER, 6066
MATTHEW P. DUBOIS, 1575
LARRY D. GRIPPIN, 7466
CHRISTIAN H. HANSEN, 3560
BRIAN J. HARRISON, 0615
JOHN R. HAVLIK, 8232
KURT E. HEDBERG, 7932
MARK O. HOWELL, 7456
JAMES F. HUGHES, 8848
ERIC P. JABS, 8405
JAMES M. KUHN, 3426
JOHN A. LATHROUM, 8871
THOMAS W. LUSCHER, 1512
TIMOTHY MAHAN, 7846
ROBERT G. MARIN, 7016
ELIZABETH A. MCALISTER, 1485
ROBERT F. ONEIL, 5516
DAVID J. OPATZ, 7424
ERIC G. PETERSEN, 0022
MATTHEW C. RAGAN, 8507
DOROTHY J. REED, 6526
WILLIAM B. SHERER, 6993
KENNETH W. SKAGGS, 1428
JEANNINE E. SNOW, 7616

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

BETH Y. AHERN, 7881
ROBERT S. ARP, 1922
MARK A. ASSUR, 3915

ROBERTA C. BELESIMO, 5271
SCOTT A. BEST, 9998
MICHAEL P. CANNON, 9997
DANIEL C. CROSS, 0667
CHRISTOPHER D. GLASS, 6088
STEVEN F. GROVER, 4449
MARY C. HASTY, 5583
TIMOTHY D. HELD, 3980
PATRICK L. HITE, 7611
THOMAS K. HUTCHISON, 8882
CAROL L. LOEBLEIN, 2948
BARRY H. LUCAS, 0008
JAMES C. MANTER, 9131
JAMES MARKLOFF, 4221
DANIEL T. MCGRATTAN, JR., 6339
CHARLES R. OTEY, JR., 2424
MICHAEL P. PAPA, 8886
STEPHEN J. PAYNE, 6080
CURT G. PERKINS, 0285
JAMES T. PRESCOTT, 9310
GENE F. PRICE, 9512
JON N. PUCKETT, 3102
VERA A. REGISTER, 6784
RONALDO SERRANO, 5892
JOHN J. SURINA, 4821
MELINDA A. SUSZAN, 3134
WILLIAM F. YOUNG, 9073
DANIEL E. ZIMBEROFF, 9009

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 3, 2007 withdrawing from further Senate consideration the following nomination:

JANE C. LUXTON, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JAMES R. MAHONEY, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF TOM KIM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to native San Franciscan Tom Kim, a trailblazing community leader, organizer, and youth activist of Korean heritage, who recently passed away at the age of 64. Tom Kim lived in San Francisco all his life, growing up in Chinatown, residing and organizing in the predominantly Hispanic Mission District, and in the predominantly African American and Japanese-American Western Addition.

Tom was a mentor to many of our local and national community and political leaders. He was a staunch unionist, having joined the International Longshoremen's and Warehousemen's Union upon becoming a longshoreman after graduating from high school.

Tom was a champion of the oppressed and underrepresented, especially for our youth. As a catalyst for social justice, Tom co-founded the Real Alternatives Program to help alienated and troubled youth find an alternative to street life and the juvenile justice system. He was one of the first to advocate for community-based alternatives to detention. Many of the modalities for which he advocated early on are now accepted as the best practices in youth work today.

Tom was in the forefront of founding numerous groundbreaking organizations that trained and inspired a lineage of professional social workers and psychologists serving the Asian American community—the first national Asian American Social Work Training Center; the first national Asian American Psychology Training Center; Asian American Social Work Training at one of California's State Universities—San Francisco State; San Francisco-based Asian American Communities for Education and Asian Youth Substance Abuse Prevention.

At San Francisco State University, Tom helped establish the College of Ethnic Studies and was an early faculty member, teaching juvenile law and community alternatives to detention, as well as Asian American Studies. In 1972, he helped organize the first Asian American Mental Health Conference, which was held in San Francisco. Sponsored by the National Institute of Mental Health, this seminal conference gave voice to overlooked, underserved, and negatively understood Asian Americans to communicate their needs and concerns.

Tom was a leader in policy development. He held a number of policy positions—White House consultant for the International Year of the Child proclaimed by the United Nations in 1979; member of the California Bar Association Committee on Juvenile Justice; member of the President's Commission on Mental Health, Asian American Panel; consultant to and witness before the United States Select Commission on Immigration and Refugee Policy in 1979 and 1980; and member of the oversight committee for the 1980 United States Census.

I was honored to work with Tom when he co-founded the groundbreaking Asian Pacific Caucus of the Democratic Party, which debuted at the 1984 National Democratic Convention in San Francisco. The Caucus became a vehicle for Asian Americans to figure prominently in the democratic process.

Tom never forgot his own community. He co-founded the first bilingual, bicultural organization that provided Koreans in Northern California social services, a senior center, and direct service programs, such as immigration and crisis intervention. He was the first Executive Director of the Korean Community Service Center of San Francisco.

Tom also started the first Korean American ethnic heritage project in the United States, co-producing "Lest We Forget: Korean American Oral History Videos," featuring prominent Korean Americans such as Olympic diving champion Dr. Sammy Lee, and United States Army Col. Young Oak Kim, who served with the highly decorated 442nd all Japanese American regimental combat unit during World War II.

I extend my deepest sympathy to Tom's family, especially to his two beloved sons, to whom Tom was a devoted father.

IN SPECIAL RECOGNITION OF JOHN J. NYGARD ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that John J. Nygard of Perrysburg, Ohio has been offered an appointment to attend the United States Air Force Academy at Colorado Springs, Colorado.

John's offer of appointment poises him to attend the United States Air Force Academy this summer with the incoming cadet class of 2011. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. It is one of the most challenging and rewarding undertakings of their lives.

John brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending St. John's Jesuit High School in Toledo, Ohio, John attained a grade point average which placed him at the top of his class. While an accomplished athlete, John has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. John has been a member of the National Honor Society, Honor Roll and has earned awards and accolades as a scholar.

Outside the classroom, John has remained extremely involved in his community by actively participating in the efforts of the Toledo Seagate Food Bank. In addition to assisting the less fortunate in Northwest Ohio, John has volunteered to assist the Central American Ministries this summer. By doing so, John will be working to improve the lives of the children of Guatemala. I have no doubt that John will employ the lessons of his student leadership as he excels among the leaders at the United States Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating John J. Nygard on his appointment to the United States Air Force Academy at Colorado Springs. Our service academies offer the finest military training and education available anywhere in the world. I am sure that John will do very well during his career at the United States Air Force Academy and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

RECOGNIZING THE FRENCH AND PICKERING CREEKS CONSERVATION TRUST ON ITS 40TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. GERLACH. Madam Speaker, I rise today to commend the French and Pickering Creeks Conservation Trust on its 40th Anniversary of preserving open spaces and historic treasures throughout Chester County, Pennsylvania.

The Trust was founded by Samuel and Eleanor Morris as a vehicle for saving and protecting the valuable lands and natural resources in the watersheds of northern Chester County that they cherished so much. Spanning nearly 110 square miles, these watersheds contain some of the most beautiful and amazing open spaces, forests, streams and rivers in all of Pennsylvania.

Through the hard work and dedication of countless people, the Trust has successfully partnered with individuals, other organizations and government entities to preserve nearly 8,100 acres of valuable open space, build trails and promote greenways along the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

French and Pickering Creeks, and place more than 60 sites on the National Register of Historic Places.

So I ask, Madam Speaker, that my colleagues join me today in congratulating the founders, members, supporters and staff of the French and Pickering Creeks Conservation Trust for 40 years of preserving and protecting the unparalleled natural resources and outstanding quality of life in Chester County. This wonderful nonprofit organization should be applauded for their hard-work and dedication to this most worthy cause.

PAYING TRIBUTE TO GINA ROBISON-BILLUPS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Gina Robison-Billups, for being honored by the Nevada District Office of the U.S. Small Business Administration as the Home Based Business Champion of the Year.

Gina attended Loyola Marymount University and, shortly thereafter, began running her parents' home-based entertainment business. Gina then started her own business, the Marketing and Business Development Corporation, which specialized in providing marketing and business strategy services to small business clients. During her tenure at the head of the Marketing and Business Development Corp., Gina noticed that there was no organization that specifically targeted women business owners and she committed to help the 64 million working mothers in America.

In addition to her successful business endeavors, Gina has also established the Moms in Business Network and the International Association of Working Mothers. Through these networks, Gina has provided valuable networking opportunities as well as educational and financial opportunities through the grant program run by the Moms in Business Network. Presently, the network has over 250 members and the International Association has over 1,500 members worldwide.

Madam Speaker, I am proud to honor Gina Robison-Billups; her dedication to helping working mothers is truly commendable. I congratulate her for her recent recognition by the Nevada District Office of the U.S. Small Business Administration and wish her continued success in her future endeavors.

IN RECOGNITION OF ROBERT P. BINKLEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Robert P. Binkley for his unyielding dedication to the Social Security Administration of Northeastern Ohio.

Robert Binkley has been a devoted member of the SSA for over 40 years. He worked at the first social security teleclaims taking center in Cleveland, where he provided all the agency's beneficiaries with the prompt and courteous service they deserve. He continued his personal commitment to help those in vulnerable positions as a field representative in Michigan.

Robert later returned to the Cleveland area as a supervisor in the Akron office. It was no surprise to his peers when he was promoted the Manager of the Teleservice Center in Cincinnati, and then Cleveland. While manager of the Cleveland Teleservice Center, Robert spent time at the SSA's headquarters in Baltimore, where he was instrumental in developing a national 800 number service guide for the nation's teleservice centers. Because of his ingenuity, many telecommunication services across the country are able to better serve their clients. Robert's continued dedication to improving the customer experience led to the development of a nonreceipt method so that SSA beneficiaries could receive replacement checks seven to ten days sooner.

With the same enthusiasm Robert demonstrated when assisting the public, he encouraged his staff to attain higher positions within the agency. He continuously offered advice and expertise and many careers have been cultivated under Robert's tutelage.

Madam Speaker and colleagues, please join me in honoring Robert P. Binkley for his exceptional public service. His selfless devotion to the Social Security Administration and his staff has left an indelible mark on the community.

ON PASSAGE OF THE TORTURE VICTIMS RELIEF ACT—H.R. 1678

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. UDALL of Colorado. Madam Speaker, last week I was pleased to have the opportunity to vote to extend the Torture Victims Relief Act (TVRA). I have been a cosponsor of this legislation since 2003. In the last Congress, the bill became law, but it authorized appropriations only through the end of fiscal year 2007. So it's important that Congress act to renew it before the current authorization expires. H.R. 1678 authorizes for two years additional appropriations for domestic centers and programs for the treatment of victims of torture, for foreign centers for the treatment of victims of torture, and for the U.N. Voluntary Fund for Victims of Torture.

There is no question about the need for this funding. Two-thirds of the world's countries still practice torture. An estimated 500,000 torture survivors live in the United States, and about 1,100 refugees and 400 asylum seekers enter my state of Colorado alone each year. Repressive governments use torture to target the very leaders who share our principles of freedom and democracy. Without their voices, communities are fearful. But torture treatment can undo the legacy of torture and reclaim the leaders who stand with us in promoting human rights and the rule of law.

I am proud that one of the most effective domestic torture treatment centers is located in Colorado. This year is the tenth anniversary of the Rocky Mountain Survivors Center (RMSC), which has served over 1,000 survivors of torture from over 53 different countries and regions around the world, in 35 languages. The RMSC is working hard to ensure that torture survivors in Colorado become functioning members of the citizenry through its in-house Legal Services, physical and mental healthcare, psychosocial services, and interpreter services. Most recently, RMSC introduced a community development effort to bring the topic of torture and its impact to newcomer communities in Colorado and hear from those newcomers what that impact has been on the larger community, the families of survivors and the survivors themselves.

The Rocky Mountain Survivor Center also educates providers, healthcare systems, and community members about torture and how to work to heal the wounds of torture, as well as how to work to ameliorate and eradicate torture itself. The RMSC stands firmly as a voice for the voiceless in Colorado and as a beacon of hope for those whose hope has been stolen by torture. Domestic centers like RMSC receive funding from the Office of Refugee Settlement in the Health and Human Services Department and other private sources to assist survivors of torture and war trauma and their families. But levels of funding for the domestic and international parts of this program don't begin to match authorization levels. Domestic torture treatment programs were funded at almost $10 million in FY 2007 (and have been funded at this same level since 2000), fully $15 million short of authorized levels. International torture treatment centers were funded at $8.5 million in FY07, $4.5 million short of authorized levels. And the U.S. contribution to the U.N. Fund for Victims of Torture was funded at $6.5 million in FY07, $1.5 million short of authorized levels.

The Torture Victims Relief Act is vitally necessary for the work of rehabilitation in this country, but the domestic portion of the bill is woefully underfunded to accomplish this task. There are well over 500,000 survivors of torture in America today, many of whom do not get the services they need because of the shortage of funds. The U.N. Fund and international portions of the bill should also be generously funded to ensure America's leadership in the fight against torture throughout the world through partnerships and building capacity at centers devoted to healing of torture victims.

When Congress adopted the Torture Victims Relief Act last year, we made a commitment to ensure our population of victims of torture wouldn't be left behind. Now is the time to fulfill that promise and demonstrate that survivors of torture won't be forgotten on our watch.

So I am pleased that this bill passed overwhelmingly in the House, and I urge my colleagues to demonstrate the same enthusiasm when considering appropriation levels for TVRA programs in the next fiscal year.

TRIBUTE TO BLY STORY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to Bly Story, an outstanding citizen from Cave City, AR. His recent death was a great loss to the community and the State of Arkansas.

Bly Story was born on October 18th, 1918, at Cave City, Arkansas. Story was a WWII U.S. Air Force veteran and a farmer. Story strongly believed in giving back to the community, which is why he coached the Tuckerman High School baseball team for 8 years, where he led them to multiple district championship titles and served as the All-State basketball coach for 2 years.

Story also served on the Riceland Food board of directors from 1957 to 2005 and the Arkansas Electric Co-op board of directors from 1999 to 2002.

Bly Story's service to his community and his Nation go far beyond the details enumerated here. He was a great American, a wonderful friend and a counselor to me. He will be missed by all who loved him.

HONORING THE MEMORY OF DR. JOHN HORACE MOSTELLER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and indeed the entire state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Dr. John Horace Mosteller was a devoted family man, nationally recognized dentist, and dedicated community leader.

As an officer in the United States Navy, dentist, author, special lecturer at the University of Tennessee College of Dentistry and Loyola University of New Orleans School of Dentistry, clinical professor at the University of Alabama School of Dentistry, and essayist, Dr. Mosteller dedicated his 84 years to helping others.

Dr. Mosteller served as editor of the Journal of the Alabama Dental Association for 42 years and was inducted into the inaugural class of the Alabama Health Care Hall of Fame in 1998. Over the course of his distinguished career, he published more than 250 papers in the dental literature and was author or coauthor of nine books.

It goes without saying that Dr. Mosteller was well known throughout the dental community. He served as an essayist at more than 800 dental meetings in 46 states and a dozen foreign countries, lectured at 43 American universities, and was a national consultant for restorative dentistry to the Surgeon General of the U.S. Army for 14 years, a position equivalent to the rank of brigadier general.

Dr. Mosteller had the distinction of serving as the first vice president of the American Dental Association and was a member of the board of trustees of the Alabama Dental Association for 30 years. He was presented with Loyola University's 50th anniversary Award of Merit and was named Dentist of the Year by the Alabama Section of the Pierre Fauchard Academy.

But his contributions did not end in the professional arena—Dr. Mosteller devoted much of his time to the Mobile community. He was a member of the Mobile Kiwanis Club and chairman of the dental division of the United Fund. When his busy schedule did allow for free time, you could likely find Dr. Mosteller at the Mobile Country Club, where he was a member for 50 years and served as both board member and president.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Dr. John Horace Mosteller will be deeply missed by his family—his children, Matt Mosteller, Charles Mosteller, Cynthia Mosteller, Nancy Mosteller Hoffman, Mary Lou Mosteller, Pauline Mosteller Danner, and Barbara Mosteller Price and his 15 grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

TRIBUTE TO THE 200TH ANNIVERSARY OF THE PAUPACK UNITED METHODIST CHURCH

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. CARNEY of Pennsylvania. Madam Speaker, I rise today to recognize the 200th anniversary of the Paupack United Methodist Church. The Paupack United Methodist Church in Paupack, Pennsylvania is a longstanding institution and contributor to our community.

Originally founded in 1807 as the Paupack Methodist Episcopal Church, they will celebrate their 200th anniversary in July. The church was founded after the first American Methodist Bishop, Francis Asbury, sent a horse-riding preacher, Gideon Draper, on the Wyoming-Minisink Trail.

Reverend Draper's readings from the Methodist Discipline of that time inspired the people of Paupack to accept those disciplines as organizing principles and to form a church. Originally, the church met in members' homes and in local schoolhouses. In 1906, the newly formed Ladies' Aid Society began construction on a church.

For 200 years, this congregation has persevered in preserving their faith and their Church. They credit the dedicated service of the laity and the faithful preaching of the clergy for this tremendous accomplishment.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the Paupack United Methodist Church for their 200 years of distinguished service to Paupack, Pennsylvania and the United States of America.

CHERYL McKISSACK FELDER—ACKNOWLEDGMENT OF ACHIEVEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. RANGEL. Madam Speaker, I stand before you today to acknowledge the business achievement of Cheryl McKissack Felder and to enter into the RECORD an article from the Carib News.

I am so proud to acknowledge the achievements of Cheryl McKissack Felder, descendant of Moses McKissack, a slave who became a master builder and one of America's first contractors. Ms. McKissack is a part of a family that has a long history of entrepreneurship and accomplished architects. She obtained a BS degree in civil engineering from Peabody Demonstration School and a M.S. degree from Howard University. Her career began at the Department of Defense where she was involved with quality assurance and control for government research projects. Later, she worked for firms in New York City as a civil engineer and estimator. A major project that she worked on involved the restoration of the Schomburg Theatre. Following in the footsteps of her ancestors, she opened the architecture and design firm McKissack and McKissack in 1999.

Her firm has worked on several significant projects including the Lincoln Financial Field football stadium and the US Airways International Terminal both in Philadelphia. Most recently the firm was selected to oversee the reconstruction of the Vanderbilt Rail Yards as a part of the Atlantic Yards Project in Brooklyn, New York. Being selected for this project is remarkable and I congratulate Cheryl McKissack and her firm.

I'm extremely happy to know that minority owned firms are being selected for projects that will enhance the economic and residential life for New York City residents. The Atlantic Yards Project will provide much needed jobs, housing, and commercial real estate. For that I'm grateful and wish Cheryl McKissack and her firm well on this and other future projects.

CHERYL MCKISSACK FELDER, CEO OF THE MCKISSACK GROUP INC. TAKES ON FIRST PHASE OF ATLANTIC YARDS PROJECT

Construction crews recently kicked off the prep work needed for the first phase of The Atlantic Yards project in Brooklyn, a residential and commercial development that will include an arena for the Nets basketball team. Under the Atlantic Yards Community Benefits Agreement, negotiated with Forest City Ratner Companies (FCRC), qualified minority- and women-owned contractors were among the firms given due consideration for execution of the project.

Cheryl McKissack Felder, CEO of The McKissack Group, confirmed to Carib news that her firm has been selected to oversee the reconstruction of the Vanderbilt Rail Yards. A firm with a proven track record of having successfully executed similar projects, CEO Cheryl McKissack comes from a family of architects that started with an enslaved Ashanti ancestor in 1790.

As a slave, Moses McKissack first became a master builder under the tutelage of his owner, William McKissack, one of America's first contractors. Grandfather Moses McKissack founded the family business in 1905. Felder's father, William DeBerry McKissack, took it over in 1968 and Felder's mother, Leatrice Buchanan McKissack managed the business after her husband died.

Felder attended Peabody Demonstration School, earning a B.S. degree in civil engineering in 1981 and M.S. degree in 1983 from Howard University. At the United States Department of Defense, Felder provided quality assurance and quality control for government research projects, including MX missile silos, the United States Embassy antiterrorist program and a large space structures project for NASA.

From 1985 to 1989, she worked as a civil engineer for Weidlinger Associates and, in 1989, she served as an estimator for Turner Construction, both New York City firms. Felder also served as the estimation manager for the $2.5 million restoration/addition of the historic Schomburg Theatre. In 1991, she formed The McKissack Group (TMG), a full service construction management firm now with offices in New York City and Philadelphia. In 1999, Felder launched McKissack and McKissack Associates, an architecture and design company.

As The McKissack Group's chief executive officer, Felder managed construction of the US Airways maintenance hangar in Philadelphia. She also served as project executive for the Medgar Evers Academic Building and Student Support Services buildings in Brooklyn, New York. Felder was the principal in charge of Philadelphia's $395 million Lincoln Financial Field football stadium, the $450 million US Airways International Terminal in Philadelphia and the $1.5 billion renovation and reconstruction of the School District of Philadelphia.

As Felder intimated, the prep work will involve the reconstruction of the Vanderbilt Rail Yards and is expected to extend for some two years into 2008, alongside the works for construction of the arena. In her view, this represents a great economic boost for Brooklyn in terms of the creation of jobs. In spite of protest from some community groups, the inclusion of an affordable housing component as part of the plan will also ensure that not all of the residents will be permanently uprooted.

"The Atlantic Yards" CBA is an important milestone for New York's construction industry," she said. "By including diverse firms—and diverse individuals—from the start, I think this project is living up not only to the extraordinary standards of Forest City Ratner, one of the most committed and progressive companies out there today, but living up as well to the values of Brooklyn, where inclusion is a way of life and diversity is a badge of honor."

In response to queries regarding challenges faced in the industry, Ms. McKissack remarked that she is fully cognizant of the myriad challenges faced by minorities with regard to venture funding and career advancement. However, on the strength of a stellar family reputation in the construction field, her firm has acquired an excellent track record and will continue to maintain the tradition and performance standards commensurate with that of the oldest minority-owned professional design and construction firm.

IN SPECIAL RECOGNITION OF DONALD J. KLEMAN ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Donald J. Kleman of Fort Jennings, Ohio has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Donald's offer of appointment poises him to attend the United States Naval Academy this summer with the incoming midshipmen class of 2011. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer.

Donald brings an enormous amount of leadership, service, and dedication to the incoming class at the Naval Academy. While attending Fort Jennings High School in Fort Jennings, Ohio, Donald attained a grade point average which placed him at the top of his class. While a gifted athlete, Donald has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Donald has been a member of the National Honor Society, Honor Roll and has earned awards and accolades as a scholar and an athlete.

Outside the classroom, Donald has distinguished himself as an excellent student-athlete by participating in both cross county and track. Donald has proudly earned the rank of Eagle Scout, and has remained involved in his community by actively participating in 4H Club as both a Junior Leader and Junior Fair Board Member. Donald's dedication and service to the community and his peers has proven his ability to excel among the leaders at the Naval Academy. I have no doubt that Donald will take the lessons of his student leadership with him to Annapolis.

Madam Speaker, I ask my colleagues to join me in congratulating Donald J. Kleman on his appointment to the United States Naval Academy. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Donald will do very well during his career at the Naval Academy and I ask my colleagues to join me in wishing him well as he begins his service to the nation.

RECOGNIZING KENHORST BOROUGH AND THE KENHORST VOLUNTEER FIRE CO. ON THEIR 75TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Borough of Kenhorst, Berks County and the Kenhorst Volunteer Fire Co. No. 1 upon their 75th Anniversary.

It was a rally against an excessive streetlight tax that moved the residents of 6 neighborhoods in Cumru Township, Berks County to leave and form their own borough. Incorporated in August 1931, Kenhorst Borough was so named by combining two of the largest land parcels included in the new municipality—the Kendall Park and the Horst Family tract. With nearly 3,000 residents, Kenhorst is the 12th largest borough in Berks County and is situated outside of the City of Reading. It provides an excellent quality of life for its residents and is one of the outstanding municipalities of the County.

The Fire Company has been serving the Borough and protecting the community since the late 1930s. Through these years, hundreds of community volunteers have provided exemplary firefighting and emergency services to their fellow citizens and this anniversary reminds present residents of their heroic service. The joint anniversary celebration taking place on Saturday, May 5 will involve a parade through town and fun and merriment for everyone.

So I ask, Madam Speaker, that my colleagues join me today in congratulating the Borough of Kenhorst, Berks County and the Kenhorst Volunteer Fire Co. No. 1 upon their 75th Anniversary.

PAYING TRIBUTE TO DR. DONALD E. HAYDEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Dr. Don E. Hayden for 37 years of teaching with the Clark County School District and a lifetime full of goodwill and service to the residents of Southern Nevada. His commitment to his fellow Nevadans has resulted in the CCSD Board of Trustees in naming and dedicating a new elementary school in his honor.

Don was raised in Palmyra, Missouri and graduated from Palmyra High School in 1942. After high school, Don enlisted with the U.S. Navy where he served 3½ years as a torpedo man aboard a destroyer in the South Pacific during World War II. After the end of World War II, Don attended college at Weber College in Ogden, Utah. He taught school in McGill, Nevada for 5 years and he then moved to Payette, Idaho where he met his wife, Eldine. After his marriage to Eldine, Don continued his educational pursuits and earned both his Bachelor of Science in Education and his Masters of Education from Colorado State College. In addition to these academic accolades, Don earned his doctoral degree from Mississippi Southern University.

In 1955, Don and Eldine moved to Las Vegas. Don had accepted the position of Principal at John C. Fremont Elementary School. Don would later serve as an Assistant Principal at Hyde Park Junior High School, Principal at Roy W. Martin Junior School and again as Principal at J.D. Smith Junior High School. During his many years of dedicated service as an educator, Don had the honor to open four new middle schools. As an educator, Don is committed to the belief that schools have the responsibility to ensure that each student has the fundamental skills to be successful, active, and independent members of their community. He believes that the education of our children is a collaborative effort between educators, parents, community members, and governmental agencies.

In addition to his many achievements, Don has also been involved with several organizations. He has served as a member for the Parent Teacher Association and as a member of the Board of Managers for the Nevada Congress of PTA. He has held several leadership positions which include serving as the Treasurer for the Secondary Principal's Association, the President of the Las Vegas Masters Club, the Chairman for the Clark County Teachers Credit Union and a member of the Board of Trustees for the First Baptist Church.

Madam Speaker, I am proud to honor Don Hayden for his many outstanding civic achievements and congratulate him and his wife, Eldine and their two children, Patrick and Dawn for the honor that the CCSD has bestowed upon Don with the dedication of a school in his name.

IN CELEBRATION OF THE BOLZAN FAMILY REUNION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. KUCINICH. Madam Speaker, I rise today to celebrate the reunion of the Bolzan, Milluzzi and Venier families, and to acknowledge their indestructible family bond that has spanned numerous decades and generations.

All too often, as technology makes communication with loved ones easier, it also drives us farther from the ones we care about. As families drift apart, we must take time to recognize those among us who, having dedicated themselves to preserving those ties that bind, remind us all of the enduring power of family love. It is with much admiration that I recognize the Bolzan, Milluzzi and Venier Families on the occasion of their reunion in Esch sur Alzette, in the Grand Duchy of Luxembourg.

As the Bolzan, Milluzzi and Venier families share their fondest memories and exchange news and other current events, I would like to recognize in a special way Amelie Haan-Bolzan, Fernand Bolzan, Clemy Berg-Bolzan, Aldo Bolzan, Sylvia Kieffer-Milluzzi, and Robert Wengler, whose efforts were instrumental in coordinating this intercontinental gala and ensuring a memorable time for all.

The Bolzan Family now spans the Atlantic Ocean and can be found across the United States and Europe; their heritage could not be richer and their lineage could not be stronger. As they enter a new era, I wish that their family continues to flourish as they honor their traditions and create new ones.

Madam Speaker and colleagues, please join me in celebrating the Bolzan Family on the occasion of their reunion. May their dedication, love and commitment to each other endure for generations to come and act as a model for us all.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. UDALL of Colorado. Madam Speaker, in reviewing the formal record of rollcall 209, the vote on the Kilpatrick substitute to H. Con. Res. 99, the budget resolution for fiscal year 2008, I find I am recorded as having voted "yes." However, I had intended to vote "no," and my recollection is that I did vote "no."

TRIBUTE TO CODY CARITHERS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to an extraordinary student that will graduate from Highland High School in Hardy, Arkansas with thirteen years of perfect attendance. Cody Carithers, a promising young man with an even brighter future, will graduate from High School on May 18th 2007. Along with Highland High School, I am proud to recognize this remarkable young man who is a fine example of the many talented students we have in Arkansas.

Over the years at Highland, Cody has been a member of various clubs and organizations. He played sports, was active in the FFA, and served as treasurer and member of the Opening Ceremonies, Parliamentary Procedures and Show Teams. Cody has also been a devoted member and president of the Rebels Against Drugs (RAD) program and has represented the program for the past four years as a staff member with the Teens of North East Arkansas organization.

In addition to school and extracurricular activities, Cody worked as a volunteer for the Sharp County Library and has been employed at Ivey's Automotive Center in Highland, AR for two years. After graduation, Cody intends to continue working while attending Black River Technical College to pursue a degree in airplane or auto mechanics.

Cody's determination to make it through all thirteen years of school without missing a single day is impressive—but it was not easy. About two years ago, Cody was diagnosed with a brain tumor near his optic nerve, which caused debilitating headaches. Despite numerous trips to the Children's Hospital for MRIs and consultations with Neurosurgeons, the Children's Hospital worked with him to schedule all of his appointments in the evenings and on school holidays so he could achieve his goal of having an unblemished attendance record.

Cody is the first student in the Highland Public School district who has maintained perfect attendance for all thirteen years. I am asking Congress to join me in recognizing this amazing young man, who despite hardships, has already accomplished so much in his academic career. Although he will be graduating with a diploma this spring, I'm positive this is just the beginning of many other successes to come in his future.

HONORING THE MEMORY OF MR. W.O. MOZINGO

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. BONNER. Madam Speaker, the city of Mobile and southwest Alabama recently lost a dear friend, and I rise today to honor and pay tribute to the memory of W.O. Mozingo.

Before moving to Mobile, "Mo" as he was known to his friends, joined the U.S. Army during World War II and served in the 65th Infantry Division of the European Theatre. He led a mine platoon, locating and disarming land mines. He was wounded in action and became a Disabled American Veteran and lifetime member of the VFW, Post 49.

Considered by many to be the father of the labor movement in southwest Alabama, Mr. Mozingo began his career with the former National City Bus Line in Mobile and joined the Amalgamated Transit Union Local No. 770 in 1943. He served in various capacities as a union member, including 20 years as president and 19 years as president of the Southwest Alabama Labor Council, AFL–CIO.

It goes without saying that Mr. Mozingo was well known throughout the Mobile community. He served on numerous boards of directors, including the American Red Cross, Volunteers of America, the United Way of Southwest Alabama, Mobile United, South Alabama Regional Planning Commission, and the Advisory Board for Springhill Memorial Hospital. Mr. Mozingo was also a lifelong Democrat. In 1999, the Mobile County Democratic Party awarded him the Democratic Award of Distinction.

Mr. Mozingo's awards were also just as numerous. In 1992, he was inducted into the Alabama Organized Labor Awards Foundation Hall of Fame. The Southwest Alabama Labor Council, AFL–CIO, honored him by creating an annual award known as the "W.O. Mozingo Community Services Award." He earned the distinction of being one of only five Mobilians to achieve Emeritus status with the United Way board.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout southwest Alabama. W.O. "Mo" Mozinger will be deeply missed by his family—his wife of sixty eight years, Myrtle LaBarreare Mozingo; their three children, William Gary Mozingo, Linda Mozingo Murphy, and John W. Mozingo; his sister, Josephine Beddingfield; three grandchildren; and two great grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

SUPPORTING H.R. 362 AND H.R. 363

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. RUSH. Madam Speaker, I rise to show my strong and enthusiastic support for H.R. 362 and H.R. 363. Both of these bills are extremely timely and worthwhile pieces of legislation that will provide much needed assistance to my constituents, and to the country as a whole.

As we advance forward in this new century, it is of the utmost importance that we prepare our young people for the challenges that lay ahead. Addressing issues such as global climate change and making our nation more energy efficient require that we train our students to become the scientists, mathematicians, and engineers of the future.

In the district that I represent, families are yearning for more schools that focus on math and science. Such curriculums offer greater opportunities to help prepare our students to attend college and graduate school in these areas and to secure jobs in the new millennium in the fields of biofuels, biotechnology, and biodefense.

I have personally been involved in trying to secure more funding to address these concerns and bring science and math-oriented schools into my district.

Additionally, with the selection of Chicago as a potential host for the 2016 Olympics, our great city will need to fulfill the demand for more civil engineers, technicians, and architects. We will need to construct new buildings, roads, and stadiums, and we would like to utilize the limitless talent of Illinois' most skilled and well trained mathematicians, scientists and engineers.

H.R. 362 and H.R. 363 will help address the needs of my community, as well as the many challenges that this great country faces. I urge all of my colleagues to support these bills.

TRIBUTE TO THE LACKAWANNA HISTORICAL SOCIETY

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. CARNEY of Pennsylvania. Madam Speaker, I rise today to recognize the Lackawanna Historical Society and their commitment to celebrating the coal-mining heritage of Pennsylvania.

The Lackawanna Historical Society is proud to be partners with the Olyphant Coal Miners Association in a visionary project to celebrate the heritage of coal miners in Pennsylvania. On Father's Day, June 17, 2007, they will unveil a monument to honor the mid-valley miners who worked to fuel the world's energy supply in Olyphant collieries.

These dedicated individuals worked to supply anthracite coal and energy to others. In doing so, some lost their lives. It is fitting that we remember their sacrifice, and this monument is a just and proper way to do so.

The monument will feature a bronze statue with a stainless steel pick, crafted by local sculptor Frank "Wyso" Wysochansky. The monument will be placed in Olyphant. This is an appropriate place to honor all miners from the Mid-Valley due to its central location. This memorial will remind everyone of the dedication and sacrifice of the coal miners of Mid-Valley, Pennsylvania.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the Lackawanna Historical Society and the Olyphant Coal Miners Association, and all the citizens of Pennsylvania who lost their lives helping to fuel the world's energy supply.

RECOGNIZING THE BIRTHDAY AND LIFE OF SUGAR RAY ROBINSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate the birth of Walker Smith Jr., a boxing phenomenon, whose boxing style was so smooth and sweet that he earned the nickname "Sugar Ray."

Sugar Ray Robinson was born Walker Smith Junior on May 3, 1921 in Ailey, Georgia. His family relocated to Harlem, New York to escape the racial injustice of the South when he was just 12 years old.

After a few years of living in Harlem, he was introduced to the sport of boxing. Since he was too young to register, he borrowed a registration card from his friend, Ray Robinson. He used his name to begin boxing under the Amateur Athletic Union. His boxing style was unique and drew crowds. A boxing coach, George Gainford, thought his style was sweet as sugar and others agreed. Thus, he was called Sugar Ray Robinson.

It was his unique style that made him a boxing legend. It all began in 1940, when he won the New York Golden Gloves championship. He was just 19 years old. Immediately after that victory, he became a professional boxer. By 1946, he became the world welterweight champion, a title he held for 5 years winning 91 straight matches. His success continued when he entered the middleweight division. He held the middleweight title five times from 1951 to 1960. He retired from boxing in November of 1965 after his last fight. His outstanding boxing record includes a total of 202 professional fights of which he won 175, and during his career he came to define boxing as "the sweet sacrifice."

Due to health conditions, he passed away on April 12, 1989, at the age of 67. He was elected to the International Boxing Hall of Fame in 1967 and created a foundation for youth in California. A postage stamp was created in his honor in 2006. I urge my colleagues to support House Resolution 359, recognizing the athletic achievements and commitment to young people of this great American boxer.

PAYING TRIBUTE TO PAMELA CLANCY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Pamela Clancy who is receiving the March of Dimes Nurse of the Year Award.

Pamela has over 20 years experience in the nursing profession and presently serves as director of all Spring Valley Medical/Surgery Nursing Units. In addition to her professional competence, Pamela is a very caring individual and goes above and beyond to help patients feel at home. She is most known around the hospital for helping a couple put on a wedding when the groom became ill and had no way of rescheduling the ceremony. Pamela was also instrumental in the opening of the Joint and Spine Center and has received the service excellence award where she was the star champion employee of the month.

In addition to her professional successes, Pamela is also very active in a number of philanthropic and charitable organizations. She volunteers at her church, Walk for a Cure, March of Dimes, the Spring Valley Hospital Health Fair, and the MDA yard sale as well as health screenings.

Madam Speaker, I am proud to honor Pamela Clancy. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend her efforts and commitment and congratulate her on receiving the March of Dimes Nurse of the Year Award and applaud her efforts.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. SULLIVAN. Madam Speaker, I missed rollcall votes 273, 274 and 275 taken on May 2, 2007. Had I been present for these votes, I would have voted "nay" on these measures.

REGARDING CONGRESSIONAL BLACK CAUCUS PRIORITIES ADDRESSED IN H.R. 1591 "U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT"

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, as a proud member of the Congressional Black Caucus, I rise to express my profound disappointment that the President lacked the vision, wisdom, and respect for the will of the American people to sign H.R. 1591, the "U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act." This legislation, which was crafted under the combined leadership of the Speaker and Democratic Caucus, Appropriations Committee Chairman OBEY and Defense Subcommittee Chairman MURTHA, with substantial input from the Congressional Black Caucus, provided a glide path to the day when our troops can return home where we can "care for him who has borne the battle, and for his widow and orphan." But it did more than that. It also would help to repair the damage to America's international reputation and prestige and bring long overdue oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

Madam Speaker, the American taxpayers have paid nearly $400 billion to finance the misadventure in Iraq. I stand with the 3,222 fallen heroes who stand even taller in death because they gave the last full measure of devotion to their country. And I am reminded that while it is the armed forces which do the fighting, it is a Nation that goes to war. And it is the costs to the Nation that I wish to speak about today.

Madam Speaker, it must be noted that the cost of the war in Iraq to the United States has also been high regarding the new and neglected needs of the American people. Americans have been exceedingly tolerant and patient with this Administration's handling of the situation in Iraq. We have postponed, foregone, or neglected needed investments in education, infrastructure, housing, homeland security.

That is why it is right and good and just that the new Democratic majority included in the supplemental appropriations bill for Iraq and Afghanistan $4.3 billion for Federal Emergency Management Agency (FEMA) disaster recovery grants, including $910 million to cover the cost of waiving the matching fund requirements in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 174 (Public Law 93–288) (Stafford Act) for state and local government meaning the Federal Government will finance 100 percent of the grants.

Waiving the Stafford Act's matching fund requirement is critically important to the Gulf Coast states devastated by Hurricanes Katrina and Rita. Based on my multiple listening trips to New Orleans and the Gulf Coast region, and my numerous meetings and discussions with government officials at all levels in the affected states and with survivors of Hurricanes Katrina and Rita, many of whom now are relocated to my Houston congressional district, the most important lesson I have learned is that the Stafford Act is in its present form is simply inadequate to address the scale of devastation and human suffering wrought by a disaster the magnitude of Hurricanes Katrina and Rita. I thank Mr. OBEY and Mr. MURTHA for responding to concerns I expressed to President Bush about the need to modernize the Stafford Act so that it remains relevant to the 21st century.

I believe the Stafford Act must be amended to grant the Federal Government explicit authority and flexibility to provide long-term recovery assistance to communities devastated by disasters of the magnitude of Hurricane Katrina and Rita. Such authority currently does not exist and the Stafford Act's emphasis on temporary assistance to affected individuals and communities is simply inadequate to address the scope of human suffering we witnessed last August and which is still with us today. I will continue my efforts to modernize the Stafford Act. But I very much approve of the nearly $1 billion included in the bill to waive the matching fund requirements for hard-pressed State and local governments coping with emergencies of the scale of Hurricane Katrina.

Social Services Block Grant (SSBG) funding has been extended to September 30, 2010. SSBG funding provides critically needed social services, including programs for mental health, child welfare, and the treatment of addictive disorders.

Also allocated is $1.3 billion dollars for east and west bank levee protection and coastal restoration systems in New Orleans and surrounding parishes.

There is included $25 million for Small Business Administration (SBA) disaster loans and $80 million for U.S. Department of Housing and Urban Development (HUD) tenant-based rental assistance. The supplemental also adds $400 million to restore partial cuts to the Low Income Home Energy Assistance Program (LIHEAP). This funding will bring much needed relief to many States that are running out of LIHEAP funds just as many utility shut-off moratoriums are set to expire.

The supplemental adds $750 million to the State Children's Health Insurance Program (SCHIP) to ensure continued healthcare coverage for children in 14 States that face a budget shortfall in the program. By taking prompt action now, these States will not be forced to stop enrolling new beneficiaries or begin curtailing benefits.

Finally, Madam Speaker, the supplemental provided $30 million for K–12 education recruitment assistance; $30 million for higher education assistance; and $40 million in security assistance for Liberia. It also includes an additional $1 billion to purchase vaccines needed to protect Americans from a global pandemic. Development of production capacity for a pandemic vaccine must be accelerated so that manufacturers can quickly produce enough quantities to protect the population.

In conclusion, Madam Speaker, let me say that although the bill may not be the best I might have hoped for, it was the best that can be achieved at this time, this moment in history. I applaud the leadership of the Congressional Black Caucus for its critical role in helping craft legislation that represents a change of course and a new direction in our policy on Iraq and that is responsive to the unmet and pressing needs of the American people.

SENATE—*Friday, May 4, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, bless the United States Senate. If anything is dark in it, illumine; if anything is low, raise; if anything is wanting, supply; if anything is in error, correct. Create in this legislative body a unified force for good in which its Members strive to find common ground. May the leaders who debate in this Chamber be led by their conscience and speak to You before they speak to each other. Make Your way clear to them, and may Your glory be their greatest desire.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BROWN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business today. There are no rollcall votes. Yesterday, cloture was filed on the substitute amendment to S. 1082, the FDA bill, and cloture was filed on the bill. In addition, cloture was filed on the motion to proceed to H.R. 1495, the Water Resources Development Act. Votes will begin Monday at about 4 p.m., and there will be several votes at that time. We are disappointed we were not able to finish FDA yesterday, as anticipated. I am confident we can finish it Monday night or Tuesday.

We have a lot to do next week. As I have indicated, I am going to move to the immigration bill on Wednesday so debate on that can start on the following Monday. We also have the opportunity to complete our budget for the year. I have spoken to Senator CONRAD on a number of occasions. I have spoken to the Speaker on this issue. It is very close to being in a position that we can bring it to the floor. It is my understanding the House will appoint conferees on Monday, and we will do that on the next day. It is a privileged motion. There is 10 hours of debate, and there are some procedural issues dealing with motions to instruct. We will find out how many there will be on either side. That will take up a lot of time.

The WRDA bill is extremely important. It passed overwhelmingly in the House. I hope we can do the same here.

MEASURES PLACED ON THE CALENDAR—S. 1301 AND S. 1305

Mr. REID. It is my understanding there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1301) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.
>
> A bill (S. 1305) making emergency appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

Mr. REID. I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

IRAQ

Mr. REID. Mr. President, this week a historic discussion began between Congress and the White House about the way forward in Iraq. On Wednesday, a meeting occurred between the President and congressional leadership following the President's veto of a spending bill that would have made America more secure, fully funded the troops, and changed the course in Iraq. It has taken almost 4½ years, but it appears the President finally is willing to consider what most Americans and Members of Congress have long known, that we must change course in Iraq and move toward a strategy that will make our country more secure.

It took 6 years and 3 months for the President to accept Congress as a coequal branch of Government. Prior to last Wednesday, the President basically had ignored the constitutionally framed equal branch of Government, the legislative branch. From that perspective, it was a positive step forward.

During the first 6 years of this congressional term, the President basically ignored us. There was a big rubber stamp. Anything the Republican Congress thought the President wanted, they gave him. But yesterday, the minority leader and I met with the President's Chief of Staff Josh Bolton to further that discussion that started Wednesday in the White House. I thought the meeting was constructive, comfortable. It is clear, at this early point in the negotiations, that nothing is off the table. We agreed to meet again early next week. Meanwhile, I will be talking with members of my caucus, Senator MCCONNELL, and with our experts, and we will continue to work on ideas for a way forward in the quagmire in Iraq.

I know many of my Republican friends in the Senate believe strongly that a change of course in Iraq strategy is needed, one that holds the administration and the Iraqis accountable for real results. I know many of my Republican friends intend to be part of that solution on the way forward. I look forward to working with them, as I have the last few weeks. Work is now in progress, and we will work to reach agreement on a bill that fully funds the troops while providing a responsible new course that makes America more secure and leads to an early end to America's involvement in the Iraq civil war.

Events on the ground give this challenge great urgency. The month of April saw an American death toll of more than 100, making it the deadliest month of the year for our troops in Iraq and one of the deadliest in the 51 months of this war.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The President's own Special Inspector General for Iraq Reconstruction released his quarterly report last weekend which painted a dispiriting picture of waste, ineffectiveness, and failure to achieve even minimally satisfactory results. Despite burning through most of the 20 billion American dollars planned for reconstruction, most Iraqis are without basic necessities such as electricity and clean drinking water. Only a third of Iraq's children are regularly attending school, and 70 percent are suffering from symptoms of trauma that will likely paralyze an entire generation on which we are counting to harvest the seeds of democracy.

Iraqi Prime Minister al-Malaki, a Shia, is accused of sabotaging efforts for peace and stability by firing some of the country's top law enforcement officials for doing too good a job of combating violent Shia militias. President Bush speaks of pressuring the Iraqi people to take responsibility for their own future. Yet while American troops are fighting and dying to secure the country, the Iraqi Government is planning a 2-month summer vacation.

We throw around a lot of numbers and statistics to highlight the failures and high stakes of the war. We must also remember that behind each of these numbers—104 deaths during the month of April—is a personal story.

Yesterday, a Las Vegas newspaper published an article about a 26-year-old Nevadan named John Shoup. After surviving 7 months in Iraq, John returned home to Nevada without apparent physical injury. Many of his friends were not so fortunate, he said. At home, though, almost immediately, John's wife Lori knew he was not well. She said:

> I noticed in the first week he wasn't sleeping . . . he started to get a little snappy . . . he started crying and started throwing things.

John told his wife about the four roadside bomb attacks he survived.

The article goes on to say, among other things:

> But the worst, [his wife] said, were the times he was called to bag up body parts of dead soldiers who had been blown up by improvised explosive devices on patrols ahead of his platoon . . .
>
> With her husband displaying the same classic symptoms of PTSD, or post-traumatic stress disorder, she checked him into a privately owned psychiatric hospital where he was treated for major depression related to [post-traumatic stress disorder].
>
> He was given anti-depressants and while he was there, she said, his first sergeant called to inform him he would be listed as absent without leave and his paycheck for May would be canceled if he didn't report back to his squadron in Iraq, one of the many regular Army units whose tours had been extended.
>
> Lori Shoup said her husband told the first sergeant about his battle with PTSD. The sergeant's response to him, she said, was: "How's that different from the way you normally act?" [She said] that really upset him. It was if they didn't care.
>
> With his mental problems persisting, John Shoup met with doctors at O'Callaghan Federal Hospital at Nellis Air Force Base. Doctors there tried to help him, but on April 16, the day before he was supposed to report to Fort Drum, his condition took a turn for the worse. While at home, he took too many drugs, described as a suicide attempt, and Lori had to rush him back to Nellis hospital. His stomach was pumped and he was put in supervised care.

He continues to struggle with his illness and now awaits another transfer from the hospital at Nellis Air Force Base near his home in Nevada to Walter Reed here in Washington.

We all know that war comes with casualties. I have talked about John Shoup. I have read quotes from Lori Shoup, his wife. She is also a casualty. She had to be hospitalized. She had a nervous breakdown.

Our soldiers have always shouldered the burden when the mission is to protect America's security. John Shoup did that.

What is our mission today? When he was asked that question, he replied:

> All we do is drive around and wait to get blown up.

Our troops are interjected between warring factions, kicking down doors, trying to sort Shia from Sunni or friend from foe. Meanwhile, Afghanistan is deteriorating. Osama bin Laden remains at large, and al-Qaida is rebuilding its strength. Our current strategy is not a strategy for success. It is a recipe for more death and destruction, overburdening our military and leaving America less secure.

Today's USA Today newspaper talked about a lot of John Shoups. In fact, they said there are 150,000 brain injuries caused by what has happened in Iraq to our troops; 15,000 is what USA Today reports.

We approach these discussions with the White House with an open mind and sincere desire to move forward. But John and Lori Shoup and all Americans deserve to know what our resolve to change course in Iraq will be. Our course cannot be one to waiver from doing everything we can to get the President to change the mission, to transition the mission in Iraq. Fifty-one months of what has happened in Iraq has not been good for the country, certainly not good for the world.

I ask unanimous consent to have printed in the RECORD the article from the Las Vegas Review-Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From reviewjournal.com, May 2, 2007]

IRAQ DEPLOYMENT CHANGED SOLDIER: POST-TRAUMATIC STRESS DISORDER DELAYS RETURN

(By Keith Rogers)

When Army Spc. John Shoup came home on leave two months ago after serving seven months in Iraq, he wasn't the same man his wife, Lori, had known since they married four years ago. "We noticed he was very different," Lori Shoup said Monday, sitting on the porch of their Las Vegas condominium not far from where fighter jets take off from Nellis Air Force Base. I noticed in the first week he wasn't sleeping," she said. "He started to get a little snappy and stuff. . . . He told me he didn't want to talk about it."

Before his two-week leave was over, the nightmares and the horrifying memories of the so-called Triangle of Death in south Baghdad had set in. "He started crying and started throwing things," she said about her 26-year-old husband from Frackville, Pa.

Little by little, though, the things he didn't want to talk about came to light. Among them were the four roadside bomb attacks that he survived but left some of his buddies wounded. But the worst, she said, were the times he was called to bag up body parts of dead soldiers who had been blown up by improvised explosive devices on patrols ahead of his platoon, a mortar troop of the 1st Squadron, 89th Cavalry Regiment from the 10th Mountain Division out of Fort Drum, N.Y.

With her husband displaying the classic symptoms of PTSD, or post-traumatic stress disorder, she checked him into a privately owned psychiatric hospital where he was treated for major depression related to PTSD. He was given anti-depressants and while he was there, she said, his first sergeant called to inform him he would be listed as absent without leave and his paycheck for May would be canceled if he didn't report back to his squadron in Iraq, one of many regular Army units whose tours had been extended.

Lori Shoup said her husband told the first sergeant about his bout with PTSD. The sergeant's response to him, she said, was: 'How's that different from the way you normally act?' That really upset him. It was as if they didn't care."

With his mental problems persisting, John Shoup met with doctors at O'Callaghan Federal Hospital at Nellis Air Force Base. Doctors there tried to help him, but on April 16, the day before he was supposed to return to Fort Drum, his condition took a turn for the worse. While at home, he took too many drugs described as a suicide attempt, and Lori had to rush him back to the Nellis hospital. His stomach was pumped and he was put in supervised care.

In the meantime, Lori has been struggling to make ends meet by continuing to work as a bartender at a cantina on the Strip while caring for their 3-year-old son, Levan, and her 8-year-old daughter, Emily, from a previous marriage. "I'm at wit's end," she said. "There's no way I can do it all by myself."

Her father, Joseph Godlewski, a retired Army staff sergeant, has been trying to help with babysitting. He is also helping his daughter understand what John is trying to endure. "The poor kid has seen so much death," he said. "Once the smell of death is in your nose it never goes away."

For Lori, the gravity of the situation became too much last week, when she experienced a nervous breakdown that resulted in a trip to the Nellis hospital emergency room. Now back at home, she was feeling better Monday even though she learned that John's status with his overseas unit had officially changed to AWOL while he's still at the federal hospital. His paycheck had not been deposited. "I couldn't believe it. My heart went right down into my stomach," she said.

In a telephone interview from his hospital room, John Shoup said he had served his four-year obligation but his orders had been extended. He said his first sergeant had called him to say he had "better hurry up and stop fooling around and get back to

Iraq." "All we do is drive around and wait to get blown up," he said. "I just want to get back to the Army and get out and get back to my family."

On Tuesday, a spokesman at Fort Drum acknowledged that John Shoup had called the fort to say he needed mental help. They directed him to the Nellis hospital to continue PTSD treatment until he was well enough to return to Fort Drum. "Then they would make a determination if his future is best not serving in the Army," Fort Drum spokesman Ben Abel said.

Given the current circumstances, Abel said he could not foresee the Army sending him back to Iraq. As for stopping his pay, that was a misunderstanding that stemmed from his overseas unit, Abel said, noting, "It's on its way to being cleared up."

Lori Shoup said, however, that her husband won't be returning to Fort Drum immediately. Instead, he will be transferred today from the Nellis hospital to Walter Reed Army Medical Center in Washington, D.C.

In the meantime, she wants to see "all of our boys come home" from Iraq. "I believe our job is done there. . . . I believe that our troops are doing a lot of good there. I back our soldiers 100 percent. I've heard it referred to as a modern-day Vietnam. "It's getting uglier and uglier. It's really unfortunate because our society is going to suffer from it because there's a lot of fathers and sons and brothers who will never return. And some will never return the same people they were when they left."

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

YOUTHS AND FIREARMS

Mr. LEVIN. Mr. President, often discussions about combating gun violence center around preventing criminal access to dangerous firearms. Another important component of the issue is the ability of our children and teenagers to access firearms. Most fatal firearm incidences occur when children and teens discover loaded and unsecured firearms in their homes. Over the years, accidental shootings and suicides have claimed the lives of thousands of young people. Sadly, many of these tragedies could have been prevented through common sense gun legislation.

On April 14, two 14-year-old boys were playing in one of their homes in Iosco Township, MI, when they found an unlocked .45-caliber handgun. After playing with it for a short time, the gun went off. The two boys were home alone, so no adult was aware of what happened until one of the boys called 911 and uttered the words, "I shot him." The other boy was pronounced dead after being airlifted to the University of Michigan Medical Center.

The very next day not far away in Battle Creek, MI, a 19-year-old accidentally shot and killed his 17-year-old best friend and cousin. The two were sitting on a couch in the living room, playing with an unregistered gun. They had removed the gun's clip but were not aware of the single bullet remaining in the chamber.

These are two examples of the misery gun violence can inflict. The Centers for Disease Control and Prevention have released some staggering statistics on gun-related deaths among young people:

In 2002 a child or teen was killed in a firearm-related accident or suicide every 9 hours.

On average, four children died every day in non-homicide firearm incidents between 1999–2002.

From 1997–2002, more than 1,324 children were killed in firearm accidents.

In 2004, 13,846 kids were injured by a firearm.

Over the last 10 years, an average of 1,213 kids committed suicide with a firearm each year; on average more than 135 each year were under the age of 15.

The overall firearm-related death rate among U.S. children under the age of 15 was nearly 12 times higher than among children in 25 other industrialized countries combined.

As adults, parents and grandparents, we have a responsibility to protect our children from gun-related deaths. Trigger locks and other sensible gun safety measures can have a significant impact. I urge my colleagues to wait no longer to act on such measures.

ADDITIONAL STATEMENTS

IN MEMORY—ARTHUR H. GUENTHER, PH.D.

• Mr. BINGAMAN. Mr. President, today I note the passing away of Dr. Art Guenther on April 21, 2007.

Art Guenther was born April 18, 1931, in Hoboken, NJ. As a kid he loved the outdoors and became New Jersey's youngest Eagle Scout. He wanted to be a forest ranger and hoped to attend a college with a good forestry program, but those schools didn't accept out-of-state students. A teacher had noticed Guenther's aptitude in math and science and got him into Rutgers. There he majored in chemistry, earning his bachelor's degree in 1953.

As a grad student at Penn State, he wanted to pursue optics. His thesis advisor asked, "Why optics? The cream is gone," meaning all the good research had been done. Guenther persisted, receiving his Ph.D. in chemistry and physics in 1957. He joined the Air Force and was sent to Kirtland Air Force Base. His mother wondered why they were sending him out of the country on his first assignment. After serving 2 years, he left the Air Force and became a civilian employee and a New Mexican for the remainder of his life. His optics work would pay off in 1960, after the laser was first demonstrated. As the only person at Kirtland with a background in optics, Guenther was asked by the commander of the research directorate to evaluate lasers for potential Air Force use. He toured the country and reported back on the promise of the new technology. At the request of the Air Force, he established a laser program and later became chief scientist of the Air Force Weapons Lab, a position he held for 15 of his 31 years with the Air Force.

By 1965 Guenther had become one of the world's leading experts in simulating effects of atomic explosions. He also gained experience in advanced optical systems, high-power lasers, high-power microwaves, pulsed power, materials science, and weapons effects. Guenther is considered a pioneer in the development of pulsed-power technology and its defense applications. Dr. Guenther stood out as not only a scientist but someone who was deeply concerned about bettering the lives of New Mexicans by promoting the spread of science outside the laboratory gates through education and high technology economic development. Art Guenther helped develop an optics curriculum at Albuquerque Technical Vocational Institute. The program was so successful it had a waiting list.

In the 1980s, Guenther was one of the first to see a high-tech future for New Mexico. Gov. Bruce King in 1981 established the Governor's Technical Excellence Committee, GTEC, with Guenther as a member. King asked GTEC to assess the State's high-tech assets; they found 15,000 Ph.D.s, major research universities and three Federal laboratories along the Rio Grande.

At a time when other States had their Silicon Valley or Research Triangle, it was Guenther who coined the term "Rio Grande Research Corridor." He chaired the State Science and Technology Committee, which proposed and got the five Centers of Technical Excellence in 1983. One of those was the Center for High-Tech Materials at UNM.

In 1988, Guenther became chief scientist for advanced defense technology at Los Alamos National Laboratory. In that post, he was science adviser to Gov. Garrey Carruthers and again for Gov. Bruce King. In 1991 he became scientific adviser for laboratory development and manager of alliances at Sandia.

Guenther retired in 1998, but his family and colleagues know he didn't really retire. He became a research professor at UNM's Center for High-Tech Materials and was also on contract with the Air Force Office of Scientific Research. He maintained a staggering schedule of travel, meetings, research and civic involvement. Also in 1998, after identifying a wealth of optics activity in the State, he became cofounder of the New Mexico Optics Industry Association. And through NMOIA, he was instrumental in founding the Photonics Academy at West Mesa High School. He also helped organize the Directed Energy Professionals Society.

Art received numerous honors and awards. Some of these awards include the Distinguished Executive Rank Award from President Reagan, the Harry Diamond Award from the Institute of Electrical and Electronic Engineers, the Director's Award of the International Society of Optical Engineering, the David Richardson Medal of the Optical Society of America, and the Arthur L. Schawlow Medal from the Laser Institute of America in 1983. He has twice received the New Mexico Distinguished Public Service Award. In 1992 he was one of the first Americans to be named to the Russian Academy of Sciences. He had worked with Russian scientists since the 1960s and was credited with improving communication between the two countries.

Guenther brought so many technical meetings to Albuquerque that he earned a special award from the Albuquerque Convention and Visitors Bureau. On April 25, the New Mexico Optics Industry Association honored him with the organization's first Lifetime Service Award.

Mr. President, my State was blessed by Art Guenther's energy and dedication and we will miss him.●

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1301. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1305. A bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 735. A bill to amend title 18, United States Code, to improve the terrorist hoax statute (Rept. No. 110–61).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 621. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II (Rept. No. 110–62).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1311. A bill to permanently prohibit oil and gas leasing in the North Aleutian Basin Planning Area, and for other purposes; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 673

At the request of Mr. SALAZAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hayden Milberg:									
Switzerland	Swiss Franc		1,464.00						1,464.00
United States	Dollar				7,425.11				7,425.11
Total			1,464.00		7,425.11				8,889.11

TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition and Forestry, Apr. 18, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Brownback:									
Ethiopia	Birr		69.00						69.00
Ethiopia	Dollar		531.00						531.00
United States	Dollar				9,827.23				9,827.23
Joshua Carter:									
Ethiopia	Birr		69.00						69.00
Ethiopia	Dollar		531.00						531.00
United States	Dollar				9,827.23				9,827.23
Jeremy Weirich:									
New Zealand	Dollar		766.00						766.00
United States	Dollar				11,691.16				11,691.16
Howard Sutton:									
New Zealand	Dollar		766.00						766.00
United States	Dollar				11,691.16				11,691.16
Allen Cutler:									
New Zealand	Dollar		766.00						766.00
United States	Dollar				11,691.16				11,691.16
Augusta Wilson:									
New Zealand	Dollar		766.00						766.00
United States	Dollar				11,691.16				11,691.16
Senator Patrick J. Leahy:									
Switzerland	Franc		390.00						390.00
Greece	Euro		186.00						186.00
Paul Grove:									
Afghanistan	Afghani		225.00						225.00
Pakistan	Rupee		591.00						591.00
United Kingdom	Pound		1,306.00						1,306.00
United States	Dollar				9,046.01				9,046.01
Michele Gordon:									
Afghanistan	Afghani		225.00						225.00
Pakistan	Rupee		591.00						591.00
United Kingdom	Pound		1,306.00						1,306.00
United States	Dollar				9,046.01				9,046.01
Senator Robert Bennett:									
Germany	Euro		380.00						380.00
United Kingdom	Pound		400.00						400.00
Belgium	Euro		400.00						400.00
United States	Dollar				7,230.00				7,230.00
Nathan Graham:									
Germany	Euro		355.00						355.00
United Kingdom	Pound		380.00						380.00
Belgium	Euro		390.00						390.00
United States	Dollar				7,230.00				7,230.00
Total			11,389.00		98,971.12				110,360.12

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Apr. 12, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 4TH QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Derek J. Maurer:									
United States	Dollar				6,666,96				6,666.96
Germany	Dollar		325.90						325.90
Romania	Dollar		362.23						362.23
Italy	Dollar		368.38						368.38
Great Britain	Dollar		517.52						517.52
Senator John Warner:									
Jordan	Dollar		273.00						273.00
Israel	Dollar		330.00						330.00
United States	Dollar				2,606.00				2,606.00
Senator Carl Levin:									
Jordan	Dollar		273.00						273.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 4TH QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		397.00						397.00
United States	Dollar				2,606.00				2,606.00
Richard D. DeBubes:									
Jordan	Dollar		273.00						273.00
Israel	Dollar		794.00						794.00
Daniel J. Cox, Jr.:									
Jordan	Dollar		273.00						273.00
Israel	Dollar		794.00						794.00
William Caniano:									
Jordan	Dollar		273.00						273.00
Israel	Dollar		794.00						794.00
Senator Jack Reed:									
Pakistan	Dollar		212.00				166.00		378.00
Qatar	Dollar		208.00						208.00
United States	Dollar				15,525.41				15,525.41
Elizabeth King:									
Pakistan	Dollar		212.00						212.00
Qatar	Dollar		209.00						209.00
United States	Dollar				12,385.41				12,385.41
Senator James M. Inhole:									
Belgium	Dollar		344.46						344.46
United States	Dollar				9,336.62				9,336.62
Afghanistan	Dollar		782.24						782.24
John Bonsell:									
Belgium	Dollar		931.77						931.77
United States	Dollar				5,506.93				5,506.93
Afghanistan	Dollar		812.24						812.24
Senator Joseph I. Lieberman:									
Israel	Dollar		3,970.00				832.00		4,802.00
United States	Dollar				3,907.00				3,907.00
Frederick M. Downey:									
Israel	Dollar		2,349.00						2,349.00
United States	Dollar				4,154.00				4,154.00
Dan Shapiro:									
Israel	Dollar		1,038.00						1,038.00
Jordan	Dollar		244.00						244.00
Lebanon	Dollar		105.00						105.00
Saudi Arabia	Dollar		430.00						430.00
Bahrain	Dollar		226.00						226.00
Senator Joseph I. Lieberman:									
Kuwait	Dollar		338.00						338.00
Frederick M. Downey:									
Kuwait	Dollar		338.00						338.00
Richard Fontaine:									
Kuwait	Dollar		406.00						406.00
Afghanistan	Dollar		75.00						75.00
Pakistan	Dollar		39.00						39.00
Israel	Dollar		434.00						434.00
Total			19,751.74		62,694.33		998.00		83,444.07

JOHN WARNER,
Chairman, Committee on Armed Services, Mar. 6, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Hillary Rodham Clinton:									
Kuwait	Dinar		80.95						80.95
Pakistan	Rupee		4.62						4.62
Germany	Euro		93.70						93.70
Andrew J. Shapiro:									
Kuwait	Dinar		80.95						80.95
Pakistan	Rupee		4.62						4.62
Germany	Euro		93.70						93.70
Huma Abedin:									
Kuwait	Dinar		41.38						41.38
Pakistan	Rupee		4.62						4.62
Germany	Euro		93.70						93.70
Senator Bill Nelson:									
Haiti	Gourde		58.00				24.00		82.00
Bahamas	Dollar		60.00						60.00
Caroline Tess:									
Haiti	Gourde		164.00						164.00
Bahamas	Dollar		515.00						515.00
Senator Lindsey Graham:									
Switzerland	Franc		390.00						390.00
Greece	Euro		186.00						186.00
Senator Mel Martinez:									
Switzerland	Franc		390.00						390.00
Greece	Euro		186.00						186.00
Michael Zehr:									
Switzerland	Franc		390.00						390.00
Greece	Euro		186.00						186.00
Senator Saxby Chambliss:									
Switzerland	Franc		390.00						390.00
Senator Saxby Chambliss:									
Greece	Euro		186.00						196.00
Senator Lindsey Graham:									
Germany	Dollar		130.00						130.00
Senator Joseph I. Lieberman:									
Germany	Dollar		90.00						90.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frederick M. Downey:									
Germany	Dollar		120.00						120.00
Vance Serchuk:									
Germany	Dollar		120.00						120.00
Senator Bill Nelson:									
Costa Rica	Colon		148.00						148.00
Nicaragua	Cordoba		324.79				100.00		424.79
Ecuador	Dollar		207.22				100.00		307.22
Peru	Nuevo Sol		397.92				100.00		497.92
Carolina Tess:									
Costa Rica	Colon		128.00						128.00
Nicaragua	Cordoba		237.00						237.00
Ecuador	Dollar		110.82						110.82
Peru	Nuevo Sol		213.00						213.00
Sherry Davich:									
Costa Rica	Colon		280.40						280.40
Nicaragua	Cordoba		389.34						389.34
Ecuador	Dollar		263.20						263.20
Peru	Nuevo Sol		365.38						365.38
William K. Sutey:									
United States	Dollar				7,623.58				7,623.58
Kuwait	Dollar		107.00						107.00
Derek J. Mauer:									
United States	Dollar				7,623.58				7,623.58
Kuwait	Dollar		155.00						155.00
Richard Fontaine:									
Switzerland	Dollar		342.00						342.00
Michael J. Kuiken:									
Kenya	Shilling		186.00						186.00
Ethiopia	Birr		492.00						492.00
Michael J. Kuiken:									
Germany	Euro		108.00						108.00
United States	Dollar				9,625.64				9,625.64
Richard Fontaine:									
Germany	Dollar		200.00						200.00
Evelyn N. Farkas:									
United States	Dollar				7,528.41				7,528.41
Republic of Korea	Won		543.28						543.28
China	Yuan		307.00						307.00
India	Rupee		852.22						852.22
Total			10,416.81		32,401.21		324.00		43,142.02

CARL LEVIN,
Chairman, Committee on Armed Services, Mar. 27, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Amy Klobuchar:									
Kuwait	Dinar		9.40						9.40
Germany	Dmark		56.95						56.95
Jake Sullivan:									
Kuwait	Dinar		9.40						9.40
Germany	Dmark		56.95						56.95
Margaret Cummisky:									
United States	Dollar				9,015.43				9,015.43
New Zealand	Dollar		526,44						526.44
Michael Daum:									
United States	Dollar				8,831.43		157.00		8,988.43
New Zealand	Dollar		566.05		78.62		17.31		661.98
Australia	Dollar		10.53						10.53
Margaret Spring:									
Switzerland	Franc		390.00						390.00
Greece	Euro		186.00						186.00
Susan Keenom:									
Switzerland	Franc		390.00						390.00
Greece	Euro		186.00						186.00
Todd Bertoson:									
United States	Dollars				2,660.36				2,660.36
Italy	Euro		1,832.82		369.60		91.08		2,293.50
Total			4,220.54		20,955.44		265.39		25,441.37

DANIEL K. INOUYE,
Chairman, Committee on Commerce,
Science and Transportation, Apr. 17, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Anya Landau:									
Cuba	Dollar		400.00		890.00				1,290.00
Rob Epplin:									
Austria	Euro		138.00						138.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2006—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Italy	Euro		620.00				904.00		1,524.00
Senator Gordon Smith:									
Austria	Euro		138.00						138.00
Italy	Euro		747.00						747.00
Total			2,043.00		890.00		904.00		3,837.00

CHUCK GRASSLEY,
Chairman, Committee on Finance, Apr. 20, 2007 (reporting 12/06).

Delegation expenses include interpretation, transportation, security, embassy overtime and official functions, as well as other official expenses in accordance with the responsibilities of the host county.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES COMMITTEE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allen Stayman:									
United States	Dollar				6,373.08				6,373.08
Japan	Dollar		719.53						719.53
Joshua Johnson:									
United States	Dollar				6,373.00				6,373.00
Japan	Dollar		850.00						850.00
Total			1,569.53		12,746.08				14,315.61

JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, Mar. 30, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
United States	Dollar				2,750.10				2,750.10
Senator John F. Kerry:									
Switzerland	Dollar		390.00						390.00
United States	Dollar				3,666.41				3,666.41
Senator Lisa Murkowski:									
Kuwait	Dinar		264.61						264.61
Germany	Euro		56.95						56.95
Senator John E. Sununu:									
Kuwait	Dinar		155.00						155.00
Germany	Euro		328.00						328.00
Tyler J. Birkel:									
Cuba	Dollar		450.00		449.00				899.00
United States	Dollar				848.79				848.79
Isaac Edwards:									
Kuwait	Dinar		264.61						264.61
Germany	Euro		56.95						56.95
Mark Helmke:									
Norway	Krone		1,432.00						1,432.00
United States	Dollar				7,163.00				7,163.00
Jessica Lewis:									
Guatemala	Quetzal		738.00						738.00
United States	Dollar				1,411.00				1,411.00
Kenneth Myers, III:									
Kazakhstan	Tenge		800.00						800.00
United States	Dollar				10,293.36				10,293.36
Kenneth Myers, III:									
Russia	Rouble		700.00						700.00
United States	Dollar				6,398.63				6,398.63
Puneet Talwar:									
Turkey	Dollar		632.00						632.00
United Kingdom	Dollar		542.00						542.00
United States	Dollar				6,903.82				6,903.82
Tomicah Tillemann:									
Armenia	Dram		436.00						436.00
Germany	Euro		399.00						399.00
Turkey	New Lira		1,155.00						1,155.00
United States	Dollar				10,001.29				10,001.29
Total			8,800.12		49,885.40				58,685.52

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on Foreign Relations, Apr. 17, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDMENT TO FOURTH QUARTER OF 2006, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754, COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Jordan	Dollar		639.00						639.00
Syria	Dollar		195.31						195.31
Israel	Dollar		446.00						446.00
United States	Dollar				8,434.21				8,434.21
Totals			1,280.31		8,434.21				9,714.52

RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, Apr. 18, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Elise Bean:									
United States	Dollar				814.28				814.28
France	Euro		1,309.00						1,309.00
Total			1,309.00		814.28				2,123.28

JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, Mar. 22, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Todd Rosenblum			662.97						662.97
Senator Christopher S. Bond			2,143.00						2,143.00
	dollar				9,276.74				9,276.74
Louis Tucker			2,093.00						2,093.00
	dollar				9,276.74				9,276.74
Eric Rosenbach			1,567.00						1,567.00
	dollar				13,168.00				13,168.00
Daniel Jones			1,555.00						1,555.00
	dollar				13,168.00				13,168.00
Gregory Thielmann			1,555.00						1,555.00
	dollar				8,858.19				8,858.19
Jennifer Wagner			1,653.00						1,653.00
	dollar				8,867.98				8,867.98
Thomas J. Pack			1,779.03						1,779.03
	dollar				8,847.98				8,847.98
Senator Sheldon Whitehouse			66.35						66.35
John Maguire			66.00						66.00
Mindy Myers			68.60						68.60
Senator Evan Bayh			242.24						242.24
Total			13,051.19	71,463.63					84,514.82

JOHN D. ROCKEFELLER IV,
Chairman, Select Committee on Intelligence, Apr. 30, 2007.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2006

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Edward B. Pusey:									
United States	Dollar				6,375.96				6,375.96
Germany	Euro		656.00						656.00
Luxembourg	Euro		369.00						369.00
Italy	Euro		645.00						645.00
Dahlia Melendrez:									
United States	Dollar				6,355.96				6,355.96
Germany	Euro		656.00						656.00
Luxembourg	Euro		369.00						369.00
Italy	Euro		645.00						645.00
Total			3,340.00		12,731.92				16,071.92

LARRY E. CRAIG,
Chairman, Committee on Veterans' Affairs, Dec. 31, 2006.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON CODEL REID—CANCELLED FOR TRAVEL FROM MAR. 15 TO MAR. 18, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation Expenses:									
Mexico	Pesos						6,318.00		6,318.00
Total							6,318.00		6,318.00

HARRY REID,
Chairman, Committee on Codel Reid, Apr. 19, 2007.

*Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res 179 agreed to May 25 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON CODEL REID FOR TRAVEL FROM DEC. 27 TO JAN. 2, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Harry Reid:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						548.00
Peru	Dollar		508.00						508.00
Senator Richard Durbin:									
Bolivia	Boliviano		71.00						71.00
Ecuador	Dollar		383.00						383.00
Peru	Dollar		358.00						358.00
Senator Kent Conrad:									
Bolivia	Boliviano		247.00						247.00
Ecaudor	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Senator Judd Gregg:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Senator Robert Bennett:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Senator Ken Salazar:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Dr. John Eisold:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Lula Davis:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Jim Manley:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Marcela Urrutia:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Rich Verma:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
Sally Walsh:									
Bolivia	Boliviano		247.00						247.00
Ecuador	Dollar		584.00						584.00
Peru	Dollar		508.00						508.00
*Delegation Expenses:									
Bolivia	Boliviano						22,145.19		22,145.19
Ecuador	Dollar						10,844.05		10,844.05
Peru	Dollar						31,191.07		31,191.07
Total			15,541.00				64,180.31		79,721.31

HARRY REID,
Majority Leader, Feb. 12, 2007.

*Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

ORDER FOR REPORTING AND RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that on Friday, May 4, 2007, notwithstanding a recess or adjournment of the Senate, Senate committees may report Legislative and Executive Calendar business and that the RECORD remain open for the submission of statements and the introduction of legislation until 1 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, MAY 7, 2007, AT 2:15 P.M.

Mr. REID. Mr. President, I know of no further business to come before the Senate today, so I thank the Chair for presiding and I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:21 a.m., adjourned until Monday, May 7, 2007, at 2:15 p.m.

EXTENSIONS OF REMARKS

RECOGNIZING THE RETIREMENT OF CAPTAIN LANGSTON D. SMITH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to recognize the work of Captain Langston D. Smith, who has completed 30 years of active duty in the Dental Corps of the United States Navy.

Captain Langston Delano Smith was born in the Richland Community of Pickens in Holmes County, Mississippi. He is the eldest of six children born to the late Mr. James A. Smith, Sr. and Mrs. Elma Maxine Howard Smith. He attended Humphreys County McNair Elementary School and William Sullivan High School, formerly Durant Attendance Center.

Captain Smith received his Bachelor of Science Degree in Biology from Jackson State University in 1967. After obtaining his B.S. degree, he taught science for a year in the Jackson Public School District in Jackson, Mississippi. He, then, went on to Morehead State University, in Morehead, Kentucky, where he earned a Master of Science Degree in Biology in 1969 and a Master of Higher Education in Administration in 1973. While attending Morehead State, he was an Assistant Professor of Biology and the Assistant Director of Housing at the university.

In September 1973, Captain Smith entered dental school at the University of Kentucky and graduated in 1977 with his DMD degree. After graduating from the University of Kentucky, he entered active duty and received orders to the Naval Training Center in San Diego, California. From 1982 to 1987, Capt. Smith was an Adjunct Associate Professor of Biology at Chapman College. In 1987, he received orders to the National Naval Dental School in Bethesda, Maryland, where he completed his residency.

Captain Langston Smith, in 2002, reported to the Bureau of Medicine and Surgery as Director of Clinical Operations Division for Navy Dentistry, later becoming Director of Health care Support, with the responsibility for coordinating planning and policy for Naval dental care. Captain Smith is currently assigned as Director of Clinical Services in the Office of Integration, National Capitol Area in Bethesda, Maryland.

Captain Langston Smith is a very accomplished man. He is a member of a number of professional organizations, including the American Dental Association, American Association of Endodontists, American Board of Endodontics; and, social and civic organizations, Alpha Phi Alpha Fraternity, Inc., Sigma Pi Phi Fraternity, and Colesville United Methodist Church. He has received a number of military and non-military awards, which includes the Legion of Merit, Meritorious Service Medal with Gold Star, Navy Commendation Medal, Navy Humanitarian Medal, Alpha Phi Alpha Man of the Year in 1976, 1982 and 1996, Nominated for the NAACP Springard Award in 2002, and Outstanding African American Alumni (Torch of Excellence Award), College of Dentistry, University of Kentucky in 2005.

Captain Langston Delano Smith has garnered the personal and professional respect of his community, patients, and colleagues. I would like to commend Captain Langston Delano Smith for his 30 years of service in the Dental Corps of the United States Navy, and wish him much success in his future endeavors.

CONGRATULATING THE INDIANOLA GENTRY HIGH SCHOOL "LADY RAMS" GIRLS BASKETBALL TEAM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. THOMPSON of Mississippi. Madam Speaker. I would like to congratulate the Indianola Gentry High School "Lady Rams" Girls Basketball Team and Head Coach Charles Williams for their perfect 2006–2007 Season, 4A State Championship and Mississippi High School Activities Association Grand Slam Championship.

The Indianola Gentry High School "Lady Rams" Girls Basketball Team had a stellar basketball season this year. They began the season ranked No. 2 in The Clarion-Ledger Super 10, and finished 40–0 to become the first Mississippi High School Activities Association team (boys or girls) to go unbeaten since the Yazoo County Lady Panthers did it in the 1999–2000 season. In the process, the Class 4A State Champion Lady Rams staked their claim as the undisputed best team in Mississippi by knocking off the 5A Champions, Murrah High School "Lady Mustangs" Girls Basketball Team of Jackson, ranked No. 1 in the Super 10 and No. 14 nationally by USA Today, in a 63–58 victory.

On the journey to be the Mississippi State Championship, the Lady Rams won the Coahoma County Tournament, the Ram Holiday Classic Tournament, the NCAC Tournament, the Division 3–4A Tournament, the North State Tournament, and of course the 4A State Tournament and the Mississippi High School Activities Association Grand Slam Championship.

The Lady Rams had a phenomenal group of people that lead them to the championship. The basketball team consisted of Sarita Cooper, Veronica Walker, Laneisha Jennie, Jerrica Crawford, Brittney Crawford, Jasmine Walker, Ashney Simpson, Jessica Huggins, Chrysanthemum Hawthorne, Cecily Hutchenson, Brizanna Washington, and Taconka Johnson. They were lead by Head Coach Charles Williams, two Assistant Coaches, Ella Hamilton and Mary Elmore. The managers, Felecia Jones, Paula Galloway, Ambroshia Hope, Kenyon Butler, and Bryan Hargrove, assisted the team in their endeavors.

In addition to the team's accomplishments, there were some players who received individual recognition: Sarita Cooper and Veronica Walker received All-District, All-Conference, and All-State; and Laneisha Jennie received All-Conference and All-State.

I would like to take this time to commend and congratulate the Indianola Gentry High School "Lady Rams" Girls Basketball Team for being the Mississippi High School Activities Association Grand Slam Champions. They have brought pride to their school, city, and State.

HONORING SOLDIERS FROM THE SENTINEL PLATOON OF THE 2–174TH AIR DEFENSE ARTILLERY BATTALION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. SPACE. Madam Speaker, today, May 3, 2007, it is my distinct honor and pleasure to welcome home 13 members of the Ohio Army National Guard's Sentinel Platoon of the 2–174th Air Defense Artillery Battalion.

These brave men deserve the thanks and admiration of our nation for the sacrifices they have made as part of Operation Iraqi Freedom. I know I speak for many when I say that we are forever indebted to the heroism exhibited by: SGT Adam D. Binckley, SGT Clinton O. Bozenske, SGT Eric M. Coffman, SPC Christopher S. Dearth, SPC Adam C. Dick, SGT Daniel S. Holdren, SPC Bryan D. Lee, SPC Todd W. McCutcheon, SGT Kyle W. McDaniels, SFC Kevin L. Mettler, SSG Nathan A. Stewart, SGT Christopher J. Weeks, and SGT Shawn E. Wiseman.

I commend these Guardsmen for heeding the call to serve our Nation, and I applaud their families for simultaneously sacrificing alongside of their loved ones. So often the parents, spouses, and children of deployed soldiers and reservists are the support systems our men and women need to accomplish the difficult tasks that they are asked to undertake.

The 13 men I've named should be forever proud of the commitment, courage, and strength of character that they possess. Their selflessness should serve as an example to us all.

Again, I offer my most sincere gratitude to the 13 members of the Ohio Army National

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Guard's Sentinel Platoon of the 2–174th Air Defense Artillery Battalion.

HONORING ROB RATNER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize Rob Ratner on the occasion of his retirement from teaching. For 35 years Mr. Ratner has been a teacher, serving the last 22 years with the Mineola Public School District with passion and commitment. Mr. Ratner began his teaching career in 1974 with the William Floyd School District, eventually serving as Music Chairperson. In 1987, Mr. Ratner was appointed Mineola's Director of Performing and Fine Arts.

Mr. Ratner has been a brilliant asset to his colleagues, the Long Island music community, and particularly to the students he has influenced and taught. The Mineola Arts Department has not only grown under his leadership, it has flourished. Mr. Ratner's goal has always been the intellectual and emotional development of his students through the arts; a goal which he has certainly achieved. Even in retirement, he will continue to educate through teaching college courses in school administration and the arts as well as educational consulting. Currently, he is preparing to record a jazz CD with his two sons.

The future of this country depends on the hopes and dreams of its children, and our community and our nation are enhanced by the contributions of talented, passionate and committed teachers like Rob Ratner.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. ORTIZ. Madam Speaker, due to personal health reasons, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 273: "Yes". Rollcall No. 274: "Yes". Rollcall No. 275: "Yes". Rollcall No. 276: "Yes". Rollcall No. 277: "No". Rollcall No. 278: "Yes". Rollcall No. 279: "Yes". Rollcall No. 280: "No". Rollcall No. 281: "No". Rollcall No. 282: "Yes". Rollcall No. 283: "Yes". Rollcall No. 284: "No". Rollcall No. 285: "Yes". Rollcall No. 286: "Yes". Rollcall No. 287: "No". Rollcall No. 288: "Yes". Rollcall No. 289: "No". Rollcall No. 290: "No". Rollcall No. 291: "No". Rollcall No. 292: "No". Rollcall No. 293: "Yes". Rollcall No. 294: "No". Rollcall No. 295: "Yes". Rollcall No. 296: "Yes". Rollcall No. 297: "Yes". Rollcall No. 298: "No". Rollcall No. 299: "Yes".

PAYING TRIBUTE TO JORDAN WIRSZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Jordan Wirsz for being honored by the Nevada District Office of the U.S. Small Business Administration as the Young Entrepreneur of the Year.

Jordan began demonstrating his entrepreneurial talents at a very young age. When Jordan was 14 years old, he started his own aircraft brokerage firm. He began brokering helicopters and as a result of his business endeavors, Jordan started to fly helicopters when he was 15 years old. At the age of 16, Jordan conducted and completed his first solo flight. He earned his pilot's license at 17 years old and he also earned his multi-engine instrument license. The following year, he received his commercial pilot's license. After obtaining his commercial pilot's license, Jordan decided to pursue another business endeavor. Jordan subsequently became involved with residential private money lending. Presently, Jordan at the age of 24 years old is the CEO of Diamond Bay Investments.

In addition to his professional endeavors, Jordan also supports several philanthropic organizations and charities in Southern Nevada. He is very active with the Big Brothers, Big Sister's Program as well as the Candle Lighters Childhood Cancer Foundation. Furthermore, Jordan's first book about his professional experiences, The Maverick Millionaire, is due out in June.

Madam Speaker, I am proud to honor Jordan Wirsz. His professional success and philanthropic pursuits are truly commendable. I applaud his efforts, congratulate him for his extraordinary success and wish him the best in his future endeavors.

TRIBUTE TO MR. ALEC ORNSTEIN

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. ISRAEL. Madam Speaker, I rise today to honor Mr. Alec Ornstein, who will be recognized tomorrow on Long Island by the Long Island Builders Institute.

Mr. Ornstein is a leader on Long Island. As the co-founder of Ornstein Leyton Company, he has been involved in the real estate development community for over 15 years. He is dedicated to offering a wide range of housing alternatives to hundreds of satisfied home owners on Long Island and neighboring counties. Mr. Ornstein is committed to responsible economic development of Long Island and has worked towards this goal as the President of the Long Island Builders Institute. As the President of the LIBI, Mr. Ornstein has supported the philosophy of protecting Long Island's valuable resources and making our community accessible to everyone. He has also taken on a new role as a member of the Board of Directors for the Long Island Housing Partnership.

Mr. Ornstein has also taken on significant charitable and philanthropic causes. He and his family established the Ornstein Scholarship Fund at his alma mater, Syracuse University. For the past nineteen years, he has bestowed the American Jewish Committee's Franklin H. Ornstein Humanitarian of the Year Award to those that have battled racism and inequality in our communities. Mr. Ornstein has held executive positions and served on many philanthropic boards in the past, including Long Beach Memorial Hospital, the Science Museum of Long Island, Temple Emanuel of Great Neck and Temple Beth-El of Huntington.

I am proud to honor Mr. Alec Ornstein for his service to the Long Island Builders Institute, and his dedication to the betterment of our community.

WELCOMING PRIME MINISTER LEE HSIEN LOONG OF SINGAPORE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. ORTIZ. Madam. Speaker, I rise as Chairman of the Singapore Caucus to welcome Prime Minister LEE Hsien Loong of Singapore on the occasion of his visit to the United States. Our friends in Singapore have always been great allies. Our two countries share a common vision of promoting peace, stability, security, and prosperity—not only in the Asia Pacific Region—but also throughout the world.

During Prime Minister Lee's previous visit, he affirmed his countries continued commitment to peace and security by signing with President Bush the "Strategic Framework Agreement between the United States of America and the Republic of Singapore for a Closer Cooperation Partnership in Defense and Security." This agreement formalized the growing bilateral security and defense relationship in counterterrorism, counter-proliferation of weapons of mass destruction, joint military exercises, policy dialogues, and shared defense technology.

Home to the world's busiest port, Singapore has consistently demonstrated its commitment to maritime security. It was a founding member of Proliferation Security Initiative (PSI), a program that aims to interdict shipments of weapons of mass destruction-related materials and was the first Asian country to join the Container Security Initiative (CSI), a series of bilateral, reciprocal agreements that allow U.S. Customs and Border Patrol officials to prescreen U.S.-bound containers.

The relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of commerce. Since entering into a Free Trade Agreement on January 1st, 2004, commerce between the United States and Singapore has strengthened. We are Singapore's second largest trading partner with more than 1,300 United States companies currently operating in Singapore and many more seeking opportunities.

I would also like to commend Singapore for working with Indonesia, Malaysia, the Philippines and Thailand to organize the Association of Southeast Asian Nations (ASEAN). Since its inception forty years ago, the Association has accelerated economic growth, social progress and cultural development in the region, and it has promoted regional peace and stability among countries in the region. As the organization celebrates its 40th Anniversary, I applaud them for their leadership and wish them many more years of success.

I wish Prime Minister Lee and the Singapore delegation a prosperous visit. I know this Congress will continue to strengthen the friendship and cooperation between our two countries.

THE INTRODUCTION OF A BILL THAT WILL ADDRESS THE NEED FOR A FOURTH PERMANENT JUDGESHIP FOR THE DISTRICT OF HAWAII

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce with Congressman ABERCROMBIE a companion measure to legislation that will soon be introduced by Senators INOUYE and AKAKA that would convert the fourth temporary judgeship for the District of Hawaii to permanent judgeship status.

The fourth temporary judgeship for the District of Hawaii was created in 1990 by Public Law 101–650. Although, the judges appointed to temporary judgeships have lifetime appointments, legislation creating temporary judgeships usually specifies that the first vacancy in the district cannot be filled after a certain date. In the 1990 bill, this time frame was determined to be ten years after each temporary judgeship was filled. That meant that Hawaii could not fill a temporary vacancy occurring after October 2004.

Currently, the District of Hawaii has four active judges. However, if any of these judges become inactive, by taking senior status or otherwise, the district will not be able to replace that judge because of the ten-year limitation, which has long passed. This would place a great burden on not only the three remaining active judges, but also on the litigants themselves, especially civil litigants. Due to the right to speedy trial, felony cases regularly bump civil trials off the calendar, leading to long delays to get to court. Civil cases include disputes involving personal injury, civil rights, the environment, business, and other noncriminal matters.

The Judicial Conference of the United States has recommended that Hawaii's fourth temporary judgeship be converted to permanent status. The conversion is included in the 2007 Judicial Conference Judgeship Biennial Recommendation. In its 2003 recommendation, the Judicial Conference stated that the District of Hawaii weighted caseloads per judgeship will be over 600 should that district lose a judgeship. As the caseload for the district has since increased, it is imperative that Congress act on this matter as quickly as possible.

I look forward to working with my colleagues on this and other initiatives that will address our need for additional federal judgeships across the country.

TRIBUTE TO VERA DeANGELIS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. CAPUANO. Madam Speaker, I rise today to honor Vera DeAngelis on the occasion of her 100th birthday. I have had the honor of knowing Vera for many years and am proud to call her a friend.

Together with her husband Albert, Vera raised seven children in Somerville. During her many years in the community, she worked to improve it in so many ways. Most notably, Vera volunteered in elementary school classrooms for more than twenty years, first at the Winter Hill School and later at the Little Flower School. She devoted countless hours after her own children were grown to making a difference in the lives of the young students she helped. Many of those young people have stories of their own about how Vera took the time to help them whenever they were in need.

Vera has always been concerned about the quality of life in her community and was very involved in Somerville Citizens for Adequate Transportation. In this capacity, she worked to lessen the impact of the highway on local streets and fought against its expansion into Somerville's Inner Belt.

Vera is also very active in local politics, closely following all of the local contests. Vera always makes the time to do more than just cast a ballot. She volunteers for her candidates of choice, holding signs, stuffing envelopes and spreading the word about her candidate's positions.

Vera possesses extraordinary organizational skills, and made the challenges of raising seven children seem effortless, regardless of the circumstances. She kept seven needles threaded with different colors in her pin cushion at all times, ready to fix a loose button or a torn sleeve at a moment's notice—an anecdote that her friends and family say best illustrates her superior ability to multi-task.

It is my privilege to have known Vera for many years and I wish her a very happy 100th birthday.

IRAQ SUPPLEMENTAL BILL

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I would like to begin with a quote from Coretta Scott King: "Struggle is a never ending process. Freedom is never really won. You earn it and win it in every generation."

I rise today to talk about one of America's priorities in the emergency supplemental appropriations bill. And that is to fulfill the promise to help rebuild Louisiana and Mississippi from Hurricanes Katrina and Rita.

In August of 2005, the American people saw something that was hard to believe. They saw a U.S. Government that was incompetent, a government that was inept and a government that didn't care about its own people. Unfortunately, 2 days ago, President Bush vetoed the emergency supplemental bill and showed the American people that things haven't changed.

After the President vetoed the bill, he had the audacity to make the following statement: ". . . the bill is loaded with billions of dollars in non-emergency spending that has nothing to do with fighting the war on terror. Congress should debate these spending measures on their own merits—and not as part of an emergency funding bill for our troops."

Only two people in the country believe that we are winning the war in Iraq—they are President Bush and Vice-President DICK CHENEY. The cheese stands alone.

The $1.3 billion for east and west bank levee protection and coastal protections isn't pork.

The $30 million for K–12 education assistance has been debated and has been deemed essential. The $25 million for Small Business Administration disaster loans will help rebuild. The $80 million for HUD rental assistance will bring people home. The $4.3 billion for FEMA disaster recovery grants is an emergency for our fellow Americans in Louisiana and Mississippi who have been waiting 18 months for you to keep your promise to rebuild Louisiana and Mississippi.

Mr. President, you were wrong to veto this bill. I have been to New Orleans seven times and I am going back in June. Sadly, every time I have been back it looks the same—like a war zone.

It's unbelievable that 18 months have passed and the most basic human needs are not yet met; 18 months later and residents are not able to move back, there is still debris everywhere and people go without electricity; 18 months later and there are impassable roads, no clean running water, and not enough schools and teachers; 18 months later and no street signs, toxic fumes in the air and not enough police officers; 18 months later this is unacceptable.

The President has been wrong about every major claim he has made, why should we believe anything he has to say now? The President said Iraq had weapons of mass destruction, and he was wrong. The President said al Qaeda was tied to Iraq, and he was wrong. The President said a liberated Iraq would bring stability to the region, and he was wrong. The President said we would be treated as liberators, and he was wrong. The President said oil revenues would pay for the war, and he was wrong. The President said "Mission Accomplished," and he was wrong. The President was wrong to veto this bill.

My colleagues on the other side made statements over and over again about how we should pass a "clean" supplemental bill. I would like to ask them what is wrong with giving the residents of Louisiana and Mississippi the money they deserve? I've been an elected official for 25 years and I've never seen a clean bill. It is clear to me from watching the Republicans that he who holds the gold holds the power.

If the President or my Republican colleagues would have done their job 18 months ago, we wouldn't need to have these extra funds in the supplemental bill. It is shameful that the very people who write the checks and pay taxes in our cities are not getting the money they deserve. I remember the President's press conference in Jefferson Square in New Orleans and his promise to rebuild. His veto showed the America people, once again, that he has no intention of living up to that promise. The Democratic majority has done our job by passing this bill. Sadly, the residents of Louisiana and Mississippi will have to keep on waiting on you to remember your promise.

The good citizens of Louisiana and Mississippi demand good government that is responsible and caring and walks the walk and not just talks to the talk.

TRIBUTE TO "EL CONGRESO DE LIDERES DE PUERTO RICO"

HON. LUIS G. FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. FORTUÑO. Madam Speaker, I rise today to pay tribute to an outstanding group of young leaders, "El Congreso de Lideres de Puerto Rico," whose work should serve as an example to us all. Throughout their years of hard work and dedication this group of students has forged an exemplary path towards the future. We all know the importance of strong leadership and the benefit it can bestow our society, and as we move towards the future, it is reassuring to know that admirable leadership is alive and well in the lives of our younger citizens. It is of great importance to recognize the work of those young leaders who continuously demonstrate their worth to the community by helping others achieve their potential, as they strive to fulfill their dreams, and enrich our society.

In 2006, the Puerto Rico State Legislature recognized their outstanding service and contributions as part of the "Week of Business and Professionals." In 2006, "El Congreso de Lideres de Puerto Rico" expanded their efforts globally and across our Nation by helping to establish a sister organization, "The Congress of Leaders of Florida." The Puerto Rico Chamber of Commerce has awarded this group with the Zenit Award, declaring them the Best Education and Leadership program of Service to the Community.

I ask my fellow Members of Congress to join me in recognizing this group of young leaders and encouraging them to continue their work for a better tomorrow. May we all learn from their example, hard work and dedication to our future.

A TRIBUTE TO LOUIS J. PAPAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. LANTOS. Madam Speaker, I rise with sadness today to share with my colleagues in the House news of the death of a California public servant from my home district. Lou Papan, known as the "Dean" of the California State Assembly, died unexpectedly on Saturday, April 28, 2007. He was 78 years old.

Lou Papan was practically a force of nature in state and local politics. His distinguished life's work included service to his country as a member of the Armed Forces, his professional career with the FBI, a successful banking and business experience and ultimately, serving two decades as a State Assemblyman from California's 19th District.

Madam Speaker, this big, burly bear of a man was also known for his enormous heart and his devotion to his family. The father of a seriously disabled son, Lou Papan was well known along Highway 80 as he commuted between Sacramento and Millbrae, making a point of being home every night to help his wife Irene with the added complexities of life parents of seriously ill children often face. John died in 1981 at the age of 21 and it is doubtful that Lou Papan ever regretted a single highly publicized speeding ticket he received. Those tickets earned him the nickname "Leadfoot Lou."

This personal dedication translated into public and private activities geared to helping other families facing similar challenges. The creation of "John's Closet," a unique organization that collected clothing for disabled and poor children, was but one example of how Lou Papan shouldered his community's concerns in order to help make everyone's life just a little better.

Madam Speaker, Lou Papan was born in Springfield, Massachussetts, as Elias Papandricoupolos. His parents were Greek immigrants and his own name was accidentally changed to "Louis" by a doctor who did not recognize the original name on a form. Lou Papan spoke only Greek when he began elementary school.

As a young man, Lou Papan served in the U.S. Army. Family lore has it that fellow soldiers kidded the young man about the length of his last name, saying that the 16 letters nearly wrapped all the way around his helmet. He later earned a degree in economics from Syracuse University and during the Korean War, was an officer in the Air Force. He then went to Georgetown Law School. His government service continued with the FBI, which sent him to San Francisco where he met his wife and where he settled.

Madam Speaker, Lou Papan left the FBI to embark on a business career that was highly successful in banking, insurance and real estate. He was a co-founder of the Peninsula Bank of Commerce. His first elected office was as a member of the Daly City Council. In 1972, he took the leap to the California State Assembly.

Lou Papan's political career is full of dynamic successes as well as controversial emotions. His legacy is one of "hardball politics" in which legislators were strongly encouraged to support the political policies of their party. Known as "The Enforcer" for his ability to shepherd votes, Lou Papan's shadow was cast large in Sacramento, over both opponents and supporters.

His political goal to become a State Senator was never realized, although he tried on two occasions. Madam Speaker, this gregarious, sometimes garrulous politician left the State Assembly in 1986 to run for State Senate. He failed in that effort, but in 1996, he easily recaptured his former Assembly seat. As a footnote to his legislative legacy, Lou Papan became one of the longest-serving politicians in recent California history, having served time both before and after voters approved term limits. As the Chairman of the powerful Assembly Rules Committee, Lou Papan wielded considerable power over the day-to-day activities of the California Legislature. His position and political style often resulted in decidedly mixed reviews, but almost everyone agreed that he was an effective leader.

It was during his Assembly tenure that the California Capitol Building was renovated and upgraded through a six-year, $67 million effort. A plaque bearing his name testifies to his successful oversight of that project.

Madam Speaker, it is difficult to capture a life of public service in these few short words, but let me say that during his 20-year career in the California Assembly, Lou Papan championed the causes of children, including legislation to improve public instruction for disabled students, require reporting of child and elder abuse and establishment of childcare centers for families with business before the courts. He also authored legislation to help firefighters suffering from life-threatening illnesses as a result of exposure to toxic chemicals on the job. Lou Papan played a key role in establishing and expanding California's public transportation agencies, carried legislation to ensure reliability of regional water delivery systems, and submitted bills aimed at encouraging conservation and recycling, among many other contributions. Lou Papan also served as the Chairman of the Banking and Finance Committee, where he spearheaded efforts to support independent banking institutions.

In 1996 he was granted the Ellis Island Medal of Honor given by the National Ethnic Coalition of Organizations to ethnic Americans who have made significant contributions to this country.

In another effort to recognize his public service, the California Legislature renamed a section of Highway 1, from the Daly City border south through the City of Pacifica along the scenic coast, as the "Louis J. Papan Highway." He is given credit for successfully securing funding to purchase beachfront property in Pacifica for the State Parks system.

Madam Speaker, Lou Papan lived a big, at times boisterous life. His dedication to public service speaks for itself and his impact on the people and politics of California are now part of history. He is survived by his daughters Virgina "Gina" Papan and Diane Papan, son-in-law Dan Latini and granddaughter Alexa Papan Latini.

His daughter Gina says her dad "was the real deal." Madam Speaker, I agree wholeheartedly with that assessment. Lou Papan was a unique and dynamic personality who made his mark on his home, his county, his state and his country. I urge my colleagues in the House of Representatives to join me in recognizing the contributions of this fellow politician and servant of the public.

PAYING TRIBUTE TO PAUL WORKMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Paul Workman who was named the Small Business Administration's Financial Services Champion of the Year for the State of Nevada.

Paul, who serves as Executive Vice President and Director of Sales for Business Bank Nevada, has worked in the banking industry for more than 30 years. Paul's experiential understanding of the banking world has led him to become an integral component of the Business Bank of Nevada leadership team. Business Bank of Nevada, considered one of the best performing independent banks in Nevada and throughout the country, operates through 7 branch offices in the state, Loan Production Offices in Arizona, and is in its 12th year of operation.

In addition to his professional work, Paul has remained active in civic endeavors for the past 3 decades. He was the president of Business Watch Network and the Paradise Valley Lions Club. Paul also serves on the Board of Directors for SafeNest, the Boulder Dam Area Council of the Boy Scouts of America, and the Police Athletic League of Southern Nevada. Paul has also served on the Governor's Commission on Nuclear Projects and the City of Las Vegas Audit Oversight Committee.

Madam Speaker, I am proud to honor my good friend Paul Workman. His contributions to both the Nevada business and civic communities are commendable and I wish him continued success.

HONORING THE ACCOMPLISHMENTS OF MAURY DOBBIE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to recognize the entrepreneurial spirit of Mrs. Maury Dobbie and congratulate her on receiving the Small Business Administration's Women in Business Champion Award.

At the age of 19 Mrs. Dobbie started her first business and began a life of entrepreneurship that would eventually lead to the establishment of five different companies. Mrs. Dobbie currently owns MediaTech Productions, a multimedia production company in Fort Collins, Colorado.

Over the years, Mrs. Dobbie has served as President of the Women's Economic Development Council and has garnered recognition from a number of prestigious organizations. In 2005, Mrs. Dobbie was recognized as the Businesswoman of the Year by Office Depot in its annual recognition of the nine top businesswomen in the nation. She has also been honored as the first female recipient of the Emerging Entrepreneur Award in northern Colorado and was named the Woman Leader of Excellence in 1995. I am particularly impressed by Mrs. Dobbie's establishment of the Young Women of the West program. This program fosters entrepreneurship among female high school students and encourages these young women to begin their own businesses.

Mrs. Dobbie currently serves as the Chief Executive Officer of Northern Colorado Economic Development Corporation. In her role as CEO, Mrs. Dobbie dedicates her time to strengthening existing employers, supporting expansion projects and marketing northern Colorado to new employers. Prior to her appointment as CEO, she served as both a board member and chairperson of this organization.

In addition to her many professional accomplishments, Mrs. Dobbie has selflessly dedicated her time and talents by serving on the boards of a number of civic organizations including the United Way, Rotary and Hope Lives Cancer Center. She has also served on the advisory board of Front Range Community College. As a second degree black belt, Mrs. Dobbie has even earned a spot on the U.S. Olympic Taekwondo team. Mrs. Dobbie is married to Steve Dobbie and has two grown children.

Madam Speaker, it is an honor to represent Mrs. Dobbie in Congress. Her entrepreneurship and commitment to strengthening the economy of northern Colorado are a demonstration of the American spirit and a testament to the American dream. I urge my colleagues to join me in recognizing the varied accomplishments of Mrs. Maury Dobbie.

LEE HOOD, RECIPIENT OF THE 2006–2007 SCIENCE EDUCATION ADVOCATE AWARDS

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize Lee Hood for the many accomplishments he has made in his work with science and biotechnology. In April, Mr. Hood was awarded the 2006–2007 Washington State LASER Science Education Advocate Award for an individual.

The Science Education Advocate Award is given to individuals and organizations who exhibit outstanding advocacy for science education among the general public, or in the education system. Mr. Hood has repeatedly shown that he is an advocate for science education and has put into action his belief that academics have four major responsibilities: scholarship, education, transfer of knowledge to society, and community leadership.

Mr. Hood is the director of The Institute for Systems Biology in Seattle. In 1992, he helped establish the University of Washington's Department of Molecular Biotechnology. In addition, he helped to establish several other programs at the University including the Partnership for Inquiry-based Science, and The Family Science program.

Providing quality education is key to increasing America's competitiveness and creating a skilled, 21st century workforce. Today, Mr. Hood is helping to give our students the opportunity to excel in scientific studies by encouraging the scientific community to support quality science education.

Madam Speaker, I rise today to recognize Mr. Lee Hood for his outstanding work as an advocate for science education. I invite my colleagues to join me in congratulating Mr. Hood on this great achievement.

BING SUM WONG

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. BACA. Madam Speaker, I stand here today to honor and remember a loving husband and father, successful businessman, and dedicated community activist, Mr. Bing Sum Wong.

Bing passed away on April 24, 2007, in San Bernardino, California. He was 95 years old.

Bing spent his early childhood years in Kwangtung, China, and at the age of 13, moved with his father to San Bernardino.

From this humble beginning, Bing went on to become one of the most successful businessmen in San Bernardino, as well as a great friend to the community.

Bing opened his first restaurant in 1933, in Calexico. In 1956, after more than 20 years in the restaurant business, Bing and his wife Ting opened Bing's famous Cathay Inn, located on Highland Avenue. The restaurant was a huge success, and gave Bing the opportunity to focus on one of his true passions, education.

In 1963, the Bing Wong scholarship foundation was formed. Since then, more than $600,000 has been distributed to students pursuing education. Today, the scholarships are given annually to three separate age groups: kindergarten students, seventh-grade students, and high school students.

Bing was a longtime member of the Rotary Club of San Bernardino-North, and a founding board member of both the American Security Bank and the Gom-Benn Village Society.

He has received numerous awards for his contributions to the San Bernardino community, including an honorary degree of Doctor of Humane Letters from Cal State San Bernardino. The Norman F. Feldheym Library board of directors named a lecture hall after Bing in 1985, and an elementary school under construction in San Bernardino was named after him this year.

Bing is survived by his wife of 76 years, Ting Wong; his three daughters Nanci Wong, Janice Lee, and Josephine Wong; nine grandchildren, and twelve great-grandchildren.

Let us take the time to pay tribute to this wonderful man. Let us celebrate the life he lived and the example he led.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

PAYING TRIBUTE TO DEBRA SILLIK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Debra Sillik, President of the American Indian Chamber of Commerce of Nevada, for giving a voice to minority small businesses.

Debra Sillik began her journey as President of the American Indian Chamber of Commerce of Nevada just 7 months ago. Over this time, she has made a major impact. Debra has helped give the 9,556 American Indians and Alaska Natives a voice in Nevada. She has provided them with employment and educational opportunities. American Indian businesses have grown 56 percent in the Nevada area. In 1997 when this organization started, they only had 1,231 businesses where as of 2002, they have 1,915 American Indian and Alaska Native-owed businesses. She also began offering education workshops as well as scholarship opportunities. Debra holds monthly networking meetings, educations luncheons, job fairs, and awards banquet, and a Native American trade show. Debra has worked hard to put together a board and has increased the number of members participating. Debra's most recent achievement includes being honored as the Minority Small Business Champion of the Year. Through her dedication and service, she has helped create business opportunities for the Native American population in Nevada.

Madam Speaker, I am proud to honor Debra Sillik for her dedication to helping American Indians thrive in Nevada. I congratulate her for her recent recognition by the Nevada District Office of the U.S. Small Business Administration and wish her the continued success.

INTRODUCTION OF THE PRIVATE IMMIGRATION RELIEF LEGISLATION OF 2007

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. RUSH. Madam Speaker, today I rise to introduce a private immigration relief bill for several Chicagoans who remain in daily jeopardy because they seek a path to citizenship in the United States.

Over the past few years, I have met with several residents in my community and heard detailed accounts of abuse by the Department of Homeland Security and the Immigration and Customs Enforcement agency.

I was told stories of children being ripped from the arms of their parents by immigration enforcement officers toting machine guns and aiming their weapons at family members.

I was told stories of mothers who had lived in the United States for years, bore children, paid taxes and owned homes—but still faced deportation because they hadn't met all the standards required for citizenship in our country.

There were numerous stories of immigrants who were being sponsored by their sick and ailing family members—mothers, husbands, children and babies; who were thrown off the path towards citizenship because of tragic illnesses resulting in death.

Madam Speaker, we all understand the debate on illegal immigration strikes considerable emotion and debate; however, my legislation today is in support of average people who were trying to do the right thing.

Every name on this private bill: Elvira Arellano, Juan Carlos Arreguin, Martin Guerrero Barrios, Maria I. Benítez, Francisco J. Castro, Jaime Cruz, Martha Dávalos, Herminio Dávalos, Adan Disifredo Delvalle, Angel Espinosa, Verónica Lopez, Francisca Lino, Maria A. Martín, Juan Jose Mesa, Maria Natividad Loza, Blanca E. Nolte, Domenico Papaianni, Romina Perea, Juan Jose Rangel, Sr., Dayron S. Rios Arenas, Araceli Zepeda, Doris Oneida Ulloa and Bladimir I. Caballero, Arnulfo Alfaro, Consuelo and Juan Manuel Castellanos, Eliseo Pulido, Gilberto Romero, Maria Liliana Rua-Saenz, Tomas F. Martinez-Garcia, Flor Crisostomo; Fatuma Karuma, Stanislaw Rychtarczyk, Slobodan Radanovich, Agustin Sanchez-Dominguez, are victims of circumstance.

They all want a chance to stay with their families in the United States, make an honest living and pursue the American dream. I call on my colleagues to support this legislation and the immediate consideration of immigrant visas, adjustments of status for permanent residence, and practical paths towards citizenship for the above immigrants.

INTRODUCTION OF AUTOMATIC IRA BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise to offer bipartisan legislation to create additional savings opportunities for workers who do not have access to qualified retirement plans through their employers. I am pleased to be joined by Representative PHIL ENGLISH in offering "The Automatic IRA Act of 2007," along with several other cosponsors, which will increase retirement savings for millions of workers.

Over the years, Congress has improved incentives for employer-based retirement and pension plans by providing more flexibility, increasing the limits, and lessening the administrative burdens. Still, about one in four employees who have access to these successful retirement vehicles do not take advantage of them.

What is a much more difficult group to reach, though, are the estimated 75 million workers who do not have access to these employer-based plans. That is why today we are filing legislation to create automatic payroll deposit Individual Retirement Accounts, or IRA's, for workers who do not have access to employer-provided qualified pension plans. Our bill would require employers to automatically enroll employees in an "auto IRA" unless the employee opts out. These are "set it and forget it" payroll deposit accounts. The non-partisan Retirement Security Project has estimated that this proposal could raise net national savings by nearly $8 billion annually.

We are, of course, sensitive to any increased burden on small businesses, so the bill provides for a temporary tax credit for employers with less than 100 employees in order to offset the upfront administrative cost of establishing this program. Only employers with at least 10 employees, which have been in business for at least two years, would be covered by the bill. Further, the bill does not mandate any matching contributions by employers or any fiduciary responsibility for the management of the accounts. It is our sincere hope that once employers start participating, they will decide to convert these arrangements to the broader 401(k) plans. The IRA contribution limits are much lower than the 401(k) limits, so business owners may see incentives to switch to the bigger plans.

Employers have the option of choosing a private sector manager for the auto IRA's, but allowing each employee the right to transfer, or simply allowing the employee to designate the provider at the outset. As a default, an option similar to the successful and popular Thrift Savings Program would be established.

The automatic enrollment feature is not new. It builds upon the success of 401(k) auto enrollment, promoted by the Pension Protection Act of 2006. Many of the workers who will benefit from our bill will likely be moderate to lower-income workers. The proposal, which was jointly developed by Brookings Institution and Heritage Foundation scholars, has garnered widespread support, including AARP and the Minority Business Roundtable, and has been endorsed in New York Times editorials and by the Washington Times' lead political correspondent.

Of the 75 million American workers who have no access to an employer plan, over 40 million work for employers of at least 10 employees. And, only 10 percent of these workers actually seek out their own IRA's or other retirement savings vehicles. The auto IRA bill that we are proposing will reach this critical group of workers and hopefully help them start on the road to retirement security. We urge our colleagues to join us in supporting "The Automatic IRA Act of 2007."

IN MEMORY OF BETTY J. WELDON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. SKELTON. Madam Speaker, it is with deep sadness that I inform the House of the death of Mrs. William H. Weldon of Jefferson City, Missouri.

Mrs. Weldon was born in Eagle Grove, Iowa, on February 22, 1922, daughter of Robert C. and Lenore Rhino Goshorn. She graduated from high school from the Mount Vernon Seminary, Washington, DC, in 1940 and went on to graduate Summa Cum Laude from Mount Holyoke College in 1943. After her college graduation, she returned to Jefferson

City, Missouri, to work for the newspaper company which her father had purchased in 1927.

In July 1956, she was united in marriage to William H. Weldon. William and Betty were the proud parents of 1 son, Frank Gifford Weldon, and 2 daughters, Lenore "Tony" Weldon and Sally Proctor.

Mrs. Weldon was owner and publisher of the Jefferson City News Tribune, The Fulton Sun, and California Democrat. She was owner of Callaway Hills Stables, near New Bloomfield, and also the founder of KRCG–TV. In 1955, Mrs. Weldon became the first woman in the United States to launch a television station.

Mrs. Weldon donated the first building space in Jefferson City to be used for the education of handicapped children; first known as the Goshorn Handicapped Center, it later merged with other schools to become the Special Learning Center. She was also active in many other community and national associations and groups, including service as a board member of the Jefferson City Family Y.M.C.A., the United Way of Central Missouri, the former Memorial Community Hospital Board of Governors, the St. Mary's Health Center Advisory Board, the Lincoln University Advisory Council, the Jefferson City Housing Authority, the Jefferson City Area Chamber of Commerce, the Missouri Welfare Association, and was responsible for the first cancer fundraising drive in Missouri. At the national level, Mrs. Weldon was a member of the American Security Council, the American Saddlebred Horse Association, the American Quarter Horse Association, and was involved with the White House Conference on Children and Youth.

Madam Speaker, she was a valuable leader in the community who was respected by everyone who knew her. She was a dear friend of mine and will be greatly missed. I know the members of the House will join me in extending heartfelt condolences to her family.

RECOGNIZING VANDEN HIGH SCHOOL'S STATE CHAMPION ACADEMIC DECATHALON TEAM

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with great pride today to recognize Vanden High School's Academic Decathlon Team for winning the Division II State Academic Decathlon Title.

Over 500 schools from 42 counties in the State participate in the California Academic Decathlon, which promotes education and teamwork.

The championship team from the Travis Unified School District in Solano County was led by Head Coach David Kenyon and included Team Members Erin Campos, Aleena Syed, Abdul Hassan, Nicolai McCrary, Elise Campos, Julieanne Cunningham, David Crowell, Adrian Bullock, and Tanya Campos.

Not only did the Vanden High School's Academic Decathlon Team win the State Title, becoming the first Solano County School to achieve such a feat; they broke the Division II scoring record by amassing a grand total of 45,372 points. The Team also won the State Super Quiz Title.

Prior to competing statewide, Vanden High School's Academic Decathlon Team won the first ever North Bay Regional Competition and also won the regional Super Quiz Title.

The theme for the statewide competition was climathlogy and China. The students were required to answer questions relating to math, art, music, and history.

The Vanden High School Academic Decathlon Team and coach put in numerous hours, including their lunch periods, to prepare for the regional and statewide competitions. This speaks volumes of their dedication to learn and work as a team.

While several of the members will be graduating and moving on to college, they should take pride in the solid foundation they help build and the standard they set.

Again, I would like to congratulate the Vanden High School Academic Decathlon Team for their monumental achievements and for bringing the State Academic Decathlon Title to Solano County. They represented their school and community extremely well. Go Vikings!

WHY CHENEY SHOULD BE IMPEACHED

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. CLAY. Madam Speaker, I am a proud cosponsor of H. Res. 333, the resolution to Impeach Vice President DICK CHENEY. Four years after the start of this war, it is obvious that Mr. CHENEY deliberately manipulated the intelligence process to deceive Congress and the American people. At the urging of my constituents in Missouri's 1st Congressional District, and from Americans across the country, I cosponsored Congressman KUCINICH's resolution because there is ample evidence that Mr. CHENEY systematically evaded the truth and used scare tactics to build support for this unjust war. Mr. CHENEY's betrayal has resulted in a tragic, unnecessary war that has already cost the lives of over 3,300 brave Americans and has cost the taxpayers over $400 billion. The Vice President has taken the integrity out of his office and breeched the trust of the American people.

Madam Speaker, below is Richard Cohen's column from yesterday's Washington Post, headlined, "A Case Against Cheney." I agree with Mr. Cohen's conclusion, "the harping on weapons of mass destruction was an attempt to scare the American people into supporting a war that need not have been fought." I encourage my colleagues to read this column and make a conscious decision to hold Vice President CHENEY accountable by cosponsoring H. Res. 333.

[From the Washington Post, May 2, 2007]

A CASE AGAINST CHENEY

(By Richard Cohen)

The resolution offered by the gentleman from Ohio reads sensibly. It alleges crimes high and low, misdemeanors galore—all of them representing an effort to mislead the American people and take them into war. It is Dennis Kucinich's articles of impeachment directed at Dick Cheney. The vice president will, of course, deny being a liar. As long as Kucinich is at it, add that to the articles.

The congressman's case is persuasive, although his remedy may be too radical. He calls for Cheney to be impeached by the House and tried by the Senate, just as Bill Clinton was for what turned out to be neither a high crime nor much of a misdemeanor. What was it, anyway, compared with more than 3,300 American dead?

In his articles of impeachment, Kucinich details the many statements Cheney made that turned out to be factually wrong. For instance, he quotes Cheney as saying, "We know they [the Iraqis] have biological and chemical weapons," which of course, they didn't. Still, that was excusable, since it was early in the game and little contradictory evidence was being presented. As Condi Rice said Sunday, "When George [Tenet] said 'slam dunk,' everybody understood that he believed that the intelligence was strong. We all believed the intelligence was strong."

But in Cheney's case, the slam-dunking went on and on—way past the point where it was possible anymore to believe him. He continued to insist that Saddam Hussein had high-level contacts with al-Qaeda—"the evidence is overwhelming," he once said—while others in the government not only knew that the evidence was not overwhelming but that it hardly existed. It was the same with Cheney's insistence—not just wrong, but irrefutably so—that Hussein "has weapons of mass destruction," and "[t]here is no doubt he is amassing them to use against our friends, against our allies and against us." The percussive march of these statements is so forceful, one after another after another, that it suggests Cheney wanted war no matter what. If he was lying to himself as well as to the rest of us, that is only a mitigating circumstance—sort of an insanity defense.

Kucinich also alleges that Cheney "purposely manipulated the intelligence process to deceive the citizens and Congress." That, as the expression goes, is the gravamen of the charge. Kucinich doesn't stand a ghost of a chance of making it stick because Congress is not about to vote impeachment. But no one who reads Kucinich's case against Cheney can fail to conclude that this is a rational, serious accusation. It's possible that each individual charge can be rebutted, but the essence of it is shockingly apparent: We were being manipulated.

It is something of a joke that Washington is now transfixed by l'affaire Wolfowitz. This is the contretemps at the World Bank in which an architect of this misbegotten war stands accused of favoring his girlfriend. Do not be concerned with the details—this is a parody of a Washington scandal—but concentrate instead on what else Wolfowitz has done in government and how, now, it is a salary increase awarded to a companion that might do him in. This is tantamount to getting Al Capone for tax evasion.

In the same vein, we tend to focus on single events or statements regarding Iraq (to slam dunk or not to slam dunk, that is the question) and how poor George Tenet, a self-deceived careerist, is misunderstood—as if he had uttered a statement of principle dramatically resigning over the manipulation of intelligence and it is suspiciously missing from the record. In all this back-and-forth, what gets lost is the immensity of the outrage, the enormousness of the breach of trust, the naive faith some of us had that when it came to the making of war, we'd be told the truth. This was not the case. The harping on weapons of mass destruction was an attempt to scare the American people into supporting a war that need not have been fought.

Kucinich is an odd guy for whom the killer appellation "perennial presidential candidate" is lethally applied. But he is on to something here. It is easy enough to ad hominize him to the margins—ya know, the skinny guy among the "real" presidential candidates—but at a given moment, and this is one, he's the only one on that stage who articulates a genuine sense of betrayal. He is not out merely to win the nomination but to hold the Bush administration—particularly Cheney—accountable. In this he will fail. What Cheney has done is not impeachable. It is merely unforgivable.

PAYING TRIBUTE TO MARY BETH HARTLEB

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Ms. Mary Beth Hartleb who was awarded the Small Business Administration's Women in Business Champion of the Year Award.

Mary Beth received this award in recognition of the "Women Mean Business Expo," an event she created and organized to showcase women business owners. Mary Beth is the founder, owner, and President of PRISM Human Resource Consulting Services, LLC, a consulting firm that offers a wide-range of human resources services to a variety of businesses. PRISM offers its clients, among other services, benefit program analysis and design, training program development, translation services, and OSHA/Safety program development.

Mary Beth, who earned her JD from the William S. Boyd School of Law, a Master's Degree in Human Resource Management, and a Bachelor's Degree in Marketing and Business Administration from Upsala College, has spent more than fifteen years in the human resources field working for both Fortune 500 companies and smaller companies. While working with smaller, entrepreneurial ventures, she has been instrumental in developing human resource departments, strategies, and measures. Mary Beth was President of the Southern Nevada Human Resource Association and currently serves as chairperson for the Business Development committee of the National Association of Business Women, is a member of the Henderson Chamber of Commerce, and volunteers with Big Brother/Big Sisters of Southern Nevada.

Madam Speaker, I am proud to honor Mary Beth Hartleb. Her dedication to the business and civic community are commendable and I wish her every continued success.

HONORING THE WEST CENTRAL MUNICIPAL CONFERENCE AND THE WEST COOK COUNTY SOLID WASTE AGENCY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor two innovative organizations that positively impact over 30 Chicagoland communities—the West Central Municipal Conference (WCMC) and the West Cook County Solid Waste Agency (WCCSWA). Through dedicated and distinguished leadership, these associations continue to foster the improvement of local government, provide quality service to citizens, and enhance the overall quality of life for area residents. Today, I would especially like to recognize and thank WCMC and WCCSWA Executive Director Richard Pellegrino, 2007 WCMC Executive Committee President Harold J. Wiaduck, and 2007 WCCSWA Executive Committee President Michael J. Garvey.

Since 1980, the West Central Municipal Conference has served as the regional council of governments (COG) in west suburban Cook County. Currently, WCMC has eight standing committees that focus on areas such as buildings and codes, finance, legislative advocacy, intergovernmental affairs, public works, transportation, and public safety. The committees strive to achieve municipal cooperation, communication, community outreach, and fiscal responsibility.

I am privileged today to acknowledge the incoming 2008 WCMC Executive Committee members: President Daniel Pritchett of Franklin Park; Vice President Paul Gattuso of Westchester; Treasurer Roy F. McCampbell of Bellwood; Director Frank A. Pasquale of Bellwood; Director Peter N. Silvestri of Elmwood Park; Director Anthony T. Calderone of Forest Park; Director James L. Discipio of LaGrange Park; Director Jeffrey T. Sherwin of Northlake; Director Patrick T. Rogers of Lyons Township; Director John D. Dalicandro of Elmwood Park; Director Patrick R. Higgins of Western Springs; and Ex-Officio Member Harold J. Wiaduck of Riverside.

The West Cook County Solid Waste Agency, established in 1989, facilitates the efficient and environmentally sound collection, transportation, transfer, processing, treatment, storage, disposal, recovery, and reuse of municipal waste in west Cook County, Illinois. WCCSWA not only administers recycling programs such as the Household Hazardous Waste Collection Program, the Regional Disposal Project, and the Electronics Recycling Program, but organizes community events that include lawn care buy-backs and paint exchanges. Through its consumer assistance and school education programming, the agency helps citizens make sound environmental decisions and promotes the importance of recycling to young people.

I am also honored today to recognize the 2008 WCCSWA Executive Committee members: President Michael J. Garvey of Brookfield; Vice President Wayne Straza of Countryside; Treasurer Roy F. McCampbell of Bellwood; Director Kevin Barr of Schiller Park; Director Guy Belmonte of North Riverside; Director Karen Rozmus of Oak Park; and Director Marilyn May of River Grove.

The service and contributions made to west Cook County by the West Central Municipal Conference and the West Cook County Solid Waste Agency are extraordinary. I am pleased to honor the staff members, the committee members, and all those who make the activities of these organizations possible. As we work tirelessly to improve the lives of area citizens, I look forward to continuing to serve our communities with the current 2007 and future 2008 Executive Committee members, as well as other WCMC and WCCSWA leaders.

TRIBUTE TO THE HONORABLE LOUIS J. PAPAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. ESHOO. Madam Speaker, I rise today on behalf of my colleagues, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Ms. SUSAN DAVIS, Mr. FARR, Mr. FILNER, Mrs. HARMAN, Mr. HONDA, Ms. BARBARA LEE, Ms. LOFGREN, Mr. MCNERNEY, Mrs. MATSUI, Mr. GEORGE MILLER, Ms. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. LINDA SÁNCHEZ, Ms. LORETTA SANCHEZ, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Ms. TAUSCHER, Mr. MIKE THOMPSON, Ms. MAXINE WATERS, Ms. WATSON, Mr. HENRY WAXMAN, Ms. LYNN WOOLSEY, and Speaker NANCY PELOSI, to honor our long-time friend and colleague, the Honorable Lou Papan, who passed away at his home on Saturday, April 28, 2007, in Millbrae, California, at the age of 78. He was a distinguished American, a dedicated public servant, a forceful legislator, and a devoted husband, father and grandfather.

Lou Papan was born Elias Papandricoupolos in Springfield, Massachusetts, the son of Greek immigrants, John and Flora Papandricoupolos. He earned a Bachelor's Degree in Economics from Syracuse University and studied at Georgetown Law School. He served as a Sergeant in the Army during World War II and as a Lieutenant in the Air Force during the Korean War.

After Korea, he joined the F.B.I. and was transferred to San Francisco, where he met the love of his life the late Irene Damis, his wife of 42 years. Irene hailed from Portland, Oregon and studied at Mills College in Oakland. They had three children: John, Gina, and Diane. Gina is a member of the Millbrae City Council, and Diane is a practicing attorney in San Francisco. John passed away from a rare congenital illness at age 21, and in the wake of their profound loss, Lou and Irene founded an extraordinary scholarship and not-for-profit clothing bank to honor John's memory known as John's Closet, which has helped hundreds of low-income late-blooming students.

Lou began his political career in 1970 when he was elected to the Daly City Council. He was elected to serve the people of California's 19th Assembly District in 1972. He was appointed Speaker Pro Tempore in 1974, and became Chair of the powerful Rules Committee in 1976. He also chaired the Public Investment and Finance Committee.

In his many years in the Assembly, Lou Papan worked on behalf of California's working class, and was a tireless advocate for disabled children. He authored legislation that strengthened child and elder abuse reporting requirements and improved Worker's Compensation benefits. He promoted independent banking institutions and was an early supporter of e-commerce, an environmental champion who helped to purchase land in Pacifica for the State Park System, and protected endangered species on San Bruno Mountain. He improved government accountability by placing legislative records under the State's Open Records Act.

Lou retired from the Assembly in 1986 to run for the State Senate. He lost that race but was elected again in 1996 to his former Assembly seat where he served until 2002. In 1997, he received the Ellis Island Medal of Honor, given by the National Ethnic Coalition of Organizations in recognition of significant contributions made by immigrants to our country.

Madam Speaker, I ask my colleagues to join me in extending our deepest sympathy to Mr. Papan's daughters, Diane and Gina, his son-in-law, Dan Latini, and his beautiful granddaughter, Alexa Papan Latini, as we honor the life of this proud American. We take comfort in knowing that he is now reunited with his angels, Irene and John. Lou gave our nation many years of devoted public service and we are better for them.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. KENNEDY. Madam Speaker, on the evening of May 2, 2007 I missed nine Rollcall votes. I respectfully request the opportunity to record my position on these Rollcall votes.

It was my intention to vote:

No on recorded vote 287 Sullivan Amendment to the Honda Amendment.

Yes on recorded vote 288 Honda Amendment.

No on recorded vote 289 Campbell Amendment number 5.

No on recorded vote 290 Campbell Amendment number 4.

No on recorded vote 291 Garrett Amendment number 11.

No on recorded vote 292 Flake Amendment.

Yes on recorded vote 293 Matsui Amendment.

No on recorded vote 294 Price Amendment.

Yes on recorded vote 295 Final Passage of H.R. 1867.

INTRODUCTION STATEMENT FOR HIV/AIDS DENTAL SERVICE BILL

HON. ELEANOR HOLMES NORTON

OF DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. NORTON. Madam Speaker, I introduce the Dedicated Dental Service for HIV/AIDS (DDS for HIV/AIDS) Act of 2007, to establish a loan repayment program for dental school graduates in exchange for their agreement to remedy a critical shortage of dentists for the poor, particularly in areas with a high incidence of HIV and AIDS, by agreeing to serve such patients. This bill is similar to legislation Congress has previously enacted to encourage other health professionals, such as physicians, nurses, optometrists and pharmacist to provide vital services in underserved areas. This bill is being introduced in conjunction with a series of HIV/AIDS town hall meetings that I am hosting in the District of Columbia.

I am introducing the bill on the same day when I am hosting a Men's Town Meeting on HIV/AIDS. This public meeting is one of a series of town meetings I am holding to increase awareness and individual responsibility at a time when 50 percent of AIDS cases today are African American. Howard University professors of dentistry inform us that the first indicators of HIV/AIDS infection are often oral health problems. Oral health problems often not only constitute an important early signal of HIV/AIDS symptoms; they also serve as benchmarks for disease progression. One of the most serious problems with the spread of HIV/AIDS is the reluctance of people to be tested for such a disease, especially in the African-American community and other big city and rural areas. Access to dental care, therefore, is critically important from the earliest onset, especially in high impact areas. Access, of course, minimizes long-term oral health complications for patients, but it also provides important linkages to good overall medical care to combat the disease in the community.

A recent RAND health study on HIV costs and services found that the vast majority of patients received care at their local AIDS clinic, not a primary dentist. Moreover, these disfavored patients must look for service within the context of a nationwide drop in dental school applicants and graduates, and a projected 60 percent loss of active dentists due to retirement. As a result, the average American, especially those with HIV/AIDS, will, or already are, having difficulty in obtaining dental care.

The crisis is palpable for HIV/AIDS patients. They have even more difficulty than other Americans finding dentists who will accept Medicaid or treat patients at reduced cost.

Some dentists are reluctant to provide care. Although only one case of transmission between dentist and patient has been documented, problems of access are acute. Many patients must travel long distances to find care. Many states do not include dental care as part of their Medicaid coverage. Patients often must search for providers such as schools of dentistry or local community clinics which receive some funds from the Dental Reimbursement Program (DRP), administered through the Ryan White CARE Act.

My bill would create a loan forgiveness program for dental school graduates who agree to serve HIV/AIDS populations in areas where there is a high incidence of such cases, as defined by the Department of Health and Human Services. This program is drawn from the nurse loan forgiveness program passed by Congress in 1998. The crisis for the dental profession, especially in the distribution of dentists in underserved areas, is even greater than for physicians. Dental school graduates incur an average loan debt of $100,000. Under the guidelines of the program, the Secretary of the Department of Health and Human Services is authorized to pay 60 percent of the principal and interest on the loans in exchange for service for a period of no less than two years. If a dentist agrees to participate in a third year of service, another 25 percent of the principal and interest on his loans will be paid. Loan forgiveness programs bring important added value because many recipients remain in practice in the area to which they are assigned. The Secretary of HHS is to submit to the Congress a report on the program, with information including the number of dentists enrolled, the number and amount of loan repayments, the placement location of loan repayment recipients, and the evaluation of the overall costs and benefits of the program.

With more than one million Americans with HIV/AIDS, and over 16,000 in the District of Columbia, and its impact among people of color, these health providers need greater attention. We are proud of the overworked and under-funded services that are available in the District of Columbia. The Howard School of Dentistry has a long history of providing dental services to the poor here, and the HU CARES program provides care for nearly 1,200 patients a year. The vital Whitman-Walker Clinic, the largest provider of comprehensive HIV/AIDS services in the District and the region serves over 1,500 dental patients a year.

I urge my colleagues to join with me in establishing this dental loan repayment program that will meet an immediate and pressing need in communities across the country, as we have for other professions.

INTRODUCTION OF THE FREE ABSENTEE ACT OF 2007

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a bill to provide free postage for absentee or mail-in ballots in federal elections.

Since voter participation rates are shockingly low in this nation where we pride ourselves on our democracy, our leaders must do all we can to encourage voter turnout and remove obstacles.

We know that not everyone can make it to the polls on Election Day and we know that some voters prefer to vote from home because they have more time to review their options and do not want to wait in line to vote.

While only 6 percent of voters used the vote by mail option in 1979, that number has risen to around 40 percent in areas where voters can vote by mail for any reason such as in my district in San Diego.

In our fast-paced hectic society, voting by mail is an option that works for many people. We need to make voting by mail as convenient as possible. Making ballots postage free is a step in that direction.

The price of a stamp is not a burden for many people though it certainly is for some. For these people, adding a stamp to a ballot is a sort of poll tax and that is wrong.

For those for whom a stamp is affordable, it is not always easy to acquire a stamp or to know how much postage to put on an odd-sized ballot envelope. In fact, a postal employee even told me she drives around with her own mail in her truck for days because she can't find the time to weigh it and buy stamps.

With election deadlines, voters do not have time to wait until they can stop to pick up stamps. They should be able to vote and put their ballots in any mailbox without worrying about finding the right amount of postage.

We must also realize that providing postage for mail-in ballots does not come at tremendous cost to the federal government. Postage for ballots is managed in bulk making them eligible business reply rates which cost less than individual first class pieces. But more importantly, each voter need not figure out how much postage to put on.

It is hard to give an exact cost estimate of this bill since the number of mail-in voters varies election to election. However, if the federal government paid for the mail-in ballots in the 2004 election, the cost would have been around $23 million. That is a small price to pay when you compare it with the billions we are spending on election machines and other costs.

In Congress, we have become accustomed to sending mail out with just the frank. We don't worry about having the proper postage. Shouldn't we share that privilege with the voters?

Creating postage-paid mail-in ballots is just one of the three major improvements we can make to mail-in voting. The others are allowing no-excuse absentee voting and implementing a ballot tracking system similar to that which we use for overnight packages. I have introduced legislation addressing these other areas as well.

If voters could vote by mail for any reason and know that they could just toss their ballots in any mailbox without having to worry about postage and if they knew they could track the progress of their ballot, more voters would vote by mail, the strain at the polls would be less and I suspect voter turnout would increase dramatically.

COMMENDING THE MAINEIACS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. MICHAUD. Madam Speaker, I rise today to commend the Lewiston Maineiacs for their 4–3 victory over their Rouyn-Noranda Huskies, completing a 4 game winning streak and advancing the team to the Quebec Major Junior Hockey League President Cup Finals. Since 2003, the Maineiacs have brought crowds to the Androscoggin Bank Colisée, and they have enjoyed spectacular success this season.

Off the ice, the team's players and their mascot, Lewy, are fixtures throughout the greater Lewiston-Auburn community, visiting local businesses, promoting reading and academic achievement in the schools, and supporting youth sports for the area children and young adults.

The Maineiacs have had an excellent season and much credit is due to the hardworking players and their coach, Clem Jodoin. With a 50–14 record regular season record—the best in the league—the Maineiacs moved quickly through the playoffs and will play in the 2007 President Cup Finals this Friday.

I would like to commend the team for their tremendous performance this season and their continued involvement in their local community.

Go Maineiacs!

PAYING TRIBUTE TO LINDA F. BRANCH

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Linda F. Branch, managing owner of Customer Service Management Consultants, LLC for her being honored by the Nevada District Office of the U.S. Small Business Administration as the Microenterprise Initiative Business Person of the Year.

Through CSMC, LLC, Linda has been dedicated to providing a wide selection of training and workforce development solutions since 2003 throughout Southern Nevada. As CEO, Linda has committed CSMC to bringing quality and excellence in training and staff development solutions to their clients' missions and goals as a service provider. CSMC, LLC is a leading provider of continuing education training for healthcare and human service providers and they provide training solutions that are customized face-to-face and online for front line staff, middle management and upper management.

Linda has 30 years experience as a human resource provider, including facilitation and training in both public and private organizations. Linda is a well-known speaker and facilitator and has written a number of training workbooks that are certified through the Clark County Commission on Post Secondary Education. She has also received continuing education unit certification from the Nevada State Board of Examiners for Social Work on two of her training workbooks. Linda earned her bachelor's degree in Social Work and a master's degree in Organizational Management.

Madam Speaker, I am proud to honor Linda F. Branch. Her dedication to providing continuing education training and commitment to excellence are truly commendable. I applaud her efforts and wish her the best in her future endeavors.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on Tuesday, May 1, 2007, I was unable to be present for votes. Had I been present: For rollcall No. 270—H. Res. 334, Supporting the Goals and Ideals of National Community College Month, I would have voted "yea"; for rollcall No. 271—H. Con. Res. 112, Supporting the Goals and Ideals of a National Child Care Worthy Wage Day, I would have voted "no"; and for rollcall No. 239—H. Res. 272, to commend the University of Florida Gators for their historic win in the 2007 National Collegiate Athletic Association Division I Men's Basketball Tournament, I would have voted "yea."

INTRODUCTION OF BILL TO SHORTEN DEPRECIABLE LIVES OF ELECTRIC DISTRIBUTION ASSETS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I introduced legislation that would shorten the depreciable lives of electric distribution assets from 20 to 15 years. I feel this legislation, is necessary to spur investment in a time where the demand for electricity is at an all-time high. Despite continued energy efficiency improvements, electricity consumption is expected to increase 41 percent by 2030, according to the Energy Information Administration.

To meet this growing demand, electric companies must expand and upgrade the nation's electricity infrastructure. The need to expand the nation's distribution infrastructure will require significant investment. According to a recent study by the Brattle Group ("Why Are Electricity Prices Increasing? An Industry-Wide Perspective"), if recent investment trends continue, distribution investment will average $14 billion per year over the next 10 years. This investment is almost triple the projected amount of annual investment in new transmission capacity and is likely to exceed capital spending on generation capacity over the next decade as well.

The American Council for Capital Formation released an analysis yesterday of the depreciation treatment of energy assets of the U.S. compared with 11 other countries. The analysis concluded that the U.S. generally has less favorable tax depreciation rules for electric distribution rules than a number of the U.S.'s major trading partners. The U.S. has slower cost recovery during the first five and ten years after the investment than the comparison countries. For example, U.S. capital cost recovery for distribution lines in the first five years is 29.5 percent compared to 40 percent in China, 58 percent in Korea and 50 percent in Taiwan. Nine of the countries analyzed had faster cost recovery than the U.S. From a competitive standpoint, our depreciation rules need to be updated. My bill will begin to tackle part of the problem.

Investment in electric distribution facilities—in wires, transformers, substations and all traditional utility distribution facilities—is needed, first and foremost to keep pace with growing customer demands. Distribution investment also is needed to replace and modernize our nation's aging distribution grid.

Tax depreciation incentives for electric distribution systems also would help mitigate the cost of other factors affecting spending on distribution infrastructure. For example, some companies are being directed to place new and/or existing distribution lines underground, particularly in urban areas. Undergrounding power lines costs five to ten times the cost of overhead lines. In addition, large distribution system expenditures have been necessitated by widespread hurricane and storm damage experienced in 2004 and 2005, which has impacted energy and material costs across the Nation.

The Brattle Group report estimates that underinvestment in transmission and distribution systems costs the American economy at least $20 billion a year—a figure certain to grow if transmission and distribution infrastructure investment does not keep pace with demand. In 2005, we reduced depreciable lives for transmission assets from 20 to 15 years as part of the Energy Policy Act. Similarly, Congress should do the same for distribution assets. This action will spur investments needed to update the aging distribution infrastructure to a modern, automated, high-performance network.

IN MEMORY OF SHANE STANFIELD

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mrs. CUBIN. Madam Speaker, I rise to honor Shane Stanfield of Cheyenne, Wyoming, who was killed in Iraq while serving his nation. It is with deep sadness today that I join Shane's family in mourning their loss.

Shane Stanfield entered into military service on behalf of his country in 2000, eventually serving with honor and distinction in Operations Iraqi Freedom and Enduring Freedom as a proud member of the United States Marine Corps. In 2004, Shane left the active duty military but continued serving his country as a private security officer. Shane was killed while protecting American personnel during Operation Iraqi Freedom on January 23, 2007.

Shane was only 25 years old. He is remembered both for his love of adventure and for his hardworking nature. Shane may be best remembered, however, for his kindness toward everyone he met.

We must never forget the sacrifice made by Shane Stanfield, or the countless other soldiers, who willingly place the safety and well being of the nation above their own. Shane Stanfield was a beloved husband, son, brother, uncle, nephew, and dear friend to those left behind. His family members and friends selflessly parted with him during his service to our nation.

We recognize that our deepest gratitude cannot possibly begin to diminish Shane Stanfield's absence, but his memory will live on in the hearts of our nation's citizens. I hope that this knowledge will provide his family with some measure of comfort as they work to find healing in Shane's remembrance.

COLLEGE AFFORDABILITY

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. ISRAEL. Madam Speaker, I rise today to talk with my colleagues about a visit I recently made to Deer Park High School in my Congressional District, where the students invited me to participate in a hearing on college affordability.

The Seniors at Deer Park High School and I discussed the skyrocketing costs associated with getting a college education and the ways in which many middle class families on Long Island are put at a critical disadvantage—being too rich to qualify for student aid but too poor to pay for college. They shared their personal thoughts and concerns about how they'll pay for college. And they advised me on legislation I'm drafting to make college more affordable.

Higher education is so important—but so many parents and students simply cannot afford to pay for college. And many parents and students who find a way to struggle through end up thousands of dollars in debt. Total expenses for public universities (including tuition and fees, room and board, books and supplies, transportation and other expenses) now average $12,796 per year. Total expenses for private universities now average $30,367 per year. And New York has the highest number of subsidized student borrowers in the country.

How can the United States compete in the global economy if our young people cannot afford a college education? We've made a start. In the first 100 hours of the 110th Congress, we passed the College Student Relief Act of 2007. This legislation will make college more affordable and accessible by cutting the interest rate on subsidized student loans for undergraduates in half over the next five years—from the current 6.8 percent to 3.4 percent.

In closing, I'd like to commend the students at Deer Park High School for all of the hard work and preparation they put into our college affordability hearing and I want to thank them for all of their wonderful suggestions. The time I spent at Deer Park High School truly helped reinforce my commitment to making college more affordable for Long Island families.

NEED TO ADDRESS H–1B SHORTFALL IN COMPREHENSIVE IMMIGRATION REFORM LEGISLATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. GIFFORDS. Madam Speaker, I rise today in strong support of comprehensive immigration reform that is tough, practical and effective. I urge my colleagues to work together in a bi-partisan manner so that we can move legislation to the floor as soon as possible.

Our inability to solve the Nation's immigration crisis is taking a major toll on the high-tech business sector and crippling their ability to have the workforce they need. As American companies struggle to compete in the global information-economy, they are continually seeking the brightest minds to develop new innovations and technologies. Sometimes, those minds are in other countries. Many of these individuals studied at top U.S. colleges and universities but have returned to their native country.

H–IB visas allow American businesses to hire temporary skilled foreign employees in specialized occupations when they are unable to find a qualified U.S. citizen for the job. These specialized occupations include architecture, engineering, mathematics, physical sciences, social sciences, medicine and health, education, law, accounting, business specialties, theology and the arts.

Each year, the number of H–IB visas are capped at 65,000. Applications for 2008 were only open for 1 day, after 150,000 applications were filed on April 1.

Robert Breault, president and founder of the Breault Research Organization of Tucson, called the cap on applications "a catastrophe." Southern Arizona's "Optics Valley," as well as other high-tech corridors, depend on foreign workers with advanced degrees—degrees often earned in U.S. universities—to supplement the workforce.

Our high-tech companies are competing in a global marketplace. To keep pace, they must hire the best employees. As comprehensive immigration reform legislation begins to take shape, congress must ensure that the number of H–IB visas is increased.

A TRIBUTE TO FRANCIS T. MIKO

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PRICE of North Carolina. Madam Speaker, I rise today to honor the accomplishments of Francis T. Miko, Specialist in International Relations with the Foreign Affairs, Defense, and Trade Division of the Congressional Research Service. Mr. Miko retired on April 27, 2007, after serving the Congress for over thirty years in various positions at CRS. Mr. Miko's tenure spanned multiple Congresses and several epochs in foreign policy and European affairs, his area of specialization. He has served as the institutional memory of Congress on important issues in which he was the recognized expert. His work as an analyst, manager, and leader in the CRS organization is particularly notable for his tact, judgment, and unswerving commitment to the core CRS mission of supporting an informed national legislature with nonpartisan analytical and research work.

Mr. Miko began working at CRS in 1974 as a research assistant in Soviet and Eastern European affairs. As an analyst and later as a specialist, Mr. Miko served as the principal CRS expert on Central and Eastern Europe. The quality of his work earned him widespread recognition and significantly contributed to CRS's reputation as a center for advanced policy analysis. During the Cold War years, he produced numerous studies on Eastern Europe and the détente period between the United States and Soviet Union, including major east-west initiatives such as the Conference on Security and Cooperation in Europe (CSCE). He participated in the congressional delegation to the Belgrade Conference of the CSCE in 1977 and the Budapest CSCE Cultural Forum in 1985. He was seconded to the Department of Defense in 1992 to serve as a representative of the Secretary of Defense at the CSCE Review Conference in Helsinki. As the Cold War wound down, Mr. Miko completed major CRS projects on the impact of the transformation of Eastern Europe after 1989 and the end of the Soviet Union in 1991. Later, he provided key analyses on global security issues such as organized crime, trafficking in persons, and approaches to counterterrorism. In the immediate aftermath of the September 11, 2001, terrorist attacks on the United States, Mr. Miko served as co-coordinator of the CRS Terrorist Task Force that worked across subject divisions to coordinate related research needs for Congress.

I got to know Mr. Miko well in another role, one through which he also provided invaluable service to Congress. He has played an instrumental part in two congressional programs to assist with the development of new democracies. From 1990 to 1996, Mr. Miko coordinated the CRS role in the Frost-Solomon Special Task Force on the Development of Parliamentary Institutions in Central and Eastern Europe. The role of the Task Force was to help strengthen the parliamentary infrastructures of the formerly passive legislatures in twelve countries of post-communist central and eastern Europe. This unprecedented initiative of the U.S. Congress entailed extremely demanding and complex activities involving technical assistance on legislative practice, library and research institutional development, and automation systems and design. Mr. Miko's understanding of Europe on the one hand, and of Congress on the other, was essential to the success of the program, as his first-hand knowledge of the people and cultures of Eastern European countries helped the Task Force appropriately tailor its activities to the needs and working styles of its legislative partners in the region.

Representative David Dreier and I worked closely with Mr. Miko on the Frost-Solomon Task Force, and our positive experiences inspired us, in 2005, to establish the House Democracy Assistance Commission to strengthen democratic institutions in emerging democracies worldwide. In this effort Mr. Miko has again proven an invaluable resource as a veteran expert in the development of democratic legislatures. He has helped the Commission determine appropriate partner nations, participated in needs assessments, and delivered direct technical assistance to partner legislatures. Most recently he accompanied us on a mission to Georgia, where we are working to support the democratic gains of the Rose Revolution. I and other Members of the Democracy Assistance Commission will greatly miss having such ready access to Mr. Miko at CRS, but we hope to find ways to continue to draw upon his insights and expertise as we move ahead with our work.

Over the years, Mr. Miko assumed several senior management positions at CRS, serving twice as section head of the Europe, Middle East, and Africa section, and once as deputy assistant director for the foreign affairs division. He represented the Library of Congress at the National War College in 1984–1985. He earned a Distinguished Service Award for his performance as representative of the Office of the Secretary of Defense at the 1992 Helsinki Review Conference.

In all of his professional endeavors, Mr. Miko has been a role model of the highest level of service to the U.S. Congress, the Library of Congress, and CRS. He has excelled as a capable manager of programs and resources, as a nationally renowned expert in his field of policy expertise, as a diplomat, and as a notable contributor to the legislative work of Congress.

On behalf of my colleagues in Congress, I want to express my appreciation to Francis Miko for his many years of public service and for his multiple contributions to the Congress, and to wish him well in his retirement.

PAYING TRIBUTE TO PANCH R. PRASAD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Panch R. Prasad, C.E.O. of U.S. International Trading Corporation, for his recent professional successes and achievements.

Panch is the President and C.E.O. of U.S. International Trading Corporation. The company was founded in 1990 in Portland, Oregon, however, their corporate offices are now located in Las Vegas, Nevada. Since its founding, the U.S. International Trading Corporation has been committed to providing quality hair care, skin care, and cosmetics products. The company's beauty and cosmetics products are sold across the world with the products being available to consumers in East Asia, Europe, South America, the Middle East, and Australia.

Most recently, Panch was honored as the Small Business Exporter of the Year by the Nevada District Office of the U.S. Small Business Administration. The Small Business Administration utilizes an independent panel of judges that use several factors in awarding these honors to the recipients.

The panel evaluates businesses on several factors such as the growth in number of employees, increase in sales, current and past financial reports, innovativeness of product or service, and contributions to community-oriented projects. This is an outstanding and well-deserved honor. Panch believes in supporting a commitment to excellence by providing quality distribution and products to U.S. International Trading Corporation's customers. I applaud his commitment to excellence.

Madam Speaker, I am proud to honor Panch R. Prasad. His professional success is truly commendable. I congratulate him for his recent recognition by the Nevada District Office of the U.S. Small Business Administration and wish him the best in his future endeavors.

FEDERAL AGENCY DATA BREACH PROTECTION ACT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, secure information is the lifeblood of effective government policy and management, yet federal agencies continue to hemorrhage vital data. Personal information continues to be placed at risk, and we must ask: What is being done to protect the sensitive digital identities of millions of Americans, and how can we limit the damage when personal data does go astray?

As we all now know, a Department of Veterans Affairs employee reported the theft of computer equipment from his home—equipment which stored more than 26 million records containing personal information. VA leadership delayed acting on the report for almost two weeks, while millions were at risk of serious harm from identity theft and the agency struggled to determine the exact extent of the breach.

But this is only one in a long string of personal information breaches in the public and private sectors, including financial institutions, data brokerage companies, and academic institutions. Last year, we found the Census Bureau could not account for over one thousand laptops containing sensitive information issued to employees. And just recently, we learned the Department of Agriculture left sensitive data on a website, putting the personal information of 150,000 individuals as risk.

These breaches continue to illustrate how far we have to go to reach the goal of strong, uniform, government-wide information security policies and procedures.

On the Government Reform Committee, I focused on government-wide information management and security for a long time. The Privacy Act and the E-Government Act of 2002 outline the parameters for the protection of personal information. These recent incidents highlight the importance of establishing—and following—security standards for safeguarding personal information. They also highlight the need for proactive security breach notification requirements for organizations—including Federal agencies—dealing with sensitive personal information.

Congress continues working on requirements for the private sector—but Federal agencies present unique requirements and challenges. These incidents demonstrate the importance of strengthening the laws and rules protecting personal information held by Federal agencies—and we need to do this quickly.

In order to get a more complete picture of the problem before pursuing legislation, we sent a request to all cabinet agencies seeking information about data breaches involving the loss of sensitive personal information.

The results were troubling. We learned there have been a wide range of incidents involving data loss or theft, privacy breaches, and security incidents. In almost all of these cases, Congress and the public would not have learned of each event unless we had requested the information.

My bill requires timely notice be provided to individuals whose sensitive personal information could be compromised by a breach of data security at a Federal agency. Despite the volume of sensitive information held by agencies, there currently is no requirement people be notified if their information is compromised. Under this legislation, the executive branch must establish practices, procedures and standards for agencies to follow if sensitive personal information is lost or stolen and there is a reasonable risk of harm to an individual. And we provide a clear definition of the type of sensitive information we're trying to protect.

We also give the agency Chief Information Officers the authority, when appropriate and authorized, to ensure agency personnel comply with the information security laws already on the books.

Finally, we ensure costly equipment containing potentially sensitive information is accounted for and secure. Half of the lost Census Bureau computers simply were not returned by departing or terminated employees. The agency did not track computer equipment, nor were employees held accountable for failing to return it. This is taxpayer funded equipment, containing sensitive information, and we must know what we have and who has it—at all times.

Each year, I release Federal agency information security scorecards. Despite some improvement, scores for many departments remain unacceptably low. The Federal Government overall received a C minus, a slight improvement over prior years.

The Federal Government has sensitive personal information on every citizen—health records, tax returns, military records. We need to ensure the public knows when its sensitive personal information has been lost or compromised in some way.

The language in this bill is identical to H.R. 6163, which I introduced last Congress. Last year, with the assistance of then Chairman STEVE BUYER, I incorporated this language into the Veterans Identity and Credit Security Act (H.R. 5835), which passed the House on September 26. That bill, including my language, had strong bipartisan support, with 67 cosponsors from both sides of the aisle, including the new chairman of the Oversight and Government Reform Committee.

This bill is a critical first step toward limiting the loss of our sensitive personal information. I hope we can again move this important legislation through the House.

TRIBUTE TO DR. CAROLYN MAZURE AS SHE RECEIVES THE ELIZABETH BLACKWELL AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join Connecticut NOW and all of those gathered in extending my sincere congratulations to my good friend, Dr. Carolyn Mazure, as she is honored with this year's Elizabeth Blackwell Award. Carolyn is a remarkable woman whose outstanding accomplishments have had significant impacts on women's health research. Each year, Connecticut NOW presents the Elizabeth Blackwell Award to an individual for "outstanding achievements in facilitating women's holistic health: emotional, psychological, physical, and spiritual." I cannot think of a more appropriate or deserving recipient that Dr. Carolyn Mazure. She has dedicated her professional life to the advancement of women's health. Perhaps her most important contribution, to her field and to women everywhere, is the establishment of Women's Health Research at Yale—a program dedicated to advancing the study of women's health and gender differences across all areas of biomedical and psychosocial study.

Carolyn first came to New Haven to complete her postgraduate education at Yale University. Upon completion of her degree she was offered a faculty position at Yale—the University could not have made a wiser investment. Beginning her career as a clinician and researcher, Carolyn has built a distinguished reputation as a recognized scholar, esteemed clinician, teacher, mentor, and accomplished administrator. It was through her unique vision and respected understanding of the value of gender-specific research and data that Women's Health Research at Yale was developed. Carolyn has served as the organization's director from its inception—setting a new standard of practice for medical research.

In under a decade, Women's Health Research at Yale has initiated work and issued invaluable findings on some of the most pressing problems in women's health. The genetics of breast and ovarian cancer; the role of estrogen in memory; cancer screening in HIV-positive women; prevention of domestic violence; and gender differences in cardiovascular disease are just a small example of the more than 50 major projects they have initiated to date. This research, combined with the program's active educational community outreach, has translated new findings into practice as well as influencing public policies on health—making a real difference in the lives of women across the country.

I have had the distinct pleasure of working with Carolyn for many years and have often found myself in awe of her energy and enthusiasm. I have had the honor to introduce Carolyn on two of three occasions she provided testimony to the U.S. Congress regarding the importance of research on women's health and it was without hesitation that I supported her nomination for the 2005 American Association of University Women Achievement Award. I am grateful to Carolyn for her inspiring vision of what truly comprehensive medicine can be and so proud to have the opportunity to work with her.

Carolyn is a visionary leader who not only possesses the ability to explain the issues that confront us, but to also identify the path that stimulates change and builds alliances that unite us. She is dedicated to the common good and draws us to shared goals through her personal warmth and deep convictions. Guided by clear thinking, intense intellectual curiosity as well as integrity and honesty—this is a woman who has a genuine concern for the well-being of others and is committed to improving our lives and those of women in the future. I could not be more pleased to rise today to join Connecticut NOW, family, friends, colleagues and community members in extending my heart-felt congratulations to Dr. Carolyn Mazure as she receives this very special award. Carolyn has left an indelible mark on her field, our community and indeed our nation. It is a legacy that will continue to influence public policy and the health of women for generations to come.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. FEENEY. Madam Speaker, I would like to express my regret for missing votes on the House floor on Thursday, April 26, 2007. A close childhood friend died and I had to return home. I left directly after the vote on the Conference Report for H.R. 1591 vote on April 25, 2007.

PRESBYTERIAN HOMES INC. 80TH ANNIVERSARY

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PLATTS. Madam Speaker, I rise to congratulate Presbyterian Homes, Inc., located in Camp Hill, Pennsylvania, for reaching its 80th anniversary.

Presbyterian Homes, Inc., (PHI), originated in 1927 when Mrs. Ellen Parker donated her farmhouse to care for 10 older women from Central Pennsylvania. Today, PHI is dedicated to providing high-quality, affordable healthcare, housing, and retirement services to older Americans in 19 communities.

More than 2,500 administrators, physicians, nurses, and other healthcare staff provide care to over 5,100 residents of PHI. Throughout its system of care, PHI provides independent living facilities, assisted living and personal care, skilled nursing care, specialized Alzheimer's and dementia care, rehabilitation therapy, adult day services, and operates a meals-on-wheels program.

Madam Speaker, please join with me congratulating Presbyterian Homes, Inc., on their 80th anniversary. I wish them luck as they begin their traveling exhibit which makes its debut in the Pennsylvania State Capitol building in May.

RECOGNIZING THE WASHINGTON TOWNSHIP HIGH SCHOOL CHEERLEADING SQUAD

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. ANDREWS. Madam Speaker, I rise today to recognize the Cheerleading Squad at Washington Township High School. For the second year in a row, these outstanding student athletes won the Battle at the Capitol National Cheerleading Championship.

These young ladies are athletes in every sense of the word. They are dedicated and hardworking and spend up to 7 days a week practicing, cheering at basketball games and competing during the winter season while remaining excellent students. Team members include: Brooke Albano, Ashley Bonnette, Samantha Carfi, Victoria Collins, Bernadette Davis, Gabrielle DeMarco, Alyssa DeSilvio, Dana Dondici, Maria Freedman, Samantha Hersch, Holly Lloyd, Danielle Mace, Caitlin McFall, Jenna Melchionna, Alyssa Mericle, Kristen Nisbet, Amanda Nowaczyk, Taryn Ortlip, Dana Pasqualone, Christy Pettit, Taylor Sartorio, Rachel Sims, Amanda Toton, Stephanie Toton, and Dana Villasin.

This year the Washington Township High School Cheerleaders competed against squads from around the country and won the Battle at the Capitol National Championship in Fairfax, Virginia. They also won the Olympic Conference Grand Championship for the eighth year in a row and the New Jersey Cheering and Dancing Coaches Association State Championship for the third year in a row.

Madam Speaker, I offer my congratulations to the Washington Township High School Cheerleaders on their National Championship win.

THE SAFE NURSING AND PATIENT CARE ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. STARK. Madam Speaker, I rise to introduce the Safe Nursing and Patient Act with Representative STEVEN LATOURETTE (R–OH). Our legislation would achieve two vitally important goals. First, it would improve quality of care for patients across our country by assuring that nurses are not forced to work beyond the time they feel safe. Second, it would address our national nursing shortage by improving the working conditions that are causing nurses to leave their profession.

Assuring quality medical care and addressing our nursing shortage should not divide us on partisan lines. That's why I'm especially pleased to be working across the aisle with my friend from Ohio, Mr. LATOURETTE, in this important endeavor. This is legislation we've introduced together for several sessions of Congress. Given our changed environment in Congress, we are hopeful that we'll be able to enact it this time.

There are some 500,000 trained nurses in our country who are not working in their profession. While they leave nursing for many different reasons, nurses consistently cite concerns about the quality of care they feel that are able to provide in many health care settings today. Nurses are also greatly concerned about being forced to work mandatory overtime.

Listen to these words of a nurse in the State of Washington:

> I have been a nurse for six years and most of the time I have worked in the hospital environment. It is difficult to tell you how terrible it is to "work scared" all the time. A mistake that I might make could easily cost someone their life and ruin mine. Every night at work we routinely "face the clock." All of us do without lunch and breaks and work overtime, often without pay, to ensure continuity of care for our patients. Yet, we are constantly asked to do more. It has become the norm for us to have patient assignments two and a half times greater than the staffing guidelines established by the hospital itself. I cannot continue to participate in this unsafe and irresponsible practice. So I am leaving, not because I don't love being a nurse, but because hospitals are not safe places: not for patients and not for nurses.

While stories like this are telling, we also have a growing body of research to back up the anecdotes. Premier among these studies is a comprehensive report issued by the Institute of Medicine in November 2003 entitled, "Keeping Patients Safe, Transforming the Work Environment of Nurses." The report finds that, "limiting the number of hours worked per day and consecutive days of work by nursing staff, as is done in other safety-sensitive industries, is a fundamental safety precaution." The report went on to specifically recommend that, "working more than 12 hours in any 24-hour period and more than 60 hours in any 7-day period be prevented except in case of an emergency, such as a natural disaster."

Another study published in the July/August 2004 Health Affairs Journal, "The Working Hours of Hospital Staff Nurses and Patient Safety," found that nurses who worked shifts of-twelve-and a half hours or more were three times more likely to commit an error than nurses who worked eight-and-a half hours (a standard shift) or less. The study also found that working overtime increased the odds of making at least one error, regardless of how long the shift was originally scheduled. Finally, this article illustrates how nurses are being forced to work more and more overtime. The majority of nurses surveyed reported working overtime ten or more times in a 28-day period and one-sixth reported working 16 or more consecutive hours at least once during the period. Nurses reported being mandated to work overtime on 360 shifts and on another 143 shifts they described being "coerced" into working voluntary overtime.

As these studies show, the widespread practice of requiring nurses to work extended shifts and forgo days off causes nurses to frequently provide care in a state of fatigue, contributing to medical errors and other consequences that compromise patient safety. In addition to endangering patients, studies also point to overtime issues as a prime contributing factor to our Nation's nursing shortage. For example, a 2001 report by the General Accounting Office, Nursing Workforce: Emerging Nurse Shortages Due to Multiple Factors, concluded:

> [T]he current high levels of job dissatisfaction among nurses may also play a crucial role in determining the extent of current and future nurse shortages. Efforts undertaken to improve the workplace environment may both reduce the likelihood of nurses leaving the field and encourage more young people to enter the nursing profession . . .

We have the voices of nurses and the research evidence to prove that the practice of requiring nurses to work beyond the point they believe is safe is jeopardizing the quality of care patients receive. It is also contributing to the growing nurse shortage. Current projections are that the nurse workforce in 2020 will have fallen 20 percent below the level necessary to meet demand.

We have existing Federal government standards that limit the hours that pilots, flight attendants, truck drivers, railroad engineers and other professions can safely work before consumer safety is endangered. However, no similar limitation currently exists for our Nation's nurses who are caring for us at often the most vulnerable times in our lives.

The Safe Nursing and Patient Care Act would change that. It would set strict, new Federal limits on the ability of health facilities to require mandatory overtime from nurses. Nurses would be allowed to continue to volunteer for overtime if and when they feel they can continue to provide safe, quality care. But, forced mandatory overtime would only be allowed when an official state of emergency was declared by Federal, State or local government. These limits would be part of Medicare's provider agreements. They would not apply to nursing homes since alternative staffing and quality measures are already moving forward for those facilities.

To assure compliance, the bill provides HHS with the authority to investigate complaints from nurses about violations. It also grants HHS the power to issue civil monetary penalties of up to $10,000 for violations of the Act and to increase those fines for patterns of violations.

Providers would be required to post notices explaining these new rights and to post nurse schedules in prominent workplace locations. Nurses would also obtain anti-discrimination protections against employers who continued to force work hours for nurses beyond what a nurse believes is safe for quality care. Providers found to have violated the law would be posted on Medicare's website.

As usual, many States are ahead of the Federal Government when it comes to pinpointing problems that need to be addressed. Numerous States are currently considering bills to strictly limit the use of mandatory nurse overtime. Several States—including California, Connecticut, Maine, Maryland, Minnesota, New Jersey, Oregon, Washington and West Virginia—have already passed laws or regulations limiting the practice.

The Safe Nursing and Patient Care Act is an important first step, but it isn't the complete solution. I believe that standards must be developed to define timeframes for safe nursing care within the wide variety of health settings (whether such overtime is mandatory or voluntary). That is why the legislation also requires the Agency on Healthcare Research and Quality to report back to Congress with recommendations for developing overall standards to protect patient safety in nursing care. Once we have better data in that regard, I will support broader limitations on all types of overtime. But, we must not wait to act until that data can be developed. The data collection will take years and the crisis of mandatory overtime is upon us now.

I know that our Nation's hospital trade associations will claim that our solution misses the mark because it is precisely the lack of nurses in the profession today that is necessitating their need to require mandatory overtime. Let me respond directly. Mandatory overtime is dangerous for patients plain and simple. It is also a driving force for nurses leaving the profession. These twin realities make mandatory overtime a dangerous short-term gamble at best. We should join together to end the practice.

Mandatory overtime is a very real problem facing the nursing profession and that is why our bill is endorsed by the American Nurses Association, the AFL–CIO, AFSCME, AFT, SEIU, UAN, and UAW—organizations that speak for millions of America's nurses.

Again, our bill is not the sole solution. For example, I supported the Nurse Reinvestment Act, which was passed by Congress and signed into law in August 2002. That legislation authorizes new Federal investment and initiatives to increase the number of people pursuing a nursing education. Such efforts will help in the future, but it will be years before that law's impact is felt in our medical system.

We need to help now. We must take steps to improve the nursing profession immediately so that today's nurses will remain in the field to care for those of us who need such care before new nurses can be trained. We also need today's nurses to be there as mentors for the nurses of tomorrow.

Mandatory nurse overtime is a very real quality of care issue for our health system and I look forward to working with my colleagues, enact the Safe Nursing and Patient Care Act. It will start us down the right path toward protecting patients and encouraging people to remain in—and enter—the nursing profession.

HONORING THE SERVICE AND RETIREMENT OF ALLEN LI

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize a valued professional staff member of the Government Accountability Office—Allen Li—who is retiring from GAO after more than 28 years of service. During that time, he has provided invaluable oversight assistance to the Congress, and in particular to the Committee on Science and Technology.

As Director of the Acquisition and Sourcing Management Team, Mr. Li has been responsible for leading GAO's work related to the National Aeronautics and Space Administration. Examples of his recent oversight efforts include NASA's efforts to develop and build the International Space Station (ISS), Crew Exploration Vehicle (CEV), the James Webb Telescope, and shuttle alternatives for supplying the ISS; the agency's management of its Deep Space Network (DSN); and NASA's implementation of its financial management system. He also has been a strong advocate for better cost estimation and project management at NASA and has aided the Committee's efforts to seek improvements at NASA in those areas. Mr. Li appeared before the Committee to testify on a range of NASA issues over the years, and we always found his testimony to be serious and thoughtful. He also testified before the *Columbia* Accident Investigation Board following the tragic loss of the Shuttle *Columbia* and its crew.

Prior to assuming the aforementioned duties, Mr. Li was an Associate Director in GAO's Energy, Resources, and Science Issue Area where he directed work on research and development, nuclear safety, and Department of Energy management issues. However, those assignments represent only a part of his service to Congress and the Nation. Over the past 28 years at GAO, he has worked in several other units in GAO, including the Transportation Issue Area where he specialized in aviation safety and air traffic control modernization. Mr. Li has also frequently testified before Senate and House Committee and Subcommittees on civil and military issues, such as the F–22.

The quality of Allen Li's service has been recognized by GAO, and he has received the Comptroller General's Distinguished Service Award, two Comptroller General's Meritorious Service Awards, and Director and Outstanding Achievement Awards from several GAO units.

Those who work at GAO make important, though often unheralded, contributions to improving the performance of our government. As Allen Li retires from GAO, I know that my fellow Committee members join me in wishing him well and in thanking him for his decades of dedicated public service.

PAYING TRIBUTE TO TAMMY MATHEWS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mrs. Tammy Mathews, who has been named the Small Business Association's Small Business Person of the Year for the State of Nevada.

Tammy, the owner of Puppy Enterprises Dog Salon and Bakery and Small Town Dog Vacation Villas, turned a $50,000 Small Business Association loan into two successful businesses which have flourished over the past several years. Between the two businesses, Tammy's staff consists of more than 20 employees, has a client base of over 1,000 customers, and projected gross sales of nearly $1,000,000. Tammy's company has garnered widespread press attention and her novel approach to pet care has ensured continued patronage from her many clients. Tammy uses her company's success as a vehicle to give back to the community she serves and has worked to raise money to place shelter dogs and abandoned dogs in permanent homes. In addition to the recognition she received from the Small Business Association, Tammy was also named a 2004 finalist for the most innovative company of the year for the Stevie Awards for Women Entrepreneurs.

Madam Speaker, I am proud to honor Tammy Mathews. Her innovative spirit and hard work are commendable and I wish her every continued success.

TRIBUTE TO FORT GEORGE G. MEADE AND THEIR SECOND PLACE FINISH IN THE ARMY COMMUNITIES OF EXCELLENCE COMPETITION

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. SARBANES. Madam Speaker, I rise today to congratulate the men and women who serve at Fort George G. Meade for their second place finish in the Army Communities of Excellence competition. The Communities of Excellence award program recognizes top installations from all over the world that demonstrate organizational maturity and outstanding capabilities. Brigadier General John Macdonald, Deputy Commanding General of the Installation Management Command, called the winning installations the "flagships of performance excellence for the Army."

I have the pleasure of representing Maryland's Third Congressional District in the House of Representatives, which neighbors Fort Meade and includes many of the surrounding communities. I am therefore acutely aware of the exciting and difficult work that is done at Fort Meade.

Colonel Ken McCreedy, garrison commander at Fort Meade, is a tremendous leader. He is charged with management of one of the Army's most important installations and has taken command at a time of great upheaval due to the impact of the 2005 BRAC. Despite these tremendous demands on his time, Colonel McCreedy has also involved himself in the community off post. He certainly deserves this recognition and I congratulate him on his fine work.

The men and women who serve with Colonel McCreedy at Fort Meade are exceptional individuals. For 90 years, they have worked to keep our Nation safe. Most people know that the National Security Agency, our military's foremost intelligence agency, is located at Fort Meade but there are many other organizations inside and outside of the intelligence community that contribute to our national security. One example is the Fort Meade Freedom Center, where they are housing soldiers injured in Iraq and Afghanistan. They stepped up to assist Walter Reed in housing these soldiers and provide shuttle service so they may receive their medical treatments.

Madam Speaker, I've been fortunate to visit Fort Meade twice in my first few months in Congress. The more I learn about this facility, the more I am impressed. They truly deserve this honor and I congratulate the entire Fort Meade community on their achievement.

WELCOMING EMILIA HAYWARD DECK

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 3, 2007

Mr. MICA. Madam Speaker, it is my pleasure to announce the birth of Emilia Hayward Deck on May 2, 2007 at St. Vincent's Hospital in Jacksonville, Florida.

Emilia is the daughter of Wiley and Elizabeth Deck who are both part of our Florida 7th District Congressional Staff. The former Elizabeth Buckles and Wiley Deck met as staff members in our Washington office. Both moved to our Florida District Office in St. Augustine, in 2003. They married and have now expanded our Congressional Family with the arrival of Emilia Hayward Deck. Emilia's proud grandfather is Tony Buckles, Chief of Staff for Representative BOB FILNER of California.

To the Deck and Buckles families we extend our warmest congratulations.

SENATE—*Monday, May 7, 2007*

The Senate met at 2:15 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, remind us today of truths that matter to keep us from deceiving ourselves. Help us to remember that we rarely reap what we haven't sown. Remind us that progress is seldom made on the wings of inevitability but requires prayerful plans, powerful perseverance, and loving providence. Teach us again that forgiveness still heals, truth still liberates, giving still transforms, and love still conquers.

Give the Members of this body a meaningful day. Provide them with wisdom to discern the excellent and to do what is best. Inspire them to conduct themselves in a way that honors You.

And, Lord, please remember the victims of the Kansas tornado.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 7, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, the Senate will be in a period of morning business until 4 o'clock, with the time equally divided and controlled by the respective leaders.

The Senate will resume consideration of S. 1082, the FDA bill, at 4 p.m. today. Upon resuming the bill, the Senate will begin several votes: first, the Cochran second-degree amendment to the Dorgan amendment, then the Dorgan amendment, and then the cloture vote on the substitute amendment.

I understand the managers will be here very soon to seek consent to dispose of amendments they have already worked out. Also, Members have until 3 o'clock today to file any first-degree amendments. In addition to filing cloture on the committee substitute amendment and the bill, I also filed cloture on the motion to proceed to H.R. 1495, the Water Resources Development Act, which is known as WRDA. It is a bipartisan piece of legislation, led by Senators BOXER and INHOFE. I am hopeful it will not be necessary to have that cloture vote and that we will be able to proceed to the bill once action is concluded on the FDA bill.

Members should be ready for a number of votes starting at around 4 o'clock today. The first vote will be 15 minutes, and the remaining votes will be 10-minute votes. Everyone should be alerted to that.

Another matter which I mentioned last week is going to conference with respect to the budget resolution. The House was slated to take that up this evening. I think now it may be tomorrow when they will take it up, so that message may not get to us until Wednesday.

This is a very busy week, so everyone should be aware of the different votes that may be necessary. We hope we can complete work on the FDA bill tonight. That is certainly possible; otherwise, maybe in the early morning.

IRAQ

Mr. REID. Mr. President, nearly a week has passed since the President vetoed a bipartisan proposal that fully funded our troops and also changed course in Iraq so we could responsibly end the war.

Although the President's actions thwarted the will of the American people, very clearly, they—the American people—deserve to know what their leaders in Congress are doing. We are alerting them that we, as congressional leaders, are doing everything we can to work toward an agreement on an emergency supplemental funding bill that will make America more secure, fully fund our troops, and responsibly change course in Iraq.

Our proposal called for a change in the mission and the phased redeployment of U.S. combat troops no later than October 1 of this year.

A bipartisan majority of the House and Senate made it clear they believe a timeline for the reduction of combat operations will compel the Iraqi Government to take responsibility for their own country, will reduce the specter of occupation, and will allow our forces to come home.

The American people believe this overwhelmingly. But now there are signs the Republican leadership in Congress is beginning to think a timeline is necessary as well. According to the L.A. Times, House Republican Leader JOHN BOEHNER said:

> Mr. Bush risks defections in the fall if the war situation hasn't improved.
>
> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

The House Republican leader now seems to be saying that he and his colleagues agree there must be a time limit on the President's current course in Iraq.

What is also revealing, and somewhat disturbing, is the Republican leader is willing to allow our troops to stay in Iraq with a failing strategy until he and his colleagues decide it is time to part with the President.

President Bush—the same President who vetoed our plan—said this as a candidate about his predecessor, Bill Clinton, and the war in Bosnia, in 1999:

> I think it's important for the president to lay out a timetable as to how long they will be involved and when they would be withdrawn.

We hope President Bush will keep his own past words in mind as these negotiations continue.

We are pleased to see the House Republican leader, speaking on behalf of his caucus, adopt our view that this commitment in Iraq must not be open-ended, that there must be a timeline. It is surely no coincidence that his views come at a time when conditions in Iraq grow worse.

I am reminded of the Easter sermon of Pope Benedict, delivered only a month ago. The Pope said:

> How many wounds—how much suffering there is in the world.

He continued:

> Nothing positive comes from Iraq, torn apart by continual slaughter as the civilian population flees.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Since those words were spoken, conditions have indeed deteriorated.

In April, our troops suffered the deadliest month of the year and one of the deadliest of the entire 51 months of the war.

The President's own Special Inspector General for Iraq Reconstruction released its quarterly report last weekend that painted a dispiriting picture of waste, ineffectiveness, and failure to achieve even minimally satisfactory results.

Despite burning through most of the 20 billion American dollars planned for reconstruction, many Iraqis are without basic necessities such as electricity and clean drinking water. Of course, oil production is down. Only a third of Iraqi children are attending school. Seventy percent of the kids are suffering from symptoms of trauma that could paralyze an entire generation that we are counting on to harvest the seeds of democracy.

Iraqi Prime Minister al-Maliki is accused of sabotaging efforts for peace and stability by firing some of the country's top law enforcement officials for doing too good a job of combating violent Shiite militias.

President Bush speaks of pressuring the Iraqi people to take responsibility for their own future. Yet while American troops are fighting and dying to secure the country, the Iraqi Government is planning a 2-month summer vacation.

Yesterday, eight more courageous American soldiers fell; four the day before. I have no doubt these developments weighed on Leader BOEHNER's mind when he made his comments suggesting a fall timeline to the war in Iraq. But I know he is not alone. Many of my Republican friends across the aisle feel strongly that a change of course in our Iraq strategy is needed—one that holds the administration and the Iraqis accountable for real results. Many of my Republican friends across the aisle feel it is time for change. This is the time. I know many of my Republican friends also intend to be part of the solution on the way forward, and I look forward to working with them. We all look forward to continuing negotiations, which we will work on today. I have spoken to Chairman OBEY today. I talked to him Friday. I will continue to talk to him every day until we reach agreement on a bill that fully funds the troops while providing a responsible new course that makes America more secure.

No one wants to succeed in Iraq and make America more secure than I.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 4 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be divided equally between the Democrats and the Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HATCH AMENDMENT ON ANTIBIOTICS AND ENANTIOMERS

Mr. HATCH. Mr. President, I would like to discuss the amendment which deals with antibiotics and enantiomers, which is included in the managers' package we are adopting today.

I offered this amendment at the HELP Committee markup, but withdrew it with assurances that we would work it out prior to floor action. There have been constructive discussions among all interested parties and I believe we have worked language out that is acceptable.

There is a great urgency to this situation, and I want to make certain my colleagues understand it fully.

The Infectious Diseases Society of America, the Alliance for Aging Research, the Institute of Medicine, the Resources for the Future, the Centers for Disease Control, and many others have been sounding the alarm about the growing threat from resistant microorganisms and the need for innovation in the area of antibiotics.

Congress must listen.

Nobel Laureate Joshua Lederberg said it well:

> We are running out of bullets for dealing with a number of (bacterial) infections. Patients are dying because we no longer in many cases have antibiotics that work.

The Hatch amendment is intended to be an initial step in the fight against these resistant strains of bacteria by increasing incentives and innovation.

Additionally, the language in the amendment requests FDA to work with companies to apply the Orphan Drug Act to antibiotics wherever possible. Hand-in-hand with this, it reauthorizes the Orphan Drug Act grant and contracts from fiscal years 2008 through 2012. As many of my colleagues know, this act has resulted in important medicines for rare diseases.

The Hatch amendment also ensures that currently existing incentives for new drugs are available for new single enantiomers in new therapeutic areas such as Alzheimer's, cancer, and type II diabetes among others. In 1997, FDA issued a Federal Register notice acknowledging that the policy needed clarification and this amendment would do that.

Let me start with the issue of antibiotics and the need for new antibiotics to fight drug-resistant infections. Many of us have become more and more concerned that there is an alarming increase in the number of drug-resistant infections—many of them serious—and we are running out of treatment options.

My first chart is based on data from the Centers for Disease Control and Prevention and shows how resistant strains of infections have spread rapidly from 1980 to 2000. My colleagues, this is a very alarming trend and sadly, for all of us, the problem of resistance continues to grow.

A report many of us are familiar with, Bad Bugs, No Drugs, from the Infectious Diseases Society of America, IDSA, highlights the lack of R&D for new antibiotics.

Antibiotics are not profitable compared to medications that treat chronic conditions and lifestyle issues. Also, antibiotics are taken for short periods of time—unlike medications for chronic disease which may be taken daily.

And, when a new antibiotic comes on the market, it is discouraged from use to avoid the development of resistance. As a result, it is fair to say that major pharmaceutical companies have not been making significant investments in antibiotics.

Given that there are few, if any, antibiotics in the drug development pipeline, if Congress fails to act, we walk blindly into a future where we must fear basic infections we have long taken for granted are not a problem.

Medicine changed dramatically when penicillin was discovered and physicians had a tool to treat deadly infections.

Can any of my colleagues imagine life without penicillin? I am sorry to inform you, we are about there.

Over the years, many infections became resistant to penicillin, but we were OK—we moved on to the next antibiotic. We had methicillin—and now serious infections are resistant to that.

We should consider what the health professionals are telling us. Will we listen? We are taking antibiotics and our ability to treat bacterial infections for granted.

Infectious disease doctors from all over the country have been writing to their Senators to express their support for my amendment. They tell heartwrenching stories.

Dr. Helen Boucher, a physician at Tufts Medical Center in Boston, MA, wrote to tell Congress that patients are routinely lost "to infections caused by resistant bacteria for which we have few to no options. [They] recently lost two bone marrow transplant recipients who survived all the chemo but died of multiply-resistant gram negative infections. In both cases, [physicians] pulled an old antibiotic off the shelf and gave it as a last resort, knowing how toxic it was but having NO other options for these young people. . . ."

She wrote:

> As a doc and an American, it's horrifying to know that few to no companies are investing even in discovery of new antibiotics for these infections . . . just this week [she] was presented a case of a previously completely healthy 33 year-old lady who presented to the hospital in Boston with pneumonia and died within 6 hours from community-acquired MRSA. Her story and so many others that we see ALL the time, make the need for new and powerful options to treat these infections critical.

Community-acquired MRSA is an infection that was historically acquired while in the hospital, but now is impacting young, healthy people. We have heard stories of high school, college and professional athletes losing their lives or careers as a result of these infections. Sadly, this infection has become far too common, difficult to treat and has few options to fight it. It can leave individuals disfigured, if they survive.

In my own State of Utah, the number of children with MRSA infections at the Primary Children's Medical Center in Salt Lake City has dramatically increased since 1989.

Dr. Andy Pavia of Salt Lake City told me that he "cared for a 2 month old girl who developed MRSA pneumonia and almost died as a complication of an otherwise mild respiratory infection. She survived and will be going home to her parents, but only after 2 weeks of the most sophisticated intensive care and an additional 4 weeks of intravenous antibiotics."

Dr. Pavia went on to explain that the Primary Children's Medical Center sees the impact of resistant bacteria almost every day.

In fact, he wrote:

> Last week a two year old girl [who] was weeks away from being cured of Burkitt's lymphoma developed shock due to a bloodstream infection with a highly resistant strain of a gram-negative bacteria. Fortunately, the bacteria was sensitive to one remaining antibiotic. If it had been resistant, she would not have left the Pediatric ICU alive.

The doctor related that MRSA is an aggressive, difficult to treat, form of staph that has spread rapidly within communities. Half of the children he sees with severe MRSA infections acquired their infection at home.

This is a picture of Bryce, whose family tells a similar story. He had his first cold 2 days before Christmas. Before then, 14-month-old Bryce Smith had never been sick. At 2 a.m. on New Year's Day, his parents took him to the emergency room, where the seriousness of their son's condition became immediately apparent.

An X-ray showed that Bryce had pneumonia. A CT scan showed that his right lung was filled with fluid. Four hours after arriving at the ER, Bryce was scheduled for surgery. Doctors found that a methicillin-resistant staph infection had eaten a hole through his lung.

For the first 12 days that Bryce was in the hospital, the doctors didn't know whether he would live. Doctors battled to force air into the child's lungs, but as they told his mom, it was like trying to pump air into a brick.

Doctors prescribed high levels of antibiotics, including vancomycin, in a desperate battle to fight the infections. For 6 weeks, the child did not wake up. During Bryce's stay in the hospital, he has suffered from several additional infections. Bryce is doing much better now, he was released from the hospital, but he still must relearn how to walk. His recovery could take several months. As of April 2007, the Smiths' total bill for Bryce's care is just under $1 million.

Fortunately, the family's insurance does not have a ceiling on payments; otherwise, the Smiths say they would be in financial ruin. Bryce's ongoing care needs are decreasing, but he still has regular visits with the pulmonologist, nephrologist, and his pediatrician. He still tires out easily with exertion.

The fact that children acquire this infection at home is significant because we used to only worry about it in the hospital.

Last month, there were numerous articles about CDC's concern that cases of resistant gonorrhea have dramatically increased and respond to only one antibiotic.

There has been much concern over the past couple months related to extensively-drug resistant—XDR–TB. Right now, there is a man in Phoenix, AZ, whom authorities took action to isolate in order to avoid the spread of the deadly XDR–TB infection he had contracted while out of the country.

This comes in addition to the numerous reports of our soldiers coming home from Iraq with Acinetobactor—a resistant infection that is especially difficult to treat and the only option is a very toxic antibiotic.

One doctor we have heard from, in a local community, indicated he has seen two patients just this month with infections resistant to every antibiotic currently available.

That is becoming a common occurrence.

Infectious disease specialists can do little more than provide supportive care for those unfortunate patients. Without any new antibiotics in the pharmaceutical pipeline, there is no promise of a treatment for years to come.

Whatever we do to begin to address this serious concern, we can't hope to realize the benefit for more than a decade. Drug development takes time and money. Yet few companies are willing to invest either in the area of antibiotics.

I believe this chart shows that is the case. As you can see from this chart, the number of new antibacterial agents that have actually been approved is minimal. The market forces don't work well for antibiotics. When we cannot rely on the market, government has an obligation to step in.

The Hatch amendment focuses on incentives for research and development of antibiotics. Specifically, my amendment: Provides equitable treatment for so-called "old" antibiotics; promotes communication and education of current law orphan drug incentives by directing FDA to convene a public meeting to clarify what "bad bugs" may qualify for orphan designation; reauthorizes the Orphan Drug grants and contracts program which expired September 30, and requires FDA to establish, update and make publicly available information on antibiotic breakpoints. This is important to assure that the antibiotics we and our children take are effective against bacterial infections and minimize the progression of resistance.

Antimicrobial resistance is a public health crisis. In many ways, it is even bigger than drug safety, a point our colleague, Dr. COBURN, made at the HELP mark up.

This is an issue that touches not just the old or the young, but all Americans throughout every walk of life. Antibiotics are as precious a natural resource as water is to a vibrant and healthy community and, guess what, the creek is drying up. The Hatch amendment only takes the first steps to address these issues.

If we cannot work together on these more minor provisions, how will we truly combat antimicrobial resistance? What will we say to the children, soldiers, athletes, elderly and so many others that contract these deadly diseases which only years before were successfully treated with antibiotics? Are we really willing to walk away and leave nothing in our arsenal to fight these bad bugs?

I would like to turn my attention now to a provision in the Hatch amendment which encourages innovation in another area. This provision provides for 5-year exclusivity for enantiomers of previously approved racemic drugs in different therapeutic areas based on new data.

Enantiomers are mirror images of the same drug. You can think of them as left-handed and right-handed molecules. We now understand that, in some cases, these enantiomers have very different activity and safety profiles.

In simplest terms, imagine the biological target is a glove that fits one hand better than the other. When Hatch-Waxman was passed originally, we didn't contemplate the isolation of one enantiomer from an approved drug made up of a mixture of enantiomers and its development for a new use based on all new data.

But today that is exactly what is happening. Sponsors are finding new important uses for enantiomers of drugs previously approved as a mixture of enantiomers.

Where FDA is requiring all new data for approval of these single enantiomers and will not allow a company to rely on any of the data submitted in the original application for the mixture of enantiomers, these single enantiomers are effectively new chemical entities and should be entitled to 5-year exclusivity.

In 1997, in a Federal Register notice, FDA laid out the issue, acknowledging the lack of clarity in the law regarding 5-year exclusivity for enantiomers and the need to incentivize this type of development. FDA requested comments but never finalized a policy.

The Hatch amendment makes it clear that development of an enantiomer for new use in a new therapeutic area based on new data would qualify for 5-year exclusivity. However, in order to address the potential for abuse the revised provision limits 5-year exclusivity to approvals in a new therapeutic class.

As this chart states, innovation and development of enantiomers may provide treatments in cancer, Alzheimer's disease, type II diabetes. When it comes to FDA, we need to get it right.

I feel we have done a lot of good with this bill, and I voted for it in committee with the understanding the issues I raised on antibiotics and enantiomers would be addressed before we reached final passage. I am glad that, as of yesterday afternoon, we have worked out all remaining concerns and I believe the chairman's commitment at the markup has been honored.

I know that some were concerned about this amendment, specifically because its incentives provisions were fueled by exclusivity. With all due respect, I understand the importance of the generic drug industry. We spoke earlier about the need to get it right for follow-on biologics.

But we should listen to the public health associations, who understand the need to support innovation. Indeed, the Alliance for Aging Research, Infectious Diseases Society of America, National Organization of Rare Disorders, and Immune Deficiency Foundation are dedicated to advocating for patients and doctors and improving public health in this country, and they fully support this amendment in its entirety.

The Infectious Diseases Society of America represents doctors that see the threat of resistant bugs every day. They recognize the need for innovation in their therapeutic area.

This isn't different than 10 years ago when the American Academy of Pediatrics argued passionately for the need for innovation in pediatric research. Some may not remember that the generic drug industry opposed that provision saying that innovation was not necessary.

In contrast, I am pleased that we have achieved an agreement today that recognizes the need for this innovation in research involving antibiotics and enantiomers.

Ten years ago, Congress passed the last major piece of FDA legislation, the Food and Drug Administration Modernization Act, or FDAMA.

Those of us who were here then recall ever-so-vividly the infamous chart of the feet displayed with great effectiveness by our colleague Senator KENNEDY.

I hasten to say many have had recurring nightmares about the horror of these feet. The Senator and his very bright staff were ever-so-clever in their effective use of this chart. Today, I hope to have the same effect, although I do not wish to spawn a new generation of nightmares.

I submit to my colleagues, that if we had adequate antibiotics in development, we never would have had to look at these diseased feet. With passage of my amendment today, perhaps this chart can be relegated to the Russell attic forever.

In closing, I thank my colleagues for recognizing that antimicrobial resistance is not a brand issue or a generic issue. Effective treatment for Alzheimer's, cancer, or type II diabetes is not a brand issue or a generic issue. These are public health issues.

I urge my colleagues to take these issues seriously and appreciate that we have joined together and not let these serious concerns fall subject to politics as usual. These are growing problems and require attention before it is too late.

We need to make sure that innovation is encouraged in these areas and high scientific standards are maintained and the Hatch amendment does just that.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Ohio is recognized.

RULES GOVERNING THE FDA

Mr. BROWN. Today, we are likely to wrap up consideration of legislation that modifies the rules governing the FDA, an agency that oversees all of the medical products we use and most of the food we eat. FDA came into being about a century ago because Americans were being sold medicines that caused injury, that caused birth defects, that even caused death; and Americans were consuming food products that too often were not safe. Those kinds of medicines were being sold as cures, but they didn't cure anything.

FDA's first responsibility—first responsibility—is to safeguard the health of American consumers. But because the products under FDA's authority account for 25 cents out of every dollar U.S. consumers spend, there is a pull on the agency that has nothing to do with patient safety and everything to do with drugs, both brand name and generic, and medical device industry profits.

I remember a few years ago, when I served as ranking member of the Commerce Committee's Health Subcommittee in the House of Representatives, a representative from FDA started his testimony to us in front of that subcommittee by showing us a chart that tracked the U.S. drug industry's global market share.

As I told that representative, FDA is not the marketing arm of the drug industry. It is the patient safety arm of the Federal Government, to guarantee safe products for Americans who consume medicine, food, and the like.

But FDA's drug industry dog and pony show is emblematic of the key problem this bill is designed to address. FDA has strayed from its public health mission, and this legislation will help to get us back on track.

S. 1082 requires FDA and drugmakers to work together to assure the safety of medicines before and after a new drug is approved for marketing. It gives FDA more authority to prevent misleading drug ads and limit patient exposure to drug risks that may still be emerging.

S. 1082 is intended to realign FDA's actions with its public safety mission. While there are aspects of the bill that I wish were stronger, I believe S. 1082 will improve patient safety and ultimately the bill will save lives.

Chairman KENNEDY and Ranking Member ENZI, their staff members, and Ellie Dehoney on my staff, literally worked night and day on this legislation. Other Senators have been there right along with them working to incorporate other key consumer health and safety provisions into this bill.

As a result, this legislation will not only help us prevent drug safety crises, it will help prevent the exploitation of the "citizen petition" process, which delays access to lower priced medicines.

Prescription drug affordability is a patient safety issue. What medicines cost determines who can afford them and who must forego them. That is a patient safety issue.

Thanks to the hard work of Senators HATCH and STABENOW, among others, this bill also responds to the problem of antibiotic resistance. It takes steps to spur innovation and reduce costs in that market.

Thanks to the hard work of Senators DODD, CLINTON, and others, this bill will help ensure children receive the right medicine at the right dosage and that they can benefit from medical devices tailored to their special needs.

S. 1082 is an important bill, and it will be a better bill if this body passes the Dorgan amendment to enable the safe importation of prescription drugs and rejects Senator COCHRAN's amendment to prevent safe reimportation.

Consumers are importing prescription drugs today. Seniors in Ohio are taking bus trips to Canada to buy their prescriptions in Windsor. It is happening in border States throughout our country because our country pays the highest prices in the world for prescription drugs.

Our Government isn't doing anything about that. Too many members of Congress—House and Senate—are, frankly, too involved and too influenced by big drug companies. So American consumers are now taking matters into their own hands. American consumers are importing prescription drugs today. We can help them do it safely or we can turn our backs and simply wish them well. This Senate, and the House, for too many years, along with this President, have turned our backs and wished them well.

It is time for something different. Let's help our citizens import prescription drugs safely. Vote for Senator DORGAN's drug safety initiative and vote against Senator COCHRAN's poison pill.

I yield the floor, and I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. We have 18 minutes remaining. I yield myself 9 minutes.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENTS TO THE FOOD AND DRUG ADMINISTRATION REVITALIZATION ACT

Mr. GRASSLEY. Mr. President, there are two amendments I am going to bring up on the bill that will be before the Senate. Amendment No. 1039, which Senators MIKULSKI and BROWN will also be cosponsoring, provides for joint postmarketing decisionmaking between two offices within the FDA—the Office of Surveillance and Epidemiology and the Office of New Drugs. These offices would address jointly postmarketing drug safety issues.

This postmarketing decisionmaking is intended to include labeling changes requiring additional postmarketing studies and restrictions on distribution and use of drugs. The joint decisionmaking would give the Office of Surveillance and Epidemiology signoff authority. This is different than its present role of being a mere consultant to the Office of New Drugs.

It is very important to understand that the core of this amendment was recommended by the Institute of Medicine last fall.

The other amendment is amendment No. 998, which Senator DODD will also be cosponsoring. It provides for the application of stronger civil penalties for noncompliance with approved risk evaluation.

Currently, S. 1082 contains penalties that are insignificant for large companies and amount to nothing more than the cost of doing business. This amendment is intended to give the FDA, the watchdog, some bite along with its bark.

Big PhRMA doesn't like my amendments because they shake up the status quo. The status quo includes FDA's debacle, such as Vioxx and the failure of FDA to notify doctors and parents of potentially tragic effects of antidepressants on children.

These amendments would make postmarketing safety concerns a forethought rather than an afterthought at the FDA. These amendments are intended to establish greater accountability, break the stronghold big PhRMA has on the FDA, and make postmarketing safety a meaningful effort at the agency.

Today, through my amendments, I hope to help Senator KENNEDY and Senator ENZI finish a very good job they started through the HELP Committee. S. 1082 is a first step in setting a new direction for the safety of prescription drugs. As I said the week before last, I am heartened by the fact that this bill attempts to address some of the many failures I have exposed over the last 3 years at the FDA, failures that negatively affect the core mission of the FDA. For the first time in almost a decade, we have an opportunity to reform, improve, and reestablish the FDA as what it should be: the gold standard of drug safety.

The bills Senator DODD and I have introduced in the past were intended to enhance drug and device safety and to bring transparency. Over the past two Congresses, I have worked with Senator DODD on these bills. One of these bills asks for the creation of a new center devoted solely to postmarketing drug safety, a center that would bow to no one but the American consumer, a center that would be an independent voice for consumers, a center that would reside in the FDA and decide what to do and when to do it when an unexpected safety risk arises from a drug.

There is strong opposition to such a center, I found. This is the case even though scientists and epidemiologists working in the FDA, as well as independent thought leaders, believe the Food and Drug Administration Safety Act of 2007 would prevent another Vioxx debacle.

The HELP Committee incorporated certain aspects of Grassley-Dodd and Dodd-Grassley bills in the bill before us, and I thank Senator KENNEDY and Senator ENZI for doing that.

During floor debates, I have seen agreements and long-term commitments fall through. It is clear to me S. 1082 will never include a separate center for postmarketing safety. The way the process works will not allow a new center to be created in the FDA. That is very unfortunate. It is particularly unfortunate for our consumers. Senator DODD and I concluded a new independent center was the best way to ensure postmarketing drug safety. But, again, there is strong opposition to such a center, despite the fact that it is the right thing to do.

The wheeling and dealing and lobbying on this bill have made it impossible for a new postmarketing center to become a reality. So instead, I am here to offer a lesser amendment. It is lesser because it is not the best we can do. I know we can do better. Amendment No. 1039 has its roots in the Institute of Medicine recommendations and should be embraced by every Member. Specifically, the Institute of Medicine stated in its report:

> The committee recommends that CDER appoint an OSE staff member to each new drug application review team and assign joint authority to OND and OSE for the postapproval regulatory actions related to safety.

Two members of the Institute of Medicine committee which issued the report reiterated recommendations in an article published last week in the Journal of the American Medical Association. In particular, they stated:

> The Institute of Medicine identified the imbalance in authority between the Office of New Drugs and the Office of Surveillance and Epidemiology as a major weakness in the drug safety system. In an effort to facilitate a collaborative and constructive team approach, the Institute of Medicine recommended joint authority for the Office of New Drugs and Office of Surveillance and Epidemiology in the postapproval setting.

These experts noted that the FDA's response to the Institute of Medicine's recommendations "represent incremental progress" but suggest that the

FDA failed to embrace, among other things, "the equality between the preapproval and postapproval activity of the agency."

Having equality between the preapproval and postapproval activities at the FDA is fundamental to real reform. It is common sense. This is especially true when we think about what we have learned from the operation of the FDA over the past few years and those shortcomings.

As we debate this bill, we are going to hear a lot about the impressive Institute of Medicine study and its recommendations to improve the FDA. We have and will continue to hear Members talk about how S. 1082 addresses many of the Institute of Medicine's recommendations. However, this is one important and sweeping recommendation that is not addressed in the bill before us.

Amendment No. 1039 is intended to address that shortcoming. I have seen time and again in my investigations that serious adverse effects that emerge after a drug is on the market do not necessarily get the prompt attention they deserve. They are certainly not getting the attention from the Office of New Drugs.

Even the Government Accountability Office report entitled, "Improvement Needed in FDA's Postmarket Decision-making and Oversight Process," stated:

> FDA lacks clear and effective processes for making decisions about, and providing management oversight of, postmarket safety issues.

I, for one, have seen too many people suffer from the results of the Vioxx mess. I also have heard from parents whose children committed suicide on antidepressants.

This amendment is about making postmarketing safety in S. 1082 a reality, not just another byline. Identifying a safety issue after a drug is on the market is the beginning of the process of protecting the American consumer.

Once the safety questions are identified, FDA needs to be empowered and willing to take action to address those questions and to ensure timely notice to doctors and consumers of new safety risks for drugs that they are already taking.

Senator ENZI stated last Monday that with Vioxx, the Food and Drug Administration did not have enough tools to deal with the new risks that became evident only after Vioxx had been on the market for some time.

But the problem with the Vioxx mess and the antidepressant mess wasn't only about having enough tools, it was about FDA managers disregarding the concerns raised by its own scientists in the Office of Surveillance and Epidemiology and not taking action in a timely manner.

Amendment No. 1039, which is in the Institute of Medicine recommendations, is intended to curb delays when it comes to safety.

I have also been told by scientists and epidemiologists working in the FDA, as well as independent thought leaders, that S. 1082 as it stands will not prevent another Vioxx debacle.

They have told me that the Office of Surveillance and Epidemiology needs, at the minimum, joint postmarketing decisionmaking authority with the Office of New Drugs to ensure prompt postmarketing action.

I also am afraid to say, that right now, I am at the beginning of another review that will likely lead to concerns similar to those we have seen in the past—a situation where the postmarketing adverse events are severe and the public knows nothing.

The other amendment I want to talk about, amendment No. 998, is just plain common sense.

For FDA's new authorities to be meaningful, there has to be strong civil monetary penalties.

I hear that there is a lot of opposition to having stronger civil monetary penalties than those currently in S. 1082. But that just does not make sense to me.

Over the last week I have heard members talk about giving FDA some bite. Well, let's add some teeth.

Civil monetary penalties need to be more than the cost of doing business.

If civil monetary penalties are nothing more that the cost of doing business, you can't change behavior and, more importantly, you can't deter intentional bad behavior.

Amendment No. 998 would increase the penalties that can be imposed if companies fail to comply with the requirements of the "risk evaluation and management strategies," such as labeling changes and requirements for postapproval studies or risk communication plans.

These requirements are at the core of S. 1082. But, FDA cannot be an effective regulator if it's all bark and no bite.

The last thing we need to do with this bill is to provide the FDA with new authorities but little enforcement capacity. That's not accountability and that won't help FDA do its job better for the American people, and it won't punish bad players.

That is why amendment Nos. 1039 and 998 make sense.

They fit into S. 1082 and its stated goal of promoting postmarketing safety.

I again thank Senators KENNEDY and ENZI for the tremendous efforts that went into bringing this bill to the floor, and I again thank them for incorporating a number of the provisions set forth in the two bills filed by Senator DODD and me.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, I understand there is a time allocation; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Could the President tell us the time allocation remaining?

The PRESIDING OFFICER. The Republicans have 9 minutes remaining and the majority has 35 minutes.

Mr. KENNEDY. I note that the Senator from Maine was on the floor before I came down, and I know there are other Senators, Senator ROBERTS being one, who wanted to speak, and I think Senator BURR. We also have a number on our side.

My ranking member is here, and I imagine he will allocate the time on his side. I am glad to have the good Senator from Maine go ahead. I understand there are 9 minutes in total on her side.

Mr. President, I ask unanimous consent that I be allowed to follow her.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORTATION OF PRESCRIPTION DRUGS

Ms. SNOWE. Mr. President, I thank the Senator from Massachusetts for his courtesy and for his cosponsorship of this initiative. I, obviously, want to also thank the sponsor of this legislation, with whom I am privileged to join, the Senator from North Dakota, who has demonstrated leadership for the last decade on this initiative which is so crucial to the American consumer.

I rise to speak today on behalf of the Dorgan-Snowe amendment regarding drug importation. I know the Senator from Mississippi, Mr. COCHRAN, has offered a second-degree amendment to require the Secretary of Health and Human Services certify both the savings and safety of drug importation. Obviously, there is concern for the safety of the American people. It is one that I appreciate strongly. It must be our highest priority. But we have been at this juncture before with respect to drug importation.

As I mentioned earlier, twice before we have seen the Congress adopt a requirement for the Secretary to certify safety and savings before implementing a program of prescription drug importation, and not a single prescription drug was imported under either the MEDS Act of 2000 or the Medicare Modernization Act of 2003. Americans deserve access to affordable medications, and that access must be safe, but it is not made so by simply certifying with respect to drug importation. As I said, twice before we have been through this—in 2000, and of course in the Medicare Modernization Act of 2003 under the prescription drug benefit for the Part D Program.

Many who are in the Senate today supported a certification requirement in good faith, recognizing that the Secretary of Health and Human Services would certify the safety upon reviewing and evaluating circumstances, but that has not occurred. Most would not think such a certification would block Americans from legally importing medications. That is because for years we have seen our constituents—and certainly those from my State of Maine—using Canadian pharmacies, and both the safety and savings were indisputable. Yet certification did not arrive.

As a result, the former Secretary of Health and Human Services, Secretary Shalala, declined to make the certification with respect to the MEDS Act, and we know she did so because of three specific flaws in the law, each of which this legislation addresses.

After the passage of the Medicare Modernization Act, which included the prescription drug program, we saw that former Secretary Thompson could not certify importation. The fact is, it is patently unfair to ask the Secretary to make such a certification, especially as to safety. That is because you must give the Secretary the resources and the authority to implement measures to make prescription drugs and their distribution as safe as possible.

So it comes as no surprise that given no standards, no authority, and no resources, we have failed to see a Secretary provide certification over the last 7 years. Secretary Thompson understood this well. He said it simply:

> The law is this: In order to import drugs from any country, and especially Canada, I have to certify that all those drugs are safe. That is an impossible thing. If Congress wants to import drugs, they should take that provision out.

The certification of savings is no less of a red herring. In fact, it has become a persistent roadblock every time we have passed certification to allow drug importation by the Secretary of Health and Human Services. Without a doubt, Americans would not purchase imported medications if substantial savings were not being realized. Indeed, the Congressional Budget Office has told us the countries from which we would import under this bill pay 35 to 55 percent less for brand prescription drugs and that we can realize a drug savings alone of $50 billion over 10 years. It should be patently obvious the savings part of certifying importation is a nonissue.

In fact, the Congressional Budget Office has confirmed those savings again, estimating that in addition to consumer savings, the Federal Government would save $10.6 billion—including the Medicare and Medicaid Programs that would achieve indisputable savings. Every cent of that savings, the CBO estimates, will be lost if the Cochran amendment is adopted because, as we all know, there would be no legal importation.

The savings are clear. Yet the advocates of certification continue to insist certification is critical—particularly regarding safety. Yet what is needed is not a certification requirement, which simply is a stamp on the status quo, but real action to assure the safety of prescription drugs.

By way of analogy, I would like to know where we would be if we applied this simple certification approach to other areas. Consider air travel. Americans embark on thousands of flights every day, but the travel of millions is not dependent on certifying the status quo. We rely on regulation and oversight of the aircraft that fly and their maintenance—of the individuals who crew, service, and direct those aircraft—of every critical aspect of aviation. If we were waiting for the FAA and its international partners to simply say flying is safe rather than acting to make it safe, we simply wouldn't have commercial air travel.

I note that last week, as the Senate discussed problems with both the drug and food safety, I did not hear my colleagues suggest FDA certify that imported food is safe. We, instead, spoke about measures to make it so. That points to what this amendment is about—not ensuring safety but blocking fair access to imports for Americans.

The fact is, Americans simply cannot see why it is that they cannot be provided a safe and effective system, which is exactly what the Dorgan-Snowe amendment does and what this legislation has been drafted to accomplish year in and year out. We have taken every conceivable concern regarding safety and incorporated it in this legislation.

As you can see on this chart, we incorporate 31 provisions. Compare that to the Medicare Modernization Act, which included the Part D prescription drug program for seniors, that included only six safety-related provisions. We included 31 different provisions. That is crucial to understanding that this sets up a system that will allow FDA inspectors to approve registered prescription drugs imported from other countries—in fact, countries that meet or exceed our standards. Compare that, for example, to the fact that the FDA approves manufacturing facilities in other countries that actually have lower standards than our country does. We allow medications to be manufactured in other countries with lower standards than what we have. Yet we are now saying we will not allow importations of medications from countries that meet or exceed our standards.

At a time in which American consumers are paying 35 to 55 percent more for drugs than foreign consumers—in fact, paying the highest prices in the world—this amounts to $99 billion more than the foreign consumers. That is what Americans pay today. Some would say: Oh, that affects research and development. Well, no, not exactly. In fact, the pharmaceutical industry spends about 10 percent of that $99 billion. So about $10 billion in research and development more than they do in Europe. So we are not seeing the increase in prices that Americans pay being channeled into more research and development. It simply is not the case.

What this does say is that American consumers are paying more than anyone else in the world. Not only are they paying more for their drugs, but American taxpayers are underwriting the research and development, as we have seen obviously with the National Institutes of Health. The taxpayer understands how important it is that the Federal Government remain on the vanguard of research and development of life-threatening medications, and not only are they paying for the research and development that benefits foreign consumers, who are paying 35 to 55 percent less, but they are also paying the highest prices in the world.

That is why this legislation allowing for drug importation is so essential. We have addressed every safety concern. We create a regime for tracking the shipments, creating a pedigree, creating a history with FDA approval—inspected and registered. So I would urge the Members of the Senate to defeat this certification amendment and to support the Dorgan-Snowe amendment. I think we have achieved a milestone moment in the Senate, where we have finally recognized and acknowledged that the day has come to allow Americans to take advantage of more competitive prices than have been available to them before.

I yield the floor.

ORDER OF PROCEDURE

Mr. KENNEDY. Mr. President, we will speak as in morning business for 10 minutes and if the Chair would let me know when I have a minute left.

Mr. DORGAN. Mr. President, reserving the right to object, and I certainly would not object, but I want to understand the time. We have a vote at 4 o'clock, I believe, which is already ordered. Would the President tell me what the time is between the two parties, how it is divided and who controls time at this point?

The PRESIDING OFFICER. The time for morning business has been equally divided until 4 o'clock. The Republicans have no time remaining, and the majority has 33 minutes.

Mr. DORGAN. Senator KENNEDY is asking for 10 minutes in morning business?

The PRESIDING OFFICER. Senators are permitted to speak for 10 minutes.

Mr. DORGAN. Might I ask to follow Senator KENNEDY in morning business for 10 minutes?

Mr. ROBERTS. Mr. President, reserving the right to object, if that is where we are.

Mr. KENNEDY. Mr. President, could I have the attention of Members. I understand the good Senator from Kansas wanted to make a brief statement about the terrible tragedies that have affected his State, and I see my friend from Vermont is here, so if he were to take 10 minutes, we would still have 10 minutes.

Mr. SANDERS. Ten minutes would be fine.

Mr. KENNEDY. I am wondering if Senator SANDERS would be willing to take 6 minutes and let Senator ROBERTS have 4 to talk about the tragedies in his State. He mentioned this earlier to me, and I didn't think we would have this time dilemma. Would that be acceptable?

Mr. SANDERS. Yes.

Mr. ROBERTS. I could not hear the amount of time I might be permitted.

Mr. KENNEDY. We have the whole 30 minutes, but the Senator from Vermont has said that, of his 10 minutes, he would be glad to yield to you 4 minutes, and then he will take 6 minutes. Would that be agreeable?

Mr. ROBERTS. If I could plead with the Senator for 5 minutes?

Mr. SANDERS. Yes.

Mr. ROBERTS. I thank the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will yield 1 minute of my time to Senator SANDERS.

Mr. SANDERS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

DRUG SAFETY

Mr. KENNEDY. Mr. President, hopefully during this afternoon we will have a chance to move irrevocably toward bringing the FDA into the 21st century, in terms of safety and security for American families. We do that with our primary focus making sure that in this time of the life sciences, the extraordinary breakthroughs we are seeing every single day, that the Food and Drug Administration is going to bring those new opportunities to American families but do it safely and do it efficaciously and do it in a way which is going to ensure that every family in America is going to have safe prescription drugs and safe products over which the FDA has jurisdiction.

I thank my friend from Wyoming for all his good work. We are going to have a series of three votes, and then we may very well set a pathway, hopefully, toward a successful conclusion of this legislation. He and I are both eager to see this legislation in the conference to work out, with the House of Representatives, the points of difference with the House. We are also eager to work out the extremely important area of the follow-on biologics. It is an enormously important area of public health, and it is going to demand a great deal of time and careful attention to make sure we get that issue correct.

It is important to not fail the American people but to see progress made in addressing this issue. The only way we can do it is make sure we get legislation that is going to pass the Senate, pass the House of Representatives, and move into conference. We are strongly committed to doing that.

I commend our colleagues for all their good work and assistance. We had a rigorous markup in our committee for several hours. There were a number of different amendments. We have addressed the issue of food safety with the Durbin amendment. This issue has been on the front pages all over this country and all over the world, particularly with regard to pet food as well as food safety generally. This legislation will go a long way toward giving assurances to American families that all of our food products are going to be safe and secure.

There are other provisions such as developing a nonprofit foundation so we can draw from the private sector and the public sector to make sure that agency is going to have the best of new techniques and new modalities, and to try to make sure the products that are before the Agency are going to be safe and secure and available as fast as possible. There will be a new emphasis in terms of science and also, as my friend from Wyoming points out, a toolbox that will be available to the FDA in order to ensure that we can get drugs more rapidly to the consumer but make sure they will be safer for American families, using the best of new technology, information technology, to make sure they are going to be more safe.

I am enormously appreciative of the work of my friend from North Dakota, Senator DORGAN, on the issue of cost and price. Part of this is making sure we are going to have drugs that will be safe, but we also want to make them accessible and available. I commend him and all those who have been a part of this process. This is certainly an aspect of the prescription drug issue that we should constantly address.

I thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me on the important issue of DTC, direct-to-consumer advertising. We have accomplished our common goal of a constitutionally sound, effective, workable way to make sure that DTC ads provide accurate information to patients about the drugs they are taking. This amendment strikes the moratorium on DTC ads that had given rise to Constitutional concerns, and I think we have a very solid resolution. I wish to thank Senators STABENOW, BROWN, LOTT, THUNE, COBURN and HATCH for reaching agreement on the difficult issue of citizens petitions. Their amendment prohibits the abuse of the citizens petition process, a process that led to unwarranted delays in the approval process of FDA drugs, while making certain the FDA can review issues that have merit. The list also includes a novel proposal from Senator BROWNBACK and Senator BROWN to encourage the development of new therapies for neglected diseases. Under this innovative and thoughtful proposal, companies that have developed new treatments or vaccines for tropical diseases will receive a credit entitling them to a priority review at FDA for a product of their choosing. The proposal will not raise costs to consumers nor will it change safety standards. It is a very solid, imaginative, and creative approach. I commend Senator HATCH for his amendment on antibiotics, as well Senators BROWN, BURR, STABENOW and others for contributing important proposals to this amendment.

The amendment strikes the right balance between innovation and access, and closes a loophole that eliminated the incentives to bring old but never approved antibiotics to market.

If there were more time, I would describe other amendments on the list, but I simply wish to thank all our colleagues. This issue is a matter of enormous importance and incredible consequence to the safety and security of the American consumer. This legislation brings the FDA into the 21st century. I commend my friend and colleague Senator ENZI for all his work. Most of all, I want to thank our staffs. They have been tireless, over this past week, on a variety of different amendments and prior to that time as we worked our way to the floor of the Senate.

This is a very comprehensive bill. It is enormously important. We believe it will help in providing greater safety for American families, greater innovativeness in terms of breakthrough drugs and in terms of food safety, and greater opportunities for the FDA to have the best science there is.

Mr. President, whatever remaining time that I have, I yield it to the Senator from Vermont.

I yield the floor.

Mr. DORGAN. Mr. President, I will allow the Senator from Kansas, if he would prefer, to proceed for his 5 minutes, asking that I be recognized for 10 minutes following his presentation.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator. I thank the distinguished Senator from Vermont for allowing me to speak.

DISASTER IN GREENSBURG, KANSAS

Mr. ROBERTS. My colleagues, last Friday evening the town of Greensburg, KS, was literally wiped off the map by an enormous, mile-and-a-half, level 5 tornado. As a result of this and storms associated with the system, 12 Kansans are confirmed dead—and I fear that number may still rise—and all of the 1,500 residents of Greensburg have been displaced.

What we have experienced in Greensburg is unlike any other event in recent Kansas history. The hospital is gone. The schools are gone. Every church is gone. Virtually every business in the community is gone, including all of Main Street. Estimates are that fully 95 percent of the structures in the town are damaged and destroyed.

But this is not all. Even as cleanup is starting, more storms continue to pound our State. Flooding and strong storms continue to compound the problem.

Too often, while government does not communicate and work well as partners in times of need and emergency, sometimes we could double that for Congress. However, this weekend my fellow Kansas Congressman and the Governor of Kansas and I all toured the devastated town of Greensburg. We were accompanied by our State's top-notch emergency officials. I spoke extensively with all levels of FEMA, in an effort to make sure they had everything they needed to move into place, and I talked to President Bush to give him a personal update from a McDonald's in Pratt, KS. Let me tell you, there is nothing quite like speaking to the President of the United States from a phonebooth in a local McDonald's to let the surrounding residents know their Government does mean business.

The President has been very supportive. We have been notified by the White House that he will be making a trip to Kansas to personally view the damage and visit with the people of Greensburg. The credit for this not only falls on Federal shoulders but those of our National Guard, all of the first responders, Red Cross, and many volunteers who, along with President Bush and the FEMA team and our State officials, are now working 24/7 to make it possible for the residents of Greensburg to rebuild and return home.

I stood here this winter, following a blizzard that buried much of western Kansas, and proclaimed the resiliency of Kansans, our willingness to help each other and our sheer determination when faced with great odds. That determination is being tested again, but I have no doubt in the coming days and weeks and months that the story of Greensburg will progress from one of horrible tragedy to one of optimism and hope for the future as we help one another rebuild, one brick at a time. It may be possible, indeed likely, that as we move forward, we may need additional emergency assistance or legislation from Congress to assist the residents of the town that no longer exists. I put our Senate leadership and all our colleagues on notice today that we will likely be coming to you with any requests for assistance to rebuild this Kansas community.

DRUG ADVERTISING

Mr. ROBERTS. Mr. President, I thank Chairman KENNEDY, Ranking Member ENZI and all of my colleagues for accepting my amendment to improve the drug advertisement provisions included in S. 1082, the Food and Drug Administration Revitalization Act.

My amendment, replaces the drug advertisement provisions in the underlying bill with what I believe is a more commonsense approach to dealing with prescription drug advertisements.

During the markup of this bill in the HELP Committee a few weeks ago, the chairman and Ranking Member ENZI committed to working with me to address my concerns on this issue. This amendment represents the result of our efforts to achieve an outcome that is acceptable to all of us.

I also want to thank Senators HARKIN, BURR, and COBURN for their leadership on this issue and for cosponsoring my amendment.

Chairman KENNEDY and Ranking Member ENZI, I want to say that I truly appreciate the hard work you both have done in putting together this bill. I know you and your staff have put in many long months of work to get us to this point.

I specifically want to thank David Bowen of Chairman KENNEDY's staff and Amy Muhlberg of Senator ENZI's staff for working so closely with me and my office on finding a resolution on the drug advertising issue. David and Amy, I appreciate your commitment and professionalism in helping us to achieve this compromise.

While I strongly support the goals of this legislation to ensure drug safety and to renew some very important prescription drug and medical device programs, I have serious concerns with provisions in the underlying bill regarding drug advertising. I believe these provisions would infringe on our first amendment rights to free speech.

Of most concern to me is a provision in the underlying bill to give the Secretary the discretion to institute a 2-year ban on advertising for new drugs and related restrictions on drug advertising.

As a former editor and reporter for several newspapers, I feel that these provisions violate the first amendment and would do nothing to address concerns that have been expressed with drug advertising. Instead, we would have a situation where the Secretary would become the editor for all prescription drug advertisements and could ban drug advertising for up to 2 years.

This would certainly put us on a slippery slope to restricting advertisements in other industries, and I don't think that is a responsible approach.

The freedom that is guaranteed to us under the first amendment demands that we carefully consider any proposal that would impose a ban or other limitation on speech. The first amendment says, "Congress shall make no law . . . abridging the freedom of speech . . . ." For more than three decades, this protection has been extended to speech in the form of advertising, or commercial speech.

The U.S. Supreme Court has set down an explicit four-part test—known as the Central Hudson test—to determine if a speech restriction violates the first amendment.

I believe the advertising provisions in the underlying bill fail the key parts of that test and my view is supported by constitutional experts, including the American Civil Liberties Union—ACLU, the Washington Legal Foundation and several other constitutional experts.

However, I understand that there are strong concerns with drug advertising. I agree that we have a legitimate interest in ensuring these advertisements are not false or misleading. This is why my amendment takes a reasonable and commonsense approach to deal with drug advertisements.

My amendment stresses the importance of assuring that advertising is accurate and balanced and recognizes that companies should be held accountable if their ads are false or misleading.

My amendment strikes the 2-year moratorium on advertising in the underlying bill and instead allows the Secretary to assess civil monetary penalties—up to $150,000 for the first violation and $300,000 for subsequent violations—on drug companies that produce false or misleading ads.

This will ensure that patients will know truthful and accurate information about new prescription medications in a timely manner, rather than having to wait until 2 years after their arrival in the marketplace.

My amendment also allows the Secretary to require the disclosure of a serious risk or date of approval of the drug in the advertisement if he or she believes the ad would be false or misleading without the disclosures.

My amendment requires that major statements about a drug's side effects, contraindications and effectiveness in television or radio ads be presented in a clear and conspicuous manner so as not to mislead the public.

My amendment also does not change the current language in the underlying bill which allows the Secretary to review direct-to-consumer ads before a drug company disseminates these ads to the public.

This will allow the FDA to comment and provide constructive feedback to companies to ensure their ads are appropriate and not misleading. Many companies are already submitting their ads to the FDA for review.

Truthful and accurate prescription drug ads do provide a benefit to the public. Research has shown that people are more likely to go to the doctor, ask thoughtful questions and discuss sensitive health issues with their doctors as a result of DTC ads.

My amendment ensures these positive aspects of advertising will continue, but also gives the FDA the tools they need to protect the public from false or misleading prescription drug ads.

The agreement that was accepted today is a fair compromise that addresses the concerns of all of the Members involved.

Again, I thank the chairman and Ranking Member ENZI for their efforts to work on this important issue, and I thank all of my colleagues for accepting my amendment.

I ask unanimous consent to add Senator WEBB as a cosponsor of the Drug Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG IMPORTATION

Mr. DORGAN. Mr. President, if and when we pass the underlying bill, we will have advanced this country's interests, I believe. But if we pass this bill by adding the Cochran amendment, which effectively kills the underlying amendment on which we have now voted cloture last Thursday, dealing with the safe importation of FDA-approved drugs at a much lower price—if we kill that by agreeing to the Cochran amendment, we will have substantially diminished the opportunity to provide for drug safety. That is a fact.

The underlying bill doesn't have in it what we have in the Dorgan-Snowe amendment, for which we have 33 cosponsors. We have pedigree requirements. We have serial requirements to be written on the pill bottles. We have anticounterfeiting measures. We have addressed all of those issues in the amendment. None of those requirements exist today, and none of those will exist with the domestic drug supply or with imported drugs when this legislation passes.

The only way those provisions will exist is if we defeat the Cochran amendment and then pass the amendment that we have offered, allowing for the safe reimportation of prescription drugs, because we put the safety provisions in our amendment.

Mr. President, let me ask unanimous consent to show once again two bottles of Lipitor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is a prescription drug made in Ireland. It is made in Ireland. It is called Lipitor. It is for the reduction of cholesterol. It lowers your cholesterol—the same pill, put in the same bottle, made by the same company, made in the same FDA-approved plant. It has only one difference—only one. That is, this one costs twice as much. Why? Because this one was sent to Canada and this was sent to the United States. The U.S. consumer is told: Congratulations, you get to pay twice as much for the prescription drug.

But that is not unusual. It is happening all the time.

Let's talk about counterfeiting. This is a $20 bill. This is a new $20 bill, you know, the ones we brag about, the ones the mint has press conferences about. We have all kinds of technology in this $20 bill to prevent and prohibit counterfeiters from reproducing this $20 bill.

We can build a technology in a $20 bill to prevent counterfeiting, but we can't do it for medicine? Are you kidding me? What we have provided in this amendment is a series of steps: complete pedigree, serial numbers, RFID technology and anticounterfeiting measures. We can do it for a $20 bill but not for a bottle of medicine? Don't believe it.

We are going to vote at 4 o'clock. The question is going to be: Will the pharmaceutical industry have their way once again, as they have so often?

Let me make a point that is important. The Cochran amendment is already law. It was passed in 2003—in 2003. It already exists in law. The result is the Secretary of Health and Human Services says it can't be implemented because I can't certify there is no risk. The fact is the Secretary can't certify there is no risk with any new drug. He couldn't certify there is no risk with spinach coming from Mexico or strawberries coming from any other country. He couldn't certify there is no risk with any food product being imported. They can't certify there is no risk with the domestic drug supply. In fact, the domestic drug supply, without our amendment, will be dramatically less safe because you will not have the protections we put in this amendment.

The pharmaceutical industry has never wanted them, and the underlying bill doesn't include them. It doesn't include the anticounterfeiting provisions. It doesn't include the pedigree, the serial requirement on the individual bottles to track back. It does not include that. That is a fact.

So don't vote for the Cochran amendment and then tell people you want to allow Americans to import FDA-approved, lower priced drugs. The question is this: Should the American people be paying the highest prices in the world for prescription drugs? The answer is, no; it is not fair.

Why should that be the case, that we should pay the highest prices in the world? So we have put together a piece of legislation—bipartisan, people on both sides of the aisle, 33 cosponsors. Then we are told, well, it is unsafe to do this. It is unsafe.

That is nonsense. It is not unsafe. Europe has done it for 20 years. Europe can do it, but we can't do it? It gives consumers the opportunity to take advantage of the global marketplace.

We are talking about FDA-approved drugs, made in FDA-approved plants, sold all over the world with one difference—price. The American consumers are told they have to pay the highest price. Dr. David Kessler is the expert on this, in my judgment. He was FDA Commissioner for 8 years, the head of the Food and Drug Administration. The Dorgan-Snowe bill "provides a sound framework for assuring that imported drugs are safe and effective."

Safe and effective. End of story, in my judgment. I understand the pharmaceutical industry does not want this. I understand that. They want to control prices. Yes, we have price controls in America, not Government price controls but price controls by the pharmaceutical industry.

It is the only industrialized country in the world that I am aware of that says to the drug industry: Price it as you wish. It doesn't matter. You just price it as you wish.

Well, what they have done—I had a hearing. Here is what they told me. They price at the level they price prescription drugs in this country because they can. Because they can. That might sound OK for the bottom line, but what does it mean for the person walking into the grocery store tonight in a small town in the Midwest who does not have much money and has to decide—the pharmacy is at the back of the store—I better go buy the prescription drugs the doctor says I need first to find out how much money I have left for groceries?

It goes on all the time. Many of us believe, Republicans and Democrats, we ought to at least open the global marketplace for consumers to be able to pursue those FDA-approved drugs, made in FDA-approved plants, at lower prices, the prices at which they are sold in virtually every other country in the world. This is unfair to the American consumer. That is the point.

Interestingly, there was a long description of counterfeit drugs in the New York Times this weekend. None of that would be available to report, in my judgment, because it would not have happened if we had had the provisions, the safety provisions we have in the Dorgan-Snowe amendment.

The fact is, you would not have danger in the drug supply because you would have much more money going to the FDA for the purpose of making certain the drug supply is safe. I am not just talking about the imported drugs, I am talking about a drug supply sold in this country, produced here and sold here. The lack of serial numbers, the lack of a pedigree, the lack of effective anticounterfeiting technology, the lack of resources to go after RFID technology, all of that is lacking in the underlying bill.

It is not in the bill. The only way it is going to get there is if we are willing to defeat the Cochran amendment and to pass the amendment I have offered along with many of my colleagues. This is not a new issue. We have come to this issue on many occasions in the past. Each and every time the pharmaceutical industry has been able to trump us with votes on the floor of the Senate or the House. I hope—first I wish, second I hope, and finally I expect, that one of these days we will be able to prevail. One of these days we may be able to win this debate. Maybe it is today at 4 o'clock. I hope so.

Some say, well, there will be no savings with your amendment. Well, the Congressional Budget Office says it is $50 billion in 10 years—$50 billion. Is that a savings? It seems to me it is. Some say, well, this would be unsafe. You cannot prevent counterfeits from coming in.

Once again, we have all of this technology to prevent somebody from counterfeiting a twenty-dollar bill, but we cannot with respect to medicine? Of course we can.

Europe has done it for 20 years in a manner that is safe, but we cannot because we are not as smart as they are. Nonsense. Finally, at last, at long last, I hope this Senate will stand up to the pharmaceutical industry and say this: You are a good industry. We appreciate what you do. We like lifesavings drugs. But lifesavings drugs save no lives if you cannot afford to take them. We do not support your pricing policy. We believe a pricing policy that says to the American consumer: You pay the highest prices in the world, we believe that pricing policy is wrong and you have to change it. That is what I hope the message will be in this Chamber this afternoon.

It is past the time, long past the time, in my judgment, for this Congress to stand up on these issues.

In this case, let's stand up on the side of the American people who have been denied their right to participate in the global economy, to access a safe supply of drugs, FDA-approved, when it is sold in every other country for lower prices.

Let me conclude by pointing out, as I did last week, an old man sitting on a straw bale on a North Dakota farm told me one day, he said: I am in my eighties. My wife has fought breast cancer for 3 years. For 3 years we have driven to Canada to buy her Tamoxifen. Three years we have driven to Canada to buy the Tamoxifen.

You can bring a small supply across the border if you do it personally. Why? Because it costs three-fourths less than it costs in the United States. He said: I save 80 percent by buying it in Canada. Yet for 3 years my wife has had to fight breast cancer and fight the high prices here, and we have had to drive into Canada.

Well, the fact is, most Americans cannot drive to Canada. This bill is for most of the Americans who are paying prices that are too high. They want a safe drug supply, but they, for sure, finally, at long last, want a fair price, one they have not been getting, one they ought to get starting at 4 o'clock today.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me congratulate the Senator for his outstanding leadership on this issue. Let me just pick up right from where he left off. He and I and Senator SNOWE and a number of us have been dealing with this issue for many years. My involvement came in 1999, when I took a busload of Vermonters, including many women who were struggling for their lives with breast cancer.

Many of those women did not have a lot of money, and they also went across the Canadian border. They also purchased Tamoxifen. In those days, the price they paid was one-tenth the price, one-tenth the price compared to what they were paying in the United States. Here you have women struggling for their lives, who do not have a lot of money, and were paying one-tenth the price.

This amendment is a big deal. This amendment will mean that Americans from one end of our country to the other, people with chronic illnesses, senior citizens who run into the doughnut hole, so-called doughnut hole on Medicare Part D, that finally these Americans, our Americans, our people, will no longer continue to be ripped off by the pharmaceutical industry and be forced to pay by far the highest prices in the industrialized world for the same exact medicine which people in Canada, people in Germany, people all over Europe receive at far lower prices—the same medicines, same companies, same factory, except we pay far higher prices.

There is very strong support for this legislation. Millions of Americans are already supporting this legislation by getting into their cars and going over the Canadian border. The AARP and other senior organizations support this amendment. My understanding is that the AARP intends to note on their scorecard that a vote for the Cochran amendment—which is clearly a poison pill—is a vote against reimportation.

I would urge my colleagues, if you disagree with reimportation, vote no. But a vote for the Cochran amendment is, in fact, a vote no.

You have heard from Senator SNOWE. You have heard from Senator DORGAN. The arguments over safety are just not accurate. This bill details in great length an entire regimen as to how we can make sure all of the prescription drugs reimported into the United States are safe and FDA approved.

I always find it remarkable that every day, huge amounts of imported food are coming into this country. I do not hear a hue and cry about whether that food is inspected.

Let me quote from the May 1st New York Times:

> More than 135 countries ship food items to the United States. Canada, Mexico and China have led the way with China shipping nearly five times as much in food items to the United States as it did in 1996.

China is importing more and more food into the United States. Where are the FDA inspectors? Are they all over the farms in China making sure these products are safe? I have not heard one word about that issue. This legislation has built in the strongest prescription drug safety regimen we have ever seen.

Let me tell you what this debate is really about. It is not about prescription drug safety. It is about the power of the pharmaceutical industry, which in a city that has enormously powerful special interests, we have the pharmaceutical industry standing uniquely alone as the most important, if you will, and, in my view, greedy lobby in the entire United States of America. Here it is. Do you want to know what the issue is? Here it is: pharmaceutical industry lobbying.

From 1998 to 2006 they spent $1.1 billion for lobbying; 1998 to 2006, $1.1 billion in lobbying.

The pharmaceutical industry has over 1,000 well-paid lobbyists right here on Capitol Hill: former heads of the Republican Party, former leaders in the Democratic Party. Whenever anybody stands up for justice, whenever anybody stands up to try to lower the cost of prescription drugs in this country so that the American people can afford these lifesaving medicines, these lobbyists descend like locusts on all of our offices in the Senate, in the House. That is what they do.

It is not just the amount of money they spend on lobbying. They spend a substantial amount of money on campaign contributions: From 1990 to 2006, $139 million in campaign contributions; 2006 alone, $19 million. That is power. What this debate is about is not just the need to lower the cost of prescription drugs in America, as important as that is. What this debate is more significantly about is whether the Congress of the United States has the courage to stand up to the greediest, most powerful special interests in this country.

In November the American people went to the polls. They said they want a change in the direction in which this country is moving. Clearly, that election had a lot to do with Iraq. It certainly did. It had a lot to do with global warming, I believe. But it also, in any view, had a lot to do with the understanding that year after year wealthy and powerful special interests have dictated the terms of the debate, have paid for the legislation which has come through the Senate and through the House.

The drug companies have managed to do something rather amazing. Virtually all of the Members of the Senate and the House look at economic issues through two lenses. No. 1, in order to protect consumers, we say: Let there be free market competition. That is the way to lower the costs of the product. And there is truth to that.

The other way that we can protect consumers is through Government regulation. There is certainly truth to that. What the pharmaceutical industry has managed to do is tell us we cannot regulate the pharmaceutical companies. We cannot have Medicare negotiating lower prices with the drug companies. We cannot do that. They have given us all kinds of reasons we cannot do that.

Then they have told us, well, we also cannot do free market competition: No, you cannot have the local druggist going out and purchasing the product at the best price that he can get, maybe in Canada, maybe Europe. You can't do that. You cannot have regulation. You cannot have free market competition.

Then, on top of all of that, what the drug companies have managed to do is get many billions of dollars in corporate welfare, so the taxpayers of this country subsidize the research and development of many of the most important drugs, while the consumers, the American consumers, get no reasonable pricing despite the many billions of dollars that go into research and development that were paid for by them.

The drug companies get it all. That is what they get. At the end of the day, year after year after year, they are one of the most profitable industries in this country. They are very profitable, and elderly people and working people all over this country find it harder and harder to pay for the prescription drugs they desperately need.

Let us stand with the people. Let's defeat the Cochran amendment and pass the Dorgan amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER (Ms. KLOBUCHAR). Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

Landrieu amendment No. 1004, to require the Food and Drug Administration to premit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

Dorgan amendment No. 990, to provide for the importation of prescription drugs.

Cochran amendment No. 1010 (to amendment No. 990), to protect the health and safety of the public.

Stabenow amendment No. 1011, to insert provisions related to citizens petitions.

Brown (for Brownback/Brown) amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases.

Vitter amendment No. 983, to require counterfeit-resistant technologies for prescription drugs.

Inhofe amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school.

Gregg/Coleman amendment No. 993, to provide for the regulation of Internet pharmacies.

Mr. GRASSLEY. Madam President, we have three critical votes ahead of us this afternoon. These votes mean that today is the day we show the American people whether we can really pass drug importation or whether we are just giving it lip service and nothing else. The Dorgan amendment is the moment American consumers have been waiting for and today is the day.

As I said last week, the Dorgan amendment is the result of a collaborative effort by myself with Senator DORGAN and with Senator SNOWE and Senator KENNEDY to finally make drug importation legal in this country.

This is the golden opportunity this year to get it done.

Now we have heard here on the floor the concerns that some have with drug importation and drug safety. Let me tell you that this is something I take seriously. Everyone who knows me knows that I care deeply about the safety of drugs, and I would not be standing here today urging support for the Dorgan amendment if I didn't think it had the right stuff on drug safety. And it does.

The fact is that the unsafe situation is what we have today.

Today, consumers are ordering drugs over the Internet from who knows where, and the FDA does not have the resources to do much of anything about it.

The fact is that legislation to legalize importation would not only help to lower the cost of prescription drugs for all Americans but also should shut down rogue Internet pharmacies selling unsafe drugs.

The Dorgan amendment would improve drug safety, not threaten it. And it would open up trade to lower cost drugs.

We see news accounts on a regular basis describing Americans who log on to the Internet to purchase drugs from Canada and elsewhere.

In 2004, my staff were briefed about an investigation by the Permanent Subcommittee on Investigations for the Senate Government Affairs Committee.

The Permanent Subcommittee on Investigations conducted an investigation into current drug importation. They found that about 40,000 parcels containing prescription drugs come through the JFK mail facility every single day of the year—40,000 packages each day.

Now, the JFK airport houses the largest International Mail Branch in the United States, but even then it is the tip of the iceberg.

Each day of the year 30,000 packages of drugs enter the United States through Miami, and 20,000 enter through Chicago. That's 50,000 more packages each day.

What is worse, about 28 percent of the drugs coming in are controlled substances.

These are addictive drugs that require close physician supervision.

While most people are ordering their prescriptions from Canada, they are also ordering prescriptions from Brazil, India, Pakistan, the Netherlands, Spain, Portugal, Mexico and Romania.

Although the Federal Food, Drug, and Cosmetic Act prohibits the importation of unapproved, misbranded, or adulterated drugs into the United States, the fact is that thousands of counterfeit and unregulated drugs are seeping through our borders. This is what is happening today.

John Taylor, Associate Commissioner of Regulatory Affairs for the Food and Drug Administration, FDA, in his testimony before the House Committee on Energy and Commerce in June 2003 stated that, "the growing volume of unapproved imported drugs, which often are generated from sales via the Internet, presents a formidable enforcement challenge."

Despite the hard work of both the FDA and BCBP to control our borders, the importation of illegal drugs has become an unenforceable problem. That is because today, the FDA does not have the authority or the resources to do much about it. The Dorgan amendment would change that.

The basic approach to assuring the drugs are safe in the Dorgan amendment which I coauthored with him—is to give FDA the ability to verify the drug pedigree back to the manufacturer, require FDA to inspect frequently, and require fees to give FDA the resources to do this.

For imports by individuals from Canada, the bill requires the exporters in Canada to register with FDA and to post a bond that they will lose if they send unsafe drugs. Frequent inspections by FDA ensure compliance.

For commercial imports, American wholesalers and pharmacists must register with FDA and are subject to criminal penalties if they import unsafe drugs. Again, frequent inspections by FDA ensure compliance.

The bill requires manufacturers to inform FDA whether foreign drugs meet FDA standards, and if they don't, the manufacturers have to give FDA the information necessary to evaluate the safety of the drug. If a foreign drug is manufactured in a plant the FDA has not inspected, FDA can inspect it.

The bottom line is the legislation gives the FDA the authority and resources it needs to implement safely the drug importation program set up under this bill.

The fact is that the unsafe situation is what we have today: 40,000 drug packages coming in every day in New York, 30,000 drug packages coming in every day in Miami, and 20,000 drug packages coming in every day in Chicago. That is 90,000 packages with drugs coming in from other countries every single day.

We are already saying yes to drug importation every day that we allow this unregulated and unsafe situation to exist. We say yes to it 90,000 times a day.

What we need to do and what the Dorgan amendment would accomplish is giving the FDA the resources to clean up this mess.

The Dorgan amendment gives the FDA the resources and authority to crack down on the unsafe and unregulated importation of drugs. That is what we need. That is one of the key reasons I have been working with Senator DORGAN and Senator SNOWE and Senator KENNEDY on this legislation. One of our key aims is to improve drug safety.

I have been doing a lot of work in the area of drug safety, as my colleagues know, and I felt that I should talk about why the Dorgan amendment is important for improving drug safety.

A vote against the Dorgan amendment is a vote in favor of the unsafe situation we have today.

I must also say that a vote for the Cochran amendment is a vote to kill the Dorgan amendment. So a vote in favor of the Cochran amendment is a vote in favor of doing nothing. It is a vote for keeping the unsafe situation we have today.

Congress must act now on legislation that will not only shut down rogue Internet pharmacies selling unsafe drugs to consumers but will also lower the cost of prescription drugs.

Legalizing the importation of prescription drugs through a highly regulated system overseen by FDA will stem the tide of unregulated pharmaceuticals coming into the United States and create a safe and effective system for obtaining low-cost prescription drugs.

The bill before us is the vehicle this year to get it done. The bill we are debating is a must-pass FDA bill. The Senate should send a strong message that we are committed to finally getting it done this year.

And that is what we are working together to do today.

Making it legal for Americans to import their prescription drugs is a top priority at the grassroots. It needs to be a top priority here in Washington.

I have long advocated allowing American consumers access to safe drugs from other countries. I have always considered it a free-trade issue.

Imports create competition and keep domestic industry more responsive to consumers.

In the United States, we import everything consumers want. So that should be the case on prescription drugs.

We need to do it legally and safely. We need to give the FDA the authority and resources to do it. That is what the Dorgan amendment would do.

Consumers in the United States pay far more for prescription drugs than those in other counties.

If Americans could legally and safely access prescription drugs outside the United States, then drug companies will be forced to reevaluate their pricing strategies. They would no longer be able to gouge American consumers by making them pay more than their fair share of the high cost of research and development.

Now, it is true that pharmaceutical companies do not like the idea of opening up America to the global marketplace.

They want to keep the United States closed to other markets in order to charge higher prices here. However, with the Dorgan amendment, prescription drug companies will be forced to compete and establish fair prices here in America.

Now some don't want this to happen. And I want to reiterate that there is an attempt to kill drug importation as has been done many times before in this Chamber. I am referring to an amendment by my good friend from Mississippi, Senator COCHRAN. His amendment would require a certification about health and safety. That amendment is designed to kill drug importation once again. It is a clever amendment but it is a poison pill.

Our effort develops an effective and safe system that gives Americans access to lower prices. This amendment requires that all imported drugs be approved by the FDA. The amendment sets a stringent set of safety requirements that must be met before Americans can import drugs from that country. And there are stiff penalties for violating the safety requirements.

Don't be fooled by the Cochran amendment. Voting for the Cochran amendment is a vote to kill drug importation.

With the Dorgan amendment, we are working to get the job done.

We need to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry.

Americans are waiting. We must make sure they have access to affordable prescription drugs.

I urge my colleagues to vote against the Cochran amendment and in favor of the Dorgan amendment.

Mrs. CLINTON. Madam President, for many years, the FDA has been considered the gold standard among the world's drug safety bodies. And no one here doubts the desire of the agency's many career employees to continue to carry out its mission of keeping our drug supply safe for all Americans. In the legislation we are considering today, S. 1082, the Food and Drug Administration Revitalization Act, we provide these dedicated employees with the resources necessary to continue their work to ensure the safety and efficacy of drugs and biologic products for Americans.

Despite the dedication of the FDA's employees, we know there have been breakdowns at the agency. We know that, at times, it has taken too long to act when a drug may pose a threat. It took many months from the point when scientists became aware of the elevated risk of adverse cardiovascular events associated with Vioxx and the point when it was withdrawn from the market, during which time the FDA had multiple opportunities to engage in stronger actions to protect consumers.

In recent years, we have seen the scientific process unduly influenced by political or economic factors. When Senator PATTY MURRAY and I worked to secure a decision for over-the-counter availability of Plan B, we saw the ways in which science-based decisionmaking was compromised. The Government Accountability Office has confirmed that the FDA's 2004 decision not to approve over-the-counter sales of Plan B was politically motivated. Concerns about undue influence from factors other than science extend beyond this one example. According to a Union of Concerned Scientists survey, 61 percent of FDA scientists could cite examples of when "Health and Human Services or FDA political appointees have inappropriately injected themselves into FDA determinations of actions." Twenty percent of those responding had been "asked explicitly by FDA decision makers to provide incomplete, inaccurate, or misleading information."

Because of these examples, I believe that the American public lost a great deal of confidence in the ability of the agency to ensure the safety of their medications. With this legislation, we can begin the process of rebuilding consumers' confidence in the FDA. Through this bill, we are taking concrete steps to improve drug safety. S. 1082 establishes steps to establish a routine active surveillance system for medications and sets up a process through which the FDA can better manage risks for a range of drugs, from requiring postmarket studies to improving communication about the risks and benefits associated with medications.

In addition to establishing a framework to increase drug safety, we are also working to implement an atmosphere where science guides the agency's decisions. We need to put into place the systems to ensure that employees can engage in the open, evidence-based discourse needed as part of the drug approval and review process—discourse not unduly influenced by political concerns. This legislation goes a long way to doing some of that by increasing the transparency around drug approval decisions, addressing conflicts of interests on advisory committees, and creating a climate that protects the rights of employees to publish in peer-reviewed scientific journals.

I know that many of my colleagues have raised concerns about safety in the context of reimportation of drugs, and I am pleased to note that on this legislation, we have found a way to allow for safe drug reimportation. S. 1082 contains the provisions of Senator DORGAN and SNOWE's Pharmaceutical Access and Drug Safety Act, legislation I am proud to cosponsor. This amendment would establish the framework through which we could phase in drug reimportation from other nations where regulatory authority is similar to that in our country, allowing millions of Americans to safely obtain medically necessary drugs at lower cost.

Americans pay higher prices for the exact same prescription drugs being taken by their counterparts in Canada and Europe. The Congressional Budget Office has found that prices for brand-name prescription drugs are 35 percent to 55 percent higher in the United States. This price disparity affects millions of Americans. Our seniors, many of whom are on fixed incomes, end up spending larger portions of their income on drugs, especially when falling into the "doughnut hole" or wrestling with other gaps in a Medicare Part D benefit. And this isn't only a problem for seniors—we have 46 million uninsured individuals in our country, many of whom are unable to afford prescription drugs. Without these drugs, manageable chronic conditions, like asthma or high blood pressure, spiral out of control into serious health problems.

The lack of affordable drugs does not just hurt those who are uninsured or underinsured, but it also places greater pressure upon our health care system. The cost of treating someone in the emergency room is much higher than the cost of a prescription. But the way our system is set up, we don't help people engage in cost-effective disease management by making those drugs affordable, and I believe that we need to examine the ways in which importation can lower costs not only for consumers but for our overall system.

The Dorgan-Snowe amendment contains many provisions that will ensure safety while giving Americans access to cheaper drugs. This bipartisan provision will allow seniors to safely access drugs from Canada starting 90 days after enactment. It will provide the needed authority and funding to the FDA to regulate foreign pharmacies and wholesalers, so that we can be sure that any drugs that enter the United States are safe for our citizens. And it will increase the consumer protections involved with internet pharmacies, so that people who don't live near the border can access imported drugs without being defrauded.

We need to make drug reimportation safe, we need to make drug reimportation unambiguously legal, and we need to do so as quickly as possible. The Dorgan-Snowe amendment would allow us to do all of those things, and I would urge all of my colleagues to support this amendment to the bill.

In addition to the provisions of this legislation dealing with drug safety and reimportation, I am proud to note that the Food and Drug Administration Revitalization Act has an entire title devoted to pediatric issues. I worked with Senators DODD, KENNEDY, and ENZI to craft these provisions, which will be of great benefit to children. The pediatric device provisions will help us improve the number and types of medical devices designed for pediatric populations, and the reauthorization of the Best Pharmaceuticals for Children Act improves the applicability of the pediatric exclusivity incentive and increases the speed through which these studies can be requested by the FDA. When this bill was passed in 2002, I was able to work with Senator DODD and the HELP Committee to increase provisions to assist pediatric cancer research, and I am pleased to be a cosponsor of this legislation this time around.

S. 1082 also contains most of the provisions of the Pediatric Research Improvement Act, a bill that I introduced earlier this year to reauthorize the pediatric rule. Because of this authority, the Food and Drug Administration is able to ensure that drugs that are marketed for children are safe and effective in children.

For the past decade, I have been working to ensure that drugs that are marketed to children are safe and effective in children. As of the early 1990s, only about 20 percent of drugs contained specific pediatric dosing information, but since 1998, we have had over 1,000 drugs fall under the scope of the pediatric rule, resulting in hundreds of studies that have helped us gain valuable data about drugs commonly used by kids.

The reauthorization of the pediatric rule contained in this larger bill will allow us to make additional strides in improving pediatric drug development. We will be able to remove unnecessary bureaucratic barriers and improve the ability of the Food and Drug Administration to require testing on already-marketed drugs when sponsors refuse to carry out such testing under the incentive provided by the Best Pharmaceuticals for Children Act.

It will improve our ability to collect and analyze data about pediatric clinical trials so that we can better evaluate the impact of such trials upon children's health overall, and it will improve the FDA's ability to coordinate the incentives provided under Best Pharmaceuticals for Children Act with the pediatric rule so that these two pediatric programs of the agency can work together more seamlessly.

However, I must note that I am disappointed that this bill does not consider what I believe to be a critical part of the Pediatric Research Improvement Act—the provision which would have made permanent the authority of the FDA to obtain important data through the pediatric rule.

Instead, the legislation before the Senate today contains a sunset of this authority, meaning that if this provision isn't reauthorized 5 years from now, the FDA will no longer be able to ensure that drugs used in children are safe and effective in children.

We would never dream of placing a sunset on the FDA's authority to certify the safety and efficacy of drugs used in adults, and I fail to understand why we impose a different standard on drugs for children, and I will seek to address this issue as the bill moves forward.

We must also improve the FDA's authority in the realm of follow-on biologics. While there is nothing in the version of the legislation that is on the floor today that addresses this issue, Senators KENNEDY and ENZI have made a commitment that we will mark up legislation on this issue on June 13 in the HELP Committee and that we will incorporate this legislation into the conference negotiations on this drug safety bill.

Earlier this year, in conjunction with a number of bipartisan cosponsors, I introduced the Access to Life-Saving Medicine Act, legislation to provide FDA with the authority to approve safe and effective generic versions of biotech drugs. By bringing safe and effective follow-on biologics to the market, we can provide significant savings to patients, employers, and the government.

More than $10 billion worth of biopharmaceuticals will come off patent in the next 5 years, and without this legislation, the manufacturers of these biotech drugs can continue to charge monopoly prices indefinitely. In 2005, the costs of biologics grew 17.5 percent compared to traditional drugs, which increased 10 percent. And in 2006, the Medicare Part B Program spent more than $5 billion on biologic drugs. It is clear that biotech drugs hold great promise, but this promise is wasted if we don't take action to ensure that all Americans have access to safe, effective, and affordable generic versions of these drugs.

According to a report released by Engel and Novitt to the Pharmaceutical Care Management Association, PCMA, passage of this legislation could conservatively save an estimated $14 billion over the next 10 years.

I look forward to working with Senator KENNEDY and my colleagues on the HELP Committee to ensure that we enact legislation that provides the FDA with the authority and flexibility to approve biopharmaceuticals subject to a workable, abbreviated approval pathway that is efficient, effective, and scientifically grounded and that includes measures to ensure timely resolution of patent disputes, as well as adequate incentives for continued innovation.

Another issue that has come up during debate on the Food and Drug Administration Revitalization Act is food safety. Recent illnesses involving E. coli in spinach and lettuce, the discovery of Salmonella in peanut butter, and the importation of unsafe pet food ingredients from China illustrate the continued vulnerability of the American food supply and expose weakness in the FDA's food safety program.

In the latest case, a chemical used in plastic manufacturing was placed in feed material from China, causing the deaths of an unknown number of pets. This chemical was also consumed by 2.7 million chickens and 345 pigs that were slaughtered for human consumption. Our food system must be prepared to effectively prevent the chemicals found in these animals from endangering the health of consumers.

That is why I supported the inclusion of certain provisions in this bill to begin to address many of the agency's problems with food safety, as a prelude to overall committee action on this issue.

I have long been concerned about the siloing of authority at the FDA and Department of Agriculture, and I filed an amendment to this bill which would establish a joint task force between the FDA, U.S. Department of Agriculture, USDA, and the Centers for Disease Control and Prevention (CDC) to improve our response to foodborne illnesses.

According to the CDC, unsafe foods cause an estimated 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths each year. Despite these statistics, safety tests for domestically produced food have dropped nearly 75 percent when compared to the number conducted in 2003. Meanwhile, the number of food imports has grown from under 4 million food import line items in 1993 to nearly 20 million in 2007. We have a situation where inspections are declining, yet the number of outbreaks and contaminations in our food supply is on the rise. The fragmentation in our food safety system must be addressed in order to protect consumers.

With several of my colleagues, I have repeatedly written to the Secretary of Agriculture, the Commissioner of the FDA and the Director of the CDC urging them to create an interagency task force to better enable us to prevent such illnesses. To date, no action has been taken to grant my request. If the delay is due to concerns that these agencies do not have the authority to pursue such authority, I stand prepared, along with many others in the Senate, to provide these agencies with such authority. I look forward to working with my colleagues in the HELP Committee to address concerns about food safety and help restore our Nation's confidence in the ability of both these agencies to protect American consumers.

I would like to close by noting that while the Food and Drug Administration Revitalization Act takes several steps that will improve the agency's ability to ensure the safety and effectiveness of drugs and biologics, it is time that we begin to look at drugs in a new way.

It is not enough that we have drugs that are effective—in order to reduce overall health care costs, we need to understand how these drugs are effective in comparison to each other, in order to assist providers and patients make the best health care decisions.

While the Vioxx controversy highlighted the need for additional safety protections, many of which are contained in the Food and Drug Administration Revitalization Act, it also demonstrates the role comparative effectiveness can play in ensuring the use of the most appropriate treatment for a specific condition. I pushed for inclusion of comparative effectiveness studies in the Medicare Modernization Act. One of the first studies to be carried out under this provision was a systematic review of osteoarthritis drugs, including Cox-2 drugs. If this information had been compiled earlier, it could have helped many evaluate whether to use these drugs, as opposed to other pain relievers, many of which are available at a lower cost without a doctor's prescription.

Comparative effectiveness assists physicians and patients in selecting the best treatment and helps to reduce inappropriate uses of treatments that pose unnecessary safety risks to patients—and more and more people are recognizing its potential in improving health care. Earlier today, the Blue Cross and Blue Shield Association announced their support to create a new, independent entity to explore the effectiveness of new and existing medical procedures, drugs, devices, and biologics. I am grateful for their leadership, and I will be introducing legislation shortly to expand comparative effectiveness research and its use at the Federal level.

I have been involved in the debate over the Food and Drug Administration Revitalization Act for several months now and believe that the product we have produced represents a step forward for safety. I will be supporting this legislation and look forward to working with my colleagues to ensure that we can continue to strengthen this agency, lower prescription drug costs, and maintain a strong commitment to consumer protection and scientific innovation.

AMENDMENT NO. 1010

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided on amendment No. 1010 offered by the Senator from Mississippi.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, Americans deserve continued access to safe and effective drugs which are approved by the Food and Drug Administration. A number of recent reports demonstrate that serious problems exist with products from other countries. The New York Times ran a front-page story yesterday about how counterfeit drugs contaminated with an industrial solvent have poisoned hundreds, if not thousands, of people around the world. The toxic syrup has been involved in at least eight mass poisonings around the world in the past two decades, and researchers estimate thousands have died as a result. Most recently an epidemic of contaminated cough syrup was traced back to counterfeit medication from China. The FDA last week issued a warning to U.S. consumers to be especially vigilant because of the risk of the poison reaching the United States. The New York Times article is entitled "From China to Panama, a Trail of Poisoned Medicine."

Counterfeit products, those that have been tampered with, or those of unknown origin, should not be brought into this country.

The amendment proposed by the Senator from North Dakota will put in jeopardy the process we now have to ensure the safety of prescription medications and protect the health of the American people.

I have offered a second degree amendment, with bipartisan support, that requires the Secretary of Health and Human Services to certify that the importation of drug products will not pose additional risks to Americans and will indeed lower costs to consumers.

We have had this issue before the Senate on several previous occasions. In all of these cases, the Senate has adopted this certification amendment overwhelmingly. Safeguards continue to be necessary and are even more important now considering the terrorist threats we face.

I urge the Senate to again support this amendment.

I ask unanimous consent that a copy of the New York Times article to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 6, 2007]

FROM CHINA TO PANAMA, A TRAIL OF POISONED MEDICINE

(By Walt Bogdanich and Jake Hooker)

The kidneys fail first. Then the central nervous system begins to misfire. Paralysis spreads, making breathing difficult, then often impossible without assistance. In the end, most victims die. Many of them are children, poisoned at the hands of their unsuspecting parents. The syrupy poison, diethylene glycol, is an indispensable part of the modern world, an industrial solvent and prime ingredient in some antifreeze. It is also a killer. And the deaths, if not intentional, are often no accident.

Over the years, the poison has been loaded into all varieties of medicine—cough syrup, fever medication, injectable drugs—a result of counterfeiters who profit by substituting the sweet-tasting solvent for a safe, more expensive syrup, usually glycerin, commonly used in drugs, food, toothpaste and other products. Toxic syrup has figured in at least eight mass poisonings around the world in the past two decades. Researchers estimate that thousands have died. In many cases, the precise origin of the poison has never been determined. But records and interviews show that in three of the last four cases it was made in China, a major source of counterfeit drugs.

Panama is the most recent victim. Last year, government officials there unwittingly mixed diethylene glycol into 260,000 bottles of cold medicine—with devastating results. Families have reported 365 deaths from the poison, 100 of which have been confirmed so far. With the onset of the rainy season, investigators are racing to exhume as many potential victims as possible before bodies decompose even more. Panama's death toll leads directly to Chinese companies that made and exported the poison as 99.5 percent pure glycerin.

Forty-six barrels of the toxic syrup arrived via a poison pipeline stretching halfway around the world. Through shipping records and interviews with government officials, The New York Times traced this pipeline from the Panamanian port of Colón, back through trading companies in Barcelona, Spain, and Beijing, to its beginning near the Yangtze Delta in a place local people call "chemical country." The counterfeit glycerin passed through three trading companies on three continents, yet not one of them tested the syrup to confirm what was on the label. Along the way, a certificate falsely attesting to the purity of the shipment was repeatedly altered, eliminating the name of the manufacturer and previous owner. As a result, traders bought the syrup without knowing where it came from, or who made it. With this information, the traders might have discovered—as The Times did—that the manufacturer was not certified to make pharmaceutical ingredients.

An examination of the two poisoning cases last year—in Panama and earlier in China—shows how China's safety regulations have lagged behind its growing role as low-cost supplier to the world. It also demonstrates how a poorly policed chain of traders in country after country allows counterfeit medicine to contaminate the global market.

Last week, the United States Food and Drug Administration warned drug makers and suppliers in the United States "to be especially vigilant" in watching for diethylene glycol. The warning did not specifically mention China, and it said there was "no reason to believe" that glycerin in this country was tainted. Even so, the agency asked that all glycerin shipments be tested for diethylene glycol, and said it was "exploring how supplies of glycerin become contaminated."

China is already being accused by United States authorities of exporting wheat gluten containing an industrial chemical, melamine, that ended up in pet food and livestock feed. The F.D.A recently banned imports of Chinese-made wheat gluten after it was linked to pet deaths in the United States. Beyond Panama and China, toxic syrup has caused mass poisonings in Haiti, Bangladesh, Argentina, Nigeria and twice in India.

In Bangladesh, investigators found poison in seven brands of fever medication in 1992, but only after countless children died. A Massachusetts laboratory detected the contamination after Dr. Michael L. Bennish, a pediatrician who works in developing countries, smuggled samples of the tainted syrup out of the country in a suitcase. Dr. Bennish, who investigated the Bangladesh epidemic and helped write a 1995 article about it for BMJ, formerly known as the British Medical Journal, said that given the amount of medication distributed, deaths "must be in the thousands or tens of thousands."

"It's vastly underreported," Dr. Bennish said of diethylene glycol poisoning. Doctors might not suspect toxic medicine, particularly in poor countries with limited resources and a generally unhealthy population, he said, adding, "Most people who die don't come to a medical facility." The makers of counterfeit glycerin, which superficially looks and acts like the real thing but generally costs considerably less, are rarely identified, much less prosecuted, given the difficulty of tracing shipments across borders. "This is really a global problem, and it needs to be handled in a global way," said Dr. Henk Bekedam, the World Health Organization's top representative in Beijing.

Seventy years ago, medicine laced with diethylene glycol killed more than 100 people in the United States, leading to the passage of the toughest drug regulations of that era and the creation of the modern Food and Drug Administration. The F.D.A. has tried to help in poisoning cases around the world, but there is only so much it can do. When at least 88 children died in Haiti a decade ago, F.D.A. investigators traced the poison to the Manchurian city of Dalian, but their attempts to visit the suspected manufacturer were repeatedly blocked by Chinese officials, according to internal State Department records. Permission was granted more than a year later, but by then the plant had moved and its records had been destroyed.

"Chinese officials we contacted on this matter were all reluctant to become involved," the American Embassy in Beijing wrote in a confidential cable. "We cannot be optimistic about our chances for success in tracking down the other possible glycerin shipments."

In fact, The Times found records showing that the same Chinese company implicated in the Haiti poisoning also shipped about 50 tons of counterfeit glycerin to the United States in 1995. Some of it was later resold to another American customer, Avatar Corporation, before the deception was discovered. "Thank God we caught it when we did," said Phil Ternes, chief operating officer of Avatar, a Chicago-area supplier of bulk pharmaceutical and nonmedicinal products. The F.D.A. said it was unaware of the shipment.

In China, the government is vowing to clean up its pharmaceutical industry, in part because of criticism over counterfeit drugs flooding the world markets. In December, two top drug regulators were arrested on charges of taking bribes to approve drugs. In addition, 440 counterfeiting operations were closed down last year, the World Health Organization said.

But when Chinese officials investigated the role of Chinese companies in the Panama deaths, they found that no laws had been broken, according to an official of the nation's drug enforcement agency. China's drug regulation is "a black hole," said one trader who has done business through CNSC Fortune Way, the Beijing-based broker that investigators say was a crucial conduit for the Panama poison.

In this environment, Wang Guiping, a tailor with a ninth-grade education and access to a chemistry book, found it easy to enter the pharmaceutical supply business as a middleman. He quickly discovered what others had before him: that counterfeiting was a simple way to increase profits. And then people in China began to die.

CHEATING THE SYSTEM

Mr. Wang spent years as a tailor in the manufacturing towns of the Yangtze Delta, in eastern China. But he did not want to remain a common craftsman, villagers say. He set his sights on trading chemicals, a business rooted in the many small chemical plants that have sprouted in the region. "He didn't know what he was doing," Mr. Wang's older brother, Wang Guoping, said in an interview. "He didn't understand chemicals." But he did understand how to cheat the system. Wang Guiping, 41, realized he could earn extra money by substituting cheaper, industrial-grade syrup—not approved for human consumption—for pharmaceutical grade syrup. To trick pharmaceutical buyers, he forged his licenses and laboratory analysis reports, records show.

Mr. Wang later told investigators that he figured no harm would come from the substitution, because he initially tested a small quantity. He did it with the expertise of a former tailor. He swallowed some of it. When nothing happened, he shipped it.

One company that used the syrup beginning in early 2005 was Qiqihar No.2 Pharmaceutical, about 1,000 miles away in Heilongjiang Province in the northeast. A buyer for the factory had seen a posting for Mr. Wang's syrup on an industry Web site.

After a while, Mr. Wang set out to find an even cheaper substitute syrup so he could increase his profit even more, according to a Chinese investigator. In a chemical book he found what he was looking for: another odorless syrup—diethylene glycol. At the time, it sold for 6,000 to 7,000 yuan a ton, or about $725 to $845, while pharmaceutical-grade syrup cost 15,000 yuan, or about $1,815, according to the investigator.

Mr. Wang did not taste-test this second batch of syrup before shipping it to Qiqihar Pharmaceutical, the government investigator said, adding, "He knew it was dangerous, but he didn't know that it could kill."

The manufacturer used the toxic syrup in five drug products: ampules of Amillarisin A for gall bladder problems; a special enema fluid for children; an injection for blood vessel diseases; an intravenous pain reliever; and an arthritis treatment.

In April 2006, one of southern China's finest hospitals, in Guangzhou, Guangdong Province, began administering Amillarisin A. Within a month or so, at least 18 people had died after taking the medicine, though some had already been quite sick.

Zhou Jianhong, 33, said his father took his first dose of Amillarisin A on April 19. A week later he was in critical condition. "If you are going to die, you want to die at home," Mr. Zhou said. "So we checked him out of the hospital." He died the next day. "Everybody wants to invest in the pharmaceutical industry and it is growing, but the regulators can't keep up," Mr. Zhou said. "We need a system to assure our safety." The final death count is unclear, since some people who took the medicine may have died in less populated areas.

In a small town in Sichuan Province, a man named Zhou Lianghui said the authorities would not acknowledge that his wife had died from taking tainted Amillarisin A. But Mr. Zhou, 38, said he matched the identification number on the batch of medicine his wife received with a warning circular distributed by drug officials. "You probably cannot understand a small town if you are in Beijing," Zhou Lianghui said in a telephone interview. "The sky is high, and the emperor is far away. There are a lot of problems here that the law cannot speak to."

The failure of the government to stop poison from contaminating the drug supply caused one of the bigger domestic scandals of the year. Last May, China's premier, Wen Jiabao, ordered an investigation of the deaths, declaring, "The pharmaceutical market is in disorder."

At about the same time, 9,000 miles away in Panama, the long rainy season had begun. Anticipating colds and coughs, the government health program began manufacturing cough and antihistamine syrup. The cough medicine was sugarless so that even diabetics could use it. The medicine was mixed with a pale yellow, almost translucent syrup that had arrived in 46 barrels from Barcelona on the container ship Tobias Maersk. Shipping records showed the contents to be 99.5 percent pure glycerin. It would be months and many deaths later before that certification was discovered to be pure fiction.

A MYSTERIOUS ILLNESS

Early last September, doctors at Panama City's big public hospital began to notice patients exhibiting unusual symptoms. They initially appeared to have Guillain-Barré syndrome, a relatively rare neurological disorder that first shows up as a weakness or tingling sensation in the legs. That weakness often intensifies, spreading upward to the arms and chest, sometimes causing total paralysis and an inability to breathe.

The new patients had paralysis, but it did not spread upward. They also quickly lost their ability to urinate, a condition not associated with Guillain-Barré. Even more unusual was the number of cases. In a full year, doctors might see eight cases of Guillain-Barré, yet they saw that many in just two weeks. Doctors sought help from an infectious disease specialist, Nestor Sosa, an intense, driven doctor who competes in triathlons and high-level chess.

Dr. Sosa's medical specialty had a long, rich history in Panama, once known as one of the world's unhealthiest places. In one year in the late 1800s, a lethal mix of yellow fever and malaria killed nearly 1 in every 10 residents of Panama City. Only after the United States managed to overcome those mosquito-borne diseases was it able to build the Panama Canal without the devastation that undermined an earlier attempt by the French. The suspected Guillain-Barré cases worried Dr. Sosa. "It was something really extraordinary, something that was obviously reaching epidemic dimensions in our hospital," he said.

With the death rate from the mystery illness near 50 percent, Dr. Sosa alerted the hospital management, which asked him to set up and run a task force to handle the situation. The assignment, a daunting around-the-clock dash to catch a killer, was one he eagerly embraced. Several years earlier, Dr. Sosa had watched as other doctors identified the cause of another epidemic, later identified as hantavirus, a pathogen spread by infected rodents. "I took care of patients but I somehow felt I did not do enough," he said. The next time, he vowed, would be different. Dr. Sosa set up a 24–hour "war room" in the hospital, where doctors could compare notes and theories as they scoured medical records for clues. As a precaution, the patients with the mystery illness were segregated and placed in a large empty room awaiting renovation. Health care workers wore masks, heightening fears in the hospital and the community.

"That spread a lot of panic," said Dr. Jorge Motta, a cardiologist who runs the Gorgas Memorial Institute, a widely respected medical research center in Panama. "That is always a terrifying thought, that you will be the epicenter of a new infectious disease, and especially a new infectious disease that kills with a high rate of death, like this." Meanwhile, patients kept coming, and hospital personnel could barely keep up. "I ended up giving C.P.R.," Dr. Sosa said. "I haven't given C.P.R. since I was a resident, but there were so many crises going on." Frightened hospital patients had to watch others around them die for reasons no one understood, fearing that they might be next. As reports of strange Guillain-Barré symptoms started coming in from other parts of the country, doctors realized they were not just dealing with a localized outbreak.

Pascuala Pérez de González, 67, sought treatment for a cold at a clinic in Coclé Province, about a three-hour drive from Panama City. In late September she was treated and sent home. Within days, she could no longer eat; she stopped urinating and went into convulsions. A decision was made to take her to the public hospital in Panama City, but on the way she stopped breathing and had to be resuscitated. She arrived at the hospital in a deep coma and later died.

Medical records contained clues but also plenty of false leads. Early victims tended to be males older than 60 and diabetic with high blood pressure. About half had been given Lisinopril, a blood pressure medicine distributed by the public health system. But many who did not receive Lisinopril still got sick. On the chance that those patients might have forgotten that they had taken the drug, doctors pulled Lisinopril from pharmacy shelves—only to return it after tests found nothing wrong. Investigators would later discover that Lisinopril did play an important, if indirect role in the epidemic, but not in the way they had imagined.

A MAJOR CLUE

One patient of particular interest to Dr. Sosa came into the hospital with a heart attack, but no Guillain-Barré-type symptoms. While undergoing treatment, the patient received several drugs, including Lisinopril. After a while, he began to exhibit the same neurological distress that was the hallmark of the mystery illness. "This patient is a major clue," Dr. Sosa recalled saying. "This is not something environmental, this is not a folk medicine that's been taken by the patients at home. This patient developed the disease in the hospital, in front of us." Soon after, another patient told Dr. Sosa that he, too, developed symptoms after taking Lisinopril, but because the medicine made him cough, he also took cough syrup—the same syrup, it turned out, that had been given to the heart patient. "I said this has got to be it," Dr. Sosa recalled. "We need to investigate this cough syrup." The cough medicine had not initially aroused much suspicion because many victims did not remember taking it. "Twenty-five percent of those people affected denied that they had taken cough syrup, because it's a nonevent in their lives," Dr. Motta said.

Investigators from the United States Centers for Disease Control and Prevention, who were in Panama helping out, quickly put the bottles on a government jet and flew them to the United States for testing. The next day, Oct. 11, as Panamanian health officials were attending a news conference, a Blackberry in the room went off. The tests, the C.D.C. was reporting, had turned up diethylene glycol in the cough syrup. The mystery had been solved. The barrels labeled glycerin turned out to contain poison.

Dr. Sosa's exhilaration at learning the cause did not last long. "It's our medication that is killing these people," he said he thought. "It's not a virus, it's not something that they got outside, but it was something we actually manufactured."

A nationwide campaign was quickly begun to stop people from using the cough syrup. Neighborhoods were searched, but thousands of bottles either had been discarded or could not be found. As the search wound down, two major tasks remained: count the dead and assign blame. Neither has been easy. A precise accounting is all but impossible because, medical authorities say, victims were buried before the cause was known, and poor patients might not have seen doctors. Another problem is that finding traces of diethylene glycol in decomposing bodies is difficult at best, medical experts say. Nonetheless, an Argentine pathologist who has studied diethylene glycol poisonings helped develop a test for the poison in exhumed bodies. Seven of the first nine bodies tested showed traces of the poison, Panamanian authorities said.

With the rainy season returning, though, the exhumations are about to end. Dr. José Vicente Pachar, director of Panama's Institute of Legal Medicine and Forensic Sciences, said that as a scientist he would like a final count of the dead. But he added, "I should accept the reality that in the case of Panama we are not going to know the exact number."

Local prosecutors have made some arrests and are investigating others connected to the case, including officials of the import company and the government agency that mixed and distributed the cold medicine. "Our responsibilities are to establish or discover the truth," said Dimas Guevara, the homicide investigator guiding the inquiry. But prosecutors have yet to charge anyone with actually making the counterfeit glycerin. And if the Panama investigation unfolds as other inquiries have, it is highly unlikely that they ever will.

A SUSPECT FACTORY

Panamanians wanting to see where their toxic nightmare began could look up the Web site of the company in Hengxiang, China, that investigators in four countries have identified as having made the syrup—the Taixing Glycerine Factory. There, under the words "About Us," they would see a picture of a modern white building nearly a dozen stories tall, adorned by three arches at the entrance. The factory, the Web site boasts, "can strictly obey the contract and keep its word." But like the factory's syrup, all is not as it seems.

There are no tall buildings in Hengxiang, a country town with one main road. The factory is not certified to sell any medical ingredients, Chinese officials say. And it looks nothing like the picture on the Internet. In reality, its chemicals are mixed in a plain, one-story brick building. The factory is in a walled compound, surrounded by small shops and farms. In the spring, nearby fields of rape paint the countryside yellow. Near the front gate, a sign over the road warns, "Beware of counterfeits." But it was posted by a nearby noodle machine factory that appears to be worried about competition. The Taixing Glycerine Factory bought its diethylene glycol from the same manufacturer as Mr. Wang, the former tailor, the government investigator said. From this spot in China's chemical country, the 46 barrels of toxic syrup began their journey, passing from company to company, port to port and country to country, apparently without anyone testing their contents.

Traders should be thoroughly familiar with their suppliers, United States health officials say. "One simply does not assume that what is labeled is indeed what it is," said Dr. Murray Lumpkin, deputy commissioner for international and special programs for the Food and Drug Administration. In the Panama Case, names of suppliers were removed from shipping documents as they passed from one entity to the next, according to records and investigators. That is a practice some traders use to prevent customers from bypassing them on future purchases, but it also hides the provenance of the product. The first distributor was the Beijing trading company, CNSC Fortune Way, a unit of a state-owned business that began by supplying goods and services to Chinese personnel and business officials overseas.

As China's market reach expanded, Fortune Way focused its business on pharmaceutical ingredients, and in 2003, it brokered the sale of the suspect syrup made by the Taixing Glycerine Factory. The manufacturer's certificate of analysis showed the batch to be 99.5 percent pure. Whether the Taixing Glycerine Factory actually performed the test has not been publicly disclosed. Original certificates of analysis should be passed on to each new buyer, said Kevin J. McGlue, a board member of the International Pharmaceutical Excipients Council. In this case, that was not done.

Fortune Way translated the certificate into English, putting its name—not the Taixing Glycerine Factory's—at the top of the document, before shipping the barrels to a second trading company, this one in Barcelona. Li Can, managing director at Fortune Way, said he did not remember the transaction and could not comment, adding, "There is a high volume of trade." Upon receiving the barrels in September 2003, the Spanish company, Rasfer International, did not test the contents, either. It copied the chemical analysis provided by Fortune Way, then put its logo on it. Ascension Criado, Rasfer's manager, said in an e-mail response to written questions that when Fortune Way shipped the syrup, it did not say who made it. Several weeks later, Rasfer shipped the drums to a Panamanian broker, the Medicom Business Group. "Medicom never asked us for the name of the manufacturer," Ms. Criado said.

A lawyer for Medicam, Valentín Jaén, said his client was a victim, too. "They were tricked by somebody," Mr. Jaén said. "They operated in good faith." In Panama, the barrels sat unused for more than two years, and officials said Medicam improperly changed the expiration date on the syrup. During that time, the company never tested the product. And the Panamanian government, which bought the 46 barrels and used them to make cold medicine, also failed to detect the poison, officials said. The toxic pipeline ultimately emptied into the bloodstream of people like Ernesto Osorio, a former high school teacher in Panama City. He spent two months in the hospital after ingesting poison cough syrup last September.

Just before Christmas, after a kidney dialysis treatment, Mr. Osorio stood outside the city's big public hospital in a tear-splattered shirt, describing what his life had become. "I'm not an eighth of what I used to be," Mr. Osorio said, his partly paralyzed face hanging like a slab of meat. "I have trouble walking. Look at my face, look at my tears." The tears, he said apologetically, were not from emotion, but from nerve damage. And yet, Mr. Osorio knows he is one of the lucky victims. "They didn't know how to keep the killer out of the medicine," he said simply.

While the suffering in Panama was great, the potential profit—at least for the Spanish trading company, Rasfer—was surprisingly small. For the 46 barrels of glycerin, Rasfer paid Fortune Way $9,900, then sold them to Medicom for $11,322, according to records.

Chinese authorities have not disclosed how much Fortune Way and the Taixing Glycerine Factory made on their end, or how much they knew about what was in the barrels.

"The fault has to be traced back to areas of production," said Dr. Motta, the cardiologist in Panama who helped uncover the source of the epidemic. "This was my plea—please, this thing is happening to us, make sure whoever did this down the line is not doing it to Peru or Sierra Leone or some other place."

A COUNTERFEITER'S CONFESSION

The power to prosecute the counterfeiters is now in the hands of the Chinese. Last spring, the government moved quickly against Mr. Wang, the former tailor who poisoned Chinese residents. The authorities caught up with him at a roadblock in Taizhou, a city just north of Taixing, in chemical country. He was weak and sick, and he had not eaten in two days. Inside his white sedan was a bankbook and cash. He had fled without his wife and teenage son.

Chinese patients were dead, a political scandal was brewing and the authorities wanted answers. Mr. Wang was taken to a hospital. Then, in long sessions with investigators, he gave them what they wanted, explaining his scheme, how he tested industrial syrup by drinking it, how he decided to use diethylene glycol and how he conned pharmaceutical companies into buying his syrup, according to a government official who was present for his interrogation. "He made a fortune, but none of it went to his family," said Wang Xiaodong, a former village official who knows Mr. Wang and his siblings. "He liked to gamble."

Mr. Wang remains in custody as the authorities decide whether he should be put to death. The Qiqihar drug plant that made the poisonous medicine has been closed, and five employees are now being prosecuted for causing "a serious accident." In contrast to the Wang Guiping investigation, Chinese authorities have been tentative in acknowledging China's link to the Panama tragedy, which involved a state-owned trading company. No one in China has been charged with committing the fraud that ended up killing so many in Panama.

Sun Jing, the pharmaceutical program officer for the World Health Organization in Beijing, said the health agency sent a fax "to remind the Chinese government that China should not be selling poisonous products overseas." Ms. Sun said the agency did not receive an official reply.

Last fall, at the request of the United States--Panama has no diplomatic relations with China—the State Food and Drug Administration of China investigated the Taixing Glycerine Factory and Fortune Way. The agency tested one batch of glycerin from the factory, and found no glycerin, only diethylene glycol and two other substances, a drug official said. Since then, the Chinese drug administration has concluded that it has no jurisdiction in the case because the factory is not certified to make medicine. The agency reached a similar conclusion about Fortune Way, saying that as an exporter it was not engaged in the pharmaceutical business. "We did not find any evidence that either of these companies had broken the law," said Yan Jiangying, a spokeswoman for the drug administration. "So a criminal investigation was never opened."

A drug official said the investigation was subsequently handed off to an agency that tests and certifies commercial products—the General Administration of Quality Supervision, Inspection and Quarantine. But the agency acted surprised to learn that it was now in charge. "What investigation?" asked Wang Jian, director of its Taixing branch. "I'm not aware of any investigation involving a glycerin factory." Besides, Huang Tong, an investigator in that office, said, "We rarely get involved in products that are sold for export. " Wan Qigang, the legal representative for the Taixing Glycerine Factory, said in an interview late last year that the authorities had not questioned him about the Panama poisoning, and that his company made only industrial-grade glycerin. "I can tell you for certain that we have no connection with Panama or Spain," Mr. Wan said. But in recent months, the Glycerine Factory has advertised 99.5 percent pure glycerin on the Internet.

Mr. Wan recently declined to answer any more questions. "If you come here as a guest, I will welcome you," Mr. Wan said.

"But if you come again wanting to talk about this matter, I will make a telephone call." A local government official said Mr. Wan was told not to grant interviews. A five-minute walk away, another manufacturer, the Taixing White Oil Factory, also advertises medical glycerin on the Internet, yet it, too, has no authorization to make it. The company's Web site says its products have been exported to America, Australia and Italy."

Ding Xiang, who represents the White Oil Factory, denied that his company made pharmaceutical-grade glycerin, but he said chemical trading companies in Beijing often called, asking for it. "They want us to mark the barrels glycerin," Mr. Ding said in late December. "I tell them we cannot do that." Mr. Ding said he stopped answering calls from Beijing. "If this stuff is taken overseas and improperly used. . . ." He did not complete the thought. In chemical country, product names are not always what they seem. "The only two factories in Taixing that make glycerin don't even make glycerin," said Jiang Peng, who oversees inspections and investigations in the Taixing branch of the State Food and Drug Administration. "It is a different product."

ALL IN A NAME

One lingering mystery involves the name of the product made by the Taixing Glycerine Factory. The factory had called its syrup "TD" glycerin. The letters TD were in virtually all the shipping documents. What did TD mean?

Spanish medical authorities concluded that it stood for a manufacturing process. Chinese inspectors thought it was the manufacturer's secret formula. But Yuan Kailin, a former salesman for the factory, said he knew what the TD meant because a friend and former manager of the factory, Ding Yuming, had once told him. TD stood for the Chinese word "tidai" (pronounced tee-die), said Mr. Yuan, who left his job in 1998 and still lives about a mile from the factory. In Chinese, tidai means substitute. A clue that might have revealed the poison, the counterfeit product, was hiding in plain sight. It was in the product name.

Mr. KENNEDY. Madam President, if I could have the attention of the Senate, I was going to ask consent about a managers' amendment. Is it the intention of the Senator from North Dakota to object?

Mr. DORGAN. Am I to be recognized for 1 minute at this point?

Mr. COCHRAN. Madam President, point of order: What is the order?

The PRESIDING OFFICER. The order is 2 minutes of debate equally divided.

Mr. COCHRAN. One minute is consumed so that is all that remains; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. The Senator's point is I am entitled to 1 minute.

The PRESIDING OFFICER. The Senator is entitled to 1 minute.

Mr. KENNEDY. I yield a minute to the Senator from North Dakota.

Mr. DORGAN. Madam President, I rise in opposition to the Cochran amendment. The Cochran amendment has been law since 2003. The Secretary cannot certify as a result of it. So it is an amendment that will void anything that is in the bipartisan legislation we have offered to try to make imported drugs, FDA-approved drugs, at a lower price available to American consumers. All Senator COCHRAN described would be dealt with by the safety amendments in our amendment. If his amendment prevails, none of the safety issues—pedigree, certification, anti-counterfeiting—in our amendment will survive. That is the problem. If we stand with the American people who want lower drug prices—a safe drug supply, FDA approved—and believe they should not be paying the highest prices in the world, vote against the Cochran amendment and for the underlying Dorgan-Snowe amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1010.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), the Senator from Rhode Island (Mr. REED), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "yea."

The result was announced—yeas 49, nays 40, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—49

Alexander
Baucus
Bayh
Bennett
Bond
Bunning
Burr
Cantwell
Carper
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Crapo
Dole
Domenici
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Isakson
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Roberts
Rockefeller
Salazar
Specter
Stevens
Sununu
Thomas
Voinovich
Warner

NAYS—40

Akaka
Bingaman
Boxer
Brown
Byrd
Cardin
Casey
Clinton
Collins
Conrad
Craig
DeMint
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Klobuchar
Kohl
Leahy
Levin
Lott
McCaskill
Nelson (FL)
Pryor
Reid
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Thune
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—11

Allard
Biden
Brownback
Dodd
Ensign
Inhofe
Johnson
McCain
Obama
Reed
Tester

The amendment (No. 1010) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I request that the next vote be a 10-minute vote.

The PRESIDING OFFICER. That request has been granted.

AMENDMENT NO. 990

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate, equally divided, on amendment No. 990, offered by the Senator from North Dakota, as amended.

Who yields time?

Since no one yields time, time will be equally charged to both sides.

Mr. KENNEDY. Madam President, we yield back the remaining time, all time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I think we are ready to voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 990, as amended.

The amendment (No. 990), as amended, was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I ask unanimous consent that the managers' amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Madam President, reserving the right to object, we received the managers' amendment about 30 minutes ago and I am still reviewing some of the amendments. I object at this point.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, there will be 2 minutes for debate equally divided prior to the vote on the motion to invoke cloture on the substitute amendment to S. 1082.

Who yields time?

Mr. BYRD. May we have order. May we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Madam President, again, I thank all of the membership for their cooperation. We have been on this legislation for 1 week. We believe we have a managers' amendment which reflects the best judgment of Senator ENZI and myself and we will offer that at the appropriate time. I mentioned earlier during the debate and discussion, the essence of the managers' amendment. I think we probably have possibly two more votes that might require rollcall votes and then we would go to final passage. I think we have broad support for this legislation which is so essential if we are going to bring the FDA into the 21st century, and if we are going to assure safety for the prescription drugs our families take, insist on a safe food supply, and ensure that the FDA has the best in terms of science.

I again thank my friend and colleague from Wyoming. I hope we can get a strong vote in favor of this bill.

Mr. BYRD. Madam President, may we have order.

The PRESIDING OFFICER. Could we please have order.

Mr. BYRD. Would the Senator mind saying that again, please.

Mr. KENNEDY. Madam President, 30 seconds. I was reminding the membership, as the Senator from West Virginia knows, this bill is going to ensure the safety of our pharmaceutical products. It is going to ensure the safety of our food products. It is going to insist that the FDA promote the latest in terms of science. We need to push the FDA into the 21st century, and this legislation will do it.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I am all for pulling or pushing the FDA into whatever century we determine at this point. I only pointed out that I wish to review some of the managers' package that deals with ginseng, baby turtles, tanning beds, and more, and I want a bit of time—and perhaps others would if they don't know these amendments exist—to take a look at the amendments.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, on our side of the aisle I do appreciate the tremendous amount of effort Senator KENNEDY and his staff and many others on the other side of the aisle who have worked with those of us on this side of the aisle to get particularly the major concerns that were brought up during the markup in committee taken care of. There are tremendous amounts of things in here both sides have worked on and in some cases come up with a third way of doing it. I think we are on the right track here. The product will make a huge difference in the bill, and I hope we can move forward.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment, as modified, to S. 1082, the FDA Revitalization bill.

Ted Kennedy, Dick Durbin, Byron L. Dorgan, B.A. Mikulski, Patty Murray, Claire McCaskill, Amy Klobuchar, Sherrod Brown, Jack Reed, Herb Kohl, Charles Schumer, Christopher Dodd, Barbara Boxer, Bill Nelson, Jeff Bingaman, Debbie Stabenow.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the committee substitute amendment to S. 1082, as modified, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted "nay."

The yeas and nays resulted—yeas 82, nays 8, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—82

Akaka
Alexander
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
Dole
Domenici
Durbin
Enzi
Feingold
Feinstein
Graham
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Specter
Stabenow
Stevens
Sununu
Thomas
Thune
Voinovich
Warner
Whitehouse
Wyden

NAYS—8

Casey
DeMint
Dorgan
Grassley
Sanders
Snowe
Vitter
Webb

NOT VOTING—10

Allard
Biden
Brownback
Dodd
Ensign
Inhofe
Johnson
McCain
Obama
Tester

The PRESIDING OFFICER. On this question, the yeas are 82, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. KENNEDY. Madam President, as far as I know, on this side, I think we have one amendment. We are inquiring of the Senator to see whether it will be offered. I think Senator ENZI can speak for the other side. We still have to work through the managers' amendment. I want to make it very clear that we are glad to get into the details of all that. I tried to summarize the managers' amendment. It involves a great many ideas from our side of the aisle. So, hopefully, we will be able to move that process.

I know Members want to know how we are going to proceed now through the afternoon. We have good attendance, and we would like to at least give the membership an idea about how we are going to proceed. We have been on this legislation now for a week, and we have made very good progress. I think the vote on cloture demonstrates the strong support for this underlying legislation.

We would like to move this legislation in a timely way and not delay it needlessly. So we will inquire of our colleagues further—if they have amendments, hopefully, they will let us know. Hopefully, we will have the opportunity to deal with the managers' amendment in a timely way. It would be unfortunate if we did not, since we have given assurance to Members on both sides of the aisle and worked long and hard with them to try to get this through. Obviously, any Senator is entitled to review the managers' amendment. We are getting very close to the point where we are prepared to move along with this legislation. This would seriously compromise a lot of colleagues who voted with the assurance that we were going to move ahead. We are more than delighted to get into the description of these various amendments and explain why we have recommended them. I hope we will not have delay for delay's sake, but that we will find a way to move forward.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask the managers through the Chair—I have about a 10-minute speech on another subject I would like to make at an appropriate time. I don't want to interfere with the progress of the bill. I ask the Chair whether now would be an appropriate time or whether they would like me to wait.

Mr. KENNEDY. Madam President, I think it would be appropriate for the Senator to speak now. I thank him for his courtesy.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENGLISH: OUR NATIONAL LANGUAGE

Mr. ALEXANDER. Madam President, at the end of March, the U.S. Equal Employment Opportunity Commission sued the Salvation Army for allegedly discriminating against two of the Salvation Army's employees in a Boston-area thrift store by requiring them to speak English on the job. This lawsuit means that every business in America, from the shoe shop to Wal-Mart, will need to hire lawyers to prove it has a legitimate business purpose if that business wants to require employees to speak our national language while at work.

I asked the chair of the EEOC in what language she holds staff meetings. She said, in English.

We conduct Senate debates in English.

Since 1906, no immigrant has been able to become an American citizen without first learning English. At Hillsboro High School in Nashville, where my daughter graduated, students speak 28 native languages, but classes are conducted in English.

Federal law requires that all children in public schools be tested in English, and that if they do not know English, they must learn it as soon as possible.

Over the last 40 years, I have voted for or supported, I believe, almost every civil rights or anti-discrimination law that has been offered. But in America, requiring English in the workplace is not discrimination; it is common sense. More important, it is our common language. Our common language helps unite the diversity in this Nation of immigrants.

That is why, during the debate on immigration a year ago, the Senate adopted my proposals: First, to provide $500 grants to help prospective citizens learn basic English; second, to allow someone who becomes fluent in English to become a citizen after 4 years instead of 5.

The Senate also declared English to be America's national language and provided that anyone illegally here must first learn English before gaining legal status.

A few Senators said we were wasting our time debating national unity and language. But other nations are discovering just how important and difficult it is to unite one's country. Look at how today Turkey is struggling with whether to become more secular or more Muslim, struggling with what to do about its Kurdish minority. Germans are struggling to absorb Turkish workers. Italians are establishing agencies to help new Muslim residents "feel Italian." Three alienated British citizens, children of Pakistani immigrants, blew up a London subway 2 years ago. The children of disaffected Muslim immigrants in France burned cars during that country's elections this weekend, a small echo of much larger riots 2 years ago.

We Americans are rightly proud of our diversity. But Iraq and Jerusalem and the Balkans are also diverse. America's greatest accomplishment is not our magnificent diversity. Our greatest accomplishment is that we have united that diversity into one country.

Our original national motto inscribed in the wall right above the Presiding Officer's chair is "One from Many," not "Many from One."

Most nations unite around ancestry or race, making it hard for newcomers. Imagine "becoming Japanese" or "becoming German." In other words, the United States Constitution says race or ancestry can have nothing to do with someone becoming an American. Instead, American unity is based upon ideas, principles found in our founding documents—such as liberty, equal opportunity, and the rule of law. New citizens must, therefore, pass an exam, which was recently improved, about the Declaration of Independence, our Constitution, and United States history.

The first Europeans in America were French and Spanish, but our cultural beginnings and primary institutions and laws were Protestant and English. So English became the way Americans of many backgrounds communicated with one another.

In the 20th century, according to the late president of the American Federation of Teachers, Albert Shanker, American common—or public—schools were created primarily to help immigrant children learn arithmetic and to read and write in English with the hope that they would go home and teach their parents. Then, in 1906, all new citizens were required to know English.

That has turned out to be a fortunate choice. English has also become a unifying language internationally. For example, every Chinese student is expected to study English. When Carlos Ghosn, who speaks several languages, became chief executive officer of Nissan, he began conducting business meetings in Nissan's Tokyo headquarters in English.

The most fortunate children in our country are those who grow up learning more than one language, but American parents know that one of those must be English. Mastering English is how an American succeeds in school, in the workplace, on the computer, and in international affairs.

A century ago, many American companies and private associations led an effort to Americanize new immigrants. They taught their employees English and the National Anthem. Today, the EEOC is suing the Salvation Army for doing the very same thing, insisting that its employees learn and speak this country's common language.

According to an article that appeared today in USA Today:

> The number of charges filed with the Federal Equal Employment Opportunity Commission (EEOC) alleging discrimination based on such English-only policies is . . . six times as large as 10 years ago, [growing] from 32 charges in 1996 to about 200 in 2006.

This is not only an astonishing waste of the EEOC's time and taxpayers' money—the EEOC has a backlog of 56,000 cases—but it is also contrary to everything we know about the importance of achieving unity in our country.

Speaking English is not a punitive requirement; it is a requirement to help us communicate with one another. A 9-1-1 telephone call isn't of much help to a Chinese-speaking person if the employee answering the phone speaks only Spanish.

In this case, the Salvation Army posted its requirements that employees in thrift stores speak English. The two employees in question had worked for the Salvation Army for 5 years. They were then given an extra year to learn English. When they didn't, they were let go.

I intend to introduce legislation to put an end to these lawsuits by making it clear that requiring employees to speak English is not illegal discrimination as long as the policy is clearly posted.

More than that, I can think of nothing that would be more in our national interest than helping anyone in our country learn our common language. That is why later this month, when the immigration legislation comes to the floor, I will introduce again my amendment that the Senate adopted last year giving every adult immigrant a $500 voucher to receive English instruction and allowing those immigrants who want to become citizens to do that in 4 years instead of 5 if they become proficient—rather than just achieve a basic level—in English.

Senator KENNEDY and I have discussed the fact that there are too many adults eager to learn English standing in line in Boston and Nashville for adult learning programs. They need help learning English, and I hope we can rectify that soon.

For 10 years I have suggested, most recently to Bill Gates at a hearing, that I would like to see established a private foundation that would loan $500 to any person living in this country who wants to spend it at an accredited institution learning English, with the hope that someday that student would pay it back. The payoff to American unity would be worth the cost by itself. But I believe such a bank would eventually grow to a huge size funded by grateful new Americans.

Without our common language we would be a giant Tower of Babel. It would be difficult for Americans to talk with one another, to debate political issues, and to vote. It would be harder to function as a democracy and to unite as one country. Without English, we would risk becoming just another United Nations instead of the United States of America.

Madam President, I ask unanimous consent to have printed in the RECORD the article from the USA Today to which I made reference.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, May 7, 2007]

ENGLISH-ONLY WORKPLACES SPARK LAWSUITS

(By Stephanie Armour)

Some companies are adopting policies that require employees to speak only English on the job, spurring a backlash of lawsuits alleging that such rules can discriminate against immigrants.

The English-only policies are coming as the number of immigrants in the USA soars: Nearly 11 million residents are not fluent in English, according to U.S. Census data, up from 6.6 million in 1990. Nearly 34 million residents are foreign-born, according to 2003 U.S. Census data. That's up from 24.6 million in 1996.

"This is becoming a much bigger issue," says Amy McAndrew, an employment lawyer at Philadelphia-based Pepper Hamilton. "Employers want to have policies because of safety and customer service, but they have to be careful not to be discriminatory."

Employers may legally adopt an English-only speaking rule if they can show it is a business necessity, such as the need for communication with co-workers and customers or safety-sensitive situations where use of a common language could prevent an emergency, she says.

But Ronna Timpa, owner of Workplace ESL Solutions in Henderson, Nev., says employers go too far in adopting strict policies that prevent co-workers from talking in their native language even during lunch.

"Imagine how you would feel if you couldn't speak your own language in the bathroom," she says.

The issue typically comes up in lower-wage and service-sector jobs.

The number of charges filed with the federal Equal Employment Opportunity Commission (EEOC) alleging discrimination based on such English-only policies is small but six times as large as 10 years ago, from 32 charges in 1996 to about 200 in 2006.

"If the rules enter work breaks, they will be difficult to defend or justify," says Dianna Johnston, assistant legal counsel with the EEOC, adding that some employers also have policies requiring employees to be fluent in English.

Employers have faced lawsuits for enforcing English-only policies. In April, Flushing Manor Geriatric Center agreed to pay $900,000 to settle an EEOC lawsuit based in part on the company's English-only policy. The New York-based geriatric center barred Haitian employees from speaking in Creole while allowing other foreign languages to be spoken, according to the EEOC.

That prohibition also included that no Creole be spoken during breaks, and largely affected employees who worked in nursing, food service and housekeeping, the EEOC says.

"There was no justifiable reason when there's not a specific business necessity," says Stella Yamada, an EEOC lawyer.

Marc Wenger, 'a New York-based lawyer representing the geriatric center, says the EEOC characterization is inaccurate and it believes its language policies are consistent with EEOC guidelines. He says there was no restriction on using other languages during breaks, adding the consent decree was not an admission of wrongdoing.

Some employers have extended the policy to customers, too. Geno's Steaks, a Philadelphia landmark, generated a storm of media and blogger attention in 2006 when its owner posted a sign requesting that customers order only in English.

At New York-based Hakia, which provides an Internet-based search engine, employees who are hired must speak English, and English is the language used for all business communications, says President Melek Pulatkonak. Many employees are immigrants who speak Turkish, German, Russian, Indian, Romanian or Spanish. Employees are free to speak their native language in private conversations.

"We have a very international team," Pulatkonak says. "Sometimes we have slips, and we just e-mail them back in English."

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I wish to discuss the amendment Senator ROBERTS and I have worked on, along with Senator KENNEDY and Senator ENZI, regarding direct-to-consumer advertising of prescription drugs. I am concerned about the proliferation of this kind of advertising, its effect on public health and health care spending, how much money we are spending on health care. Senator ROBERTS and I want to make sure they are done in a responsible way so that consumers have good information and it deals with safety and efficacy. I believe, along with Senator KENNEDY and Senator ENZI, we have crafted an amendment that addresses any first amendment concerns, and I believe we have also crafted an amendment that will help the FDA get better safety and efficacy information to consumers who see these ads.

I wish to take this time to discuss my concerns with direct-to-consumer advertising of prescription drugs. Keep in mind, we are talking about ads you see on television, you hear on the radio, you see in newspapers and magazines for drugs that you cannot buy unless you get a prescription. It raises all kinds of questions. Why would you advertise drugs that you can't buy? I can see advertising Advil or Tylenol or a host of other over-the-counter-type drugs that you can go into a drugstore and buy, such as cold pills and antihistamines. But for prescription drugs, it raises an interesting question: Why would these drug companies be spending so much money advertising directly to you if you can't even buy it unless you get a prescription?

Let's look at the history of what has happened. Information that is conveyed in these ads is supposed to balance risks and benefits of a specific drug and provide information to the public. But what we have seen happening over the last several years is less and less information and more and more promotion—ads that minimize the risks associated with the drugs and maximize the benefits. They are not balanced. As a result, in exchange for an increased market share for a drug company, the consumer is left with an incomplete and even a dangerous understanding of a drug's risks and benefits.

More often than not, these ads do not provide consumers with accurate comparisons between new drugs or even older drugs that are still effective.

For example, in a 2002 FDA survey of physicians, 65 percent of physicians thought patients were confused by the relative risks and benefits of drugs they saw advertised; 75 percent of the doctors believed the ads led patients to overestimate the efficacy of advertised drugs. All of this can only lead to one conclusion, that there is not a fair balance of risks and benefits in these ads.

Worse still, 86 percent of physicians had a patient who asked about a specific drug. They didn't ask about something for their back pain or for allergies, they asked about a specific drug. Eighty-six percent of physicians said the patients asked about specific drugs. As it turns out, the patient usually got that drug.

Seventy-seven percent of primary care physicians prescribed a drug a patient asked for; 74 percent of specialists did.

Let's look at some of these drugs and what happened. We all know what happened when Vioxx, a pain reliever now associated with heart attacks, was pulled from the market after being heavily marketed to consumers. Consumers never had a clear picture of the risks and benefits associated with the drug. Millions of consumers were put at risk.

One wonders how many doctors said to a patient who came in: You know, if Advil works for you now, you probably don't need Vioxx.

Look what happened with Vioxx: 2 million Americans took it. It was marketed in 80 countries. Madam President, $100 million per year was spent on direct-to-consumer advertising of the prescription drug Vioxx over about 5 years. So about a half billion dollars was spent to tell you Vioxx was good for you.

What happened? Because of all this heavy advertising, there was $2.3 billion in sales in 2003. We all know what happened. It was pulled from the market in 2004. Why? Because thousands of people died of heart attacks because they took Vioxx. Yet this product was subject to heavy direct-to-consumer advertising.

We all remember the Vioxx ads, how good it was for you. Then we find out it was causing heart attacks. Again, this is a clear indication of the irresponsibility of these drug companies in direct-to-consumer advertising. It has just gotten out of hand. It has totally gotten out of hand.

I will show on the next chart what I mean by getting out of hand. Here is the spending on direct-to-consumer advertising. Keep in mind, prior to 1996, we didn't have direct-to-consumer advertising very much on TV and radio. Pharmaceutical companies basically marketed to doctors. You went into the doctor's office. You saw things in the doctor's office. But the doctors were the ones who got the advertisements.

In 1997, the FDA promulgated some rules which opened up the system. Then, all of a sudden, the drug companies started marketing to consumers. In the first year, they spent $791 million. Look what has happened every year. More and more and more. In 2003, $3.2 billion was spent on advertising. I made the chart before I got the latest figures, but today I got the 2005 figures. It is now $4.2 billion. Madam President, $4.2 billion was spent in 2005 advertising drugs you can't buy unless you get a prescription. Keep in mind, these are drugs for which you have to have a prescription. So it has gotten out of hand.

To make matters even worse, most of this money that is spent, $4.2 billion in 2005, was for the promotion of only 50 brand-name drugs. As a GAO study found out, these drugs are most often for chronic conditions, not for cancer—not for life-threatening diseases—but for chronic conditions. GAO found the ads tend to be for antihistamines, sleep aids, acid reflux, and—as we all know too well from watching evening television—things like impotence. We all know this is true. We know it. Look at the ads on TV every night.

It is no coincidence these advertisements are for drugs that you must take repeatedly. It is so you will get hooked on a brand and then you have to keep taking it and taking it and taking it.

Mr. DORGAN. Madam President, will the Senator yield for a question?

Mr. HARKIN. I will yield.

Mr. DORGAN. The Senator held up one or two charts dealing with Vioxx, a pain medicine. He is aware, I know—and I believe it was Dr. Graham from the FDA who testified—that somewhere around 50,000 to 75,000 Americans died of heart attacks as a result of that drug. I know Senator HARKIN is talking about the advertising of these drugs. That was a drug that was advertised as a new generation of pain killers—distinctly different and distinctly better. Not only was that not the case, but it turns out that it posed a very substantial risk to tens of thousands of people, in the FDA's own testimony, who died.

If I might make one additional point. The Senator is raising a question I have raised on the floor in the last week or so about this issue. You turn on the television in the morning while you are brushing your teeth—if you have a little television in your bathroom—and you are minding your own business, when a commercial comes on and says: You know what you ought to be doing? You ought to go to your doctor and ask him if the purple pill would be right for you. You don't know what the purple pill is, but there is a lot of advertising saying you are somehow unworthy if you don't go to the doctor to see if the purple pill isn't right for you because life would be a lot better if you were taking the purple pill.

That is the way this advertising goes. You can only get these drugs by a doctor's prescription. Yet the television set is giving us all this advertising from a pharmaceutical industry saying: You know what you need to do, you need to ask your doctor if you shouldn't be taking more prescription drugs. Maybe a green pill, maybe a purple pill, but life will be better if you would do this.

The reason I wanted you to yield, is that doctors are saying that what they are finding in their offices these days is patients are coming in and the patients are saying: Here is the medicine I want because I saw it on television. Obviously, the doctors aren't happy about that because they are the ones who should be diagnosing and prescribing.

I wanted to make the point that I think your presentation is right. I think there are only two countries in the world, us and New Zealand, that allow virtually unrestricted, complete public advertising on prescription drugs that can only be prescribed by doctors.

Mr. HARKIN. The GAO did this study which found that 86 percent of physicians responded that patients came in to ask about a specific drug—the purple pill, the green pill. You might say: Why are the doctors doing it? One doctor said to me: You are right. They shouldn't be advertising this. Patients coming in would be just as well served by taking an aspirin or something like that, very cheap and readily available, and I tell them that. The doctor is telling me this. I tell them that, and they say, no, no, they saw this ad. They want this. I tell them no, but they say: Well, Doctor, if it is all the same with you, I would just as soon have that pill. So he says: Well, if you want it, I will prescribe it.

So there is an undue amount of pressure being put on doctors right now to prescribe these drugs because patients are demanding it.

Mr. DORGAN. It is the case with this advertising that if you take this purple drug, you know, you will be riding in a convertible, perhaps through a beautiful meadow, where the Sun is shining and the birds are singing and life is wonderful. Why? Because you took the purple drug. And by the way, go ask the doctor if you shouldn't have some of this.

The Senator is raising a very important question, especially about the dramatic growth in direct-to-consumer advertising about a product that can only be achieved through a prescription by a doctor.

Mr. HARKIN. Well, I thank the Senator for his great leadership in all these areas on drugs, on reimportation, which I was proud to support him on. We have to get a handle on this.

We all have first amendment concerns. People have the right to advertise, but I question whether they can advertise in a way, like with Vioxx, where they tell you all the benefits, but they do not tell you the risks, or they put them in such little fine print that it takes a 50-power magnifying glass to read them.

On television, how many of you have seen the ads where they come on with this wonderful advertisement of a drug, and then in the end it says: Not to be taken by, and it goes so fast you can't understand what they are saying. It is akin to listening to an auctioneer. You can't understand what they are saying. So you see all the benefits of it, but you don't get any of the downsides.

One might ask: Why are companies doing it? Well, simple. They make money. The Kaiser Family Foundation found an additional $4.20 in savings for every dollar spent on advertising. There you go. If you could spend a dollar and make $4.20, who wouldn't?

So we have to ask some questions. What happens when we create an artificial demand? What is the effect on our budget? Some people might say: Well, that is OK, but people are spending their own money or the insurance company is. That is not so. Think of all the money we are spending on Medicare and Medicaid for these drugs that people are being beaten over the head with every day on these ads on television. Think about the baby boomers retiring.

I said that by 2005 the spending had gone to $4.2 billion. Think of what it is going to be this year. I will bet it will be over $5 billion this year, spent on advertising alone, for drugs you can't buy unless you get a prescription. So it is clear to me it has very little to do with patient care and very much to do with making money. I don't mind drug companies making money. That is fine. They do good things. They invest money in research—not as much as I wish they would—and they come up with good drugs. We all take them when we get sick or when we have a disease. The problem is it has gotten out of hand.

It was OK when they did a little bit of advertising, but now it has gotten out of hand. It has gotten to the point now where an individual from a drug company—I will not mention who—said to me: Well, yes, you want to turn the clock back to 1996, when we didn't advertise much on TV. He said: That would be nice, but you could never get it done because not everyone would agree. Because, you see, the big drug companies, the big ones that have some major portion of these 50 drugs that are basically the ones being advertised, they have got the power. The little drug companies out there, which may have good drugs for you, lifesaving drugs and things such as that, they have to get in the game too. They have to compete. So it keeps ratcheting itself up every year. Every year it ratchets itself up with more and more advertising.

Before I yield the floor, I wish to review a little bit the history, so we are clear on how we got to this point. In 1962, Congress gave the FDA the authority to regulate prescription drug advertising which, at that point, in 1962, consisted of ads in medical journals. Regulations followed from the FDA, after 1962, which required that all drug ads include "a brief summary statement that discloses all the drug's known risks." That was done, and all the medical journals, whenever the drug company would put an ad in a medical journal about the benefits of the drug, they had to include, and they did include—they were very responsible for a long time—all the known risks. After all, they were advertising to doctors, people who were knowledgeable in the field.

Until 1997, there was no real guidance beyond that as to what was required. Today, based on guidance that was finalized in 1999, an ad sponsor is only required to disclose "the most important risks" in a "major statement" in the audio portion of a TV or radio ad. The FDA does not require that all risks be read in the ad.

Think about that. You can tout all the wonderful benefits, but you don't have to tell what all the risks are. The FDA requires that an ad sponsor provide other places to find the list of all the risks. So you could have an ad on TV tell you Vioxx is great—there may be a problem with irregular heartbeat, maybe—but if you want to know all the known risks, you can call this toll-free number or you can go to a health care provider and ask your doctor or print ads.

As I said earlier, it can be very easy for a statement about risks and benefits to get lost in the creative content of the ads. It is no wonder consumers demand newer drugs from their doctors. They don't have a clear idea of the true safety or the efficacy profile. Over time, it has become clear that sometimes the creative content of the drug ads has the effect of minimizing the safety profile of a drug while artificially spurring the demand.

I have one other chart I wish to show. This ad right here. Here is an ad for Cialis. If you have ever watched television in the evening in the last several months, you have seen this ad. You could have seen it in the last few weeks. It seems like I can't turn on the TV that I don't see this ad, so I put it on a chart in case someone might have missed it. It is talking about Cialis. It has this wonderful scene at the end, with a woman in a bathtub, a man in a bathtub, and a beautiful valley scene—maybe Napa Valley. I don't know where it is—and they say: If a relaxing moment turns into the right moment, will you be ready?

While this is on the screen and you are looking at this beautiful scene and thinking how wonderful it is, they come on and give you a couple of known risks. Are you going to listen to that? Or are you paying attention to how wonderful Cialis is for you?

This is another example of the amount of money being put into advertising. This is not a drug preventing a disease someone might have. It is not for a life-threatening disease or anything like that. Not at all. Yet that is where the money is going. That is what the problem is with a lot of these ads.

What our amendment does is it tries to fix some of these problems and to help the FDA and the companies to provide better information so that consumers can make real choices, not a choice based on a movie endorsement or a slick advertisement. So our amendment does four things:

First, the 2-year moratorium on direct-to-consumer advertisements found in the underlying bill is dropped. While I believe this provision is constitutional, I understand and respect the concerns others have on this point.

Secondly, in the underlying bill, every ad may be prereviewed by the FDA. In this amendment, as part of that process, the FDA may require specific safety information in the content of an advertisement as part of a risk evaluation and mitigation strategy. In addition, the company must include any changes the FDA requests about a serious risk in the content of the ad or they are subject to civil penalties.

Third, civil monetary penalties can be assessed against a company for an ad that is false and misleading in the way it presents its safety and efficacy information.

Fourth, the major statement relating to side effects, contraindications, and effectiveness that is included in every TV and radio ad must now be stated—and get this—in a clear, conspicuous, and neutral manner. A clear, conspicuous, and neutral manner.

Hopefully, this will clarify the major statement about risk and benefits, which is paramount, and that the creative wonderful scenery will not distract from it. I think it is a good compromise. It is a step in the right direction. Hopefully, we will get the bill through, this will be a part of it, and we will see if the drug companies want to be responsible.

We don't need to spend $5 billion a year advertising for drugs for which you have to get a prescription. I would rather they put that money into research, research on drugs that really are lifesaving and helpful to more people.

I hope this amendment will be accepted. As I said, it is a compromise, obviously. It is not everything I wanted to do, but I think, again, it is a step in the right direction, and it will give us a yardstick. If, a couple of years from now, we see that the spending has gone from $4.2 billion to $5 billion to $5.5 billion to $6 billion, then we will really have to come back here and tighten down on it even more.

This is a shot across the bow to the drug companies—rein it in, be responsible, or tougher things are coming in the future. So it is really up to the drug companies to now start to be responsible. It is up to FDA to use their authority to make sure the contraindications, the safety measures, the drug interactions—all the things that may happen to people—are presented in a clear, conspicuous, and balanced and fair manner. That is the essence of the amendment. I hope it will be adopted.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from South Dakota.

Mr. THUNE. Madam President, one of the biggest drivers of health care costs today is the cost of prescription drugs. This debate over reauthorization of the FDA has given us an opportunity to really home in on some of the reasons for those high costs of prescription drugs. We say we spend somewhere around $2.2 trillion on health care today or about 16 or 17 percent of our gross domestic product. Of that amount, about 15 to 20 percent of what we spend on health care is for prescription drugs. It is an enormous industry in this country.

Frankly, some remarkable things have happened. We have wonderful therapies that have prolonged life, have improved the quality of life, and for that we can be grateful to those companies which are investing in the research and development that is necessary to bring these types of new therapies and drugs onto the market.

At the same time, we have to be very concerned about the cost of these things. Everybody has to be concerned about that. The taxpayers, who underwrite the cost of Medicare and Medicaid, which is a big part of the cost of health care in this country, have a stake in this debate, as does every consumer who, for prescription drugs—

whenever they are diagnosed with something and a doctor prescribes a certain medication, a certain drug, and they have to go get it, obviously that cost is borne by them as consumers and by their health care provider, their insurer. Everybody has a stake in the cost of prescription drugs and doing everything we can to lower their costs, to make them more affordable to average people in this country.

We have an amendment, the Stabenow-Thune-Brown-Lott amendment having to do with citizen petitions, which was just debated. It has been debated. It is under consideration as part of the managers' amendment. I thank the managers, Senators KENNEDY and ENZI, for giving us an opportunity to perhaps have it included in the managers' amendment. I think this is an important amendment, one that addresses the issue we are talking about today, the high cost of prescription drugs.

The amendment will reduce the filing of frivolous "citizen petitions" that delay entry of generic drugs to the market and unnecessarily increase drug costs for both taxpayers and consumers. My colleague from Michigan, the distinguished Presiding Officer, has discussed this earlier.

A citizen petition is intended to be just that—it is a petition that is filed by an individual or a group in order to raise potential concerns. If you look at what has happened with that, that process has been abused. You can see that even from what the FDA Chief Counsel has said about this process:

> These petitions appear designed not to raise timely concerns with respect to the legality or scientific soundness of approving a drug application, but rather to delay approval.

What has happened in this process is it has become hijacked and is being used for purposes for which it was not intended.

Under current FDA regulations, the simple act of filing a petition, no matter how meritorious or frivolous that petition may be, automatically delays the approval of a generic drug. Under current regulations, there is no risk or cost associated with filing a citizen petition. Yet the benefit to a brand-name company in maintaining their market share for even a few months is enormous.

I want to show another chart which I think further defines why there is so much advantage for a company to use this process in a frivolous way, to delay the introduction of generic drugs into the marketplace. Take Flonase, for example. The delay caused by using the citizen petition was 645 days. During that period, the additional sales that were generated were over $1 billion—$1.6 billion. If you look at DuoNeb, another drug, 420 days' delay yielded $262.5 million additional revenue generated during that delay period.

The amendment will allow the FDA to verify that citizen petitions are legitimate by requiring applicants to verify that they have not received compensation from another organization to file such a petition. It will also prohibit delays of generic drug approvals unless the FDA determines within the first 25 days that a petition is filed that the petition raises a genuine public health concern. This amendment helps to remove the incentive for drug companies to file unnecessary or illegitimate citizen petitions.

Even the FDA has said the citizen petition process is inefficient and is often abused by pharmaceutical companies. This is troubling to me because the rising cost of prescription drugs is one of the largest drivers, as I said earlier, of health care costs in our country today. These costs contribute directly to the rising cost of health insurance premiums for families and small businesses and the cost to all taxpayers for what we pay for Medicare and Medicaid.

As a Member of the House of Representatives in 2002, I sponsored legislation that would help speed access to lower cost generics. Back then, one of the major issues of concern to Congress and consumers was the automatic 30-month stay brand-name companies could request whenever a challenge was raised to the patent. FDA regulations at the time essentially allowed a pharmaceutical company to ask the FDA for an unlimited number of 30-month stays as generics sought entry into the market, effectively delaying their approval. Now we are looking at yet another loophole the industry has found to delay access to lower cost generic drugs.

Access to generic drugs is one crucial part of the solution to controlling prescription drug costs. As I said earlier, in overall health care costs, what continues to increase over time is the cost of prescription drugs. As I said earlier, there are also some wonderful therapies, some medications that were brought onto the market that are doing remarkable things for health care in this country. But there is also a long period where drug companies that develop these types of medications and therapies have the exclusive right to market those. During that period, they have an opportunity to recover the cost of the research and development that goes into that particular drug. But there is a point at which that period comes to an end. When that period comes to an end and it is opened to competition, then other generic drug manufacturers can enter the marketplace. What you generally see happen is drug costs go down dramatically when competition takes hold.

I am a big believer in the market. The market works when there is competition. What we will need, if we want to do something about the high cost of prescription drugs and the impact they are having in driving health care costs in this country, is to create more competition in the marketplace.

What this particular loophole does, the citizen petition loophole, is it allows drug companies to take advantage and in a frivolous way use something that was intended for legitimate purposes; that is, to allow citizens to challenge this process, to extend the period in which they can continue to exclusively market a drug to the tune literally of billions and billions of dollars of additional cost. That is wrong.

The amendment we have introduced—the Senator from Michigan, Senator STABENOW, Senator BROWN, Senator LOTT, myself—would simply bring some clarity to this and make sure, when the FDA has an opportunity to determine, to take a look at these citizen petitions, that petition does, in fact, raise a genuine public health concern. I believe this amendment will help remove the incentive drug companies have to file unnecessary or illegitimate citizen petitions in order to continue to reap some of these profits and take advantage of a loophole that exists today that needs to be closed.

I hope the managers of the bill, those who have been working with us throughout the course of this process, will find their way to accept this amendment into the managers' package, allow it to be adopted as part of the FDA reauthorization and to do something that in a very significant and meaningful way will address what is a serious problem in America today; that is, the high cost of health care which is driving more and more people into the ranks of the uninsured, becoming a higher cost and burden on small businesses, and, as I said earlier, a big component of that cost of health care is the cost of prescription drugs.

I think this amendment, along with others we have debated here today as well—and I happen to support allowing for the reimportation of drugs from Canada and Europe and places such as that, which will help bring drug costs down in this country—these things will all add competition to the marketplace. Competition drives down costs, it drives down costs for consumers, it drives down costs for taxpayers. That is a good thing. This particular amendment closes a loophole that needs to be closed that will bring about lower costs for consumers in this country.

I thank the sponsors and the managers of the legislation for their cooperation and willingness to work with us, and I hope in the end we can have this amendment adopted and do something that is serious and meaningful in terms of eliminating unnecessary delays in allowing for generic drug approvals, getting them into the marketplace, and driving down the cost of prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I have been trying to review the managers' package, as I indicated before. I read a number of the provisions. The one on domestic pet turtles—I looked that over. I guess I don't have an issue with that. Ginseng is all right. Tanning beds—we have a number of amendments, some small, some large, some important, some perhaps not. I have looked through them.

I do think there a couple that ought to be added. I noticed in the managers' amendment that there is a note that there is additional language coming on several of them. I don't know what that would be.

I suggested two additions to the managers' package that I hope will be considered. One is country-of-origin labeling with respect to prescription drugs:

> Any prescription drug dispensed in the United States shall affix on each dispenser or container of the prescription drug a label that includes the country in which the drug was manufactured.

The reason for that is there has been an assertion here that somehow the importation of prescription drugs would be unsafe because it comes from another country. In fact, a substantial portion of our prescription drugs comes from other countries. It would probably be useful for consumers to know that. I do not suggest they know that because it is apparently unsafe, as some seem to suggest with reimportation, but nonetheless I think that would be a useful thing.

The second is the Secretary shall certify prior to the approval for marketing any new prescription drug that the approval of such drug poses "no additional risk to the public health and safety," which is the identical provision in the Cochran amendment dealing with reimportation of prescription drugs. I would provide the same requirement for the new prescription drugs that are approved for use in this country.

These are at least, to the extent there is validity in the Cochran amendment, as judged at least by a small majority of the Members of the Senate today—to the extent there is validity in that, it seems to me there might be some use for some consistency, and the consistency would be we would want to be able to have the same approval process with respect to no substantial risk from new drugs as they are suggesting would be the case when a U.S. consumer is trying to purchase a prescription drug, FDA approved prescription drug from another country.

The second, the country-of-origin labeling just makes sense to me inasmuch as every time we debate this subject, we have people implying that there is something inherently unsafe about importing a prescription drug from another country. As I have indicated time and time again, they do this routinely in Europe and have done it for 20 years. If you are in Italy and you want to buy a prescription drug in Spain or if you are in Germany and you want to buy a prescription drug in France, there is no problem. There is something called parallel trading, and you can easily, as a consumer, access the best price on that approved drug.

It is just, if they can do it in Europe, we are told by our colleagues we do not have the capability or the wherewithal or the knowledge or whatever to be able to do it in our country.

That, of course, I think, seriously shortchanges the ability of the American people to develop a system that the Europeans have used for 20 years, a system that would help consumers. It would allow the global economy to work for consumers. Maybe the little guy ought to have a shot at accessing the benefits of the global economy.

So I think both of those amendments have merit. I would ask that those who are working on the managers' amendment consider adding these two amendments to the managers' package. I hope between now and perhaps tomorrow, over either supper or breakfast, they might have some sort of an epiphany and believe that consistency is a virtue in the Senate, and as a matter of consistency include both of these amendments in the managers' amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 993

Mr. GREGG. Madam President, I appreciate the Senator from Ohio who was going to move to morning business by giving me a little respite and let me speak.

I rise relative to the amendment I have offered on this bill, which is the effort to try to protect people who purchase pharmaceuticals from Internet pharmacies. This is a major concern today. In fact, just last week I entered into the RECORD that the FDA reported they had identified 24 different Internet pharmaceutical sites that appeared to be selling adulterated drugs to people. At least in three instances they were selling adulterated drugs which came in packages that had a lot number on them, they had an expiration number on them, and they looked exactly like the drugs the individual would have bought had they bought them through a pharmacy in the United States.

But it turned out those drugs, when they were opened by the FDA and tested by the producer of these pharmaceutical products, were adulterated, and in some instances the adulterated drugs could have caused severe harm to the person had they taken those drugs. In other instances, the drugs were simply sugar. They had no chemical compound in them.

We have had a lot of instances of this occurring. The FDA has literally hundreds of instances of people purchasing drugs over the Internet sites which come in from international locations, which the FDA has no jurisdiction over. When the person received those drugs, they took them and they were harmed. In several instances, death has actually occurred as a result.

So what I think is important is that we create a system where, when somebody uses the Internet—because everybody uses the Internet today, or just about everyone uses the Internet—to purchase the pharmaceutical product, that they be able to be fairly confident, in fact very confident, in fact assured that product is FDA approved.

This is doable. This is not an impossible exercise. This capacity to make Internet pharmaceutical sites subject to FDA oversight and give consumers the information they need in order to ensure that the pharmaceutical site is FDA approved is a very doable event. That is what my amendment creates.

Essentially what it will say is that the FDA will receive the resources necessary to be able to inspect and review and manage and overview Internet pharmaceutical sites after they have put an Internet pharmaceutical site through the system of testing and make sure that site first has responsibility in the United States, so that they are not in Russia or Albania or Pakistan or someplace and can't be reached if they do harm by selling an adulterated drug to an American citizen, that that site has a bonded individual in the United States who is responsible for actions taken by that site in selling products in the United States.

Second, that the products that are sold through that site are FDA approved and have a review process which assures that they have been FDA approved. At that point the FDA will put a tamperproof recognition symbol on that site so that a person who goes on the Internet and looks up a pharmaceutical site will immediately see this tamperproof identification that it has been FDA approved, sort of like in the old days when you used to have the Good Housekeeping seal of approval on a product. That is what this will do so that an American citizen buying through an Internet site will know that the product coming through that site is FDA approved, that it is what they say it is, what the pharmaceutical site says it is. This is a step which needs to be taken, obviously, in order to assure that American consumers are safe.

As we see, American consumers are more and more going to the Internet for purposes of buying their products. Now, regrettably, some fairly large pharmaceutical—not pharmaceutical companies but some fairly large drug retail companies which run Internet sites in most instances have reservations about this language because they are concerned about the fee system which is set up to pay for it. I can understand that. I am willing to look at ways of addressing that so that we can alleviate, to some degree, their concern.

But the simple fact is, you have to come up with a system which assures that resources are available for the FDA to be able to go out and monitor these sites. It should be a consumer-producer retail sales-fee system so that the people who are taking advantage of this site and the people who are benefiting from the site, both economically and through purchasing the product, are essentially bearing the cost of making sure the FDA has the resources necessary to monitor the site.

That is a reasonable approach. It is something we do on most issues of this type. So there is a fee system in this proposal which would basically pay for the resources necessary and give the FDA the support it needs financially so that it can expand its review process to cover these pharmaceutical products which are being sold over the Internet. This is a step we have to take. This is not something where we can sort of bury our heads in the sand and say, well, we are just going to let this happen. We are going to let these sites continue to function, and we are going to ignore their existence because more and more Americans are moving to this process of purchasing drugs.

You cannot have, in the United States, two different streams of supply of pharmaceuticals for American citizens: one which is absolutely safe and when American citizens are purchasing that product they are sure that it is not going to harm them; and, two, where they are basically rolling the dice, playing Russian roulette with what they purchase when they use an Internet site but thinking they are actually purchasing something that is claimed to be the medication they need.

You cannot do that and claim we have a safe and efficient system, a safe system which has efficacy in the quality of the drugs and have those drugs be safe when they are delivered to the consumer. We cannot have two different systems and still make that claim. We are basically undermining one of our great strengths as a culture, which is that we have a very strong system for protecting the food that Americans eat and the drugs America uses.

So it is critical that we face up to this very significant problem we have, which is that the Internet pharmacy situation is basically a "wild west" of supply. Nobody knows what they are getting. Well, they think they know what they are getting, but nobody actually knows what they are getting. They can be harmed as a result. So I believe this proposal is a reasoned proposal. It is one I hope we will take a hard look at as a Congress because I believe it is our responsibility. This is an area where the Federal Government has chosen to legislate and has done quite well over the years, FDA proposals dealing with the safety of drugs and food in our country and in our supply chain. We have a lot of history. We can take considerable pride in it. But the market has changed. We need to change the process by which we review the quality of the drugs as they come through this new market structure, which is called the Internet. This is not a partisan or political issue. This is just a question of how we substantially improve FDA's capacity on oversight of the delivery of drugs to the American citizen.

So it should, I hope, be accepted at some point. I understand it is going to be opposed, regrettably, by the other side of the aisle. This makes no sense to me. I think it has something to do with the fee system that is in place and the fact that the large drug delivery companies in this country are opposed to this type of system. But as I stated, this is negotiable. There should be some way to deal with that.

But, in any event, at some point I hope we face up to the reality of needing this type of an amendment and giving the FDA this type of authority. At this point I am not going to ask for a vote on the amendment. I may before we move to final passage. But I am also considering other approaches to getting this type of language considered.

I will review the situation as we go down the road. But I did want to speak tonight to outline again the need for this type of protection. As I said, just last week the FDA sent out a warning, actual warning to American consumers, that said: Do not use these 24 Internet sites because we cannot tell you that the drugs you purchase over these sites are going to be safe, that they are going to be what they say they are. In fact, we can tell you in these three incidents that they were not.

That means people were put at risk by purchasing drugs from these sites. So we need to give the FDA this authority, and hopefully we will. If not now, at least before this bill completes the whole process and comes back from the conference committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I have a few comments on this afternoon's proceedings. I was disappointed, as I know many in the Chamber were, in the passage of the Cochran amendment and what that means to the price of prescription drugs.

An awful lot of us believed—those of us running for election last fall, those of us who were just observers of the American political scene—understand that the drug industry has had way too much influence in the Senate and the House and particularly the White House in the last many years.

Many of us talked about reimportation of prescription drugs, particularly from Canada. Many of us—I know the Presiding Officer has done this. I have, from my Northeastern Ohio Congressional District before I was elected to the Senate last fall, taken busloads of senior citizens to Canada to buy less expensive but identical—same drugs, same dosage, same packaging, same manufacturing,—drugs in Canadian drugstores.

We all thought that it made no sense for Americans to leave our country to buy drugs, often made in the United States, but certainly drugs that are safe as those at a drugstore in Elyria, Ashtabula or Toledo or Dayton.

Many of us were disappointed at the passage of the Cochran amendment, which is what the drug companies wanted, and what again stands in the way of direct reimportation so that American seniors and other Americans could get less expensive drugs. There is simply no reason the Canadian drugs—that our drugs should cost two, three, four times what people pay for the same drug, same manufacturer, same dosage, the same packaging in Canada.

I am intrigued by Senator DORGAN's idea of country-of-origin labeling on prescription drugs. We know, for example, that a doctor prescribes Lipitor, and the patient buys Lipitor; that these actual drugs were manufactured—that medicine was manufactured in Ireland. We do not seem to think there is anything wrong with that. So it makes sense to me to put on country-of-origin labeling because then Americans would see that these drugs, whether they are made in Ireland, whether they are made in Canada, whether they are made in Germany, whether they are made in the UK, whether they are made in the United States, that because of the FDA we know those drugs are safe in our country. We know they are safe if they are coming from Britain or Ireland or Canada.

I am intrigued by Senator DORGAN's idea. I also, for a moment, wanted to speak on the amendment that the Presiding Officer has led the charge on with Senator THUNE and with Senator LOTT and myself, on the citizen petition issue. That, I understand, is in the managers' amendment. I am hopeful that will become part of this bill as it moves through the process.

We know of abuse of the citizen petition process. We know that while, of course, we want to protect peoples' rights in this country to petition their Government always, we also note the drug companies have gamed that system, turned that system to their advantage and used that petition process to block the generics getting on the market.

We know the drug companies will do darn near anything to get their way, to keep their prices higher. It is the most profitable industry in the country—return on investment, return on sales, return on equity—for almost a generation, almost every year except for when the oil industry does slightly better than the pharmaceutical industry. We know they will try almost anything.

But Senator STABENOW's work on this issue and this amendment will draw a balance so that citizen petition rights are protected, that consumers are protected, which will mean generics are earlier to market, safe generics, identical generics that will mean lower prices for our consumers.

I am hopeful we can get this bill in better shape than it has been. I appreciate particularly the efforts of Senator DORGAN on reimportation.

BIOEQUIVALENCE STANDARDS

Mr. HATCH. I rise to speak about the amendment I offered to S. 1082 on antibiotics access and innovation. My amendment is supported by the Infectious Diseases Society of America, IDSA, the Alliance for Aging Research, the National Organization of Rare Disorders, and the Immune Deficiency Foundation. It is intended to take initial steps to address the important issue of drug resistant microorganisms and the need for new antibiotics. Senate Health, Education, Labor, and Pensions Committee Chairman TED KENNEDY and its Ranking Member MIKE ENZI have worked with me on the provision as well as Senators BURR, BROWN, and COCHRAN. I appreciate all their efforts to address this important issue and am pleased that we have reached an agreement on language to include in S. 1082.

Mr. KENNEDY. I want to thank the Senator from Utah for introducing this important amendment. I am concerned with the alarming increase in the number of drug-resistant infections. Physicians from Massachusetts have written me in support of this amendment saying that patients are routinely lost to infections caused by resistant bacteria for which we have few to no options. I appreciate the efforts of infectious disease experts from the Infectious Diseases Society of America to raise these concerns and propose solutions.

Mr. HATCH. Senator KENNEDY has always been a leader in public health issues and I appreciate the efforts of him and his staff to address this important matter. However, I am concerned one provision of my amendment that was not included which deals with bioequivalence standards for locally-acting non-absorbed drugs. In the amendment I filed for Committee, I had asked for the Food and Drug Administration to establish a new bioequivalence standard for these drugs through a guidance allowing for transparency and a public process. The underlying bill deals with drug safety and although I am a supporter of the generic drug industry, I want to ensure that their bioequivalence standards are based on science—we need to ensure that FDA is applying high scientific standards and allowing for public input when these standards are developed by the Office of Generic Drugs.

Mr. BROWN. I appreciate his leadership on this matter and want to work with him to ensure that we exercise appropriate oversight over FDA and hold the agency, and in this case, the Office of Generic Drugs, accountable for its decisions. I also appreciate working with him and other members of the HELP Committee on the issue of antimicrobial resistance. So my question is, isn't this a public health crisis that requires immediate action?

Mr. HATCH. Yes, it is. I appreciate the remarks of the Senator from Ohio. I yield to the Senator from Mississippi.

Mr. COCHRAN. I want to thank the Senator from Utah for his leadership on this issue. I have been working on this issue of FDA standard setting and process for bioequivalence standards for almost a year now. We have not yet had resolution to concerns regarding bioequivalence standards and I had hoped to include language in this bill requiring FDA to engage in a process to inform the public of a change in standard, explain their scientific rationale, and allow for public input before a new standard is implemented. I understand we have agreed to continue to work with FDA on this issue and defer including the provision in this bill. I am hopeful that we can address these concerns through our continued work with the FDA. However, I think we all understand that if FDA does not sufficiently answer our questions, Congress will revisit this issue.

Mr. HATCH. I thank the Senator from Mississippi for his leadership on this matter. I agree that we need to pursue this further if we don't get good answers from the FDA. The agency's lack of a response is a big concern to me.

I might also add that your health advisor, Leigh Ann Ross, who is a pharmacist, has been very helpful in explaining the issues of pharmaceutical science at issue here. I also want to acknowledge the work of my colleague from Massachusetts who has shown great leadership here and his dedicated staffer, David Dorsey, who has worked tirelessly on this entire bill and this issue in particular. I also appreciate the hard work of Senator ENZI's staff person, David Schmickel, who has made great efforts to reach an agreement on this issue. We would not have been able to reach this point without Senator KENNEDY's and Senator ENZI's leadership on the entire bill.

In addition, I would like to acknowledge Senator BROWN's health staffer, Ellie Dehoney, who has made valuable contributions to this discussion.

Mr. ENZI. Would the Senator yield for a moment? I want to commend Senator HATCH for raising this issue of antimicrobial resistance and the need for innovation. The problem that the Senator is addressing here is a real threat to public health. The Director of the CDC reports that more than 63,000 patients in the United States die every year from hospital-acquired, antibiotic resistant infections. Although I strongly support this amendment as it is an excellent first step, a comprehensive response is needed. I hope we can continue to address the broader issue within the Committee this Congress. I also agree that we need to continue to work with FDA on this issue of accountability and look forward to working with the Chairman and other members of the Senate on this issue.

Mr. HATCH. I thank the Senator. I appreciate my colleagues' willingness to work with me on this important issue. Although the language on the bioequivalence issue is not in the agreed-to version of the amendment, by accepting the revised amendment, I want to make it perfectly clear that we want to have clear answers from the FDA on its current process in establishing a bioequivalence standard for locally-acting non-absorbed drugs. It is certainly not my intent or the intent of my colleagues to suggest that we have concluded the oversight of FDA on this issue. Instead, we have agreed to engage with FDA through the oversight function of the HELP Committee to ensure that the scientific standards and procedures used in establishing bioequivalence for this life-threatening antibiotic are appropriate.

Mr. SPECTER. Would the Senator yield for a question? My office has also been in contact with FDA on this issue of bioequivalence for a life-saving antibiotic because leading infectious disease experts in my state have expressed concern that FDA did not take appropriate steps to establish this new standard for demonstrating bioequivalence. I would like to work with my colleagues on this important issue as well.

Mr. HATCH. I thank the Senator from Pennsylvania and I know that he has been in communication with FDA regarding this issue. His contributions to this dialog have been considerable. I look forward to working with him, Senator COCHRAN and my HELP Committee colleagues in getting some answers from the FDA on this situation.

AUTHORIZED GENERICS

Mr. ROCKEFELLER. Madam President, I rise today with my colleagues to speak about so-called authorized generics. An authorized generic drug is a brand-name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. Because it is not a true generic drug and does not require an additional FDA approval, an authorized generic can be marketed during the federally mandated 6-month exclusivity period for generics. This discourages true generic companies from entering the market and offering lower priced prescription drugs. I have introduced legislation—the Fair Prescription Drug Competition Act—in order to ban authorized generics during this protected 180-day period, and I had hoped that this legislation could be accepted as part of this bill.

Mr. KENNEDY. I appreciate the leadership of the Senator from West Virginia on this important issue. He has been a staunch advocate of consumer access to lower cost generic prescriptions, successfully working to include authorized generics in the Medicaid best price calculation. I support his efforts and believe that the bill before us includes significant provisions to lower prescription drug costs. While I know that our legislation does not directly address the Senator's concerns, I want to continue to work with him on this important issue and believe that we can reach consensus on authorized generics as part of the patent settlement debate.

Mr. ENZI. As the Senator from West Virginia knows, we included language in the underlying bill on authorized generics in part due to his urging. Our bill would require the Food and Drug Administration to keep track of authorized generics marketed since January 1, 1999, and to make such data publicly available in electronic form. The language in our bill will help the Federal Trade Commission complete its study in a timely fashion, and it will also help to shed some light on this elusive marketing practice. Let me be clear: I do not agree with the other policy statements being made regarding authorized generics because I don't believe we have enough information yet to make those assessments. However, I do agree that we need more information to shed light onto this subject. That is why I supported the language in the underlying bill to allow us to have that data and to provide a strong platform for future discussions.

Mr. ROCKEFELLER. I appreciate the chairman and ranking member's interest in looking into this deceptive marketing practice. And, while I had hoped that we could reach agreement on my legislation as part of this bill, I appreciate the chairman's commitment to working with me to solve this problem as part of the patent settlements discussion. I am also grateful for Senators KENNEDY, ENZI, and HATCH's support of the authorized generics language Senator BROWN and I worked to include in the underlying bill. This language will undoubtedly help the FTC finish its work, but I want to be clear that I do not believe Congress needs to wait on the FTC study to be completed to act on the problem of authorized generics. At the very least, Congress should impose a moratorium on authorized generic drugs until such time as the FTC study is complete.

Mr. HATCH. My friend from West Virginia has had a longstanding interest in looking into this issue, and I certainly don't fault his tenacity in this area. When Congressman HENRY WAXMAN and I wrote the Drug Price Competition and Patent Term Restoration Act in 1984, our intent was to improve generic competition, while preserving the ability of brand-name manufacturers to discover and market new and innovative products. I think this legislation has worked fairly well at achieving its intended goals. I know there have been a few problems along the way, but I think we addressed many of them in the Medicare Modernization Act of 2003. In that law, Congress closed several loopholes that were delaying generic competition and hindering consumer access to lower cost generic drugs. The law also clarified the 180-day period of market exclusivity for generic manufacturers. Now, I know Senator ROCKEFELLER is very concerned about authorized generics, and I think we should have updated data on the number of authorized generic drugs are on the market. The language already included in S. 1082 will help the Federal Trade Commission complete its authorized generics study, which I know Senator ROCKEFELLER requested along with Senators GRASSLEY and LEAHY. I support the completion of that study; however, Congress shouldn't contemplate additional legislation before having necessary data on authorized generics. I will work with my good friend and colleague from West Virginia to ensure that the FTC has the data needed to complete its study. So, I want to let my friend from West Virginia know that I want to continue to have a dialogue about this issue.

Mr. ROCKEFELLER. I thank my colleagues for these commitments. I look forward to working together with Chairman KENNEDY, Senator ENZI, Senator HATCH, and the cosponsors of this amendment Senators SCHUMER, LEAHY, KOHL, and STABENOW to develop strong consensus language that can be enacted as part of the patent settlements legislation.

AMENDMENT NO. 1042

Mr. ENSIGN. Madam President, prescription drugs and medical technology save lives. Advances in medicine have given patients who are fighting deadly diseases or managing chronic conditions hope for a healthier future.

Prescription drugs are working to meet the emerging diabetes epidemic, save the lives of cancer patients, and forestall the terrible burden of Alzheimer's. These advances in medicine are helping patients today.

Although these lifesaving drugs have the enormous potential to improve lives, at times they also have the potential to harm. We all know that no prescription medication is absolutely safe. There is always some degree of safety and health risks.

Drug companies selling products in the United States must comply with regulations and procedures mandated by the Food and Drug Administration. FDA approval, however, does not always guarantee drug safety.

The bill we are debating today intends to improve drug safety and will significantly change the drug approval process at the FDA. I believe it is important to improve the drug approval process and, at the same time, ensure patients access to new and innovative therapies. In order to achieve this goal, a carefully balanced approach is necessary.

As we debate how to improve the drug approval process, it is important for Congress to take actions to ensure that legal efforts to enforce drug safety are directed toward the appropriate parties.

I am particularly concerned that this bill does nothing to protect physicians and pharmacists from being named in product liability lawsuits. We cannot allow for additional waste in our legal system by naming doctors and pharmacists to these lawsuits—especially when these professionals have nothing to do with the design or manufacture of the product in question. It is for that reason that I rise to speak on amendment No. 1042.

Product liability lawsuits usually involve claims that a product is unreasonably dangerous, either in its design, manufacture, or its lack of a proper warning or instructions regarding use.

Historically, trial lawyers name the product manufacturer as well as each party that handled the product in the stream of commerce as a defendant. This includes the shipper of the product, as well as the store owner who sells the product. In most cases, the store owner is never liable for a design defect, manufacturing defect, or failure to warn. Why? Because these cases have nothing to do with the negligence of the store owner.

Doctors and pharmacists are similar to store owners. They have nothing to do with the design or manufacture of a product. Yet time and time again, doctors and other health care providers are named as parties to product liability lawsuits involving prescription drugs and medical devices. Why? Because class action lawyers are constantly looking for the best courtrooms to file their lawsuits. These lawyers routinely shop for venues that are known for siding with the patient who has been harmed. By bringing their cases in front of plaintiff-friendly judges and juries, these lawyers immeasurably enhance their probability of securing a jackpot jury award.

Judgments are virtually never entered against doctors and pharmacists in product liability lawsuits. Yet these health care professionals are often forced to spend thousands of dollars in legal costs and take valuable time off from work, time away from the patients who need them, to provide lawyers with rounds and rounds of depositions and to provide juries with testimony. This is completely ridiculous. We need doctors in our emergency rooms and family practice centers—not in the courtrooms when they have nothing to do with the product in question.

I want to tell you about a woman named Hilda Bankston. Hilda owned a pharmacy in Jefferson County, MS, and has been named as a defendant in so many lawsuits that she has lost count. In each instance, Hilda was sued for doing nothing more than filling legal prescriptions. In other words, she wasn't doing anything wrong. Nevertheless, Hilda has been dragged into court to testify in hundreds of national lawsuits brought in Jefferson County against the pharmacy and out-of-State manufacturers of drugs. Why is this? Because the party who initiated the lawsuit was shopping for a friendly court in order to file their national lawsuit in that county.

Does this bill we are considering today provide any protection to Hilda Bankston? No, it does not. Does the bill provide any protection to doctors and pharmacists with respect to product liability lawsuits? No. It doesn't do that either. The bill allows these health care providers to continue to be named in product liability cases. This is outrageous.

My amendment is simple. It prohibits a health care provider, including a doctor or a pharmacist, from being named in a product liability lawsuit or in a class action lawsuit merely because the health care provider prescribed or sold a drug or device that was approved by the Food and Drug Administration.

My amendment does not deprive patients of the right to sue a physician or a pharmacist who behaves in a negligent manner. It does not provide blanket immunity to a physician or pharmacist who behaves in a negligent manner. That would be a separate cause of action, which lies outside the scope of my amendment. What my amendment does say is that health care providers should not be dragged into a product lawsuit that they have no business being in. Doctors and pharmacists are routinely named in product liability lawsuits and are virtually always removed from these cases without having damages assessed against them. They are not responsible for the design or manufacture of drugs and devices and should not be dragged into these types of lawsuits.

Patients pay for product liability lawsuits in the form of higher health benefits and premiums.

I urge my colleagues to join me in taking action to curb this abuse of our legal system. Let's protect our health care providers from incurring frivolous unnecessary costs. Our health care providers should be focused on providing the best care possible to their patients, not on product liability lawsuits when they have nothing to do with the product in question.

I ask unanimous consent to have printed in the RECORD letters of support for my amendment from the American Medical Association and the American Osteopathic Association.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 3, 2007.

Hon. JOHN ENSIGN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENSIGN: The physician and student members of the American Medical Association (AMA) commend you for introducing an amendment to S. 1082, the "Prescription Drug User Fee Amendments of 2007," that would clarify physician and other health care provider liability.

Specifically, the amendment would prevent physicians and other healthcare providers who prescribe or dispense a drug, biologic product, or medical device approved, licensed, or cleared by the Food and Drug Administration from being named in class action product liability lawsuits for forum-shopping purposes. The amendment would address situations in which a local physician or other health care provider is named as a defendant as a way to file a lawsuit in a legal jurisdiction more likely to award large damage awards, even though such jurisdiction has little or no connection to the local defendants. In such cases, the local physician or other health care provider is often dropped from the suit or not found liable for damages. Instead, liability attaches to the manufacturer, whose conduct is the real subject of the litigation. Nonetheless, physicians and other health care providers are exposed to the significant legal costs, distress, and time away from their patients.

The AMA is pleased to offer its support for this amendment and looks forward to continuing to work with you to bring about common sense liability reforms, such as this amendment.

Sincerely,

MICHAEL D. MAVES,
MD, MBA.

AMERICAN OSTEOPATHIC ASSOCIATION,
Washington, DC, May 3, 2007.

Hon. JOHN ENSIGN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR ENSIGN: As President of the American Osteopathic Association (AOA), I am pleased to inform you of our support for your amendment to the "Prescription Drug User Fee Amendments of 2007" (S. 1082), which would provide clarification on physician liability.

Your amendment seeks to clarify that a physician who prescribes a drug, biological product, or medical device, which has cleared successfully the Food and Drug Administration's approval process, cannot be named as a party in a class action lawsuit. The AOA shares our concerns that physicians and other health care providers frequently are names as defendants in such cases as a means of securing a venue which is more likely to produce larger monetary awards. In most cases, physicians are dismissed from he lawsuit or found not liable for damages. Regardless of the ultimate outcome, physicians face significant legal costs and time away from their patients as a result of this practice.

We believe your amendment takes the appropriate steps to ensure that future class action lawsuits are targeted at those whose conduct is in question. Additionally, we believe your amendment rightfully prevents attorneys from using physicians as a means to pursue legal action in venues they deem more favorable. For these reasons, we re pleased to offer our support.

Sincerely,

JOHN A. STROSNIDER,
DO, President.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REMEMBERING HAWAII'S DON HO

• Mr. AKAKA. Mr. President, I wish to pay tribute to a remarkable son of Hawaii, entertainment legend, Don Ho. Don's big heart gave out on April 14, in Waikiki. He was 76 years old. On Saturday, May 5, Hawaii bid a fond aloha to Don Ho, during a ceremony on Waikiki Beach in celebration of his life. Thousands of people attended his memorial.

Don didn't plan on a career in entertainment. After his college graduation, he served in the U.S. Air Force, attaining the rank of first lieutenant. When he returned home, he began helping at his mother's quiet neighborhood bar, playing music with friends. That was the beginning of a show business career spanning more than four decades including hit records, motion pictures, television, and sold out performances world-wide.

Hawaii was still a young State when Don Ho became an international star, and in many ways he helped put Hawaii on the map. In my travels around the world, people always ask me about Don Ho. Don was a big star wherever he went. He even played in Washington, DC, when I was in the House. And I can tell you, it was a big show.

Despite his stature as an entertainment icon, Don was never too busy to spend a few minutes with his fans; young honeymooners, servicemen and women stationed in the islands, or senior citizens on a dream vacation. He had tremendous charisma and talent and because of that he touched many people. Hawaii has lost a beloved son and he will be sorely missed.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

H.R. 1592. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

H.R. 1867. An act to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes.

H.R. 1868. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1592. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

H.R. 1868. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

H.R. 1867. An act to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1312. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1742. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (RIN0583–AD05) received on May 2, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1743. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 04–12; to the Committee on Appropriations.

EC–1744. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Army, case number 06–01; to the Committee on Appropriations.

EC–1745. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Guided Multiple Launch Rocket System program; to the Committee on Armed Services.

EC–1746. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the annual report on the Department's Chemical and Biological Defense Program; to the Committee on Armed Services.

EC–1747. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's plan for improving recruitment, placement, and retention within the Department of individuals who receive scholarships and fellowships; to the Committee on Armed Services.

EC–1748. A communication from the Director of Defense Research and Engineering, transmitting, a report relative to the management and adequacy of biometrics programs; to the Committee on Armed Services.

EC–1749. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the funds expended during fiscal year 2006 and the funds that are expected to be expended during fiscal years 2007 and 2008; to the Committee on Armed Services.

EC–1750. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the effects of Aviation Continuation Pay on retention of qualified aviators during fiscal year 2006; to the Committee on Armed Services.

EC–1751. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a critical breach in Average Procurement Unit Cost for the Joint Air-to-Surface Standoff Missile; to the Committee on Armed Services.

EC–1752. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency relative to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–1753. A communication from the Secretary of Commerce, transmitting, the report of a draft bill intended to "revise and extend the Export Administration Act of 1979, amended";. to the Committee on Banking, Housing, and Urban Affairs.

EC–1754. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Annual Management Measures for the 2007 Pacific Halibut Fisheries and Changes to the Catch Sharing Plan for Area 2A" (RIN0648–AV03) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1755. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; 2007–2009 Specifications" (RIN0648–AT66) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1756. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Hook-and-Line Commercial Fishery for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" (Docket No. 001005281–0369–02) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1757. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (ID No. 040607A) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1758. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 040607B) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1759. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and 'Other Flatfish' by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (ID No. 040607E) received on May 2, 2007; to the Committee on Commerce, Science , and Transportation.

EC–1760. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Increase of Landing Limit for Georges Bank Yellowtail Flounder" (ID No. 040407D) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1761. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and

Aleutian Islands" (ID No. 040907D) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1762. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Closure (Closure of Trimester I Fishery for Loligo Squid)" (ID No. 112106A) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1763. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Commercial Tilefish Fishery of the Gulf of Mexico; Closure" (ID No. 040607F) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1764. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Albacore Tuna Fisheries; Vessel List to Establish Eligibility to Fish for Albacore Tuna in Canadian Waters Under the U.S.-Canada Albacore Tuna Treaty" (RIN0648–AU78) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1765. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms" (RIN0648–AS29) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1766. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Regulations to Establish and Govern Seafood Marketing Councils" (RIN0648–AS09) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1767. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for 2007 Pacific Whiting Harvest Specifications and Inseason Adjustments to Groundfish Management Measures" (RIN0648–AU57) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1768. A communication from the Assistant Administrator for Human Capital Management, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Chief Financial Officer, received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1769. A communication from the Deputy Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Rules to Implement and Administer a Coupon Program for Digital-to-Analog Converter Boxes" (RIN0660–AA16) received on May 2, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1770. A communication from the General Counsel, Department of Commerce, transmitting, the report of draft legislation intended to amend the Communications Act of 1934 to terminate the Telecommunications Development Fund for various reasons; to the Committee on Commerce, Science, and Transportation.

EC–1771. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Ohio Regulatory Program" (Docket No. OH–251–FOR) received on May 4, 2007; to the Committee on Energy and Natural Resources.

EC–1772. A communication from the Director, Office of Congressional and Intergovernmental Affairs, Department of Energy, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Congressional and Intergovernmental Affairs, received on May 2, 2007; to the Committee on Energy and Natural Resources.

EC–1773. A communication from the Director of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf—Corrections and Amendments" (RIN1010–AD42) received on May 3, 2007; to the Committee on Energy and Natural Resources.

EC–1774. A communication from the Secretary of Energy, transmitting, the report of a legislative proposal that would amend two sections of the Energy Policy and Conservation Act; to the Committee on Energy and Natural Resources.

EC–1775. A communication from the Assistant Secretary for Water and Science, Department of the Interior, transmitting, the report of a draft bill entitled "Reclamation Water Management Improvement Act"; to the Committee on Energy and Natural Resources.

EC–1776. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an investigation of opportunities to address near-term water resources needs for coastal Mississippi resulting from the hurricane season of 2005 that was conducted by the Army Corps of Engineers; to the Committee on Environment and Public Works.

EC–1777. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator for a document entitled "Audit Policy; Frequently Asked Questions (2007)"; to the Committee on Environment and Public Works.

EC–1778. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to an evaluation by the Army Corps of Engineers of the damage reduction measures for Montauk Point, New York; to the Committee on Environment and Public Works.

EC–1779. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Arizona Department of Environmental Quality, State of Nevada, Nevada Division of Environmental Protection" (FRL No. 8309–7) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1780. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ambient Air Monitoring Regulations: Correcting and Other Amendments" (FRL No. 8308–7) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1781. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; California" (FRL No. 8308–4) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1782. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Missouri; Interstate Transport of Pollution" (FRL No. 8310–6) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1783. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Visible Emissions and Particulate Matter Rules" (FRL No. 8308–2) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1784. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL No. 8309–3) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1785. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Parkersburg, West Virginia Portion of the Parkersburg-Marietta, WV-OH 8–Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan" (FRL No. 8309–9) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1786. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, and Missouri" (FRL No. 8310–8) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1787. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department" (FRL No. 8302–9) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1788. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Nevada State Implementation Plan, Washoe County" (FRL No. 8303–2) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1789. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Source-Specific Federal Implementation Plan for Four Corners Power Plant; Navajo Nation" ((RIN2009–AA01)(FRL No. 8308–6)) received on May 3, 2007; to the Committee on Environment and Public Works.

EC–1790. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1035—Certain Exchanges of Insurance Policies" (Rev. Rul. 2007–24) received on May 4, 2007; to the Committee on Finance.

EC–1791. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Accrual of Interest on Nonperforming Loans" (Rev. Rul. 2007–32) received on May 4, 2007; to the Committee on Finance.

EC–1792. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Alternative Fuel Vehicle Refueling Property" (Notice 2007–43) received on May 4, 2007; to the Committee on Finance.

EC–1793. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Federal Activities Inventory Reform Act Inventory for fiscal year 2006; to the Committee on Finance.

EC–1794. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2008: Annual Payment Rate Updates and Policy Changes; and Hospital Direct and Indirect Graduate Medical Education Policy Changes" (RIN0938–AO30) received on May 3, 2007; to the Committee on Finance.

EC–1795. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, the report of draft legislation intended to "amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation"; to the Committee on Foreign Relations.

EC–1796. A communication from the Assistant Director-General, Technical Cooperation Department, Food and Agriculture Organization of the United Nations, transmitting, copies of letters intended to raise awareness among parliamentarians and mobilize their support for the efforts of developing countries to foster agriculture and rural development; to the Committee on Foreign Relations.

EC–1797. A communication from the Assistant General Counsel for Regulations, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Title I—Improving the Academic Achievement of the Disadvantaged; Individuals With Disabilities Education Act—Assistance to States for the Education of Children With Disabilities" (RIN1810–AA98) received on May 1, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1798. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Laxative Drug Products for Over-the-Counter Human Use; Psyllium Ingredients in Granular Dosage Forms" ((RIN0910–AF36)(Docket No. 1978N–0036L)) received on May 2, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1799. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Inpatient Psychiatric Facility Prospective Payment System Payment Update for Rate Year" (RIN0938–AO40) received on May 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1800. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Assistant Secretary for Children and Families, received on May 2, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1801. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Board's report relative to the Sunshine Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1802. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Board's report relative to the No Fear Act; to the Committee on Homeland Security and Governmental Affairs.

EC–1803. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Idaho and Montana" (CBP Dec. 07–25) received on May 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1804. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, prospectuses that support the Administration's fiscal year 2008 Capital Investment Program; to the Committee on Homeland Security and Governmental Affairs .

EC–1805. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, additional prospectuses that support the Administration's fiscal year 2008 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–1806. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator for National Preparedness, received on May 2, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1807. A communication from the Chairman, U.S. Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's annual report for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–1808. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the U.S. in that fiscal year; to the Committee on Homeland Security and Governmental Affairs.

EC–1809. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of a request for reimbursement under the Meritorious Claims Act for Patrick J. Truver; to the Committee on Homeland Security and Governmental Affairs.

EC–1810. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the use and effectiveness of court-authorized Title III interceptions conducted during calendar year 2006; to the Committee on the Judiciary.

EC–1811. A communication from the Director, Administrative Office of the United States Courts, an annual report relative to crime victims' rights; to the Committee on the Judiciary.

EC–1812. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to all applications made by the Government during calendar year 2006 for authority to conduct electronic surveillance and physical search for foreign purposes under the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–1813. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the report of the amendments to the federal sentencing guidelines and policy statements made during the 2006–2007 amendment cycle; to the Committee on the Judiciary.

EC–1814. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Combat Methamphetamine Epidemic Act of 2005 Notice of Transfers Following Importation or Exportation" (RIN1117–AB06) received on May 2, 2007; to the Committee on the Judiciary.

EC–1815. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Chemical Mixtures" (RIN1117–AA31) received on May 2, 2007; to the Committee on the Judiciary.

EC–1816. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the fiscal year 2007 update to the "Long Range Plan for Information Technology in the Federal Judiciary" and the "Judiciary Information Technology Fund Annual Report for Fiscal Year 2006"; to the Committee on the Judiciary.

EC–1817. A communication from the Secretary of Labor, transmitting, the report of a draft bill intended to "establish a fee for processing applications for permanent employment certification for immigrant aliens in the United States, to enhance program integrity, and for other purposes"; to the Committee on the Judiciary.

EC-1818. A communication from the Director of Regulatory Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Administration of VA Educational Benefits—Centralized Certification" (RIN2900-AL43) received on May 2, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 496. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965 (Rept. No. 110-63).

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with an amendment in the nature of a substitute:

S. 163. A bill to improve the disaster loan program of the Small Business Administration, and for other purposes (Rept. No. 110-64).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1321. An original bill to enhance the energy security of the United States by promoting biofuels, energy efficiency, and carbon capture and storage, and for other purposes (Rept. No. 110-65).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAIG, Mrs. DOLE, Mr. ENZI, Mr. GRASSLEY, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, Mr. VITTER, and Mr. WARNER):

S. 1312. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; read the first time.

By Mr. FEINGOLD:

S. 1313. A bill to amend the Servicemembers Civil Relief Act to provide relief for servicemembers with respect to contracts for cellular phone service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FEINGOLD (for himself and Mr. BURR):

S. 1314. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 1315. A bill to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, and Mr. KENNEDY):

S. 1316. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. BOXER, Mr. OBAMA, Mr. BAYH, Mr. LEAHY, Mr. LEVIN, Ms. LANDRIEU, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. DURBIN, Mr. VOINOVICH, Mr. KENNEDY, Mr. SALAZAR, Mr. COCHRAN, Mr. PRYOR, Ms. MIKULSKI, Mr. HAGEL, Mrs. FEINSTEIN, Mr. ENZI, Mr. REID, Ms. STABENOW, and Mr. REED):

S. 1317. A bill to posthumously award a congressional gold medal to Constance Baker Motley; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. SMITH, Mr. BOND, Mr. REED, Mrs. MURRAY, Mr. CARDIN, and Ms. SNOWE):

S. 1318. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1319. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Mr. KYL:

S. 1320. A bill to prohibit the rewarding of suicide bombings, to prohibit terrorist kidnappings and sexual assaults, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 1321. An original bill to enhance the energy security of the United States by promoting biofuels, energy efficiency, and carbon capture and storage, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mrs. LINCOLN:

S. 1322. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. PRYOR, Mr. GRAHAM, Mr. BAUCUS, Mr. CORNYN, Mrs. LINCOLN, Mr. ALEXANDER, Mrs. DOLE, and Mr. BUNNING):

S. 1323. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. REID (for Mr. OBAMA (for himself and Mr. HARKIN)):

S. 1324. A bill to amend the Clean Air Act to reduce greenhouse gas emissions from transportation fuel sold in the United States; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 189. A resolution to authorize testimony and legal representation in District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada; considered and agreed to.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. Res. 190. A resolution expressing the condolences of the Nation to the community of Greensburg, Kansas; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY):

S. Con. Res. 33. A concurrent resolution recognizing the benefits and importance of school-based music education; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 147

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 242

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 242, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 276

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 276, a bill to strengthen the consequences of the fraudulent use of United States or foreign passports and for other purposes.

S. 309

At the request of Mr. SANDERS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 382

At the request of Ms. COLLINS, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to

State agencies for the purpose of obtaining mental health services for those children.

S. 392

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 392, a bill to ensure payment of United States assessments for United Nations peacekeeping operations for the 2005 through 2008 time period.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 442

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 442, a bill to provide for loan repayment for prosecutors and public defenders.

S. 502

At the request of Mr. CRAPO, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 579

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 588

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 588, a bill to amend title XVIII of the Social Security Act to increase the Medicare caps on graduate medical education positions for States with a shortage of residents.

S. 616

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 616, a bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 953

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 953, a bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), and the Senator from Montana (Mr. TESTER), were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 971

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 971, a bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1113

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Minnesota (Ms. KLOBUCHAR), were added as cosponsors of S. 1113, a bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1161

At the request of Mr. CRAIG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1263

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1305

At the request of Mr. COBURN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1305, a bill making emergency war appropriations for American troops overseas, without unnecessary pork barrel spending and without mandating surrender or retreat in Iraq, for the fiscal year ending September 30, 2007, and for other purposes.

S. CON. RES. 29

At the request of Mr. NELSON of Florida, the names of the Senator from Ohio (Mr. BROWN), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Mr. KERRY), the Senator from Tennessee (Mr. CORKER) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

S. RES. 30

At the request of Mr. BIDEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 171

At the request of Ms. COLLINS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

AMENDMENT NO. 1009

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 1009 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1043

At the request of Mr. REED, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 1043 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1315. A bill to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce the Disabled Veterans Insurance Improvement Act of 2007.

The purpose of this legislation is to make certain improvements in the insurance programs available to service-connected disabled veterans. It has two main components.

First, this legislation would increase the maximum amount of Veterans Mortgage Life Insurance, VMLI, that a service-connected disabled veteran may purchase from the current maximum of $90,000 to $200,000. The VMLI program was established in 1971 and is available to those service-connected disabled veterans who have received specially adapted housing grants from VA. In the event of the veteran's death, the veteran's family is protected because the Department of Veterans Affairs will pay the balance of the mortgage owed up to the maximum amount of insurance purchased.

The need for this increase is obvious in today's housing market where, during February, the median sale price of a home in the United States was estimated by the Bureau of Census to be $250,000. My legislation would ensure that this important benefit, which helps secure the financial future of many veterans and their families, keeps pace with changes in the economy.

My bill would also establish a new program of insurance for service-connected disabled veterans that would provide up to a maximum of $50,000 in level premium term life insurance coverage. This new program would be available to service-connected disabled veterans who are less than 65 years of age at the time of application.

Under the new program, eligible service-connected veterans would be able to purchase, in increments of $10,000, up to a maximum amount of $50,000 in insurance. Importantly, unlike existing life insurance programs, the premium rates for this program would be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality rather than the 1941 mortality table that the Service-Disabled Veterans Insurance, S-DVI, program is based upon.

When an insured veteran reaches age 70, two things would occur under this new program of insurance. First, the amount of insurance would be reduced to 20 percent of the amount of insurance in force prior to the veteran's 70th birthday. Second, the veteran would cease making premium payments. This means that during those years where the family's financial obligations would be commensurately higher because of children, mortgages, and the potential impact of any loss of income, the veteran's family would be able to purchase the maximum amount of term life insurance. At age 70, when resources are likely to be most restricted and the need for substantial insurance to take care of a family's needs after the veteran's death have lessened, the veteran would no longer have an obligation to continue to pay any insurance premiums.

My proposal provides that application for this insurance would need to be submitted by an eligible veteran within 2 years from the date on which VA establishes a service-connected disability to exist but not later than 10 years after a veteran's release from active duty. It would further provide that during the first year of the program, any eligible veteran who is presently insured under the S–DVI program could convert that insurance to a policy under this new program.

Both of the proposals contained in the legislation I am introducing today are compatible with the provisions of S. 643, the proposed Disabled Veterans Insurance Act of 2007, which I introduced on February 15 of this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1315

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disabled Veterans Insurance Improvement Act of 2007".

SEC. 2. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) of title 38, United States Code, is amended by striking "$90,000" and inserting "$200,000".

SEC. 3. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 of title 38, United States Code, is amended by inserting after section 1922A the following new section:

"§1922B. Level-premium term life insurance for veterans with service-connected disabilities

"(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

"(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

"(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

"(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

"(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

"(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

"(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

"(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

"(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

"(B) A veteran who is 70 years of age or older.

"(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

"(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

"(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

"(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

"(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 of such title is amended by inserting after the item related to section 1922A the following new item:

"1922B. Level-premium term life insurance for veterans with service-connected disabilities.".

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the date of the enactment of this Act, any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of title 38, United States Code (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

SEC. 4. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) of title 38, United States Code, is amended by striking "date of such insurance" and inserting "date of such insurance; (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund".

SEC. 5. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) of title 38, United States Code, is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) of such title is amended by striking "120 days after".

By Mrs. FEINSTEIN (for herself, Mr. DURBIN, and Mr. KENNEDY)

S. 1316. A bill to establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join with Senators DURBIN and KENNEDY in introducing the Firearms by Foreign Convicts Clarification Act. This bill would close a loophole that exists in current law, by stating that people convicted of foreign felonies and domestic violence, just like people convicted of similar American crimes, cannot possess firearms in the United States.

I imagine that most Americans may be surprised, as I was, to learn that foreign felons actually have greater gun rights than American citizens who have been convicted of felonies and domestic violence in our own courts. Our country has been trying to keep guns out of the hands of criminals for at least the last 40 years, since the landmark Gun Control Act of 1968. Unfortunately, in 2005 the Supreme Court created a gaping loophole in this longstanding felon-in-possession law.

That happened in the case of Small v. United States, where a majority of the Court essentially held that foreign convictions don't count for the purpose of being a felon in possession of a firearm. This was not because the Justices somehow thought that exempting foreign convictions from our felon-in-possession laws was wise public policy. In fact, as Justice Thomas noted in his dissent, "the majority's interpretation permits those convicted overseas of murder, rape, assault, kidnapping, terrorism and other dangerous crimes to possess firearms freely in the United States."

The problem in Small was that a majority of the Court felt that our 1968 law had not been written clearly enough. Although Congress had said that a person convicted of a felony "in any court" could not possess a firearm, the majority said that this phrase, "any court," might have been meant to apply only to "any American court" rather than what the legislation actually said—"any court."

The Federal felon-in-possession law had already been applied to foreign felons in several prosecutions since 1968, but the Court found unpersuasive both this history and the statute's express language. Dissenting Justices Thomas. Scalia and Kennedy accused the majority of creating a novel canon of legal construction that will "wreak havoc" with established rules of extraterritorial construction. But whatever we may think of the Court's analysis, there is no doubt that the Small decision is now the law of the land. And if we want to close this legal loophole, it is clear that we need to pass some clarifying legislation. The bill I introduce today would do just that.

Under this bill, section 921 of Title 18, the definitions section, would be amended to state clearly that "[t]he term 'any court' includes any Federal, State, or foreign court." Similar changes would be made in other sections of the Gun Control Act, where there are references to "state offenses" or "offenses under state law, the bill would expand these terms to include convictions of foreign offenses and offenses under foreign law.

In other words, the bill would make clear that if someone is convicted in a foreign court of an offense that would have disqualified him from possessing a gun if that conviction had been handed down in the U.S., the same laws relating to gun possession will be applied. The only exception will be if there is reason to think the conviction entered by the foreign jurisdiction is somehow invalid.

In that situation, this bill would create an exemption, allowing a person convicted in a foreign jurisdiction to challenge its validity. Under the bill, a foreign conviction will not constitute a "conviction" for purposes of the felon-in-possession laws, if the foreign conviction either (1) resulted from a denial of fundamental fairness that would violate due process if committed in the United States, or (2) if the conduct on which the foreign conviction was based would be legal if committed in the United States.

I expect that these circumstances will be fairly rare, but the bill does take them into account and will provide a complete defense to anyone with an invalid foreign conviction. And in any event, it is clear that we should not keep in place a policy in which the tail wags the dog. The current state of the law is that we essentially treat every foreign conviction as invalid. And that is simply illogical.

An example of why we need to fix this law occurred in 2001, when U.S. agents with bulletproof vests raided the New York hotel room of suspect Rohan Ingram. Ingram was found with 13 firearms and had an extensive criminal background, including at least 18 convictions for crimes such as assault and use of firearms during crimes. Law enforcement had flagged him as "armed and dangerous." But because all of his convictions had occurred in foreign courts, his felon-in-possession charge was eventually thrown out of court. That is simply not a tolerable state of affairs in a post- 9/11 world.

Particularly in these times, America cannot continue to give foreign-convicted murderers, rapists and even terrorists an unlimited right to buy firearms in the United States, including even assault weapons that they might try to send to colleagues abroad, or use to develop a cache of weapons to use to kill our citizens within the United States. American citizens convicted of identical crimes at home are denied the ability to buy and possess such firearms, and the time has come to fix this loophole so that foreign convicts are placed in the same category.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Firearms by Foreign Convicts Clarification Act of 2007".

SEC. 2. DEFINITIONS.

(a) Courts.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(36) The term 'any court' includes any Federal, State, or foreign court.".

(b) Exclusion of Certain Felonies.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "any Federal or State offenses" and inserting "any Federal, State, or foreign offenses";

(2) in subparagraph (B), by striking "any State offense classified by the laws of the State" and inserting "any State or foreign offense classified by the laws of that jurisdiction"; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: ", except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States".

(c) Domestic Violence Crimes.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "subparagraph (C)" and inserting "subparagraph (B)"; and

(2) in subparagraph (B)(ii), by striking "if the conviction has" and inserting the following: "if the conviction—

"(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

"(II) has".

SEC. 3. PENALTIES.

Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking "an offense under State law" and inserting "an offense under State or foreign law"; and

(2) by inserting before the semicolon the following: ", except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States".

By Mr. INOUYE (for himself and Mr. Akaka):

S. 1319. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise today to support this bill addressing the need for a fourth permanent judgeship for the District of Hawaii.

Hawaii currently has four active District Court judges. However, if any of its four active judges either accepts senior status and retires, or becomes otherwise unable to serve, the District of Hawaii will not be able to replace that vacancy with another active judge. This will pose a problem for not only the active judges, as their workload will increase, but also for the public because an unfilled vacancy may have a disastrous effect on our court's caseloads. This bill ensures the continued efficiency of Hawaii's District court system.

Thank you for allowing me this opportunity to share with you the importance of this legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP FOR THE DISTRICT OF HAWAII.

(a) In General.—The existing judgeship for the district of Hawaii authorized by section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note; Public Law 101-650; 104 Stat. 5089) shall, as of the date of enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(b) Tables.—In order that the table contained in section 133(a) of title 28, United States Code, will reflect the change in the total number of permanent district judgeships authorized as a result of subsection (a) of this section, the item relating to Hawaii is amended to read as follows:

"Hawaii .... 4".

Mr. AKAKA. Mr. President, I rise today with my colleague from Hawaii, Senator Daniel Inouye, to introduce legislation to convert a temporary judgeship for the U.S. District Court for the District of Hawaii to a permanent position.

There are currently 3 permanent Federal judgeships and one temporary Federal judgeship in the U.S. District Court, District of Hawaii. The Judicial Improvement Act of 1990, P.L. 101-650 created the temporary position and mandates that the first vacancy occurring in Hawaii after October 2004 cannot be filled. The District of Hawaii will be left with only 3 Federal judge positions upon a judge vacating his or her position. The loss of a judgeship will severely impact Hawaii's judicial system.

In March 2007, the Judicial Conference recommended that Congress convert 5 temporary judgeships, one of which is in the District of Hawaii, to permanent status. Their recommendation is largely based on the significant increase in weighted filings that would occur if a judgeship is lost. The Conference projects that the current weighted filing of 380 per judgeship would climb to 507 per judgeship, which is 18 percent above the Conference standard, should the District of Hawaii lose a judgeship.

In addition, the Conference reported that the median time from filing to disposition for criminal cases in Hawaii has continued to increase from 1999 to 2005, making Hawaii's case processing times the second slowest in the nation. Since 2001, the District Court of Hawaii has completed an average of 50 trials per year, significantly less than the national average. Although Hawaii has 4 judgeships, 2 are senior judges who only handle a small number of civil cases. The limited assistance provided by these senior judges is likely to decline further in the near future. These judges are not able to retire due to the constraints put forth by the loss of the temporary judgeship seat, should one of the current judges decide to leave. Furthermore, receiving assistance from visiting judges is made difficult by the high cost of travel to Hawaii. For these, and many other reasons, the Judicial Council of the Ninth Circuit supports the Judicial Conference's recommendation to convert this temporary judgeship to a permanent position.

I share the concern of many in Hawaii's legal community that the lack of a fourth permanent position will delay the timely issuance of justice in matters pending before the U.S. District Court, District of Hawaii. This is a disservice to all. The economic impact of extending trials and prolonging time spent in jail will burden Hawaii's taxpayers. Moreover, the lack of timely judicial review will have negative social impacts by prolonging the disruption in individuals' families and lives. The bill we introduce today would ensure 4 Federal judgeships remain active in Hawaii to address the needs of the District Court of Hawaii and the people of Hawaii.

By Mr. REID (for Mr. OBAMA (for himself and Mr. HARKIN)):

S. 1324. A bill to amend the Clean Air Act to reduce greenhouse gas emissions from transportation fuel sold in the United States; to the Committee on Environment and Public Works.

Mr. OBAMA. Mr. President, we heard from a panel of top climate change experts from around the world earlier this year that global warming is a certainty and that most of the temperature increase is very likely due to rising greenhouse gas concentrations. Reducing America's dependence on oil should be one of our top priorities, but any policy that affects our production and consumption of fuel must also address the pressing problem of global warming. Because the oil used in the U.S. transportation sector accounts for about one-third of our nation's emissions of greenhouse gases, we must adopt a policy that curtails these emissions in an effective manner.

Today, along with Senator HARKIN, I am introducing the National Low-Carbon Fuel Standard Act of 2007, which calls for a reduction in the lifecycle greenhouse gas emissions of the transportation fuels sold in the U.S. of 5 percent in 2015 and 10 percent in 2020. These reductions can play an important role in stemming the dangerous transformation of our climate.

According to one estimate, the National Low-Carbon Fuel Standard, NLCFS, would reduce annual greenhouse gas emissions by about 180 million metric tons in 2020. This is the equivalent of taking over 30 million cars off the road. If enacted in conjunction with the bill I introduced earlier this year to raise fuel efficiency standards, the NLCFS would reduce greenhouse gas emissions by about 530 million metric tons in 2020, the equivalent of taking over 50 million cars off the road.

The effect on our oil imports would also be dramatic. By making greater use of home-grown, renewable fuels, the NLCFS could reduce the annual consumption of gasoline derived from foreign oil imports by about 30 billion gallons in 2020.

The NLCFS will greatly expand the market for domestic renewable fuels such as corn-based ethanol, cellulosic ethanol, and biodiesel. By one estimate, the NLCFS will create a market for over 40 billion gallons of biofuels by 2020. To provide near-term demand certainty for renewable fuel producers, the bill expands the Renewable Fuel Standard established in the Energy Policy Act of 2005 to require 15 billion gallons of renewable fuel by 2012.

The bill also contains a minimum requirement for fuels with lifecycle greenhouse gas emissions that are 50 and 75 percent lower than gasoline. This requirement signals to investors that there will be a market for advanced fuels with ultra-low carbon emissions, but still allows significant leeway for fuel blenders to choose the optimal mix of fuels to meet their overall greenhouse gas emissions targets.

Because the NLCFS will encourage a rapid expansion of our domestic renewable fuels production capacity, the bill contains provisions that protect sensitive areas like national wildlife refuges, national parks, old-growth forests, national grasslands, and national forests. The bill calls for an assessment of the impacts of the expansion compared to the business-as-usual scenario of continued reliance on petroleum-based transportation fuels, and the development of standards by 2012 to protect air, land, and water quality. This approach strikes a balance between the need to rapidly expand our domestic renewable fuel production capacity and the need to ensure sustainability and environmental protection. I urge my colleagues to support the National Low-Carbon Fuel Standard Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 189—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN DISTRICT OF COLUMBIA v. ELLEN E. BARFIELD, EVE-LEONA TETAZ, JEFFREY A. LEYS, AND JEROME A. ZAWADA

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas, in the cases of District of Columbia v. Ellen E. Barfield (Cr. No. 07-3133), Eve-Leona Tetaz (Cr. No. 07-3144), Jeffrey A. Leys (Cr. No. 07-5009), and Jerome A. Zawada (Cr. No. 07-5088), pending in the Superior Court for the District of Columbia, testimony has been requested from Katie Landi, an employee in the office of Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Katie Landi and any other employees of Senator McCain's office from whom testimony may be required are authorized to testify in the cases of District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Katie Landi and other employees of Senator McCain's staff in the actions referenced in section one of this resolution.

SENATE RESOLUTION 190—EXPRESSING THE CONDOLENCES OF THE NATION TO THE COMMUNITY OF GREENSBURG, KANSAS

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following resolution, which was considered and agreed to:

S. RES. 190

Whereas, on Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, by the National Weather Service, with winds estimated at 205 miles per hour;

Whereas the tornado is the first EF-5 on the Enhanced Fujita scale, and the first F-5 on the previous scale since 1999;

Whereas approximately 95 percent of Greensburg is destroyed;

Whereas 1,500 residents have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Kansas to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate expresses the condolences of the Nation to the community of Greensburg, Kansas, and its gratitude to local, State, and National law enforcement and emergency responders conducting search and rescue operations.

SENATE CONCURRENT RESOLUTION 33—RECOGNIZING THE BENEFITS AND IMPORTANCE OF SCHOOL-BASED MUSIC EDUCATION

Mr. ALEXANDER (for himself, Mr. DODD, and Mr. KENNEDY) submitted the following concurrent resolution, which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 33

Whereas school music programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas students who participate in school music programs are less likely to be involved with drugs, gangs, or alcohol, and have better attendance in school;

Whereas the skills gained through sequential music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas the majority of students attending public schools in inner city neighborhoods have virtually no access to music education, which places them at a disadvantage compared to their peers in other communities;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1045. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 1046. Ms. STABENOW (for herself, Mr. KOHL, Mr. HATCH, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1047. Mr. ROBERTS (for himself, Mr. HARKIN, Mr. BURR, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1048. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1049. Mr. ENZI (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1050. Mr. ENZI (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1051. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1052. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1053. Mr. ENZI (for himself, Mr. KENNEDY, Mr. DODD, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1054. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1055. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1056. Mr. REED (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1057. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1058. Mr. DEMINT (for himself, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1059. Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1060. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1045. Mr. REID (for Mr. OBAMA) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMPROVING GENETIC TEST SAFETY AND QUALITY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study to assess the overall safety and quality of genetic tests and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetic Testing and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

SA 1046. Ms. STABENOW (for herself, Mr. KOHL, Mr. HATCH, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

"(s) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

"(1) IN GENERAL.—

"(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

"(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

"(ii) NO DELAY OF CONSIDERATION OR APPROVAL.—Except as provided in clause (iii), the receipt and consideration of a petition described in clause (i) shall not delay consideration or approval of an application submitted under subsection (b)(2) or (j).

"(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 25 business days after the submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

"(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

"(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

"(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(3) VERIFICATIONS.—

"(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about ________________. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: . I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

"(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents; and (b) the information upon which I have based the action requested herein first became known to me on or about ________________. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: ________. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

"(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

"(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

"(B) the number of petitions that were submitted during such period;

"(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

"(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

"(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

"(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

"(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request for an action described in paragraph (1)(A)(i) to the Secretary, without regard to whether the request is characterized as a petition.".

SA 1047. Mr. ROBERTS (for himself, Mr. HARKIN, Mr. BURR, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike subparagraphs (E) and (F) of section 505(o)(5) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and insert the following:

"(E) SPECIFIC DISCLOSURES.—

"(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and disclosure of a serious risk would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

"(iv) REQUIRED SAFETY SURVEILLANCE.—If the approved risk evaluation and mitigation strategy for a drug requires the specific disclosure under clause (ii), the Secretary shall—

"(I) consider identifying and assessing all serious risks of using the drug to be a priority safety question under subsection (k)(3)(B);

"(II) not less frequently than every 3 months, evaluate the reports under subsection (k)(1) and the routine active surveillance as available under subsection (k)(3) with respect to such priority drug safety question to determine whether serious risks that might occur among patients expected to be treated with the drug have been adequately identified and assessed;

"(III) remove such specific disclosure requirement as an element of such strategy if such serious risks have been adequately identified and assessed; and

"(IV) consider whether a specific disclosure under clause (i) should be required.

On page 101, strike lines 7 through 9.

At the end of the bill, add the following:

SEC. ___. CIVIL PENALTIES; DIRECT-TO-CONSUMER ADVERTISEMENT.

(a) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(g)(1) Any applicant (as such term is used in section 505(o)) who disseminates a direct-to-consumer advertisement for a prescription drug that is false or misleading and a violation of section 502(n) shall be liable to the United States for a civil penalty in an amount not to exceed $150,000 for the first such violation in any 3-year period, and not to exceed $300,000 for each subsequent violation committed after the applicant has been penalized under this paragraph any time in the preceding 3-year period. For the purposes of this paragraph, repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered as 1 violation.

"(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the applicant to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the applicant to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

"(3) Upon the request of the applicant to be assessed a civil penalty, the Secretary, in determining the amount of a civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

"(A) Whether the applicant submitted the advertisement or a similar advertisement for review under section 736A.

"(B) Whether the applicant submitted the advertisement for prereview if required under section 505(o)(5)(D).

"(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the applicant disseminated the advertisement before the end of the 45-day comment period.

"(D) Whether the applicant failed to incorporate any comments made by the Secretary with regard to the advertisement or a similar advertisement into the advertisement prior to its dissemination.

"(E) Whether the applicant ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

"(F) Whether the applicant had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

"(G) Whether the violations were material.

"(H) Whether the applicant who created the advertisement acted in good faith.

"(I) Whether the applicant who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

"(J) The scope and extent of any voluntary, subsequent remedial action by the applicant.

"(K) Such other matters, as justice may require.

"(4)(A) Subject to subparagraph (B), no applicant shall be required to pay a civil penalty under paragraph (1) if the applicant submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary.

"(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the applicant of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

"(5) The Secretary may compromise, modify, remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owned by the United States to the applicant charged.

"(6) Any applicant who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such applicant resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

"(7) If any applicant fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment becomes final, and if such applicant does not file a petition for judicial review of the order in accordance with paragraph (6); or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(b) DIRECT-TO-CONSUMER ADVERTISEMENT.—

(1) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by inserting after the first sentence the following: "In the case of an advertisement for a prescription drug presented directly to consumers in television or radio format that states the name of the drug and its conditions of use, the major statement relating to side effects, contraindications, and effectiveness referred to in the previous sentence shall be stated in a clear and conspicuous (neutral) manner.".

(2) REGULATIONS TO DETERMINE NEUTRAL MANNER.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement, relating to side effects, contraindications, and effectiveness of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by paragraph (1)) is presented in the manner required under such section.

SA 1048. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MARKETING OF CERTAIN CRUSTACEANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of the Federal Food, Drug, and, Costmetic Act (21 U.S.C. 301 et seq.) the term "lobster" may not be used to label or advertise the sale of any seafood product from the infraorder Garidea or Anomura.

(b) MISBRANDED FOOD.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(y) LOBSTER.—If it purports to be, or is represented as being, lobster but is from the infraorder Caridea or Anomura.".

SA 1049. Mr. ENZI (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 104, strike line 23 and all that follows through line 14 on page 105 and insert the following:

"(II) the amount equal to one-fifth of the excess amount in item (bb), provided that—

"(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

"(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008.' ".

SA 1050. Mr. ENZI (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC.   . COLOR CERTIFICATION REPORTS.

Section 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e) is amended by adding at the end the following:

"(g) COLOR CERTIFICATION REPORTS.—Not later than—

"(1) 90 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a performance report for such fiscal year on the number of batches of color additives approved, the average turn around time for approval, and quantifiable goals for improving laboratory efficiencies; and

"(2) 120 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a financial report for such fiscal year that includes all fees and expenses of the color certification program, the balance remaining in the fund at the end of the fiscal year, and anticipated costs during the next fiscal year for equipment needs and laboratory improvements of such program.".

SA 1051. Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ___. CONSULTATION REGARDING GENETICALLY ENGINEERED SEAFOOD PRODUCTS.

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration before granting final approval to use or produce a genetically engineered seafood product.

SA 1052. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"SEC. ___. PROHIBITION ON COMMINGLING.

"(a) In General.—Notwithstanding any other provision of this Act (or an amendment made by this Act) a registered importer shall not commingle a prescription drug imported into the United States under this Act (or amendment) with another prescription drug, regardless of whether such other drug is a domestic prescription drug or a prescription drug from a permitted country.

"(b) Label.—A registered importer (including an Internet pharmacy) that dispenses a prescription drug imported from a permitted country shall affix on each dispensed container of the prescription drug the label required under subsection (c), unless such a label is already affixed to the container.

"(c) Requirements.—Each prescription drug imported under this Act (or an amendment made by this Act) shall be in a container that bears a label stating, in prominent and conspicuous type—

"(1) the following statement: 'This drug has been imported from   .' with the name of the permitted country from which the prescription drug has imported in the blank space; and

"(2) that the container complies with any other applicable requirement of this Act.".

SA 1053. Mr. ENZI (for himself, Mr. Kennedy, Mr. Dodd, and Mrs. Clinton) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 226, line 4, strike "later" and insert "if the determination made under subsection (d)(3) is made less".

On page 228, line 3, strike "later" and insert "if the determination made under subsection (d)(3) is made less".

On page 233, line 12, insert ", such as expertise in child and adolescent psychiatry," after "expertise".

On page 233, line 15, strike "including" and insert "which may include".

On page 233, between lines 18 and 19, insert the following:

"(C) Action by committee.—The committee established under this paragraph may perform a function under this section using appropriate members of the committee under subparagraph (B) and need not convene all members of the committee under subparagraph (B) in order to perform a function under this section.

"(D) Documentation of committee action.—The committee established under this paragraph shall document for each function under paragraphs (2) and (3), which members of the committee participated in such function.

On page 234, line 1, strike "determine" and insert "make a recommendation to the Secretary".

On page 235, line 2, strike "and".

On page 235, line 6, strike ".";" and insert "; and"

On page 235, between lines 6 and 7, insert the following:

"(H) the number of times the committee established under paragraph (1) made a recommendation to the Secretary under paragraph (3), the number of times the Secretary did not follow such a recommendation to accept reports under subsection (d)(3), and the number of times the Secretary did not follow such a recommendation to reject such reports under section (d)(3).

"(5) Committee.—The committee established under paragraph (1) is the committee established under section 505B(f)(1).";

On page 260, lines 17 through 19, strike "of a letter, or a written request under section 505A that was declined by the sponsor or holder" and insert "of a written request under section 505A that was declined by the sponsor or holder, or a letter referencing such declined written request,".

On page 261, line 3, strike "appropriate" and insert "appropriate, for the labeled indication or indications,".

On page 263, line 14, insert ", such as expertise in child and adolescent psychiatry," after "expertise"

On page 263, between lines 19 and 20, insert the following and redesignate the remaining paragraphs accordingly:

"(2) Action by the committee.—The committee established under paragraph (1) may perform a function under this section using appropriate members of the committee under paragraph (1) and need not convene all members of the committee under paragraph (1) in order to perform a function under this section.

"(3) Documentation of committee action.—For each drug or biological product, the committee established under this paragraph shall document for each function under paragraph (4) or (5), which members of the committee participated in such function.

On page 265, between lines 18 and 19, insert the following:

"(7) Committee.—The committee established under paragraph (1) is the committee established under section 505A(f)(1).

On page 289, line 16, strike "**SURVEILLANCES**" and insert "**POSTMARKET SURVEILLANCE**".

On page 289, line 17, strike "Surveillances" and insert "Surveillance".

On page 290, strike lines 9 through 12 and insert the following:

"(iii) that is intended to be—

"(I) implanted in the human body for more than 1 year; or

"(II) a life-sustaining or life-supporting device used outside a device user facility.

On page 290, line 15, strike "of an" and all that follows through "section 510(k) only for" on line 19, and insert "or clearance of".

SA 1054. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PUBLICATION OF ANNUAL REPORTS.

(a) In General.—The Commissioner on Food and Drugs shall annually submit to Congress and publish on the Internet website of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003" as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study based on a comparison with equivalent products manufactured, distributed, or sold in the U.S. (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003";

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) Initial Reports.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) Memorandum of Understanding.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, the Department of Commerce, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

SA 1055. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFETY OF FOOD ADDITIVES.

Not later than 90 days after the date of enactment of this Act, the Food and Drug Administration shall issue a report on the question of whether substances used to preserve the appearance of fresh meat may create any health risks, or mislead consumers.

SA 1056. Mr. REED (for himself, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING LABELING INFORMATION ON THE RELATIONSHIP BETWEEN THE USE OF INDOOR TANNING DEVICES AND DEVELOPMENT OF SKIN CANCER OR OTHER SKIN DAMAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall determine—

(1) whether the labeling requirements for indoor tanning devices, including the positioning requirements, provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the eyes and skin, including skin cancer; and

(2)(A) whether modifying the warning label required on tanning beds to read, "Ultraviolet radiation can cause skin cancer", or any other additional warning, would communicate the risks of indoor tanning more effectively; or

(B) whether there is no warning that would be capable of adequately communicating such risks.

(b) CONSUMER TESTING.—In making the determinations under subsection (a), the Secretary shall conduct appropriate consumer testing, using the best available methods for determining consumer understanding of label warnings.

(c) PUBLIC HEARINGS; PUBLIC COMMENT.—The Secretary shall hold public hearings and solicit comments from the public in making the determinations under subsection (a).

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that provides the determinations under subsection (a). In addition, the Secretary shall include in the report the measures being implemented by the Secretary to significantly reduce the risks associated with indoor tanning devices.

SA 1057. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _—INTERNET PHARMACIES

SEC. _01. SHORT TITLE.

This title may be cited as the "Safe Internet Pharmacy Act of 2007".

SEC. _02. INTERNET PHARMACIES.

(a) INTERNET PHARMACIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

"SEC. 511. INTERNET PHARMACIES.

"(a) DEFINITIONS.—In this section:

"(1) ADVERTISING SERVICE PROVIDER.—The term 'advertising service provider' means an advertising company that contracts with a provider of an interactive computer service (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) to provide advertising on the Internet.

"(2) DESIGNATED PAYMENT SYSTEM.—

"(A) IN GENERAL.—The term 'designated payment system' means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that the Board determines, by regulation or order, is regularly used in connection with, or to facilitate restricted transactions.

"(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

"(i) a creditor;

"(ii) a credit card issuer;

"(iii) a financial institution;

"(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

"(v) a money transmitting business; or

"(vi) a participant in an international, national, regional, or local network constructed primarily to effect a credit transaction, electronic fund transfer, or money transmitting service.

"(3) FEDERAL FUNCTIONAL REGULATOR.—The term 'Federal functional regulator' has the meaning given the term in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809).

"(4) INTERNET PHARMACY.—The term 'Internet pharmacy' means a person that offers to dispense or dispenses in the United States a prescription drug through an Internet website in interstate commerce, regardless of whether the physical location of the principal place of business of the Internet pharmacy is in the United States or in another country.

"(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug described in section 503(b) that is approved by the Secretary under section 505.

"(6) RESTRICTED TRANSACTION.—The term 'restricted transaction' means a transaction or transmittal, on behalf of a individual who places an unlawful Internet pharmacy request to any person engaged in the operation of an unlicensed Internet pharmacy, of—

"(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful Internet request (including credit extended through the use of a credit card);

"(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful Internet request;

"(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful Internet request and is drawn on or payable at or through any financial institution; or

"(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful Internet request.

"(7) TREATING PROVIDER.—The term 'treating provider' means a health care provider licensed in the United States who is authorized to prescribe medications and who—

"(A)(i) performs a documented patient evaluation (including a patient history and physical examination) of an individual, portions of which may be conducted by other health professionals;

"(ii) discusses with the individual the treatment options of the individual and the risks and benefits of treatment; and

"(iii) maintains contemporaneous medical records concerning the individual; or

"(B) provides care to an individual as part of an on-call or cross-coverage arrangement with a health care provider described in subparagraph (A).

"(8) UNLAWFUL INTERNET PHARMACY REQUEST.—The term 'unlawful Internet pharmacy request' means the request, or transmittal of a request, made to an unlicensed Internet pharmacy for a prescription drug by mail (including a private carrier), facsimile, telephone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

"(9) UNLICENSED INTERNET PHARMACY.—The term 'unlicensed Internet pharmacy' means an Internet pharmacy that is not licensed under this section.

"(10) OTHER DEFINITIONS.—

"(A) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(B) CREDIT; CREDITOR; CREDIT CARD.—The terms 'credit', 'creditor', and 'credit card' have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

"(C) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer'—

"(i) has the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

"(ii) includes any fund transfer covered under article 4A of the Uniform Commercial Code, as in effect in any State.

"(D) FINANCIAL INSTITUTION.—The term 'financial institution'—

"(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

"(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

"(E) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms 'money transmitting business' and 'money transmitting service' have the meanings given the terms in section 5330(d) of title 31, United States Code.

"(b) IN GENERAL.—An Internet pharmacy may only dispense or offer to dispense a prescription drug to a person in the United States in accordance with this section.

"(c) LICENSING OF INTERNET PHARMACIES.—

"(1) IN GENERAL.—An Internet pharmacy shall be licensed by the Secretary in accordance with this section prior to offering to dispense or dispensing a prescription drug to an individual.

"(2) CONDITIONS FOR LICENSING.—

"(A) APPLICATION REQUIREMENTS.—An Internet pharmacy shall submit to the Secretary an application that includes—

"(i)(I) in the case of an Internet pharmacy located in the United States, verification that, in each State in which the Internet pharmacy engages in dispensing or offering to dispense prescription drugs, the Internet pharmacy, and all employees and agents of the Internet pharmacy, is in compliance with applicable Federal and State laws regarding—

"(aa) the practice of pharmacy, including licensing laws and inspection requirements; and

"(bb) the manufacturing and distribution of controlled substances, including with respect to mailing or shipping controlled substances to consumers; or

"(II) in the case of an Internet pharmacy whose principal place of business is located outside the United States, verification that—

"(aa) all employees and agents of the Internet pharmacy are in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

"(bb) the Internet pharmacy is in compliance with applicable Federal and State laws regarding the practice of pharmacy, including licensing laws and inspection requirements;

"(cc) the Internet pharmacy expressly and affirmatively agrees to provide and maintain an agent for service of process in the United States;

"(dd) the Internet pharmacy expressly and affirmatively agrees to be subject to the jurisdiction of the United States and any of its States or territories where it engages in commerce; and

"(ee) the Internet pharmacy agrees to affix to each shipping container of drugs to be shipped in the United States such markings as the Secretary determines to be necessary to identify that the shipment is from a licensed Internet pharmacy, which may include anticounterfeiting or track-and-trace technologies;

"(ii) verification that the person that owns the Internet pharmacy has not had a license for an Internet pharmacy terminated by the Secretary, and that no other Internet pharmacy owned by the person has had a license under this subsection that has been terminated by the Secretary;

"(iii) verification from the person that owns the Internet pharmacy that the person will permit inspection of the facilities and business practices of the Internet pharmacy by the Secretary to the extent necessary to determine whether the Internet pharmacy is in compliance with this subsection;

"(iv) in the case of an agreement between a patient and an Internet pharmacy that releases the Internet pharmacy, and any employee or agent of the Internet pharmacy, from liability for damages arising out of the negligence of the Internet pharmacy, an assurance that such a limitation of liability shall be null and void;

"(v) verification that the Internet pharmacy expressly and affirmatively agrees to provide the Secretary with the identity of any providers of interactive computer services that provide host services or advertising services for the Internet pharmacy; and

"(vi) assurance that the Internet pharmacy will comply with the requirements under subparagraphs (B) and (C).

"(B) IDENTIFICATION REQUIREMENTS.—An Internet pharmacy shall post in a clear and visible manner, on each page of the website of the Internet pharmacy or by a link to a separate page, the following information:

"(i) The street address, city, ZIP Code or comparable mail code, State (or comparable entity), country, and telephone number of—

"(I) each place of business of the Internet pharmacy; and

"(II) the name of the supervising pharmacist of the Internet pharmacy and each individual who serves as a pharmacist for purposes of the Internet pharmacy website.

"(ii) The names of all States in which the Internet pharmacy and the pharmacists employed by the Internet pharmacy are licensed or otherwise authorized to dispense prescription drugs.

"(iii) If the Internet pharmacy makes referrals to, or solicits on behalf of, a health care practitioner or group of practitioners in the United States for prescription services—

"(I) the name, street address, city, ZIP Code or comparable mail code, State, and telephone number of the practitioner or group; and

"(II) the name of each State in which each practitioner is licensed or otherwise authorized to prescribe drugs.

"(iv) A statement that the Internet pharmacy will dispense prescription drugs only after receipt of a valid prescription from a treating provider.

"(v) A distinctive tamper resistant seal to identify that the Internet pharmacy is licensed.

"(C) PROFESSIONAL SERVICES REQUIREMENTS.—An Internet pharmacy shall carry out the following:

"(i) Maintain patient medication profiles and other related data in a readily accessible format organized to facilitate consultation with treating providers, caregivers, and patients.

"(ii) Conduct prospective drug use reviews before dispensing medications or medical devices.

"(iii) Ensure patient confidentiality and the protection of patient identity and patient-specific information, in accordance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

"(iv) Offer interactive and meaningful consultation by a licensed pharmacist to the caregiver or patient before and after the time at which the Internet pharmacy dispenses the drug.

"(v)(I) Establish a mechanism for patients to report errors and suspected adverse drug reactions.

"(II) Document in the reporting mechanism the response of the Internet pharmacy to those reports.

"(III) Submit those reports within 3 days of receipt and the response of the Internet pharmacy to the Food and Drug Administration in a manner determined appropriate by the Secretary.

"(vi) Develop a system to inform caregivers and patients about drug recalls.

"(vii) Educate caregivers and patients about the appropriate means of disposing of expired, damaged, or unusable medications.

"(viii) Assure that the sale of a prescription drug is in accordance with a valid prescription from the treating provider of the individual.

"(ix)(I) Verify the validity of the prescription of an individual by using 1 of the following methods:

"(aa) If the prescription for any drug other than a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) is received from an individual or the treating provider of the individual by mail (including a private carrier), or from the treating provider of the individual by electronic mail, the validity of the prescription shall be confirmed in accordance with all applicable Federal and State laws.

"(bb) If the prescription is for a controlled substance (as defined in section 102 of the Controlled Substances Act), the validity of the prescription shall be confirmed with the treating provider as described in subclause (II).

"(II) When seeking verification of a prescription of an individual under subclause (I)(bb), an Internet pharmacy shall provide to the treating provider the following information:

"(aa) The full name and address of the individual.

"(bb) Identification of the prescription drug.

"(cc) The quantity of the prescription drug to be dispensed.

"(dd) The date on which the individual presented the prescription to the Internet pharmacy.

"(ee) The date and time of the verification request.

"(ff) The name of a contact person at the Internet pharmacy, including a voice telephone number, electronic mail address, and facsimile telephone number.

"(III) A prescription is verified under subclause (I)(bb) only if 1 of the following occurs:

"(aa) The treating provider confirms, by direct communication with the Internet pharmacy, that the prescription is accurate.

"(bb) The treating provider informs the Internet pharmacy that the prescription is inaccurate and provides the accurate prescription.

"(IV) An Internet pharmacy shall not fill a prescription if—

"(aa) a treating provider informs the Internet pharmacy within 72 hours after receipt of a communication under subclause (I)(bb) that the prescription is inaccurate or expired; or

"(bb) the treating provider does not respond within that time.

"(x) Maintain, for such period of time as the Secretary shall prescribe by regulation, a record of all direct communications with a treating provider regarding the dispensing of a prescription drug, including verification of the prescription.

"(3) LICENSURE PROCEDURE.—

"(A) ACTION BY SECRETARY.—On receipt of a complete licensing application from an Internet pharmacy under paragraph (2), the Secretary shall—

"(i) assign an identification number to the Internet pharmacy;

"(ii) notify the applicant of the receipt of the licensing application; and

"(iii) if the Internet pharmacy is in compliance with the conditions under paragraph (2), issue a license not later than 60 days after receipt of a licensing application from the Internet pharmacy.

"(B) ELECTRONIC FILING.—

"(i) IN GENERAL.—For the purpose of reducing paperwork and reporting burdens, the Secretary shall require the use of electronic methods of submitting to the Secretary a licensing application required under this section and provide for electronic methods of receiving the applications.

"(ii) AUTHENTICATION.—In providing for the electronic submission of such licensing applications under this section, the Secretary shall ensure that adequate authentication protocols are used to allow identification of the Internet pharmacy and validation of the data as appropriate.

"(4) DATABASE.—

"(A) IN GENERAL.—The Secretary shall compile, maintain, and periodically update a database of the Internet pharmacies licensed under this section.

"(B) AVAILABILITY.—The Secretary shall make the database described under subparagraph (A) and information submitted by the licensee under paragraph (2)(B) available to the public on an Internet website and through a toll-free telephone number.

"(5) FEES.—

"(A) IN GENERAL.—

"(i) LICENSING APPLICATION FEE.—The Secretary shall establish a licensing application fee to be paid by all applicants.

"(ii) RENEWAL FEE.—The Secretary shall establish a yearly renewal fee to be paid by all Internet pharmacies licensed under this section.

"(B) COLLECTION.—

"(i) COLLECTION OF LICENSING APPLICATION FEE.—A licensing application fee payable for the fiscal year in which the Internet pharmacy submits a licensing application, as established under subparagraph (C), shall be payable upon the submission to the Secretary of such licensing application.

"(ii) COLLECTION OF RENEWAL FEES.—After the licensing application fee is paid for the first fiscal year of licensure, the yearly renewal fee, as established under subparagraph (C), shall be payable on or before October 1 of each subsequent fiscal year.

"(iii) ONE FEE PER INTERNET PHARMACY.—The licensing application fee and yearly renewal fee shall be paid only once for each Internet pharmacy for a fiscal year in which the fee is payable.

"(iv) EXCESS FEES.—Any amount collected by the Secretary under this paragraph for a fiscal year that is in excess of the costs of enforcing the requirements of this section for such fiscal year shall be deposited in the Treasury.

"(C) FEE AMOUNT.—The amount of the licensing application fee and the yearly renewal fee for an Internet pharmacy shall be determined each year by the Secretary based on 133 percent of the anticipated costs to the Secretary of enforcing the requirements of this section in the subsequent fiscal year.

"(D) ANNUAL FEE DETERMINATION.—

"(i) IN GENERAL.—Not later than 60 days before the beginning of each fiscal year beginning after September 30, 2007, the Secretary shall determine the amount of the licensing application fee and the yearly renewal fee for that fiscal year.

"(ii) PUBLICATION OF FEE AMOUNT.—Not later than 60 days before each fiscal year, the Secretary shall publish the amount of the licensing application fee and the yearly renewal fee under this section for that fiscal year and provide for a period of 30 days for the public to provide written comments on the fees.

"(E) USE OF FEES.—The fees collected under this section shall be used, without further appropriation, to carry out this section.

"(F) FAILURE TO PAY FEE.—

"(i) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

"(ii) FAILURE TO PAY.—If an Internet pharmacy subject to a fee under this section fails to pay the fee by the date specified under clause (i), the Secretary shall not permit the Internet pharmacy to engage in the dispensing of drugs as described under this section until all such fees owed by the Internet pharmacy are paid.

"(G) REPORTS.—Beginning with fiscal year 2008, not later than 60 days after the end of each fiscal year during which licensing application fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(i) implementation of the licensing fee authority during the fiscal year; and

"(ii) the use by the Secretary of the licensing fees collected during the fiscal year for which the report is made.

"(6) SUSPENSION.—

"(A) IN GENERAL.—If the Secretary determines that an Internet pharmacy is engaged in a pattern of violations of any of the requirements of this Act, the Secretary may immediately order the suspension of the license of the Internet pharmacy.

"(B) APPEAL OF SUSPENSION ORDER.—An Internet pharmacy subject to a suspension order under subparagraph (A) may appeal the suspension order to the Secretary. Not later than 30 days after an appeal is filed, the Secretary, after providing opportunity for an informal hearing, shall affirm or terminate the order.

"(C) FAILURE TO ACT.—If, during the 30-day period specified in subparagraph (B), the Secretary fails to provide an opportunity for a hearing or to affirm or terminate the order, the order shall be deemed to be terminated.

"(D) NO JUDICIAL REVIEW.—An order under this paragraph shall not be subject to judicial review.

"(7) TERMINATION OF LICENSE.—The Secretary may terminate a license issued under this subsection, after notice to the Internet pharmacy and an opportunity for a hearing, and if the Secretary determines that the Internet pharmacy—

"(A) has demonstrated a pattern of noncompliance with this section;

"(B) has made an untrue statement of material fact in its licensing application; or

"(C) is in violation of any applicable Federal or State law relating to the dispensing of a prescription drug.

"(8) RENEWAL EVALUATION.—

"(A) IN GENERAL.—Before renewing a license of an Internet pharmacy under this subsection, the Secretary shall conduct an evaluation to determine whether the Internet pharmacy is in compliance with this section.

"(B) EVALUATION OF INTERNET PHARMACIES.—At the discretion of the Secretary and as applicable, an evaluation under subparagraph (A) may include testing of the Internet pharmacy website or other systems through which the Internet pharmacy communicates with consumers, and a physical inspection of the records and premises of the pharmacy.

"(9) CONTRACT FOR OPERATION OF PROGRAM.—

"(A) IN GENERAL.—The Secretary may award a contract under this subsection for the operation of the licensing program.

"(B) TERM.—The duration of a contract under subparagraph (A) shall not exceed 5 years and may be renewable.

"(C) PERFORMANCE REVIEW.—The Secretary shall annually review performance under a contract under subparagraph (A).

"(d) PROVIDERS OF INTERACTIVE COMPUTER SERVICES OR ADVERTISING SERVICES.—No provider of interactive computer services (as defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) or an advertising service provider shall be liable under this section on account of another person's selling or dispensing of a prescription drug, so long as the provider of the interactive computer service or the advertising service provider does not own or exercise corporate control over such person.

"(e) POLICIES AND PROCEDURES REQUIRED TO PREVENT PAYMENTS FOR UNLAWFUL INTERNET PHARMACY REQUESTS.—

"(1) REGULATIONS.—Not later than 180 days after designating a system under subsection (a)(2), the Board shall promulgate regulations that require—

"(A) an operator of a credit card system that is a designated payment system, an operator of an international, national, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service that is a designated payment system, and an operator of any other designated payment system specified by the Board that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers, or money transmitting services where at least 1 party to the transaction or transfer is an individual; and

"(B) in the case of a designated payment system, other than a designated payment system described in subparagraph (A), a person described in subsection (a)(2)(B);

to establish policies and procedures that are reasonably designed to prevent the introduction of restricted transactions into a designated payment system or the completion of restricted transactions using a designated payment system.

"(2) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under paragraph (1), the Board shall—

"(A) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to identify and reasonably designed to prevent the introduction of a restricted transaction in a designated payment or the completion of restricted transactions using a designated payment system; and

"(B) to the extent practicable, permit any designated payment system, or person described in subsection (a)(2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

"(3) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

"(A) IN GENERAL.—A designated payment system, or a person described in subsection (a)(2)(B), that is subject to a regulation or an order issued under this subsection, and any participant in such payment system, that—

"(i) prevents or otherwise refuses to honor restricted transactions, in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this section, shall not be liable to any party for such action; and

"(ii) prevents or otherwise refuses to honor a nonrestricted transaction in an effort to implement the policies and procedures under this subsection or to otherwise comply with this section, shall not be liable to any party for such action.

"(B) COMPLIANCE WITH THIS SUBSECTION.—A person described in subsection (a)(2)(B) meets the requirements of this subsection, if any, if the person relies on and complies with the policies and procedures of a designated payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the designated payment system comply with the requirements of the regulations under paragraph (1)(B).

"(4) ENFORCEMENT.—

"(A) IN GENERAL.—This subsection shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (21 U.S.C. 6805(a)).

"(B) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in subsection (a)(2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

"(i) The extent to which the payment system or person knowingly permits restricted transactions.

"(ii) The history of the payment system or person in connection with permitting restricted transactions.

"(iii) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

"(iv) The feasibility that any specific remedy prescribed can be implemented by the payment system or person without substantial deviation from normal business practice.

"(v) The costs and burdens the specific remedy will have on the payment system or person.

"(f) Reports Regarding Internet-Related Violations of Federal and State Laws on Dispensing of Drugs.—The Secretary shall, pursuant to the submission of an application meeting criteria prescribed by the Secretary, make an award of a grant or contract to an entity with experience in developing and maintaining systems for the purpose of—

"(1) identifying Internet pharmacy websites that are not licensed or that appear to be operating in violation of Federal or State laws concerning the dispensing of drugs;

"(2) reporting such Internet pharmacy websites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

"(3) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in paragraph (1).

"(g) Transactions Permitted.—A designated payment system or person subject to a regulation or an order issued under subsection (e) may engage in transactions with licensed and unlicensed Internet pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with subsection (e). A person subject to a regulation or an order issued under subsection (e) and the agents and employees of that person shall not be found to be in violation of, or liable under, any Federal, State, or other law for engaging in any such transaction.

"(h) Relation to State Laws.—No requirement, prohibition, or liability may be imposed on a designated payment system or person subject to a regulation or an order issued under subsection (e) under the laws of any State with respect to any payment transaction by an individual because the payment transaction involves a payment to an Internet pharmacy.

"(i) Timing of Requirements.—A designated payment system or a person subject to a regulation under subsection (e) shall adopt policies and procedures reasonably designed to comply with any regulations required under subsection (e) not later than 180 days after the date on which such final regulations are issued.".

(b) Prohibited Acts.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(hh)(1) The sale, under section 511, of a drug that is not a prescription drug, the sale of such a prescription drug without a valid prescription from a treating provider, or the ownership or operation of an Internet pharmacy, in violation of section 511.

"(2) The representation by advertisement, sales presentation, direct communication (including telephone, facsimile, or electronic mail), or otherwise by an Internet pharmacy, that a prescription drug may be obtained from the Internet pharmacy without a prescription, in violation of section 511.

"(3) The advertisement related to a prescription drug through any media including sales presentation, direct communication (including telephone, facsimile, or electronic mail), by an unlicensed Internet pharmacy.

"(4) The provision of an untrue statement of material fact in the licensing application of an Internet pharmacy.

"(5) For purposes of this subsection, any term used in this subsection that is also used in section 511 shall have the meaning given that term in section 511.".

(c) Links to Unlicensed Internet Pharmacies.—Section 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) is amended by adding at the end the following:

"(c)(1) In the case of a violation of section 511 relating to an unlicensed Internet pharmacy (as defined in such section 511), the district courts of the United States and the United States courts of the territories shall have jurisdiction to order a provider of an interactive computer service to remove, or disable access to, links to a website violating that section that resides on a computer server that the provider controls or operates.

"(2) Relief under paragraph (1)—

"(A) shall be available only after provision to the provider of notice and an opportunity to appear;

"(B) shall not impose any obligation on the provider to monitor its service or to affirmatively seek facts indicating activity violating section 511;

"(C) shall specify the provider to which the relief applies; and

"(D) shall specifically identify the location of the website to be removed or to which access is to be disabled.".

(d) Regulations.—

(1) In general.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services shall promulgate interim final regulations to carry out the amendments made by this section.

(2) Effective date.—The requirement of licensure under section 511 of the Federal Food, Drug, and Cosmetic Act (as added by this section) shall take effect on the date determined by the Secretary of Health and Human Services but in no event later than 90 days after the effective date of the interim final regulations under paragraph (1).

(e) Penalties.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(g) Notwithstanding subsection (a), any person who knowingly violates paragraph (1), (2), (3), or (4) of section 301(hh) shall be imprisoned for not more than 10 years or fined in accordance with title 18, United States Code, or both.".

SA 1058. Mr. DeMINT (for himself, Mr. Coburn, and Mr. Martinez) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CERTAIN PATENT INFRINGEMENTS.

(a) Findings.—The Senate makes the following findings:

(1) The value of American innovation in developing life-saving prescription drugs saves millions of lives around the world each year.

(2) The protection of intellectual property is vital to the continued development of new and life-saving drugs and future growth of the United States economy.

(3) In order to maintain the global competitiveness of the United States, the United States Trade Representative's Office of Intellectual Property and Innovation develops and implements trade policy in support of vital American innovations, including innovation in the pharmaceutical and medical technology industries.

(4) The United States Trade Representative also provides trade policy leadership and expertise across the full range of interagency initiatives to enhance protection and enforcement of intellectual property rights.

(5) When other countries do not respect the intellectual property of American drug companies, all patients suffer because of diminished incentives to develop new life-saving medications and the American economy is unfairly harmed.

(6) Strong intellectual property protection, including patent, copyright, trademark, and data protection plays an integral role in fostering economic growth and development and ensuring patient access to the most effective medicines around the world.

(7) Certain countries have engaged in unfair price manipulation and abuse of compulsory licensing. This results in Americans bearing the majority of research and development costs for the world, undermines the value of existing United States pharmaceutical patents and could impede access to important therapies.

(8) There is a growing global threat of counterfeit medicines and increased need for the United States Trade Representative and other United States agencies to use available trade policy measures to strengthen laws and enforcement abroad to prevent harm to United States patients and patients around the world.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the United States Trade Representative should use all the tools at the disposal of the Trade Representative to deal with violations of intellectual property rights, including—

(A) bilateral engagement with United States trading partners;

(B) transparency of the annual "Special 301" review and reviews of compliance with the intellectual property requirements of countries with respect to which the United States grants trade preferences;

(C) negotiation of intellectual property provisions as part of bilateral and regional trade agreements; and

(D) multilateral engagement through the World Trade Organization (WTO); and

(2) the United States Trade Representative should develop and implement a strategic plan to address the problem of countries that infringe upon American pharmaceutical intellectual property rights and the problem of countries that engage in price manipulation.

SA 1059. Mr. SESSIONS (for himself, Mrs. Lincoln, Mr. Cochran, Mr. Pryor, Mr. Lott, and Mr. Shelby) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary of Health and Human Services to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall, by regulation, enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(2) CONTENT.—The Secretary shall ensure that the regulations promulgated under paragraph (1) to enhance the inspection regime—

(A) ensure that aquaculture and seafood products are not contaminated with substances that are not approved for use in food in the United States;

(B) include the authority to refuse imports of such products from a foreign facility if a requested inspection of the foreign facility is refused or unnecessarily delayed;

(C) take into account whether the United States has a cooperative agreement regarding aquaculture and seafood inspection; and

(D) provide for an assessment of the risk associated with particular contaminants.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes—

(1) the specifics of the aquaculture and seafood inspection program; and

(2) the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs regarding the importation of aquaculture and seafood.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 1060. Mr. HATCH (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FOOD AND DRUG ADMINISTRATION FUNDING SUBMISSION.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 714. FOOD AND DRUG ADMINISTRATION FUNDING SUBMISSION.

"For each of fiscal years 2009 through 2013, the Commissioner of Food and Drugs shall prepare and submit, directly to the President for review and transmittal to Congress, an annual Food and Drug Administration funding submission estimate (including the number and type of personnel needs for the Food and Drug Administration), after reasonable opportunity for comment (but without change) by the Secretary.".

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, May 30, at 12 p.m. in the Medford City Council Chambers at 411 West 8th Street in Medford, Oregon.

The purpose of the hearing is to receive testimony on the impacts of the Chinese hardwood plywood trade on the National Forest System and other public lands, and the communities that depend on them.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Rachel Pasternack at (202) 224-0883.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWN. Mr. President, I ask unanimous consent that at 11:50 tomorrow, the Senate proceed to executive session to consider Executive Calendar No. 84, the nomination of Frederick J. Kapala to be a U.S. district judge, there be 20 minutes of debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees, and at the conclusion or yielding back of time, the Senate vote without any intervening action on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 1138

Mr. BROWN. I ask unanimous consent that S. 1138 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. BROWN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 189 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 189) to authorize testimony and legal representation in the District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in actions pending in the Superior Court for the District of Columbia. In these actions, anti-war protesters have been charged with unlawful assembly for refusing repeated requests to leave Senator MCCAIN's Washington, DC., office on or about February 5, 2007. Trials of these defendants are scheduled to commence on May 11, 2007. The prosecution has requested that a member of the Senator's staff who had conversations with the defendants during the events in question testify in this case. Senator MCCAIN would like to cooperate by providing testimony from his staff. This resolution would authorize that staff member, and any other employee of Senator MCCAIN's office from whom evidence may be required, to testify in this action, with representation by the Senate Legal Counsel.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas, in the cases of District of Columbia v. Ellen E. Barfield (Cr. No. 07-3133), Eve-Leona Tetaz (Cr. No. 07-3144), Jeffrey A. Leys (Cr. No. 07-5009), and Jerome A. Zawada (Cr. No. 07-5088), pending in the Superior Court for the District of Columbia, testimony has been requested from Katie Landi, an employee in the office of Senator John McCain;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978,2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Katie Landi and any other employees of Senator McCain's office from whom testimony may be required are authorized to testify in the cases of District of Columbia v. Ellen E. Barfield, Eve-Leona Tetaz, Jeffrey A. Leys, and Jerome A. Zawada, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Katie Landi and other employees of Senator McCain's staff in the actions referenced in section one of this resolution.

EXPRESSING CONDOLENCES TO GREENSBURG, KS

Mr. BROWN. I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 190 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 190) expressing the condolences of the Nation to the community of Greensburg, Kansas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, on Friday, May 4, 2007, a tornado struck the community of Greensburg, Kansas;

Whereas this tornado was classified as an EF-5, the strongest possible type, by the National Weather Service, with winds estimated at 205 miles per hour;

Whereas the tornado is the first EF-5 on the Enhanced Fujita scale, and the first F-5 on the previous scale since 1999;

Whereas approximately 95 percent of Greensburg is destroyed;

Whereas 1,500 residents have been displaced from their homes; and

Whereas, in response to the declaration by the President of a major disaster, the Administrator of the Federal Emergency Management Agency has made Federal disaster assistance available for the State of Kansas to assist in local recovery efforts: Now, therefore, be it

Resolved, That the Senate expresses the condolences of the Nation to the community of Greensburg, Kansas, and its gratitude to local, State, and National law enforcement and emergency responders conducting search and rescue operations.

MEASURE READ THE FIRST TIME

Mr. BROWN. I understand that S. 1312, introduced earlier today by Senator DEMINT and others, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 1312) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Mr. BROWN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR TUESDAY, MAY 8, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 8; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority and the second half under the control of the Republicans; that at the close of morning business, the Senate resume consideration of S. 1082; that on Tuesday, following the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m., in order to accommodate the regular party conference meetings; that all time during any recess, adjournment, and period of morning business count postcloture, and that any time used in morning business by any Member be charged against their hour postcloture; provided further that Members have until 10:30 a.m. Tuesday to file any second-degree amendments, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BROWN. If there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order, following the remarks of the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I hope we are not moving forward with a plan that would introduce the immigration bill we considered in the Senate last year. That is what I am hearing. I believe there are talks ongoing today—bipartisan talks—talks in which the White House and other members of the President's Cabinet are participating where they are at least talking about a framework of a comprehensive immigration reform of which we could be proud.

The bill that was introduced last year was fatally flawed. It was not the kind of legislation we should have passed. If it had been passed, it would never have worked and would have been an embarrassment to the Senate. I cannot say how strongly I believe that to be true. There was no way we could repair that bill by amendment. I talked about that last year. It was important that we start over with a new piece of legislation. We worked on it, and a majority of the Republicans in the Senate, last year, voted against the bill. The House refused to even consider it. They would not take it up. Four Democrats voted against the bill last year.

So the only way to enact comprehensive immigration legislation is to start over and write a new bill on which both the Democrats and a majority of Republicans can agree. Until this week, I had hopes that was ongoing. I have not been in the detailed negotiations, but I have been briefed on some of the framework for reform that, to me, is very consistent with what I pleaded with my colleagues last year to do.

Now, over the past several weeks, up to 10 Members of the Senate have been actively meeting to write a new bill. They started with the principles laid out by the White House in a 23-page Powerpoint that promptly got leaked. Maybe they wanted it leaked. I don't know. Those Powerpoints just have one or two lines. They do not have fine print. But they do set fourth agenda items and principles.

The principles laid out in that Powerpoint are much closer to a bill I could support and I think the American people would be willing to support.

This is what they included in that presentation. Although I am not involved in the details, I think it is what Members are discussing at this moment—have been discussing, at least. Apparently, people periodically walk away from the discussions, and they say this isn't good enough or I don't like this, but that is negotiation, hopefully, and we can work forward with it. Let me just tell you some of the things that are in this bill that were not in last year's legislation.

There is an enforcement trigger. Before any new immigration programs or green card adjustments could begin, the principles in the Powerpoint would require an "enforcement trigger" to be met. Senator ISAKSON from Georgia offered that. He basically said: We are not going to trust you this time—the American people are not. We want to see that you follow through on the things that are critical to a lawful immigration system before we pass the green card adjustments and deal with those other issues.

It also requires that the Border Patrol be increased to the numbers agreed upon—with a total of 18,300. It is one thing to say we are going to authorize 18,000 Border Patrol agents, which I think is a minimum, really not sufficient to cover the border—but it is an increase of significance. We are not going to go forward with the bill until you actually hire them and put them on the payroll and train them and they are out there.

Also, 200 miles of vehicle barriers and 370 miles of fencing must be constructed. We talked about that, and I offered the amendment. It passed several times and eventually was passed last year.

The catch and release at the border must be ended. This idea of catching people at the border who have violated our immigration laws and have come into the country illegally—they are being taken inland, taken before some administrative officer or judge and released on bail and asked to come back. Well, 95 percent are not showing up. That is what they wanted to do: to be brought into America. They were released on bail. Nobody ever went out and found them or looked for them. It is just a broken system. It is not working. Those are things that are part of the trigger as to what has to be fixed before we go forward with the legislation. That would be in the principles.

The future flow of temporary workers is critical. As to the future flow temporary worker program, the so-called Y visas—the principles outline a new program for truly temporary workers. The White House plan would admit new workers for 2 years and could be renewed three times, for a total of 6 years.

Between each 2-year period, workers would be required to return to their home countries for 6 months. Workers could not bring their spouses or their children but could return home to visit them if they choose. They would be able to go back and forth as often as they liked. There is no cap specified in the White House plan, but the plan envisions an annual cap set by the Secretary of Homeland Security in consultation with the Secretaries of Labor and Commerce, depending on American needs.

Workers would be eligible to apply for green cards through regular channels. Regular channels are adjusted to a more merit-based system. It would include a merit-based system. I think this is a great improvement over last year's legislation. But I have to tell you, I am concerned about people coming to stay more than 1 year because I think it becomes more and more difficult for them to leave. They are less likely to leave. Many of them are more likely to violate the law and just embed and stay. I think a 1-year plan would be far better. But those are things that are being talked about which would be substantially better than last year's legislation.

There is a seasonal worker program that makes much more sense than what was in last year's bill. The principles also contain a "new and improved" seasonal worker program that would combine the current agricultural—the H–2A plan—and unskilled—H–2B—seasonal worker programs. We combine those two programs, as they should be combined, because they are each for temporary workers.

Workers could remain in this country for 9 months at a time, under this proposal, and would be required to return to their home countries for 3 months in between. This is a temporary worker program that appears to be actually temporary, unlike last year's legislation, in which the temporary guest worker program in last year's immigration bill said an individual could come to this country temporarily, but they could bring their wife and children. They could come for 3 years. That 3 years could be extended again and again and again. And they could apply for citizenship within the first year they got here. That was the temporary worker program last year. How broken was that? It would never have worked. People bring their children, they get settled in the country, a decade goes by. Who is going to be able to ask them to leave? What kind of painful scene would that be? Teachers, preachers, family members, neighbors—they have gotten to know people. They have a whole new mindset, an incorrect mindset.

The bill, last year, said "temporary guest worker program," and this is what it was. It was really a permanent entry into the country for very extended periods of time where it could be difficult for people to leave.

Under this plan, the outline that is being discussed, they could actually work—and it is what I suggested last year—and spouses and children would remain in the worker's home country.

Renewals under the seasonal program would be unlimited, which may be problematic. We would need to discuss that some.

But these workers would also be eligible to apply for green cards under regular channels, if they are willing to compete against others on a merit-based basis to see whether or not they could come.

Then the principles focus on a more merit-based entry policy into the United States. The principles I hear being discussed would eliminate the Diversity Visa Lottery and some chain migration categories, such as brothers and sisters and adult siblings of U.S. citizens.

Green cards that have been given out for those individuals would be transferred over to a point system which selects legal permanent resident applicants based on merit. So I am concerned that the White House plan also appears to increase the total number of green cards available each year. Page 21 of the Powerpoint indicates that 1.4 million green cards would be available each year. We are at about 1 million now. That would be a 40-percent increase. I want to look at that carefully. But I like the idea of the entry being based on a more meritorious program.

They have a plan to clear the current backlog of green card applications, which also has dangers in that it could substantially increase the number of people who would come. I am not sure comprehensive immigration reform is designed to increase—at least the American people have an idea that it is designed to increase dramatically the number of people who come legally today. I don't think that is what most people have in mind when they think about immigration reform.

What about the population that is here today illegally? This plan that is being discussed would have given legal status to illegal aliens currently in the country through a new "Z" visa, which would be renewable indefinitely. Those holding Z visas will be eligible to apply for green cards through regular channels after they go back, "touchback," across the border. But regular channels are adjusted to a more merit-based system. So they would have to compete with people who have other qualities and merits that may make them less likely to be admitted.

If these principles are the ones that form the framework for a newly drafted, bipartisan bill, then I think it is possible that we could successfully enact immigration reform this year.

Now, I cannot tell you that I am going to be able to vote for this plan in the end because I intend to read the fine print. That is what I learned last year. The rubric, the caption in the bill last year was "temporary guest worker program" in big print right in the middle of the bill. Then, when you read it, what did you find? We found that the individuals came here for 3 years, with their family, and they could reup, reup for 3 years, time and time again, and, frankly were never going to leave this country.

It was not a temporary guest worker program at all. It was a scheme to confuse the American people about the real meaning of it. In fact, I think it confused Senators. I think they thought it was a temporary worker program, and it absolutely was not. It would never have worked. But the people who wrote it—I think that was their plan. They never wanted it to work to begin with. That is the true fact about it. So the fine print could contain things that will not work.

So I think the framework, the outline, if we are honest and serious, could be the basis for a historic reform of immigration that could actually work, that we could actually be proud of. It is possible. But there are forces, special interests that are driving this process, and they do not respect the views of the American people. They want to ram it through on their terms, and they want to have it say what they want it to say.

This is what the news reports are saying, and I am getting very concerned about it. It is now being reported that instead of being patient and waiting for this new bipartisan bill to be completed and actually written up so people can read it, the majority leader, Senator REID, is forcing the immigration bill to this floor Wednesday, May 9, the day after tomorrow. According to Roll Call, this morning:

> According to an aide to Reid, the Majority leader is expected to bring up the . . . package passed by the Judiciary Committee last year . . . if negotiations produce a deal he will allow lawmakers to propose it as a substitute amendment. . . .

Now, this plan is not a wise approach. Why do we want to bring up a piece of legislation that is fatally flawed, that should never, ever become law? I see no reason. I have one idea, though, or one suspicion I am going to discuss.

It puts undue pressure, an artificial timeline, on those who are trying to work through this extremely complex and important piece of legislation we do not need. We don't have to set that kind of deadline. What we need them to do is to spend the necessary time to produce a strong, thoughtful, bipartisan product that will actually work. That is what we need to do. Then we can vote for it with pride instead of trying to sneak it through this Senate without anybody knowing what is actually in it. As I said last week when I heard about this plan, the Democratic leadership acts as if this is another piece of everyday legislation, but it is not. The immigration bill is one of the most important to come through the Senate in the decade I have been here. I believe that. I think the American people understand that. So this option is not new.

In April, we heard news reports that the Democratic majority would be abandoning efforts to write a new bill and would be starting with the fatally flawed bill produced by the Judiciary Committee last Congress.

"Immigration Daily," an online immigration law publication, reported:

> There is good reason to believe that the CIR—that is the Comprehensive Immigration Reform—Language will finally be introduced on the Senate floor within 2 weeks or less. What will the CIR language look like? CIR begins with S. 2611, the McCain-Kennedy bill which cleared the Senate last year.

The New York Times reported a similar story:

> Senator Edward M. Kennedy has abandoned efforts to produce a new immigration bill and is proposing using legislation produced last March by the Senate Judiciary Committee as the starting point for negotiations this year. Mr. Kennedy dismissed the notion that his efforts to produce a new immigration bill had failed. He said he had decided that the committee report was the best starting point.
>
> We have had extensive hearings on the essential aspects of this bill,

Mr. KENNEDY said.

> We are effectively ready to mark up and for going to the floor.

I am very disappointed—beyond disappointed—to hear those news reports. I have been pleased, I guess, today that so far these plans haven't come to fruition, that the majority has begun to engage or has continued to engage Republican Senators and the White House in a real effort to write a good bill. I hope that is what the majority will continue to do.

I hope the majority will abandon last year's fatally flawed bill, not start with it. It cannot be amended and an effective bill created. It means this cannot be the starting point to come to the floor with a new bill this Congress. I implore our leadership to continue trying to write a bill that a majority of Republicans could support, that is possible if we follow through on the real principles people are talking about and saying they can agree to.

It is not a question of the principles we are dealing with. The question is: Will we write the bill in such a way that the principles are carried out? That is the key thing. It was not done last year. In 1986, it was to be the amnesty to end all amnesties. They had 3 million people—I think they thought there were 2 million people—here illegally. They created amnesty for them and they promised we would pass a new law and that this new law would be such that we wouldn't have to do amnesty again. That was in 1986, 20 years ago. We had, it turned out, 3 million people who claimed the amnesty.

What has happened since? Now we have 12 million people here illegally—maybe 20 million—who knows for sure. So why wouldn't we learn from that? Why wouldn't we understand this is not a political football to be kicked down the field? This is important legislation that ought to be passed and written correctly, so 5 years from now, we can go to our constituents and say: We did something good. It is working as we promised you it would work. Why not?

Well, I will tell my colleagues what appears to me to be happening. By bringing up the old bill, last year's bill, which many people in this Senate voted for and probably still believe is good legislation, though it certainly is not, they can start it—they can start it and go forward with this bill that perhaps they never intend to be offered as the final legislation. You burn the time on the motion to proceed to the bill for the bill to be discussed, and they can go past that and move to proceed to the bill, and then file for cloture on the bill, and then offer a substitute, 700, 800 pages. That is how many pages it was last year—over 600. If they write this one well this year, it should be more than that. They drop a 700, 800-page bill and substitute the old bill, and there is no time to debate it, and they slide it right through, railroad time. I am telling my colleagues, that appears to me to be what it is about. That would be an abrogation of our responsibility.

The American people care about this legislation. The American people are not unengaged. They know something compassionate is going to have to be done about the 12 million people, but I think most people agree with me that someone who came here illegally should not be given every single benefit we give to somebody who comes here legally. We need to set a principle that we are not going to reward illegal behavior in the future. So you work something out on that, and you work something out on these other complex issues, and we set up a policy of immigration for the future that reflects some of the principles Canada has: its point system, its merit-based system. That was never discussed last year. Not one hint of it is in the bill Senator REID is apparently intending to bring up on Wednesday.

How can we possibly talk about comprehensive immigration reform and never consider a merit-based immigration system? Isn't America based on merit? Don't we know far more people want to come here than can be accepted? Don't we know Australia does that, New Zealand does that, the United Kingdom is looking at that—all developed and highly sophisticated nations committed to humanity and civil rights, world leaders in that regard. Are their proposals somehow immoral and unfit? Of course not. Those ideas were not even discussed in last year's bill. So they say we might have something such as that in this legislation. Well, let's see it. Let's see what the words say. What is it going to say? Is it going to be like last year when it said "temporary guest worker," and that was nothing but a sham when you read the fine print under it? Is that what we are going to get this year, a bill they ram through at the last minute, burning the time for debate so we have only the most minimal time to debate? Is that the plan? I hope the American people are keeping their eye on this one. They deserve more. The American people are concerned about immigration. It is an important issue. It is a very important issue to us.

We had a group from Ireland testify at the Judiciary Committee last year and they told us only 2,000 people got into our country from Ireland last year. We had over 1 million come in legally. What is this? How do we create a system that does not give people throughout the world an equal chance, an opportunity to apply to come to America? We need to work on that. We can do it. There is a framework here that, if fleshed out with good legislation, good language, enforceability, we can be proud of.

I am afraid that is not what we are doing. I am afraid there is an attempt here to move a fast one. I am afraid the masters of the universe who run this place, some on both sides of the aisle, don't want the American people to know what is in the bill. They don't trust them to be in on the negotiations. They want to do it and slide it through.

I remember last year we offered—someone offered a good amendment, I think it was the Isakson amendment, on a trigger, and one of the Senators said: Oh, we can't accept that amendment. Why not? We can't accept it because it would upset that delicate balance of negotiations with the parties who put this bill together. So I asked: Who were they? Who are these parties who put the bill together? Where did they meet? Did they have votes? Did people elect them to go in this caucus to write this piece of junk that was the bill last year? Who was that? Oh, they wouldn't talk about who actually wrote the bill. They wanted to ram it through, and nobody could amend it because it would upset their delicate compromise. Well, phooey on that. We need to do this in the light of day. We need to stand up and explain to our constituents and ask them to support a good bill, and we need to stand up and oppose a bill that is a bad bill. We are going to live with it, as we have lived for over 20 years now with 1986, that failed piece of legislation that had so much promise and people were so happy about when it passed, and it never worked.

There are several reasons we need to be cautious. You can put in a piece of legislation an authorization to add a bunch of Border Patrol officers or workplace enforcement rules, or you can put in an authorization to spend money to create a computer system that will actually work, and it can. We can create a system that will work, but authorizing doesn't mean anything. That doesn't mean anything. You have to come up with money, and the money comes up in the years to come. If this Congress isn't serious about what it is doing and we pass a bill that authorizes a bunch of provisions that could actually help and be worthwhile and we never come up with the money to do it, the system is going to collapse as badly as it is right now.

We need a national debate, a national consensus on a good piece of legislation. The President needs to be committed to leading instead of undermining the enforcement of laws. They are getting a little better in the White House now, but Presidents in the past have had no interest whatsoever in seeing immigration laws passed. If they did, they would have come to Congress and said: We need more border enforcement, we need fencing, we need more Border Patrol, we need an end catch and release. They never came to Congress and said the law was not being enforced. American constituents talk to Members of Congress and the Members of the Senate and explain about the plain as day illegality that is going on, and the Congress is trying to make the system be enforced. My colleague, the Presiding Officer, is a former U.S. attorney. The President, the executive branch has the responsibility to enforce the law, not the Congress. What do we know about how to catch all these people. They ought to be asking us for the laws. They should be telling us what is needed. But no, no, because nobody, not any President since 1986, has ever taken his responsibility to enforce the laws of the United States seriously as they apply to immigration. So that is what we have.

I have points I will not go into tonight that detail the incredible flaws that existed in last year's bill.

Senator SPECTER offered a bill that I didn't favor, but it was better—he was chairman of the Judiciary Committee last year—it was better than the other two that arose. After he offered it in Judiciary Committee, we went on in a day or so, or two or three, and we had this deadline. Like Senator REID, Senator FRIST said: I have to have the bill out Monday. If you don't bring it out Monday, I am going to introduce another bill—a pretty good bill, actually, which was an enforcement-oriented bill. Also, the Judiciary Committee got in a flutter, and we ran around, and Senator KENNEDY offered the substitute—Kennedy-McCain. The Specter bill was gone, and an entirely new Kennedy-McCain bill was on the floor. Then the controversial AgJOBS portion of immigration that had been floating around here and had been blocked over the years was offered up as an amendment to Kennedy-McCain, and it was added with no debate. We voted this out and it was on the floor, and the next day we were debating this 600-page bill.

That is not the way to do business in the Senate. My chief counsel here studied this legislation, and we read the fine print, that 600 pages, and when we looked at it, we were shocked at the loopholes it contained. We identified—and I spoke here several hours on it—17 loopholes in that legislation. It began to lose steam. We found out just, for example—mind you, Senator REID, I understand from the New York Times and others, is talking about introducing the Judiciary Committee bill. This is what the Judiciary Committee bill would have done last year, the one that passed out of the Committee, the so-called McCain-Kennedy bill. Under current law, over the next 20 years, this Nation would issue 18.9 million green cards—quite a substantial number. Under the Kennedy-McCain bill passed out of committee last year—hold your hat—it would have been, at a minimum, 78 million over 20 years to as many as 200 million. That is two-thirds of the current population of the United States of America. They tried to move that bill without amendments. I cannot recall the gymnastics they went through, but they were even denying Senators KYL and CORNYN amendments they wanted to have, and Senator REID wanted no amendments.

Finally, we began to have amendments. Senator BINGAMAN offered two amendments, eventually, as time went by. It was brought back the third time. They brought those numbers down from 78 million and 200 million to 53 million, almost 3 times the current rate of immigration.

So Senator REID, as I understand it, according to a news report, is talking about bringing up the Judiciary Committee bill. This is not the 53 million people being brought in here permanently with a green card—permanent residents—but we would go back to the 78 million to 200 million. How amazing is that?

So I am just flabbergasted by the way this matter is being treated. There is only one way to do it; that is, we stand up like real Senators and we write a bill and work out a bill, and we give the Members of the Senate the time to read it, time for the American people to understand what is in it, and see if it can be amended and made better, and make sure it will actually work, not just be a political show—not some political sham but a piece of legislation that would actually work, and then we would pass it. We would be responsible to our constituents for a "yes" or "no" vote because we do need to pass comprehensive reform. I said that many times last year. Of course, we need that.

The whole system is broken. Nothing about it works. Of course, we need to reform it from the ground up. But the legislation last year is no place to start. We don't need to be using some gimmick to get the bill up, with last year's language, and then substitute new language that nobody has read and ram it through the Senate. The American people should not be happy with that.

Mr. President, I thank the Chair for his patience and those who listened to my remarks. I believe we can do something better. I support real and genuine reform of immigration in America. I will support legislation that provides a compassionate solution to the people who have been here for years and have been dutiful, law-abiding people except for their illegal presence. We can work through those things.

We need a future flow system, much more like Canada's, much more like New Zealand's. We need a temporary worker program that is really temporary. We need a workplace enforcement system that the average employer will have no problem in following. We need a biometric, identifying cards for immigrant workers so they cannot be illegally forged. That is all possible to do if we want to do it—unless the people who are driving this bill, the architects of this, just want to go through the motions of creating an immigration system that would work, unless that is their plan, to just go through the motions and pass a bill that has no chance of being successful, just like we did in 1986, and 8 or 10 years later, they can say: We are heartbroken; we thought it was going to work.

I think we can do it, and I think we ought to do it. I hope the majority leader will not bring up the last year's bills—any one of them—and that he will bring up the bill that was drafted through this compromise process because I think it at least has some possibility to be a bill we could support, unlike the one last year, and then we can study it and debate it. The American people could be engaged in it, and we ought to stand up and vote and do the right thing for America.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:51 p.m., adjourned until Tuesday, May 8, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 7, 2007:

DEPARTMENT OF COMMERCE

WILLIAM G. SUTTON, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE ALBERT A. FRINK, JR.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

JOHN E. PETERS, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

WILLIAM A. BREKKE, OF SOUTH DAKOTA
IRA E. KASOFF, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

JOHN D. BREIDENSTINE, OF PENNSYLVANIA
JANICE A. CORBETT, OF OHIO
AMER M. KAYANI, OF CALIFORNIA
MARGARET A. KESHISHIAN, OF CALIFORNIA
ANDREW P. WYLEGALA, OF WASHINGTON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES W. HOOPER, 8888

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. LOREE K. SUTTON, 4636

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES ARMY AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. DOUGLAS L. CARVER, 8279

HOUSE OF REPRESENTATIVES—*Monday, May 7, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FILNER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 2007.

I hereby appoint the Honorable BOB FILNER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, throughout our Nation's history, You have raised up men and women who have seen Your goodness in the beauty of nature and understand Your essential purpose in the unfolding of human events.

Henry Thoreau was an early American hero, and possibly a mystic, who wrote an account of his 2 years spent in quiet solitude at Walden Pond. What he wrote about early America became a classic, but he was an American classic himself.

Thoreau embodied the early spirit of nonconformity in breaking bonds of social hypocrisy. By taking time to seek spiritual truth, he wrapped himself in the beauty of nature and sought escape from a world in which "the mass of people lead lives of quiet desperation."

He wrote: "I went to the woods because I wanted to live deliberately, to confront the essential facts of life and see if I could not learn what life had to teach, and not, when I came to die, discover that I had not lived."

Lord, awaken America today. Lift the Nation above hypocrisy and enable its people to face the essentials of government, the essentials of religious faith and the power of transformative love and daily service to others.

Renew in us hope, O Lord, so with Thoreau we might say: We live "with an infinite expectation of the dawn, which does not forsake us in our soundest sleep." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from American Samoa (Mr. FALEOMAVAEGA) come forward and lead the House in the Pledge of Allegiance.

Mr. FALEOMAVAEGA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 4, 2007, at 10:48 a.m.:

Reappointments:
  President's Export Council (1)
Appointments:
  President's Export Council (2)

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Ms. Deborah M. Spriggs, Deputy Clerk, and Mr. Jorge E. Sorensen, Deputy Clerk, to Sign any and all papers and do all other acts for me under the name of the Clerk of the House which they would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

These designations shall remain in effect for the 110th Congress or until modified by me.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

GET THERE FIRSTEST WITH THE MOSTEST

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, does anybody realize there's a war going on out there in the desert sands of Iraq and the rough mountains of Afghanistan? Apparently not, or Congress would be taking care of our troops.

Mr. Speaker, the troops will be out of funds to carry the fight to the enemy by the end of June. So where's the money?

Spending money is what Congress does. Why hasn't this body provided the funds for our troops and equipment and for more personnel?

This is an emergency. Delaying will put our troops at risk. We should authorize the funds now; send equipment now and, if needed, send more troops.

The American people expect our military to do their duty. Well, the American people expect us to do ours as well.

Congress needs to quit talking about supporting the troops and put money where our mouths seem to be.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nathan Bedford Forrest, successful Confederate general, said it best about winning and victory and the means to do so. He said: "Get there firstest with the mostest."

Congress needs to send the generals the mostest, Mr. Speaker, needs to send equipment and personnel that is needed. Doing this will help our mission in spite of the Congressional Surrender Group's desire to retreat and quit.

And that's just the way it is.

CONGRATULATIONS TO PRESIDENT-ELECT NICOLAS SARKOZY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to congratulate President-elect Nicolas Sarkozy, who the state newspaper has recognized as a "blunt and uncompromising pro-American conservative."

As a person of French heritage, I welcome this change of course in France. We appreciate that France was our first ally in the American Revolution, as symbolized by the portrait of the Marquis de Lafayette here in the Chamber. France is a major investor in America, and I am grateful the midlands of South Carolina is home to three Michelin plants.

America and France have a common enemy in the global war on terrorism, and we have mutually beneficial goals of economic development for our citizens. The French Caucus in Congress looks forward to promoting our vibrant partnership.

The election of Nicolas Sarkozy is a welcomed change to restore the warm relationship America desires with France.

In conclusion, God bless our troops, and we will never forget September 11.

COMMUNICATION FROM STAFF MEMBER OF HON. DAVID PRICE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dave Russell, District Liaison, Office of the Honorable DAVID PRICE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a judicial subpoena for trial testimony issued by the Orange County, North Carolina District Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DAVE RUSSELL,
District Liaison.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING AND WELCOMING THE LEADERS OF THE PACIFIC ISLANDS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 355) recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 355

Whereas the United States is a Pacific nation;

Whereas the East-West Center, as established by the United States Congress in 1960, contributes to a peaceful, prosperous, and just Asia Pacific community by conducting cooperative research, education, and dialogue programs on critical issues of common concern to the Asia Pacific region and the United States;

Whereas the Pacific Islands Conference of Leaders was created in 1980 at the East-West Center, which sponsors and supports this regional institution through its Pacific Islands Development Program;

Whereas the Pacific Islands Conference of Leaders is the most broadly-based regional cooperation institution in the Pacific, including 20 leaders from both independent Pacific island nations and other Pacific governments;

Whereas for the first the time in its history, through the cooperation of the East-West Center, the Department of State, and Congress, the Pacific Islands Conference of Leaders is convening May 7, 2007, through May 9, 2007, in Washington, D.C.;

Whereas the United States has maintained deep and enduring relations with the peoples of the Pacific islands during times of peace and war and is linked to the Pacific not only through geography but also through common interest and values;

Whereas the governments of the Pacific Islands Region are key partners with the United States in combating terrorism in all its forms;

Whereas the United States and the Pacific island nations can enhance their cooperation in many other areas, including mutually beneficial trade and economic relationships, tourism, environmental protection, maintenance of fisheries, and other maritime resources, addressing climate change, democracy and good governance, and combating the spread of infectious diseases; and

Whereas there are increasing numbers of Americans of Pacific islander ancestry making myriad contributions to America's dynamism and diversity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and welcomes the leaders of the Pacific Islands to Washington, D.C.; and

(2) commends the East-West Center for hosting the Pacific Islands Conference of Leaders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution.

I would like to thank my good friend, the gentleman from Texas, for his assistance in managing this important legislation now before our colleagues.

I would also like to thank our distinguished chairman of the House Foreign Affairs Committee, Mr. TOM LANTOS, for his support of this resolution which recognizes and welcomes the leaders of the Pacific Island nations to Washington, D.C., and certainly commends the East-West Center for hosting the Pacific Island Conference of Leaders.

The Pacific Island Conference of Leaders represents some 14 island nations, three French territories and three U.S. territories, including American Samoa. Each year these leaders meet at the East-West Center in Honolulu; but for the first time this year, this conference is being held here in our Nation's Capital.

Because this is a significant occasion, I want to thank our distinguished senior ranking member of the House Foreign Affairs Committee, Ms. ROS-LEHTINEN, as well as the ranking minority member of the House Foreign Affairs Subcommittee on Asia and the Pacific and the Global Environment, my good friend Mr. MANZULLO, for their support of this resolution.

I also thank the 24 Members, our distinguished colleagues, who joined us in cosponsoring this historic resolution, including Congresswoman MADELEINE BORDALLO of Guam. I also commend members of the Hawaii congressional delegation, Senator DANIEL INOUYE, Senator DANIEL AKAKA, Congressman NEIL ABERCROMBIE and Congresswoman MAZIE HIRONO, for their leadership in support of this legislation and other events and activities that will make the visit of our Pacific Island Leaders to Washington more meaningful and productive.

I especially want to thank also Governor Linda Lingle of the State of Hawaii for her support and for her cohosting one of the important events that have been featured here while the guests are here in Washington.

Mr. Speaker, I would also like to commend Dr. Charles Morrison, president of the East-West Center and members of his staff, Dr. Sitiveni Halapua, and Dr. Gerard Finin for their hard work in arranging meetings that are being held right now, as I speak, with officials of the U.S. Department of State and other agencies of the Federal Government.

I want to especially thank our Secretary of State, Condoleezza Rice, for taking the time from her busy schedule to meet with our guests from the Pacific, and also Assistant Secretary of State, Chris Hill, and Deputy Assistant Secretary of State, Glyn Davies, and their staffs for arranging appropriate meetings with other officials representing the various agencies of the administration.

Mr. Speaker, this is truly a historical day in our Nation's Capital. With the exception of Australia and New Zealand, this is the first time in our country's history that this number of leaders representing the Pacific region are here as a group to meet with us and to discuss issues that are mutually important to them, as well as to us.

It was only in the last half century that our Nation was engaged in one of the bloodiest wars ever fought in the Pacific. World War II was fought in two fronts, one in Europe and the other in the Pacific. In the islands of the Solomons, where Guadalcanal, as some of you may have heard, is located in the Pacific, so are the Marshall Islands, the islands of Samoa, the Philippines, Papua, New Guinea, Palau, Guam, Saipan, Tinian, Rota, Tarawa, Midway, Borneo, Okinawa, Iwo Jima and several others. People of the Pacific played critical roles in U.S. efforts to fight Japanese military forces in response to the attack on Pearl Harbor on December 7, 1941.

After World War II, with the exception of Guam, the United States unilaterally declared the rest of Micronesia as a strategic trust, which meant that these islands were placed under the jurisdiction and protection of the United States.

But a national debate also began as a result of the devastation and the loss of some 200,000 lives when we dropped two atom bombs by our military that conducted this arrangement, where two atom bombs were dropped on the cities of Hiroshima and Nagasaki.

While the atom bombs brought an immediate end to World War II in the Pacific, scientists and political leaders in our country debated whether or not nuclear energy was to be used for military or peaceful purposes.

□ 1415

Although the military won its bid to conduct a nuclear testing program, the question was, where are we going to conduct the testing? Since it was obviously too dangerous to explode atomic bombs in any of the States in the continental United States, it was determined that a place far and away was needed, and thus the U.S. military command chose the Marshall Islands as the place to conduct our nuclear testing program.

I submit, Mr. Speaker, that I am not sure if my colleagues are aware of the fact that the U.S. exploded some 67 nuclear bombs in the Marshall Islands. This also included the explosion of the first hydrogen bomb ever in the history of the world. In layman's terms, you must first explode an atomic bomb as a trigger to explode a hydrogen bomb. The hydrogen bomb that the U.S. exploded in the Marshall Islands in 1954 was known as the Bravo Shot, and it was measured as a 15-megaton nuclear device, a thousand times more powerful than the atom bombs we dropped on Hiroshima and Nagasaki.

I submit to my colleagues in the House, at the height of the Cold War, the people of the Marshall Islands made tremendous sacrifices of their properties and, above all, of themselves after being exposed to nuclear radiation. To this day, our government, Mr. Speaker, with all its honor and glory, has not made good our promises to properly compensate these people for the loss of their properties and to provide adequate medical care, especially to those who were directly exposed to nuclear radiation as a result of our nuclear testing program.

In the near future, I will be proposing a bill that will address the needs of the people of the Marshall Islands as a result of our nuclear testing program, and I am hopeful that my colleagues will support me in this effort.

Some of my colleagues have asked me, why should the United States take an interest in these small islands out there in the middle of the Pacific? I need not repeat myself on the importance of these islands during World War II, and I have just shared with my colleagues the tremendous sacrifices the leaders and the people of the Marshall Islands made for the success of our nuclear testing program. I have also pointed out the shameful neglect on the part of our Nation to properly address the property rights and health care needs of these people who were exposed. All of them were exposed to nuclear radiation.

Having said this, I want to reemphasize the Pacific Islands were valuable to our Nation during World War II, and, believe me, these nations will be valuable to us again in the future. We fool ourselves if we believe we do not need allies in a volatile region that covers one-third of the world's surface.

We need the Pacific Island nations as they need us. The people of the Pacific nations do not want handouts, but they want equal treatment, respect, and economic assistance will be beneficial to them as well as to us. The seabed minerals within the exclusive economic zones of these island nations are worth hundreds of billions of dollars, but their potential use is priceless if together we can find ways to harness these resources. The same can be said of their fisheries and marine resources, which will continue to be an inestimable worth as the world struggles to feed a growing population.

There are many other areas in which we can work together if we can begin to establish even a USAID program in the Pacific region. As chairman of the House Foreign Affairs Subcommittee on Asia, the Pacific and the Global Environment, I look forward to working with my colleagues to bring about needed and necessary changes in our current relations with our Pacific Island neighbors.

On this historic occasion, Mr. Speaker, I also welcome these leaders to our Nation's Capital, and I urge my colleagues to support this proposed legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from American Samoa for sponsorship of this resolution and Mr. LANTOS, the chairman, and the ranking member from Florida (Ms. ROS-LEHTINEN).

Today I rise to offer my endorsement of a resolution that recognizes the enduring ties of the United States and the Pacific Island nations. Our Nation's links with the Pacific Islands extend back to the earliest days of the American Republic, when New England whalers, symbolized by Captain Ahab, sailed in the South Pacific. In those early days, clipper ships also set sail from American ports across the Pacific in pursuit of the China trade. American missionaries soon followed, journeying to the Pacific Islands to deepen the cultural and religious ties between our two peoples.

Our bonds to our Pacific neighbors have been further enhanced by their ethnic and historic links to our 50th State, Hawaii, America's gateway to the Pacific.

When war came to the Pacific at Pearl Harbor on that day of infamy, December 7, 1941, the peoples of the Pacific joined the United States in turning back the threat of the invader. It was two Solomon Islanders who bravely carried a coconut hidden in a canoe through enemy lines with the immortal words: "Commander . . . native knows position . . . he can pilot . . . 11 alive . . . need small boat . . . Kennedy."

The rescue of the crew of PT–109, including a future President of the United States, John F. Kennedy, is remembered as one of the great epic stories of the war in the Pacific.

In the six decades since the end of that war, our diplomatic, commercial and cultural ties have grown steadily with our Pacific neighbors. One legacy of the American President rescued by the Pacific Islanders has been the Peace Corps, which has sent volunteers to work together with the peoples of the Pacific for the past 40 years.

The East-West Center in Hawaii, established by the United States Congress in 1960, has been a vital source for cultural and academic exchange and for a dialogue on critical issues of mutual concern. The center has played a pivotal role in cementing the ties between the peoples of the United States and the peoples of the Pacific Islands. I commend the center for hosting the Pacific Island Conference of Leaders here in Washington, D.C. Therefore, I welcome the opportunity to offer my strong and enthusiastic support for House Resolution 355, welcoming America's good friends, the leaders of the Pacific Islands, to Washington, D.C.

I offer them and the people of the Pacific a warm welcome of "aloha."

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to thank and commend my good friend, the gentleman from Texas, for a most eloquent statement and observations in terms of our relationship with these Pacific Island nations.

I recall years ago we took a congressional delegation. At that time, the chairman of our Asia and the Pacific Subcommittee of the Foreign Affairs Committee, Congressman Steve Solarz from New York; Congressman Bob Dornan from California; and myself. And we visited the various island nations and found out that we have become somewhat of a nation totally neglectful of our efforts to establish good relations with these island nations.

I recall we visited the Solomon Islands and specifically the Guadalcanal that most Americans have heard in the news of World War II, which was where some of the bloodiest battles were fought there by the Marines against Japanese forces. And in our efforts in trying to find out what can we do on behalf of our country in terms of how we can express a sense of token appreciation to the people of the Solomon Islands for the support they gave us during the famous battles that we had to endure during the war there in Guadalcanal. And in doing so, we came back and submitted to the Congress a proposal that what would be a good gesture on behalf of the people of America would be to build a parliamentary building for the Solomon Islands government. And in doing so, we provided the funding, and I was privileged and honored to accompany the good Senator from Rhode Island, Senator Chafee. And we went over to the Solomon Islands to dedicate this new parliamentary building and found out that Senator Chafee was a 19-year-old Marine fighting enemy forces in Guadalcanal, and it was quite a statement and a very moving experience that I had in noticing one of our national leaders, the great Senator from Rhode Island, revisited Guadalcanal where this battle was fought. And he was there as a 19-year-old Marine. And we did this, and the people of the Solomon Islands were very grateful that we were able to build this new parliamentary building as a token, as a gift, from the people of the United States to commemorate and to remember the tremendous sacrifices not only that our soldiers and our Marines made on these islands but also the support that the people of the Solomon Islands provided us in the war effort.

I also want to commend the Congress. I don't know if our colleagues are aware of the fact that, in 1960, Congress enacted special legislation to establish the East-West Center. And it was a tremendous effort to see what we could do to establish good relations between the East and the Asian countries and that of our own country. And that was the very purpose. To establish exchanges and to establish forums and symposiums to allow the leaders of the nations of Asia and the Pacific region to meet together with our leaders and to see if we could resolve some of the issues and problems confronting the region as well as our own Nation.

So with that, I wanted to just share those two points with our colleagues in the House.

Mr. Speaker, I yield 6 minutes to my good friend, the gentlewoman from the Territory of Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 355, a resolution recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders.

I am encouraged by the strong support that Congress continues to display toward promoting closer political, economic and cultural ties among the islands and the countries of the Pacific region. This resolution is evidence of the East-West Center's excellent work toward facilitating the achievement of those goals.

We have the unique honor this week of hosting a State visit by the Queen of England. She and her husband, Prince Phillip, began their 6-day trip to the United States in Virginia last week. Notably, the Queen addressed the State's General Assembly and visited Jamestown, which is observing the 400th anniversary of the founding of the first permanent English settlement in the Americas.

Indeed, Great Britain and the United States enjoy close, special relations established in revolution, forged in world wars and tempered by peace and economic growth. This is a relationship to cherish. But let us not forget that the United States is fortunate to have formed special relationships elsewhere in the world. Those relationships are similarly important, especially those that we share with the islands of the Pacific region.

Like with Great Britain, the United States shares an ocean with its friends in the Pacific. But we also share common histories, culture and, among other things, a great desire for peace and economic security and prosperity that forge indelible bonds between our peoples. House Resolution 355 recognizes this. The resolution notes the United States is a Pacific nation, and I could not agree more wholeheartedly and firmly. The gaze of the United States must be west. The Pacific Century is undoubtedly upon us, and we are fortunate to have such strong friendships and alliances established there.

The eighth meeting of the Pacific Islands Conference of Leaders, which will occur this week in Washington, D.C., is evidence of the strong relationship that exists between the United States and the islands of the Pacific. The Pacific Islands Conference of Leaders, hosted by the East-West Center with the support of the Department of State, is comprised of 20 heads of government from the Pacific Islands region and meets once every 3 years. The conference members include: American Samoa, the Cook Islands, the Federated States of Micronesia, Fiji Islands, French Polynesia, Guam, Hawaii, Kiribati, the Marshall Islands, Nauru, New Caledonia, Niue, the Northern Mariana Islands, Palau, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu, Vanuatu. Notably, this is the first time the Pacific Islands Conference of Leaders has been held in Washington, and that the commitment of the United States to the conference could not be stronger or broader is encouraging. Very encouraging.

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Interagency delegations to the conference this week will include representatives from the Department of State, the Department of Defense, the United States Agency for International Development, the Office of the U.S. Trade Representative, the National Oceanic and Atmospheric Administration, the United States Coast Guard, the Peace Corps and the Millennium Challenge Corporation. These representatives' participation during the conference will further enhance the already excellent work on the part of their departments and agencies within the region.

Mr. Speaker, we owe special thanks to the East-West Center for its efforts to organize this event. The East-West Center is an education and research organization established by the United States Congress in 1960 in order to strengthen relations and understandings achieved between the United States and the peoples and the countries of Asia and the Pacific.

As noted in House Resolution 355, the center successfully contributes to a peaceful, a prosperous and a just Asia-Pacific community by serving as a vigorous hub for cooperative research, education and dialogue on critical issues of common concern to the Asia-Pacific region and the United States.

The East-West Center has established for itself a strong reputation as an ideal forum for emerging leaders and regional specialists to discuss issues and strengthen relations with their colleagues, and I strongly support their ongoing efforts in this regard.

Representing Guam at the Pacific Islands Conference of Leaders will be the Honorable Felix Camacho, the Governor of Guam, and accompanying him will be his wife, our first lady of Guam, Joann Camacho. I welcome them to our Nation's capital and wish them the best during their discussions with their colleagues from the region.

Guam, both the United States territory and a Pacific Island, is a leader in the region economically, politically and in terms of regional security. Guam, and the perspective of its people, will continue to have a unique and influential role in the region in the years to come as a result of the changing posture of the United States military in the Asia-Pacific region and the increased economic activity that is planned for the island in the coming years. I sincerely hope that the relationship that Guam shares with its Pacific Island partners will grow stronger during this period.

And, finally, Mr. Speaker, I want to thank and recognize our distinguished colleague from American Samoa, Mr. FALEOMAVAEGA, for his leadership as chairman of the Subcommittee on Asia and the Pacific, and the Global Environment. We are all indebted to him for his command of the issues of concern to our allies in the Pacific and for his leadership in strengthening United States foreign defense and economic policy.

I urge adoption of House Resolution 355.

Mr. POE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I want to once again commend the gentleman from American Samoa for not only bringing forth this resolution, but his work in educating the American public on the Pacific Islands and the need for cooperation with the United States and the Pacific Islands.

He mentioned the Solomon Islands during World War II. The Solomon Islands, among many other island nations in the Pacific, helped the United States combat imperialism. And when the American troops left those islands, many of those nations had to suffer continuously for the destruction that occurred on their islands. And of course there are still Americans who are volunteering from American Samoa and Guam fighting in our American forces overseas. And some Americans sometimes forget that these two areas of our country help in the great war on terror. So I want to commend him for bringing this resolution, and I support the adoption of House Resolution 355.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, may I inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. FALEOMAVAEGA. I just wanted to add, as a matter of history here, it was during the 1970s, then-chairman of the House Subcommittee on Territories, the late Congressman Phillip Burton from San Francisco, who initiated the move in terms of finding out how the East-West Center was doing as far as the Pacific Islands were concerned. And as a result of the assistance also from then former Congresswoman Yvonne Brathwaite Burke, who served as a member of the Appropriations Committee, there was greater attention given to the needs of the Pacific Island nations. And I want to commend certainly the former Governor of the State of Hawaii, Governor George Ariyoshi, and the late Prime Minister of Fiji, Sir Ratu Kamisese Mara, for the outstanding leadership that they displayed and demonstrated in establishing this special program now allotting to the needs of our Pacific Island nations. Certainly Governor John Waihee and also Governor Linda Lingle were also very supportive of this effort.

Mr. Speaker, I want to thank again my colleague from Texas for his compliments and the remarks concerning this resolution. And, again, I urge my colleagues to support this resolution.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 355, a resolution recognizing and welcoming the leaders of the Pacific Islands to Washington, D.C., and commending the East-West Center for hosting the Pacific Islands Conference of Leaders.

The United States has always had a unique relationship to the Pacific Islands. Not only do they help play a key role in the fight against terrorism, but these governments also aid the U.S. in its overall security. Furthermore, both the U.S. and the Pacific Islands rely on the vast resources of the Pacific basin; these resources while enormous are not unlimited, and management requires cooperation across all of our governments. These islands also work closely with the U.S. on an important environmental and security concern, global climate change, which has the potential to drastically affect all who depend on the Pacific for their livelihood. Furthermore, trade, tourism, and other economic ties further reveal the interdependence between the Pacific Islands and the U.S. The resolution before us recognizes these factors.

As we mark Asian Pacific American (APA) Heritage month, we would also be remiss to not point out that Americans of Pacific Island decent are a rapidly growing ethnic group within the U.S. They add strength to our communities with their diversity and values, and they make important contributions to the U.S. as a whole. The resolution also mentions this important fact.

Furthermore, the resolution discusses the importance of the East-West Center, which runs the Conference of Leaders. Congress established the East-West Center, which is based in my district, in 1960. The East-West Center seeks to establish a dialogue between the peoples and nations of Asia, the Pacific, and the U.S. The East-West Center provides a home for academics who perform vital research that helps all parties better understand each other's history and culture. The Center's Education and Outreach sphere helps disseminate what researchers learn to the broader public and to policymakers. Finally, the Center provides important dialogue programs. Under the effective leadership of Dr. Charles Morrison, the East-West Center continues to address the challenges of the Asian-Pacific 21st Century.

Established in 1980 the East-West Center's Pacific Islands Conference of Leaders grows out of these dialogue programs. It seeks to bring together leaders from the region to discuss many of the issues I mentioned earlier. In the era of growing interdependence between the U.S. and Pacific Island governments, both the work of the Center and the Conference of Leaders becomes more important.

I urge my colleagues to support both this resolution, and provide continued support to the East-West Center.

Mr. MANZULLO. Mr. Speaker, I rise today in support of House Resolution 355 welcoming the Leaders from the Pacific Island nations to the Eighth Pacific Island Conference being held in Washington. I commend my distinguished friend and colleague, Chairman FALEOMAVAEGA, for introducing this resolution.

The United States and the Pacific Island nations share strong economic and cultural ties that have endured the test of time. The triennial meeting of the Pacific Island Conference is an important event that allows the U.S. to reaffirm its friendship and ties with the 20 nations participating in the Conference. This year's meeting will take place in Washington, DC, for the first time.

Our friends in the Pacific Island nations have stood by us steadfastly during the darkest moments of this Nation's history. A great number of the sons and daughters from the Marshall Islands, Micronesia, and Palau currently serve in the U.S. Armed Forces. They stand side by side with volunteers from American Samoa, the Northern Marianas, Guam, Hawaii, and other states to protect our freedom.

America's ties with the countries in the South Pacific date back centuries from the early days when American whalers sought safety in Fiji and Tonga and continuing through to the Pacific campaign during World War II. To this day, Pacific Island nations represent some of America's strongest allies at the United Nations.

I applaud the Administration and the East West Center for elevating the importance of this year's Pacific Island Conference to the highest level by holding it in our nation's capitol. I look forward to meeting with the Leaders during their visit to Congress.

Ms. ROYBAL-ALLARD. Mr. Speaker, I am proud to join my colleagues in honoring the rich heritage and important contributions made to our Nation by Asian Americans and Pacific Islanders.

I thank Congressman HONDA and the Congressional Asian Pacific American Caucus for organizing this evening's special order.

Born and raised in the diverse city of Los Angeles, California, I have been blessed with friendships and experiences that have given me a deep respect and appreciation of the unique cultures and customs of our AAPI communities.

That respect and appreciation has grown even greater as a member of Congress honored to represent many of these communities, including Little Tokyo, Chinatown, and historic Filipinotown.

The American dream for Asian American Pacific Islanders is the same as for all Americans: Freedom, justice, respect and the opportunity for a better life.

This year's commemoration theme—"Meeting the Challenges for Asian Pacific Americans in 2007"—unfortunately highlights the sad reality that, while generations of Asian American and Pacific Islanders have a long history of fighting to protect our country in time of war, contributing to the strength our Nation's economy and enriching our lives with the beauty of their culture and customs, like too many other communities in our country, they continue to face the obstacles of discrimination and racism in pursuit of their American dream.

Eliminating these barriers and honoring the contributions of the AAPI communities is a top priority for me, my colleagues and our new Democratic majority.

We will continue to work to successfully: Pass a comprehensive immigration reform bill that is fair and just; eliminate health disparities by expanding health care coverage and removing linguistic and cultural barriers to quality care; honor our veterans by adequately funding veterans programs and restoring the benefits denied to so many veterans, including the thousands of Filipinos who bravely fought in the U.S. Military during World War II; Provide small business with the tools needed to encourage entrepreneurial innovation, which will help the AAPI and other vulnerable communities develop new business ventures that will create jobs and economic prosperity; and work to make higher education a reality for all America's students by increasing the maximum Pell grant award and cutting the interest rates on student loans.

Mr. Speaker, Asian Pacific American Heritage Month is also a wonderful opportunity for our country to honor hard-working and dedicated organizations that help our AAPI communities meet the many challenges of today.

I particularly want to recognize some of the organizations in my 34th Congressional District and thank their staffs and volunteers for the many valuable services they provide to the community: The Asian Pacific American Legal Center, is one of our Nation's largest public service organizations that provides legal services and education to create a more equitable society; the Chinatown Service Center's Family Health Clinic provides comprehensive, affordable health care to thousands of low-income families; the Little Tokyo Service Center's Community Economic Development programs have developed more than $100 million in community-serving nonprofit real estate; the Filipino American Service Group, Inc., provides services to seniors, veterans, and homeless adults in and around Historic Filipinotown; and the Japanese American National Museum and its affiliate, the National Center for the Preservation of Democracy, educates the public about the importance of remembering Japanese American history to help guard against prejudice in our society.

These are just a few of the many organizations devoted to improving the quality of life in the 34th Congressional district and throughout the Los Angeles region, and I salute them for their services.

In closing, I thank the Asian American and Pacific Islander community and especially my constituents for continuing to enrich my life, the lives of Angelenos, and our Nation as a whole.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 355.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. MICHAUD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 124) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 124

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 26th annual National Peace Officers' Memorial Service (in this resolution referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2006.

(b) DATE OF EVENT.—The event shall be held on May 15, 2007, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. MICHAUD) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Maine.

GENERAL LEAVE

Mr. MICHAUD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on House Concurrent Resolution 124.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 124 authorizes the use of the Capitol grounds for the National Peace Officers' Memorial Service. Over 150 Federal, State, and local law enforcement officers killed in the line of duty in 2006 will be honored at this memorial service.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers' Memorial Day, and the week in which the date falls as Police Week.

The first official memorial service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 26 years, the memorial service has honored over 3,000 law enforcement officers from around our Nation.

Today, the National Peace Officers' Memorial Service on Capitol Hill has become one in a series of well-attended events during Police Week. Activities on Capitol grounds conducted under House Concurrent Resolution 124 will be coordinated with the Office of Architect of the Capitol, will be free and open to the public. I support this resolution and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution 124 authorizes the use of the Capitol grounds for the annual National Peace Officers' Memorial Service to be held Tuesday May 17, 2007. The Grand Lodge of the Fraternal Order of Police and its auxiliary annually sponsor this event honoring some of America's bravest men and women.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers killed in the line of duty. The memorial service will honor the 145 Federal, State, and local law enforcement officers who made the ultimate sacrifice while protecting their communities in 2006, as well as all law enforcement officers who have died in the line of duty.

This will be the 26th time that this event has been held on the grounds of the Capitol. This memorial service is part of National Police Week, which was created by law in 1962 and runs this year from May 8 through May 15.

Police Week draws officers, their families and survivors of fallen officers from around the country and includes such events as the Blue Mass at St. Patrick's Catholic Church, the candlelight vigil at the National Law Enforcement Memorial, and a police unity tour featuring officers and historic vehicles.

The memorial service begins at noon on Tuesday. Following the ceremony on the Capitol Hill grounds, there will be a procession to the Law Enforcement Memorial and a wreath-laying ceremony.

I encourage my colleagues to attend this much deserved memorial service and honor those who protect our communities on the front lines.

I support the measure and encourage my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 124, which authorizes the use of the Capitol grounds for the National Peace Officers' Memorial Service.

Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our nation. Created by Public Law 87–726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respects to those who, through their courageous deeds, have fallen in the line of duty.

Mr. Speaker, on Sunday, May 13, 2007, 382 names will be added to the National Law Enforcement Officers Memorial during the 19th Annual Candlelight Vigil. These 382 names include 145 officers who died in 2006, plus 237 from earlier years who had previously been lost to history. Of these 382 names, 55 represent Texas law officers who lost their lives in the line of duty, nine of them in 2006.

Mr. Speaker, one of the names of the fallen heroes to be added to the list is Officer Rodney J. Johnson of the Houston Police Department. Officer Johnson, a 12 year veteran of the Houston Police Department, was killed September 21, 2006, while taking a suspect in custody during a traffic stop. He leaves to honor his memory his beloved wife, Houston Police Department Officer Joslyn Johnson, and five teen-age children; three daughters and two sons, ages 14 to 19.

Officer Rodney Johnson was born in Houston and served in the U.S. Army as a military police officer until being honorably discharged in 1990. He then went to work as a corrections officer for the Texas Department of Criminal Justice and then as a jail attendant. He graduated from the Houston police academy in 1994.

As a member of the department's Southeast Gang Task Force, Officer Rodney Johnson earned two Lifesaving Awards and one Medal of Valor from the state of Texas. In January 1998, Officer Rodney Johnson rescued a physically challenged driver trapped in rising floodwaters in January 1998 and later that year he rescued mentally challenged people trapped inside of a burning house.

Officer Rodney Johnson, who stood 6 feet 5 inches tall and weighed nearly 300 pounds, served on his union's board of directors. As Hans Marticiuc, the president of Officer Johnson's union stated, "he was big and he was intimidating-looking, but he was as gentle as a baby bear."

Mr. Speaker, the number of officers killed in the line of duty last year declined nearly 8 percent from 2005, when there were 157 officer deaths. The 2006 figure was the lowest annual total since 1999, when 143 officers were lost.

Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every two-and-a-half days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price. Including this year's officers, there are now 17,917 names engraved on the Memorial, representing officers from all 50 states, the District of Columbia, U.S. territories, and federal law enforcement and military police agencies.

This resolution permits the Grand Lodge of the Fraternal Order of Police and its auxiliary to sponsor a free public event, the 26th Annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 2007. This service will honor the law enforcement officers killed in the line of duty during 2006 who have died in the line of duty, as well as the 800,000 officers who continue to serve in federal, state and local law enforcement agencies nationwide.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution. I yield back the balance of my time.

Mr. CAPITO. Mr. Speaker, I yield back the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. MICHAUD) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 124.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GUAM WORLD WAR II LOYALTY RECOGNITION ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1595) to implement the recommendations of the Guam War Claims Review Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Guam World War II Loyalty Recognition Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Recognition of the suffering and loyalty of the residents of Guam.
Sec. 3. Payments for Guam World War II claims.
Sec. 4. Adjudication.
Sec. 5. Grants program to memorialize the occupation of Guam during world war II.
Sec. 6. Authorization of Appropriations.

SEC. 2. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of

Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 3. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to section 6(a), after receipt of certification pursuant to section 4(b)(8) and in accordance with the provisions of this Act, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this Act:

(1) COMPENSABLE GUAM DECEDENT.—The term "compensable Guam decedent" means an individual determined under section 4(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term "compensable Guam victim" means an individual determined under section 4(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 4. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 3.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this Act. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 3 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 3 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this Act. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79-224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this Act shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this Act on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 3.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 3 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 3(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 3 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79-224), the implementing regulations issued by the United States Navy pursuant thereto, or this Act.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 5. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 6(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 3 and 4, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2012, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 5, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include additional material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I rise in support of H.R. 1595, the Guam World War II Loyalty Recognition Act; and I thank Chairman NICK RAHALL and Ranking Member DON YOUNG for their leadership on this issue and their assistance in bringing this bill to the floor today.

I also want to thank Majority Leader STENY HOYER and Chairman JOHN CONYERS of the House Committee on the Judiciary for their support of this bill and for their assistance in expediting its consideration today.

H.R. 1595 implements the recommendations of the Guam War Claims Review Commission, which was authorized by Public Law 107–333 to review the war claims program for Guam, which Congress provided for following the occupation of Guam from December 8, 1941 to July 21, 1944. The review commission, appointed by the Secretary of the Interior, Gale Norton, in September of 2003, was mandated to determine whether there was parity of war claims paid to the residents of Guam under the Guam Meritorious Claims Act as compared with awards made to similarly affected United States citizens or nationals in territory occupied by the Imperial Japanese military forces during World War II.

Further, the review commission was mandated to advise on any additional compensation that may be necessary to compensate the people of Guam for death, personal injury, forced labor, forced march and internment. In accomplishing its task, the review commission held two days of hearings on Guam in December of 2003 to receive testimony from survivors of the occupation of Guam. The review commission also held hearings here in Washington, D.C. and consulted with a panel of experts in this field of law. The review commission completed its work and reported to Congress its findings and recommendations on June 9, 2004. The review commission found that there was a lack of parity between the war claims program authorized for Guam versus the programs authorized for all other Americans similarly affected and recommended that Congress remedy this injustice.

I want to quote the first finding of the review commission's report for the benefit of all of my colleagues: "The review commission finds that there is a moral obligation on the part of our national government to pay compensation for war damages in order to ensure to the extent possible that no single individual or group of individuals bears more than a just part of the overall burden of war."

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Today, Mr. Speaker, we consider a bill that would fulfill this moral obligation on the part of our National Government to a group of citizens, the people of Guam, most of whom were indigenous Chamorros, who bore the burden of a brutal occupation. The people of Guam were brutalized through public executions, beheadings, rape and severe injury, forced labor, forced march and internment in concentration camps.

H.R. 1595 is called the Loyalty Recognition Act because the loyalty of the people of Guam to the United States during this 32-month enemy occupation should be honored. It is a tragic injustice of history that, following liberation, Congress did not provide for war claims for the people of Guam in the same manner and with the same opportunities that were afforded to other Americans.

The people who carried a disproportionate burden of the war were given less than other Americans when it came time to make our Nation whole, and those who gave more in blood got less in recognition. Over and over at the hearings on Guam, people said, "We just want to be recognized. We just want to be treated with respect. We just want to receive the same restitution that other Americans received."

I want to acknowledge the excellent work of the Guam War Claims Review Commission chaired by Mauricio Tamargo, with Members Robert Lagomarsino, a former Member of Congress; Ms. Ruth Van Cleve, Director of the Office of Territories in the Department of Interior; former Chief Justice Ben Benjamin J. Cruz of the Guam Supreme Court; and Senator Antonio Unpingco of the Guam legislature. Their report provided the basis for today's bill, and their contributions are greatly appreciated.

I also want to acknowledge the efforts of my predecessors to bring the war claims issue to the attention of Congress, beginning with our very first Delegate to Congress, the late Mr. Antonio B. Won Pat, followed by the efforts of our second Delegate to Congress, retired Marine Brigadier General Ben Blaz, who is here with us today on the floor to witness this discussion, and my immediate predecessor, Congressman Robert A. Underwood, whose legislation in the 107th Congress created the review commission. Our work today, and the historic progress of the Guam World War II Loyalty Recognition Act, is possible only because of the foundation that each of these contributed to this bipartisan effort.

The issue of Guam war claims has been studied and examined by this body over the past 24 years. Several hearings have been held, and the record is replete with testimony from survivors, legal experts, historians and scholars. Committee staff members have played a valuable role in this process by ensuring the right questions were asked, that Members were briefed, and that the issue was thoroughly examined.

I want to thank Jim Zoia, Staff Director of the Natural Resources Committee, and Tony Babauta, Staff Director of the Insular Affairs Subcommittee. Tony is a Chamorro from Guam, whose insights have been invaluable. I also acknowledge the counsels to the committee, Jeff Petrich, Brian Modeste, Lisa Pittman and Rich Stanton, who have worked very hard on this legislation.

This afternoon, we stand on the brink of a historic moment for the people of Guam. I regret, Mr. Speaker, that many survivors of the occupation of Guam did not live to see this day, and I fear that some will pass away before this bill completes its legislative journey. But we have this moment to recall why we fight this fight, on whose behalf we are speaking today and why it is so vitally important to our Nation that we recognize the incredible sacrifices of the people of Guam during World War II.

I very much doubt that any foreign power will ever again occupy American soil and place American citizens under subjugation. The story of the people of Guam will thus be a unique story, less known than the bombing of Pearl Harbor and other heroic stories of World War II. It is a story of faith in our Nation, of hope in our God and of love for our families.

If I could vote, Mr. Speaker, on final passage of this bill, it would be my greatest honor to recognize the people of Guam by voting to pass this bill. But since I cannot vote as a Delegate, I offer all of my colleagues the honor of recognizing their fellow Americans and passing this bill today.

God bless Guam. God bless the United States of America.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the majority has adequately explained the bill, and we have no further comment.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1595, the Guam World War II Loyalty Recognition Act. I commend my good friend and colleague, the gentlelady from Guam, for introducing this legislation designed to address the lack of parity in the war claims paid to the residents of the people of Guam as compared to other U.S. citizens or nationals who were similarly affected during World War II.

Mr. Speaker, every Guam Delegate to Congress has spoken about the deficiencies in making Guam whole after World War II. Our former colleagues Antonio Won Pat, General Ben Blaz, and former Congressman Robert Underwood had raised the issue throughout their service in the Congress.

Through the efforts of Congressman Robert Underwood, a commission was established in the 107th Congress to review the historical record of addressing Guam's war claims. After completing its work, the Guam War Claims Review Commission found that a lack of parity existed in the case of war claims for the people of Guam.

These were some of the key findings of the commission:

That the U.S. has a moral obligation to pay proper compensation for war damages.

That there is a lack of parity in war claims for Guam when compared to other war claims programs established by the U.S. Congress.

That Guam was erroneously excluded from coverage under Title II of the War Claims Act.

This legislation is vitally important because it addresses these long-standing inequities against the people of Guam by implementing the recommendations of the Guam War Claims Review Commission. It recognizes the sacrifices made by the people of Guam and their steadfast loyalty to the United States in the face of this adversity. It allows claims for death, personal injury, forced labor, forced marches and internment. It allows compensation to certain survivors of the deceased from the war; and it authorizes the Secretary of the Interior to award grants in support of activities to remember Guam's occupation.

I strongly support this legislation.

I submit to my colleagues, our Nation committed a grave injustice some 60 years ago against the people of Guam. For some unknown and mysterious reason, Mr. Speaker, the native Guamanians, who are U.S. Nationals, U.S. Nationals, meaning owing permanent allegiance to the United States, were not evacuated along with U.S. citizens at the time that they were living in Guam before the arrival of the Japanese forces.

As a result, these patriotic Americans were left to fend for themselves, to contend with the Japanese takeover of the territory of Guam, and for nearly 3 years, the people of Guam were interned and were subjected to extreme tortures, even executions by public, beatings, rapes, forced labor, forced marches.

A good example is right here in our midst, Mr. Speaker, my good friend and former Member of Congress representing the territory of Guam, retired Brigadier General Ben Blaz, at that time was a youth and was part of this forced evacuation. He personally witnessed some of the atrocities that were committed against his people by Japanese military forces.

Our former colleague, Congressman Bob Underwood, also reiterated to our colleagues that some of his close relatives were beheaded in the presence of other people of Guam when this took place for some 3 years, some 3 years. And I can never forget the words echoed by my good friend, the general from Guam, when he said this, "we are equal in war but not in peace."

Why, for the life of me, Mr. Speaker, it has taken all these years in simply trying to make this inequity fair and just for the benefit of the people of Guam I do not understand. It is as if these people were aliens or not members of the American family. We have had Guam for how many years? It was a territory of the United States, and this is what we did against these good people of Guam at the time of the war. Why we never evacuated them along with other U.S. citizens to this day is still a question. Why the Navy never took them out of there before the arrival of the Japanese.

I appeal to my colleagues, Mr. Speaker, that we pass this bill. It is long overdue. For the sake of justice, pass this legislation. I urge my colleagues to support this legislation.

Again, I thank the good lady from Guam for her leadership and sponsorship of this bill.

Mr. LAMBORN. Mr. Speaker, may I inquire if the majority has any more speakers?

Ms. BORDALLO. Mr. Speaker, I have no more speakers. I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA) for a colloquy.

Mr. FALEOMAVAEGA. Mr. Speaker, it has been said among some of the critics of this legislation, saying that the people of Guam were properly compensated already. I am sure the gentlelady has the correct information so that we can inform our colleagues this is not true.

The way the whole thing has been presented, the procedures that were followed and the war claims that were made for the U.S. citizens left out the people of Guam. For some reason or another, I think our colleagues need to understand this a little more clearly.

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Mr. Speaker, did the gentlelady just not state that she had no more speakers?

The SPEAKER pro tempore. The gentleman is correct. The gentlewoman from Guam nevertheless had time remaining and did not yield it back.

Ms. BORDALLO. That was my understanding at the time.

Mr. FALEOMAVAEGA. Mr. Speaker, I understood that she had not yielded her time. With 7 minutes remaining, I requested that there be a colloquy between myself and the gentlelady from Guam. Is there anything wrong with that?

The SPEAKER pro tempore. The gentlewoman from Guam has 6 minutes remaining.

Ms. BORDALLO. Mr. Speaker, if the gentleman will yield, in answer to the questions raised, let me just put it this way: There are several categories in the bill to pay for compensation. One is for living survivors of the occupation; $15,000 for rape or severe personal injury, such as loss of limb, dismemberment or paralysis; $12,000 for forced labor or personal injury that is less severe in nature, such as disfigurement, scaring or burns; $10,000 for forced march, internment or hiding to evade internment.

Category two is for death claims, $25,000 to a spouse or children of a Guamanian who died during the occupation.

Category three for descendants of deceased survivors; $7,000 to descendants of injured or interned survivors who have passed away, irrespective of the injury or the harm sustained.

The total of this legislation, we are asking $126 million for claims and $5 million for grants for the Department of Interior to promote activities related to the occupation.

Also another question, if I could answer, why is the U.S. paying for this instead of Japan? The United States inherited the obligation of reparations due to the treaty of peace with Japan which ended hostilities with Japan. It is the standard practice that citizens make claims to their own government arising from hostilities. It is the responsibility of the United States to make the people of Guam whole. Guamanians were U.S. nationals at the time of the occupation by Japan.

Mr. FALEOMAVAEGA. I ask the gentlelady, were there any provisions where it required the Japanese Government to restore or to provide some form of compensation as part of this treaty arrangement?

Ms. BORDALLO. Not to my knowledge. The U.S. inherited this.

Mr. FALEOMAVAEGA. So the Japanese Government just simply said, well, don't ask us; ask the United States Government to provide this.

Ms. BORDALLO. Due to the treaty of peace.

Mr. FALEOMAVAEGA. So there was never any compensation or any support even from the Japanese Government to make whole what they did against the people, the residents of Guam?

Ms. BORDALLO. That is correct. It is the United States responsibility to make Guam whole.

Mr. FALEOMAVAEGA. I thank the gentlelady.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support legislation that has been introduced by my colleague, Congresswoman BORDALLO. H.R. 1595, the Guam World War II Loyalty Recognition Act, would honor the residents of Guam for their loyalty and compensate them for the atrocities they suffered during the Japanese occupation of Guam.

During World War II, Guam was invaded, seized and occupied by Imperial Japanese forces for nearly three years. The war destroyed much of Guam, including housing, public buildings, utilities and infrastructure. In addition, the people of Guam suffered many deaths and an untold number of acts of brutality. This ruthless brutality has left a lasting impact on the survivors of the war and the descendants of victims.

In 1947, the Secretary of the Navy commissioned a civilian committee on the Naval Administration of Guam and American Samoa to prepare a report with specific recommendations. The report became known as the Hopkins Report and was submitted to the Secretary of the Navy in 1947. Among other things, the report addressed deficiencies in the war claims process for Guam immediately after the war ended. In the cover letter submitted with the report, the committee stated, "Only so can justice be done to a valiant group of Americans who at great cost to themselves remained steadfastly loyal during the war . . . in so special a case this government could well be very generous in method of distributing its relief as well as generous in amount awarded. It has been neither."

Many decades later, the 107th Congress authorized the Guam War Claims Review Commission to determine if the people of Guam received parity in claims as compared to other Americans who experienced losses and damages during the war. In 2004, the Commission submitted their final report to Congress and found that Guam's residents were inequitably treated.

There has been legislation to address this inequitable treatment in every Congress since 1985. Two hearings have been held, one in the 108th Congress and one on in the 109th Congress. It is time to follow the recommendations made by both the Hopkins report and the Guam War Claims Review Commission by providing adequate reparations for the people of Guam. It is time to honor them for their sacrifices.

Congresswoman BORDALLO has done a fantastic job over the years to create the most fair and equitable legislation that Congress can pass. I hope the people of Guam know that this issue is being addressed and the people have not been forgotten.

I urge my colleagues to support the people of Guam and vote for final passage.

Mr. RAHALL. Mr. Speaker, I rise this today in strong support of the passage of H.R. 1595—the Guam World War II Loyalty Recognition Act. I also commend the gentlelady from Guam for her leadership on this issue. This legislation has bipartisan support and is being considered today because of her determination to seek justice.

We are here this afternoon, taking a significant step forward to close a very painful chapter in Guam's history. From the time that Guam had been granted a delegate to Congress in the 1970's, throughout the service of our former colleagues—Mr. Won Pat, Mr. Blaz, and Mr. Underwood—this House has been made aware and constantly reminded that Guam and her people suffered unimaginable atrocities during its occupation by Japan during World War II. For nearly three years, the idyllic paradise became a land of panic, horror, suffering, and death.

The personal testimonies of survivors of Guam's occupation has a strong history with the Committee on Natural Resources. They are emotional, sad, and graphic. Many of those survivors who appeared before the Committee to re-tell and, in essence, re-live the pain of occupation have since passed on. There are very few of the estimated 22,000 Guamanians alive today who survived this era, and it is my hope that we can give them closure before none remain.

There now have been two federally appointed Commissions that have reviewed the implementation and the parity treatment of Guam's experience—the Hopkins Commission in 1947, and the Review Commission in 2004. Both concluded that the people of Guam were either misinformed or mistreated. Either way, their recommendations to Congress—be it in 1947 or in 2004—are that something needs to be done to make this right.

The weight of history now falls on the shoulders of this House, nearly sixty-three years after Guam's liberation. We have the opportunity by passing H.R. 1595 to correct a great injustice for those patriotic Americans who withstood brutal occupation.

The issue has been studied to exhaustion and the recommendations have remained the same. We should never forget their sacrifice for our country, nor should we allow for this inequity to continue.

I urge my colleagues to support the passage of H.R. 1595—the Guam World War II Loyalty Act.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support of H.R. 1595, the Guam World War II Loyalty Recognition Act and urge my colleagues to support its passage. I want to begin by commending my colleague and friend from Guam, the Honorable MADELEINE BORDALLO, for her steadfast and dedicated efforts towards enactment of this bill. Congresswoman BORDALLO has been singularly focused—since arriving in the House—on the enactment of legislation to provide compensation for those of her constituents who suffered unspeakable acts of horror during World War II.

Mr. Speaker, the people of Guam who were subject to public executions by beheading, personal injury, forced labor, forced march, rape and internment at the hands of the Japanese, have waited much too long for just compensation. The Guam War Claims Review Commission found that Guam's residents were inequitably treated under the Guam Meritorious Claims Act and subsequent Federal laws meant to address WWII personal injury claims.

This Commission, which was established pursuant to legislation sponored by our former colleague from Guam, Robert Underwood, recommended that Congress enact legislation providing for additional compensation to Guam's residents. Thus the bill we are discussing today.

The struggle for fair compensation for the people of Guam has been on-going for more than 60 years now. Sadly many of the Chamorros who suffered these atrocities have passed away but we must not let their suffering, largely due to the steadfast loyalty to the United States, be in vain. Passage of H.R. 1595 is long overdue and by doing so today, we will honor their memories and provide compensation to these brave Americans.

I urge my colleagues to vote in favor of H.R. 1595.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1595, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1500

COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 407) to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Columbia-Pacific National Heritage Area Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Columbia-Pacific National Heritage Area.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STUDY AREA.—The term "study area" means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

SEC. 3. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(b) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are made available to carry out the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the Secretary with respect to the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 407, sponsored by the gentleman from Washington (Mr. BAIRD), would authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating a national heritage area in western Washington State. Specifically, the study would examine coastal areas in Clatsop and Pacific Counties at the mouth of the Columbia River, as well as inland areas along the river in two adjacent counties. The bill includes standard criteria for national heritage area studies, and requires completion of the study 3 years after the date funds are made available.

Mr. Speaker, the area included in this proposed study is not only beautiful, but is rich in Native American and European history. The area was a busy stop on European trade routes many years before Lewis and Clark famously visited the west coast. Representative BAIRD is to be commended for his hard work on behalf of this legislation. We look forward to working with him on the designation of a national heritage area should the study support such an action.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I rise in opposition to H.R. 407 for both procedural and substantive reasons. I am very dismayed that this bill has been rushed to the floor with no hearing or subcommittee or full committee consideration by the Committee on Natural Resources. The majority might say a hearing was held on the bill last September, and no opposition was present so there is no need for consideration by the committee this year; but I strongly disagree with this logic for several reasons.

First, the committee has received a strong letter of opposition to H.R. 407 by one of the largest private property rights groups, the American Land Rights Association, based in Battleground, Washington.

That letter states: "We are curious why no hearings have been held on this bill during this Congress. Congress has the time and energy to congratulate victorious sports teams, but does not have the time and resources to hold a hearing on this bill which affects millions of acres of private property in Washington and Oregon."

Second, I note that one-eighth of the Members of this body, including me, are new Members of the House and were unable to participate in hearings held in the last Congress on this bill. Although there might be some cases where a consensus bill from the last Congress could justifiably be forwarded to the House for expedited consideration on the floor, this bill should not be one of them. As I said previously, it is strongly opposed by a private rights based group in the area affected by the bill.

The substantive reasons to oppose this bill can best be summarized by the American Land Rights Association's May 3, 2007, letter to the Committee on Natural Resources which states: "Although H.R. 407 is billed merely as a study, history shows the National Park Service rarely does a study that concludes a national heritage area is not feasible. Recent history also shows that national heritage areas cost the National Park Service $10 million during their 15-year life span. Moreover, once their 15-year authorization expires, heritage area proponents come back to Congress asking for even more Federal moneys so they can ultimately become self-sufficient. At a time when the National Park Service has a multibillion dollar maintenance backlog for such basic visitor services as campgrounds, visitor centers and sanitation facilities, it should not be forced by Congress to create expensive new heritage areas that siphon precious Federal dollars from these higher and better uses."

Mr. Speaker, I include for the RECORD the letter I just referred to.

AMERICAN LAND RIGHTS ASSOCIATION,
Battle Ground, WA, May 3, 2007.

Re H.R. 407 (Columbia-Pacific Heritage Area Study authored by Congressman Baird and Wu).

Hon. NICK RAHALL,
Chairman, House Committee on Natural Resources, Washington, DC.
Hon. DON YOUNG,
Ranking Member, House Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN RAHALL AND CONGRESSMAN YOUNG, The American Land Rights Association is headquartered is Southwest Washington State and is very involved with private property rights and land use issues here and throughout the United States.

We understand the House will soon consider H.R. 407, the Columbia-Pacific Heritage Area Study Act, which affects our members in this region. We are curious why no hearings have been held on this bill during this

Congress. Congress has the time and energy to congratulate victorious sports teams but does not have the time and resources to hold a hearing on this bill that affects millions of acres of private property in Washington and Oregon.

Although H.R. 407 is billed as "merely as study." history shows the National Park Service rarely does a study that concludes a national heritage area is not feasible. Recent history also shows that national heritage areas cost the National Park Service $10 million dollars during their 15-year life span. Moreover, once their 15-year authorization expires, heritage area proponents come back to Congress asking for even more federal money so they can ultimately become "self sufficient." At a time when the National Park Service has a multi-billion dollar maintenance backlog for such basic visitor services as campgrounds, visitor centers and sanitation facilities, it should not be forced by Congress to create expensive new heritage areas that siphon precious federal dollars for these higher and better uses.

The American Land Rights Association respectfully requests the House Committee on Natural Resources hold a balanced hearing on H.R. 407 before bringing this bill to the House Floor. We are astonished with the sense of urgency to pass this bill so early in the new Congress.

Sincerely,

CHUCK CUSHMAN,
Executive Director.

As I have stated publicly before, enacting legislation that actually works for the American people requires thoughtfulness and dialogue so all options are on the table. To reject that just because a numerical majority is available does a tremendous disservice to the American people. For these reasons, I urge my colleagues to vote "no" on H.R. 407.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

I would first point out that almost identical legislation, H.R. 5485, was the subject of a subcommittee hearing in the Resources Committee during the previous Congress.

During that hearing, the Bush administration and local business leaders expressed support for the legislation. That hearing, organized by then-Republican majority, featured no testimony opposing the bill. Further, the companion to this bill was sponsored by the Republican Senator from Oregon. Given that bipartisan and noncontroversial legislative history, and the fact that the bill simply authorizes a study, it is perfectly appropriate that the measure be before the House today. We have used similar procedures to bring other measures left over from the previous Congress to the floor, measures sponsored by both Republicans and Democrats.

The one organization mentioned as opposing the bill failed to make their opposition known to the committee or the sponsor, nor did they testify at last year's hearing. Further, the group has no real relevance because it opposes all heritage area study proposals on ideological, rather than substantive, grounds which have nothing to do with this specific proposal.

Lastly, this legislation simply authorizes a study, not a national heritage area. To oppose the study because you assume you will oppose what the study will recommend is premature at best. There is no real controversy regarding this legislation, and we urge our colleagues to support it.

Mr. LAMBORN. Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield to the sponsor of this legislation, the gentleman from Washington (Mr. BAIRD), for such time as he may consume.

Mr. BAIRD. Mr. Speaker, I rise today in strong support of H.R. 407, the Columbia-Pacific National Heritage Area Study Act.

The Columbia-Pacific National Heritage Area Study Act is an important piece of legislation to my district and the entire Pacific Northwest. I have been privileged to work with DAVID WU from Oregon in introducing this legislation. In the Senate, the companion legislation has been introduced by Senator GORDON SMITH from Oregon and is supported by Washington Senators MURRAY and CANTWELL, as well as Oregon Senator RON WYDEN. Hence, this legislation has both bipartisan and bicameral support.

The mouth of the Columbia is a special place with a very rich history. Native American communities have flourished there for thousands of years. It is home to the first American settlement on the Pacific, Astoria. It served as a major trading post for European, American, Chinese, and other nations' ships, and earned its nickname the "Graveyard of the Pacific" from the hundreds of shipwrecks along its dangerous coast. Lewis and Clark ended their westward trek there in 1805. Today, the area is home to the fishing, seafood processing, and timber communities that embody the Pacific Northwest.

Establishing a national heritage area at the mouth of the river is fitting in recognition of the region and its importance historically. As you know, the national heritage area unites parts of historically and culturally significant areas under a common purpose. In this case, it will help continue the cooperative efforts that the Lewis and Clark bicentennial helped to create. The bicentennial commemoration helped bring community interests together to plan and work in a collaborative fashion. A national heritage area will continue this momentum and ensure the region continues to attract families, outdoorsmen and women, history buffs, and others to enhance its sustainable tourism economy.

Most impressive is that the effort to create a national heritage area at the mouth of the Columbia is really an idea driven by the local community. We have received letters of support from local governments, local businesses, trade associations, chambers of commerce, ports and others who have heard about this effort and wholeheartedly endorsed it. A brief sample of support includes the Washington State Parks and Recreation Commission, the Office of the Governor of Oregon, the city of Astoria, Shorebank Pacific Bank, Cannon Beach Chamber of Commerce, the Port of Peninsula, and the Clatsop County Historical Society.

During the prior Congress, the legislation was subject to an oversight hearing in the National Parks Subcommittee where the administration expressed their support for the bill. We were also joined by small business owners from the area, notably Bob Andrews, who expressed his particular support.

I would like to take this opportunity to thank the National Resource Committee chairman, NICK RAHALL; the Subcommittee on National Parks, Forests and Public Lands chairman, Mr. GRIJALVA; and their staffs, including David Watkins and Rick Healy, for their work in bringing this to the floor. I would also like to thank Marc Korman in my office for his work on this important legislation. And especially, my dear friend, DAVID WU. Again, I thank the Chair for bringing this to the floor and urge final passage.

Mr. LAMBORN. Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, let me yield such time as he may consume to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman from Arizona.

Mr. Speaker, I strongly support the creation of a Columbia-Pacific National Heritage Area. I have worked closely with my friend and colleague, the gentleman from Washington (Mr. BAIRD), to introduce H.R. 407 to study the feasibility of a national heritage area at the mouth of the Columbia River between Oregon and Washington.

Like the river itself, the journey to get to where we are has been lengthy. In 2001, I took the initial steps with Mr. BAIRD and with the help of the National Resources Committee and the gentleman from Indiana (Mr. SOUDER), and we were able to expand Fort Clatsop National Historic Monument and extend it to the sea.

Next, Congressman BAIRD and I together created Oregon's and Washington's newest national park, the Lewis and Clark National and State Historical Parks. No one person could have accomplished the many steps to this point. I thank the hard work of the Natural Resources Committee, Congressmen BAIRD and SOUDER, Oregon State Senator Betsy Johnson and former park superintendent Chip Jenkins.

I would especially like to thank all of the local citizens, such as Astoria's

Cindy Mudge who has put tremendous time and effort into the heritage area. The history that shaped this part of our Nation should be preserved and celebrated.

Here, where the Columbia, the great river of the West, meets the ocean, strong men and women have left their indelible imprint for millennia. Native cultures, such as the Clatsop Nehalem, Chinook and other Indian tribes, were joined by the Spanish, Russians and British. Lewis and Clark began an American tie to the river, and Americans of diverse descent, including Americans of Scandinavian, Chinese and other heritages, together built the history of the region.

This is the way that America was or should be, a close-knit community where everyone, from the Indians to Lewis and Clark to Scandinavians to Chinese, were and are welcome; where work, and not parentage, determines one's worth.

From forestry to fisheries, the land and waters have provided. Today, human hands provide for the future. We are trying to build a college to help create the education and research-based economy of the future. Here also are the helping hands of the Columbia River bar pilots who since 1846 have guided ships across the Columbia River bar, and the United States Coast Guard, who faithfully protect local and international commerce on the roughest, toughest water in the world.

The mouth of the Columbia River presents layers of history and culture like an ancient buried city, except that the river rolls on today. Unlike the Hudson or the Mississippi, we do not have a large city at the river's mouth to preserve its stories and heritage; an act of Congress shall do so.

I ask my colleagues to support H.R. 407 and note that the opposition which has been expressed comes from an organization which is not within the historic study area.

Mr. LAMBORN. Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. GRIJALVA. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. BAIRD), the sponsor of the legislation.

Mr. BAIRD. I thank my friend from Arizona.

I would just like to correct the record of the gentleman from Colorado. I know a little bit about Colorado myself. I have lived there. I doubt the gentleman from Colorado has lived in my district.

I do happen to know that Battleground, Washington, is not anywhere near the affected area. The affected area encompasses Pacific County and Wahkiakum County on my side of the river, two counties on the gentleman from Oregon's side of the river. Battleground is not there.

As far as the massive size of this organization you describe, it is not so large. I appreciate they have a voice. I am happy to listen to the voice. This Congress should listen to the voice. But it should not overwhelm the unanimous sense of the people who sponsored this legislation. The committee jurisdiction has had a hearing on this, and I do not think we want to make it the practice of this body, we certainly never have before, to say that every time a relatively noncontroversial bill has been heard well out in the prior Congress, we have to have another hearing.

If the gentleman pretends to say that it is his concern that we try to save the taxpayers' money, having continuous, multiple hearings every time a bill does not quite pass out both bodies, both the House and the Senate, from one Congress to the next, I think it would actually cost the taxpayers a lot more money than you would hope to save.

Let me speak to the substance of this. My friend from Oregon said it well. If you know the history of this great country and if you know the history of the Pacific Northwest, there can be no doubt that this area warrants designation such as we think this study will ultimately lend it.

My friend mentioned Lewis and Clark. Prior to them, the historical trade that went along among the native tribes at the mouth of the Columbia River was legendary. Lewis and Clark, the first American settlement in the Pacific Northwest, the key to trade with Asia in the early years of this great country, it was this mouth of this river where the first northwest settlement of the United States by Americans expanded. The mouth of this river is a key to the commerce, not only of the Pacific Northwest but the inland Northwest, the greater Northwest where great quantities of grain and other cargos are shipped out.

This region has a rich cultural, historical legacy that we need to honor and respect and preserve. That is why the administration supports this bill. That is why our friend and colleague in the other body, Senator SMITH, supports this bill. That is why we have I think the unanimous support of both delegations. This should be a noncontroversial bill.

The gentleman from Colorado I think has raised rather specious arguments against it, and I think we should pass this fine legislation and move forward with honoring a very richly deserving part of this country with this designation.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, in closing, let me thank the sponsors, Congressman BAIRD and Congressman WU, for this fine legislation and to remind our colleagues that this is the beginning of a process for a designation. This is the study process, and it is noncontroversial. And as mentioned before, the organization opposing it has a protected record of opposing any heritage area, without any substantive qualification to that opposition.

Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 407, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GRAND TETON NATIONAL PARK EXTENSION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1080) to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Grand Teton National Park Extension Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) PARK.—The term "Park" means the Grand Teton National Park.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SUBDIVISION.—The term "Subdivision" means the GT Park Subdivision, with an area of approximately 49.67 acres, as generally depicted on—

(A) the plat recorded in the Office of the Teton County Clerk and Recorder on December 16, 1997, numbered 918, entitled "Final Plat GT Park Subdivision", and dated June 18, 1997; and

(B) the map entitled "2006 Proposed Grand Teton Boundary Adjustment", numbered 136/80,198, and dated March 21, 2006, which shall be on file and available for inspection in appropriate offices of the National Park Service.

SEC. 3. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may accept from any willing donor the donation of any land or interest in land of the Subdivision.

(b) ADMINISTRATION.—On acquisition of land or an interest in land under subsection (a), the Secretary shall—

(1) include the land or interest in the boundaries of the Park; and

(2) administer the land or interest as part of the Park, in accordance with all applicable laws (including regulations).

(c) DEADLINE FOR ACQUISITION.—It is the intent of Congress that the acquisition of land or an interest in land under subsection (a) be completed not later than 1 year after the date of enactment of this Act.

(d) RESTRICTION ON TRANSFER.—The Secretary shall not donate, sell, exchange, or otherwise transfer any land acquired under this section without express authorization from Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1080 was introduced by our colleague from Wyoming, Representative BARBARA CUBIN. The legislation would authorize the Secretary of the Interior to expand the boundaries of the Grand Teton National Park to include approximately 50 acres that landowners in the adjacent Grand Teton Park Subdivision wish to donate to the park.

The subdivision is located adjacent to the park's eastern boundary and is visible from the park's main road. According to the National Park Service, the land is similar in character and quality to the adjacent parklands and offers unobstructed views of the Teton range and across the broad valley of Jackson Hole.

One lot in the subdivision was owned by the Gerald Halpin family. The remaining seven lots were donated by the Halpin family to private organizations, including the National Fish and Wildlife Foundation, the National Park Foundation, and the Grand Teton National Park Foundation.

All of these owners would like to donate their land to the park, but the parcels lie outside the existing park boundary. The 1950 law creating the park includes a provision forbidding expansion of any national park or monument in Wyoming without the express authorization of Congress.

H.R. 1080 would authorize the Secretary to accept the donation of lands within the subdivision and, upon acquisition, adjust the boundary of Grand Teton National Park. The bill would also prohibit the future sale, donation, exchange or other transfer of the acquired land without congressional approval.

Related legislation passed the other body in the 109th Congress and has been reintroduced by Senator CRAIG THOMAS of Wyoming and approved by the Senate Energy and Natural Resources Committee earlier this year.

Mr. Speaker, the National Park Service has testified in support of the bill, and it cleared the National Parks, Forests and Public Lands Subcommittee, and the full Natural Resources Committee on voice votes without any amendments.

Mr. Speaker, Representative CUBIN is to be commended for her work on this legislation. We support passage of H.R. 1080 and urge its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1080, introduced by our colleague Congresswoman BARBARA CUBIN, would modify the boundaries of the Grand Teton National Park to include 49 acres of privately donated land. I commend Mrs. CUBIN for her work on this legislation. This highly valuable land, which has been valued at nearly $20 million, is being conveyed to the Park Service at very minimal cost.

Representative CUBIN and her staff did an excellent job working with the private individuals and groups who are donating the land and with the Park Service. The 49 acres are beautiful and highly desirable land that will enhance Grand Teton National Park.

This noncontroversial bill was favorably reported by the Natural Resources Committee by unanimous consent, and I urge my colleagues to support H.R. 1080.

I would also like to add that our thoughts and prayers are with Representative CUBIN and her husband, Dr. Cubin. We wish him a quick and speedy recovery.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no additional speakers, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1080.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION AMENDMENTS ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 487) to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007".

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) the Pick-Sloan Missouri River Basin program, authorized by section 9 of the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 891), was intended to promote the general economic development of the United States;

(2) the Oahe Dam and Reservoir Project—

(A) is a major component of the Pick-Sloan Missouri River Basin program; and

(B) contributes to the national economy;

(3) the Oahe Dam and Reservoir Project flooded the fertile bottom land of the Cheyenne River Sioux Reservation, which greatly damaged the economy and cultural resources of the Cheyenne River Sioux Tribe and caused the loss of many homes and communities of members of the Tribe;

(4) Congress has provided compensation to several Indian tribes, including the Cheyenne River Sioux Tribe, that border the Missouri River and suffered injury as a result of 1 or more of the Pick-Sloan projects;

(5) on determining that the compensation paid to the Cheyenne River Sioux Tribe was inadequate, Congress enacted the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365), which created the Cheyenne River Sioux Tribal Recovery Trust Fund; and

(6) that Act did not provide for additional compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide that the Cheyenne River Sioux Tribal Recovery Trust Fund may be used to provide compensation to members of the Cheyenne River Sioux Tribe that lost land as a result of the Oahe Dam and Reservoir Project; and

(2) to provide for the capitalization of the Cheyenne River Sioux Tribal Recovery Trust Fund.

SEC. 3. CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION.

(a) FINDINGS AND PURPOSES.—Section 102 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) in subsection (a)(3), by striking subparagraphs (A) and (B) and inserting the following:

"(A) the United States did not justly or fairly compensate the Tribe and member landowners for the Oahe Dam and Reservation project, under which the United States acquired 104,492 acres of land of the Tribe and member landowners; and

"(B) the Tribe and member landowners should be adequately compensated for that land;"; and

(2) in subsection (b)(1), by inserting "and member landowners" after "Tribe" each place it appears.

(b) DEFINITIONS.—Section 103 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by redesignating paragraph (1) as paragraph (3) and moving the paragraph so as to appear after paragraph (2); and

(2) by inserting before paragraph (2) the following:

"(1) MEMBER LANDOWNER.—The term 'member landowner' means a member of the Tribe (or an heir of such a member) that owned land (including land allotted under the Act of February 8, 1887 (24 Stat. 388, chapter 119)) located on the Cheyenne River Sioux Reservation that was acquired by the United States for the Oahe Dam and Reservoir Project.".

(c) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—Section 104 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) FUNDING.—On the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007 and on the first day of each of the following 4 fiscal years (referred to in this section as the 'capitalization dates'), the Secretary of the Treasury shall deposit into the Fund, from amounts in the general fund of the Treasury—

"(1) $58,144,591.60; and

"(2) an additional amount equal to the amount of interest that would have accrued if—

"(A) the amount described in paragraph (1) had been—

"(i) credited to the principal account as described in subsection (c)(2)(B)(i)(I) on the first day of the fiscal year beginning October 1, 2001; and

"(ii) invested as described in subsection (c)(2)(C) during the period beginning on the date described in clause (i) and ending on the last day of the fiscal year before the fiscal year in which that amount is deposited into the Fund; and

"(B) the interest that would have accrued under subparagraph (A) during the period described in subparagraph (A)(ii) had been—

"(i) credited to the interest account under subsection (c)(2)(B)(ii); and

"(ii) invested during that period in accordance with subsection (c)(2)(D)(i).";

(2) by striking subsection (c) and inserting the following:

"(c) INVESTMENTS.—

"(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the Fund only in interest-bearing obligations of the United States issued directly to the Fund.

"(2) INVESTMENT REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with this paragraph.

"(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

"(i) PRINCIPAL ACCOUNT.—The amounts deposited into the Fund under subsection (b)(1) shall be—

"(I) credited to a principal account within the Fund (referred to in this paragraph as the 'principal account'); and

"(II) invested in accordance with subparagraph (C).

"(ii) INTEREST ACCOUNT.—

"(I) IN GENERAL.—The interest earned from investing amounts in the principal account shall be—

"(aa) transferred to a separate interest account within the Fund (referred to in this paragraph as the 'interest account'); and

"(bb) invested in accordance with subparagraph (D).

"(II) CREDITING.—The interest earned from investing amounts in the interest account, and the amounts deposited into the Fund under subsection (b)(2), shall be credited to the interest account.

"(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

"(i) INITIAL INVESTMENT.—Amounts in the principal account shall be initially invested in eligible obligations with the shortest available maturity.

"(ii) SUBSEQUENT INVESTMENTS.—

"(I) IN GENERAL.—On the date on which the amount in the principal account is divisible into 3 substantially equal portions, each portion shall be invested in eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

"(II) MATURITY OF OBLIGATIONS.—As each 2-year, 5-year, and 10-year eligible obligation under subclause (I) matures, the principal of the maturing eligible obligation shall be initially invested in accordance with clause (i) until the date on which the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

"(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in available eligible obligations that are identical (except for transferability) to the next-issued publicly-issued Treasury obligations with maturities of longer than 1 year.

"(D) INVESTMENT OF INTEREST ACCOUNT.—

"(i) BEFORE EACH CAPITALIZATION DATE.—For purposes of subsection (b)(2)(B), amounts considered as if they were in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the applicable capitalization date for the Fund.

"(ii) ON AND AFTER EACH CAPITALIZATION DATE.—On and after each capitalization date, amounts in the interest account shall be invested and reinvested in eligible obligations that are identical (except for transferability) to publicly-issued Treasury obligations that have maturities that coincide, to the greatest extent practicable, with the date on which the amounts will be withdrawn by the Secretary of the Treasury and transferred to the Secretary of the Interior for use in accordance with subsection (d).

"(E) PAR PURCHASE PRICE.—

"(i) IN GENERAL.—To preserve in perpetuity the amount in the principal account, the purchase price of an eligible obligation purchased as an investment of the principal account shall not exceed the par value of the obligation.

"(ii) TREATMENT.—At the maturity of an eligible obligation described in clause (i), any discount from par in the purchase price of the eligible obligation shall be treated as interest paid at maturity.

"(F) HOLDING TO MATURITY.—Eligible obligations purchased pursuant to this paragraph shall be held to their maturities.

"(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Tribe the results of the investment activities and financial status of the Fund during the preceding calendar year.

"(4) MODIFICATIONS.—

"(A) IN GENERAL.—If the Secretary of the Treasury determines that investing the Fund in accordance with paragraph (2) is not practicable or would result in adverse consequences to the Fund, the Secretary of the Treasury shall modify the requirements to the least extent necessary, as determined by the Secretary of the Treasury.

"(B) CONSULTATION.—Before making a modification under subparagraph (A), the Secretary of the Treasury shall consult with the Tribe with respect to the modification.";

(3) in subsection (d), by striking paragraph (1) and inserting the following:

"(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the fiscal year beginning after the date of enactment of the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007, and on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw and transfer all funds in the interest account of the Fund to the Secretary of the Interior for use in accordance with paragraph (2), to be available without fiscal year limitation."; and

(4) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) MEMBER LANDOWNERS.—

"(A) ADDITIONAL COMPENSATION.—

"(i) IN GENERAL.—Except as provided in clause (iii), the plan may provide for the payment of additional compensation to member landowners for acquisition of land by the United States for use in the Oahe Dam and Reservoir Project.

"(ii) DETERMINATION OF HEIRS.—An heir of a member land owner shall be determined pursuant to the applicable probate code of the Tribe.

"(iii) EXCEPTION.—During any fiscal year, payments of additional compensation to a member landowner under clause (i) shall not—

"(I) be deposited or transferred into—

"(aa) the Individual Indian Money account of the member landowner; or

"(bb) any other fund held by the United States on behalf of the member landowner; or

"(II) exceed an amount equal to 44.3 percent of the amount transferred by the Secretary of the Interior to the Tribe under paragraph (2).

"(B) PROVISION OF RECORDS.—To assist the Tribe in processing claims of heirs of member landowners for land acquired by the United States for use in the Oahe Dam and Reservoir Project, the Secretary of the Interior shall provide to the Tribe, in accordance with applicable laws (including regulations), any record requested by the Tribe to identify the heirs of member landowners by the date that is 90 days after the date of receipt of a request from the Tribe.".

(d) ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.—Section 105 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2365) is amended in the matter preceding paragraph (1) by inserting "or any member landowner" after "Tribe".

(e) EXTINGUISHMENT OF CLAIMS.—Section 107 of the Cheyenne River Sioux Tribe Equitable Compensation Act (Public Law 106–511; 114 Stat. 2368) is amended to read as follows:

"SEC. 107. EXTINGUISHMENT OF CLAIMS.

"(a) IN GENERAL.—On the date on which the final payment is deposited into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking by the United States of land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

"(b) EFFECT OF ACCEPTANCE OF PAYMENT.—On acceptance by a member landowner or an heir of a member landowner of any payment by the Tribe for damages resulting from the taking by the United States of land or property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program, all monetary claims that the member landowner or heir has or may have against the United States for the taking shall be extinguished.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend my colleague from South Dakota, Representative HERSETH SANDLIN, for her very dedicated hard work and her persistence on this piece of legislation.

H.R. 487 makes several technical corrections to address inequities that surfaced after the enactment of the original Cheyenne River Sioux Tribe Equitable Compensation Act of 2000. In short, this legislation provides for accelerated compensation for tribal members and landowners impacted by the construction of the Oahe Dam in 1962. It also satisfies a request from the administration to amend the underlying structure of the compensation fund.

H.R. 487 will assist the tribe in addressing this loss and help to ensure a positive future for the Cheyenne River Sioux.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN), the bill's sponsor, to further describe the legislation.

Ms. HERSETH SANDLIN. Mr. Speaker, I want to thank Chairwoman NAPOLITANO for her support of this important legislation to my constituents and for her leadership on the subcommittee.

I rise today in strong support of H.R. 487, the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007. This legislation is the result of a collaborative effort between the Cheyenne River Sioux Tribe, the South Dakota congressional delegation, the House Natural Resources Committee and the Department of the Treasury. I am very pleased to stand before my colleagues in the House today and urge final passage of this important bill.

The need for this legislation began more than 50 years ago with the construction of a series of dams and reservoir projects along the upper Missouri River basin. One of those projects, the Oahe Dam and Reservoir, caused flooding on over 100,000 acres of the Cheyenne River Indian Reservation in north central South Dakota. The loss of these lands was particularly devastating to the tribe and included some of their most important cropland, wildlife habitat and spiritually significant places.

Though the tribe did receive some initial compensation for this loss, the amount was woefully inadequate and did not reflect the magnitude of the loss imposed on the tribe. In 2000, Congress recognized this injustice when it passed legislation to provide additional compensation for the Cheyenne River Sioux Tribe and created a trust fund for additional tribal development. Unfortunately, the 2000 legislation was incomplete and flawed, requiring a number of amendments to the underlying law.

In addition to several technical changes advocated by the Department of the Treasury, H.R. 487 will allow for the immediate capitalization of the trust fund and also give the tribe the authority to redirect a limited amount of the fund towards private tribal landowners. Many of the 100,000-plus acres that were inundated due to the dam were actually privately owned by tribal members. Now tribal elders, these individuals have been waiting decades for fair compensation and will finally have that opportunity.

Not only will H.R. 487 capitalize the fund to allow immediate implementation of the tribe's poverty reduction program, it will help to right a historic wrong and ultimately saves the Federal Government approximately $9 million.

The merits of this legislation are clear, both through its history and the spirit of bipartisan collaboration that brought it to the floor today.

I urge my colleagues to join me in supporting H.R. 487.

Mr. LAMBORN. Mr. Speaker, I yield myself as much time as I may consume.

This well-intended legislation improves current law by directly compensating landowners whose tribal lands were flooded by the construction of the Federal Oahe Dam in South Dakota. It also releases Federal funding to the Cheyenne River Sioux who were affected by the dam and, in doing so, reduces Federal taxpayer expenditures throughout the life of the program.

In the last Congress, this bill had major issues, but all parties worked in good faith to resolve their disagreements. It now enjoys broad support.

We have no objection to this legislation and urge its adoption.

☐ 1530

Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, we have no objection to this noncontroversial bill. I would like to thank my colleague on the other side and also, especially, the sponsor of the bill, Ms. HERSETH SANDLIN, for her very hard work and strong leadership.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 487.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CITY OF OXNARD WATER RECYCLING AND DESALINATION ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1737) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1737

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "City of Oxnard Water Recycling and Desalination Act of 2007".

SEC. 2. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102-575; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. . OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

"(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the following:

"(1) The operations and maintenance of the project described in subsection (a).

"(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

"(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the last item the following:

"Sec. ____. Oxnard, California, water reclamation, reuse, and treatment project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

I would like to commend foremost my colleague from California (Mrs. CAPPS) again for the hard work and dedication to this great piece of legislation for her district.

The purpose of H.R. 1737 is to authorize the Secretary of the Interior to participate in the design and planning and construction of permanent facilities for the Groundwater Recovery Enhancement Treatment project, the GREAT project.

H.R. 1737, when enacted, authorizes limited Federal financial assistance to develop a facility that will reclaim, reuse and treat impaired water in the Oxnard, California, area. It is my hope that the administration will understand the significance of this very critical litigation for Oxnard as the shining example of the role water recycling plays in balancing our water management portfolio.

I urge my colleagues to join me in supporting H.R. 1737.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

This legislation will help meet the City of Oxnard, California, water supply needs through the year 2030 and will reduce the city's dependence on imported water. A provision in the bill ensures that no Federal taxpayer dollars will be used to construct or operate a nearby visitor center connected to this water project. We have no objection to this bill and urge its adoption.

Mrs. CAPPS. I rise in strong support of H.R. 1737, the City of Oxnard Water Recycling and Desalination Act.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairwoman or the Subcommittee on Water and Power, Mrs. NAPOLITANO, as well as the ranking members of the full Committee and Subcommittee for expediting the consideration of this legislation and for bringing H.R. 1737 before us today. This bill was passed by the House of Representatives last year but was never acted on by the Senate.

H.R. 1737 would authorize a proposed regional water resources project—the Groundwater Recovery Enhancement and Treatment or GREAT Program—located in my congressional district. As you know many communities today are faced with the difficult task of providing reliable and safe water to their customers. The City of Oxnard is no exception.

Oxnard is on of California's fastest growing cities and is facing an ever growing crisis: it's running out of affordable water. The water needs for the city's agricultural and industrial base, together with its growing population, has exceed its local water resources. As a result, over 50 percent of its water has to be Imported from outside sources.

However, through a series of local, state and federal restrictions the amount of imported water available to the city is shrinking, while the cost of that water is rising. Recognizing these challenges, Oxnard developed the GREAT Program to address its long term water needs.

The GREAT Program elements include:

A new regional groundwater desalination facility to serve potable water customers in Oxnard and adjacent communities;

A recycled water system to serve agricultural water users, and added protection against seawater intrusion and saltwater contamination; and

A wetlands restoration and enhancement component that efficiently reuses the brine discharges from both the groundwater desalination and recycled water treatment facilities.

Implementation of the GREAT Program will provide many significant regional benefits.

First, the new desalination project will serve ratepayers in Oxnard and adjacent communities, guaranteeing sufficient water supplies for the area.

Second, Oxnard's current water infrastructure delivers approximately 30 million gallons of treated wastewater per day to an ocean outfall. The GREAT Program will utilize the resource currently wasted to the ocean and treat it so that it can be reused by the agricultural water users in the area.

During the non-growing season, it will inject the resource into to the ground to serve as a barrier against seawater intrusion and saltwater contamination. To alleviate severely depressed groundwater levels, this component also includes pumping groundwater into the aquifer to enhance groundwater recharge.

Finally, the brine produced as a by-product of the desalination and recycling plants will provide a year-round supply of nutrient rich water to the existing wetlands at Ormond Beach.

Mr. Speaker, I commend the Natural Resources Committee for trying to find innovative and effective ways of extending water supplies in the West. In my view, the City of Oxnard Water Recycling and Desalination Act offers such a creative solution. It will reduce the consumption of groundwater for agricultural and industrial purposes, cut imported water delivery requirements, and improve local reliability of high quality water deliveries.

Again, I would like to thank the Natural Resources Committee for supporting this bill, and urge its immediate passage.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1737.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 30) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding after section 16XX the following:

"SEC. 16XX. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) Limitation.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $12,000,000.

"(e) Sunset of Authority.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.".

(b) Clerical Amendment.—The table of sections in section 2 of Public Law 102-575 is amended by inserting after the item relating to section 16XX the following:

"Sec. 16XX. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. Napolitano) and the gentleman from Colorado (Mr. Lamborn) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

H.R. 30, as introduced by our colleague, Mr. Darrell Issa from California, amends the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

This legislation will provide limited financial assistance to the district for the expansion of the Eastern Municipal Water District pressure zone system, a critical part of their water recycling system. The legislation will help the district maintain a stable, secure water supply to strengthen the community's ability to attract business, sustain its economy, protect its environment, and deal with the community's needs.

I thank Mr. Issa for his hard work on this legislation, and I urge my colleagues to join me in supporting H.R. 30.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 30 recognizes the need to capture and treat waste runoff to meet growing water supply needs in arid Southern California. The water recycling project envisioned in this legislation will help drought-proof the region and reduce its dependence on imported water from the Colorado River.

I commend our colleague from California (Mr. Issa) for his continued leadership and attention on developing new water supplies. I urge my colleagues to support this important legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Issa).

Mr. ISSA. Mr. Speaker, this bill is not new. In fact, this is the second go-around for it, but that doesn't make it any easier. This bill, like many in the last Congress, died in the Senate.

That's going to be different this time thanks to Chairman Rahall and Ranking Member Young. They considered this, reviewed to see if there were any significant changes, and quickly reported it out of committee. I want to thank them for working on a bipartisan basis to do that early on.

This is important to the people of Southern California. As the gentlelady, who will speak, hopefully, next, will tell you, California has water. Unfortunately, we don't capture enough, and it isn't where we need it and when we need it.

H.R. 30 is designed to bring some of that availability by significantly increasing our use of recycled water, both helping maintain the aquifer and providing safe, clean water for a multitude of uses for the people of Southern California. I urge the support of this bill, and I will not mention the other body again, except to say that I am looking forward to this early passage turning into an early signature by the President.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. Napolitano) that the House suspend the rules and pass the bill, H.R. 30.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOWER REPUBLICAN RIVER BASIN STUDY ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1025) to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Republican River Basin Study Act".

SEC. 2. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.

(a) Authorization of Study.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the "Republican River Basin");

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) Cost Sharing.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) Cooperative Agreements.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) Completion and Report.—

(1) In general.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this section the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) Extension.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) Sunset of Authority.—The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. Napolitano) and the gentleman from Colorado (Mr. Lamborn) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 1025, as introduced by our colleague from Kansas (Mr. MORAN), is to authorize the Secretary of the Interior to conduct a feasibility study on the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

H.R. 1025 is a cooperative agreement between Nebraska, Kansas, Colorado, and the Federal Government that calls for a feasibility study of water resources of that river basin. The goal is to find new solutions to provide water reliability, increase the capacity of the current water storage, which is so important, and improve water management efficiency. This study is imperative to the responsible management of our water supplies.

I urge my colleagues to join me in supporting H.R. 1025.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1025, introduced by our colleagues JERRY MORAN and ADRIAN SMITH, implements the Republican River Compact Settlement as negotiated between the States of Colorado, Nebraska, and Kansas. This legislation serves as the first step to increase water storage and water use efficiency to benefit those served by the waters of the Republican River.

I commend Mr. MORAN and Mr. SMITH for their leadership on this important matter. I urge my colleagues to support this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman for yielding me time and bringing this bill forward today.

Mr. Speaker, H.R. 1025 would authorize one of the requirements of the Republican River Compact Settlement negotiated between the States of Nebraska, Kansas and Colorado and approved by the Supreme Court in 2003. It is not only necessary to ensure the States remain in compliance with this agreement, but to make certain the agriculture, industrial and domestic use of the water is carried out in the most efficient and effective manner possible.

The Lower Republican River Basin Study will examine how to better utilize opportunities to increase water storage in the river basin. I am hopeful the results of this study will lead to an increase in water availability while we continue to encourage more efficient water use.

As many of you know, especially those from the Midwest, the current water shortage has made this a very critical issue for my congressional district. So if we can, through this study, allocate more water, allocate water more effectively, it will help farmers, ranchers, municipalities both in Nebraska and Kansas in the long term.

I want to thank Mr. RAHALL, Mr. YOUNG, and the Natural Resources Committee staff for bringing forth this bill. I appreciate the cooperation on both sides of the aisle. I urge Members of Congress to approve this legislation.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H.R. 1025, the Lower Republican River Basin Study Act. I would like to thank Chairman Rahall and the Resources Committee for helping to bring this legislation before the House today.

The timing of this legislation is significant, not only for farmers in Kansas who have dealt with successive years of drought and decreased water supplies, but because the respective states have already appropriated funds for the current fiscal year to conduct the feasibility study authorized by this legislation.

H.R. 1025 is a product of the Republican River Compact Settlement. That settlement resulted from litigation filed by the State of Kansas against the States of Nebraska and Colorado in 1998 because required amounts of water were not reaching Kansas under the Republican River Compact terms. In 2003, the Republican River Compact Settlement brought that litigation to an end.

The Settlement was signed not only by the party States, but also administration officials and was subsequently approved by the United States Supreme Court in 2003. As part of that Settlement, the Parties agreed to have the Secretary of the Interior conduct a study to determine the feasibility of implementing water supply and conservation projects in the Republican River Basin below Harlan Reservoir. In accordance with the Settlement Agreement, H.R. 1025 provides that the cost of the study will be shared between the Federal Government and the States of Kansas and Nebraska.

As of today, the States have done their part under the settlement agreement. In fact, my home State of Kansas has already appropriated funds for the current fiscal year. I also understand that Mr. Smith's State of Nebraska has done the same.

Mr. Speaker, all that remains is for the Federal Government to meet its obligation under the settlement agreement. The feasibility study is desperately needed to increase water availability and encourage more efficient water use and delivery systems.

The Lower Republican Basin has a history of periodic droughts and water shortages. The upper third of the Kansas Bostwick Irrigation District, which lies above Lovewell Reservoir, received limited water allocations in 2003 and no water allocations in 2004 and 2005.

Producers in the lower two-thirds of the Kansas Bostwick Irrigation District have also experienced water shortages since 2003. Irrigators in this portion of the District have only received half of the base supply they were supposed to receive. The project facilities in the Lower Republican River Basin are over 50 years old. Changed hydrological conditions and aging facilities require better utilization of limited water supplies.

Mr. Speaker, the feasibility study authorized by H.R. 1025 is not only necessary to ensure the states remain in compliance with an interstate compact, but also to ensure the economic viability of the rural communities that rely on delivery of a consistent supply of water, and I urge Members to approve this legislation.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1025.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. NAPOLITANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ALASKA WATER RESOURCES ACT OF 2007

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1114) to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alaska Water Resources Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Alaska.

SEC. 3. ALASKA WATER RESOURCES STUDY.

(a) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this Act and other applicable provisions of law, shall conduct a study that includes—

(1) a survey of accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough;

(2) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(3) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(A) infrastructure risks to State transportation,

(B) flood forecasting.

(C) resource extraction; and

(D) fire management.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study required by subsection (a).

SEC. 4. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

The purpose of 1114, as introduced by the ranking member of the Natural Resources Committee, the Honorable Representative DON YOUNG, is to require the Secretary of the Interior, through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska.

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The assessment and evaluation of current water resources is essential to understanding the needs of that community and its environment. H.R. 1114 would require the Bureau of Reclamation and the USGS to do exactly that, to study the water supplies, the water treatment, and the water distribution needs of Alaska. The bill requires the Secretary of Interior to report the findings of this study to Congress no later than 2 years after enactment.

A study of this magnitude, Mr. Speaker, is vital to the proper management of our most precious natural resource. I do greatly appreciate the hard work of Representative YOUNG on this legislation and urge my colleagues to join me in supporting H.R. 1114.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

This important legislation introduced by the distinguished ranking member of the House Natural Resources Committee, DON YOUNG, will help Alaskans through water infrastructure study and development, and improved flood control management.

Mr. Speaker, I yield such time as he may consume to the author of the bill and the ranking Republican of the Natural Resources Committee, Mr. YOUNG of Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, let me thank the chairman of the committee, Mrs. NAPOLITANO from California, for bringing this bill up with Mr. RAHALL.

This bill seeks to expand Alaska's water supply system and reduce flood threats. My State's combined water bodies comprise one-third of all the fresh water in the United States, but communities are struggling to provide drinking water due to the outdated water distribution system and lack of information on groundwater resources. For this reason, this bill will include a survey of potential water supplies in the City of Anchorage, the Matanuska-Susitna Borough, the City of Fairbanks and Fairbanks Northstar Borough.

The bill also improves streamflow information to improve flood forecasting, resource extraction and fire management. Streamflow information in the form of USGS streamgaging stations is insufficient in Alaska compared to other States. In fact, Alaska has only 100 streamgage stations, which is less than 10 percent of the information available in many other States. This bill will help alleviate that situation.

Again, I want to thank Mr. RAHALL and Mrs. NAPOLITANO of California for bringing this bill, and I urge passage of this legislation.

Mr. Speaker, may I say that I am so happy today we are talking about water, water in California, water in Alaska, water in Nebraska. Water is going to be our next big crisis that we are going to be faced with in this Nation, it is energy now, and we must do something. We have to learn how to use water better, how to impound water, and how to deliver water so we have that which supports our life, and that is water.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I couldn't agree more with Congressman YOUNG about the importance of water for our country, and I would hope that we can work in a bipartisan manner to continue to look at other areas that will be in dire need of help, Federal help, to be able to determine what needs to be done to help them address their water concerns, and I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1114.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SOUTH ORANGE COUNTY RECYCLED WATER ENHANCEMENT ACT

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1140) to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "South Orange County Recycled Water Enhancement Act".

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16xx. SAN JUAN CAPISTRANO RECYCLED WATER SYSTEM.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Juan Capistrano, California, is authorized to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $18,500,000.

"(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

"SEC. 163X. SAN CLEMENTE RECLAIMED WATER PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Clemente, California, is authorized to participate in the design, planning, and construction of a project to expand reclaimed water distribution, storage and treatment facilities.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000

"(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 163X the following:

"Sec. 163X. San Juan Capistrano Recycled Water System.

"Sec. 163X. San Clemente Reclaimed Water Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. LAMBORN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 1140, as introduced by my colleague and former chair of the subcommittee, Mr. KEN CALVERT, is to authorize the Secretary to participate in the design, planning and construction of an advanced water treatment facility and recycled water system.

The continuing drought and the decrease in snow pack have led to a reduction in water supplies in many parts of the West. Water recycling projects can help communities protect against the adverse consequences of drought.

H.R. 1140 will authorize limited Federal financial assistance for two separate water recycling projects in Southern California. One, beautiful San Juan Capistrano, and the other in great San Clemente.

Recycled water can satisfy many water demands, and the enactment of this bill will continue our efforts to encourage the administration to include recycling as an effective water management strategy. I note it was left out of Water 2025, and I want to be sure that we continue to push forward for that which is very, very helpful to many communities.

I do urge my colleagues to join me in supporting 1140.

Mr. Speaker, I reserve the balance of my time.

Mr. LAMBORN. Mr. Speaker, I yield myself such time as I may consume.

This legislation, H.R. 1140, introduced by the distinguished former chairman of the Water and Power Subcommittee, KEN CALVERT of California, authorizes limited Federal assistance for two water recycling projects in southern Orange County. This bill helps the cities of San Juan Capistrano and San Clemente meet their water supply needs, and reduces their dependence on imported water.

I commend Representative CALVERT for his longstanding leadership in helping all of Southern California meet its future water needs through a combination of water recycling, desalting, conservation and water storage. I urge my colleagues to support this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), the author of the bill.

Mr. CALVERT. Mr. Speaker, I want to thank my chairman, Mrs. NAPOLITANO, for the hard work that she has put into all these water bills and for her desire to make sure that areas such as southern California have water for the future.

The South Orange County Recycled Water Enhancement Act is a relatively modest yet important step toward meeting the long-term water needs for the West. Water recycling is an approach that more and more communities are tapping to meet local and regional water demand. To address the continued growth of water users, communities are truly maximizing the use of every drop of water.

The South Orange County Recycled Water Enhancement Act authorizes two water reclamation projects in the South Orange County portion of my district. South Orange County relies heavily on imported water from sources such as the Colorado River and the Bay Delta in northern California.

Water reclamation projects and other steps which reduce demand for imported water benefit all regional water uses. The first project outlined in this legislation is the San Juan Capistrano recycled water system, which would enable the City of San Juan Capistrano to provide recycled water to users throughout the city and its neighboring communities. To meet the local demand, the City has developed a project that includes the construction of a water treatment facility as well as transmission infrastructure.

I want to thank the San Juan Capistrano Mayor Sam Allevato and the rest of the city council for their dedication to this important project.

The second part of this project is the San Clemente Reclaimed Water Project, which would expand San Clemente's reclaimed water infrastructure by doubling its production capability. When completed, San Clemente's recycled water project will reduce the city's demand of domestic water by 3,300 acre feet of water per year. I applaud San Clemente Mayor Jim Dahl and the entire city council for their entire commitment to water recycling.

Again, I want to thank my good friend GRACE NAPOLITANO, our chairwoman of the Water and Power Subcommittee, for her leadership and support of my legislation. I know she shares my belief that water recycling is an important tool in addressing growing water needs in the west. Mr. Speaker, I think it is crucial that we recognize and assist communities that are working to reduce their reliance on imported water, and I urge all colleagues to support the South Orange County Recycled Water Enhancement Act.

Mr. LAMBORN. Mr. Speaker, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, first of all, I want to thank staff on both sides who have been working collaboratively and in a bipartisan manner.

Water knows no political colors or boundaries. I think we need to work together to be able to ensure that our economy continues growing, that water will continue to flow through the faucets and in the rivers and dams and aquifers.

And along with Mr. LAMBORN, Mr. Speaker, I want to urge all Members to look at their district water needs, and begin to understand it and be able to work with it so that we can protect the rest of the States that are going through, whether it is droughts or other areas that they need help with.

I certainly want to thank my ranking member, KATHY MCMORRIS, who isn't here, but certainly Mr. LAMBORN, who has done a great job. And I want to thank him specifically, because to work collaboratively and get these bills out is critical not only in time but in the effect it has on our economy throughout the Nation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1140.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. CON RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 370 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012. The concurrent resolution shall be considered as read. An amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 99, as adopted by the House, shall be considered as adopted. All points of order against the concurrent resolution, as amended, are waived. The previous question shall be considered as ordered on the concurrent resolution, as amended, to final adoption without intervening motion or demand for division of the question. If the Senate concurrent resolution, as amended, is adopted, then it shall be in order to move that the House insist on its amendment to the concurrent resolution and request a conference with the Senate thereon. The previous question shall be considered as ordered on that motion to adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and I ask unanimous consent to revise and extend my remarks. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 370.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, H. Res. 370 provides for consideration in the House of S. Con. Res. 21, the Senate version of the concurrent budget resolution for 2008. It also provides for the House to insist on the House-passed version of the budget resolution and to request a conference with the Senate.

The rule is very simple. It allows the House to disagree with the Senate budget resolution and request a conference. It doesn't interfere with the motion to instruct conferees; it just allows the House to go to conference and appoint conferees.

This rule is necessary, Mr. Speaker, because the Republican leadership refused to agree to the customary unanimous consent request required to go to conference on a Senate numbered bill. In fact, there is no instance in recent memory where a separate rule has been adopted to go to conference with the Senate on a budget resolution due to the objection of a unanimous consent request.

Mr. Speaker, I am having a hard time figuring out why my Republican friends are choosing to be obstructionists on even the most routine housekeeping measures. They talk a lot about civility and comity in the House, but apparently it is just that, talk, because their actions point to a very different strategy.

The new Democratic majority, on the other hand, is committed to results. We were elected to get things done, and that is exactly what we will do, with or without the cooperation of the Republican minority.

This rule does not block a vote on approval of the Senate budget resolution, as amended. It does not interfere with the motion to instruct conferees. It simply allows the House to insist on its version of the budget resolution and to request a conference with the Senate, nothing more. So let's pass this rule and get the budget resolution into conference.

Mr. Speaker, I reserve the balance of my time.

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Mr. SESSIONS. Mr. Speaker, I rise today in strong opposition to this rule and the unprecedented tax increase that the Democrat majority is bringing back to the House today.

I wish I could report to my colleagues that this legislation was improved since the last time the House considered it in March. Unfortunately, the massive and irresponsible tax increase included in the House version of this budget would still be the largest tax increase in American history, weighing in at a shocking $392.5 billion over the next 5 years.

This Democrat budget, which is balanced on the backs of everyday taxpayers, would be used to finance bloated new government spending that will grow well above the rate of inflation through 2012, while also ignoring the brewing entitlement crisis. Around 77 million baby boomers will be retiring in the very near future and will begin collecting Social Security, Medicare, and Medicaid. Funding this new spending represents the greatest economic challenge of our era, and it is a challenge that the Democrat budget has chosen to completely ignore, while going on its own spending spree elsewhere.

In the 32nd Congressional District of Texas, which I have the honor to represent, the Heritage Foundation estimates that the passage of this budget will cost every single taxpayer an additional $2,920 in 2012. It will also mean a per capita loss of $474 in personal income, as well as 2,389 lost jobs as a result of a loss of $328 million to the local economy of the 32nd Congressional District of Texas.

Mr. Speaker, I will insert into the RECORD this entire document which details the severe negative impact on the passage that this budget will have on every single taxpayer from every single district across the country.

Mr. Speaker, if fiscal discipline is what the Democrats promised voters this past fall, then, by my account, it took only 3 months for the Democrat candidates to abandon their campaign promises and an additional 2 months for Democrats to reiterate their really true support for tax-and-spend policies again here on the House floor today.

This deeply flawed budget would increase taxes on almost 8 million taxpayers just in my home State of Texas alone. It would collect these taxes by allowing the 2001 and 2003 tax relief provided by the Republican Congress to expire.

In real terms, for every American taxpayer, this means reducing the child tax credit for working families so that the government can collect $27 billion more to finance, yes, you've got it, Mr. Speaker, brand-new spending.

It means reinstating the marriage penalty and the death tax to collect an additional $104 billion so that the new majority Democrats can kick the can further down the road, rather than reforming and strengthening our Nation's entitlement programs.

And it means completely ignoring the alternative minimum tax crisis which is projected to hit 23 million middle-class families if not dealt with in a responsible manner.

Mr. Speaker, I believe the voters watching this debate on C-SPAN understand what these tax increases mean for them, the economy, and for our ability to compete globally. But they may not realize what they mean for the average family of four with $60,000 in earnings. It will mean a tax increase of 61 percent. It means that a single parent with two children and $30,000 in earnings would see a tax increase of 67 percent. And it means that an elderly couple with $40,000 of income would see their taxes increase by a whopping 156 percent.

Mr. Speaker, you can see the advantages of the Republican tax cut and what it means to every single middle-class American.

Now, one would think that a hike of almost $400 billion impacting every American taxpayer would be enough to finance the Democrats' appetite for big government. But trust me, it's just the start. This budget also contains 12 reserve funds or pet initiative IOUs which set the stage for more than $115 billion in higher future spending which would have to be financed by, you guessed it, even higher taxes.

For the last 4 years, responsible budgets passed by the Republican Party kept discretionary spending at or below inflation for all nondefense, non-homeland security spending. This budget plan brought forward by the Democrats brings this fiscally disciplined tradition to a screeching halt by allowing about $25 billion more in discretionary spending than President Bush or even the spendthrift Senate, for that matter, which asked for about $7 billion less than the House.

Thankfully, it's not too late to stop this fiscal train wreck. By voting against this rule, every Member of this body can demonstrate their opposition to the Federal largesse included in this budget, as well as their opposition to the largest tax increase in American history.

Without the meaningful tax relief passed by this recent Republican Congress, our economy would not have seen the massive job growth with 7.6 million new jobs created for American workers and tremendous economic growth of 3.5 percent per year that has our economy growing at the highest rate and has done so over the last 15 quarters.

Mr. Speaker, I encourage all of my colleagues to stand up for fiscal discipline, economic growth, and responsible budgeting by opposing this rule and the underlying tax increase.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, if I could respond to the gentleman from Texas, I don't know what he's talking about. The fact of the matter is that the Democratic budget resolution does not contain a single tax increase. Period. The Concord Coalition stated that the budget resolution does not call for or require a tax increase. The Center on Budget and Policy Priorities said the House plan does not include a tax increase. The Hamilton Project of the Brookings Institute says the budget would not raise taxes.

Mr. Speaker, I sat on the Budget Committee. I had the honor of serving under Chairman SPRATT. And I would say to the gentleman from Texas, if he reads the budget resolution, it actually supports the renewal of the middle-class income tax cut.

Section 401 of the budget resolution commits the budget to the support of the middle-class tax cuts passed in 2001 and 2003, including the child tax credit, the marriage penalty relief, the 10 percent individual income tax bracket, estate tax reform, research and development tax credit, and the deduction of State and local sales taxes.

Section 203 of the budget resolution clearly provides a reserve fund for the extension of those tax cuts so long as the legislation complies with the House pay-as-you-go rule.

Now, the gentleman from Texas gets up here and brags about the fiscal record of the Republicans in the Congress. Well, the American people, I think, saw through the misplaced priorities of the Republican Congresses, as evidenced by the results of the November election.

But so there is no misunderstanding, let me make it very clear to everybody who is watching. We need to correct the fiscal course of the country because the fiscal outlook that we are confronting has deteriorated dramatically over the past 6 years because of the Republicans misplaced priorities.

In 2001, the Bush administration inherited a projected 10-year budget surplus of $5.6 trillion. That's $5.6 trillion. Within 2 years, that surplus was gone, and the United States began accumulating an amount of national debt, adding $2.8 trillion to our Federal debt burden since 2001.

Now, to make matters worse, most of that debt has been purchased by foreign investors, making the U.S. economy more vulnerable to economic and political instability and political pressure from abroad.

So for anyone to get up here and to brag about the Republican record on fiscal matters, I think, to me, defies comprehension. The record is clear. You have messed up the economy of this country in terms of this incredible debt that we have now put on the backs of our kids and our grandkids and our great grandkids. What the Democratic budget is trying to do is restore some fiscal discipline, pay-as-you-go, and to get this country back on the right course.

Having said that, Mr. Speaker, I'd like to yield 8 minutes to the distinguished gentleman from South Carolina, the chairman of the House Budget Committee, Mr. SPRATT.

Mr. SPRATT. Mr. Speaker, this rule simply makes in order a motion to go to conference on the House and Senate budget resolution. That's all it does.

The budget resolution, in turn, frames all that we will do in fiscal year 2008, next year; and it helps keep the process fiscally disciplined as we move forward. Usually, this procedure is accompanied by, expedited by, unanimous consent. In this case, we couldn't be assured of unanimous consent, so we are, instead, moving forward with the rule.

Now, naturally, we in the House think that the House-passed budget is a better expression of our goals. But both resolutions to be resolved in conference, both are Democratic products, and we think both are vastly better, far better budgets than the Republicans offered this year or last year, for that matter. It's a matter of record. Last year the Republicans failed to pass a concurrent budget resolution. They couldn't get the two Houses together.

When we came back here in November, we had to finish up the unfinished work. Only 2 of 11 appropriations bills were passed, partly because they didn't have the framework of a budget resolution in which to proceed.

Just weeks ago, we had the Republican budget on the House floor. It fell 60 votes short of a majority, way behind. So unless we do what we are doing today, we are going to find ourselves shortly in the same situation we were last fall when the work was undone at the end of the year.

Both budgets, both the House and the Senate budgets, have this goal. Both budgets are designed to bring the budget back to balance by the year 2012. The House resolution carries forward, I'm proud to say, carries forward our commitment to pay-as-you-go. And the Senate resolution includes a pay-as-you-go rule of its own.

There are a number of initiatives, it's true, in this bill. A number of new initiatives. One is the Children's Health Insurance Initiative, but none of these initiatives, including CHIP, will be undertaken, none of them will be undertaken unless there are offsetting revenues or offsetting expenses to make them budget neutral so they do not have any impact on the bottom line.

This budget resolution and the Senate resolution both contain program integrity measures requested by the President, augmented by us in our budget resolution to crack down on wasteful spending. We're proud of that. We want to see that money appropriated. We want to see some that could be saved on wasteful sending.

Both budgets, and let me emphasize this, both budgets support middle-income tax relief. We'll say it again and again and again. It bears repeating because it's absolutely true.

The House budget resolution sites in its text income tax cuts that were passed in 2001 and 2003, and it supports, not in one place, but two, wholesomely supports the extension and renewal of those tax cuts past 2010, when they will all expire.

Now, let me make something clear. This budget resolution for the next 4 years does not take a thing away from any taxpayer. The tax cuts passed in 2001 and 2003 remain unaffected, remain standing and in place.

In addition, let me make clear that when the tax cuts adopted in 2001 and 2003 expire at the end of 2010, it's by design. That's the way you wrote the resolution. That's the way you wrote the bill that passed it. And we do not propose anything here in this bill about not renewing those tax cuts when they come up. We simply say that's a bridge we will cross when we get to it.

But in the Senate, Senator BAUCUS has offered an amendment that will require a vote before the year 2010 to renew those middle-income tax cuts that sunset in the year 2010. The Baucus amendment limits these tax cuts to $180 billion in annual revenue reduction, the amount of the surplus that is anticipated in 2012 in the budget resolution.

□ 1615

In the meantime, let me say again, all the tax cuts passed in 2001 and 2003 were provided for, allowed and in place under this budget resolution. It is completely specious to say that we have raised taxes by one dime. Completely specious.

If you don't believe, let me say once again or let me show you in writing what Mr. McGOVERN just introduced. Here is the Concord Coalition. Nobody would dispute their bona fides or their unpartisan character. Here is how they sum up their analysis of our budget resolution: "Thus to be clear, the budget resolution does not call for or require a tax increase." That is the Concord Coalition.

Next is the Brookings Institution, Hamilton Project: "This budget would not raise taxes." An independent group, no axes to grind. That is their opinion.

And, finally, the Center on Budget and Policy Priorities: "This claim is incorrect. The House plan does not include a single tax increase."

Those are three outside organizations with no axes to grind. They looked at our resolution. That is the judgment they rendered on it.

Now, let me move on to say that both the House and Senate budget resolutions meet the President's request for national defense. They protect our country, and they exceed the President's request for veterans' health care. Funding for veterans' health care in our resolution is 6 billion bucks, $6 billion, above the 2007 level and more than $3 billion above the President's request.

Both budgets are also designed to reduce the deficit and bring the budget back to balance, as I said earlier. That will decrease our reliance on foreigners who buy our debt. Since 2001, foreign ownership of Treasury bonds has more than doubled to $2.2 trillion, making our economy vulnerable to global markets and the whims of foreign investors.

If I could see this chart next to show you the total debt accumulation under this administration. On the back of an envelope, this shows you what we are about, what we want to avoid. When this administration came to office, the national debt was $5.7 trillion. In the last 6 years, they have added 60 percent to that sum, $3.1 trillion in additional debt. And as a consequence, the national debt stands at $8.8 trillion. This is what Republicans have produced. This isn't about claiming or argumentation or anything else. This is a matter of record. You can look it up, from $5.7 to $8.8 trillion.

Finally, this budget resolution maintains the priorities that we Democrats stand for and are proud of. We put families first. We put children first by investing in health care; child care; education; Head Start; and as I said earlier, tax relief to middle-income families. Both budgets, both budgets, plan huge steps, and this is one of the great initiatives we hope to achieve in this Congress, huge steps to expand the State Children's Health Insurance Program so that it covers most of the 9 million children without health insurance in this country, and we propose to do that with offsets so that there will not be a dime of the cost of that added to the bottom line.

In summary, Mr. Speaker, in short, this rule will make in order the steps necessary to send our budget resolution to conference so that they can move us forward on a fiscally responsible, fiscally disciplined path.

I urge support for this resolution so that we can move forward with the budget process.

Mr. SESSIONS. Mr. Speaker, my wonderful colleague from Massachusetts is trying to have it both ways: We're going to balance the budget; we're not going to cut taxes. We're going to balance the budget; we're not going to cut taxes. But, in fact, what happens is this budget relies on every single tax cut going away so that they can then say they balance the budget, but the fact of the matter is that they do not even address the biggest issues and the problems that face the Nation.

He is correct. The gentleman from Massachusetts is correct. Republicans did produce a balanced budget as a result of cutting taxes and fiscal discipline in 1997, 1998, 1999, 2000. And in 2001, the day America was attacked, we had a balanced budget. He is absolutely correct. Since that time, we have not had a balanced budget. One million jobs were lost within 1 month after 9/11, 2001. And so as a result of that, Republicans decided that in order for us to gain financial advantage, that we would have tax cuts.

It is true that, as a result of rules in the Senate, the other body, that we could not make these tax cuts permanent. It is also true that every single year since that period of time that Republicans have asked Democrats, please make every single one of these tax cuts permanent, well, that's like light to a vampire. Absolutely no, not for the Democrats, because they're opposed to the tax cuts. They're on record of opposing the tax cuts. And today they come to the floor, oh, we're not taking away any of the tax cuts. Of course they are. Because if they didn't, they couldn't then "balance the budget" that they have on the floor today. That is exactly what they are doing.

Second point, Social Security, as a result of our growing economy, every single new worker that comes in, Social Security has to add to its deficit the amount of money that is owed to Social Security every time we get a new worker, and that is more than half of this deficit. It's an accounting gimmick because what happens is that Social Security accounts for what they have to have as an unfunded liability out for 50 years.

So to talk about the irresponsibility, I will take part of the blame. But growing this economy, having increased tax revenue, having the greatest single economy we have ever had, more people than ever living in homes, their own homes and our challenging the Democrat minority and now majority to say, why don't we get on with the real things that are important like worrying about Medicare and Medicaid? Nothing. Why don't we make sure that families do not have to pay after-tax dollars for health care? Silence. Silence from our Democrat majority.

The new Democrats want to tax and spend. That's what they've always been about. That's what they're about on the floor of the House of Representatives today. And they're trying to get it both ways.

Mr. Speaker, I would like to yield such time as he may consume to the ranking member from the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding, and I want to echo the point he made.

Our chairman, the distinguished gentleman from South Carolina, came to the floor and accurately said both budgets, the Senate budget resolution and the House-passed budget resolution, balance the budget. That is correct. They do. It is certified by the Congressional Budget Office. There is only one reason and way and method how they balance the budget, though, Mr. Speaker: by raising taxes.

The House-passed budget resolution relies upon, requires, in fact, makes sure that it passes the largest tax increase in American history in order to balance the budget. The Senate-passed budget resolution relies upon, requires and ensures that the second largest tax increase in American history be enacted on the American people, on the American taxpayers, in order to achieve balance.

I have two major concerns with this budget resolution, Mr. Speaker. Number one, it is very bad economic policy. And number two, it is an enormous missed opportunity.

Why is this budget resolution bad economic policy? Inflicting the largest tax increase in American history on the American family, business, entrepreneur, on American taxpayers, is bad economic policy. And here is why: Back in 2001, where we realized we had 9/11, and in 2003, where we realized we had a recession, with the dot-com bubble burst, with Enron scandals, we had job losses to the tune where we were losing about 124,000 jobs a month. We had to act quickly to get people back to work, so we cut taxes across the board. We cut taxes on entrepreneurs, on families, on workers, on businesses, on capital. What happened: 7.6 million new jobs were created since then. We have been creating on average over 200,000 jobs a month since then. The stock market turned around. The savings portfolios of senior citizens which were eviscerated in the market crash came back. The Dow hit 13,000 last week, an all-time high. We saw business investment, from negative decline after negative decline for 11 consecutive quarters, turn around and hit all-time highs. More jobs were created. And what happened at these lower tax rates? Revenues came into the Federal Government at a much, much faster pace, at about a 25-year high. So we saw more revenues coming into the

Federal Government, which actually brought the deficit down at these lower tax rates.

What this budget resolution does is it puts that economic recovery plan in jeopardy. By raising taxes on people and businesses and entrepreneurs, you are reducing job growth in America. You are raising the cost of capital.

We have a problem, Mr. Speaker, and that is we live in the era of globalization. The oceans no longer separate our economy from the rest of the world. Ninety-five percent of the world's consumers don't live in this country. They are overseas.

So, Mr. Speaker, we have got to wake up. Wake up to the fact that we have real competitive pressures. Countries like China and India, let alone Japan and Europe, are giving us real competitive pressures, real competitive challenges. And when we go back to the old adage of taxing, taxing and taxing, what we are going to do is tax more and more jobs overseas to these other countries. By taxing our economy and our businesses and our workers more and more than our competitors tax theirs, you know what happens? They get our jobs. That is a mistake. That is wrong.

America taxes capital more than any other industrialized country in the world except for one, Japan, and they just finished two decades of recession. So it is really bad economic policy to have all these tax increases.

You just heard the gentleman from Massachusetts talk about the reserve funds they have in this budget. They really want to make sure that they don't raise these taxes. So they put a reserve fund in the budget. And the reserve fund basically says, we don't want to raise these taxes; we would like to come up and pay for them, but our money is not there.

A budget is basically a page full of numbers, and numbers don't lie. The numbers in this budget require these taxes to go up, require these taxes to sunset; otherwise, they don't balance the budget.

You can't have it both ways. You can't balance the budget on the left hand and then say we are not raising taxes on the right hand. It is one or the other. So regardless of how many empty promise reserve funds you have in a budget resolution, the numbers don't lie, and the numbers say these taxes are being raised.

Now, as to the point that the sunset was put in by the Republicans, not by the Democrats, and we are simply letting this Republican policy manifest itself, and we are budgeting for it, that is not quite true, Mr. Speaker. And I remember being a member of the Ways and Means Committee and working on the conference committee at this time. When these tax cuts went through the Ways and Means Committee in the House, when these tax cuts passed the House floor, they were permanent. They never had a sunset in them. What happened? This arcane rule in the Senate called the Byrd rule was put in place. And the Byrd rule said for these tax cuts to be permanent, it needs 60 votes in the Senate. What happened? We had 52 Republicans voting to make them permanent; no Democrats would vote to make these tax cuts permanent. So the Democrats filibustered making these tax cuts permanent, and because of the Democrat filibuster in the Senate, these tax cuts were made temporary. The only way to get this tax relief to the American economy, to the American people, to get out of the job loss, to get out of the recession, was this temporary tax policy because of the Democrat-led filibuster by then Senator Daschle at the time in the Senate. That's why there's a sunset in this law.

We always kind of wondered at the time, why would they stand in the way of the taxpayer and make these tax cuts temporary? Why would they insist upon these sunsets? Well, now we know why. Because it is how they balance the budget because they plan on, bank for, certify, require, rely on these tax cuts going away.

The second reason I think this is a bad policy is it is an enormous missed opportunity, Mr. Speaker. The gentleman from South Carolina, who really is a gentleman from South Carolina, and I mean that sincerely, had a lot of good hearings in the Budget Committee. We have had a few in Ways and Means as well. We had all these experts coming to us from the left and from the right, from think tanks on the left side of the aisle and think tanks on the right side of the aisle, we had the Congressional Budget Office, the Federal Reserve Chairman, the Treasury Department coming to us, all saying the same thing: Entitlements are growing out of control. The entitlement program problem is enormous. We are doubling the amount of retirees in this country within one generation; yet we are only increasing the amount of workers coming in behind them by 17 percent.

□ 1630

We have an enormous unfunded liability, about $49 trillion. It's a mind-boggling number. But when you take three entitlements, Medicare, Medicaid and Social Security, those three entitlements right there, Mr. Speaker, will consume 100 percent of the Federal budget by the time my children are my age.

So all these experts came to us and said, Do something. You're the Budget Committee, you've got to do something to control the growth of entitlements. It's going to bankrupt America. And if we don't do anything, if we keep the government we have today and do nothing to reform entitlements, by the time my children are my age, they will literally have to pay double the amount of taxes for that Federal Government at that time.

Let me say it one other way, Mr. Speaker. Since about 1960, Washington has funded the Federal Government by taxing the U.S. economy by about 18 percent of the economy. About 18 percent of the gross domestic product has been required to pay for the Federal Government. It's been remarkably consistent. Now, if you take today's government, add no new programs, take none away, and transfer that out to about 2040 when my kids are my age, just to keep today's government afloat at that time you will have to tax 40 percent of GDP, 40 percent of the national economy just to pay for that government because of three entitlement programs.

You can't compete with China and India by taxing our economy at 40 percent, let alone Germany and Japan. You can't prepare for globalization. You can't help people get careers for tomorrow and enjoy higher standards of living if we don't address our entitlements right now.

That is the biggest travesty of this bill, Mr. Speaker. This bill says we will do absolutely nothing, nada, zilch, nothing at all either in the Senate budget resolution or the House budget resolution to attack and reform entitlement programs, to attack this problem for 5 years. This budget says let's do nothing to fix our entitlement programs for 5 years. That means we accelerate and exacerbate the bankruptcy of Social Security, of Medicare, of Medicaid. How is that helping senior citizens if we push these programs faster toward bankruptcy? I think that's wrong. I think we need to fix these programs so seniors can better rely on these programs.

And you know what, Mr. Speaker? In Wisconsin we say this a lot, and I think people say it around the country, and prior generations always told this to me, my parents and my grandparents, they said, the thing about America, what's beautiful about America is that one generation works hard and leaves to the next generation a country that's better off. The dream of parents is to leave your children with a country that's better off so you can enjoy a higher standard of living. That is the beautiful legacy of America.

Mr. Speaker, we are at risk of severing that legacy. If we don't address these entitlements, if we simply go the old easy Washington route of simply raising taxes and raising spending and doing nothing to address this entitlement problem, we will really run the risk of severing that legacy and giving our children a lower standard of living than that which we enjoy today.

We have new competitive pressures from other countries unlike any we have seen before. Raising taxes on families and workers will not bring more prosperity to America. It will give jobs to other countries. Doing nothing to attack the entitlement problem in this country will only ensure that an unprecedented mountain of debt is befallen onto our children and our grandchildren, and they are going to have to pay far higher taxes than any American has ever paid in the past.

This, Mr. Speaker, is why I say vote against this rule and vote against this budget resolution, which includes and relies on the largest tax increase in American history and the biggest missed opportunity by doing nothing to reform entitlements over the next 5 years.

This could have been a bipartisan opportunity to fix these problems. Sadly, it's not.

Mr. McGOVERN. Mr. Speaker, just because my colleagues on the Republican side say that the Democratic budget raises taxes doesn't mean it's true. Let me repeat that so no one misses this point. The budget resolution that we are talking about does not contain a single tax increase. That is a fact. Sometimes facts are a stubborn thing, but that is the fact. And the Republican spin machine can say whatever it wants; but the fact of the matter is, and I repeat, this budget resolution does not increase any taxes.

Secondly, I appreciate the fact that the gentleman from Texas was waxing nostalgic about the Clinton years when President Bill Clinton was the President of the United States and we were getting our fiscal house in order. But what I was talking about was what happened when President Bush became President and we had Republicans in the White House and in the Congress, and that is when we saw the skyrocketing of our Federal debt.

You know, budgets do reflect the priorities of a nation. And one of the reasons that I think people decided to vote for change in the last election is because they did not appreciate the priorities that were put forth by the previous Republican Congresses. They did not appreciate our veterans being shortchanged; they did not appreciate the most vulnerable in our country being shortchanged. If anyone has any questions about whether or not we were adequately funding veterans health, just recall the recent scandals of Walter Reed and at so many other of our veteran hospitals all across the country. You know, we voted in this Congress to send our young men and women into war. The least we can do is to make sure that the necessary funding is there to take care of them when they return, and the Democratic budget does that.

Let me also say for the record, Mr. Speaker, that notwithstanding all of the flowery language that we've heard from the other side, it is important to remember that in the last 6 years poverty has gotten worse in America. There are more people today than 6 years ago that need to rely on food stamps and other government programs just to get by.

So these fiscal policies that have resulted in skyrocketing debt, that have resulted in foreign countries like China purchasing our debt, I don't know how that serves our national interest, have not produced this incredible economic boom that we're hearing today. And I would encourage my colleagues to look at the statistics, to look at the facts, to talk to some of the people who have gone from being in the middle class, who have now fallen below the poverty line. There are far too many people that have done that, and what we are trying to do is to make sure that there is opportunity for everyone.

At this point, Mr. Speaker, I would like to yield 5 minutes to the distinguished chairman of the Budget Committee, Mr. SPRATT.

Mr. SPRATT. I would say to my friend, the gentleman from Wisconsin, and I mean that compliment, I return the compliment, that I nevertheless vigorously disagree with some of the points you just made.

Facts are stubborn things, and the fact of the matter is that during the Clinton years, on average 237,000 jobs were created every month over an 8-year period of time. The Bush record is half that amount, if that. During the past month, you're leading with your left making that point at this point in time because during the past month job growth was just 88,000 jobs.

Secondly, with respect to Medicare, we know that Medicare has to be dealt with, but you know as well as I that this is not the forum. We need a much bigger group. We need the administration involved in the process. It is a very difficult undertaking to make the systemic changes that are necessary. And before we commence those negotiations, we need to do what President Clinton required in 1997, everybody needs to put some ante on the table. Everybody's got to have some skin in this game to be a player in this process of trying to diminish the cost of the health care entitlements to the United States. It has to be done, but this is not the correct forum for doing it.

The gentleman's budget resolution, I believe, cuts Medicare by $250 billion.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. No. It increased Medicare spending. It just didn't increase it as fast as it is projected to grow at this time.

Mr. SPRATT. Well, the President's budget cut Medicare by $252 billion over a 10-year period of time and cut Medicaid by 50 to $60 billion over the same 10-year period of time.

Mr. RYAN of Wisconsin. Will the gentleman yield for a question?

Mr. SPRATT. Those numbers are correct, are they not?

Mr. RYAN of Wisconsin. The President's numbers on the 10-year? I think they are probably correct; I have no reason to dispute them. But remember, Medicare spending goes up every year and thereon after under either of these budgets.

Mr. SPRATT. Well, I can only surmise what happened to your budget resolution. One reason it didn't muster, besides the fact that you lost 40 votes, as you recall, is I am sure there are certain Republicans on your side of the aisle who did not want to vote for those massive cuts emasculating Medicare and Medicaid.

Mr. RYAN of Wisconsin. The question I have for the chairman is, if we're not going to fix these entitlements in the budget, then where are we going to fix them? If we don't put it in the Federal budget, then how do you get it done? If you don't have reconciliation protection to do entitlement reform, then when are you ever going to do it?

The 1997 bill that President Clinton passed through on a bipartisan basis was reconciliation.

Mr. SPRATT. If I could reclaim my time, it takes a bigger forum than the Budget Committee provides. It takes more participants than just the Congress. Everybody has got to be a player in this game to make it happen in a significant way because it has got to involve, as you and I know, systemic change. No question about it.

And, finally, PAYGO. We are proud of the fact that we adopted the PAYGO rule in 1991, and it contributed significantly to the fact that over a period of 8 years during the Clinton administration the bottom line of the budget got better every year for 8 straight years to the point where we had a surplus of $236 billion under the Clinton administration resulting in part from the Balanced Budget Act of 1993 and 1997. $236 billion we handed over to President Bush. By the year 2004, between 2001 and 2004, we went from a surplus of $236 billion to a deficit of $412 billion. That happened on your watch. The Republicans controlled the House, they controlled the Senate, they controlled the White House. There is no way you can escape responsibility for what happened in those circumstances.

Mr. RYAN of Wisconsin. Will the chairman yield for an additional question?

Mr. SPRATT. I yield to the gentleman.

Mr. RYAN of Wisconsin. Why doesn't the gentleman's PAYGO apply to discretionary spending? Why doesn't the gentleman's PAYGO apply to current Federal spending?

Mr. SPRATT. PAYGO is never applied to discretionary spending. It would be very difficult at this time to do it when every year we have an end run around discretionary budget with the President's supplementals for Iraq and Afghanistan. It would be very difficult to cap discretionary.

Your party, on its watch, allowed PAYGO discretionary spending caps, all of those constraints in 1990, to expire and did not renew them. The main reason you didn't was you knew if we had a double-edge PAYGO applicable to tax cuts as well as mandatory increases, you would be unable to pass additional tax cuts as part of your agenda.

Mr. RYAN of Wisconsin. May I make an entreaty to the chairman?

Mr. SPRATT. Yes, sir.

Mr. RYAN of Wisconsin. I would love to work on a bipartisan basis to put discretionary caps in place. I would be delighted to work with the chairman of the Budget Committee to put discretionary spending caps in place. Is that something that you would be willing to work with us on?

Mr. SPRATT. We'll talk about it. If we've got a forum, the Budget Committee, once we've got this budget resolution behind us, and that is the order of the day, there are lots of things along those lines that we can explore, and we will.

Let me conclude by saying everybody should vote for this budget resolution if they want to see an orderly, fiscally responsible, disciplined process in the next fiscal year.

Mr. SESSIONS. Mr. Speaker, I would like to take just a second and highlight the admiration that this House has for the two gentlemen who have just been speaking. The gentleman, Mr. SPRATT, and the gentleman, Mr. RYAN, have conducted themselves despite tough differences, and I applaud both of them, in particular my good friend from South Carolina (Mr. SPRATT) for the conduct that he has on this floor.

Now back to the real issues.

Mr. Speaker, the bottom line is the Republican minority is here on the floor of the House today opposing this bill. We are opposing this resolution because we do not believe that this properly talks about the future of this country for entitlement spending, raising taxes and not being responsible for the future opportunity for America to compete.

So we, once again, continue our opposition to the process that is happening today, as well as the underlying legislation.

At this time, Mr. Speaker, I would like to yield 5 minutes to the gentleman from the Fifth Congressional District of Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to this rule and to this underlying resolution.

I have listened to my chairman carefully, the gentleman from South Carolina, and I wish to add my respect along with that of the gentleman, ranking member from Wisconsin. He conducts our committee in a very fair-minded manner, and I appreciate and respect him for that. And I take him at his word when he says that he believes that he is putting forth on this floor a fiscally responsible budget. But, Mr. Speaker, there is a distinct difference in our philosophies. How you look the American people in the eye and impose upon them the single largest tax increase in American history and call that fiscally responsible is simply beyond me. Our chairman has a different definition.

Now, I believe that what we need to do is try to help protect the family budget from the Federal budget. Already, Mr. Speaker, we are awash in Federal tax revenues. And we've heard the gentleman from South Carolina and many other people from this side of the aisle extol the virtues of their balanced budget. Okay. If they have a balanced budget, did they cut spending to get there? No. There is only one other option, and that is that they increase taxes.

And don't take my word for it, Mr. Speaker. Go, for example, to the Washington Post, not exactly a bastion of conservative thought in our Nation. They have said that the only way the Democrat budget will achieve balance is they assume the tax relief goes away, and thus it imposes the single largest tax increase in American history.

Now, I have heard our chairman and other people from this side of the aisle, different colleagues get up and say, well, we're not really raising taxes on the American people, we're just letting the tax relief expire.

□ 1645

But if you make the same paycheck last year that you made this year and your tax bill is higher, that is going to be a distinction that is lost on the American people.

Is it letting tax relief expire if it is a tax increase? I have to tell you, if the people in the Fifth Congressional District of Texas have to pay a larger tax bill, they call it a tax increase, and the sooner that we in this body recognize that fact, the better off America will be. Under the Democrat's budget resolution, the average family, the average family in Texas will have a $2,700 a year tax increased phased in over 5 years.

Something else we need to remember, Mr. Speaker, is that every time you are taking money away from the American family to plus-up some Federal budget category, you are having to subtract from some family budget category; $2,700 a year is a lot of money to Texas families. How many families can no longer send a child to college because of the single largest tax increase in American history that the Democrats are trying to impose upon us? How many American families will not be able to find their American dream, to put together their savings and invest in that first small business because the Democrats are imposing the single largest tax increase in American history? How many families will no longer be able to afford their healthcare premiums because the Democrats are imposing the single largest tax increase in American history? $2,700 a year.

First, the working poor under this plan would have their taxes increased 50 percent, from the 10 percent bracket to the 15 percent bracket. The child tax credit would be cut in half. The death tax would come up to where Uncle Sam could take as much as 55 percent of your estate.

Mr. Speaker, as bad as this budget is for what it does, it is even worse for what it doesn't do, because I know the chairman presided over the hearings that I attended with the Federal Reserve Chairman, with the head of OMB, with the Secretary of the Treasury, with CBO, who all said the same thing: The single largest fiscal challenge in this Nation is out of control entitlement spending, and this budget is stone-cold silent on that number one challenge.

As bad as the tax imposition is going to be on this generation, if we don't act, if we kick the can down the road, if we avoid leadership, the next generation will see their taxes double. There is nothing fiscally responsible about doubling taxes on the next generation, nothing fiscally responsible about taking their dreams away.

Mr. Speaker, we must defeat this rule and defeat this budget. Again, Mr. Speaker, I don't understand why you would avoid dealing with the number one fiscal challenge in the Nation.

I know the chairman, the gentleman from South Carolina, said this isn't the place to do it. Well, I will ask a question that was asked by a very famous President: If not us, who? If not now, when?

I am curious as to what advantage we have by somehow kicking this can down the road to some other body or to some other bill or to some other institution. At least in the last two Republican Congresses, we had two budgets in a row from the House, from the House, that actually made steps toward reforming entitlement spending.

Now, it is a huge challenge, I admit, but every year we avoid it. In Social Security alone, we run up an extra $400 billion of debt, of unfunded obligations to pass on to the next generation. And yet the Democrats turn their back on this once again. That is another reason to defeat this.

Mr. McGOVERN. Mr. Speaker, let me just repeat for the record that section 401 of the budget resolution commits the budget to support the middle-class income tax cuts passed in 2001 and 2003, including the child tax credit, marriage penalty relief, the 10 percent individual income tax bracket, estate tax reform, research and development tax credit, and the deduction of State and local sales taxes.

Section 203 of the budget resolution clearly provides a reserve fund for the extension of those tax cuts so long as the legislation complies with the House pay-as-you-go rule.

I would simply say to my colleagues that under their watch, that many middle-class taxpayers actually saw their taxes go up, because when the Federal Government cut essential programs to States and cities and towns, people saw their property taxes go through the roof.

I think one can make an argument that people are paying far too high gas prices right now because of the years that were squandered under the Republican leadership, emboldened to the oil industry and refusing to invest adequately in alternative sources of energy.

Mr. Speaker, I would simply say that this is a good budget, and I would urge my colleagues on both sides of the aisle to support the rule and support the budget.

Mr. Speaker, if I could inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Massachusetts has 7½ minutes remaining. The gentleman from Texas has 1 minute remaining.

Mr. McGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, we are opposed to this bill. The first thing this is going to do is provide for higher taxes, $392 billion worth of new taxes between now and 2012. Secondly, this budget outspends inflation. It outspends inflation moving forward that will increase higher than the average of 2.4 percent. It is reckless entitlement spending increases. It is either empty promises or tax increases that they have.

Mr. Speaker, lastly, it is very obvious that there is no entitlement reform that will take place. They had a 5-year budget to do it. They had 5 years to look out and say, we are going to match our Republican colleagues. It is now our chance, because the Republicans tried and got no support from the Democrats for the last 12 years to make sure we could do entitlement reform. Now it is their turn. Nothing. Nada. They are ignoring the future. This is a bad precedent.

We know that the Democratic party is about taxing and spending. It is obvious. It is there today. We will let them vote for the tax increases. We will continue on the Republican side to make sure that we are for growing the economy and cutting taxes.

Mr. Speaker, I yield back the balance of my time.

Mr. McGOVERN. Mr. Speaker, in closing, let me just say that I think there is a reason why the Republicans lost the last election, and that is that the people of this country were fed up with their priorities. They were tired of budget resolution after budget resolution that shortchanged our veterans, that shortchanged our schools, that shortchanged our environment, that shortchanged our senior citizens, that shortchanged health care.

As I pointed out earlier, Mr. Speaker, there are more people in poverty today than 6 years ago. There are more people who are food insecure today than 6 years ago. That is not a record of accomplishment that I would want to brag about on the House floor.

The budget that Mr. SPRATT has brought before us achieves key objectives in six areas. It is fiscal responsibility, defending our Nation, putting our children and families first, growing our economy, preserving our planet, and promoting an accountable and efficient government.

Mr. Speaker, we have inherited this incredible budget deficit and this debt from the previous majority. It is not easy to try to clean up this mess, but that is what the underlying budget before us tries to do.

I would urge all my colleagues to vote for it. It is the right thing to do.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

HOMELESS VETERANS HOUSING AT SEPULVEDA AMBULATORY CARE CENTER PROMOTION ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1642) to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a sober living facility for veterans only, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Veterans Housing at Sepulveda Ambulatory Care Center Promotion Act".

SEC. 2. ENHANCED USE LEASE FOR SEPULVEDA AMBULATORY CARE CENTER, DEPARTMENT OF VETERANS AFFAIRS.

(a) REQUIREMENTS FOR LEASE.—The Secretary of Veterans Affairs may enter into an enhanced-use lease under section 8162 of title 38, United States Code, at the Department facility known as the Sepulveda Ambulatory Care Center (in this Act referred to as the "Center"), for a homeless housing project, only to the extent, subject to the exceptions provided in subsection (d), that any such lease contains legally enforceable provisions that the tenant under the lease shall comply with the following terms and conditions:

(1) That the housing project located at the Center shall provide housing exclusively for veterans, as defined in section 101 of title 38, United States Code.

(2) That such housing project shall be maintained, for the duration of the lease, as a sober living facility.

(3) That the housing project shall be adequately staffed with health care, counseling, and security personnel, taking into account the ratio of such staff to residents, in order to protect residents of the housing project and of the community, and that the minimum staffing ratios shall be specified in an enforceable provision of the lease.

(4) That the housing project shall provide housing to not fewer than 150 and not more than 225 residents.

(b) CONSIDERATION OF QUALIFIED ORGANIZATIONS.—The Secretary shall consider proposals for the enhanced-use lease under subsection (a) from all organizations determined by the Secretary to be qualified, and which are capable and willing to comply with the terms and conditions described in paragraphs (1), (2), (3), and (4) of subsection (a).

(c) SELECTION OF ORGANIZATION.—In the event that there are more than one qualified organizations described in subsection (b) which submit a proposal, the Secretary shall enter into the enhanced-use lease under subsection (a) with the organization that the Secretary determines shall offer the best treatment services, security staffing, and supervision with respect to residents of the housing project. The Secretary shall give preference to entering into such a lease with a qualified organization which has the most experience nationwide in providing housing and treatment for homeless veterans.

(d) EXCEPTIONS.—If the Secretary, after a diligent search, is unable to enter into an enhanced-use lease with a qualified organization containing all of the terms and conditions specified in subsection (a) on or before a date that is 12 months after the date of the enactment of this Act, the Secretary—

(1) may enter into such a lease with a qualified organization providing that the housing project shall be exclusively for veterans during the duration of the lease, with preference given to an organization which housing project shall provide housing to the highest number of residents not exceeding 225; and

(2) if, after a diligent search, the Secretary is unable to enter into such a lease with a qualified organization that provides that the housing project shall be exclusively for veterans during the duration of the lease, may enter into such a lease with an organization providing that not less than 80 percent of the residents of the housing project shall be veterans throughout the duration of the lease.

The SPEAKER pro tempore (Mr. BAIRD). Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2642. We all know that homelessness among veterans is a pervasive problem. Estimates are that there are 20,000 to 30,000 homeless veterans in the Los Angeles area alone and more than 200,000 probably on the streets of our entire Nation. Many of these homeless veterans also have substance abuse problems.

My colleague and friend, Congressman BRAD SHERMAN, has worked with veterans in the San Fernando Valley community to mobilize community support for veterans-only housing, a project that will use two buildings at the VA Sepulveda complex to provide housing and supportive services for homeless veterans with substance abuse problems.

The bill before you will ensure that the Sepulveda veterans facilities and resources are used for veterans only. It also provides that all qualified housing organizations receive the opportunity to compete for the homeless veterans housing project at Sepulveda. Most importantly, this bill directs the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced use lease for a homeless housing project at Sepulveda shall be maintained as a sober living facility for veterans only with adequate staffing and security.

Additionally, this bill will ensure that all qualified housing organizations receive the opportunity to present competing proposals to the VA for a homeless veterans project at the Sepulveda Ambulatory Care Center in North Hills, California.

Mr. Speaker, two worthy and good nonprofit organizations, New Directions, Incorporated, and their partner, A Community of Friends, made a proposal to local VA administrators and local elected officials and community representatives to enter into this lease with the VA for a veterans-only housing project for recovering substance abusers that would in fact be alcohol-free and would have adequate staffing and security. All the parties that were brought together by Mr. SHERMAN agreed to these commitments.

But just last summer, the nonprofits abandoned that proposal and sought enhanced-use lease to deliver a project that was substantially different than what everyone had agreed to earlier. They took these steps after discovering additional funding sources through Housing and Urban Development that it believes might be available for this project if it opens these facilities to residency by non-veterans and allows the use of alcohol.

Mr. Speaker, how can you begin to help homeless veterans who are trying to get their lives together, trying to recover from addictions to drugs and alcohol, but putting them in a facility that allows the very thing from which they are trying to recover? It does not make any sense.

This bill does not stop the Secretary of the VA from entering into a lease, but it does ensure that the Secretary conduct a diligent search to find a qualified organization with the experience, efficiency and funding sources to deliver a veterans-only, sober living facility and to enter into a lease with the organization best suited to deliver the projects.

Mr. Speaker, I urge my colleagues to support passage of H.R. 1642. I also ask for their continued support for our Nation's veterans. This bill is the least we can do to help ensure our homeless and recovering veterans have an environment that allows them to reach their goal, clean and sober.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I do not oppose H.R. 1642, the Homeless Housing at Sepulveda Ambulatory Care Center Promotion Act, I do have some concerns about the bill.

This legislation would require that the enhanced-use lease for a homeless veterans housing project at the Sepulveda VA Outpatient Clinic provide sober-living housing exclusively for veterans. The bill also mandates that the housing project be adequately staffed and provide for not fewer than 150, nor more than 250, residents.

At first glance, this sounds like a reasonable requirement. In fact, it is my understanding that the original lease proposal by New Directions, which received the support of the local community leaders, contained a veterans-only facility with a sober-living campus. However, when New Directions sought additional funding through the Housing and Urban Development Agency, HUD, due to Federal HUD's governance requirements, they could no longer stipulate in the contract that the facility would be a veterans-only "with no alcohol on the premises" facility.

New Directions is a residential substance abuse and mental health treatment program created by a Vietnam veteran and former homeless veteran John Keaveney. Since 1991, New Directions has been working in conjunction with other service providers and the Department of Veterans Affairs to help assist homeless veterans. In 1994, New Directions became the first social services agency in the country to provide temporary housing and services to homeless female veterans as well as family members of veterans.

To address these issues, Secretary of Veterans Affairs, James Nicholson, on March 8, 2007, sent a letter to the New Directions administration that would operate the housing under a dry-housing model whereby the residents would agree not to use alcohol or intoxicating drugs. With more than 20,000 homeless veterans in that area, it was anticipated that all of the beds could be filled entirely with veterans.

Mr. Speaker, here is my concern: the Congressional Budget Office in their April 30, 2007 cost estimate for this bill stated: "VA is currently in the process of finalizing an enhanced-use lease for the Sepulveda facility with a nonprofit organization, New Directions. However, New Directions cannot reach the specified conditions in this bill. Based on information from VA, CBO expects that under the bill, the Department would be required to break off arrangements with New Directions and search for qualified organizations, a process that could take a few years."

New Directions has agreed to operate under a dry-housing model, and there is certainly a sufficiently large veterans homeless population in the area to virtually guarantee that the facility will be occupied entirely with veterans. Yet my colleagues wish to impose this legislation which would significantly delay the project.

Mr. Speaker, I understand why the local community would want this legislation. However, H.R. 1642 does not address what happens to the hundreds of homeless veterans in the north Los Angeles area who would have been helped by this facility while they wait several years for the VA to begin this process to enter into a new lease.

With the passage of this legislation, are these homeless veterans still on the street waiting for a lease with better terms? That's the question that the American public deserves an answer to.

I would hope that this body can be offered some assurances that temporary provision will be made for the many homeless veterans during this hopefully brief period of delay while a new lease is negotiated. Then, Mr. Speaker, I would be more comfortable in supporting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I appreciate the concerns that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) raised. I think the concern should be directed to the VA Secretary who, if he had asked for a competition on proposals, wouldn't be negotiating with just one group.

I personally have talked to groups that say they would offer proposals which would guarantee all veterans and would guarantee sober living, and we are convinced it would not take 2 years, but could be done rather quickly.

I think Congressman SHERMAN can answer with much greater expertise and I would yield to him such time as he may consume.

Mr. SHERMAN. Mr. Speaker, I would like to thank the House for taking the time and focusing on an issue that is relevant to just one district, namely mine, a facility that is in my district.

I would like to thank the chairman of the committee for coming out to my district and for meeting with veterans and for meeting with those who run the VA in our area and for understanding this issue so well: and for meeting with the one developer who opposes this bill.

And I want to thank the gentlelady from Florida for taking her time to study an issue that after all just relates to one district and one facility.

Now, let me tell you why we are here. It is a story that I can relate briefly.

A developer came to our community and said they would like to provide housing for 150 homeless veterans with substance abuse problems in our suburban neighborhood. You can imagine in some communities those who believe in NIMBY-ism, "not in my backyard," would have said, oh, take care of veterans, but not here. I am proud of my community.

I had countless meetings. Yes, there were a few naysayers. But finally after many meetings, the community was clear, we want to help this project. We want to help veterans, particularly those that are homeless and suffering from substance abuse problems. We as community organizations want to volunteer, our veterans organizations want to send people, our employers want to provide jobs, all so homeless veterans can get the help they need not only with housing but with substance abuse problems.

What we got in return was a clear statement of three principles: that the facility would be for veterans only; that there would be adequate staffing ratios set forth in the lease so that as long as the lease would run, we would know that it was adequately staffed; and, finally, that the facility be clean and sober because it was designed for homeless veterans with substance abuse problems. We wanted to provide the special environment these veterans need to recover.

And we assumed that once we as a community urged the VA to go forward with a program, they would open it up to a variety of organizations and say we've got two empty buildings right here in the City of Los Angeles in the North Hills community; come and give us your proposals. Instead, something else happened.

First, for reasons I do not understand, the VA decided to spend a lot of time just focused on one developer. Second, that developer, who had promised our community, and these promises were reduced to writing, that the program would have guaranteed staffing ratios, decided to back out of that promise, decided that they would rather not have to provide any particular level of funding.

They had come to us and said the program would be veterans only and would be alcohol free. But then they discovered that certain sources of funds would be available to them only if it was for general public housing; and that in order to get certain sources of funding from HUD, they would have to open it up to non-veterans and they would have to allow alcohol because in a general housing facility open to all types of homeless people, you don't turn to every homeless person and say, We will give you a roof, but you can't have a beer.

So they had to change the proposal from a design to treat homeless veterans' abuse problems in the best way possible, to one that was a general proposal. And VA headquarters decided they had already had so many discussions, it was easier for them, they wanted their statistics to look good, they wanted to cut the ribbon on a facility, that they would just go down the road and provide a 75-year, rent-free lease on valuable land in valuable buildings in the City of Los Angeles to this developer, allow non-veterans, allow alcohol use, not require any staffing ratios.

Now, what does my bill provide? It says to the VA: have an open process; allow the Salvation Army to submit a proposal; allow U.S. Vets to submit a proposal; allow the groups that met with the chairman in my district to submit proposals; and do your best to get a facility that is veterans only; that has adequate staffing ratios guaranteed; and that provides the alcohol-free therapeutic environment these veterans need. Do it in less than a year, says the bill. And if for some reason you can't find some qualified organization to submit a qualified proposal, then go forward. Do your best for veterans, but go forward, because we don't want to delay the use of these buildings to provide care for veterans for any significant amount of time.

I am confident that if the VA opens its process that these groups who have met with me and who have met with the chairman will come forward.

Now, I have recently seen a letter that is issued by the one organization that does not want an open process. They would rather just go ahead and sign a lease. Keep in mind the four issues: staffing; alcohol prohibited; veterans only; competitive bidding.

This comprehensive and long-letter response doesn't deal with the staffing issues because there is no reason to sign a 75-year, no-rent lease without the VA at least putting in there you will have so much staff. This long response does not deal with the issue of alcohol use because there is no reason that an organization that wants to help homeless veterans with substance abuse problems would allow alcohol except for the reason that that opens up funding sources that they otherwise don't have.

Instead, they focus on two other issues. The first is they say legal counsel has advised us that restricting the project to veterans only would expose us to legal liability. That is their phony argument for not having it veterans-only. Why is it phony? I used to be a lawyer. I could have advised any client who paid me that they would face legal liability if they scratched their nose. The fact is while anybody can get sued for anything, any activity, including breathing, can subject you to theoretical legal liability, all over this country we have veterans-only housing. We have a dozen projects in L.A. County alone.

And while you can always find a lawyer to say something could subject you to possible legal liability, none of these hundreds of veterans-only housing facilities has been sued.

What is the real reason? They say we have located funding sources that will not allow veterans only. That happens to be true. The Salvation Army and U.S. Vets, I am convinced and they are convinced, can find the funding sources that will allow for veterans-only projects. But this New Directions group has found only the wrong funding sources.

It is true there are many properly funded veterans-only clean and sober housing facilities across this country, but it is harder to do that kind of project than to do a project that can accept funding from those sources dedicated to general public use.

This may be an issue we in Congress want to look at. We may want to make it easier to have veterans housing in this country, to allow veterans-only projects that are alcohol-free to compete for the HUD money from particular programs, but that is a national issue. The local issue is that many organizations can do it right and can get their funding from sources that want to fund veterans-only clean and sober facilities.

Now this organization has given me an oral promise that at least initially they will only have veterans living there; but it is a 75-year, rent free, no-competitive bidding contract; and we will have no assurance that within years this project will not include both veterans and non-veterans.

This is of such importance to veterans of L.A. County because there is valuable land owned by the VA in my district, and even more valuable in an adjoining district, and every group with a good cause comes and says, Let us use this land for a non-veterans project. Sell this land and give us the money and we will help people somewhere.

But the veterans of L.A. County are very clear.

□ 1715

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, will the gentleman yield?

Mr. SHERMAN. I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, first of all, I want to commend you for working with the community to establish a homeless shelter. Having been a county commissioner, I know how heated those public hearings can be when people think that there is going to be a homeless shelter anywhere in the county, let alone anywhere near their particular residence or business.

Having a homeless shelter for veterans only is a very, very laudable goal, and there is a camaraderie there that I understand where you are going with that.

My question is, do you have any idea how long it would take to go out to competitive bid? And also, as you know and when you were practicing law you may have participated in this, the unsuccessful bidders very often can drag it on ad nauseam because they did not get the bid. Do you have any estimate of how long this process would take, because I think our goals are mutual of having a facility there for veterans?

Mr. SHERMAN. I am convinced the goal could be done in months. The bill does not provide for a super technical process. It simply says invite other groups under this bill to provide competitive bids, and it provides an absolute limit of 1 year. So this is a short-term process.

We already have other groups thinking about making proposals. They are reluctant to make proposals until they are asked for it.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for the response.

Mr. SHERMAN. So what this bill does is it opens the process to competitive proposals. It allows other groups like U.S. Vets and the Salvation Army to submit proposals. It urges the VA to try to create what we always wanted to create—veterans-only, staffing ratios, alcohol-free, and it gives them 1 year to do this. I hope they will act much, much more quickly, and I will push those other groups to submit their proposals very quickly.

Speaking of quickly, I should end this speech quickly.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I thank the gentlewoman, and like her, I commend the gentleman from California for his tireless work on an issue that rarely gets community support, and I am convinced, as he said I visited the area, that we will have an up-and-running homeless program for veterans with substance abuse in a very short time. It is a place where the VA is using its facilities, and it is a great opportunity for anybody who wants to help this issue.

So I thank the gentleman and I thank the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1642, the "Homeless Veterans Housing at Sepulveda Ambulatory Care Center Promotion Act."

America's veterans have risked their lives for their country. They deserve the best treatment and support that we can offer them. Despite this, homelessness remains a pervasive problem among veterans, with many homeless veterans also fighting substance abuse problems. It is our responsibility, as our Nation's leaders, to work to ensure they receive the assistance they need.

This bill is an important step toward that goal. The Sepulveda Ambulatory Care Center, located in Los Angeles' San Fernando Valley, exists to provide care to veterans. It is currently the major outpatient facility for the 1.4 million veterans living in northern Los Angeles. The Center falls under the purview of the Department of Veterans Affairs, and includes education and research facilities, in addition to comprehensive ambulatory care. This facility serves a vital role for the region's veterans.

This bill would direct the Secretary of Veterans Affairs to maintain a homeless housing project at the Sepulveda Center as a sober living facility for veterans only. H.R. 1642 also requires that this housing project be provided with adequate staffing and security.

This legislation is a necessary step in ensuring that our veterans receive the support that they need. I strongly support this resolution, and I urge my colleagues to do the same.

Mr. FILNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BAIRD). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1642.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING THE MICHIGAN STATE UNIVERSITY SPARTANS FOR THEIR VICTORY IN THE 2007 NCAA HOCKEY CHAMPIONSHIP

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 325) commending the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 325

Whereas Michigan State University is one of the premier academic institutions in the nation;

Whereas on April 9, 2007, the Michigan State University Spartans won their first National Collegiate Athletic Association Hockey Championship in 21 years;

Whereas the members of the Michigan State University 2007 hockey team include Jeff Lerg, Chris Snavely, Ethan Graham, Brandon Gentile, Brandon Warner, Justin Abdelkader, Tim Kennedy, Bryan Lerg, Ryan Turek, Zak McClellan, Jeff Dunne, Tyler Howells, Jay Sprague, Chris Mueller, Chris Lawrence, Nick Sucharski, Matt Schepke, Jim McKenzie, Kurt Kivisto, Daniel Sturges, Daniel Vukovic, Steve Mnich, Bobby Jarosz, Tim Crowder, Justin Johnston, and Michael Ratchuk;

Whereas Head Coach Rick Comley and Assistant Coaches Tom Newton, Brian Renfrew, and Rob Woodward are to be commended for outstanding coaching throughout the 2007 season;

Whereas the Spartans won the championship game by coming from behind to score 3 goals in a stunning third-period upset;

Whereas the Spartans succeeded not only because of the skills of talented individual players but because those players worked so well together as a team;

Whereas in the championship game, the Spartans beat Boston College, a team that had won 13 straight games, featured 12 National Hockey League draft picks, and had played in the 2006 NCAA championship game as well;

Whereas Spartan head coach Rick Comley has now won 3 national hockey championships (one with the NAIA and 2 with the NCAA) with 3 different Michigan universities: Lake Superior State University, Northern Michigan University, and Michigan State University;

Whereas when the Spartans last won a national hockey championship, they were coached by Ron Mason, who continues to serve Michigan State University as the school's Athletic Director and who in fact hired Coach Comley as his replacement;

Whereas Michigan State University and the East Lansing community honored the Spartans upon their return in a manner befitting of champions; and

Whereas Michigan State University students, faculty, alumni, and all Michigan State fans are deeply committed to bringing pride to Michigan State University and to the entire state of Michigan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Michigan State University Spartans for their victory in the 2007 NCAA Hockey Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped Michigan State University win the championship; and

(3) directs the Clerk of the House of Representatives to transmit a copy of this resolution to Michigan State University President Lou Anna Simon, hockey Head Coach Rick Comley, and Athletic Director Ron Mason for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, on April 7 in St. Louis, Missouri, the Michigan State Spartans beat the Boston College Eagles 3–1 to win the 2007 NCAA Hockey Championship, affectionately known annually as the Frozen Four.

The win gave the Michigan State hockey team their first championship in 21 years, and Spartan forward Justin Abdelkader rang it off the post and scored with 18.9 seconds to snap a 1-1 tie and bring home the championship for Michigan State.

They scored three goals in the final 10 minutes of the game, and Spartan goalie Jeff Lerg was spectacular, making 29 saves and allowing only one goal.

The Spartans won the hearts of underdogs everywhere. Their win capped an improbable four-game run by the third-seeded Michigan State team, who few considered to be championship contenders. In fact, the Spartans are only the second number three seed to make it to the championship game and the first in history to win it.

Justin Abdelkader was the 2007 Men's Frozen Four MVP, and the championship is Head Coach Rich Comley's second. He also won as head coach of Northern Michigan in 1991. He is one of only three coaches to have won titles with two different teams.

This is the second straight year that Boston College has lost in the championship game, and I did want to take a moment to highlight their achievements.

Last year, they lost in the finals to the Wisconsin Badgers, but prior to this year's championship, they had won 13 consecutive games, piling up a 29-11-2 record. They had multiple All-American candidates and two players who received All New England honors.

I want to extend my congratulations to the Spartan's head coach Rick Comley, Assistant Coaches Tom Newton, Brian Renfrew and Rob Woodward. I also want to recognize Michigan State University Athletic Director Ron Mason, President Lou Anna Simon and, most importantly, the Spartan players for their amazing season.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. ROGERS), and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROGERS of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

I thank the gentleman from Pennsylvania. I also want to thank Bart Stupak from Michigan for working with us on this resolution.

I am proud to represent Michigan State University in the great State of Michigan. It is truly an extraordinary school with a proud history of world-class academics and championship athletics. Known for its quality in faculty, its research, it is certainly one of the finer universities, a proud tradition in land grant institutions in this great State who is now headed by President Lou Anna Simon, who has done a tremendous job at the university in so many areas.

But last month we got to witness Michigan State's winning tradition once again, this time on the biggest stage in college hockey.

On April 7, the MSU hockey team won the Division I NCAA National Championship. The Spartans defeated Boston College by a score of 3–1, as we all know, and the winning goal came with only 18.9 seconds left in the game. It's no fun unless you make it close. Well, our Spartans certainly got our heart rates up that particular day.

It was a hard-fought game against a top-ranked opponent, but as many of you know, the Spartans' specialty is winning. They came out on top.

The Spartans scored three goals in the third period to spur a dramatic, comeback-from-behind victory. Justin Abdelkader scored the game-winning goal and was named MVP of the NCAA Frozen Four tournament. Chris Mueller put the game out of reach with an empty-net goal with just 1.2 seconds left on the clock. Goalie Jeff Lerg made 29 saves, as the gentleman from Pennsylvania discussed earlier.

Upon their return to East Lansing, showing the school spirit, certainly the community's support, there were over 4,500 fans turned out for a parade and a rally at Munn Ice Arena on the campus of Michigan State University.

Prior to the championship game, the MSU hockey squad burned through the NCAA Frozen Four tournament. The Spartans defeated Boston University, Notre Dame, University of Maine to reach that championship game.

In the tournament, the Spartans played top-notch defense against the Nation's best teams. They were 17 for 18 on penalty kills. Jeff Lerg made 104 saves and allowed only five goals in the tournament.

Let me tell you a little bit more about this historic championship season. The Spartans won the national championship for the third time in school history, the first since 1986 when current Athletic Director Ron Mason coached the team. Michigan State's Rick Comley, in his fifth year as head coach, won his first national title with Michigan State and the second national title as head coach. The Spartans compiled a 23-13-3 record and won the national championship as a number three seed in a field of 16 tournament.

There are many reasons to be proud of this Spartan team, and there are many reasons Michigan State fans are so proud of their hockey team and their university.

Michigan State remains the all-time winningest program in the history of the Central Collegiate Hockey Association. Former Head Coach Ron Mason has 924 victories, making him the all-time winningest coach in NCAA history. Current Head Coach Rick Comley has 714 wins, ranking fifth of all time.

I am proud to be a Spartan and represent that fine Michigan State University, and on behalf of myself, the entire Michigan delegation, BART STUPAK for his special assistance, I would like to congratulate our head coach, Rick Comley; his hardworking staff and assistants; and the best hockey players on the ice, the Michigan State Spartans; and certainly their fans.

Go Green.

Mr. Speaker, I yield back my time.

Mr. ALTMIRE. I thank the gentleman from Michigan. I know there is no greater Michigan State fan in this body than him and how thrilled he was when they brought home that title. So congratulations to him.

This bill was sponsored by Congressman STUPAK from Michigan, and he apologizes for not being able to be here. We had a change in the schedule due to the budget discussion that we had that went on for an hour or so. He wanted me to point out specifically how happy he was for Head Coach Comley, whom he has known for his years at Northern Michigan where he won his first championship.

Mr. Speaker, I have no other speakers, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 325, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING THE CONTRIBUTIONS OF THE ROCKY MOUNTAIN SENIOR GAMES ON ITS 30TH ANNIVERSARY

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 290) honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 290

Whereas in 1978 the Colorado Senior Sports Development Council (CSSDC) began hosting athletic competitions for individuals 50 years of age and older;

Whereas the city of Greeley, Colorado, worked with CSSDC to bring this popular athletic competition and social opportunity to the Rocky Mountain region;

Whereas the Rocky Mountain Senior Games originated as a 1-day event featuring swimming, basketball, and track and field;

Whereas the Rocky Mountain Senior Games now features a variety of sports and recreational activities during the week-long competition, including archery, badminton, basketball, billiards, bowling, cycling, golf, horseshoes, dancing, pickleball, race walking, racquetball, running, shuffleboard, swimming, table tennis, tennis, track and field, triathlon, trap and skeet shooting, and weight lifting;

Whereas the Rocky Mountain Senior Games encourages athletes of all abilities to participate in the competition by creating age categories with 5-year increments;

Whereas the competition is also divided into male and female divisions, as well as mixed divisions in several doubles events;

Whereas athletes who qualify at the State level are eligible to compete at the biennial National Senior Games;

Whereas Colorado is always well represented at the National Senior Games by athletes who pay their own expenses to attend and compete, such as the 640 Colorado athletes who have already qualified for the 2007 National Senior Games in Louisville, Kentucky;

Whereas participants in the Rocky Mountain Senior Games experience the friendly fellowship, comraderie, and exhiliration of competition, as well as the enjoyment of associatied social events;

Whereas participants in the Rocky Mountain Senior Games experience highly beneficial effects on both their physical and mental health, leading to the ultimate goal of the Games of promoting "Fitness as a Lifestyle";

Whereas volunteers and event coordinators of all ages make the week's events possible; and

Whereas the 30th annual Rocky Mountain Senior Games will be held from June 6–10, 2007: Now, therefore, be it

Resolved, That the House of Representatives honors the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for 30 years the Rocky Mountain Senior Games has offered athletic competition and social opportunities to men and women, age 50 and older. Athletes of all abilities are encouraged to participate in over 30 athletic and social events. Competition is divided into male and female divisions, as well as mixed competition and by age groups. The purpose of the Rocky Mountain Senior Games is to motivate women and men over the age of 50 to pursue and maintain a healthy lifestyle.

In 2006, the Rocky Mountain Senior Games hosted 1,035 participants from 17 States across the country. The Rocky Mountain Senior Games offers our Nation's seniors the opportunity to experience the thrill of competition and the joy of camaraderie, while improving their physical fitness.

It is of vital importance that we encourage all adults to establish and maintain healthy lifestyles so that they can maintain a high quality of life as they grow older.

For 30 years, the Rocky Mountain Senior Games have helped improve the health and well-being of older Americans in our Nation. Every year, more and more seniors travel to Greeley, Colorado, to participate.

Mr. Speaker, I urge my colleagues to join me in honoring the Rocky Mountain Senior Games.

☐ 1730

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Mr. Speaker, my resolution, H. Res. 290, recognizes the goals and the ideals of the 30th annual Rocky Mountain Senior Games, which will be held in the next few weeks in my district in Colorado.

The Colorado Senior Development Council began hosting athletic competition for adults 50 and older in 1978; and today, the City of Greeley, and the Greeley Department of Recreation have partnered with the Colorado Senior Sports Development Council to host this popular event in the Rocky Mountain region.

The games originated in Colorado as a 1-day competition featuring four athletic events, including swimming, track and field, and basketball. Today, the Rocky Mountain games are among the oldest of its kind in the Nation and are among the most popular.

This year's games will be held from June 6–10, and there will be a wide range of events that include basketball, track and field, swimming, billiards, tennis, badminton, cycling, weight lifting, skeet and trap shooting, archery, a 5k and a 10k road race, a triathlon, and many others. The popularity of these events are made most evident by the high number of competitors.

Last year, for instance, there were more than 1,400 individuals who competed in the games, many of whom succeeded in qualifying for the bi-annual national games.

In fact, Colorado will be well represented at this year's national games, which will be held later this summer in Louisville, Kentucky. There are 640 Colorado athletes who have already qualified.

The individuals who participate experience friendly fellowship, camaraderie, and the exhilaration of competition. For a long time, fitness has been synonymous with Colorado. I think that's because of our wonderful sunny climate and our natural treasures that encourage people to get out and enjoy themselves. It's not surprising, then, that so many seniors continue exercising and seek out active competition, even as they begin to get older.

My bill recognizes these competitors and the benefits they are making towards their long-term health. I am pleased my colleagues in Congress, especially those in Colorado, are joining me today to approve this bill.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I ask that Members be given 5 legislative days to insert material relevant to H. Res. 325 and H. Res. 290 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALTMIRE. Mr. Speaker, I yield back the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 290 honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans.

We should recognize the hardworking volunteers and the event coordinators that make this week's events possible. Without their efforts, these games would not be possible. I ask my colleagues to support this resolution.

Mr. STUPAK. Mr. Speaker, I am proud to rise in honoring the Michigan State University Men's Hockey team in winning the Frozen Four, becoming the Men's National Collegiate Hockey Champions.

On Saturday, April 7, 2007, a record crowd of 19,432 witnessed Michigan State defeat Boston College, 3–1, in the championship game of the 2007 NCAA Men's Frozen Four in Scottrade Center in St. Louis.

During the first period, neither team was able to push the puck past the opposing goalie. As the championship game progressed into the final period, most fans thought the game was headed to overtime. MSU then "exploded" with three goals in the final 10 minutes of the game, icing the championship for MSU.

This victory constituted MSU's third national championship, and the first since 1986. Each member of the MSU Hockey organization made essential contributions to the team's success.

Justin Abdelkader, who was named the team's Most Outstanding Player, snapped a 1–1 tie with 18.9 seconds to go, seconds after ringing a shot off the goalie post.

Jeff Lerg made 29 saves, and Chris Mueller added an empty-net goal with 1.2 seconds left to clinch it for the 3–1 Spartan win.

MSU Spartans' Head Coach Rick Comley has become only the third coach in college hockey history to win national titles at two Division I Universities, and has earned over 700 career wins. Coach Comley last won the NCAA Championship with Northern Michigan University in 1991.

The Spartan Hockey Team not only demonstrated untouchable strength and skill, but also perseverance and determination to make Michigan State University and all of the State of Michigan proud.

The unyielding support from thousands of fans, family and friends, dressed in green, lined the streets of East Lansing where they turned out to welcome MSU's national championship hockey team back home.

I am pleased to join with my colleague; Congressman MIKE ROGERS, who represents Michigan State University, and all the Michigan delegation in honoring MSU and its NCAA National Champion Men's hockey team.

I am also very pleased that MSU selected my friend from Northern Michigan Hockey coach, Rick Comley, to lead MSU to its latest hockey title after its legendary hockey coach, Ron Mason, became MSU's athletic director.

Again, I congratulate the MSU Spartan Hockey Team on winning the 2007 NCAA Championship and recognize all the players, coaches, managers, staff, fans, and families who were instrumental in this great achievement.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 290.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

Mr. ALTMIRE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 371) in observance of National Physical Education and Sports Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 371

Whereas May 1 through 7, 2007, is observed as National Physical Education and Sports Week;

Whereas physical inactivity of both youth and adults is a major health risk factor in this country today;

Whereas the percentage of overweight young people has more than tripled since 1980;

Whereas nationally, 1 out of 4 children does not attend any school physical education classes and fewer than 1 in 4 children get 20 minutes of vigorous activity every day;

Whereas physical activity is necessary to support the normal growth in children, and is essential to the continuing health and well-being of youth and adults;

Whereas children and youth with low fitness levels tend to have low fitness levels during adulthood and healthy weight management programs suggest that approximately 300 minutes of exercise are required per week for an adult to maintain his or her weight over the course of a single year;

Whereas low-income high risk communities have the highest obesity rates due to factors including lack of access to healthful foods, a lack of safe, available venues for physical activity, and a lack of education about proper nutrition and the benefits of physical activity;

Whereas minority children are at greatest risk for obesity, especially African Americans, Hispanics, American Indians, and Asians/Pacific Islanders living in low-income communities;

Whereas physical activity reduces the risks of heart disease, high blood pressure, diabetes, chronic low back pain, and certain types of cancers and Type II diabetes can no longer be called "late in life" or "adult onset" diabetes because we are seeing Type II diabetes (and other chronic illnesses) in children as young as 10;

Whereas youth who are physically active show less severe symptoms of anxiety;

Whereas participation in sports and physical activity improves self-esteem and body image in children and adults;

Whereas children and youth who partake in physical activity and sports programs have increased motor skills, healthy lifestyles, social skills, a sense of fair play, strong teamwork skills, self-discipline, and avoid risky behaviors;

Whereas the 60 million school-aged children and youth in America have the potential to acquire the knowledge, skills, and values that can lead to a lifetime of physical activity and healthy living;

Whereas the social and environmental factors affecting children are in the control of the adults and the communities in which they live, and therefore this Nation shares a collective responsibility in reversing the childhood obesity trend; and

Whereas Congress strongly supports efforts to increase the physical activity and participation of youth in sports: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes National Physical Education and Sports Week and the central role of physical activity and sports in creating a healthy lifestyle for all children and youth;

(2) calls on communities to work with schools, in concert with key stakeholders of the community, to craft and implement a local wellness plan as required by the Child Nutrition and WIC Reauthorization Act of 2004 that includes goals for physical activity, nutrition education, and other school-based activities to promote physical education and wellness as well as nutrition guidelines for foods sold in schools, implementation plans, and measures to determine effectiveness; and

(3) encourages schools to offer physical education classes to students and work with community partners to provide opportunities and safe spaces for physical activities before and after school and during the summer for all children and youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. ALTMIRE) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 371 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ALTMIRE. Mr. Speaker, this resolution designates May 1–7 as National Physical Education and Sports Week. This is the second year in which Congress has officially observed the first week of May for this purpose.

The benefits of physical activity are well documented. It reduces the risk of obesity, heart disease, high blood pressure, diabetes, back pain, and even certain types of cancer. It can increase one's self-esteem and body image and reduce anxiety. In youth, it develops motor skills, leads to healthier lifestyles, improves social awareness, and averts risky behaviors.

The Centers for Disease Control recommends 60 minutes of daily physical activity for children and teenagers, and 30 minutes of daily physical activity for adults. Moderate exercise, such as a brisk walk, when done regularly, has a significant health benefit.

As a Nation, we should be more active. One out of four children do not attend any physical education classes in school; 61 percent of children, ages 9 through 13, do not participate in any physical activity outside of school. Only 25 percent of children get a minimum of 20 minutes of vigorous physical activity per day.

Mr. Speaker, in comparison, 60 percent of adults are not regularly active, and 25 percent are not physically active at all. The lack of physical activity has many negative results. The percentage of overweight young people has more than tripled since 1980. It is 18 percent of that population today.

Children are now being diagnosed with high blood pressure, high cholesterol and type 2 diabetes, all once thought to be age related. Two-thirds of adults are overweight or obese. Obesity-related diseases cost the economy more than $100 billion annually.

I want to recognize some exemplary programs that are currently promoting and encouraging physical activity. Four thousand Boys and Girls Clubs across this country provide more than 4.6 million kids with the opportunity to be physically active. YMCA provides services to over 20 million people, including the Silver Sneakers programs for seniors.

This resolution acknowledges that physical activity and sports play a central role in creating a healthy lifestyle for children and adults. Schools should include physical education classes and other opportunities for physical opportunities as part of the school day, and this resolution says communities should be involved and support schools in the promotion of physical activities, nutrition education and healthy lifestyles.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 371 to recognize National Physical Education and Sports Week, which took place this year from May 1 to May 7, 2007.

Ralph Waldo Emerson once wrote: "The first wealth is health." Today, these words could not hold more significance. In an increasingly technologically advanced society dominated by the Internet, cell phones, BlackBerrys, and, yes, electronic video game controls, the evidence is growing and is more convincing than ever. People of all ages who are generally inactive can improve their health and well-being by becoming active at a moderate intensity on a regular basis.

Regular physical activity substantially reduces the risk of a number of preventable diseases such as coronary heart disease, the Nation's leading cause of death; and decreases the risk of stroke, colon cancer, diabetes, and high blood pressure. It also helps to control weight, contributes to healthy bones, muscles and joints, reduces falls among elderly adults and is associated with fewer hospitalizations. Moreover, physical activity does not need to be strenuous to be beneficial. People of all ages benefit from participating in regular moderate-intensity physical activity, such as 30 minutes of brisk walking five or more times a week.

These are facts we should impress upon our children to ensure they lead health-conscious lives. Yet according to the Surgeon General's "Call to Action to Prevent and Decrease Overweight and Obesity," only half of adolescents participate in regular physical activity, and one-fourth report no physical activity at all.

In addition, we find that more than a third of young people in grades 9–12 do not regularly engage in physical activity. Additionally, daily participation in high school physical education classes dropped from 42 percent in 1991 to only 33 percent in 2005. Physical activity offers a broad range of benefits, including the prevention of obesity, improves self-confidence and the overall sense of well-being.

Physical education programs within school settings can set the stage for how children view physical fitness, activity levels, and future health. Physical education programs also include general health and safety information, as well as providing opportunities for students to learn how to cooperate with one another in a team setting. Equally important is the fact that physical education programs can teach students that physical activity can be fun.

With a broad range of games and activities, children are exposed to forms of exercise that incorporate teamwork, strategy, skill-building exercises, and other curricula such as math. Indeed, physical education plays an important role in the development of an individual, just as a classroom education does.

I join my colleague, Mr. ALTMIRE, in calling for the communities to work with schools, along with key community stakeholders to craft and implement a local wellness plan as required in the Child Nutrition and WIC Reauthorization Act of 2004.

I ask my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. ALTMIRE. I thank the gentleman from Tennessee for his leadership on this issue and the other legislation that we talked about today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 371.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ALTMIRE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

NATIONAL CLASSIFIED SCHOOL EMPLOYEE OF THE YEAR

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) recognizing annually a National Classified School Employee of the Year and honoring the valuable contributions of Classified School Employees in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 376

Whereas classified school employees provide valuable service to America's public schools and community colleges;

Whereas classified school employees contribute to the establishment and promotion of a positive instructional environment as paraeducators and library aides;

Whereas classified school employees provide other essential educational services such as transportation, facilities maintenance and operations, food and support services, and health care;

Whereas classified school employees play a vital role in providing for the welfare and safety of America's school children and students;

Whereas classified school employees strive for excellence in all areas relative to the education community; and

Whereas in order that classified school employees are acknowledged for their outstanding contribution to quality education across America, the National Classified School Employee of the Year is recognized: Now, therefore, be it

Resolved, That The House of Representatives—

(1) supports the recognition of the National Classified School Employee of the Year and urges the United States Department of Education, all States, State education agencies, local education agencies, community colleges, and members of the public to join in this observance;

(2) congratulates the National Classified School Employee of the Year; and

(3) congratulates all classified school employees across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring student achievement, student safety and well-being.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H. Res. 376, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I would consume.

I would like to thank Chairman MILLER and the committee staff for helping move this bill so quickly and the gentleman from Tennessee for being here with me today.

We often recognize teachers for their hard work, for their dedication to our children. In fact, we need to do more of this. Teachers are very important to ensuring that our children are learning.

However, there has been far too little recognition for the school support personnel, those who help schools run smoothly, the classified school employees. Teachers can't teach without support of classified school employees. This includes instructional assistants, clerical staffs, school bus drivers, food services employees, maintenance, security and others who ensure a safe and healthy school day every day for our children.

Imagine a school day without this support: without bus drivers, how would our children get to school? Without janitors, who will ensure their classrooms, cafeteria and bathrooms are clean? Without food service personnel, who will serve their food, who will order their food? Without a school nurse, where will children go if they are not feeling well or they are needing medication? Without maintenance personnel, what would happen if something broke or if the school is too hot or too cold? Without office and clerical staff, who will ensure that the proper person picks up a child? And without security personnel, who will make sure our schools are safe? These responsibilities need to be met in order for our students to be able to do what they come to school to do: learn.

What do our teachers come to school for? To teach. These and many more tasks would not be possible without these important school employees.

☐ 1745

That is why I introduced this resolution with Chairman MILLER and Representative HARE, to recognize the many contributions classified school employees make to our children's school day. Without the work of these valuable employees, schools would be unable to function.

Today, we recognize the work of the classified school employee and thank them for their hard work in helping ensure that our schools run smoothly. I urge my colleagues to join me in recognizing the efforts of our classified school employees and thanking them for all they do to make certain our children are able to learn and teachers are able to teach in a safe and healthy environment.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 376, which will recognize annually a National Classified School Employee of the Year and the valuable contributions of classified school employees.

I would like to thank my colleague from California (Ms. WOOLSEY) for her leadership on this issue and for introducing the resolution we are considering today.

Like many schools across the country and in my district, the education of our Nation's children is a team effort. Often, when education is discussed, we think of teachers and administrators. However, classified school employees, school bus drivers, food service workers, clerical and administrative staff, para-educators, and facilities and maintenance workers protect and nurture children as well.

Classified school employees are usually the first of the school staff workers the children see when they start their day and the last ones they see when they go home. They are the caretakers of our schools and community colleges. School bus drivers carry the most precious cargo, our children. Parents want the peace of mind that comes from entrusting the person behind the wheel in their children's school bus.

Getting kids to and from schools safely and on schedule makes bus drivers, mechanics, and other transportation personnel an integral part of our schools and of our communities. Classified employees in the office, clerical and administrative staff, maintain attendance records, answer the phones, and interact with parents and school officials. School nurses help children with scrapes and cuts, assist with medications, and help keep accurate records of immunizations and students' medical history. All of these school employees are vital to the success of our schools.

Without skilled facilities and maintenance workers, our children would not have safe and comfortable places to learn. A lot of work is required to maintain a school community and keep it running smoothly. Custodians keep the schools clean. Groundskeepers keep the grounds safe for sports and other recreational activities. And facilities workers foresee and troubleshoot problems in school buildings. These classified workers provide a valuable service to our schools.

Many times the meal students receive at school is the best or only meal they get each day. Food service workers play a significant role in the educational process by providing nutritious meals for children. Research shows that good nutrition enables a student to meet their educational and physical potential.

Para-educators, librarians and other instructional assistants, support and enhance the work of teachers in all components of the educational process. The increased use of para-professional staff in education across the United States has been well documented, as has the change in their role from largely clerical to instructional duties. These professionals play a key role in ensuring student achievement.

Together, with certified school employees, teachers, and administrators, classified school employees work hard to provide productive, safe and stable environments for our children that are conducive to learning. Classified school employees strive for excellence in all areas relative to the educational community.

For that, I ask that we annually recognize a National Classified School Employee of the Year and honor the invaluable contributions of all classified school employees for their tireless commitment to the academic success, safety and well-being of America's children, and I urge my colleagues to support House Resolution 376.

Ms. WOOLSEY. Mr. Speaker, our schoolchildren couldn't attend school and teachers couldn't teach without the efforts of these valuable school personnel.

Personnel like Al Hart, District Information Services Coordinator for Reed School District in southern Marin County. Mr. Hart was recognized this year as the Marin County classified school employee of the year. His hard work and that of other school employees in the rest of the 6th district of California, and the rest of the country should be recognized.

Classified school employees work with teachers and administrators to ensure that our schools are safe and healthy places. Their contributions are invaluable and can be recognized today and every day.

That's why I urge my colleagues to join me in supporting H. Res. 376 to thank classified school employees for their work and to recognize them for their efforts.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 376.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 264) supporting the goals and ideals of "National Correctional Officers and Employees Week" and honoring the service of correctional officers and employees.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 264

Whereas the operation of correctional facilities represents a crucial component of the criminal justice system of the United States;

Whereas correctional personnel play a vital role in protecting the right of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody, and dignity of the human beings charged to their care;

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives; and

Whereas the first week of May is recognized as National Correctional Officers and Employees Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Correctional Officers and Employees Week"; and

(2) honors all correctional officers and employees for their service to their communities and States, and to the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker I yield myself such time as I may consume.

H. Res. 264 is a bipartisan resolution designed to honor correctional officers and employees by acknowledging and supporting the goals and ideals of National Correctional Officers and Employees Week. This was introduced by the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. ELLSWORTH).

The resolution directly honors correctional workers at all levels, local, State and Federal, including psychologists, chaplains, teachers and even kitchen staff.

Correctional officers and employees play a vital role in protecting and promoting public safety. They work in our county jails, our State prisons and our Federal penitentiaries. They have a tough job in a tough environment and at a time that Congress and State legislatures are actually making the job more difficult because we have been eliminating programs for inmates, such as parole, good conduct credits and Pell Grants for college courses, programs that give incentives to prisoners to behave. Now, with the additional reduction in prison inmate jobs on the Federal level, even more pressure will be put on correctional officers to maintain a safe and productive environment for prisoners.

So it is fitting, Mr. Speaker, that we pause at this time to recognize and commend our correctional officers and employees for the very important job that they do for us every day under these very difficult circumstances, and to them we say, "Thank you."

Finally, Mr. Speaker, in closing, I would like to indicate that I have received a note from the gentleman from Pennsylvania (Mr. HOLDEN), the lead sponsor of the resolution and chair of the Congressional Correctional Officers Caucus. First, he asked that I share his regrets that he was not able to be with us today to speak on this resolution due to a prior commitment in his home district. He also asked that I convey his strong support for the men and women who work in our prisons and correctional facilities on a daily basis. And he also asked me to personally welcome on his behalf the correctional community to Washington, D.C., for their annual day on Capitol Hill, which is scheduled to occur this coming Wednesday.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 264, which recognizes National Correctional Officers and Employees Week, and honors the service of correctional officers and employees.

Few jobs are more dangerous and difficult than serving as a correctional officer. There are over 200,000 correctional officers in the United States who guard us from nearly 2 million criminals and maintain the safety of the Nation's correctional facilities. It is a job with high risk and often little recognition or reward. This resolution recognizes the important role that correctional officers play in maintaining public safety.

Correctional officers carry a heavy burden each day. They are surrounded by dangerous criminals and work in a stressful environment. We hear about but don't often stop to recognize the hundreds of correctional officers who have made the ultimate sacrifice. Last year in Maryland, two correctional officers were killed. On January 27, 2006, Correctional Officer Jeffrey Alan Wroten II was brutally shot and killed; and on July 25, 2006, Officer David Warren McGuinn was killed. What happened to these two Maryland officers unfortunately has happened to hundreds of other correctional officers in past years. Correctional Officer Jeffrey Alan Wroten left behind a wife and five children, the oldest, age 15, and the youngest, 5 years of age. This makes his loss and the loss of others like him even more heartbreaking.

So, it is appropriate that we take a moment this week to honor the contribution of all correctional officers, pray for their continued safety and dedicate ourselves to helping them carry out their mission.

We thank each and every correctional officer, their families and loved ones, and honor them for their valuable role in protecting the public.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to an original cosponsor of this resolution, the former sheriff in Indiana, the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Mr. Speaker, I rise today to honor the correctional officers and employees from around the country, and to voice my strong support for this bill.

I spent almost 25 years in law enforcement, much of that working in a jail myself. And from my experience, correction officers are some of the hardest-working law enforcement professionals that are working today. House Resolution 264 recognizes them for their important contributions to the safety of our communities.

This week is National Correctional Officers and Employees Week. The bill we are considering today supports the goals and ideas of this important week, and honors all corrections officers and employees for their service to their communities, their States, and also to this Nation. It also recognizes the critical role that the correctional facilities play in the U.S. criminal justice system.

I am proud to be a cosponsor to this legislation with Congressman HOLDEN and Congressman LOBIONDO. I echo Mr. SCOTT's words. Mr. HOLDEN felt strongly enough about this legislation to call me and ask me to make a few comments on his support for this bill. He was unable to attend this meeting as he had prior commitments in his district, but he asked me to express his strong support for the men and women who work in the correctional system on all the levels, who work tirelessly to protect their communities from those incarcerated and breaking the law.

The men and women who work in our prisons and correctional facilities face danger in their everyday lives. I have seen this firsthand. They are outnumbered. They work long hours. They often go without their lunches or eat their lunches while performing their duties. We owe them a lot. And although you are not going to see a lot of documentaries about the correctional officer in the TV shows, they work just as hard as any patrolman on the street. And they are outnumbered and surrounded by their adversaries every day. Their role is critical and yet goes unrecognized often. We can do our part to recognize them this week. Hopefully, this bill will bring some much deserved appreciation for their work, and I urge my colleagues to support it.

Mr. GOODLATTE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to a strong supporter of programs to give prisoners incentives to better themselves and a strong supporter of correctional officers, the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of H. Res. 264, the Congressional Lawmaking Authority Protection Act of 2007 and the National Correctional Officers and Employees Week.

Correctional officers are the largest part of the workforce in jails and prisons, and they enforce the regulations governing the operation of correctional institutions as both supervisors and counselors.

While they have no law enforcement responsibilities outside the institution where they work, each day they put themselves in harm's way, maintaining security and inmate accountability to prevent disturbances, assaults, and escapes.

By definition, working in a correctional institution can be stressful and hazardous. Between 1990 and 1995, the number of attacks on correctional officers in State and Federal prisons jumped by nearly one-third, from 10,731 to 14,165, at a time when the number of correctional officers increased by only

14 percent. Except for police officers, the number of workplace nonfatal violent incidents is higher per 1,000 employees for correctional officers than any other profession. From 1992 to 1996, there were nearly 218 incidents for every 1,000 correctional officers, for a total of 58,300.

□ 1800

Correctional officers' roles in our society are and continue to be critical. We must continue to recognize the sacrifices they and their families make on a daily basis to ensure the safety and well-being of the prison population.

Mr. Speaker, I spend a fair amount of time in and around correctional institutions. As a matter of fact, I serve as a member of the local school council at the Consuelo York Alternative High School in Chicago, which is located in the Cook County Jail. Therefore, whenever I'm there, when we have our regular meetings, I attend.

I also go to jails sometimes to put up bail for individuals that I know, Representative SCOTT, who have been arrested. Quite frequently, I speak at jails, correctional facilities and prisons.

And so I simply wanted to take this time to thank all of those individuals who not only work in these stressful situations, but the many men and women with whom I come into contact as they facilitate my entree, and as they assist whatever it is that I've been trying to do and that I try to do while I'm there.

So I simply say, thank you to all of those corrections officers with whom I come into contact on an annual basis, and urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 264, which puts this House on record in support of the goals and ideals of "National Correctional Officers and Employees Week" and which honors the service of correctional officers and employees.

Correctional facilities form a crucial component of our criminal justce system, and the proper functioning of these facilities is depndent upon the exemplary service performed by correctional peronnel. These men and women work daily in a complex, ever-changing, and often dangerous environment, protecting the rights of the public and safeguarding us, as a Nation, from criminal activity.

Not only are these correctional officers and employees responsible for the custody of inmates, but they are also charged with the care of these individuals, and with maintaining their dignity as human beings. This is a profession that exerts immense physical and emotional demands on a daily basis, and requires constant courage and vigilance.

Mr. Speaker, correctional work has become an increasingly sophisticated profession, and we as a nation should take pride in the caliber of those who work in this field. These men and women face overwhelming obstacles, and operate daily in a high-risk environment, yet they receive little recognition. This week, which we observe as National Correctional Officers and Employees Week, is our opportunity to honor all correctional officers and employees for their service to their communities and our Nation.

I strongly support this resolution, and I urge my colleagues to do the same.

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of H. Res. 264, to express support for the goals and ideals of National Correctional Officers and Employees Week—May 6th through 12th. This resolution recognizes the important and under-appreciated dedicated service of the correctional officers and employees who staff prisons across this Nation.

Just this morning, I was at the Fairton Federal Correctional Institution in Fairton, New Jersey, with Warden Paul Schultz, to honor the hard work and highest standards of the men and women serving as correctional officers and employees. I had the great pleasure to present awards to these brave individuals.

As a co-chair of the Correctional Officers Caucus, I was pleased to introduce this resolution with Representative HOLDEN, and I am very proud of the correctional officers that it honors. I urge all Members to support this resolution.

Mr. HOLDEN. Mr. Speaker, as a co-chair of the Congressional Correctional Officers Caucus, I rise today to honor correctional officers and employees of correctional facilities across our country.

May 6, 2007 kicked off the National Correctional Officers and Employees Week. Throughout the week, correctional officers will be here in Washington to speak with their elected officials, present awards to officers whose exceptional service merits special recognition, and honor the memory of fallen comrades who had made the ultimate sacrifice while on duty.

I am proud to sponsor House Resolution 264, along with my colleagues, the gentleman from New Jersey, Mr. LOBIONDO, the gentleman from Indiana, Mr. ELLSWORTH, and the gentleman from Virginia, Mr. DAVIS. H. Res. 264 is a bipartisan resolution designed to honor correctional officers and employees by acknowledging and supporting the goals and ideals of National Correctional Officers and Employees Week. The resolution directly honors correctional workers at all levels, local, State and Federal, including psychologists, chaplains, teachers, and kitchen staff.

Correctional facilities are a critical component of our public safety and criminal justice systems. We rely on correctional facilities to mend the behavior of certain members of our society. To do that, these facilities must rely on correctional officers and other personnel who are highly trained to work in a challenging and often dangerous environment. Before coming to Congress I had the honor of working alongside these men and women when I served as a probation officer and then Sheriff of Schuylkill County, which houses a Federal and state prison. The respect I gained for these public servants is indescribable and I thank them for the countless ways they benefit our communities.

Correctional officers and staff work each day to protect society from the threat of criminal activity. They risk their lives ensuring that we are safe. They maintain order in a dangerous place and ensure the basic needs of one of the most difficult groups in society are addressed. Mr. Speaker, it is not often that we get the opportunity to thank them for the good work they do and I commend my colleagues in the House or Representatives for passing House Resolution 264.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 264.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 2 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE MARK STEVEN KIRK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Eric Elk, Chief of Staff, Office of the Honorable MARK STEVEN KIRK, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Circuit Court for Cook County, Illinois, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ERIC ELK,
Chief of Staff.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1294, THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2006

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–130) on the resolution (H. Res. 377) providing for consideration of the bill (H.R. 1294) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 407, by the yeas and nays;

H.R. 1025, by the yeas and nays;

H. Res. 371, by the yeas and nays.

The vote on agreeing to House Resolution 370 and on the motion to suspend with regard to H.R. 1595 will be postponed until tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 407, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 407, as amended.

The vote was taken by electronic device, and there were—yeas 294, nays 80, not voting 58, as follows:

[Roll No. 302]

YEAS—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Burgess
Butterfield
Calvert
Capito
Capps
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Forbes
Fossella
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—80

Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Bonner
Brown-Waite, Ginny
Buchanan
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Davis (KY)
Deal (GA)
Drake
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goodlatte
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Mack
McCarthy (CA)
McHenry
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pence
Poe
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Wamp
Westmoreland
Wicker
Young (AK)
Young (FL)

NOT VOTING—58

Akin
Boehner
Boyda (KS)
Brady (PA)
Brown, Corrine
Buyer
Camp (MI)
Capuano
Carson
Costello
Crowley
Cubin
Culberson
Cummings
Davis, Jo Ann
DeGette
Dicks
Doolittle
Doyle
Dreier
Engel
Fattah
Fortenberry
Frank (MA)
Gilchrest
Goode
Graves
Hinchey
Holden
Hulshof
Hunter
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Kilpatrick
Lantos
Maloney (NY)
Marchant
McMorris Rodgers
Moran (KS)
Murtha
Neal (MA)
Peterson (PA)
Pitts
Price (NC)
Pryce (OH)
Reichert
Schiff
Shimkus
Shuler
Slaughter
Souder
Tiahrt
Towns
Waters
Weiner

☐ 1856

Messrs. SULLIVAN, BURTON of Indiana, MACK, LINDER, LEWIS of California and YOUNG of Alaska changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LOWER REPUBLICAN RIVER BASIN STUDY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1025, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and pass the bill, H.R. 1025.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 1, not voting 61, as follows:

[Roll No. 303]

YEAS—370

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)

Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—61

Akin
Boehner
Boyda (KS)
Brady (PA)
Brown, Corrine
Buyer
Camp (MI)
Capuano
Carson
Costello
Crowley
Cubin
Culberson
Cummings
Davis, Jo Ann
DeGette
Dicks
Doolittle
Doyle
Dreier
Edwards
Engel
Fattah
Fortenberry
Frank (MA)
Gilchrest
Goode
Graves
Hinchey
Holden
Hulshof
Hunter
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Kilpatrick
Lantos
Maloney (NY)
Marchant
Marshall
McMorris Rodgers
Moran (KS)
Murphy (CT)
Murtha
Neal (MA)
Peterson (PA)
Pitts
Price (NC)
Pryce (OH)
Reichert
Schiff
Shimkus
Shuler
Slaughter
Souder
Tiahrt
Towns
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1905

Mr. FLAKE changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MURPHY of Connecticut. Mr. Speaker, on rollcall No. 303, had I been present, I would have voted "yea."

NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 371, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ALTMIRE) that the House suspend the rules and agree to the resolution, H. Res. 371.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 0, not voting 59, as follows:

[Roll No. 304]

YEAS—373

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Drake
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg

Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Akin
Boehner
Boyda (KS)
Brady (PA)
Brown, Corrine
Buyer
Camp (MI)
Capuano
Carson
Costello
Crowley
Cubin
Cummings
Davis, Jo Ann
DeGette
Dicks
Doolittle
Doyle
Dreier
Edwards
Engel
Fattah
Fortenberry
Frank (MA)
Gilchrest
Goode
Graves
Hinchey
Holden
Hulshof
Hunter
Inslee
Israel
Jefferson
Johnson (IL)
Johnson, E. B.
Kilpatrick
Lantos
Maloney (NY)
Marchant
McCotter
McMorris Rodgers
Moran (KS)
Murtha
Neal (MA)
Peterson (PA)
Pitts
Price (NC)
Pryce (OH)
Reichert
Schiff
Shimkus
Shuler
Slaughter
Souder
Tiahrt
Towns
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1911

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in the 13th Congressional District of Michigan, I was unable to be present for three votes. Had I been present, I would have voted "yea" on H.R. 407, the Columbia-Pacific National Heritage Area Study Act; "yea" on H.R. 1025, the Lower Republican River Basin Study Act; and "yea" on H. Res 371, In observance of National Physical Education and Sports Week.

HUMPTY DUMPTY

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, as we continue our debate on funding for Iraq escalation, I want to share a new version of a well-known poem entitled Humpty Dumpty:

Bush, Cheney and others had a great call—
Remake Iraq, it will be such a ball.
Now all Bush's troops and all daddy's men
can't put Iraq back together again.
Our soldiers keep dying, day after day.
So why put up with more endless delay?
Let's just acknowledge what everyone knows:
Bush didn't and doesn't have any clothes.
He broke it, can't fix it, doesn't know how;
Mission impossible: out of Iraq now.

☐ 1915

CONGRESS NEEDS TO STOP THE PRICE GOUGING NOW

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, I paid $3.43 a gallon for gas in Springfield, Oregon. My colleague GREG WALDEN paid $3.99 on the east side of the Cascades. Something a little fishy here because, a year ago today, oil prices were $66.85 a barrel. Today, they are $63 a barrel. The price of crude oil is down, but the price of gasoline at the pump is up, way up.

And what is the cause? They say, oh, well, we forgot, we had to clean and maintain the refineries, and gee, we've had to shut 'em down. Does this remind anybody else of Enron? Enron/Exxon, they're interchangeable.

Enron would shut down plants to drive up the cost of electricity and make wild profits. Exxon and the other big oil companies are doing the same thing. They're using refinery repairs and maintenance as an excuse to price-gouge the American people.

Congress needs to stop the price gouging now.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 days to revise and extend their remarks and include extraneous material on H.R. 1642.

The SPEAKER pro tempore (Mr. PERLMUTTER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STATE DEPARTMENT'S HUMAN RIGHTS REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, each year, the Department of State issues a report outlining the human rights practices of various Nations, and I object this evening to the inaccuracies in the Armenia section of the 2006 Country Reports on Human Rights Practices.

Originally, the State Department issued erroneous language about Armenia being an occupier of Azerbaijani territory and Nagorno-Karabakh, the report was substantively revised with more balanced, although still not fully accurate, wording and then revised again to restore the original inaccurate language.

I am deeply disturbed by the State Department's mischaracterization of the Nagorno-Karabakh conflict. It is unprecedented and counterproductive to our government's goal of actively promoting constructive engagement in the peace negotiations of the region. It also sets a troubling example by allowing a foreign State, in this case Azerbaijan, to shape the assessments of our human rights report.

To assert that Nagorno-Karabakh is Azerbaijani territory or that Armenia occupies Nagorno-Karabakh and other territories is simply wrong. This version ignores the reality that the current conflict is about the self-determination of the people of Nagorno-Karabakh.

Like many other ethnic autonomous regions with the status of Oblast under the Soviet Constitution, the people of Nagorno-Karabakh declared their independence. They then conducted a referendum as set forth in the same Soviet Constitution, and they are now an independent republic and should be recognized as a Nation, just like Azerbaijan, Armenia and any other former Soviet Republic. The situation has absolutely nothing to do with Armenia. The only role Armenia plays in this conflict is that country's part in peace negotiations.

Mr. Speaker, I am concerned that Armenia is being characterized as an abuser of human rights in the region when it is Azerbaijan who continues to maintain a blockade of both Nagorno-Karabakh and Armenia, and regularly threatens a new wave of violence against Nagorno-Karabakh.

Such misrepresentations will undermine our Nation's credibility as an impartial mediator and jeopardize prospects for successful peace negotiations. It could also have a negative impact on U.S.-Armenia relations.

Our common aim as a country should be to focus on workable diplomacy that brings parties together in the spirit of conflict resolution, not to cause additional tension by introducing new and controversial elements into an already complex negotiating process.

Mr. Speaker, the United States has a long history of supporting Nagorno-Karabakh's democracy and its right to live in freedom and peace. The State Department has never made assertions in previous reports about Armenia being an occupier of Azerbaijani territory and Nagorno-Karabakh.

Last week, I sent a letter to Secretary Rice with my concerns over the State Department report's language, and I urged her to quickly reverse the State Department's mischaracterization.

ILLEGAL IMMIGRATION IS A WORLD CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, France has a new President, Nicolas Sarkozy. While the world waits to see if he will give vigor and energy and leadership to his complex and sometimes difficult French people, his position on illegal immigration is quite clear.

Europe has its influx of illegals, not unlike the United States. Northern Africans are fleeing their native lands for Europe. They go mostly to Spain, where French President-elect Sarkozy accuses Spain of promoting amnesty in that Nation. Of course, once in Spain, it seems these illegals can roam Europe with ease.

Mr. Sarkozy claims Spain wants to give amnesty to now 600,000 illegals in its Nation. Mr. Sarkozy wants to ban European Nations from offering amnesty. He wants to bolster the EU border agency, the group that parols the African coast, with more police forces and use of the military to prevent the illegal landings in Europe.

It is interesting to note, Mr. Speaker, that Morocco, one of the Nations where people illegally flee to Europe from, wants the illegal flight to stop from its Nation. Almost 40 percent of the Africans that go to Europe by sea die in the process. This is a world crisis. Morocco wants to develop its native lands with European aid to keep people home, change the despair to hope by economic development, quit sending its problem to Europe but solve its problem. African Nations see the answer to solving their economic problems is not sending their populations to the north to Europe.

Mr. Sarkozy wants the European Union to have an EU-wide policy on illegal immigration and deal with this issue head-on instead of ignore the obvious. We shall see if this cooperation with the EU and France and the African countries works to stop the illegal entry, and we wish Mr. Sarkozy well in his presidency of France.

Meanwhile, back at home, here in the United States, our borders seem to be as open as ever because our government does not have the moral will to enforce the rule of law.

And that's just the way it is.

A HEALTH CHECKUP FOR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a very disturbing report emerged from Iraq last week. According to press reports, medical students in Iraq will be denied diplomas even though they have completed all of the coursework and passed all of the required testing. This means that they would only be allowed to practice in Iraq, and no other country will accept their medical training or let them practice in the new country, even though they have met all of the requirements.

This harkens back to the Iraq we knew under Saddam Hussein's rule. Saddam refused to grant diplomas to medical students in order to keep them in the country. Who would have thought that the new Iraq government would resort to Saddam Hussein's old tricks? This is an alarming and troubling trend, and it should be reversed immediately.

While dozens of international medical relief organizations have been forced to leave Iraq because of serious security concerns, Iraqis have fewer and fewer medical professionals available to them.

A well-known organization, Doctors Without Borders, related the story of one doctor, Dr. Bassam. He is an Iraqi physician specializing in orthopedic surgery living with his family in Baghdad.

His story says: Now, security issues have top priority for the few existing financial resources, and medical needs are forced to take a back seat. This morning, dozens of people were killed in Fallujah. Yesterday, it was Baghdad. And that's not counting the wounded, who add to the long list of emergency cases packing the hospitals. Every day brings a new batch of dead and wounded. In this context, patients simply cannot receive proper treatment from an increasingly overwhelmed health care system. Some are forced to sell their car, or even their house, to get certain kinds of care in the few hospitals able to provide it.

That is the end of his story.

Mr. Speaker, instead of locking people in against their will, the Iraqi government ought to be working with the international community to make Iraq a safe and prosperous place where people want to raise their families, where they want to stay, where they want to put down roots and contribute to the local communities.

If this is going to happen, the United States must dedicate our energies to bringing our troops home and to working with the Iraqi people to stabilize their infrastructure and social programs, programs that will provide health care, education and jobs. These are the most important needs for the Iraqis.

It is time, Mr. Speaker, to bring our troops home. It is time to provide a future of hope for the Iraqi people.

RENAMING THE DEPARTMENT OF THE NAVY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I would like to thank Armed Services Chairman IKE SKELTON for including language in this year's Defense authorization bill to change the name of the Department of the Navy to be the Department of the Navy and Marine Corps.

I also thank Ranking Member DUNCAN Hunter who in the past has also included this language in the Defense authorization bill. This will be the sixth year that the House will send legislation to the Senate that supports this change. I hope that this year the Senate will agree that this change is long overdue.

Since 1947, Congress has twice affirmed that the Marine Corps is a separate military service within the Department of the Navy. In 1947, the National Security Act stated that we have four separate military services: the Army, the Air Force, the Navy and the Marine Corps.

In 1986, the Goldwater-Nichols Act stated that each service's commanding officer serves equally as a member of the Joint Chiefs of Staff. That is, the Marine Corps and the Navy are coequal partners. The Marines do not serve beneath the Navy; they are an equal team.

Mr. Speaker, that is why I have again introduced legislation, H.R. 346, to recognize their coequal status by changing the name of the Department of the Navy to the Department of the Navy and Marine Corps.

Not only has this change received the full House Armed Services Committee support, but also from former Navy secretaries and Marine Corps commandants.

In a statement of support for this legislation, the Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs, 1993–1998, stated, and I quote, "As a combat veteran and former Naval officer, I understand the importance of the team dynamic, and the importance of recognizing the contribution of team components. The Navy and Marine Corps team is just that: a dynamic partnership, and is important to symbolically recognize the balance of that partnership."

In addition, General Charles Krulak, 31st Commandant of the Marine Corps stated, and I quote, "This bill is a perfectly logical evolution in a series of legislative initiatives designed, in part, to clarify and codify the role of the United States Marine Corps. . . .I enthusiastically support both the spirit and intent."

General Carl Mundy, the 30th commandant of the Marine Corps stated, and I quote, "I believe the changes you propose will do much to clarify the relationship, responsibilities and functions of the appointed civilian authority over the United States Naval services . . . I believe that any Secretary—present, past or future—will be very proud to bear the title 'Marine,' as well as 'Navy.'"

The Honorable John Dalton, the 70th Secretary of the Navy stated, and I quote "One of the things for which I am most proud that I accomplished during my tenure was moving the headquarters of the Marine Corps into the Pentagon. It was a controversial decision, but I am convinced it was the right thing to do. . . . Your legislation would be another vital step to give that distinguished service the recognition it so greatly deserves."

Before I close, I want to point out to the House that I have beside me the Order of the Silver Star for Marines killed in Iraq. Marine Michael Bitz' family received a Silver Star in his memory. Yet when you look at this poster you will see an exact copy of the article for the Secretary of the Navy, Washington D.C., and the Navy flag.

All this legislation will do, all this legislation will do, is to make the Navy and the Marine Corps an equal partner. You can see if these orders were issued and this bill had become law, it would say the Secretary of the Navy and the Marine Corps with the Navy flag and the Marine flag for this brave marine who gave his life for this country.

I hope this year that the House under the leadership of IKE SKELTON will demand that the Senate agree to the House position and change the name to be the Department of Navy and Marine Corps.

□ 1930

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. PERLMUTTER). Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to the millions of Americans of Asian and Pacific Islander heritage. I would like to thank my good friend, Congressman MIKE HONDA, for leading the special orders tonight on Asian Pacific American Heritage Month and providing us with this opportunity to speak to you tonight.

I represent a heavily, heavily populated Asia Pacific community in southern California, I think the second most populated in the country. The first group that makes up a large proportion is Taiwanese and Chinese. The second group is Filipino. I am very proud to have represented them for so many years.

But I am here tonight to pay tribute to the many of them who provide us with public service in government, science, law and business, athletics and in the arts. These communities that I represent are the cities of Monterey Park, Rosemead, West Covina and the San Gabriel Valley. Well over 120,000 individuals represent that district.

They are Chinese, Japanese, Filipino, Vietnamese, Korean and of Cambodian decent. As you know, they work hard, like many immigrants that come to this country. Nearly 30 percent of the minority-owned businesses are owned by Asian Pacific Islanders and African-American women. In recent years, a number of Asian and Pacific Islander women-owned businesses has increased by 69 percent in the district.

According to the Chamber of Commerce, Chinese Americans own at least two-thirds of Monterey Park's more than 5,000 businesses. I have long been a supporter of a program called PACE, Pacific Asian Consortium in Employment, which was founded back in 1976 to address the employment and job training needs of Asian Pacific Islanders. Believe it or not, there are many Asian Pacific Islanders who really do need the support of the Federal Government and our various forms of government to help them succeed in our country.

Today it provides workforce development, housing services, business assistance and early childhood education in Los Angeles county. I would especially like to recognize a good friend of mine, Kerry Doi, with whom I have worked for a number of years, whom I am extremely proud of. Earlier this year, his program, known as PACE, and the Association for Enterprise Opportunity Women and Company, chose 10 prominent small business owners to give $1,000 checks to.

You may think that's not a lot of money, but for first-time business owners of Asian Pacific descent, it meant a lot. I am proud of the work they are doing to help all small business owners, including those of API heritage, to succeed.

I have also worked closely with the East San Gabriel Valley Japanese Community Center and the Monterey Park Langley Senior Center, predominantly of Asian descent. I am proud to have these organizations in my district because they are wonderful places where individuals from this community can gather and have social time, artistic time, recreational time and share their culture with each other.

At the senior center, I meet often with them. They take language courses, computer classes and different exercise courses that help them to keep busy in our community. Many of the seniors and their families and others have been touched by the immigration process recently.

In fact, I would say that the second largest case load in my district happened to be individuals of API descent. They, just as much as anyone else, want to become naturalized citizens, and they are stepping up to the plate. I was happy to host a citizenship forum that we held in the City of Irwindale recently, and I would say about 200 or more families of API descent came forward to become naturalized citizens. I am proud that is happening in our community and across the country.

I am here to support, again, the efforts of the API caucus, which MIKE HONDA leads, and to work with my colleagues there on the tri-caucus to help put forward disparities and treatment in health care issues regarding API, the Hispanic community and the African-American community. We are working together to bridge our gaps so that we can provide better services to all Americans in all residents of our country. I am happy and pleased to be able to put this forward tonight in support of the API caucus.

THE ASIAN PACIFIC COMMUNITY AND THE IRAQ WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Let me take this opportunity, before I address the question our soldiers in Iraq, to thank Mr. HONDA for convening this special order on the Asian Pacific community of this Nation and to thank him for his leadership of the Asian Pacific Caucus, of which I am a member and to acknowledge the Asian Pacific community in Houston, Texas, a thriving community so diverse and so respected.

I am reminded of the unity that was exhibited as Katrina survivors who were Asian Pacific Islanders came into Houston. Both Mr. HONDA and myself worked on the issue of language and representation and resources, and the Asian Pacific community in Houston was so united and so supportive so that these new visitors, these strangers in a different land, would feel welcome.

Let me also acknowledge that I have the privilege of representing not only a very strong Vietnamese business community, but also the original Chinatown in Houston. So my hat goes off and salutes the outstanding leaders in that community, scientists, educators, businesspersons, public servants, and, as well, I thank them for the wonderful service that they give and the opportunity to work together with them.

This is an outstanding tribute to be able to honor the Asian Pacific Islander community in the month of May.

Let me also acknowledge that the Vietnamese community will have its first cultural event gala where it honors heroes and public servants from around the Nation.

I would hope that as we look to the greatness of America, we will find it in our hearts to be able to address the question of the tragedy in Iraq. It is a tragedy that continues to grow. Every time you turn the corner, turn the news on or read a newspaper article, it is disintegrating and deteriorating.

Today in the newspaper it says an Army general predicts a rise in casualties. So at the back of the surge the President says will have solved the conflict in Iraq, we will see, tragically in the words of Major General Rick Lynch, who is working with the 3rd Infantry Division. "Casualties will climb as American troops dig into enemy territory as part of the stepped-up military operation ordered by President Bush in January."

His sentence does not say how we will resolve the conflict. It doesn't say that it results in any positive end. It doesn't say that we will be victorious in that effort, it says that the lives of Americans will be lost. We, as Americans, believe that when we go to war, the Nation goes to war. Therefore, it is important to have a mission to have a conclusion to that mission.

Compounded to that issue, we show that attacks killed eight U.S. troops. They kill them because they are being killed by IEDs. They kill them because there is no mission, there is no policy, there is no political policy. There is no end, there is no beginning.

So I ask the President to sit down with this Congress and be able to resolve this by, one, leaving in the language that says, we will redeploy the troops by July, 2007, or, at the latest, October, 2007, have a rational policy for exiting from the conflict that is causing the mounting lives that are lost.

In addition, lives are being lost in Afghanistan of a civilian population, lives of the civilian Iraqis are being lost, and there is no response from this administration.

While there they are wining and dining, I would simply ask in addition to that responsibility, let us find a conclusion to the war in Iraq by reconciliation and compromise between the executive and, of course, the Congress. We cannot tolerate any more headlines like this, mothers and fathers, husbands and wives are asking why, when there is no end. The soldiers are our heroes. They have done their job. We have said this over and over.

I commend to this body H.R. 930, my legislation, Military Success in Iraq and Diplomatic Surge for National and Political Reconciliation in Iraq Act of 2007. Declare a military victory, our soldiers have been victorious. Let them come home to yellow ribbons and celebrations and their families, have them prepared, stronger, increased, a stronger military, with the right kind of equipment.

Let the generals logistically plan how they will redeploy, possibly to the Kuwait borders and to the other borders, but let them come home. We are not trying to dictate to the generals how to redeploy, what the logistics would be, but we are only saying that the policy is a failed policy, and our soldiers must come home. No more headlines, Army general predicts rise in U.S. casualties, no more headlines eight troops dead and continuing to die with no solution and no end.

I ask my colleagues to review H.R. 930 and ask the President and this Congress to find a way that we can work together.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LORETTA SANCHEZ) is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, this month is Asian Pacific American Heritage Month. This is a national celebration which continues to highlight and bring awareness to the many contributions of the Asian Pacific Americans who have made this country their home.

I want to thank Mr. HONDA, who will be leading a special order in just a few minutes, with respect to all the accomplishments of the Asian Pacific Americans in the United States.

I am fortunate to represent one of the largest Asian Pacific populations in Orange County, California. It's full of Japanese, Korean, Hmong, Cambodians, Laotians, Chinese, Hawaiian Pacific Islanders and, of course, the largest Vietnamese population outside the world resides in Orange County, California. Representing that community I see firsthand the rich culture and the contributions and all of these communities bring to my hometown of Anaheim and Orange County.

More than 30 years ago, with when the Vietnamese arrived, my district was full of orange groves. They took these orange groves, some of the dilapidated commercial centers, and they made these block-long business districts that generate today, multibillion dollars for our local economy.

While being an integrated part of the American social fabric is important, these communities also bring with them a rich awareness of what is going on around the world, in particular, what happens in their homeland.

I enjoy an open dialogue, for example, with the Vietnamese American community, especially about the continuing situation in Vietnam, where human rights and religious freedoms, remain a distant dream for the peoples of that country.

Now is the time to remember and to celebrate the successes and the contributions that Asian Americans and Pacific Islanders bring to the diversity of America.

Although it is important to recognize the achievements made by this community, Asian Pacific American Heritage Month must also provide a forum to focus on the problems that face these communities, such as affordable housing, racial profiling, and language barriers.

In particular, the health care issues that are so important, so many health care issues that happened in this particular community like hepatitis C, diabetes, and some of the other larger issues which affect us all.

One of the problems facing the APAC community is the perception that all the members of their communities are thriving. If you are Asian or Pacific Islander, you must be going to the Berkeleys of the world, you must be doctors, you must be thriving, you must be engineers, you must be great business people. But the reality is that there are large populations, API populations who still have low access to real quality education and they face tremendous language barriers. The API community has come a long way, sacrificing for our country and contributing to our growth and prosperity, and I look forward to continuing that relationship with the Asian Pacific Islander community to celebrate its contributions and to overcome the ongoing challenges that these communities face.

☐ 1945

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. PERLMUTTER). Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, this month marks a special opportunity to pay tribute to the contributions of Asian Americans and Pacific Islander Americans. In our community, we have a great opportunity to recognize this dynamic force of creativity in our Nation, and I welcome the opportunity to do so and I thank my colleague MIKE HONDA for hosting this special order tonight.

An estimated 180,000 Asian Pacific Islanders representing a diverse community of backgrounds and cultures and experiences make their homes in Minnesota, with an estimated 32,000 in the Fifth Congressional District alone. Minnesota serves as home to one of the Nation's largest Hmong population, estimated at nearly 80,000. In Minnesota, we boast 2 members of our State legislators who have Hmong American heritage, Senator Mee Moua and Representative Cy Thao. The Hmong American story in Minnesota is quintessentially Minnesotan and we are proud of our Hmong community.

The Hmong story is quintessentially an immigrant story as well, a story coming from their land to a new one to make success here in America, overcoming the many difficulties, struggling, persevering, while retaining love for their land of origin, finding tremendous love and loyalty in their new home as well.

The Asian American and Pacific Islanders make a valuable contribution to every aspect of American life and Minnesota life, from business, education, to arts to military. We will always remember Qixing Lee, a young man who graduated from North High School of Hmong American heritage who lost his life in this conflict in Iraq. Their contributions and unique additions to our life have enhanced the moral fabric and character of our State and our great country.

As we celebrate the many contributions of the Asian American-Pacific Islander community, let us not lose sight of the cornerstone of their contributions and to the very foundation of this country, immigration. Immigration has played a vital role in the entire making of America, whether the immigrants are from Europe, Africa, whether they are from Asia, or Latin and Central America. But immigration no doubt has played a vital role in the creation and success of our country, and must be looked at as a vital American strength as we look forward in this 110th Congress.

As the Democratic-led House leads the way on immigration reform, I believe that we must look at comprehensive reform, not shock radio sound bites. Reform that fully recognizes the contribution of immigrants have made and continue to make to our Nation is as equally important as security on the border. Fair comprehensive immigration policy must work to protect and unite families. Right now, an estimated 1.5 million Asian and Pacific Islanders face an immigration backlog that has forced many families to live separated from their loved one for years. This is a shame and must end.

As we celebrate the contributions of Asian Americans and Pacific Islanders to our Nation, let us use this occasion to take our great country in a new direction and to higher heights, and to meet the challenges facing all Americans, including Asian American and Pacific Islanders. As we have in the first 100 days, let us take further steps to change the way we do business in Washington and defend our country, grow our economy, care for all children and families, protect our planet, and restore accountability. Together, we can make the American dream a reality for all Americans.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I would like to thank my good friend and colleague and neighbor, Congressman Mike Honda, first for his leadership on so many issues, and, secondly, for organizing a special order tonight to celebrate the contributions of Asian Pacific Americans, but also to celebrate Asian Pacific American Heritage Month.

We have the pleasure of representing the California Bay Area together. It is really an honor and a magnificent challenge and an exciting part of my district to bring all of our diverse communities together, to support many, many issues as minority communities. So the Asian Pacific American community is one of those communities that is incredibly diverse in my district and also in our Nation, but also plays an increasingly important role in the development of our Nation. With over 14 million people and 24 ethnic groups, they encompass vast histories and rich cultures.

In many ways, the APA community is seen as a model minority community, but the truth is the very same challenges, like access to health care and education, that other communities face are also obstacles to be overcome by Asian Pacific Americans. For example, nearly 2.4 million Asian American and Pacific Islanders are without health insurance, and about 13 percent of Asian Pacific American children are uninsured. Diseases such as diabetes are on the rise and one of the leading causes of mortality among Asian Pacific Americans.

Congressman HONDA and I also cochair the Congressional Out-of-Poverty Caucus, along with our colleagues Congressman JOE BACA, Congressman G.K. BUTTERFIELD, and Congressman JOHN CONYERS. We all are working to raise awareness of all of these challenges and are working on a plan to eradicate poverty in our country.

As with many minority communities, education plays a key role in ensuring that the next generation of APAs are able to break free from the cycle of poverty. That is why I am a cosponsor of H.R. 629, introduced by a colleague from Oregon, Congressman DAVID WU. This legislation would create institutions of higher education modeled after the historically black colleges and universities and our Hispanic serving institutions. This would establish a university for the Asian Pacific American community.

Back at home in the Ninth Congressional District of California, my constituents and organizations based in my district are really making an impact in many of these fields. An organization that I am very proud to represent is Asian Health Services. This agency has served thousands of people who cannot afford basic services such as health care and mental health services. Our Asian community is so diverse that Asian Health Services has translators that speak nine different languages. When it comes to health care justice, this agency advocates for those with no voice by working with elected officials to create policies that meet the essential mental health and health care needs.

I also want to mention the Asian Pacific Environmental Networks. This agency is a powerful grassroots organization and has done incredible work to provide housing for the waitresses and the security guards and the janitors that keep our community working. They have negotiated with developers to set aside 465 units of housing for low and extremely low income individuals. To further aid this community, the network has negotiated 300 entry-level construction career path placements, allowing constituents to gather the tools that they need for success.

This is truly an important time to reflect upon the accomplishments and the achievements of the APA community. The United States is strong because of its diversity and its immigrants. I am proud to be a member of the Asian Pacific American Caucus and our Tri-Caucus which reflects the beauty and diversity of our country. Let us rededicate ourselves tonight to eradicate the disparities and the discrimination against the Asian Pacific American community and to celebrate the great contributions.

I want to thank Congressman HONDA again for his leadership, and for making sure that justice prevails for the Asian Pacific American community, because his leadership and bringing together the diversity, closing the health care gap with regard to minority communities, all of the issues that he works on makes this House of Representatives a better place.

ASIAN PACIFIC HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. HONDA) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. HONDA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HONDA. Mr. Speaker, I would like to call upon my colleague, Ms. BORDALLO, who hails from Guam.

Ms. BORDALLO. Mr. Speaker, I rise today in honor of Asian Pacific Heritage Month and to recognize the contributions of Asian and Pacific Island Americans to our Nation. First, I want to thank my colleague from California, the Honorable Mr. HONDA, the chairman of the Congressional Asian Pacific American Caucus, for his distinct leadership and dedication to the needs of our communities.

Every May during Asian Pacific American Heritage Month, we recognize the contributions Asian and Pacific Island Americans make to the United States economically, culturally, politically, throughout its history. Asian and Pacific Islander Americans continue to make notable and diverse contributions to every aspect of American life. Asian and Pacific Island Americans also serve public interests by serving honorably in the United States Armed Services and ably at every level of government in the United States. I am proud to participate in the effort to honor their contributions to this country and celebrate our heritage with this month's events.

Some people wonder why we continue to celebrate cultural diversity. I respond by saying that doing so helps to remind us that while many of us have no memory of fleeing oppression or desiring to live freely, many Vietnamese Americans can tell you of their desire to live freely and the risks that they took fleeing communism to do so. Or, the experiences of some Korean Americans can help us better understand the importance of family and the hardships and the pain created as a result of being kept apart from loved ones for generations. While many of our lives are relatively stable and certain, some Chinese Americans or Japanese Americans can inspire you with their stories of succeeding here in the United States after arriving with no money and no possessions.

Freedom and economic opportunity are attributes of the United States that have, for generations, inspired hope among the repressed people of the world. Some of us take the United States and the American way of life for granted. The United States and the privilege and the goodness of America's way of life are particularly important for at least two groups among the Asian and Pacific Islander American community. They are Chamorro or Filipino-Americans. And I say that because Chamorro or Filipino-Americans are among the very few Americans who can identify with heart-swelling pride inspired by witnessing the striking and the unique beauty of the Stars and Stripes flying proudly at the top of flagpoles for the first time after enduring and being liberated from a brutal and extended occupation by the foreign power.

To all Americans I say this: To learn of the experiences endured by these Americans during occupation and liberation will provide you invaluable perspective on what it means to be an American. In fact, before the House this week is H.R. 1595, the Guam World War II Loyalty Recognition Act. This bill would help fulfill a moral obligation on the part of our national government to a group of citizens, the people of Guam, most of whom were indigenous Chamorros who bore the burden of a brutal occupation. The people of Guam were brutalized through public executions, beheadings, rape, and severe injury, forced labor, forced march, and internment in concentration camps.

☐ 2000

H.R. 1595 is called the Loyalty Recognition Act because the loyalty of the people of Guam to the United States during this 32-month enemy occupation should be honored.

It is a tragic injustice of history that, following liberation, Congress did not provide for war claims for the people of Guam in the same manner and with the same opportunities that were afforded to other Americans. The people who carried a disproportionate burden of the war were given less than other Americans when it came time to make our Nation whole. Those who gave more in blood got less in recognition. Asian Pacific American Heritage Month would be especially noteworthy if this legislation were to be agreed to by the House of Representatives.

Asians and Pacific Islanders have a powerful story to tell, and they have a love for this Nation that many take for granted. Our contribution to America is not just the great food and the intriguing cultures that we have introduced to this land; it is also the stories of our incredible journeys to freedom.

Our heritage is our gift to this Nation. Our unique cultures have survived and continue to thrive because America has come to know and appreciate how our contributions enrich our Nation.

I am very, very proud of the Chamorro culture on Guam and take every opportunity to share our culture and our traditions.

Today it is worth reflecting on who we are as a Nation and what values we stand for. We are a Nation of immigrants whose parents and grandparents have come to these shores seeking individual liberty, prosperity and human dignity. The Nation we call our own is one of compassion and of justice. And when it comes to our heritage, we may be Chamorros, Hawaiian, Japanese, Samoan, Chinese, Filipino, Palauan, Chuukese, Korean or any of the various proud cultures of Asia and the Pacific, but we all share a common love for this country.

So as we celebrate Asian Pacific American Heritage Month, let us honor the contributions of all Asian and Pacific Islander Americans, and let us appreciate the cultural diversity, the patriotism and the communities that make our country, that make America so great.

Dangkulo na Si Yu'os Ma'ase.

Mr. HONDA. Mr. Speaker, I would like to call upon our good friend, colleague from Texas, Representative AL GREEN.

Mr. AL GREEN of Texas. Mr. Speaker, I'm honored to be here tonight to celebrate Asian Pacific American Heritage Month. And I want to especially thank Chairman HONDA for the outstanding job that he has done, not only with this event, but also what he does year round, year in and year out with our caucus, the Congressional Asian Pacific American Caucus. I thank you for what you have done.

Mr. Speaker, I represent the Ninth Congressional District in Houston, Texas. The Ninth Congressional District is one of the most diverse districts in the country. It is 36 percent African American, 31 percent Hispanic, 21 percent Anglo and 12 percent Asian. And I am proud to say that this district, the Ninth Congressional District, has the ballot printed in three languages, English, Spanish and Vietnamese, soon to have it in a fourth language, Chinese.

I'm also proud to say that we have elected a Vietnamese to the State House in the State of Texas. The honorable Hubert Vo is a State Representative from a district that is within my Ninth Congressional District.

I am so honored that we have selected the theme "Meeting the Challenges for Asian Pacific Americans." This is most appropriate. Why? Because in spite of discrimination and degradation, Asian Americans have met the challenges for America. They were there when America needed a national rail connectivity. In spite of discrimination and humiliation, they helped to construct the first transcontinental railroad.

When the greatest generation went to war in World War II, they were there, not only for America, but for the entire world. Notwithstanding dehumanization and incarceration, Americans of Japanese ancestry were some of America's most decorated soldiers.

They were also there from the Philippines. During World War II, over 200,000 Filipinos fought in defense of the United States of America. More than half died. They answered President Franklin Delano Roosevelt's clarion call for help. They met the challenges of America, and it's time for America to meet the challenges of the Filipino veterans, who were promised, I might add, the same benefits as other veterans and who have not received them to this day.

It is time for Congress to pass the Filipino Veterans Equity Act of 2007. It is time to treat all who sacrificed during World War II the same.

Asian Americans have been there for us. It is time for us to be there for them.

Mr. HONDA. Mr. Speaker, I would like to call upon our good friend from California, Congressman XAVIER BECERRA.

Mr. BECERRA. Mr. Speaker, more than anything else I'd like to thank Chairman MIKE HONDA from California for organizing tonight's special order to celebrate Asian Pacific American Heritage Month because it's important for us to not only say it today, but have it recorded in the CONGRESSIONAL RECORD for all time that we appreciate what members of American society have done for us, especially members, this month we want to celebrate of Asian Pacific American heritage, who are Americans, patriotic, hardworking, and in every respect trying to live the American dream.

And so I stand here with a great deal of pride as a Member of Congress who represents a portion of the city of Los Angeles, a very diverse district with a substantial Asian Pacific American population. I stand here as a very proud member of the Congressional Asian Pacific American Caucus' Executive Committee.

And I also stand here very proud to say that on many occasions I've had the opportunity to author legislation very important to the Asian and Pacific American community here in this country, whether it has been the issue of reuniting families of Korean descent who have not seen family members in North Korea for many, many years, or whether it's been legislation to try to help obtain justice for Asians of Latino descent who were deprived of their rights back during World War II and never, never received the recognition they deserved to get their rights and their property back. I had that opportunity.

But rather than talk about the 1882 Chinese Exclusion Act which began the whole process of discrimination and racism towards Asian and Pacific Americans in this country, or rather than dwell much longer on the history of the internment of Japanese Americans, some 120,000 back during World War II for no reason, without due process, when, in fact, we found out that Japanese Americans served this country proudly and patriotically. In fact, they were among the most decorated of American soldiers during World War II.

And rather than talk about, as I just mentioned, the plight of Filipino soldiers during World War II, who as Filipino veterans, served under the American flag, yet, by an act of Congress in 1946, were deprived of the rights to veterans benefits in this country, let me talk about something else, and not in general terms.

Let me talk to you a little bit about America's leaders today and tomorrow. Just yesterday I had the opportunity to award the winner of my Congressional Arts Competition, which we do every year, so the one winner in my district in high school who has an opportunity to present his or her piece of art work in the Capitol of the United States is introduced on that day of the selection. And that was yesterday.

My winner, for the 31st Congressional District, was Julie Lee, a high school student in my congressional district who did a phenomenal piece of art work. She will be a leader tomorrow. We know it not just because of her artistic talents, but because she came forward to participate in this process.

I could name the various military academy nominees that I've sent off to, whether it's West Point or the Air Force Academy of Japanese, Chinese or Korean American descent that I've had the pleasure and honor to send on to become leaders of this country.

Or I could simply talk about someone by the name of Christine Oh, who happens to be a legislative assistant in my Congressional office here, or Henry Truong, who happens to be my executive assistant here in my Washington, D.C. office, who many would consider my gatekeeper because he decides what my schedule looks like; or perhaps Melvin Tabilas in my district office in Los Angeles, who is one of my field representatives who helps me manage an area that has some 650,000 people there to try to make sure we give the people in my district the coverage they need.

Or perhaps I could mention the names of people like Stuart Kwoh, who has been a champion for civil rights and simply the rights of Americans, especially those of Asian Pacific American descent in Los Angeles through his work with the Asian Pacific American Legal Center.

Or I could speak to you about Grace Shimizu, who has been a champion to have restored to those Japanese Latin Americans the rights they lost during World War II through the organization Campaign For Justice, which she is a part of and leads.

Or I could mention Hyepin Im, who is the leader of the Korean Churches for Community Development in the Los Angeles area, now a national organization, which tries to help, through the Korean churches throughout this country, to bring Korean Americans forward and to receive the benefits of what this society offers to Americans.

Or perhaps I could mention Joel Jacinto, who is the Director of the Search to involve Filipino Americans, SIPA, an organization which truly goes out into the community, especially in the Filipino American community in Los Angeles to make sure that whether it's on education, housing, health care issues, SIPA is there to offer Filipino Americans those services.

Mr. Speaker, to Mr. HONDA we say, thank you for letting us have this opportunity to talk about the achievements, the accomplishments of people of Asian Pacific and American descent. Clearly, these are Americans who have persevered and excelled in this country.

We could talk about the difficulties of discrimination and racism, the violence that has been experienced by many. But rather than that, I think it's better, most fitting to talk about today's leaders, and tomorrow's leaders in this country.

So to one of today's leaders, Congressman MIKE HONDA, I say thank you for letting us talk today about tomorrow's leaders in this country as well. And with that, with great pride in helping to celebrate Asian Pacific American Heritage Month, I yield back the balance of my time.

Mr. HONDA. Just to comment about both Congressmen AL GREEN and XAVIER BECERRA, they too are also members of the Congressional Black Caucus and the Hispanic Caucus, and so they serve dual roles in their leadership. And I think CAPAC, the Congressional Asian Pacific American Caucus, enjoys the leadership, experience and the insights of these two gentlemen, and it makes our caucus stronger and partners with the other caucuses.

And it's no wonder that they come to Congress on behalf of the community because the communities there trust these two men and they trust their leadership and their insights and their conscience. So to both I say, thank you.

I'd like to call upon a Congresswoman who hails from the Aloha State who, I think, is probably the re-incarnation of the spirit of Patsy Mink, MAZIE HIRONO.

Ms. HIRONO. Mr. Speaker, I rise today to join my fellow Congressional Asian Pacific American Caucus, CAPAC members, and my other colleagues in celebrating Asian Pacific American Heritage Month.

I'd like to, of course, thank Congressman HONDA for organizing this special order tonight, and for his leadership shown throughout the year in his service as chairman of CAPAC.

The heritage month theme is "Meeting the Challenges for Asian Pacific Americans." The APA community has come a long way since the days when laws excluded us from coming to this country, barred us from many places, public places, and worse, interned us in camps solely because of our ethnic heritage.

☐ 2015

Nationwide, we are now 14 million strong, and in the next 30 years the APA population is expected to double to about 8 percent of the entire U.S. population.

Because of our history of labor immigration and our indigenous island population, Hawaii has had a head start in terms of political representation. Our APA communities have lived and worked in our islands since the mid-1800s, when the first Chinese laborers were imported to work in the sugarcane fields. Since 2000, three of our communities, the Okinawans, Koreans, and the Filipinos, have celebrated their centennial anniversaries of arrival to the United States and to Hawaii.

Hawaii produced the first Governors in the Nation of Japanese and Filipino ancestry, George Ariyoshi and Ben Cayetano; the first Native Hawaiian Governor, John Waihee; the first Asian American Senators, Hiram Fong and Daniel Inouye; the first Senator of Native Hawaiian ancestry, Daniel Akaka; the first Native Hawaiian and Pacific Islander Member of Congress, Prince Jonah Kuhio Kalanianaole; and the first woman of color to serve in Congress, Patsy Takemoto Mink. And I am privileged to have served as Hawaii's Lieutenant Governor, becoming the first immigrant woman of Asian ancestry elected to statewide office and to be able to continue my service here as the first immigrant born in Japan serving in Congress.

Asian and Pacific Islander Members of Congress currently number only nine, including ENI FALEOMAVAEGA, our delegate from American Samoa. Also with me in the House are Congress Members MIKE HONDA and DORIS MATSUI, Oregon's DAVID WU, Virginia's ROBERT SCOTT, and Louisiana's BOBBY JINDALS. In the Senate we have Hawaii's two senior statesmen, Senators DANIEL INOUYE and DANIEL AKAKA.

Although the successes of our APA community over the years have been many, there is another side to our story that is not often discussed. While more Asians have college degrees than any other group in the country, we also have more people who have not graduated from high school compared with other ethnic groups. And while APAs have higher incomes, the U.S. Census counts 1.3 million Asian and Pacific Islanders living in poverty. There are still many wrongs to be righted. Some of them are decades old.

On March 1, 2007, I reintroduced the Filipino Veterans Family Reunification Act, H.R. 1287, a companion bill to S. 671, introduced by Senator AKAKA. It will accelerate the immigration process for the sons and daughters of the Filipino veterans who fought with our American troops in World War II. I am also a cosponsor of the Filipino Veterans Equity Act, H.R. 760, to fulfill our promise of full veterans' benefits to those Filipino soldiers.

I know that questions have been raised about the cost of carrying out our obligation to the Filipino World War II veterans. The Congressional Budget Office has estimated that the cost of enacting H.R. 760 will be $1 billion over a 10-year period. While this is a large sum, it is worth noting that the United States spends approximately $9 billion each month in the war in Iraq.

Challenges are also facing our Native Hawaiian population. The desire for self-determination by the indigenous people of my home State has been ignored for far too long by the Federal Government. Native Hawaiians remain the only indigenous group in our country still awaiting Federal recognition similar to the recognition Congress has granted to American Indians and Alaska Natives. H.R. 505, the Native Hawaiian Government Reorganization Act, would set up a process for Native Hawaiians to organize a government entity.

By continuing to work together, I am hopeful that we will be able to meet these challenges as we have overcome others in the past. This month Washington, D.C. is hosting the Eighth Pacific Islands Conference of Leaders, PICL. The triennial PICL brings together the heads of government and senior officials from the Pacific, including Hawaii and the U.S. Pacific Territories. This is the first time that the group has met in Washington, D.C., and it is quite an opportunity for all of us here to find common ground on issues facing the Pacific region and our world.

In closing, I would again like to thank Congressional Asian Pacific American Caucus Chairman HONDA for allowing us this opportunity to reflect upon how far our APA community has come and yet, of course, remember how much further our community has to go.

Mahalo and aloha.

Mr. HONDA. Mahalo. Thank you very much.

Mr. Speaker, I rise today to recognize the Asian American Pacific Islander community and to commemorate Asian Pacific American Heritage Month.

As Chair of the Congressional Asian Pacific American Caucus, commonly known as CAPAC, I feel privileged to be here tonight to speak of the Asian and Pacific Islander American history and accomplishments.

And before I continue, I would also like to recognize you, Mr. Speaker, for presiding over this Special Order and also knowing that you too have worked with other Asian American leaders in your home State, specifically Senator Stan Matsunaga. For that we are grateful.

Additionally, I will be highlighting those isues affecting our community and the priorities for CAPAC.

The history of APA Heritage Month: In celebrating APA Heritage Month, I want to give thanks to the late Representative Frank Horton from New York and my good friend Secretary Norman Mineta, along with Senators Daniel Inouye and Spark Masayuki Matsunaga, that May is now designated as Asian Pacific American Heritage Month.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843, to the U.S. and the completion of the transcontinental railroad on May 10, 1869.

In 1992 Congress passed public law No. 102–450, the law that officially designated May of each year as "Asian Pacific American Heritage Month." The first AAPI settlement in this country dates back to 1763, when Filipinos escaped imprisonment aboard Spanish galleons and established a community near New Orleans.

The AAPI community quickly expanding. Currently, there are approximately 14.6 million AAPIs living in the United States, comprising just over 5 percent of the total U.S. population. By the year 2050, there will be an estimated 33.4 million individuals living in the United States who identify as Asian alone, representing a 213 percent increase from 2000, comprising 8 percent of the total U.S. population. My home State of California has both the largest AAPI population, 4.9 million, and the largest numerical increase of AAPIs since 2000.

There are some needs, Mr. Speaker, this year's theme for Asian Pacific American Heritage Month, "Meeting the Challenges for Asian Pacific Americans," reflects hardships overcome by the AAPI community while highlighting the hope we maintain as we contribute to the prosperity of this great Nation. As our community expands, we must also continue to educate our fellow citizens about the uniqueness of our experiences.

The AAPI community is often misperceived as monolithic. Our community is extremely diverse in our languages, ethnicities, culture, and challenges. Aggregating such a large and diverse group makes it difficult to understand the unique problems faced by the individual ethnicities and subgroups, such as the Southeast Asian Americans, who are refugees that fled their home countries during the late 1970s and the early 1980s. As a country, we need to better address the needs of the AAPI community when we discuss comprehensive immigration reform, education, health issues, and veterans' affairs.

Comprehensive immigration reform: Mr. Speaker, our Nation was founded by immigrants who valued freedom and liberty, who sought to be free from persecution and from tyranny. Families fled their home countries to seek refuge in this great Nation because they too believed in "liberty, justice, and freedom for all." It is in this spirit that

CAPAC supports immigration legislation that shifts the debate from an exclusionary, anti-immigrant, enforcement-only approach to one that confronts the social and economic realities behind immigration; honors the dignity of all families and communities; and recognizes the economic, social, and cultural contributions of immigrants to our great country.

Today, AAPIs constitute a growing and vibrant piece of the American fabric. In 2005 close to 9 million of this Nation's foreign born were born in Asia, constituting approximately one quarter of the foreign-born population and over one half of the total AAPI population. Even with a relatively high naturalization rate, there are approximately 1.5 million Asian undocumented immigrants living, working, or studying in the U.S., representing 14 percent of the undocumented immigrants in the United States. These include victims of immigration fraud, who have become undocumented due to no fault of their own. Many work and study hard, pay taxes, and yet live in fear with no hope of gaining a path to legal permanent resident status. Let's give these workers and these students an opportunity.

In addition to an earned pathway to citizenship, family reunification is a high priority in the AAPI community. Immigration reform must espouse the family values that are so fundamental to our national ideals. Family members provide care for the sick, for their children, and for their elderly. Family members are crucial for small businesses and educational opportunities. Close to 2 million AAPIs wait years, sometimes even decades, in order to reunite with their families in the United States. AAPI families who seek to be reunited with their family members overseas have not seen their dreams come true because of our dysfunctional immigration system. We need comprehensive immigration reform to address these backlogs.

And education: In addition to immigration reform, expanding educational access for all Americans is also a high priority for CAPAC. Mr. Speaker, as Americans, we need to ensure that our children receive a quality education by providing adequate teacher training, funds for after-school and extra-curricular activities, and ensuring that college is affordable for every student who desires to receive a higher education.

According to the U.S. Census, 41 percent of Asians age 25 and over have a bachelor's degree or higher level of education. However, when the data is disaggregated for AAPI subgroups, we find that the "model minority" stereotype is, in fact, a myth. According to the 2000 Census, only 9.1 percent of Cambodian Americans, 7.4 percent of Hmong Americans, 7.6 percent of Lao Americans, 19.5 percent of Vietnamese Americans, and 16.5 percent of Native Hawaiians and Pacific Islanders who are 25 years and older have a bachelor's degree or higher degrees.

These numbers show that we must do a better job of disaggregating the data and information about our communities to assess the needs of those hardworking Americans who still falter behind.

To address the disparities between subgroups of the larger AAPI community, we need Congress to pass the Asian American Pacific Islander Serving Institutions bill, which my colleague from Oregon, Representative DAVID WU, has introduced in January. This legislation will provide Federal grants to colleges and universities that have an enrollment of undergraduate students that is at least 10 percent AAPI and at least 50 percent of its degree-seeking students receive financial assistance.

As a caucus, we will work to increase the availability of loan assistance, scholarships, and programs to allow AAPI students to attend a higher education institution; to ensure full funding for teachers and bilingual education programs under the No Child Left Behind law to support English language learners; and to support full funding of minority outreach programs for access to higher education such as the TRIO programs to expand services to serve AAPI students.

In health, Mr. Speaker, a common misperception of AAPIs is that as a group, we face fewer health problems than other racial and ethnic groups. But, in fact, AAPI as a group, and specific populations within this group, do experience disparities in health and health care. For example, AAPIs have the highest hepatitis B rates of any racial group in the United States.

□ 2030

This week, health advocates from around the country will be participating in a National Awareness Campaign to bring attention to and educate their communities about prevention of hepatitis B through testing and vaccination. In the United States, 12 million people have been infected at some time in their lives with the hepatitis B virus, and more than 5,000 Americans die from hepatitis B related liver complications each year.

Asian Americans and Pacific Islanders account for more than half of the chronic hepatitis B cases and half of the deaths resulting from chronic hepatitis B infections in the United States. In order to break the silence surrounding this deadly disease and bring awareness to the American people, Congressman EDOLPHUS TOWNS, Congressman CHARLIE DENT and I have introduced H.R. 366, which supports the goals and ideals of National Hepatitis B Awareness Week. I hope my colleagues will join me in educating our communities about the dangers of this disease.

AAPIs are also five times more likely to develop cervical and liver cancer than any other ethnic and racial group. Furthermore, according to the Census Bureau, 18 percent of AAPIs went without insurance for the entire year in 2000. This means that the uninsured are not only more likely to go without health care for serious medical conditions, they are also more likely to go without routine care, less likely to have a regular source of care, less likely to use preventive services, and have viewer visits per year.

At the same time, without appropriate language translation services or properly translated materials, limited English proficient immigrants cannot receive adequate care as well as State and Federal benefits for which they may be eligible. In the AAPI community, 76 percent of Hmong Americans, 61 percent of Vietnamese Americans, 62 percent of Korean Americans and 39 percent of Tongans speak limited English. Therefore, eliminating health care disparities in the AAPI community must include data collection, linguistically appropriate and culturally competent services and access to health insurance.

CAPAC has been working with both the Congressional Hispanic and Black Caucuses on the Health Care Equity and Accountability Act to eliminate ethnic and racial health disparities for all of our communities. The act would expand the health care safety net, diversify the health care workforce, combat diseases that disproportionately affect racial and ethnic minorities, emphasize prevention and behavioral health, and promote the collection and dissemination of data and enhance medical research.

Mr. Speaker, I would also like to extend my gratitude to the patriotic men and women serving our country in the military, including the 62,378 AAPIs who are on active duty in the military, and the 7,904 AAPIs who are currently deployed in the global war on terrorism. I also commend and thank the 446,000 AAPI veterans who have fought for our country.

I would like to highlight and honor the Filipino veterans who have not been compensated or recognized for their service, which I believe is a national disservice to these brave veterans. As a country, it is our duty to ensure these veterans have equal access to all of the benefits and treatment that other veterans receive. We believe that our troops should be taken care of when we send them into battle and that they should be given the respect when they return home. Therefore, CAPAC endorses H.R. 760, the Filipino Veterans Equity Act introduced by Representative BOB FILNER, who chairs the House Committee on Veterans' Affairs. CAPAC thanks

Representaive FILNER for his leadership on this issue.

H.R. 760 would do justice by providing the full benefits promised to all Filipino veterans who fought in World War II under the command of the U.S. military. The Filipino Veterans Equity Act would eliminate the disparities and benefits between some Filipino veterans and restore the honor and dignity they so deserve. With Congressman FILNER as the Chair of the Veterans' Affairs Committee, we have a great chance to get this bill to the floor.

There are many firsts among the AAPIs. I am proud of our community's accomplishments, and I would like to recognize many of the AAPIs first in areas of art, film, sports, science, academia and politics, but also emphasize that they should not be the last.

In 1847, Yung Wing, a Chinese American, graduated from Yale University and became the first AAPI to graduate from an American university.

In 1863, William Ah Hang, a Chinese American, became the first AAPI to enlist in the U.S. Navy during the Civil War.

In 1922, Anna May Wong, in her lead role in "The Toll of the Sea," at the age of 17 became the first AAPI female to become a movie star, achieving stardom at a time when prejudice against the Chinese in the United States was rampant.

In 1944, An Wang, a Chinese American who invented the magnetic core memory, revolutionized computing and served as a standard method for memory retrieval and storage. And today we have iPods that are smaller than a deck of cards that can hold up to four gigabytes of information, all coming from this 1944 invention by An Wang.

During World War II, the 442nd Regimental Combat Team of the United States Army, comprised mostly of Japanese Americans, became the most highly decorated unit of its size in the history of the U.S. Army, including 22 Medal of Honor recipients, Senator DANIEL INOUYE being one of them.

In 1946, Wing F. Ong, a Chinese American of Arizona, became the first AAPI to be elected to State office.

In 1947, Wataru "Wat" Misaka became the first ethnic minority and the first AAPI to play in the National Basketball Association for the New York Knicks. How about that?

In 1948, two Californian divers, Dr. Samuel Lee, a Korean American, and Victoria Manalo Draves, a Filipina American, became the first AAPIs to win Olympic gold medals for the U.S.

In 1956, Dalip Singh Saud, an Indian American, became the very fist AAPI to be elected to the U.S. Congress.

In 1959, Hiram Leong Fong, a Chinese American, became the first AAPI to be elected as a United States Senator and is the only AAPI to actively seek the Presidential nomination of a major party.

In 1965, Patsy Takemoto Mink, a Japanese American, becames the first AAPI woman and woman of color elected to the United States Congress.

In 1971, Judge Herbert Choy, late Ninth Circuit Court judge, became the first AAPI to sit on the Federal bench.

In 1985, Haing Ngor, a Cambodian American survivor of the Khmer Rouge regime, became the first AAPI to win an Academy Award for his role in "The Killing Fields" movie.

In 1985, Ellison Onizuka, grandson of a Japanese immigrant, became the first AAPI astronaut to reach outer space, and in 1986 died in the space shuttle explosion of the Challenger.

In 2000, Secretary Norman Mineta was confirmed as Secretary of Commerce under President Clinton and became the very first AAPI to hold a cabinet post; then continued his service to America as Secretary of Transportation under President Bush.

In 2001, Secretary Elaine Chao was confirmed as Secretary of Labor under President George W. Bush, becoming the first AAPI female to hold a cabinet position.

Mr. Speaker, the Asian and Pacific Islander American community continues to fight for our civil rights as Americans. Even after the internment of Japanese Americans during World War II, we as a community did not grow embittered or cowed by discrimination; instead, we progressed and moved forward.

I am a proud member of the AAPI community, and I am proud to be one because we continue to serve as positive contributors to our many communities by investing in education, business and cultural opportunities for all Americans.

In closing, this Asian Pacific American Heritage Month we take pride in our history, accomplishments and the promise of our future as we continue to pave the way for a better tomorrow and a better America.

Ms. PELOSI. Mr. Speaker, today I rise in celebration of Asian Pacific American Heritage Month.

I am proud to represent the city of San Francisco, where we are blessed in our community to have a thriving Asian American and Pacific Islander (AAPI) population. It is home to our Nation's oldest Japantown, one of the largest Chinatowns, and countless other ethnic communities.

As one of the fastest growing ethnic groups in our country, Asian Americans and Pacific Islanders contribute to our economic prosperity, cultural diversity, and political process. Representing 11 different ethnicities, they have a unique voice, which plays a role in the work that we do in Congress to improve the lives of Americans every day.

While the debate about comprehensive immigration reform intensifies across the country, it is recognized by many of my colleagues as a hurdle that particularly affects Asian Americans and Pacific Islanders. Whether it is a Chinese student waiting for a visa, or the South Asian worker waiting to be reunited with his family, comprehensive immigration reform is a challenge that must be met. Their experiences reflect that of the first immigrants to our country, who dreamt of a better life for themselves. Within the AAPI community, there is a beautiful diversity that reflects the ideals of family values, hard work, and a wonderful optimism that our nation was founded upon.

Asian Americans and Pacific Islanders also face the tragic challenge of combating hate crimes. Last week, the House of Representatives passed legislation that strengthened the ability of local, state, and federal law enforcement agencies to solve a wide range of violent hate crimes based on religion, sexual orientation, gender, gender identity, national origin, or disability. Although a hate crime may affect the life of one victim, its impact reaches deep into the community. All Americans have a right to feel safe in their community. Sadly, we remember Song Sun Lee, Stephen Kam Yan Li, and Robert Stanford, all recent victims of hate, whose lives were unjustly cut short.

As we work on legislation to improve lives for the future, we must remember the challenges from the past. World War II set the stage for courageous acts of heroism, but at the same time generated acts of grave injustice and discrimination. I salute the Filipino Veterans who fought bravely during World War II and join them in their fight for full veterans' benefits. I recognize the courage of the remaining comfort women and will work to ensure that their rights are protected.

I am pleased to stand here with my colleagues who also recognize the efforts and accomplishments of Asian Americans and Pacific Islanders in this country. I thank Chairman MIKE HONDA and the rest of the Congressional Asian Pacific American Caucus for their continuous efforts to ensure that the millions of voices of Asian Americans and Pacific Islanders are heard.

As we celebrate, let us continue well past Asian Pacific Heritage Month to value and appreciate the contributions of Asian Americans and Pacific Islanders living in the United States.

Mr. WU. Mr. Speaker, it is with great honor and pleasure that I join my fellow members of the Congressional Asian Pacific American Caucus to celebrate Asian Pacific American Heritage Month. This May marks the 29th time that America has recognized and celebrated the many contributions and achievements of Asian Pacific Americans.

America has reached greatness in part by the accumulation of ideas from those with varied heritage and backgrounds. In particular, Asian Pacific Americans have made profound contributions to the arts, education, science, technology, politics and athletics. Asian Pacific Americans have played an active and crucial role in the development of the United States, from linking the coasts of the nation with the transcontinental railroad to bringing the world closer through development of the latest Internet technology.

This year, Congress will be debating and voting to reauthorize No Child Left Behind and the Higher Education Act. As a member of the Education and Labor Committee as well as the Congressional Asian Pacific American Caucus, I am working hard to ensure that the

Asian Pacific American community not only has a seat at the table of these debates, but also a strong voice to shape the national conversation.

The Asian Pacific American community remains and always will be an integral and vibrant part of American society. As we take part in the celebration of Asian Pacific American Heritage Month, I urge everyone to participate more deeply in the civic life of our nation. Asian Pacific American civic engagement will help to define our collective future and ensure that we move forward with determination and unity. Let us work together to build bridges and strengthen our great nation's diverse communities.

I encourage Congress and the American people to spend the month of May absorbing the legacy, culture and achievements of the Asian Pacific American community.

Mr. MCDERMIOTT. Mr. Speaker, in many ways the history of America is the history of American immigrants, the people who came here from somewhere else to make a better life for themselves and their families. In so doing, they each have made America stronger as a Nation and culturally richer as a people.

That's why it gives me great pleasure to recognize the month of May as Asian Pacific American Heritage Month and, in so doing, recognize the approximately 80,000 Asian Pacific Americans who live in the 7th Congressional District in Washington State, the district I proudly represent. We are home to Asian Indian, Cambodian, Chinese, Filipino, Hmong, Japanese, Korean, Laotian, Vietnamese, Pacific Islanders, Samoan, Tongan and representatives of other Asian American cultures as well. Their contributions to Seattle, the surrounding communities, and to America deserve to be celebrated, not just merely recognized.

Throughout the year, I am honored to join constituents at commemorative events like the International District Street Fair, Bon Odori and Tet in Seattle. These and other truly unique cultural celebrations enrich our communities and our personal lives. For instance, every chance I get, I now enjoy Sumi-e painting, a Japanese art form, where ink is used to depict a subject in the fewest number of strokes. When someone of Irish decent like me can assimilate an Asian art form, it is a reminder that America's great strength is America's great diversity.

Asian Americans immigrated to the United States in the late 19th century, but many faced prejudice, racial injustice and discrimination. They responded with quiet, dignified resolve and made America stronger by their commitment to equality for all. Trying to mention all the significant achievements and role models from the Asian American community would fill a very large roomful of books, but I am proud to mention some in the 7th Congressional District.

In Seattle, the United States Courthouse is named for William Kenzo Nakamura, a Japanese American who was posthumously awarded the Congressional Medal of Honor for his courage in World War II, an honor especially poignant because William and his family were forcibly relocated to a federal internment camp at the beginning of the war. The courthouse is a perfect symbol and memorial to an American who sacrificed his life so that others might be free. Elsewhere in Seattle, the Wing Luke Asian Museum, Seattle Asian Art Museum, Filipino American National Historical Society, and Densho: The Japanese American Legacy Project, strengthen America by preserving the heritage of Asian Americans.

Today, Seattle is truly a global city, with a culturally diverse population that underscores our deep involvement in global issues and trade. Over one quarter of the jobs across Washington State are directly tied to international trade. In fact, trade is growing and we are succeeding because of the relationships we have built with the help of the Asian American community.

It is my hope that recognizing May as Asian Pacific American Heritage Month reminds us of the role immigrants have played in shaping the history of our Nation. Ahead, we must examine the issue of immigration, and I believe we can and should be guided by reflecting on the contributions that immigrants have made and continue to make.

As we look ahead, let us honor and remember our past, and remember that we are all immigrants and when we pause to honor Asian Pacific Americans, we honor all Americans.

AMERICA FACES LARGEST TAX INCREASE IN HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHUSTER. Mr. Speaker, coming to the House floor as I have for the past 4 months to talk about the great concern that I have and to draw attention to what is going to happen in the United States Congress if the new Democratic majority does not act, in just 1,335 days, the American people are going to see the largest tax increase in American history. I also believe, although I haven't been able to verify this, it is probably the largest tax increase in the history of the world. And the Democratic majority doesn't have to even vote on it, all they have to do is run out the clock and allow the tax reductions, the tax cuts that occurred in 2001 and 2003 to expire. And only in Washington, and I have heard this said, that the majority party is not going to raise taxes because they won't vote on raising taxes, but because they are going to expire and people's taxes are going to go up, that is not really a tax increase. Well, if you are sitting out there in middle America and you are making $40,000 a year and you have two children, your taxes will go up approximately $2,000. That is a tax increase. Everybody in America knows that. And everybody that knows how to add and subtract knows that if your taxes go up $2,000 or if anything goes up $2,000, that is an increase. And as I said, the majority, the Democratic majority will not have to vote on it, they can just, as I have said, run out the clock.

In 2001 and 2003 and every year in the Republican majority, we cut taxes; we cut some tax over the 12 years in majority. And the new Democratic majority, it took them about a week, maybe less than 10 days to have their first tax increase. They passed it back in January. And fortunately it hasn't become law because they haven't been able to pass anything of substance that passed the House and the Senate and gone to the President. So, as I said, we haven't seen that first tax increase, although the Democratic majority did in fact vote on a tax increase and it passed here in the House.

I hope my friends on the other side will take a lesson from history and look back to the 1960s to President John F. Kennedy and what he did in his term as President. One of the first things he did was to cut taxes. And what happened in the 1960s? The economy grew, revenues to the Federal Government grew because of those tax cuts. And then look back just into the 1980s when President Ronald Reagan came to Washington, and with the help of a Democratic majority, he cut taxes. And what happened? The economy grew, the revenues to the Federal Government grew, and that was a positive thing.

The same thing occurred in 2001 and 2003 and continues. We cut taxes, allowing the American people to keep more of their hard-earned dollars, and the economy is growing. Revenues to the Federal Government are at record levels coming into the Federal Government. And the facts are there. Since 2003, 7.5 million jobs have been created. That is more jobs that the European Union and Japan combined have created. Our economy has now added jobs for 43 straight months.

Just last month, in April, 88,000 new jobs were created in the United States. Folks that had been unemployed or happen to find themselves unemployed are finding much shorter duration of unemployment than they had in the past. The national unemployment rate remains at 4.5 percent, which is well below the 5.1 percent rate which was in 2005, and below the average of each of the past four decades.

□ 2045

The U.S. has grown faster than any G–7 industrialized nation over the past 4 quarters. Wages have increased, and tax relief has helped spur economic growth by keeping over $1.1 trillion in the pockets of Americans. As I said, if the Democratic majority doesn't act by January 1, 2011, all those tax cuts, tax reductions we put in place for small businesses, for families, for individuals, will expire.

In my State of Pennsylvania alone, the average worker, the average taxpayer, will see about a $3,000 increase in his taxes. My good friend from Florida, RIC KELLER, informs me that the average taxpayer in Florida will see an increase of $3,000, if we don't act and extend those tax cuts.

Once again, that is what we are going to do tonight, is talk about this countdown. We call ourselves the Countdown Crew, because in 1,335 days, if the Democratic majority doesn't act, the average American and average small business in this country, the individual in this country is going to see their taxes increase.

That money will come out of their pockets, will come to Washington, and they will not have an opportunity to spend it as they see fit. They won't have an opportunity to save it for their retirement, or their children's college education or future education. So it is important that we draw attention to what is going to happen here in Congress.

The Democrats won a majority in the election and they said first of all that they were going to have "6 for 06." They have passed all six of those in the House, but nothing of what they passed, none of those six have made it into law. As I said earlier, very few things we have passed here on the floor have made it into law. We have named a couple of post offices and Federal buildings, but nothing substantial has been able to pass this Congress and become law.

As I said, I think it is extremely important that the American people are aware that just by running out the clock, the taxes for every American, every small business, every business in America, will go up, without action in this House.

With that, I am joined here tonight by my good friend from Kentucky, a former business owner and a father of several children, I can't keep count, five or six.

Mr. DAVIS of Kentucky. Six

Mr. SHUSTER. Six. I would like to yield to the gentleman.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from Pennsylvania. I just want to say I appreciate the leadership you have shown since the beginning of this Congress on being the lead sponsor of the Countdown Crew.

Both BILL SHUSTER from Pennsylvania and I were small business owners. We have lived out in the real world. We are not attorneys. We come from an environment of working and manufacturing and distribution and logistics with real people. We know the burdens on making sure our employees are covered with health insurance. We know the impact of tax increases and tax cuts.

For those of you joining us right now, we would love to hear your stories, the impact on being able to keep more of your own money, what it has meant to you and the ability to invest in your children's future, to build a future for yourself, to build a nest egg, to start a small business, to expand the small business that you have.

BILL and I have heard literally hundreds of stories since the first of the year. We would like to hear yours. You can communicate with us directly at Countdowncrew@mail.house.gov. That is Countdowncrew@mail.house.gov.

At the end of the day, I believe that the key principle that we have shared over and over and over again is that our focus and the focus of the government is that the government cannot create value or wealth for people. What the government can do, done rightly, is create a playing field and a framework to unleash the creativity in the American people, to give them the opportunity to pursue their dreams, to pursue a future, to build a future for themselves, and ultimately we start that process by making sure that people can keep more of what they earn.

When you have control over your money, you are going to invest it in such a way that it makes a difference for you, your family, ultimately for your community and the country. That is why we say we want to create taxpayers, not raise taxes.

It has been a few weeks since we were able to get together here on the floor as we have been counting the days since our first session the second week of January when we began sharing what was ahead. We predicted at that time that there would be tax increases coming.

Much of the change in the election was not driven by fiscal policy. It was driven by anger or resentment or emotion related to the national security situation. But as people are waking up, I am traveling in different parts of my district, many folks upset about that said, "I didn't realize I was voting for a tax increase." In fact, what was voted on in the House last month with was the largest tax increase in American history.

My friends, that is not a solution to the country's challenges. By raising taxes, we limit opportunity. By raising taxes, money comes out of our communities, it comes out of working families' pockets, it comes to bureaucrats in Washington.

When some of my colleagues on the other side made comments about wanting to reduce the deficit and spending, they didn't want to reduce spending. What in fact they wanted to do was reduce defense spending, but not reduce spending on other programs. Indeed, that spending has increased under this budget. What we are looking at over 5 years is an estimated $900 billion tax increase. That is going to be devastating to the economy.

In Kentucky alone, I come from a district that is very diverse with agriculture, manufacturing, distribution, logistics. We have river industries. We have the largest inland port in North America with the Port of Ashland-Huntington, where much of our Nation's energy supply transits. Our average working family in Kentucky is going to see a tax increase of $2,563, right off the bottom line. When I think what we could do with that, I have got my second child going into college now, I think of what we could do with $2,500 is immense.

We look at the counterpoint, I look to the gentleman's point earlier regarding what happened when taxes were cut by President Kennedy, what happened when taxes were cut by President Reagan, what happened when taxes were cut by President Bush and the Republican Congress at that time, at a very difficult period in this Nation's history as we entered into war, just prior to the 9/11 attacks. There was a recession in 2001 that was inherited from the prior administration.

What we have seen is record revenues to the Federal Government by reducing taxes. By raising the ceiling, in fact pushing the burden upward on taxes and reducing the burden on working class families, taking millions of people off the tax rolls, by creating a 10 percent tax bracket, has resulted in the creation of 7.5 million jobs, record revenues to the Federal Government, and that done in a time of war. What that tells me is that these principles work: that Republican, conservative fiscal principles work by allowing people to keep more of their own money.

My question in fact to folks is if you had to write that $2,500 check, what do you want to get in return for that? At the end of the day, we want to get something that is going to make a difference for our family, our community and our country, and not fuel empty rhetoric, particularly spending on programs that aren't necessarily going to add any value.

180,000 jobs were created in March alone. As we travel throughout our districts, I hear stories in a wide variety of industries, many of them I have shared here on various evenings as we have come back to Washington, D.C., the successes that people have had by being allowed to keep more of their own money and build a future in their hometown, in the heartland, and not send it to bureaucrats far away.

I would like to invite my colleagues from Texas, Congressman CONAWAY and Mr. SHUSTER, to continue the dialogue with some of these examples. But if you just joined us again, we are the Countdowncrew@mail.house.gov. We would like to hear your stories. We would like to hear your testimonials, how it has made a difference for you in creating jobs and small businesses in our local communities where 88 percent of all new jobs created in this country come from.

It is not going to come from giant corporations. It is certainly not going to be created from liberal policies of the folks on the other side of the aisle. It comes by you producing your future, chasing your vision and investing your dollars to build that.

With that, I yield back to the gentleman.

Mr. SHUSTER. Mr. Speaker, I appreciate the gentleman talking about this tonight. I think it is important that you point out that it is not the government that creates jobs, it is small businesses. We do want to hear your stories. We want to hear what you have been able to do with that tax cut that you received, either in your business or your family, and those stories, we would like you to e-mail them to us at Countdowncrew@mail.house.gov.

If you don't want to send them to us, send them to your Member of Congress. Let your Member of Congress know how important it is that this Congress acts to extend those tax cuts before they expire. They are going to expire anywhere from the end of this year in 2007 to the end of 2010, and if we don't act, run out the clock, we are going to see this huge tax increase and you are not going to have that money in your pocket. It is going to be spent to Washington and the bureaucrats and politicians are going to spend it.

It is a great privilege to have with us here tonight a colleague of ours from Texas, who more importantly than that is a CPA. He understands the Tax Code better than most of us, although I don't know that anybody understands the Tax Code, as large and complex as it is. But we appreciate his coming down and being able to walk us through some of what is happening in the Tax Code and the burdens it is placing on businesses and families.

With that, I yield to a good friend from Texas, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, I thank my good friend from Pennsylvania and good friend from Kentucky for coming down here tonight to talk about what the Countdown Crew has been talking about, and that is the pending tax increase that is looming large on the horizon.

Part of the problem as I toured District 11 during the Easter break was that because the actual tax law change is still years away, many people in the district are not paying as much attention to it as I think they should. It is kind of like the fellow who fell off the 10 story building. As he passed the 5th floor, he was heard to say, "so far, so good. So far, so good."

We have fallen off the building. January 2, when the Democrats took over the House, we fell off the edge. It took them 14 days to raise taxes on the oil business, the first tax increase, and we are much like that gentleman who was in midair headed to an abrupt halt when he hit the ground, and that is the misguided idea that so far, so good; so far, so good.

Back in March, these chambers heard an incredible amount of rhetoric about the budget and if you had just tuned in, you didn't really know which side was which. Basically what you heard was a schoolyard squabble in which our side said yes, you are, and their side said no, you're not, and yes, you are; no, you're not. We went back and forth, and I don't know that any of us really adequately explained to the people listening, Mr. Speaker, why both sides claimed the exact same set of facts with two totally different interpretations. Let me try to be a little instructive on that tonight, as best I can:

The current tax law says that in 2011 most of the tax breaks as we refer to those that were enacted in 2001 and 2003 will expire on their own. Back in 2001 and 2003, the Senate, the Democrats particularly in the Senate, invoked the Byrd amendment or the Byrd rule, I guess, which restricts tax law thinking to a 10-year window. In other words, we handcuff ourselves with respect to tax policy in some artificial time frames that may or may not make sense.

It is unfortunate that we do it that way, but that is kind of the ground rules we have. We could spend nights and nights talking about how we could reset the ground rules and have a much better way of developing tax policy in this House that would make much more sense.

But, nevertheless, that 10-year window restricted the elimination of the death tax, the tax rate decreases, the marriage penalty, the earned income credits, that we wanted to make permanent that left this House. The bill that left the House would make all of those things permanent. But the compromise in the Senate, in order to get it out and passed the obstructionist Senators, Democrat Senators at that time, we were limited to 10 years.

We are now coming on to the end of that time frame and existing law says that on January 1, 2011, tax rates, as an example, the top rate, which is now 33 percent of earned income, will rise to 39.6 percent, a 20-plus percent increase. The bottom rate, which is currently 10 percent, goes to 15 percent, a 50 percent tax increase on the folks who make the least amount of money in our society. So what is happening is that the Democrats are hiding behind the operation of law as it currently exists to say that they are not raising taxes.

But the proof is in the pudding, because in their 5-year budget window that they have presented and passed through the House and that we will appoint conferees on tomorrow, spends the money that gets raised in the budget window of 2011 and 2012. So the Democrats actually let it work as it is supposed to, as it is going to, without intervention by the Republicans, and the Federal tax collection scheme will collect an extra $400 billion in 2011 and 2012.

Our colleagues on the other side of the aisle say they are not intending to allow the tax increases on those 10 percent brackets, et cetera, et cetera, to actually happen. That we need to trust them. That their intent is to not allow that to happen before this 2011 timeframe.

But the problem is, they spent the money that is raised. So in order to offset under their definition of PAYGO, that they invoke from time to time, and they change this definition, by the way, from time to time.

□ 2100

Mr. DAVIS of Kentucky. You might want to share about the idea of PAYGO which means something to us as Americans and means something very different in this Congress. It is not how you balance your checkbook at home.

Mr. CONAWAY. Yes. We recently passed the D.C. Voting Rights bill which is a separate conversation. It had a modest amount of money in terms of D.C. modesty. In terms of District 11, there aren't very many people out there who have a deposit slip big enough to deposit the $14 million that it is going to cost. It will cost $14 million to add two additional Members of Congress.

The bill that was passed violated PAYGO on its face. They had a convoluted rule that said even though that bill has passed the House, if we don't pass the fix, the PAYGO fix, then neither bill will actually pass. So they winked at themselves on the first bill, saying we are going to fix the $14 million hole.

Then the next bill that came forward to fix their PAYGO issue did not raise taxes on anyone to pay for it. They did not cut spending anywhere, and it didn't raise the taxes necessary to do that.

The manager of the time that afternoon actually said from the microphone right over there in the middle, we are not raising taxes on any American. What they are doing, though, is basically taking an advance on next month's salary. What they did was said taxpayers who have an adjusted gross income of more than $5 million, which is a relatively small group of people and not a crowd that draws much sympathy among folks, we are going to insist that they advance their tax payments a little quicker than they would have otherwise. The overall tax that they are going to owe is not going to change, but we want them to pay in an amount a little quicker.

However the CBO scored that cash flow, they scored it as a positive which allowed them to wink and say yes, we now have conformed with our own PAYGO rules.

So the Blue Dogs have to explain to us how their new version or definition of PAYGO works where they can simply advance moneys out of next month's salary, in effect, and that somehow meets the PAYGO standard.

Tomorrow we will debate this issue that the tax rates happen on their own. We intend to not let it happen. But in order to do that, they have to raise taxes somewhere else. So they have to take that 39.6 new rate in 2011 and raise it even higher in order to make up for reducing taxes on the folks at the bottom of the deal.

Republicans have said that this is a tax increase. You allow it to happen. You have the choice to not allow it to happen. You allow it to happen and you spent the money. So both sides have got arguments that have some substance of truth, some version of truth in them, and you have to look at the total package.

But at the end of day, at the end of their 5-year budget window that we will be debating tomorrow, good Americans will pay in another $400 billion in taxes. And guess what, our colleagues on the other side of the aisle found a place to spend it. They didn't reduce the deficit. They didn't reduce the national debt or put it into a rainy day fund, or save it. They spent it. Their rhetoric to the contrary that they are not raising taxes is hollow at best given the action that their budget will actually do.

I want to talk a little bit about overall tax policy in this country, if I can. I pose this idea. We tax capital gains, dividends and interest at rates that are less than the rate we tax earned income. So what we are saying is as a policy of this government, we think that hardworking people who sweat should pay higher taxes than our money does when it is working for us in the capital markets. Now that is an interesting philosophy and one that has been accepted around these halls for a long, long time, and we can have a debate whether or not that makes sense.

But what is the correct tax rate on capital gains? I know what the Tax Code says, but what should that rate be? What should we tax earnings from capital gains and interest and dividends? What should the tax rate be? What is magic about the current number? Should it be twice that, half that?

It is not like math classes where you went to the back of the book and the even or odd-numbered questions had the answers. There is no back of the book. I will pose the same question about earned income. A person working for Parker Drilling Company in West Texas or UTI Patterson Drilling Company, folks who work hard and understand what work is, what you and I do here, we call it work but it is not work in the tradition that I understand hard work is. What should we tax that guy or that woman for their earned income, their work? What should we tax accountants and doctors and lawyers for the work that they do day in and day out, providing the services and goods we want? What is the correct rate?

We have rates in the code. We think the rates that have been in place for the last 7 years may or may not be right, but they have helped produce an economy that has boomed and is continuing to grow.

Now Ronald Reagan said the stuff you don't like, you ought to tax it. If we don't like people working, we raise taxes.

As we have this debate night after night and year in and year out, let us talk about the idea what should the correct rate be. Regardless of the Byrd rule and regardless of the 10-year plan and regardless of the budget act nonsense that we have to tie our hands with, what ought to be the rate? Is there a better tax collection scheme than the one we currently have? Should we go to a national sales tax or flat tax? Let's begin to have those discussions.

I have spent 30-plus years helping clients comply with this incredibly difficult Tax Code. No, I am not an expert in it. I have some background and some depth, but this thing is incredible. We have narrow experts in the accounting world who take on various segments of it who don't know the full deal. It is incredibly complex. Let's begin to discuss how should we collect money? How should we collect the minimum amount of money needed to fund this Federal Government in ways that are fair, simple, straightforward, easy to comply with, and don't cost the estimated $260 billion a year that Americans spend complying with this incredibly complex code.

This code has all sorts of winners and losers. As we begin to talk about PAYGO, and you look at the tax increases that the Democrats will propose, every one of those have winners and losers. Every one of those pit some segment of society against the other, some level of wealth against another, and I don't think that makes for a good way to do things, to create this constant tension between taxpayers. We are in this all together. We all want the Federal Government to work as efficiently as we can.

Mr. DAVIS of Kentucky. I go back to Yogi Berra's old saying about deja vu all over again. You talk about what the right tax rate is and how do we explain it to the American people. I think it would be helpful if the Democrats would simply tell the truth.

The reason I lay this out, as a former small business owner, I remember in 1992 being told stories by then-candidate Bill Clinton how he was not going to raise taxes. President Bush at the time made the statement that Clinton ran saying he wouldn't raise taxes, and then turned around and made a deal that raised taxes, damaged his credibility and hurt the economy at the time.

I was getting ready to step out into the entrepreneurial world and leave the software industry to start my own business. I had manufacturing clients that wanted me and eventually some of the folks that I hired to work with me and assist them in improving their competitiveness nationally. We started that business in late spring of 1992, getting it up off the ground. We managed to feed our families that first 6 months and do all right in that time, but our real opportunity was going to come in 1993.

All of a sudden after Mr. Clinton became President, he came before the American people and he didn't say I am going to keep my promise and cut those taxes because we know that allowing people to keep more of their own money creates a future for them. He offered me a new alternative as a new small business owner with employees, with health plans to pay for, with taxes to pay for, with regulatory fees to pay for, dealing with workmen's compensation and disability and costs that I had never known in the large corporate world, and he invited me to invest in the United States Government.

I looked at this as a small business owner and a former military officer. I thought my investment in the United States Government should be first in providing for the national defense, how was I going to promote the general welfare as the Constitution would ask us to do, I would hope in infrastructure, in projects that were going to be seed money to create more jobs and to stimulate the economy in our area. But what did we get, the largest tax increase in American history at that time, actually a fraction of the one that was passed in this recent liberal Democratic budget.

We reduced the size of our military and we weakened national defense by taking several divisions out of the standing Army, reducing the size of the Marine Corps, reducing the size of the Navy, reducing the airlift capability in the Air Force.

We increased spending in social programs. We increased the mandatory spending rate in social programs to nearly twice the rate of inflation while shorting our men and women in uniform in the mid-1990s as an administration priority.

Then radical Islamic extremism intruded itself upon the United States on 9/11. We had been dealing with it before then, but like the old saying of the Purlator man commercial, "you pay me now or you pay me later."

Now we are in a big catch-up situation from a national security standpoint of things that could have been handled 10 years ago.

I think back as a small business owner, what were the costs that were taken away when I invested in the government? Well, the additional tax money, we saw no benefit of that. I saw my clients hurt. I saw manufacturing companies hurt, and I saw other machine tool companies hurt by increased environmental compliance and the increased cost of regulation. And the attempts to manage health care from a national perspective actually drove costs up. In Kentucky, by doing a plan that was called Hillary-lite, something that was a lesser plan of the Democrat health care proposals of that same year of 1993, we drove 45 of 47 insurance carriers out of the State, quadrupled the cost of health care for small business owners in a relatively short period of time. To me that was the opposite of the original intent.

If I invest in something, I would like to see a return. If we spend money in our community, we would like to see a benefit accrue for our community and it certainly didn't happen there.

Just on the taxes that we paid, and we don't know where they went to support all of these programs with this increased investment, we could have hired probably three more consultants or nearly a third larger workforce which would have created more taxpayers and which would have been helping more businesses to compete and would have been putting more dollars into the Federal treasury.

But on the other hand, now we found ourselves at the end of the Clinton administration needing to come out of a recession. We have reduced taxes and we have moved to simplify regulation. But because of the actions last November, I believe that my colleagues on the other side of the aisle sincerely but incorrectly have interpreted that election as another opportunity to affirm their desire to have small business owners invest.

And the truth of the matter is that if 88 percent of our jobs are created by small businesses owners, the last thing we want to do is tax those who are going to be starting those companies and starting those family enterprises.

Again, in 1,335 days from now the average family in my State will have a $2,563 tax increase. You mentioned the 50 percent increase that is coming for those in the 10 percent tax bracket. That benefited 1.2 million people in my State, but let's look at senior citizens.

My mom lives on a fixed income right now. She draws Social Security and her retirement. Fortunately, she has a supplemental Medicare insurance plan to help offset some of the additional cost.

But if you take an elderly couple with a $40,000 income, their tax bill is going to rise 156 percent in 2011 from $583 to $1,489. So we have helped them reduce the average cost of their prescription medication by $1,200, but we will increase their taxes by $1,400 by what the Democratic Congress intends to do by simply not doing anything.

They are going to allow these cuts which have had so much positive impact on the communities and the country expire.

Mr. SHUSTER. I think it is extremely important to point out that only in Washington, DC and the accounting we use here, and I know that the Democratic majority when they were the minority would say that we were cutting spending on programs when we were in the majority when actually it would go up by 2 or 3 percent instead of the 4 or 5 percent that they wanted it to, and they would say that is a cut when it is not a cut.

□ 2115

Now, they are saying that it is not going to be a tax increase because we did not vote on it, but all of us know that those of us balancing checkbooks at home and people who run small businesses, people that are trying to save money, know if the Federal Government takes an average $2,000 more out of your paycheck a year, that is a tax increase.

As I pointed out earlier, in my State of Pennsylvania, the average taxpayer will pay $3,000 more in taxes, and that is a tax increase. Whether the United States Congress votes on it or does not vote on it, if you pay $3,000 more in taxes, that is a tax increase.

This PAYGO rule, which I always thought PAYGO meant that if you are going to increase spending, you have got to find a way to fund it, and that is increase taxes or offset it by cutting spending elsewhere. Quite frankly, I do not know what PAYGO means under the Democratic majority anymore because they find loopholes and exceptions and make changes to it. So, once again, this funny accounting in Washington, DC continues to proliferate under the Democratic majority.

I think it is important that, as my friend from Kentucky talked about his experiences with small business, that we get Americans to e-mail us at the countdowncrew@mail.house.gov. E-mail us what you have been able to do over the past couple of years with those tax cuts, whether you are putting it back in your business and increasing your workforce or making it more efficient, selling more products by expanding markets; or if you have a family and you are able to save $2,000 or $3,000 because of the elimination of the marriage penalty or the doubling of the child tax credit, how were you able to take those dollars and employ them in your household and your business to make your lives better.

I think that is extremely important that we hear those kinds of stories. Once again, I want to point out if you are unable to or do not want to e-mail them to the countdowncrew@mail.house.gov, send them to your Member of Congress; let them know what you were able to do with those funds.

Again, I know all across America we hear those stories. My good friend from Florida and I were talking, RIC KELLER, and talked about what the seniors in Florida, how they have been able to improve their housing, invest that money in a nicer house, a bigger house, a different house because of those tax cuts.

So I know that, once again, we are joined by our colleague, the CPA, from Texas, and it is always educational to hear him talk about some of these tax issues. I think he wants to talk a little about the ATM.

I went to my accountant a month or so ago. He was talking to me about how it is catching people in this web. He said in Pennsylvania, a household where there is two teachers, they are now approaching and some of them have surpassed that level where two teachers, modest income, are getting caught up in the ATM, paying more taxes.

So, with that, I yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my good colleague from Pennsylvania. It is actually the A-M-T. ATM is a money machine. It is an ATM for the Federal Government.

Mr. SHUSTER. It is confusing to me because you put the card in and you get money out.

Mr. DAVIS of Kentucky. One point of order here to point out. The ATM right now is going to be the American people for the Democrat tax program. They are going to have the largest tax increase in history.

Mr. CONAWAY. There is plenty of truth in the ATM issue, but the alternative minimum tax is AMT.

Mr. SHUSTER. I apologize. Like I said, it is confusing to me because they just keep on take, take, take just like the cash machine at the banks.

Mr. CONAWAY. That is exactly right. I thank my colleague.

The Internal Revenue Code, 1986, as amended, is incredibly complicated, as we have already talked about. If you look at most of the provisions in there, many of the provisions in there, they have a history. They have a reason for being. We are trying to manipulate our economy. We are trying to manipulate conduct. We are trying to do something, manage something. If you look at the alternative minimum tax, there is actually a story there. There is a history there.

Back in the late 1960s, Congress discovered that there were 155, no commas, 155 taxpayers who made more than $200,000 in 1966, but they did not pay any taxes. So, in an attempt to get at those deadbeats making all that money, and now in all likelihood those folks hired folks who will say this argument, I have talked about that, but nevertheless in an attempt to get at 155 taxpayers, Congress created what is now known as the alternative minimum tax. In other words, Congress was offended that you could have people so structure their compliance with the tax code in existence at that point in time that they did not owe any tax. So they set in place an alternative minimum tax which started with your taxable income and then it added back certain preferences that folks, quote, unquote, took advantage of so that everybody paid some taxes. There is some value in that.

In 1969 that went into effect. Thirty-eight years later, millions, literally millions, of taxpayers are now caught up in what is known as the alternative minimum tax. Now, today's alternative minimum tax is not your daddy's alternative minimum tax. This is a separate computation. So most taxpayers who are in this wreck have to keep a regular tax set of computations and an alternative minimum tax set of computations. You have got different basis on your assets. You have got different basis in your stock if you bought a set of stock options, all kinds of things that you have to do separate under alternative minimum tax. You have got an alternative minimum tax net operating loss that is different from your net operating loss on your regular tax. So two schemes trying to get at how much money you owe the Federal Government.

Mr. SHUSTER. If I can interrupt the gentleman for a minute, if I am going to my CPA or the person who does my taxes, because she has to calculate two different sets, it costs more money to calculate your taxes.

Mr. CONAWAY. Oh, absolutely. When you turn on a television program that is going to have some adult content in it, most of them say, viewers, give you a warning that this next program may not be suitable for young children. Well, I am going to give a warning that what I am about to go through may not be suitable for young children.

This is Form 6251. Form 6251 is a 2-page form that every taxpayer who is caught up in the alternative minimum tax has to complete. Internal Revenue Service agents, when they audit you, if you have not put this form in your tax return, they will fill one out for you, thinking that maybe you screwed up and did not fill it out. It is in the instructions on how you audit taxpayers.

It is a 2-page form. There are 10 pages of instructions to Form 6251, and it is relatively mind numbing to go through these instructions. I want to just kind of walk you through the first 28 lines quickly on this form. So hang on for dear life.

It starts off: Line 1. "If filing Schedule A (Form 1040), enter the amount from Form 1040, line 41 (minus any amount on Form 8914, line 6), and go to line 2. Otherwise, enter the amount from Form 1040, line 38 (minus any amount on Form 8914, line 6), and go to line 7."

Mr. DAVIS of Kentucky. Our tax dollars pay for somebody to actually write this, too.

Mr. CONAWAY. "If less than zero, enter as a negative amount." That is line one.

Line 2, "Medical and dental. Enter the smaller of Schedule A (Form 1040), line 4, or 2½ percent of Form 1040, line 38."

Line 3, "Taxes from Schedule A (Form 1040), line 9."

Line 4, "Enter the home mortgage interest adjustment, if any, from line 6 of the worksheet on page 2 of the instructions."

Line 5, "Miscellaneous deductions from Schedule A (Form 1040), line 26."

Line 6, "If Form 1040, line 38, is over $150,500 (over $75,250 if married filing separately), enter the amount from line 11 of the Itemized Deductions Worksheet from page A–7 of the instructions for Schedule A (Form 1040)."

Line 7, "Tax refund from Form 1040, line 10 or line 21."

Line 8, "Investment interest expense (difference between regular tax and AMT)." Here is where we get that two scheme thing going.

Line 9, "Depletion (difference between regular tax and AMT)."

Line 10, "Net operating loss deduction from Form 1040, line 21. Enter as a positive amount."

Line 11, "Interest from specified private activity bonds exempt from the regular tax."

Line 12, "Qualified small business stock (7 percent of gain excluded under section 1202)."

Line 13, "Exercise of incentive stock options (excess of AMT income over regular tax income)."

Line 14, "Estates and trusts (amount from Schedule K–1 (Form 1041), box 12, code A)."

Line 15, "Electing large partnerships (amount from Schedule K–1 (Form 1065–B), box 6)."

Line 16, we are halfway there, folks. "Disposition of property (difference between AMT and regular tax gain or loss)." Again, two separate computations.

Line 17, "Depreciation on assets placed in service after 1986 (difference between regular tax and AMT)."

And line 18, "Passive activities (difference between AMT and regular tax income or loss)."

Line 19, "Loss limitations (difference between AMT and regular income tax or loss)."

Line 20, "Circulation costs," that is not physical circulation. I think that is newspapers. "(Difference between regular tax and AMT)." Here they reverse the order. Previously it was alternative minimum tax versus regular tax.

Mr. SHUSTER. They claiming a circulation off of my brain.

Mr. CONAWAY. Line 21, "Long-term contracts (difference between AMT and regular tax income)."

Line 22, "Mining costs (difference between regular tax and AMT)." They keep switching back and forth.

Line 23, "Research and experimental costs (difference between regular tax and AMT)."

Line 24, "Income from certain installment sales before January 1, 1987." Glad you are keeping up with that.

Line 25, "Intangible drilling costs preference."

Line 26, "Other adjustments," you have always got to have other, "including income-based related adjustments."

Line 27, "Alternative tax net operating loss deduction."

And finally, line 28, you get to "Alternative minimum taxable income." And there are some instructions, though. "Combine lines 1 through 27. (If married filing and line 28 is more than $200,100, see page 7 of the instructions)."

That is just Part I. We will save Part II and III for a future date to work you through that.

Mr. SHUSTER. I do not know if I can take it. You have just made the case on why we need to scrap this tax code and start with something new. I do not know.

Mr. CONAWAY. This is the alternative. The regular tax code is much simpler. It is straightforward.

Mr. DAVIS of Kentucky. I think the one thing that gets lost in all this, too, I remember when I was young and I did a little work on the side when I was first in the aerospace industry and I thought it was so great to make a little bit of extra money basically to pay for Christmas, and when I went in to do my taxes the following spring, I found out that at the very low-income level I was at, because it was independent contractor work, that heralded the alternative minimum tax and almost made it not worthwhile to have expended the many hours that I did on the project.

I think what gets lost, what Mike was reading here, I still am marvelling that our tax dollars paid to create such a behemoth, that we were investing in something like that, which gave me a headache just listening to it. Although I could see the goose bumps there.

But other than being a job creation program for accountants, most of whom do not like the complexity of many of these rules because of what it does to their clients, I think we need to look at a more human side of the impact that regressive taxes have. By reducing taxes, by allowing people to keep more of their own money, it created jobs, over 7 million jobs. It has kept our money local.

I think that one of the things I would like to point to for folks here who are watching the Countdown Crew, and you can contact us at countdowncrew@mail.house.gov, we want to create taxpayers, not raise taxes. By creating taxpayers, there will be more revenues that go for all of our communities.

But at the local level, oftentimes the question comes up and I hear it from children a lot in the schools who go around talking with my own kids, Daddy, where do the police come from, where do the school teachers come from, where does the library come from. Ultimately, that comes from our local communities, from taxes. It is property taxes in the vast majority of our taxes that pay for our schools.

My oldest daughter is about to graduate from college soon, and she is going to become a schoolteacher and getting ready to move out into the economy and very excited on the one hand, but also concerned about the tax structure that is going to be facing her and the incentives to advance her education, the burdens that are going to be placed upon her just from what she has seen in the workforce. The quality of our schools is largely funded by local jobs in our communities that pay those property taxes, people who can buy homes, and if you do not have a job, it becomes very difficult to make that investment in a home.

If we do not have small business owners creating jobs, we are not going to have those local taxes to be able to make the investments that are necessary in public safety, in public works, that keeps the water running in our house, that keeps the electricity moving, that keeps our roads paved and being able to expand and ultimately to be able to invest in quality of life in our communities.

□ 2130

This is one of the reasons we have this 1,335-day countdown to the largest tax increase in history, that the American people need to know that when they can keep more of their own money, there are results. I don't want to see the average Kentucky family have an unnecessary tax increase of $2,563. We will find the benefit, not in complex tax documents like that, but simply by allowing people to keep their money to invest in the future to follow their vision and ultimately to build that nest egg for their children.

Mr. SHUSTER. I am getting ready to close. The gentleman from Texas seemed pretty worked up about getting something out. Do you have something else you want to get out here?

Mr. CONAWAY. The IRS on some of the forms gives an estimate of how much time they think it takes taxpayers to comply with a particular form. I was looking through the instructions real quickly to see if they had this made that estimate.

Mr. SHUSTER. I have the time estimate, if you are filling out your own taxes it's anywhere from 8 hours to 27 hours, if you did it yourself, which is a considerable amount of time for an individual.

Mr. DAVIS of Kentucky. I think it was 6.4 billion hours were taken this year.

Mr. SHUSTER. Right, $265 billion.

In closing, I just wanted to point out, as the gentleman mentioned, the importance of keeping your own money, being able to invest it, being able to save it. I think a lot of times Americans feel helpless, hopeless over this tax situation.

You get that paycheck, and as my 18-year-old daughter just got a paycheck, came home, showed it to me and said, why did they take so much out? I said, well the good news for you is they are going to give you most of most of it back, because you're not going to make the minimum.

But as I said, Americans feel helpless or hopeless in a tax situation, but they're not. Americans really have to pay attention to what's going on here in Washington. As we said tonight send us your stories at CountdownCrew@mail.house.gov or send them to your Member of Congress and tell them what you have been able to accomplish with those dollars that you get to keep in your pocket because they are not coming to Washington.

Make sure you are talking to your Member of Congress, communicating with him, telling them that you don't want to see taxes go up. You don't want to see the largest tax increase in American history. You want them to keep their tax rates low. Although many Americans are looking at those tax rates today, think they are high, they are lower than they were 4, 5, 6, 7, 8, 10 years ago.

This Congress has to act. This Congress has to act before all those tax cuts expire by December 31, 2010, and the gentleman is signaling me. We want to make sure that the American people are communicating to their Members of Congress that they want us to stop this tax increase that's going to occur, a tax increase that the Democratic majority is saying, they are not going to increase taxes because they are not going to vote on it, which is just hogwash. The taxes are going to go up for individuals across this country, businesses across this country, if this Congress fails to act in just 1,335 days.

HEALTH CARE IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. My colleagues filled the last hour with discussion of what is sublimely intuitive to the most casual of observers of the American scene, the IRS code.

Now we are going to go to something a little more complex and that's health care in the United States.

The question I get asked a lot of times, because I spent my precongressional career as a physician, how did we get into this situation? How did we get the health care system that we have today? More importantly, where are we going within our current system?

We currently have a system that is based upon both the aspects of the public-provided system, the government-provided system and the private system. We have a system that does have a significant number of individuals who lack coverage. They may not always lack medical care, but they do lack coverage for that care. Some of the things we are going to be, of necessity, focusing on this in Congress is the reauthorization of the State Children's Health Insurance Program. We will also be talking about reauthorizing the Federally qualified Federal health center program.

Health savings accounts have actually been around now for 10 years. It's appropriate to look back on where we have been with, first, medical savings accounts and then the expansion that occurred with the Medicare modernization act in 2003 with health savings accounts. Association health plans are not getting as much attention this year as they have in past years, but they are important, and we do need to think about those in the overall picture of where we are going with America's health care.

Medical liability reform, probably one of the more contentious things that we have tackled in Congress since I came here in 2002 he 2003. We still, as far as a Nation, do not have an answer for that question, but several States have done things, including my home State of Texas, and also that is one of the things that I want to touch on tonight.

One thing that does concern me greatly is the physician workforce today and the physician workforce of the future. I will be spending considerable time talking about things that we might do, the things that are within our grasp to do to help ensure that the doctors of today continue to deliver care for our patients, whether they be in the government sector, or the private sector, and ensure that we encourage the best and brightest among our young people to go into, to look at health care as a profession, whether it be as a physician, as a nurse, and one of the ancillary health services, but it is important that we attract our best and our brightest into those professions and perhaps a look at some of the things that are being tried in some of the States.

The States, of course, are the great laboratories in our democracy. There are some interesting occurrences that are going on in some States that are trying to grapple with the problem of coverage for individuals who lack it; and then, finally, some ancillary issues. We recently passed a trauma bill on this House. Last weekend, the President signed that bill into law.

Transparency, how do we make the expenditures in health care. How do we make information about cost, price and quality, how do we make that information available in an understandable format to the average consumer of health care in this country, whether they be in the private or the public sector.

One of the things that we don't really talk about that often, but is going to be a significant issue, as more and more people my age get successively older and older, is how do we deal with the problem of long-term care facing this country? Well, let's go on a journey. Let's talk about the American health care system.

For the purposes of this discussion, we don't have time to go all the way back to the beginning when our country was founded, though it is important to always note that while the forebearers of today's legal profession were drafting documents like the Declaration of Independence and the Constitution, the forebearers of my profession, Dr. Benjamin Rush, was treating people with leeches. We have come a great distance since that time.

But if you look at just the modern era, the time since the end of the Second World War, when truly some of the big differences that developed between European countries and America, some of those differences, in fact, have their roots in the Second World War. In America, of course, in order to prevent problems with an inflationary spiral that threatened to go out of control, President Roosevelt put price controls on wages and said people could only earn so much.

Well, employers wanted to keep employees working, they wanted to keep employees happy. They asked a question, could we provide benefits to our employees. Can we provide, perhaps, health insurance or health care benefits for our employees and not have that as part of the Federal price controls that were in effect, or Federal wage controls that were in effect at that time?

The Supreme Court looked at it and said, that's reasonable. You can do that. You can provide the health care benefit for your employee, and you will not be violating the provisions of the wage control provisions that were enacted in the Second World War.

Well, the system was working, and the war ended, and the system continued. Because, in fact, it was working well, and people liked getting their insurance that way.

It continued for a number of years. If you look at a country in the European theater, the Second World War, whether they were winners or losers at the end of the war, they faced a humanitarian crisis of almost unbelievable proportion. So it is no surprise that even a country that was victorious, like Great Britain, went down the road of national health insurance, because it needed to provide a great deal of care in a very short period of time, and they didn't have the bedrock of the employer-derived health insurance that was available in this country as a result of wage controls that were put on during the war.

We are often compared with Europe and why our health care system looks different from theirs, when both, after all, are modern western nations. Part of the reason does go back to this discrepancy that occurred during the war, and then, of course, the situation, the economic situation, in some cases, a very dire economic situation that occurred on the ground in Europe as the war ended.

It's not the purpose of this discussion tonight to actually provide a compare and contrast with the European system, though that might be interesting to do, but take where we were at the end of the Second World War, the beginning of the great economic expansion that characterized the post-war years in this country, insurance being provided by employers, employees very happy with that, employees having good coverage, doctors being happy with that, because that coverage meant that hospitals and doctors were reimbursed, and the situation was going along, some problems, of course, and some people in this body, 20 years later, said, we need to do better than what we are doing, because after people are no longer employed, and they, perhaps, lose that health insurance, what are we going to do then?

Twenty years after the end of the Second World War, in 1965, we had the rise of a new system, took probably 4 to 5 years for it to actually work its way through Congress. It was, just like today, a situation like this, was by no means easy. In 1965, President Lyndon Johnson signed into law the Medicare bill that primarily focused on hospital care for the elderly in addition to the hospital care. In addition to the part A of Medicare, there was also developed a part B of Medicare that was a reimbursement for physician-necessitated services. But we had the parts A and B of Medicare that came into being in the mid-1960s, another 40 years before Congress made a significant change to the Medicare system by passing the Medicare prescription drug act.

Now, my father was a physician back in 1965, and I used to tease him that in 1965, when the Medicare system was first enacted, there were, after all, only two medicines, penicillin and Cortizone, and they were used interchangeably. I know, he didn't think it was funny either, but the fact is, we didn't have nearly the tools at hand from a pharmaceutical perspective in 1965. Then fast forward to 2005, 2006 and 2007, ones that are just part of our everyday parlance, our everyday armamentarium in medical practice.

We saw this with the trustees' report that was just released last week or the week before, where it was described that 680,000 hospital beds in 2005 were not filled in Medicare, primarily because of the things we are doing better in Medicare, treating that cholesterol at an early stage with a statin and not treating it at the end stage when cardiac surgery or, in fact, sudden death may be the outcome of undiagnosed or untreated heart disease. So we are doing a better job of treating things early at the same time. It does cost more money in the provision of the Medicare prescription drug act.

There was a great deal of discussion during the time that we passed that prescription plan, but it kind of sets the stage for the debate that we are going to now have, and going to continue today. Is it better to treat things in the preclinical stage, is it better to treat things in the nonacute stage, or is it better to wait and target your therapy toward the end process of a disease, which, characteristically, is how we handled things in Medicare previously.

But the impetus is, of course, to be more preventive and proactive in taking care of patients. That is the direction in which medicine is going, that is the direction in which science is leading, and that is the direction in which Medicare itself should go.

So I don't think there is any question about which is better, the, the acute-care model, or the long-term model. Furthermore, we will have additional discussion, should this expand the government share of the program, or is there perhaps some room for the private sector, and can they deliver value within the Medicare system as far as providing care for patients?

□ 2145

When I talk about the public and private, let's break it down a little bit. Currently just in rough numbers the government pays about 50 cents out of every health care dollar that is spent in this country. Our gross domestic product is approximately $11 trillion; we spend $1.4 trillion on health care. The Health and Human Service budget alone for Medicare and Medicaid is over $600 billion. Add to that the money that is spent in the Federal prison systems, the VA health system, the Indian health system, all of the other areas where the Federal Government is involved in health care, and it is not difficult to see that you are very close to that number which encompasses 50 percent.

The other 50 percent is certainly not all just simply commercial insurance, though commercial insurance makes up a large portion of that. There is certainly that portion which is self-funded by patients. Believe it or not, there are patients who just simply prefer to pay their bills in cash and continue to do so, and there is a significant number of dollars that are just contributed to the system by doctors and hospitals and nurses and ancillary health care providers because the individuals whom they are taking care of have no health coverage.

In the debate of how to best expand and give people more coverage, you certainly can make the argument for expanding the government system. My personal opinion is that might not be the best way to go about doing things. On the other hand, there are many people within this body who, Mr. Speaker, will be talking at great length, I suspect, over the 18 months leading up to the next election, a great many people in this body who will be talking about just that, expanding the government's role. Again, remember, we are already doing about 50 percent, and they will be looking to expand that.

One of the critical questions we have to ask ourselves in expanding that 50 percent is, are we doing a good job from the government's perspective with the 50 percent that we have now? Are we doing such a superlative job that in fact it is a good thing to push out or crowd out the private sector? Or, are there some areas where the government system perhaps could improve, and some areas that perhaps it is just innately difficult for a large governmental system to improve and where the private sector can in fact do a better job?

One of the things that is frequently asked, and I know I got this the years I was in private practice was, why don't we just do what they did in Canada where they have a national health insurance in Canada and everybody is happy, the doctors are paid and the patients are taken care of? Well, it was probably 2004, 2005 that the Canadian Supreme Court came out with a ruling that access to a waiting list did not equal the same thing as access to care. And I know I will get some criticism about this, Mr. Speaker, but one of the secrets of the Canadian system is the fact that they have on their southern border the United States of America with a significant amount of excess capacity in our health care system; and patients in Canada who can afford to pay, who do not want to wait, simply offload their burden from the Canadian system and come south of the border to have their problems taken care of in a more timely fashion.

In the British National Health Service, of course they have developed within their country a two-tiered system. Some of the most expensive medical care that you can buy today is in the country of Great Britain where they very famously have free care. The reason you can buy private care more expensively is because, again, people want to buy their way out of a waiting list or buy their way out of the public system so that they can get taken care of in a more timely fashion.

One of the problems with a very long waiting list for things like an artificial hip or even coronary angiography for someone who is being worked up for chest pain is you reach a certain point in life, perhaps a person in their 70s or 80s where that 6-month wait, 12-month wait, 14-month wait or longer becomes very detrimental to their overall health because they just simply do not have that many years left from an actuarial perspective.

Well, what about the private sector, and what about Congress' interface with the private sector? Are we doing things that are generally helpful or hurtful to the private sector? And what can we do to promote policies that do keep the private sector engaged in providing health care in this country?

I already alluded to medical savings accounts. Medical savings accounts started with the Kennedy/Castlebaum bill in 1996. The year 1997 was the first year that a medical savings account was available in this country. I know that because I purchased one myself. I was concerned when I heard about the medical savings accounts becoming available because Congress had restricted medical savings accounts such that no more than 750,000 would be sold, no more than 750,000 would be available during those early years of medical savings accounts, and I was very concerned that I would be even able to get one. I thought that they would be so popular that that 750,000 limit would be very quickly subscribed and I might be left out of the process. It turns out I didn't need to worry, because there were so many restrictions placed on those old medical savings accounts that if you didn't have that M.D. degree, perhaps you weren't going to be capable of dealing with all of the things that you would have to deal with. In my home State of Texas, the restrictions were such that there were only two insurers that provided the medical savings account products. Still, I found it to be a very useful type insurance.

First and foremost, it left me completely in charge of any medical decisions to be made for myself and my family. I didn't have to talk to an HMO director, I didn't have to dial 1-800-California and get permission for a particular treatment. I could spend my own money and reimburse myself out of that medical savings account.

The downside was you couldn't put very much money away each year in the medical savings account and the deductibles were significant, and that was seen to be a significant barrier to a lot of people with getting a medical savings account.

In 2003, the compromise that ended up being the Medicare Modernization Act did significantly expand what are now called health savings accounts. The amount of money that can be put away for a family greatly increased from, I believe, $3,200 to up to $5,000 for family coverage. The deductible itself was essentially maintained, though there were several tiered products made available so that that deductible didn't have to be as high as the highest number. You could in fact purchase an HSA product with a deductible that wasn't at the maximum.

One of the most significant things, and the reason I know this is having tried to purchase a health care policy for an adult child back before even medical savings accounts came along in 1994 and 1995, there was almost no one out there willing to sell in the individual market an individual insurance policy. Whether it be a high deductible or a nominal deductible, it just wasn't available for any price.

Fast forward to the time after the health savings account legislation passed in 2003. Come to 2004, 2005, 10 years later, and a young person who needs health insurance just out of college, say, wants to go into business for themselves, doesn't want to have to work for a big corporation to get that employer-sponsored health insurance but wants to carry their own insurance, they can go to Google or the search engine of their choice, type in "health savings accounts," and with a few clicks and a quick search they can find high deductible PPO policies sold by reputable names that we would all recognize. And of course I won't mention any of those names, but they are sold by reputable companies that we would all recognize as longstanding established insurers in this country, and the premium would be in the range of $60 to $65 a month for a high deductible policy, imminently within reach of that 25-year-old nonsmoking male just out of college in my home State of Texas. Again, that type of policy was absolutely unavailable in 1994 for any price, and now it is available at a price that arguably would be affordable by a lot of people who are just getting out of college and have their earnings at the beginning of their earning cycle.

And why is this important? Yes, it is a high deductible policy. That means, if you need a flu shot, you are probably not going to be able to show your insurance card and get a flu shot; you are going to go down to the place that gives flu shots and pay the $20 or $25, whatever is required to get the flu shot. If you have money accumulated in your health savings account, yes, you can make a draw on that money to reimburse yourself for that flu shot. But if you are even to the point where you haven't gotten enough of a savings into that account yet to go and tap into that money, you are going to have to pay that money out of pocket, the important thing is, is that after your flu shot you get on your motorcycle and ride home and have an accident and spend a day in the emergency room and 3 or 4 days in the intensive care unit and face a bill that may be as much as $10,000 or $15,000 or $20,000, you do have coverage for those catastrophic amounts. And, let's face it, for young people today, trauma or accidents are going to be one of the principle causes of hospitalization.

Association health plans, again, a concept that we have dealt with in this Congress the last two Congresses. It has not come up this year and the reality is it may not. But this gives small businesses the ability to band together to get that purchasing power of a large corporation. One of the hard things is you go out to buy group coverage for your small business, and they say, you know what, you have got so few employees that it is really not worth our time and the cost for that coverage is, consequently, going to be astronomical. But if you are able to combine with, say, your chamber of commerce and you can combine with a chamber of commerce across in the next county, you can combine with a couple more chambers of commerce in other cities and perhaps even across State lines, suddenly you are accumulating enough covered lives to really get that insurance company's attention and perhaps drive a better bargain, perhaps get a better deal.

Right now, we won't let that happen. But the fact is that Congress should get out of the way and allow those things to occur, because it is not so much that association health plans are going to bring down the number of the uninsured, but it sure will help the rate of rise of the uninsured we see in this country, because that rate of rise is in a large part fueled by the cost of purchasing health care by that small business person; and anything we can do to keep that cost of coverage down is going to ultimately increase the amount of coverage that is available.

Transparency, I mentioned before, is critically important if we are going to have so-called consumer directed health care in this country. We have got to put that information in the consumer's hands so that they can make decisions about cost price and quality in the health care system. And I understand that there is an inherent danger in transparency. Opacity is there for a reason, and that reason is generally it is financially rewarding for whoever is providing the opacity. They don't want everybody to know what goes on behind the curtain.

Again, I will reference my home State of Texas. The very beginning of a transparency project has now gone up on line. Mr. Speaker, if anyone at home were interested, it is tx.pricepoint.org, and someone can go to that, Mr. Speaker, on their Web site and look at that and get information about hospital charges in their area and how they compare with the rest of the State. Granted, there is going to need to be more information available, but it is a good start, and I certainly support the folks at the State level who provided that degree of price transparency for the citizens of Texas.

In talking about the uninsured, one of the things that will come up, and I think we heard the President mention it here in this House during the State of the Union address, is what about the concept of that private ownership of insurance that is paid for with after-tax dollars? The President talked about giving people a tax deduction if they purchased their own insurance, not through their employer, but just went out and purchased it themselves. Certainly a valid argument that can be made about that is, well, there are a lot of people out there who don't pay income tax. So what about the concept of providing a tax credit? Some people would call it a voucher; I prefer the term premium support. If someone is working and their employer is providing the option for having the insurance but they say, you know with what, I still can't afford the $200, $300, or $400 a month I would have to pay individually in order to get that insurance: what if we provided them some help with that premium? And might that not be a better way to approach or to tackle some of the problems of the uninsured rather than just simply ever expanding the Medicaid system or some of the other systems that are out there to cover the uninsured? If someone is earning a living but does not have health insurance available at their place of employment, even providing them that premium support so that they can go out and purchase insurance in the private market. If we would help create and sustain that market, I believe that the private insurers would look at 42 million, 45 million people as a segment of market share that they would compete for, and we ought to give them the tools to do that.

Now, currently the United States Census Bureau says there are 46.6 million uninsured.

□ 2200

I think it's important to stress, once again, that uninsured does not always mean no access to health care. It may mean that the access to health care does not occur at the point where the health care can be rendered for a lower total dollar figure, or you may not receive the best health care outcome because care has been delayed. But having access to coverage will increase access to care.

One of the things that this Congress did 10 years ago, long before I got here, was a program called the State Children's Health Insurance Program. It's 10 years old. It's going to be required to be reauthorized this year. But this did provide States some flexibility and some options for providing coverage for uninsured children that resided within their State.

This was primarily to be directed to children who were not eligible for Medicaid, whose parents earned a little bit too much money to have them covered under the Medicaid system and therefore couldn't, but they, themselves, did not earn enough money to truly afford health insurance. So this was a good thing.

Coverage of children is relatively cheap coverage. You pay $0.60 for what would be $1 of health care for an adult. You can pay $0.60, buy $0.60 worth of health insurance for a child and get the equivalent of $1 worth of insurance for an adult because children, as a general rule, are young and healthy. They tend to recover from their illnesses quicker than do adults, and money invested in the children's program is, indeed, money well spent and money wisely invested.

Some of the things that I think we ought to keep in mind as we reauthorize this bill this year, and we will be doing that through my committee, Health Subcommittee on Energy and Commerce, but some of the things I think we ought to keep in mind is that it is primarily a children's health insurance program.

The decision was made to cover pregnant adults, and I think that that was a good thing, and that should be continued. But covering non pregnant adults in the Children's Health Insurance Program is perhaps not the best use of those dollars.

If there needs to be a program for providing additional coverage to those adults, then let's look at doing so, but let's not divert those dollars that should be going into coverage for health care for children; let's not divert those to some other purpose. And unfortunately, we have the situation in this country today where four States actually cover more adults than they do children.

Again, we need to get back to the original principle that this program was enacted, and make sure, once we're covering all the children, once we're covering all the uninsured children in this country, then perhaps we can talk about expanding it to include adults. But until that time, we do need to focus and make certain that we are covering the uninsured children.

You know, a letter to the editor back home in Dallas this weekend I was reading made the comment that, of course, SCHIP, and they were talking about it primarily at the State level. And the State, my State Legislature is in session right now, and they are grappling with the questions of funding for SCHIP.

But the comment was made in the letter that the SCHIP program was there for some parents who cannot afford insurance; and sure enough, that's what it's there for.

And the second line went on to say that also there are some parents who are working and covered under their parents' insurance, but they can't afford that additional premium for the dependent coverage on their insurance.

This is some of the cheapest coverage out there that we should take advantage of. And certainly, it is available within the SCHIP program currently for some degree of premium support. But I certainly think we need to expand that, certainly, make states aware that this is available for them to use, that they can leverage those children's health insurance dollars to buy more health insurance.

And the other thing that we do that's extremely important, if the Federal Government simply takes over the function of providing all of the insurance for all of the children, the private sector is completely crowded out. And is that fundamentally a good thing or a bad thing?

I would argue that it is not in the best interest of our country to let that happen, that the private sector does belong in the children's health insurance market. And we should, while we may not be required to do anything to particularly subsidize that, we certainly should not do anything that makes that an untenable business model because, ultimately, I think we are going to be less satisfied with the result.

Federally qualified health centers. We are going to have to, we didn't finish the work on reauthorization of the federally qualified health center statute last session of Congress. It is going to be important to try to do that again. Once again, that's an issue that will come through my committee on Energy and Commerce. We had some very good hearings on that last year, leading up to the introduction of the bill by Mr. BILIRAKIS, who is no longer with us. And that bill will come up again this year.

I think that when you look at the federally qualified health center, one of the things that is really encouraging to me is that a Congress, and I grant you it was 35 or 40 years ago, sat down and agreed amongst themselves, the Members on both sides of the aisle, agreed what procedures, what items would be covered under that federally qualified health center statute.

And to me, that's a beacon of hope, that perhaps we can work, this body can work together and decide on what are the things that should be covered; if we wanted to have an insurance policy, for example, that was generally available for individuals who were currently uninsured.

What are the parameters that should be covered? What should we encourage?

If we are going to go talk to the private sector about insurance policies that may be affordable by the Nation's working poor, what should those things cover, and can we ever come to an agreement that will allow those types of policies to be sold in one State or another, and what could we do about getting those policies up and on the Internet to take advantage of the competitive influences that are present on the Internet?

You know, one of the things, again, I reference Texas a lot because I spend a lot of time there. But one of the Nation's largest automobile insurers has really made a big push in the Texas market. They're famous because they have a little green lizard who's kind of their spokesman, the little green lizard with an English accent, in fact, who's kind of their spokesman.

But the message is that if you can go online and spend 15 minutes with them, they can save you some money. Wouldn't it be great to provide that same tool, that same device in the health insurance market as well and get the advantage of that, that very strong competitive market out there that has been provided by the new technology of the information superhighway?

It's certainly had a very significant beneficial effect on bringing down the costs of term life insurance. And we saw this back in the late 1990s, the early part of this century. Why not take that same competitive power and unleash it for health insurance and allow more people to be covered?

I referenced health savings accounts before. Again, you can go on the Internet and buy a health savings account now that's available because some of the state-by-state restrictions do not apply because of the way that legislation was written. And this is an extremely powerful tool to put into people's hands.

One of the disadvantages, one of the ways we disadvantage our citizens when it comes to purchasing a policy like a health savings account is that it is paid for with after tax dollars. You don't get that pre-tax expenditure.

We could, in fact, further leverage the health insurance, how far a health insurance dollar could go in a family's budget by tapping into that concept of a pre-tax expense.

But some of the things we have done with health savings accounts, and again, I would stress that since we passed the Medicare Modernization Act a scant 4 years ago, between 4 and 7 million people have now purchased health savings accounts.

I referenced early on that first off, back in the early 1990s or, I'm sorry, the middle 1990s, it was going to be capped at 750,000 total policies. That cap was removed with the Medicare Modernization Act, and as a consequence now, at least 4 million people have purchased health savings accounts. Forty percent of those people were previously uninsured. That means that number of the uninsured would be higher by a factor of a million or a million and a half had we not passed that legislation that expanded health savings accounts.

Making those premiums tax deductible, that is something that, an idea whose time has come, has long since come. We weren't able to do it during the last Congress. I know there are a number of competing influences out there, and we heard references to things like PAYGO before, so it is going to be a tough battle. But I do believe that we need to do that.

The low income tax credit, or the premium support for an HSA like product for someone whose low income, again, an idea, certainly whose time has come.

Maybe we should allow employers to make larger contributions to an HSA for a chronically ill employee, an employee who has diabetes or rheumatoid arthritis or any of other of a number of chronic diseases where, yeah, their health expenditures are going to be higher because they were unlucky enough to have this chronic disease, so their health insurance may cost a little bit more. But let's allow the employer the flexibility of perhaps contributing a little bit more to that plan.

What about allowing the flexibility for health savings accounts to coordinate with other type of things that employers do to make the health care insurance burden for their employees easier to bear?

□ 2210

Things like flexible spending accounts. A flexible spending account where an employer contributes a certain amount of money each year so that their employee can go out and have some of the first dollar coverage that they otherwise might not have, because even if they don't have a health savings account, just the regular deductible on regular commercial insurance, anyone who works and has employer-derived insurance will tell you that number has increased over the past 5 or 10 years. So flexible spending accounts are moneys that the employer puts away for the employee to help to use to offset some of these expenses that may be incurred.

If we allowed someone with a health savings account to participate in a flexible spending account and even went further; for a flexible spending account, at the end of the calendar year, it is a use it or lose it phenomenon. If the employer has contributed that money or the employee has said, I want to put away a tax-deferred amount of money into this account so that I can spend it for health care needs and try to capture a little bit of that pretax leveragability there, they lose that money at the end of the year if they haven't spent it on their health care.

Why don't we let that roll over into their health savings account and let that health care nest egg accumulate at a little bit faster rate so that those citizens who do wish to utilize the power of a health savings account can perhaps make it work even more to their advantage?

And what if someone wants to retire early and they have got that health care nest egg built up in their health savings account but now they are going into early retirement, and doggone it, that insurance premium is going to be an additional burden to bear? What about allowing them to draw on the health savings account to pay their premium to continue their health savings account in those years from their early retirement prior to the time that they are covered by Medicare? It is an interesting concept and one I think this Congress would do well to spend some time thinking about doing.

I will come back again to the pretax treatment of health care expenditures incurred under an HSA. Again, we can leverage a citizen's dollars so much more by allowing that type of treatment of those dollars.

Again, association health plans for employers who want to provide their employees insurance but find they are being increasingly priced out of the market. Give them the flexibility to go out there and group together and say, We are a group of realtors and we want to be able to go out and buy health insurance in the market like we had a whole bunch of employees rather than an office that employs five or six people because we are not getting a good deal when we just go out and try to buy insurance in the market to cover five or six employees at a time.

All of these things are critical for us to think about. All of these things are ways that we can improve the system that we have before us today. But we do have to ask ourselves if we are perhaps putting the cart before the horse.

Alan Greenspan, the gentleman's name who is not unknown in this town, the prior Chairman of the Federal Reserve Board, about 1½ years ago came and talked to a group of us one morning, talking about just things in general, and the question inevitably came up about Medicare: How in the world are we ever going to pay for Medicare? How in the world are we ever going to tackle this unfunded obligation that we have?

And Chairman Greenspan felt confident that at some point some Congress would be able to deal with this problem in a satisfactory way. And he paused and he got quite reflective, and he said, You know, what concerns me more is, is there going to be anyone there to provide the services when you need them? Of course he was talking about our physicians. Of course he was talking about our nurses.

Those are words that certainly I have taken to heart. And I think we do need to spend considerable effort on thinking about this problem and considerable effort towards rectifying some of the difficulties that are out there so that we do, indeed, preserve the health care workforce that is present today and the health care workforce that we are going to want for the future.

Last year, in order to deal with this problem, I introduced a bill, H.R. 5866, the Medicare Physician Payment Reform and Quality Improvement Act of 2006. I introduced that bill in July. Of course, with the August recess and then the recess before the election, there wasn't a lot of time left in the year to work on it. The reason it was so important is because the system we have developed in our Medicare system, parts A, B, C, and D are not paid for equally. The fact is that part B, the part that is handled by physicians, is dealt with in a different fashion. Part A, the hospital; part C, the HMO; part D, the prescription drug benefit, all of those each year receive essentially a cost-of-living adjustment, an update, because the cost of inputs is going to go up.

The physician payment, this is an important concept. I realize it may sound arcane, but the physician payment is handled differently. There Congress, in its wisdom many, many years ago, said if we can control the volume and intensity of these payments, we are going to be able to save money over the long term. So a system was put in place called the Sustainable Growth Rate formula. You will hear it referred to as the SGR. The problem with the SGR is that every year physicians, instead of getting a cost-of-living update based on the fact that their electricity costs more, it costs more to put gas in their car to drive to work, it costs more to pay their help, all of those things go up, but the physician reimbursements go down. An estimated 5 percent a year, and this is projected to go up for years in the future so that the accumulative effect will be a 30 to 35 percent reduction in physician reimbursement in the Medicare system. And anyone just looking at this understands that that is untenable. You can't keep doing that. Every year Congress has to come in at the last minute and do something to keep that from happening for that year. Sometimes we get it done: sometimes we don't. But the problem is every year that we put that fix in place, we increase the price tag for eventually getting out of that system.

A case in point: I first came to Congress in 2003. In fact, the Congress before my first term here had not passed any appropriations bills. So the first thing we were faced with was a huge omnibus bill, spending hundreds of billions of dollars. That omnibus bill contained within it a fix for the doctors. And I remember the then chairman of the Ways and Means Committee coming to our conference and saying, I have put a fix in there so that the doctors won't see that pay cut that they got last year, and it is going to cost $52 billion to do that. At that time the cost of buying our way out of the SGR formula and switching over to a cost-of-living formula, a cost-of-living adjustment formula, known as the Medicare economic index, was pegged at about $118 billion, a significant sum of money. But $52 billion as a down payment on a $118 billion problem, that seemed reasonable. It seemed like we were going in the right direction.

But fast forward 4 years, and every year, of course, we have done something similar, never quite as much as the $52 billion that was passed that first month that I was in Congress, but every year that at the end of the year where we have had to add that money to keep physicians from seeing a pay reduction, we have increased the cost of eventually repealing the SGR so that it now totals $280 billion.

But wait. There is more. If you do not protect seniors, because by law in part B of Medicare, seniors pay 25 percent of the cost of the part B program, which 75 percent is borne by the Federal Treasury; 25 percent is recovered in premiums, and every time we increase that amount, the premiums necessarily increase. No one likes to do that because those premium increases by law hit in the month of October and that is very close to an every 2-year election that occurs in the month of November. So everyone wants to deal with that problem of the premiums going up every year. If you were to deal with the entire problem, the SGR and premium protection for senior citizens, the costs suddenly goes up to $340 billion. It is clear to see in a PAYGO environment that that is almost an impossible hill to climb.

Last year in the Physician Payment Reform and Quality Improvement Act of 2006, in attempting to deal with that, I looked for help within the health care community, people to find places where there could be efficiencies to help offset that SGR price tag that at that time was $218 billion.

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Suffice it to say that those cost savings were never identified. People were reluctant to come forth with areas in their particular part of Medicare where they might save money. And as a consequence, the pay-fors did not materialize, and the bill was something we didn't take up.

This year, it's not even just about fixing that part of the formula. It is important to do that because one of the pernicious effects of that formula is you have doctors who are looking toward their retirement and perhaps thinking about accelerating it for a few years. So we have physicians in the workforce who may be leaving early because they look down the road and say, 5 percent reduction in the rate of Medicare reimbursement every year for the next 10 years for a cumulative total of 30 or 35 percent, I don't think so.

Maybe I do need to get on with my retirement plans. And then on the other end of the spectrum you have the young physician who is just getting out of medical school, who is meeting the residency in those primary care high need specialties, they may need some additional help. And finally, the student who's finishing college and looking to go to medical school; how am I going to deal with those significant loans I'm going to face when I get out of school?

All three areas are going to require this Congress to think very carefully and work very hard on trying to craft solutions. And I would just stress that it is important not to craft a solution that is only going to fix the short term. We've really had this kicking-the-can phenomenon or postponing-the-pain phenomenon has worked only up to a point. And you have to believe that this type of trajectory does have a shelf life, and ultimately we're going to reach a point where we are in fact no longer able to afford even those relatively modest, and I use the term modest advisedly because we are talking about a Washington expenditure here, will be unable to afford even those modest payments that are required to offset the reductions that happen year over year.

And you might say, well, that's not so bad, it's just the Medicare system. That's just half of health care, how could that be that big a problem? The unstated aspect of this is that every private health insurance company out there who writes insurance policies, I shouldn't say every, but a lot, will peg their reimbursement rates to what Medicare pays. They pay 80 percent of Medicare, they pay 120 percent of Medicare, but they pay some percentage of what Medicare pays. And when we as a Congress say to the physicians of America, guess what? You get a 5.4 reduction this year. Those companies that peg their reimbursement rates to the Medicare 2007 reimbursement schedule are in fact also given a bit of a break. And they were never intended to be the recipients of the largess of the Federal Government, but that's what happens when you have Federal price controls on a system like health care.

Well, improvements in the bill from last year I think are in progress. And the fact that the entire concept is split into three parts to deal with the overall affordability of educating and providing the incentives for people to go into medicine in the first place, providing the tools for their educational process, providing some flexibility with loan forgiveness, tax credits for the young physician, and then finally, providing some stability for the physician who is mature and in practice, that they are going to face a stable pricing environment going forward, not a continuously shrinking price environment going forward.

It is going to be difficult. There again, I will reference the Medicare Trustees Report. Again, 680,000 hospital beds that were not filled in 2005 because of improvements in the practice of medicine. We've come a long way from the days of Benjamin Rush, when they used leeches to treat their patients. Those 680,000 hospital beds that weren't filled in the Medicare system, that is money that is saved in the part A part of Medicare, but the savings actually occur because of the work being done in the part B part of Medicare. And there has got to be somewhere, some way within the Federal statutes that the savings that occur in part A or part C or part D because of continued work and vigilance by the folks who are practicing in part B, there has got to be a way that those savings will accrue to part B, and use those savings as the offset for lowering that total price tag on the SGR formula.

Further, there are some places, unfortunately, where people do attempt to abuse the system and take money that perhaps they are not entirely entitled to. The Inspector General's Office at HHS and the Department of Justice held a lengthy hearing with our Energy and Commerce Subcommittee a few weeks ago; it was a terribly enlightening process. But the money that's recovered in those audits is not money that should go to the Department of Justice, though don't tell them I said that, but it's money that should go back to the part B of Medicare to offset the eventual repeal and replacement of the SGR formula with the Medicare Economic Index. And I quite simply don't know any other way how to say that.

If we are not able to get that done this year or next year or the year after, we do need to put some programs in place that will protect physicians from those cuts that are programmed to occur in 2008 and 2009. And again, that is part of the legislation that I will be working on to not only capture those monies that rightfully belong to part B to offset the eventual cost of repealing the SGR, but additional things in place to protect the earnings of the physicians who care for our Medicare patients during those years before the SGR can be repealed.

Well, I mentioned earlier that some of the States have done some things within their health plans that have been innovative and really quite exciting; Massachusetts is probably the leader in that regard. It's significant because the Governor of Massachusetts is offering himself as a Presidential candidate and is certainly one of the individuals who can say "check the box, I've done that." And working with a legislature and a State senate who was of the opposite party and not always aligned with his vision of where things were and where they ought to be, was able to craft a plan. Just like so many things, we can always say it's God's plans, but the devil is in the details, and sure enough in this situation the devil is in the details. The months starting in July of this year will tell the tale as to whether or not that plan will actually work. But some very clever ideas were incorporated.

Now I will be the first to admit that as a Texan there are a lot of things that you can apply to Massachusetts that you could never apply in Texas. But one of the concepts that I thought was, you have heard me reference several occasions that wouldn't it be great to get the leverage of getting a pretax expense for someone who wanted to buy their health insurance? Well, they found a way to do that in Massachusetts, it's called the Massachusetts Connecter. And indeed, even back in my home State of Texas I know they are looking at this concept. There is apparently a chapter in the IRS code, we heard the last speaker say how complicated the IRS code can be, but buried within the IRS code is section 125, which will allow for Federal tax deductibility of insurance premiums where the State acts not so much as the broker, but the middle man, if the State acts as the person who is going to bring the buyer and seller in the insurance market together, there is apparently a way in the IRS code where there is a tax deductible treatment then of that expenditure. And think about that for persons who are in the 20 or 25 percent tax bracket. If they can buy their health insurance premiums with 80 cent dollars, suddenly we've gone a long way towards allowing them some additional flexibility within the plan.

The thing I like the best about the Massachusetts plan is it does stress the concept of personal responsibility. That is to say that if you are a resident in the State of Massachusetts and you can afford health insurance, then you've got no good reason not to have health insurance and we are going to require you to have it. Again, a concept that may not work in other States. And Governor Schwarzenegger is looking at doing something in California. I know in my home State of Texas, Governor Perry is looking at some options. Governor Jeb Bush in Florida and now Governor Crist, who replaced him, all have the ability to look at the State programs because of flexibility that was put in the system when the Deficit Reduction Act passed in December of 2005. Again, the much maligned Deficit Reduction Act gave the tools to these State leaders so that they can look at doing these innovative plans in their States to provide coverage for their populations who are uninsured. And after all, again, one of the great things about the United States is the States can serve as laboratories. We don't necessarily have to change everything for the whole country, we can see how it works in a given

State, and to the extent that it is helpful, we can expand the program.

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If we find it wasn't helpful, we won't expand the program. But it is one of those great things that our Founding Fathers envisioned, that the States would be great laboratories for needed social change to occur in this country.

One of the other things that I didn't cover earlier because I wasn't sure if time would permit it, I do obviously need to say a word about the medical liability system in this country.

My home State of Texas, again, did tackle this issue in 2003 and did pass a State law that capped non-economic damages, much along the lines of the Medical Injury Compensation Reform Act of 1975 that was passed in California. Our State of Texas picked up that concept, modernized it for the 21st century, and those caps on non-economic damages, instead of just being one realm of non-economic damages, the cap is trifurcated, $250,000 thousand cap on the doctor, $250,000 thousand cap on the hospital, $250,000 thousand cap on the on a nursing home or second hospital, if one is involved.

The critical thing about this is it has brought insurance costs for medical liability insurance down by 20 percent in my home State of Texas, and, remember, medical liability costs were going up by 25 to 30 percent a year prior to the passage of that law.

So it has had an immediate and beneficial effect on physicians in Texas. And one of the unintended beneficiaries was the mid-sized, community-based, not-for-profit hospital who self-insured. Those hospitals have seen a significant reduction in the amount of moneys that they had to put toward medical liability, and, as a consequence, those are dollars that they are investing in capital improvements, nurses' salaries, the very things you would want your medium-sized, not-for-profit community hospital to do if they had the flexibility to do so.

I have legislation that I have drafted that bases off the Texas plan. I think it is reasonable legislation. In our budget resolution that the Republicans had, the savings, and this was scored by CBO as a savings, at a time we are looking for ways to save money in the healthcare system to pay for other things, it is almost unconscionable to walk away from that $8 to $10 billion in savings that CBO scored this particular legislation.

Mr. Speaker, I see that the hour, it goes so quickly when you get down here to talk about these things. I will wrap up.

I do want to point out that Americans, for all of the criticism that we have, there was an article in The New York Times published October 2006, Tyler Cowan, who writes, "When it comes to medical innovation, the United States is the world leader. In the past 10 years, 12 Nobel Prizes in medicine have gone to American-born scientists working in the United States, three to foreign-born scientists working in the United States, and just seven have gone to researchers outside of the country."

That is what we need to preserve, protect and defend. That is why these issues are so important for us to face in this Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CUMMINGS (at the request of Mr. HOYER) for today.

Mr. ISRAEL (at the request of Mr. HOYER) for today.

Ms. KILPATRICK (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of inspecting tornado damage.

Mr. TIAHRT (at the request of Mr. BOEHNER) for today and May 8 and 9 on account of inspecting tornado damage.

Mr. HULSHOF (at the request of Mr. BOEHNER) for today and May 8 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Ms. LORETTA SANCHEZ of California, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SHAYS, for 5 minutes, today.

Mr. POE, for 5 minutes, May 14.

Mr. MORAN of Kansas, for 5 minutes, May 8.

Mr. BURTON of Indiana, for 5 minutes, today and May 8, 9, 10, and 11.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. LEE, for 5 minutes, today.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 8, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1511. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 04-12, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1512. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 06-01, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

1513. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting a review of the Guided Multiple Launch Rocket System (GMLRS) program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

1514. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dell L. Dailey, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1515. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William G. Boykin, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1516. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Bryan D. Brown, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

1517. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral Stanley R. Szemborski, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1518. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1519. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting the Department's report on the management and adequacy of biometrics programs pursuant to Conference Report 109-702, that accompanies the John Warner National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

1520. A letter from the EEO Programs Director, Board of Governors of the Federal Reserve System, transmitting the third annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2006; to the Committee on Oversight and Government Reform.

1521. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

1522. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1523. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1524. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting the Department's annual report for FY 2006, summarizing data and analysis of complaints filed for the past five fiscal years and how the Department is working to fulfill the requirements of the Act; to the Committee on Oversight and Government Reform.

1525. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual No Fear Report to Congress for FY 2006, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2003, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1526. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the Administration's first Notification and Federal Employee Antidiscrimination and Retalitiation Act of 2002 annual report covering fiscal years 2002 through 2006; to the Committee on Oversight and Government Reform.

1527. A letter from the Director, Equal Employment Opportunity, National Endowment for the Humanities, transmitting the Endowment's report on incidences of discrimination, pursuant to Public Law 107-174, section 201; to the Committee on Oversight and Government Reform.

1528. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Fiscal Year 2006 annual report prepared in accorance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1529. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2007 Revenue Estimate in Support of the Issuance of $300,000,000 in Public Utility Subordinated Lien Revenue Bonds (Series 2007)"; to the Committee on Oversight and Government Reform.

1530. A letter from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2006, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

1531. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf Regulations-Technical Corrections (RIN: 1010-AD42) received May 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1532. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Ohio Regulatory Program [OH-251-FOR] received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1533. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2007 Season (RIN: 1018-AU59) received April 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1534. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Missouri Regulatory Program [Docket No. MO-039-FOR] received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1535. A letter from the Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Geothermal Royalty Payments, Direct Use Fees, and Royalty Valuation (RIN: 1010-AD32) received April 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1536. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management Area [Docket No. 04011-2010-4114-02; I.D. 040407D] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1537. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Albacore Tuna Fisheries; Vessel List to Establish Eligibility to Fish for Albacore Tuna in Canadian Waters Under the U.S. Canada Albacore Tuna Treaty [Docket No. 070119012-7077-02; I.D. 031307B] (RIN: 0648-AU78) received April 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1538. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Catch Sharing Plan [Docket No. 061229343-7050-02; I.D. 121406A] (RIN: 0648-AV03) received April 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1539. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007-2009 Specifications [Docket No. 061228342-7068-02; I.D. 122206A] (RIN: 0648-AT66) received April 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1540. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01; I.D. 040607E] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1541. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 031507E] received April 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1542. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 070404078-7078-01; I.D. 082806B] (RIN: 0648-AV52) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1543. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 070213033-7033-01; I.D. 040907D] received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1544. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Optional Use of Electronic Logbook Forms [Docket No. 070207026-7079-02; I.D. 012207A] (RIN: 0648-AS29) received April 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1545. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carribean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 040407C] received April 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1546. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Detroit River (Trenton Channel), Grosse Ile, MI [CGD09-07-004] (RIN: 1625-AA09) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1547. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Youngs Bay and Lewis and Clark River, OR. [CGD13-06-048] (RIN: 1625-AA09) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1548. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fireworks Displays within the Fifth Coast

[CGD05-06-091] (RIN: 1625-AA00) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1549. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; St. Mary's River, St. Mary's City, MD [CGD05-07-004] (RIN: 1625-AA08) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1550. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Idaho and Montana [CBP Dec. 07-25] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS ON COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on May 4, 2007]

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 1684. A bill to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes; with an amendment (Rept. 110–122). Referred to the Committee of the Whole House on the State of the Union.

[Filed on May 7, 2007]

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 124. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 110–123). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 1294. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; with an amendment (Rept. 110–124). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1140. A bill to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes. (Rept. 110–125). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1114. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes (Rept. 110–126). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1080. A bill to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes (Rept 110–127). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 487. A bill to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes (Rept. 120-128). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1595. A bill to implement the recommendations of the Guam War Claims Review Commission, with an amendment (Rept. 110–129). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 377. Resolution providing for consideration of the bill (H.R. 1294) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe (Rept. 110–130). Referred to the House Calendar.

Mr. REYES: Permanent Select Committee on Intelligence. H.R. 2082. A bill to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 110–131). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOREN (for himself and Mr. KELLER):

H:R. 2183. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mrs. EMERSON):

H.R. 2184. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to expand comparative effectiveness research and to increase funding for such research to improve the value of health care; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. HASTINGS of Florida, Mr. EHLERS, Mr. CARNAHAN, Mr. HINCHEY, Ms. WOOLSEY, Mr. MORAN of Virginia, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. SHAYS, Mr. MEEK of Florida, Mr. SOUDER, Ms. McCOLLUM of Minnesota, Mr. FORTENBERRY, Mr. GONZALEZ, Mr. BERMAN, Mr. ACKERMAN, and Mr. FARR):

H.R. 2185. A bill to amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2010, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALEXANDER:

H.R. 2186. A bill to provide for the conveyance of National Forest System land in the State of Louisiana; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 2187. A bill to make emergency supplemental appropriations for Katrina recovery for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. JOHNSON of Illinois):

H.R. 2188. A bill to establish kinship navigator programs, to establish kinship guardianship assistance payments for children, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DeLAURO (for herself, Mr. FATTAH, Mr. McDERMOTT, Mr. DOGGETT, Mr. PASTOR, Mrs. MALONEY of New York, Ms. CASTOR, Mrs. CAPPS, Ms. WOOLSEY, Mr. STARK, Ms. McCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. McGOVERN, Mr. PAYNE, Mr. COURTNEY, Ms. CARSON, Mr. BISHOP of New York, Ms. KILPATRICK, Mr. GRIJALVA, Mr. ELLISON, Mr. ALLEN, Mr. TOWNS, Ms. SUTTON, Mr. KENNEDY, Mrs. CHRISTENSEN, Mr. BISHOP of Georgia, Mr. TIERNEY, Ms. BORDALLO, Mr. SCOTT of Virginia, and Mrs. JONES of Ohio):

H.R. 2189. A bill to require pre- and post-deployment mental health screenings for members of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY:

H.R. 2190. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Advisory Committee on Rural Veterans; to the Committee on Veterans' Affairs.

By Mrs. DRAKE (for herself, Mr. BURGESS, Mr. EHLERS, Mr. HAYES, Mr. McCOTTER, Mr. TAYLOR, Mr. CALVERT, Mr. LARSEN of Washington, Mr. FORBES, and Mr. GOODLATTE):

H.R. 2191. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. HODES:

H.R. 2192. A bill to amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ISRAEL (for himself and Mr. KIRK):

H.R. 2193. A bill to amend the Animal Welfare Act to increase the penalties for violations of such Act, to prohibit the use of animals for marketing medical devices, and for other purposes; to the Committee on Agriculture.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 2194. A bill to amend title 10, United States Code, to authorize an allowance for civilian clothing for members of the Armed Forces traveling in connection with medical evacuation; to the Committee on Armed Services.

By Mr. PATRICK MURPHY of Pennsylvania (for himself and Mr. WALZ of Minnesota):

H.R. 2195. A bill to amend title 10, United States Code, to expand the education loan repayment program for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. REYES (for himself, Mr. MARKEY, Mr. INSLEE, Ms. HERSETH SANDLIN, and Ms. SCHAKOWSKY):

H.R. 2196. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for disclosure to consumers of the fuels and sources of electric energy purchased from electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SPACE:

H.R. 2197. A bill to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; to the Committee on Natural Resources.

By Ms. SUTTON:

H.R. 2198. A bill to require an annual report on contract oversight by Federal departments and agencies; to the Committee on Oversight and Government Reform.

By Ms. SUTTON (for herself, Mr. CHABOT, Mrs. SCHMIDT, Mr. TURNER, Mr. JORDAN, Mr. GILLMOR, Mr. WILSON of Ohio, Mr. HOBSON, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, and Mr. SPACE):

H. Con. Res. 143. Concurrent resolution honoring the 50th anniversary of Stan Hywet Hall & Gardens; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Mr. GEORGE MILLER of California, and Mr. HARE):

H. Res. 376. A resolution recognizing annually a National Classified School Employee of the Year and honoring the valuable contributions of Classified School Employees in the United States; to the Committee on Education and Labor. considered and agreed to.

By Mr. FORTUÑO (for himself and Mr. LANTOS):

H. Res. 378. A resolution honoring World Red Cross Red Crescent Day; to the Committee on Foreign Affairs.

By Mr. POE:

H. Res. 379. A resolution congratulating Nicolas Sarkozy on his election to the presidency of France; to the Committee on Foreign Affairs.

By Mr. SALI (for himself and Mr. SIMPSON):

H. Res. 380. A resolution resolution commending Idaho on winning the bid to host the 2009 Special Olympics World Winter Games; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. CARSON introduced a resolution (H. Res. 381) referring the bill (H.R. 2124), entitled "A bill for the relief of Adela and Darryl Bailor", to the chief judge of the United States Court of Federal Claims for a report thereon; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Ms. HIRONO.

H.R. 23: Mr. CARNEY.

H.R. 25: Mr. ISSA.

H.R. 67: Mr. RODRIGUEZ, Mr. HARE, Mr. HALL of New York, Mr. FATTAH, Mrs. JONES of Ohio, Mr. COHEN, and Ms. BERKLEY.

H.R. 73: Mr. PLATTS.

H.R. 135: Mr. HASTINGS of Florida.

H.R. 140: Mr. PAYNE.

H.R. 176: Ms. WATERS, Mr. HINOJOSA, Mr. GUTIERREZ, and Mr. JEFFERSON.

H.R. 180: Ms. SHEA-PORTER.

H.R. 260: Mr. PUTNAM.

H.R. 410: Mr. KAGEN.

H.R. 443: Mr. PAUL.

H.R. 445: Mr. PAUL.

H.R. 454: Ms. WASSERMAN SCHULTZ.

H.R. 503: Mr. PAYNE, Ms. WATERS, and Ms. GIFFORDS.

H.R. 507: Mr. SIMPSON, Mr. SHAYS, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Mr. LUCAS, Mr. DAVIS of Alabama, Mr. OBERSTAR, and Mr. OLVER.

H.R. 539: Mr. RAMSTAD.

H.R. 563: Mr. KELLER.

H.R. 593: Mr. PAYNE.

H.R. 618: Mr. TIM MURPHY of Pennsylvania.

H.R. 620: Mr. BLUMENAUER.

H.R. 695: Mr. BISHOP of Georgia and Mr. NEAL of Massachusetts.

H.R. 718: Mr. BOUCHER, Mr. COBLE, Mr. MATHESON, and Mr. GARRETT of New Jersey.

H.R. 722: Mr. PAYNE.

H.R. 731: Mr. ELLSWORTH.

H.R. 743: Mr. ROGERS of Michigan, Mr. FRANKS of Arizona, and Mr. WALDEN of Oregon.

H.R. 758: Mr. EDWARDS.

H.R. 823: Mr. MARKEY, Ms. LINDA T. SÁNCHEZ of California, Mr. BISHOP of New York, Mr. BRALEY of Iowa, Mr. HODES, and Mr. GRIJALVA.

H.R. 869: Ms. SHEA-PORTER.

H.R. 882: Mr. WU, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. RENZI, Mr. TOWNS, Mr. RAMSTAD, Mr. LANGEVIN, Mr. JACKSON of Illinois, and Mr. PERLMUTTER.

H.R. 897: Mr. ELLSWORTH.

H.R. 916: Mr. BRALEY of Iowa and Mr. GRIJALVA.

H.R. 938: Mr. MARCHANT.

H.R. 943: Mr. PAUL and Mr. JOHNSON of Georgia.

H.R. 980: Mr. LINCOLN DAVIS of Tennessee, Ms. ROS-LEHTINEN, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. DEFAZIO, Mr. COHEN, Mr. HASTINGS of Florida, Mr. BLUMENAUER, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 989: Mrs. MCMORRIS RODGERS, Mrs. MYRICK, and Mr. BUYER.

H.R. 1017: Mr. RUSH.

H.R. 1023: Mr. WU, Mr. SHULER, Mr. BISHOP of New York, Mr. SIMPSON, and Mrs. BACHMANN.

H.R. 1038: Mr. PLATTS.

H.R. 1076: Mr. SIMPSON.

H.R. 1093: Mr. BOREN, Mr. WAMP, Mr. ALLEN, and Mr. HINCHEY.

H.R. 1108: Mr. PATRICK MURPHY of Pennsylvania, Mr. WELCH of Vermont, Ms. SLAUGHTER, Mr. SCHIFF, and Mr. RUPPERSBERGER.

H.R. 1125: Ms. WASSERMAN SCHULTZ, Mr. GEORGE MILLER of California, Mr. PLATTS, and Mr. BLUNT.

H.R. 1147: Mr. BLUMENAUER.

H.R. 1157: Mr. ETHERIDGE, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, Mr. CALVERT, Mr. CHABOT, Mr. BUTTERFIELD, Mr. TOWNS, Mr. PRICE of North Carolina, Mr. SENSENBRENNER, Mr. MEEKS of New York, Mrs. BLACKBURN, Mr. DOGGETT, Mr. MOORE of Kansas, Mr. KAGEN, MR. WOLF, Mr. LEWIS of Georgia, Mr. PORTER, Mr. YOUNG of Alaska, Mr. HALL of New York, Mr. HINOJOSA, Mr. SESTAK, and Mr. MEEK of Florida.

H.R. 1188: Mr. SCHIFF.

H.R. 1192: Mr. ETHERIDGE and Mr. ALLEN.

H.R. 1229: Mr. HIGGINS and Mr. ROSS.

H.R. 1237: Mr. NEAL of Massachusetts, Mrs. CUBIN, Mr. COBLE, and Mr. PAUL.

H.R. 1239: Ms. BALDWIN.

H.R. 1293: Mr. ALTMIRE and Mr. WILSON of South Carolina.

H.R. 1294, Mr. GRIJALVA.

H.R. 1320: Mr. KIRK and Mr. JACKSON of Illinois.

H.R. 1343: Mr. CARTER, Mr. MEEK of Florida, Mrs. DAVIS of California, Mr. BISHOP of Utah, Mr. REYES, Ms. HERSETH SANDLIN, Ms. CLARKE, Mr. STUPAK, Mr. CUELLAR, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. GUTIERREZ, Mr. COSTELLO, Mrs. CUBIN, Mr. ISSA, Mr. RODRIGUEZ, MR. HALL of Texas, Mr. BRADY of Texas, Mr. AL GREEN of Texas, Mr. MCCAUL of Texas, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. DOGGETT, Mr. MARCHANT, Mr. RUSH, Mr. WYNN, Ms. DEGETTE, Mr. SHIMKUS, Mr. LOBIONDO, Mr. ETHERIDGE, Mr. UDALL of Colorado, Mr. WELCH OF VERMONT, AND MR. RAHALL.

H.R. 1344: Mr. PAYNE.

H.R. 1346: Mr. BOUCHER and Mr. LYNCH.

H.R. 1391, Ms. WATERS, Ms. HARMAN, Mr. MCCOTTER, and Mr. PAYNE.

H.R. 1413: Mr. LANGEVIN.

H.R. 1420: Mr. MORAN of Virginia, Ms. BALDWIN, Mr. BAIRD, Mr. WAXMAN, Mr. SMITH of Washington, Mr. LEWIS of Georgia, Mr. SCHIFF, and Mr. KENNEDY.

H.R. 1459: Mr. CRENSHAW, Mr. MARKEY, Mr. WEINER, Mr. DAVIS of Kentucky, and Mr. SMITH of Nebraska.

H.R. 1461: Mrs. CHRISTENSEN and Mr. SERRANO.

H.R. 1491: Ms. CLARKE.

H.R. 1498: Ms. WOOLSEY, Mr. PERLMUTTER, and Mr. RENZI.

H.R. 1528: Mr. TIERNEY.

H.R. 1532: Mr. RUSH and Mr. SMITH of Washington.

H.R. 1535: Mr. HARE, Mr. RAHALL, and Mr. LAMPSON.

H.R. 1554: Mr. BRALEY of Iowa.

H.R. 1561: Mr. MCGOVERN.

H.R. 1567: Mr. LANTOS, Ms. BALDWIN, Mr. EMANUEL, Mr. GEORGE MILLER of California, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, and Mr. MATHESON.

H.R. 1582: Ms. ROS-LEHTINEN and Mr. CARDOZA.

H.R. 1586: Mr. BRADY of Texas.

H.R. 1589: Mr. WEXLER and Mr. ROTHMAN.

H.R. 1590: Mr. SHULER.

H.R. 1593: Mr. MELANCON.

H.R. 1595: Mr. RANGEL, Mr. ORTIZ, Mr. TOWNS, Ms. KAPTUR, Mr. MCDERMOTT, Mr. PALLONE, Ms. NORTON, Mr. BARTLETT of Maryland, Mr. CLYBURN, Mr. FARR, Mr. FILNER, Mr. HINCHEY, Ms. WOOLSEY, Mr. ENGLISH of Pennsylvania, Mr. JONES of North Carolina, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. KIND, Mrs. TAUSCHER, Mr. BOOZMAN, Ms. SOLIS, Mr. WILSON of South Carolina, Mr. GINGREY, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. LOEBSACK, Mr.

HOLDEN, Ms. WATSON, Mr. KUCINICH, Ms. MATSUI, and Ms. LEE.

H.R. 1628: Mr. CROWLEY.

H.R. 1647: Ms. SUTTON, Mr. ADERHOLT, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, and Mr. PORTER.

H.R. 1649: Mr. MCHUGH and Mr. KAGEN.

H.R. 1653: Mr. WELCH of Vermont.

H.R. 1673: Ms. DEGETTE.

H.R. 1687: Mr. HARE, Mr. RAHALL, and Mrs. MUSGRAVE.

H.R. 1700: Mr. WELCH of Vermont, Mr. BISHOP of Georgia, Ms. SHEA-PORTER, Mr. ALTMIRE, Mr. CAPUANO, Mr. YARMUTH, Ms. HOOLEY, Mr. MURPHY of Connecticut, Mrs. LOWEY, Mr. WALZ of Minnesota, Mr. SARBANES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Mississippi, Mr. VAN HOLLEN, Mr. UDALL of New Mexico, and Mr. MURTHA.

H.R. 1705: Ms. HOOLEY, Mr. BAIRD, Mr. COSTELLO, Mr. MEEHAN, Mr. OLVER, Mr. JOHNSON of Georgia, Mr. DOOLITTLE, Mr. MICHAUD, Mr. PLATTS, and Mr. WEINER.

H.R. 1707: Ms. SLAUGHTER, Mr. TIERNEY, Mr. WEINER, and Mr. MICHAUD.

H.R. 1709: Ms. MATSUI.

H.R. 1713: Mr. HONDA.

H.R. 1756: Mr. ELLSWORTH and Mr. GILLMOR.

H.R. 1760: Mr. PETRI.

H.R. 1771: Mr. GRIJALVA.

H.R. 1772: Mr. GORDON, Mr. WALZ of Minnesota, Mr. GRIJALVA, and Ms. KAPTUR.

H.R. 1781: Mr. LEWIS of Georgia, Mr. FARR, Mr. GENE GREEN of Texas, Ms. SUTTON, Mr. RAHALL, Mr. MCCOTTER, and Ms. JACKSON-LEE of Texas.

H.R. 1783: Ms. SHEA-PORTER, Mrs. BOYDA of Kansas, Mr. SPACE, Mr. BRALEY of Iowa, Mr. KLEIN of Florida, and Mr. DONNELLY.

H.R. 1791: Mr. CARTER.

H.R. 1806: Ms. ROS-LEHTINEN and Mr. KUCINICH.

H.R. 1813: Ms. GINNY BROWN-WAITE of Florida and Mr. TOWNS.

H.R. 1823: Mr. GOHMERT, Mr. FORTUÑO, and Mr. PAYNE.

H.R. 1845: Mr. EDWARDS and Mr. OLVER.

H.R. 1866: Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. REYES, and Mr. RENZI.

H.R. 1884: Mr. BARROW, Mr. WEXLER, Mr. ROGERS of Alabama, and Mr. BISHOP of Utah.

H.R. 1889: Mr. GONZALEZ.

H.R. 1892: Mr. WILSON of Ohio.

H.R. 1907: Mr. DINGELL.

H.R. 1927: Mr. BRALEY of Iowa, Mr. COSTELLO, and Mr. GENE GREEN of Texas.

H.R. 1937: Mr. HERGER, Mrs. CUBIN, Mr. LARSEN of Washington, Mr. HALL of Texas, Mr. PETERSON of Pennsylvania, Mr. ISSA, and Mr. BARTON of Texas.

H.R. 1945: Mr. INSLEE and Mr. GRIJALVA.

H.R. 1947: Mr. DOYLE.

H.R. 1952: Mr. JINDAL and Mr. CUELLAR.

H.R. 1983: Ms. HIRONO, Mr. MICHAUD, Mr. BOUCHER, Mrs. EMERSON, Ms. ZOE LOFGREN of California, Mr. MILLER of Florida, Mr. SOUDER, and Mr. ABERCROMBIE.

H.R. 1992: Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, and Mr. AL GREEN of Texas.

H.R. 2019: Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, Ms. MATSUI, and Mr. GONZALEZ.

H.R. 2060: Mr. CHANDLER, Mr. AKIN, Mr. OLVER, Mr. THOMPSON of California, Mr. WALZ of Minnesota, Ms. ESHOO, Mr. SALAZAR, Mr. CUMMINGS, and Mr. AL GREEN of Texas.

H.R. 2063: Mr. LOBIONDO and Mr. VAN HOLLEN.

H.R. 2079: Mr. GILCHREST.

H.R. 2108: Mr. STARK and Mr. COHEN.

H.R. 2111: Mr. CHANDLER.

H.R. 2116: Mr. CRENSHAW.

H.R. 2127: Mr. LUCAS, Mr. COLE of Oklahoma, Mr. SULLIVAN, and Ms. FALLIN.

H.R. 2135: Mr. KAGEN and Mr. POMEROY.

H.R. 2138: Mr. HOLDEN and Ms. SUTTON.

H.R. 2147: Ms. WASSERMAN SCHULTZ, Mr. PAYNE, and Ms. CARSON.

H.R. 2161: Mr. KNOLLENBERG, Ms. KAPTUR, Mr. WYNN, Mr. TURNER, and Mr. FILNER.

H. Con. Res. 21: Mr. FERGUSON and Mr. KAGEN.

H. Con. Res. 48: Ms. KAPTUR and Mr. CONAWAY.

H. Con. Res. 70: Mr. BLUMENAUER.

H. Con. Res. 80: Mrs. CAPPS and Ms. WATERS.

H. Con. Res. 87: Mr. ARCURI, Mr. BAKER, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. COHEN, Mrs. DRAKE, Mr. DUNCAN, Mr. AL GREEN of Texas, Mr. HOEKSTRA, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. KUHL of New York, Mr. LOEBSACK, Mr. MCGOVERN, Mr. MARKEY, Mr. MURPHY of Connecticut, Mr. OBERSTAR, Mr. OLVER, Mr. SCOTT of Virginia, Mr. SHAYS, and Mr. TOWNS.

H. Con. Res. 102: Mr. FARR.

H. Con. Res. 104: Mr. HONDA, Mr. GRIJALVA, and Mr. FARR.

H. Con. Res. 120: Mr. BLUNT, Mr. HOLT, Mr. VAN HOLLEN, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 130: Mr. KENNEDY, Ms. KAPTUR, Mr. HINCHEY, Mrs. MYRICK, Mr. JEFFERSON, Mr. MCDERMOTT, Mr. CLEAVER, and Mr. RAMSTAD.

H. Con. Res. 133: Mr. RAMSTAD.

H. Con. Res. 138: Mr. MARSHALL.

H. Con. Res. 142: Mr. GRIJALVA, Mrs. DAVIS of California, Mr. SHERMAN, Mr. COHEN, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California.

H. Res. 68: Mr. SERRANO.

H. Res. 97: Mr. GRIJALVA.

H. Res. 101: Mr. BISHOP of Georgia.

H. Res. 121: Mr. CLAY, Ms. WATERS, Mr. CONYERS, Mr. BACA, and Mr. BISHOP of Georgia.

H. Res. 221: Mr. HONDA.

H. Res. 227: Mr. FILNER.

H. Res. 231: Mr. HASTINGS of Washington.

H. Res. 282: Mr. MCGOVERN, Mr. BRALEY of Iowa, Ms. BEAN, Ms. SOLIS, Ms. MATSUI, Mr. COSTA, Ms. SHEA-PORTER, Mr. TIM MURPHY of Pennsylvania, Mr. MICHAUD, Mr. ELLISON, and Mr. GARRETT of New Jersey.

H. Res. 291: Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. HARE, and Mr. COSTELLO.

H. Res. 296: Mr. CAMP of Michigan, Mr. WILSON of Ohio, Mr. NADLER, Mr. MOORE of Kansas, Mr. MITCHELL, and Mr. VAN HOLLEN.

H. Res. 313: Mr. HUNTER.

H. Res. 322: Mr. MARSHALL.

H. Res. 351: Mr. MCHENRY, Mr. FEENEY, Mr. GINGREY, and Mr. HUNTER.

H. Res. 352: Mr. GRIJALVA and Mrs. NAPOLITANO.

H. Res. 353: Mr. MARSHALL.

H. Res. 354: Mr. WESTMORELAND.

H. Res. 369: Ms. LEE and Mr. MCDERMOTT.

H. Res. 371: Mr. KIND, Mr. BLUMENAUER, Ms. SUTTON, and Ms. BORDALLO.

EXTENSIONS OF REMARKS

TRIBUTE TO THE NORCROSS HIGH SCHOOL BOYS BASKETBALL TEAM

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Goergia, only a few schools excel III competition on a State level that ignites a community.

Under the leadership and guidance of Coach Eddie Martin, the Norcross High School Boys Basketball team has won a State Championship for the school, the city of Norcross and our beloved Fourth Congressional District.

These Blazing Blue Devils of Norcross have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from a mental and physical battle.

The 9th day of March, 2007 will go down in history as the Day that our Norcross High School Boys Basketball team became the AAAAA Champions of Georgia.

The team has exhibited great moral character on and off the basketball court and through the halls of Norcross High.

I was pleased to set aside April 21, 2007 to honor and recognize the Norcross High School Basketball Team for its victory for our District.

TRIBUTE TO THE CITY OF LEXINGTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. SKELTON. Madam Speaker, let me take this means to recognize the fine accomplishments of my hometown, Lexington, Missouri, and its commitment to creating a more beautiful and historic community.

Last month, Discover Mid-America's Destinations 2007 named Lexington first among historic towns, and Rural Missouri picked Lexington as its editor's choice for most beautiful town. Discover Mid-America said, "Lexington is one of those special Midwestern towns that people return to time and again. Lexington has more pre-Civil War homes and buildings than any other community regardless of size in the state of Missouri, over 120, and numerous quaint and comfortable Bed & Breakfast inns." In its article, Rural Missouri said, "You will love the antebellum charm of Lexington's historic homes. Don't miss the courthouse with its cannonball reminder of the Civil War."

Madam Speaker, I am proud to call the city of Lexington home and I know the members of the House will join me in congratulating the entire community on its prestigious awards.

TRIBUTE TO HUDSON'S

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. SALI. Madam Speaker, I rise today to honor a distinctly American treasure: a burger done right. I have the privilege of housing in my district a burger joint that has been around for over a century and was recently chronicled in the Wall Street Journal's Raymond Sokolov's quest to find America's best burger.

Hudson's, located in Coeur d'Alene, Idaho, was founded by Harley Hudson in March 1907 and is run by his great grandson Steve Hudson. Hudson's best known burger, the Huddyburger is, as Sokolov reports, "certainly the best $2 burger in creation," the "Platonic ideal of burgerdom."

Madam Speaker, my great state is known for many things: pristine rivers and lakes, gorgeous mountains, an abundance of natural resources, and hardworking citizens, but today I rise to recognize it for one of its lesser known gifts to this country: the Huddyburger.

The Huddyburger and the Hudson family represent what is great about America: ingenuity, hard work, perseverance and dedication. I wish them the best and look forward to continued success by the people of Idaho.

TRIBUTE TO JAMAAL RASHARD ADDISON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service.

Jamaal Rashard Addison was born on October 7, 1980 and began his education in the DeKalb County Educational School system and graduated from Lakeside High School with honors.

Jamaal Rashard Addison enlisted in the United States Army on March 1, 2000 and faithfully served this country until March 23, 2003, when he became Georgia's first fallen soldier in the Iraq war.

This remarkable young man gave of himself, his time, his talent, and his life.

Jamaal Rashard Addison was a soldier, a warrior, a father, a son, a brother and a friend.

I was pleased to set aside April 28, 2007 to honor and recognize Jamaal Rashard Addison for his leadership and service to our country.

TRIBUTE TO GENERAL PETER J. SCHOOMAKER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. SKELTON. Madam Speaker, a distinguished career in the United States Army has come to an end. General Peter J. Schoomaker recently retired after 35 years of service.

General Schoomaker graduated from the University of Wyoming in 1969 with a Bachelor of Science degree and later received a Master of Arts degree in Management from Central Michigan University. In addition, Hampden-Sydney College awarded him an Honorary Doctorate of Laws. His military education includes the Marine Corps Amphibious Warfare School, the United States Army Command and General Staff College, the National War College, and the John F. Kennedy School of Government Program for Senior Executives in National and International Security Management.

On August 1, 2003, General Schoomaker became the 35th Chief of Staff, United States Army. Prior to this assignment, he spent 31 years in a variety of command and staff assignments with both conventional and special operations forces. General Schoomaker has taken part in various deployment operations around the world, including Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, Uphold Democracy In Haiti, and supported various worldwide joint contingency operations, including those in the Balkans.

General Schoomaker's distinguished career has been recognized by his peers as he has been awarded: the Defense Distinguished Service Medal, two Army Distinguished Service Medals, four Defense Superior Service Medals, three Legions of Merit, two Bronze Star Medals, two Defense Meritorious Service Medals, three Meritorious Service Medals, the Joint Service Commendation Medal, Joint Service Achievement Medal, Combat Infantryman Badge, Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab.

Madam Speaker, I know the members of the House will join me in commending General Schoomaker for a career of faithful service to his Nation and wish him well in his retirement.

PAYING TRIBUTE TO ANER IGLESIAS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Aner Iglesias for both his success

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

as a business leader and for his generosity as philanthropist to our community.

Mr. Iglesias came to the United States from Cuba in order to join his family, who had previously left Cuba years before to escape political prosecution.

After his arrival to the United States, Mr. Iglesias graduated from California State Polytechnic University in Pomona, California, where he earned a dual degree in electrical engineering and business administration in 1989. At age of 24, Mr. Iglesias established his first business. Today, Mr. Iglesias operates and owns a chain of supermarkets with yearly revenues exceeding $150 million. He is also a real estate investor with properties in Nevada, Florida, and California.

In addition to his business endeavors, Mr. Iglesias has also been known for his support and leadership role in the opening of the Salvadorian Consulate in Las Vegas, Nevada. He has served as a member of the Board of Directors of the Ronald McDonald House of Los Angeles since 1999. He is currently a member of the America United Bank Board, and he has also contributed and supported the Buena Nueva Foundation and other non-profit organizations, including the Las Vegas Rescue Mission and Safe Nest. Iglesias is an active member of the Latin Chamber of Commerce, the United Grocers Committee, the Mexican-American Grocers Association and the American Grocers Association.

Madam Speaker, I am proud to honor Aner Iglesias. His years of service to the State of Nevada are admirable and I wish him the best in his future endeavors.

HONORING THE LINCOLN MEMORIAL SHRINE ON THEIR 75TH ANNIVERSARY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. LEWIS of California. Madam Speaker, as we approach the bicentennial of Abraham Lincoln's birth, I am pleased today to stand in recognition of the 75th anniversary of the Lincoln Memorial Shrine located in Redlands, California. While leading a divided nation, President Lincoln remained committed to the principles of liberty, integrity, and personal responsibility. It is these ideals that represent the core of what Robert and Alma Watchorn envisioned when they created the Lincoln Shrine in 1932.

It is a great honor that the Watchorns chose to dedicate and present the Shrine to Redlands, my hometown and a prominent city in my district. Through the contributions of my constituents, the Shrine has become a nationally-known education center for our 16th and perhaps greatest president. As the only Lincoln-dedicated museum and library west of Springfield, Illinois, the Shrine attracts thousands of professional and amateur historians with a wide variety of exhibits, events, and projects featuring Abraham Lincoln and the Civil War period.

The Watchorns would be pleased to know that the prominence of the shrine has not detracted from the educational opportunities provided to visitors. As a primary resource for educators in the area, the museum's collection of more than 4,000 manuscripts and 300 original newspapers is offered free of charge and serves as a valuable resource for those seeking a direct glimpse of Lincoln's time. Students are encouraged to attend docent-led school tours and can easily access a wealth of information to use for school projects or personal enjoyment.

Highlighting our community's pride in hosting this important site, a fundraising drive in the 1990s resulted in donations of more than $1 million, which helped provide a 2,000–foot expansion of the Shrine. Two new wings were carefully designed to complement the original octagon shape, paving the way for further Lincoln artifacts. This expansion could not have occurred without the dedication of those residing in my district.

A moving tribute to the Shrine's 75th anniversary is planned for November of 2007, when the Lincoln Shrine releases a book describing and detailing the various artifacts in their collection. An extensive set of photos and letters will be included in the book, with explanatory comments to guide the reader. This book will serve to foster interest in those who have not yet visited the Shrine, and will further elaborate upon the knowledge of individuals already familiar with the Lincoln Shrine's all-embracing collection.

Madam Speaker, I am honored to represent a community of citizens dedicated to progressing the growth of a research center and museum such as the Shrine. I ask my colleagues to join with me in recognizing the immense value of the Lincoln Memorial Shrine and in wishing them many more years of success.

TRIBUTE TO THE ATLANTA VETERANS AFFAIRS MEDICAL CENTER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many professionals in the medical field who render excellent service to our citizens.

The Atlanta Veterans Affairs Medical Center has met and exceeded national standards with its staff of skilled laboratory professionals.

The laboratory staff of the Atlanta Veterans Affairs Medical Center has demonstrated a spirit of giving, service and leadership.

Our beloved Fourth District, families and community have benefited from the fine work of the laboratory staff of the Atlanta Veterans Affairs Medical Center.

The laboratory staff of the Atlanta Veterans Affairs Medical Center has worked tirelessly to give their best to preserve integrity and provide quality service.

I was pleased to set aside April 22nd—28th, 2007 to honor and recognize the Atlanta Veterans Affairs Medical Center for its outstanding service to our District.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. CARSON. Madam Speaker, on Thursday, May 3, I was unable to vote on Roll # 300 because the Capitol Hill police would not let my vehicle enter the grounds due to a security "event" regarding the escort of a foreign dignitary. Had I been available to enter I would have voted "No."

IN TRIBUTE TO DONALD W. HAYNES HONORING THE THIRTY-TWO YEAR SERVICE ON THE HOUSTON FIRE DEPARTMENT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to Donald W. Haynes, of Houston, Texas, on his retirement from the Houston Fire Department after 32 years of dedicated service.

Donald Haynes' roots were planted in the deep, strong foundation of family. Donald was born in Beaumont, Texas to Mr. and Mrs. Elwin and Evelyn Haynes. He is the oldest of their four children. Because Donald's father was in the U.S. Navy, the Haynes family relocated to different military assignments approximately every 3 years. As such, Donald has been privileged to travel to many places across the country and the world. He has lived in Providence, Rhode Island; Morocco, North Africa; Norfolk, Virginia; Alameda, California; Middletown, Rhode Island; and San Juan, Puerto Rico.

Madam Speaker, though he traveled and relocated to many domestic and foreign places in his young life, Donald worked diligently to finish his educational studies. Donald graduated from Antilles High School in San Juan, Puerto Rico in 1970, the same year his father retired from the U.S. Navy. When his family returned to Beaumont, Texas Donald attended Lamar University his freshman year. In the summer of 1971 the Haynes family moved to Houston, Texas. Donald transferred to the University of Houston and graduated from there in December 1974 with a B.S. in Psychology. Mr. Haynes received an M.S. Degree in Criminal Justice Administration from Sam Houston State University in 1988 and an A.S. Degree in Fire Technology in 1992 from Houston Community College. He is also a graduate of the 166th Session of the FBI National Academy held in Quantico, Virginia from June 1991 to September 1991.

Donald's graduation from the University of Houston was merely the beginning step of a long glorious journey of public service. Donald worked for Southwestern Bell Telephone Company for about six months prior to his acceptance into the Houston Fire Academy in June 1975. He graduated in October 1975 and was elected President of the 1975- B Class. His first assignment was Hobby Airport, Station 36 on the A Shift. He later transferred to Station 35 after his probationary period was completed.

In 1977, as one of two firefighters with a college degree at his fire station, Donald was selected to attend Polygraph School. Donald graduated from Polygraph School, completed his internship and became a Texas Licensed Polygraph Examiner in May 1978. He has conducted polygraph examinations for the Houston Arson Bureau, HFD Internal Affairs, HFD Recruiting Division; Homicide Division of the Houston Police Department; Airport Police, Park Police, City Marshall's Office and other law enforcement agencies.

Though Donald had accumulated numerous achievements, he did not rest on his laurels but continued to excel at every level and distinguished himself through a number of praiseworthy promotions. Donald's promotions through the Civil Service ranks of the Houston Fire Department include: Chauffeur in May 1980; Inspector in September 1982; Investigator in 1985; Senior Investigator in November 1995 and Asst. (Chief) Arson Investigator September 2001. Donald was also appointed to the rank of Assistant Fire Chief from 1992 to 1993.

Donald also holds a number of State Certifications. He has been a licensed polygraph examiner for 29 years. In, addition, he is a Master Firefighter; Master Fire and Arson Investigator; Master Peace Officer, TCLEOSE Instructor; Intermediate Fire Instructor; and Field Examiner.

Madam Speaker, Donald has admirably served over 22 years in the Houston Arson Bureau as a State of Texas commissioned Peace officer. He also has contributed to community outreach service. He has been a member of the Omega Psi Phi Fraternity, Inc for over 35 years. He is also a Life Member of the NAACP, and has served on the Board of Directors of Shape Community Center for over 10 years (1992–2003).

Chief Donald W. Haynes has proudly served the Houston Fire Department and the Citizens of Houston, Texas from June 1975 until February 2007, a period for 31 years and 8 months. Though Donald extinguished many fires in his career, it was an inner blazing and burning flame that sparked his desire to perform at the highest level.

In closing, Madam Speaker, let me say that I, on behalf of all Houstonians, am grateful for the outstanding dedication and public service Donald has given to the Houston Community for nearly 32 years. We can never repay you for the priceless service you have bestowed on our community. We congratulate you and hope that your well-earned retirement brings joy to your life.

PAYING TRIBUTE TO HERNANDO AMAYA MORENO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Hernando Amaya Moreno who has been named the Small Business Journalist of the Year for the State of Nevada by the Small Business Administration.

His commitment to proving news and information to his fellow Nevadans has resulted in the SBA presenting him with this distinguished honor. Hernando is the Associate Editor for El Tiempo Libre, a Spanish language newspaper which is owned by the Las Vegas Review Journal. His role at El Tiempo allows Hernando to provide Hispanics in the Las Vegas area with both the local and national news. El Tiempo provides residents with another reliable news option in Southern Nevada.

Hernando came to the United States in the 1990s from Columbia. During his time in Columbia, Hernando worked as a broadcast journalist for the Colombian National Army. In this capacity, Hernando worked to dismiss propaganda disseminated by Colombian guerilla groups, however, he was forced to leave the country when his family's life was threatened by these groups. After his arrival in the United States, Hernando's dedication and perseverance ensured his success with both the journalism and business communities in Nevada.

As a result of his own experiences and achievements with the business community, Hernando has been able to share his knowledge and expertise with individuals in the Hispanic community that are aspiring to becoming small business owners. He believes in supporting these individuals with the information and knowledge that will allow them to be successful small business owners. In conjunction with the Latin Chamber of Commerce, Hernando holds communication workshops for those who wish to establish and begin their own small business endeavors.

Madam Speaker, I am proud to honor Hernando Amaya Moreno. His dedication to the community is commendable and I wish him continued success.

TRIBUTE TO DR. YVONNE SANDERS-BUTLER

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service.

Dr. Yvonne Sanders-Butler has given of herself as a principal of Browns Mill Elementary School, an author, a nutritional advocate and a children's advocate.

Dr. Yvonne Sanders-Butler has pioneered and sustained Georgia's First sugar free school which serves as a model to the country as a tool in promoting the physical and mental welfare of our children.

This phenomenal woman has shared her time and talents for the betterment of our community and our Nation through her tireless works, motivational speeches, and words of wisdom.

Dr. Sanders-Butler is a virtuous woman, a courageous woman and a fearless leader who has shared with the world her vision and passion to help ensure that our future—our children—will be healthy and prosperous.

I was pleased to set aside April 21, 2007 to honor and recognize Dr. Yvonne Sanders-Butler for her leadership and services to our District.

TRIBUTE TO THE ROCKDALE COUNTY BOARD OF EDUCATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. JOHNSON of Georgia. Madam Speaker, in the Fourth Congressional District of Georgia, many schools strive to excel.

Under the leadership and guidance of the Rockdale Board of Education, and the Superintendent Dr. Samuel King,—the principals, teachers, staff and students in Georgia's Rockdale County school system have met and exceeded national standards.

The Rockdale County Board of Education members have demonstrated the will to win, the courage to win, the mechanics of teamwork and the astounding spirit of triumph from building a system that serves all in the county.

Our beloved children and community will benefit from the seeds that the Board of Education and Administration have planted to insure that Rockdale will always be prosperous and productive.

This unique board has given of themselves tirelessly and unconditionally to providing the best that they have to preserve integrity, scholarship, leadership, and service for all of Rockdale County.

I was pleased to set aside April 21, 2007 to honor and recognize the Rockdale County Board of Education for their outstanding service to our District.

TRIBUTE TO ZINGERMAN'S DELICATESSEN ON ITS 25TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to Zingerman's Delicatessen, in Ann Arbor Michigan. This year Zingerman's is celebrating its 25th anniversary.

Zingerman's was founded in 1982 in Ann Arbor, Michigan by Paul Saginaw and Ari Weinzweig. It is now known internationally and renowned as one of America's best delicatessens. Along with the University of Michigan, Zingerman's is also one of Ann Arbor's best known and popular tourist attractions.

From its original store in 1982, Zingerman's has grown and now operates 8 separate gourmet food businesses throughout Michigan, employing 545 individuals and serving as an example to other businesses by providing its employees with excellent compensation, benefits and vacation time.

Along with their commitment to an equitable work environment, co-founders Paul and Ari also have a lasting commitment to providing their customers with cuisine of the utmost quality. This quality has been recognized frequently, as Zingerman's has been the recipient of numerous culinary awards, including, most recently, the Food Network's 2007 "Delectable Delivery of the Year" award. The New York Times also covered Zingerman's anniversary with an article in its May 2, 2007 edition.

Zingerman's is an Ann Arbor original and it is commonly acknowledged that there are few, if any, better places in the world at which to get a nosh. With all that it has done in the last 25 years, I ask that you join me in recognizing the anniversary of Zingerman's Delicatessen; the honors and accomplishments of co-founders Paul Saginaw and Ari Weinzweig; and their contributions to the City of Ann Arbor, the State of Michigan, and the United States of America.

PAYING TRIBUTE TO JOHN SNYDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor John Snyder for his recent induction into the National Teacher's Hall of Fame.

Mr. Snyder is the first teacher from Nevada ever to be inducted into the National Teacher Hall of Fame and is one of five educators to be inducted in the Class of 2007. His teaching career began in the early 1980's as an English teacher at Hyde Park Junior High School. At the time, computers were just beginning to proliferate into academic establishments and Mr. Snyder became impassioned to start a computer club at Hyde Park. Shortly thereafter, Mr. Snyder became a full-time computer programming teacher, a position he has held for nearly 25 years. Mr. Snyder has taught computer courses at Charparral and Cimarron Memorial High School. In 1994, he moved to the Advanced Technologies Academy and for over a decade, Mr. Snyder has been greatly enriching the lives of those students attending A-Tech, a nontraditional high school that allows students the opportunity to focus on technical careers.

Madam Speaker, I am proud to honor John Snyder. His enthusiasm, commitment and personal attention have greatly enhanced the educational experience of countless students. I congratulate him for this well deserved honor, thank him for his dedication and commitment and wish him the best in his future endeavors.

TRIBUTE TO TELACU FOR ITS COMMITMENT TO THE ADVANCEMENT AND EMPOWERMENT OF LATINOS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BACA. Madam Speaker, I ask for unanimous consent to revise and extend my remarks.

The people of this great Nation share a common spirit and heritage. Whether born on the soil of this land or having chosen to come here in search of a better life—one free of political, social, and economic oppression, we are a Nation of pioneers. We believe in the American dream, and the promise that through our labors we can achieve educational and economic success. No barrier is too imposing, no obstacle to tall that it should stand in the way of pursuing this dream.

Two of my congressional predecessors, Senators Robert F. Kennedy and Jacob Javits, advanced legislation in the 1960s that promoted this dream by laying the foundation for an organization called TELACU. Since its founding in 1968, TELACU has become the largest community and economic development corporation in the United States. TELACU is a pioneered institution committed to service, empowerment, advancement and the creation of self-sufficiency within the Latino community.

Brought to life through a small investment appropriated by Congress, TELACU has grown to become an organization with nearly $500 million in assets, creating thousands of jobs, affordable homes, loans to small business people, and most importantly, numerous educational opportunities for our Latino youth and veterans.

TELACU established the LINC TELACU Education Foundation, LTEF. For more than 2 decades, the Education Foundation has been working towards removing the formidable barriers that prevent Latino youth from achieving academic success. Latino youth not only struggle against the effects of low-income households, inadequate support and counseling, but a lack of professional and academic role models, all of which contribute to why only 39 percent of Latino high school graduates in Los Angeles County go on to higher education.

TELACU Education Foundation realized that there is no more vital asset in any community than its human capital, which is why they began their efforts to reverse these trends. For more than 2 decades, the LINC TELACU Education Foundation has contributed to the development of our future Latino leaders through a variety of programs designed to maximize the potential of our youth.

The LINC TELACU Scholarship Program, established in 1983, is one program that helps students realize their dream of a college education by providing scholarships, supplemented by other essential support.

In conceiving the foundation, TELACU discovered that while financial assistance is vital for college students to achieve academic success, other factors are also important. Students who are the first in their families ever to attend college often lack the support system necessary to achieve their dream. Socioeconomic factors, family responsibilities, cultural identity and financial stress create very real conflicting challenges to academic life.

The LINC TELACU Scholarship Program provides its youth not only with monetary assistance, but also counseling, leadership training, classes in time management and other subjects that will help them succeed in college.

TELACU has partnered with corporate donors, private individuals, and a vast network of colleges and universities, providing the driving force behind one of the most effective national institutions ever to impact the educational needs of the Latino community.

The LINC TELACU Education Foundation has accepted this challenge head on, combining important financial assistance with highly effective programs that ensure college completion. The foundation supports 600 college students and serves 2,000 elementary, middle and high school students and veterans each year. The success of this extraordinary foundation is best summarized by the numbers: Its scholar retention and college graduation rates are an astounding 100 percent.

Madam Speaker, I join today with community leaders throughout my State to express our Nation's gratitude to TELACU, the LINC TELACU Education Foundation and for scholarship programs like this one, for believing in the dream of higher education for all of America's next generation of leaders.

HONORING THE LOUISIANA HONOR AIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On May 11, 2007 a group of 96 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit I will accompany them to visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

RECOGNIZING DADE CITY, FLORIDA, FOR THEIR MAIN STREET RENOVATION PROGRAM

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the outstanding steps taken by Dade City leaders to renovate and improve their Main Street area. These efforts to revitalize Main Street have made Dade City one of the brightest spots on the Gulf Coast of Florida. On May 18, 2007, Dade City is celebrating its 20th anniversary as part of Florida's Main Street program.

Noticing a decline in the beauty and economic vitality of Dade City's downtown in the 1980s, local leaders began to look into joining the Main Street program. Pat Weaver, Otto

Weitzenkorn, Helen Brandt and the late Lewis Abraham banded together to find the resources to send representatives to the annual Main Street meeting in Orlando.

The Orlando meeting taught these concerned residents how to implement the "Main Street Four-Point Approach," a comprehensive strategy tailored to meet local needs and opportunities. The approach encompasses work in four distinct areas: design, economic restructuring, promotion, and organization. Ms. Weaver and Ms. Brandt returned from the meeting with a plan to develop a strong base of local business owners and citizens to see this concept through to becoming reality in Dade City. In 1985, they received a technical assistance program by the Department of State, Bureau of Historic Preservation through the Florida Main Street program. In April 1987, downtown Dade City was officially designated a Florida Main Street community.

On May 18, the Downtown Dade City Main Street program is celebrating its 20th anniversary with a party at one of its highly touted area restaurants. In reflecting on its history, the Downtown Dade City Main Street program has distinguished itself as one of the exemplary models of the Florida Main Street program. In addition, it has been successful in downtown restoration projects such as the Historic Courthouse, the establishment of the Community Redevelopment Agency to fund long-range downtown projects, the facade improvement grant, and for the millions of dollars it has helped bring to downtown construction and restoration projects.

Madam Speaker, I applaud all the men and women who have contributed to the success of the Dade City Main Street program over the past twenty years. These individuals exemplify how working tirelessly on downtown renovation and revitalization can reverse the decline of a community. This program continues to remain a vital part of downtown Dade City, and I commend those involved for their efforts to keep Dade City vibrant and unique with its quaint shops and small town atmosphere.

RECOGNIZING BETTE PETERSON

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. RADANOVICH. Madam Speaker, I rise to recognize Bette Peterson of Fresno, CA for her tireless service to her community and selfless giving to philanthropic causes throughout California's San Joaquin Valley. In recognition of her devoted service, the City of Fresno proclaimed May 1st, 2007 as "Bette Peterson Day."

Bette Peterson was born on October 30th, 1922 to Jean and Freda Johnson. Throughout her life, Ms. Peterson embarked on many adventures but not until 1975 did an adventurous life being to flourish rapidly beginning with her marriage to Dr. Robert Billings, and shortly thereafter, the creation of the Poppy Lane Publishing Company.

After establishing her publishing company, she authored Beginning Reading at Home, a book designed to help young children develop and explore reading. In addition, Poppy Lane Publishing Company has published numerous books by local authors since 1976, opening up eyes to the wealth of literary talent in the San Joaquin Valley.

Founded in 1988 by Bette and her husband Dr. Robert Billings, the Billings Independent and Responsible Foundation continues to assist many charitable causes. Most recently, Habitat for Humanity was presented with a one-hundred thousand dollar contribution to help many achieve the dream of homeownership.

Madam Speaker, it is with great pleasure that I rise to honor Bette Peterson for her tireless service to her community. I invite my colleagues to join me in recognizing her tremendous example.

PAYING TRIBUTE TO PATRICIA RILEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Patricia Riley, a longtime Las Vegas educator and school administrator.

Patricia was a longtime elementary school teacher with the Clark County School District before joining the staff of Hillcrest Academy in 1999. She earned a Bachelor's degree in human development and early childhood education from the University of Nebraska in 1970 and subsequently earned a Master's degree in education curriculum and instruction from UNLV in 1980.

For over two decades Patricia has been designing curriculum for public and private schools for adults and children. Her career as an educator began as a fifth grade teacher in Grand Island, Nebraska. She later went on to teach math and reading to Army soldiers at Fort Jackson in Columbia, South Carolina from 1974–1976. Patricia subsequently moved to Las Vegas in 1978 and operated two preschool through kindergarten private schools from 1979 to 1984 both in the Spring Valley and Green Valley areas. Patricia left education, pursued a career in real estate and later came back to teach first and second grade at the Mack Elementary School in Henderson, Nevada, where she stayed until moving over to the Hillcrest Academy. After founding Hillcrest Academy and operating the school for over 7 years, Patricia sold the Academy and stayed on as a consultant.

Madam Speaker, I am proud to honor my friend, Patricia Riley. Patricia is a truly gifted educator and has enriched countless lives. I thank her for her dedication and commitment to educational excellence and wish her the best in her future endeavors.

PAYING TRIBUTE TO PROFESSOR KENNETH LINDSAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday May 7, 2007

Mr. HINCHEY. Madam Speaker, I rise today to honor Kenneth Lindsay, a most remarkable and distinguished constituent of mine. Mr. Lindsay is one of about a dozen living members of the Monument Men, who worked to save tens of thousands of works of art during World War II. Mr. Lindsay is also a Binghamton University Professor Emeritus of Art History where he chaired the Art History Department for 17 years.

Mr. Lindsay's love of art and art history first developed while he was a student at the University of Wisconsin at Madison. He signed up with the Army's Signal Corps and was preparing to go overseas in 1942. Catching scarlet fever delayed his deployment, but it resulted in his eventual assignment to the Monument Men after Victory in Europe Day in 1945. Mr. Lindsay first served as a technical corporal in London and was later sent to Omaha Beach.

Following V–E Day, the Monuments, Fine Arts, and Archives Section of the U.S. Army, whose members were nicknamed the Monument Men, worked to save and preserve works of art that had been seized during the Nazi rule of Germany. Mr. Lindsay was assigned to the Monument Men in Wiesbaden, Germany in 1945. He personally handled some of Europe's most valuable works of art. A noted piece that passed through Mr. Lindsay's hands is the Holy Crown of Hungary, one of the most famous crowns of the Middle Ages. One of the most memorable pieces that he processed was a statue of the Egyptian Queen Nefertiti, which was stolen by the Germans in 1912.

Wars present perilous challenges for art, and the art world is indeed fortunate that Mr. Lindsay was available to help put the pieces back together in post-war Germany. Without the dedicated work from men such as Mr. Lindsay, a large amount of the world's culture would have been lost. Mr. Lindsay's work in World War II and as a teacher of art history has given future generations the opportunity to enjoy history and the rich cultures across the world.

Madam Speaker, it is my honor to salute Professor Emeritus Kenneth Lindsay for his dedication in the Army and as a teacher. He has left his unique mark on his students, peers, and the art community.

TRIBUTE TO OFFICER JEFFREY SHELTON

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mrs. MYRICK. Madam Speaker, I rise today to honor the life of Jeffrey Shelton, an officer of the Charlotte-Mecklenburg Police Department in North Carolina. Officer Shelton was fatally shot on March 31, 2007 while responding to a call with a fellow officer, Sean Clark.

Officer Shelton was on the force for more than six years before he was killed in the line of duty. The citizens of Charlotte will remember Jeff Shelton as a brave man, who gave his life in service to the city. He will be sorely missed by his fellow officers in the North Tryon Division.

To show their appreciation for Officer Shelton, thousands of Charlotteans gathered to watch his funeral procession in person on April 6, 2007. Citizens have since created a permanent memorial at the very spot where the two officers were killed. This site, near an apartment building in East Charlotte, has been dedicated to the memory of Jeffrey Shelton and Sean Clark.

Our thoughts and prayers are with Jeff's wife, Jennifer, and his family and friends at this difficult time. May the legacy of service and dedication that he leaves behind be a comfort to all those who loved him.

HONORING OCCAM'S ENGINEERS ROBOTICS TEAM

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Occam's Engineers Robotics Team from West Morris Mendham High School in New Jersey, a team that I am proud to represent! They are celebrating their recent attainment of first place in the FIRST Vex Challenge World Championship.

Occam's team was founded by Joshua Kaplan and Michael Medford, who also serve as co-captains. The other members include Adam Brozynski, Joshua Franklin, Julianna Brown, Thomas Cioppettini and Chase Tralka. The team was established at the beginning of the school year and began preparing for the competition in January. After placing last in the FIRST Vex New Jersey Tournament, they completely redesigned their robot, basing their new design on simplicity.

For the FIRST Vex Challenge World Championship in April, the team had to build a robot no larger than 18 inches that was pre-programmed and controlled by remotes to pick up softballs and deposit them into differing receptacles from a set list of parts and guidelines. The team spent endless hours building and practicing leading up to the competition.

They competed against over 10,000 students from over 23 countries. The judged award is based on the team that performs well in all categories, gaining votes from opposing teams based on performance as well as cooperation with others. Occam won not only the FIRST Vex Challenge Winning Alliance Award but also the FIRST Vex Challenge Inspire Award!

Madam Speaker, I urge you and my colleagues to join me in congratulating the Occam Engineers Robotics Team and all its members on all of their past, present and future achievements!

TRIBUTE TO OFFICER SEAN CLARK

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mrs. MYRICK. Madam Speaker, I rise today to honor the life of Sean Clark, an officer of the Charlotte-Mecklenburg Police Department in North Carolina. Officer Clark was fatally shot on March 31, 2007 while responding to a call with a fellow officer, Jeffrey Shelton.

Officer Clark was on the force for just over a year before he was killed in the line of duty. He leaves behind his wife Sherry, his son Brayden, and a baby who is expected to arrive shortly. The citizens of Charlotte will remember Sean Clark as a brave man, who gave his life in service to the city. He will be sorely missed by his fellow officers in the North Tryon Division.

To show their appreciation for Officer Clark, thousands of Charlotteans gathered to watch his funeral procession in person on April 5, 2007. Citizens have since created a permanent memorial at the very spot where the two officers were killed. This site, near an apartment building in East Charlotte, has been dedicated to the memory of Sean Clark and Jeffrey Shelton.

Our thoughts and prayers are with Sean's family and friends at this difficult time. May the legacy of service and dedication that he leaves behind be a comfort to all those who loved him.

PAYING TRIBUTE TO JOSE MARTEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mr. Jose Martel, an exceptional maitre d' at the newly opened Michael's Restaurant at South Point Hotel.

Prior to assuming his position with Michael's Restaurant, Mr. Martel served as maitre d' at the Barbary Coast Hotel for 23 years. There, Mr. Martel developed a reputation for a commitment to customer service. As a maitre d', Mr. Martel is known for meeting all of his patrons' needs and has proved himself to be an exemplary model of friendliness, attentiveness, and professionalism.

During his many years of service, Mr. Martel has cultivated a working environment that has distinguished him from others in the field. Mr. Martel's evident dedication to restaurant patrons is unparalleled and his outstanding service was recently honored by a dedication in Casino Connection Magazine.

Madam Speaker, I am proud to honor Jose Martel. His dedication to and respect for his work are commendable and I wish him every continued success.

HONORING HIGH SCHOOL ARTISTS FROM 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. FRELINGHUYSEN. Madam Speaker, once again, I come to the floor to recognize the great success of strong local schools working with dedicated parents and teachers to raise young men and women. I rise today to congratulate and honor 37 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students is participating in the 2007 Congressional Arts competition, "An Artistic Discovery." Their works of art are exceptional!

We have 37 students participating. That is a wonderful response, and I would very much like to build on that participation for future competitions.

Madam Speaker, I would like to congratulate the three winners of our art competition. First place was awarded to Leigh Cignavitch from Mount Olive High School for her work entitled "Core and Rind." Second place was awarded to Lauren Novotny from Montville High School for her work entitled "Lauren in Fauuist Forest." Third place was awarded to Jeff Koroski from Roxbury High School for his work entitled "The Time, The Tremulant, The Torrent."

I would like to recognize each artist for their participation by indicating their high school, their name, and the title of their contest entry for the official Record.

Home schooled: Phyllis Schlafly's "Roses in the Mirror."

Boonton High School: Loryn Britton's "Untitled;" Sarah LaPlaca's "Portrait of Brendon" (honorable mention), Jennifer Hitching's "Self in still-life" (honorable mention), Caitlyn Harvey's "Self Portrait" (honorable mention).

Bridgewater-Raritan High School: Allison Boucher's "Lady of the Flies" (honorable mention).

Dover High School: Matthew Burbridge's "Hurd Park."

Livingston High School: Ellina Ryzhik's "My Bike;" Arielle Rothbard's "Untitled;" Linda Innemee's "The Dragon Flies."

Madison High School: Samantha Sweet's "My fundamentals;" Kayleigh Martin's "Warmth;" Marissa Rich's "AVERY" (honorable mention), Sharela Banfield's "Hands, Feet, & Polish" (honorable mention).

Millburn High School: Jessica Pester's "Easy Chair;" Jacqueline San Fillipo's "Blue Chair;" Ann Trocchia's "Cala Lily."

Montville High School: Jennifer Eishingdrelo's "Monday Morning;" Stefani Colonnelli's "Untitled;" John Lake, Jr.'s "Self Deception."

Morris Knolls High School: Maxine Kramer's "MONEY;" Davendra Sukha's "Assorted Nuts;" Charles Doomany's "An Uncertain Future;" Stephanie Grawehr's "reading by candlelight."

Mount Olive High School: Rebecca Weiss's "A Memoir to Gettysburg."

Pequannock High School: Joel Lumpkin's "Headless Self Portrait;" Lauren Porochniak's "Spring Leaves."

Ridge High School: Lindsay Abken's "An Icon;" Rebecca Goldberg's "L'Orange Blue;" Angela Singer's "Garden Still life;" Christina Roros' "Knobby Knees & Dollish Dimples."

Roxbury High School: Lauren Poggi's "SUBURBIA;" Julia Biczak's "Self Portrait;" Chelsea Austin's "JUDE ARCHER."

Each year the winner of the competition has their art work displayed with other winners from across the country in a special corridor here at the U.S. Capitol. Every time a vote is called, I walk through that corridor and am reminded of the vast talents of our young men and women. Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Madam Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

TAIWAN APPLIES TO THE WORLD HEALTH ORGANIZATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BUTTERFIELD. Madam Speaker, as the World Health Assembly prepares to meet in Geneva this May, Taiwan is applying to the World Health Organization as a member under the name "Taiwan."

For years, Taiwan has been excluded from the activities of the World Health Organization; thus the health rights of the 23 million Taiwan people have not been represented. Taiwan paid high prices for the enterovirus outbreak in 1998 and SARS in 2003; Taiwan should not be left out of the global disease prevention network.

The United States government has always encouraged Taiwan to seek meaningful participation in international organizations and if Taiwan were barred from World Health Organization activities, opportunities for Taiwan's government and people to make contributions to world health affairs would be severely impeded.

I therefore urge my colleagues to speak up for Taiwan's right to participate in the activities of the World Health Organization. Fighting disease is a worldwide issue; no country or people should be excluded from WHO's activities due to political considerations.

CELEBRATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. ABERCROMBIE. Madam Speaker, I rise today in honor of Asian Pacific American (APA) Heritage Month. As you know May is designated as APA Heritage Month, and this year's theme is "Meeting the Challenges for Asian Pacific Americans." One of the central challenges is the need for comprehensive immigration reform.

I serve as the Immigration Task Force Chairman of the Congressional Asian Pacific American Caucus (CAPAC). The caucus includes members who are of Asian Pacific descent and those who represent Congressional Districts with significant APA populations, like the First District of Hawaii.

The Immigration Task Force is CAPAC's main voice on this important and timely issue. Right now, APAs face an immigration backlog that has forced many families to live for years apart from their loved ones. For example, Filipinos must wait 23 years before United States Citizenship and Immigration Services (USCIS) even examines their applications for a brother or sister from the Philippines. Furthermore, 1.5 million Asians live in the U.S. as undocumented immigrants. They live in the shadows without access to basic services, and are vulnerable to exploitation.

As Task Force Chairman, I have made it a priority for CAPAC to support Comprehensive Immigration Reform. True immigration reform not only helps us secure our borders, but addresses the issues of family reunification and earned legalization for undocumented immigrants. With that concern, I cosponsored H.R. 1645, the "Security Through Regularized Immigration and a Vibrant Economy (STRIVE) Act of 2007," and I am working now to get members of CAPAC to support this bill.

The "STRIVE Act" would help eliminate the family backlog by no longer counting spouses and minor children of naturalized citizens against the worldwide cap on family-based immigration. That means remaining visas can reduce the backlog for the other classes of family-based immigrants. Such a move not only serves as a humane gesture, but upholds our core family values.

The "STRIVE Act" also addresses the concerns of the undocumented immigrants, providing for earned legalization, which means that people would be allowed to emerge from the shadows. Illegal immigrants would have to pay fines and back taxes, pass criminal background checks, and meet English and civics learning requirements. Contrary to the rhetoric, these immigrants would not jump ahead of those who have pending legal visa applications, but would instead have to wait their turn. Furthermore, they would not count against either the family-based or employment-based immigration caps.

While not perfect, the "STRIVE Act" is an excellent start to solving the immigration reform problem. As we celebrate the contributions of APAs to the nation, we must rededicate ourselves to a new direction; to meet the challenges faced by APA families. That is how we open the door to the American dream to all Americans.

HONORING THE MEMORY AND SERVICE OF HARRY LEON WILSON

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and service of PFC Harry Leon Wilson, who is the only known African-American to be a member of the 35th Infantry Regiment, 25th Infantry Division during the Korean War, where he was taken as a prisoner of war on November 27, 1950 and died in February 8, 1951 while in prison.

Harry Leon Wilson is also the only known African-American POW from Carter County, Tennessee to die in a Korean prisoner of war camp.

Private Wilson was awarded the Combat Infantryman's Badge, the Prisoner of War Medal, the Korean Service Medal, The United Nations Service Medal, the National Defense Service Medal, the Korean Presidential Unit Citation and the Republic of Korea War Service Medal.

Madam Speaker, I ask you and all of my colleagues to join me in honoring the memory, selfless service, and great sacrifice of PVT Harry Leon Wilson.

TRIBUTE TO MRS. MARY MATTESON-PARRISH

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to honor a dear friend and outstanding advocate for higher education, Mrs. Mary Matteson-Parrish. Mrs. Matteson-Parrish served on the North Harris Montgomery Community College District (NHMCCD) Board of Trustees from 1993 to 2005. During her tenure she served as Board Chair, Vice Chair, Secretary and Audit Committee Chair.

While on the Board of Trustees, Mary cochaired the citizen's committee which worked tirelessly to conduct a successful petition drive and election campaign that permitted the Conroe Independent School District to join NHMCCD in 1991 thus creating higher education opportunities for thousands of Montgomery County students and workers. In addition, Mrs. Matteson-Parrish's commitment to improving access and enhancing the educational opportunities for citizens led to the growth of the North Harris Montgomery College District from 6 to 11 independent school districts and the expansion of services and facilities from three campuses to five comprehensive colleges: North Harris College, Kingwood College, Tomball College, Montgomery College and Cy-Fair College.

This week Montgomery College will name its art gallery the Mary Matteson-Parrish Art Gallery in testimony of the community's appreciation and respect for Mary's dedication to and leadership in providing high quality educational opportunities for the citizens of Montgomery County and the entire Eighth District of Texas.

I join with these communities in honoring this outstanding leader and in applauding her work in expanding educational opportunities to all who seek to learn.

PAYING TRIBUTE TO DONNA DIACO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Donna Diaco, who is a distinguished and devoted nurse.

According to her colleagues, Donna Diaco is an outstanding member of the nursing staff at Desert Springs Hospital. Donna is a constant role model in her work in the Intensive Care Unit and always expresses compassion and care for her patients as well as her co-workers. This has earned her the respect and esteem of her colleagues and patients alike. Over the course of her 25-year nursing career, Donna has become an impassioned advocate for her patients and colleagues. Her hard work is complemented by her optimistic ability to find the silver lining in every cloud.

Madam Speaker, it is my honor to recognize Donna Diaco for her service in the Intensive Care Unit at Desert Springs Hospital and the community. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Donna for her efforts and commitment to her patients and to our community.

CONGRATULATIONS MARJORIE (GIGI) KELAHER

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. EHLERS. Madam Speaker, I rise today to congratulate Marjorie Kelaher on the occasion of her retirement from the position of Deputy Clerk of the U.S. House of Representatives, which became effective as of May 1, 2007.

For over 25 years, Gigi Kelaher has worked for the House of Representatives in a number of different roles. Like many before her, Gigi got her start on Capitol Hill as an intern. Although many young people choose to leave the Hill once their internship has concluded, Gigi found a home in these halls. Though she was in the earliest stages of her career, her work in the fall of 1978 for Congressman Silvio O. Conte (R–MA) would be the beginning of a lifetime of public service.

Following her graduation from Villanova University in 1979, Gigi returned to Capitol Hill and became a full-time employee for Congressman Conte, the Ranking Minority Member of the House Appropriations Committee. She remained in his office in several different capacities until the Congressman's death in 1991. In September of that year, Gigi became the Federal Agency Coordinator for the White House Conference on Aging under President George H. W. Bush, before joining the office of former Congressman Peter I. Blute (R–MA) in 1993.

If her early career enabled her to serve a single Member at a time, Gigi soon discovered a way to serve every Member of Congress—by joining the Office of the Clerk of the House. In 1995, she began her position as Chief of Legislative Operations with the Clerk. In that position, Gigi managed a staff of twenty who supported day-to-day House Floor operations. She continued to build upon her experience in the Clerk's office, and was appointed Assistant Clerk of the House in December 2003. Her duties included the operations and planning of a 250-person organization responsible for the administration of the legislative processes of the House. In April 2006, Gigi was promoted to Deputy Clerk, where she continued to monitor Floor operations and administration for the Clerk's organization. This month, Gigi will retire from her position to devote more time to her family in Holyoke, Massachusetts. While she will be missed terribly, I admire the commitment to her family that led to Gigi's decision to retire. After so many years serving the public, it is no surprise that she is once again putting the needs of others first.

Madam Speaker, I would like to commend Gigi Kelaher for her years of public service and devotion to the House of Representatives. Without the hard work of dedicated staff like Gigi, the ability of Members of Congress to represent the American public would suffer tremendously. I know that my colleagues join me in thanking her for her assistance over the years, and in wishing her the best now, and in all her future endeavors.

RECOGNIZING THE LIFE OF ASTRONAUT WALTER M. "WALLY" SCHIRRA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. UDALL of Colorado. Madam Speaker, today I rise to recognize the life of one of our great space pioneers, Walter M. "Wally" Schirra.

Schirra was one of the original seven Mercury Astronauts and the only Astronaut to fly in all three of the earliest manned space programs: Mercury, Gemini, and Apollo. During one of his missions, Schirra conducted the first rendezvous of manned spacecraft in orbit, considered one of the most challenging tasks in space flight at the time.

Schirra was a great astronaut and a great American. What many of my colleagues may not realize is that Schirra became an active businessman and citizen in Colorado after retiring from the space program. I and my fellow Coloradans will miss him. For the benefit of my colleagues, I have attached an article from the Rocky Mountain News about Schirra's impact in Colorado.

[From the Rocky Mountain News, May 4, 2007]

ASTRONAUT LEFT MARK ON STATE

(By John C. Ensslin, Rocky Mountain News)

Walter M. "Wally" Schirra had a long career in Colorado as a businessman, civic activist and environmental consultant in the decade after he retired as an astronaut.

And like two of his fellow astronauts, John Glenn and Scott Carpenter, he also lived part of the year near Vail, where his daughter Suzanne had been an artist.

In one of his last public appearances in Colorado, Schirra, an avid horseman, took part in a ceremony celebrating an exhibition of cowboy hats at the Buffalo Bill Memorial Museum. The show included Schirra's hat, which sported drawings of trout and elk and pins from range rides he had gone on.

"He was very personable, very accessible, very down to earth," said Steve Friesen, the museum director. "He was a regular guy, but at the same time I had the feeling of standing next to someone who was a major part of history in my life. It was pretty cool."

Schirra moved to Denver shortly after leaving NASA in March 1969. He became president of Regency Investors, a subsidiary of Denver financier John M. King.

He later split from King to form his own company, Environmental Control Corp., which later became part of another company called Semco Inc. The firm worked on environmental impact studies for projects such as a coal gasification plant in Wyoming.

He was an avid sportsman. In October 1973, Schirra was part of a group that purchased 29 acres west of Fort Morgan near the Platte River for use as a sportsman's club.

He also once hosted a television series called The Outdoor Life. In May 1978, he was named host of a weekly public affairs television program on then KOA Channel 4 called Scope with Wally Schirra.

Schirra was active in Colorado Republican politics. In 1972, he was master of ceremonies for a downtown Denver rally for then-Vice President Spiro Agnew. In 1979, he was an honorary chairman for Ronald Reagan's presidential campaign in Colorado.

In the early 1970s, his civic work included crusades for the Colorado chapter of the American Cancer Society to an organizing committee that tried unsuccessfully to bring the winter Olympics to Colorado.

HONORING DAVID KNIGHT UPON HIS RETIREMENT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to commemorate the impending retirement of David Knight as the Sonoma County Director of Transportation and Public Works, and to celebrate the time he has spent as a public servant for the people of the County. Dave has been Director of the Department for over 4 years, following a 10-year tenure as Deputy Director and has been with the Department for a total of 28 years.

During Dave's time with the Department, Sonoma County has changed in many ways, and many of the improvements we have seen have been accomplished with his valuable guidance and leadership. When he first arrived at the County in 1979 as a young transportation planner, Dave was tasked with developing a new transit system. I was pleased to work with Dave to help bring sustainable and environmentally sound transportation programs and projects to our community. With Dave's help, Santa Rosa's bus fleet has evolved from one with just a few, diesel buses, to a fleet that is entirely powered by Compressed Natural Gas. It is still one of a relative few fleets in the State that are 100 percent alternatively-fueled. While the need for a cleaner environment and energy independence has been apparent to most of us for some time, few transit agencies have been as responsive in addressing these imperatives, as has Sonoma County Transit under Dave's leadership. And now, the County is beginning to use methane gas captured at a County landfill to power County cars with the hope that it may one day be a source for our buses and other fleet vehicles.

That Dave has been a forward-thinking leader in public works can be evidenced in other ways, as well. Along with Marin County officials, Dave and other Sonoma County leaders recognized the benefits of public ownership of the Northwestern Pacific Railroad right-of-way; worked years ago to get it into public hands before its cost skyrocketed, and this corridor will almost certainly now be used to operate the SMART (Sonoma-Marin Area Rail Transit) rail system which will relieve congestion, clean the air, and improve the quality of life of all those who must now depend on the horribly congested Highway 101.

And under Dave's stewardship, a network of intermodal facilities and park and ride lots have been built that are also enhancing transit and car-pool opportunities for the citizens of Sonoma County, and in so doing, relieving congestion on Highway 101.

That Dave is among the nation's more innovative municipal public works directors would come as no surprise to those who know him. He received a masters degree in Urban and Regional Planning and was an early advocate of sustainability, which he defines, as well as anybody I've heard, as "making sure that what we do today doesn't reduce opportunities for people in the future."

Sonoma County has been fortunate that David Knight has spent most of his career working closely with our Board of Supervisors in helping to fashion and implement so many municipal improvements. We will miss him, but know that along with Pat, his wife of 28 years, he will enjoy an active retirement residing in the County and continue to contribute to the civic fabric that makes Sonoma such a wonderful place to live and work . . . thanks to Dave!

REGARDING CO-SPONSORSHIP OF H. CON. RES. 7

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. LEE. Madam Speaker, I rise today in regards to H. Con. Res. 7, the Darfur Partner's for Peace Act, which calls on the League of Arab States and each Member State individually to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop it.

On April 26, 2007 the House passed my bill by a vote of 425–1.

Because House rules prohibit the addition of additional co-sponsors to a bill once the House has passed a bill, I am not able to formally add eight Members of Congress as cosponsors of this legislation.

I ask that the record show that Ms. BORDALLO of Guam, Mr. SESTAK of Pennsylvania, Mr. LEVIN of Michigan, Ms. DELAURO of Connecticut, Mr. NEAL of Massachusetts, Mr. SALAZAR of Colorado, Mr. TIERNEY of Massachusetts, and Ms. LOFGREN of California are in support of my bill and should be considered by this body as co-sponsors of H. Con. Res. 7.

PAYING TRIBUTE TO DIANE PERAZA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Diane Peraza, who is being recognized as a distinguished and devoted professional in her field.

According to her colleagues Diane Peraza is an outstanding member of the nursing staff at Desert Springs Hospital. Diane displays a caring attitude while focusing not only on the health of her patients, but their holistic needs as well. Diane represents quality nursing care and she also demonstrates a respectful manner towards her patients and their families. She is highly motivated and continually expresses a desire to excel in her profession as a healthcare provider. Diane's entire nursing career has been defined by a commitment to excellence and dedication to serving the patients first. Her positive attitude and sincerity are evident to her colleagues as she promotes team work and unit excellence.

Madam Speaker it is my honor to recognize Diane Peraza for her service for Desert Springs Hospital and our community. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Diane for her efforts and commitment to her patients and to our community. I wish her well in her continued efforts as an outstanding nurse.

TRIBUTE TO DR. FRITZ BRUENING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. KILDEE. Madam Speaker, today I would like to recognize the accomplishments of Dr. Fritz Bruening. Dr. Bruening is the 2007 recipient of the Jack Hamady Good Scout Award from the Burton Rotary Club. He will receive the award at a luncheon on May 10th.

Dr. Bruening graduated from high school in Decorah, Iowa, where he was a member of the wrestling team, the Honor Society and Valedictorian of his graduating class. He continued his education at Notre Dame University, where he was the captain of the wrestling team, graduated Cum Laude and was awarded a Bachelor of Science degree.

After completing his studies at the University of Iowa, School of Medicine, Dr. Bruening finished his internships at Good Samaritan Hospital and East Mesa Emergency Center in Arizona. His residency in Ophthalmology was completed at North Carolina Baptist Hospital and Wake Forest Medical Center, where he was Chief Resident from 1984–1985.

In 1994 Dr. Bruening relocated to Flint, Michigan, and joined the Park Eye and SurgiCenter after 6 years in private practice in Winston-Salem, North Carolina. At the time he was one of a handful of surgeons capable of performing the Clear Cornea cataract surgery. He has subsequently published two articles, "Clear Cornea Surgery" in the March issue of the Genesee County Medical Society Bulletin and "Placement of a Secondary Foldable Intraocular Lens over a Capsule Remnant" in the August issue of the Journal of Cataract and Refractive Surgery.

Dr. Bruening has devoted countless hours to assisting the indigent and working poor. He continues to take referrals from optometrists to perform surgeries on patients without insurance and incapable of paying. He counts the restoration of sight to a man that had not been able to see for 20 years as his greatest achievement.

Madam Speaker, I ask the House of Representatives to join me in congratulating Dr. Fritz Bruening as he receives the Jack Hamady Good Scout Award from the Burton Rotary Club.

ON THE DEATH OF SERGEANT MICHAEL VAUGHAN

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Ms. HOOLEY. Madam Speaker, I rise today to recognize the sacrifice and honor the loss of SGT Michael Vaughan. Answering the call of service, Michael enlisted in the U.S. Army while still completing studies at Taft High School. Unlike his peers, he spent his post-graduation summer learning the profession of arms. After boot camp and advanced training, Michael Vaughan worked hard to live up to the standards of the paratroopers.

Just a few weeks ago, Sergeant Vaughan and eight other paratroopers with the famed 82nd Airborne were killed when a suicide bomber attacked their compound in Sadah, Iraq. These brave paratroopers were preparing for another patrol to keep the civilians in that small town safe from the emerging violence.

Today, the community of Otis and all of Lincoln County, Oregon mourns the passing of Michael. He was a good-natured young man that people knew and loved, the kind of son parents looked to as an example of sincerity, earnestness, and mostly—of service. Though he longed for the days when his uniform would hang in the closet, Sergeant Vaughan wanted to serve his country before beginning the rest of his life. Like his father and grandfather before him, he knew that freedom is fragile and that someone, somewhere, must stand the post on the frontier. Sergeant Michael Vaughan is an example for us all. In his all too brief twenty years upon this planet, he established a legacy that cannot—and must not—be forgotten.

As Memorial Day nears, I ask each of us to remember the life and purpose of those that have given their last full measure so that we could bask in the warmth of life and liberty. I ask each of us to look inside ourselves and to ask if we are doing everything we can do to help these brave men and women. And I ask each of us to personally commit to seeking the best answers for the problems we face and to approach these challenges with the same dedication to duty, the same selflessness that Michael Vaughan and his comrades in arms exemplified. Let us begin anew.

TO REAUTHORIZE THE TROPICAL FOREST CONSERVATION ACT AND EXPAND THE PROGRAM TO INCLUDE THE CONSERVATION OF ALL FORESTS AND CORAL REEFS AND ASSOCIATED COASTAL MARINE RESOUCES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. KIRK. Madam Speaker, today I introduce a bill to reauthorize and expand Rob Portman's landmark legislation, the Tropical Forest Conservation Act. This reauthorization will help developing countries reduce foreign debt and provide comprehensive environmental preservation programs to protect forests and endangered marine habitats around the world.

Since enacted in 1998, Tropical Forest Conservation Act programs have generated a total of $135 million over 10 to 25 years to help conserve 50 million acres of tropical forests in Asia, the Caribbean, Central and South America. But the rate of deforestation continues to accelerate across the globe in all types of forests.

Similarly alarming is the rapid rate of coral reef and coastal exploitation. The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Caribbean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt. According to the National Oceanic and Atmospheric Administration, 60 percent of the world's coral reefs may be destroyed by the year 2050 if the present rate of destruction continues.

The Forest and Coral Conservation Act will credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation. This legislation will make available resources for environmental stewardship that would otherwise be of the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

Madam Speaker, this legislation has enormous consequences for the existence of critical ecosystems, the health of our planet, and the livelihoods of millions of people across the globe. I am proud to introduce the Forest and Coral Conservation Act, which will help preserve the world's most precious natural resources.

PAYING TRIBUTE TO JULIE WILBUR

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Julie Wilbur, a Registered Nurse who has distinguished herself as an outstanding and devoted professional in her field.

Julie Wilbur is a nurse at Spring Valley Hospital. She has over 20 years of nursing experience and she presently serves as the Charge Nurse of General Medicine and Surgery, Julie has a diverse knowledge of her subject area and is efficient and dependable. Julie has participated in a number of professional development training courses such as the Constructive Criticism Communication Course and Epidural Pain Management Course. Julie is also active as a member in the Academy Med-Surgical Nurses Chapter #413 and as a committee member of the Shared Governance Spring Valley Hospital Coordinating Council.

Madam Speaker, I am proud to honor Julie Wilbur. Over her 20 years in the nursing field, she has greatly enriched countless lives. I commend her hard work, dedication and commitment as a health care provider to the residents of Southern Nevada.

TRIBUTE TO THE CHATTANOOGA BAR ASSOCIATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. WAMP. Madam Speaker, I rise today to honor the works of the Chattanooga Bar Association in my hometown of Chattanooga, Tennessee, and join them in celebrating the CBA's upcoming Law Day Luncheon on May 9, 2007. Law Day USA is set aside each year on May 1st by a joint resolution of Congress and Presidential proclamation as an occasion for honoring the place of law in our lives. It is not a national holiday, nor is it a "lawyer's day." Instead, Law Day is an occasion for all Americans to learn more about our law, our legal system, and our rights. It is also a day to reflect on our legal heritage, our responsibilities as citizens, and the principles of our democratic government. Law Day has been a vital part of American life for several generations. Law Day has celebrated our great heritage of liberty, justice and equality under law since it was first proclaimed in 1958 by President Eisenhower. Law Day gives us the opportunity to reflect on how the law protects and guides America's quest for equal justice and equal opportunity, just as it permits us to express our opinions, select our leaders, worship where we choose, and pursue our livelihood. Thanks to the freedoms guaranteed by our Constitution, and protected by our laws and courts, we American have the opportunity—unmatched anywhere in the world—to develop our capabilities to the fullest.

This year, on May 9th, the Chattanooga Bar Association will honor the legal community of Chattanooga, Tennessee, with their annual Law Day Luncheon. The theme of this year's Law Day USA is "Liberty Under Law: Empowering Youth, Assuring Democracy." The featured speaker is Bill Curry. Mr. Curry is an ESPN analyst, a legendary college/pro football coach, and the Executive Director of The Baylor School's Leadership Baylor Program. Curry says he has "been smitten" with the study of leadership since he was a young child. "I was one of those hyperaggressive boys who had too much energy and my teachers had to find ways to keep me occupied," said Curry. He recalled one teacher in particular who propped him in a corner next to a shelf loaded with biographies of U.S. historical figures and he proceeded to soak up the stories of George Washington, Thomas Jefferson, Lou Gehrig and many others. "I was absorbed with study of leadership, and I decided I wanted to find out what made these people tick. How could Helen Keller do what she did? What could I do to be an effective leader myself? Leadership has been a passion almost as long as I can remember," said Curry.

During the luncheon, the Chattanooga Bar Association will honor Paul Neely with the 2007 "Liberty Bell Award." This award, given to a person who is not in the legal profession, is one of the Chattanooga Bar Association's highest honors. The purpose of the "Liberty Bell Award" is to recognize community service that has strengthened the American system of freedom under law. In selecting the recipient of this award, the Chattanooga Bar Association considers activities which (1) promote a better understanding of our Constitution and the Bill of Rights; (2) encourage a greater respect for the law and the courts; (3) stimulate a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights; (4) contribute to the effective functioning of our institution of governments; and (5) foster a better understanding and appreciation of the rule of law. I ask all Members of the House of Representatives to join me in congratulating Paul Neely for his contributions to the Chattanooga community.

The winners of the Law Day Essay Contest, which is open to all Hamilton County, private, and home school students, grades 9–12 are in Division 1—1st place winning a $1,000 college scholarship is Christine Marie Leavens of Red Bank High School School. The 2nd place winner is Rachael Stewart of Ooltewah High School, and 3rd place winner is William Andrew Whitener of Ooltewah High School.

In Division 2 of the Law Day Essay Contest—1st place winning a $1,000 college scholarship is Taylor Dickinson of Girls Preparatory School; 2nd place winner is Radhika Patel of Baylor School; and receiving 3rd place is John D. Whitehurst of McCallie School.

The Law Day Poetry Contest is open to all sixth, seventh, and eighth graders of the same demographics. Winning 1st place is Margaret M. Copler; 2nd place winner is Mary Woodruff Griffin; and 3rd place is Parker Mallchok, all of Girls Preparatory School.

The Law Day Visual Arts contest is open to fourth and fifth graders of the same demographics. Winning 1st place is Dennis Sohn on his artwork titled "Protect Peacefully"; winning 2nd place is Victoria Reed Schaaf on her artwork titled "Step By Step . . . Drinking and Driving"; and winning 3rd Place is Lauren Michelle Hood on her artwork titled "Liberty Empowering Future Leaders". All winners in the art division are from St. Peter's Episcopal School.

Madam Speaker, I ask the United States House of Representatives to join me in thanking the Board of Governors of the Chattanooga Bar Association for their contributions and commitment to the legal profession and to the Chattanooga community. The members of the CBA Board of Governers are Lynda Minks Hood, Executive Director; James M. Haley, IV, President; Cynthia D. Hall, President-elect; The Honorable Barry A. Steelman, Secretary-Treasurer; Joseph R. White, Immediate Past President; Barry L. Abbott, David Elliott, Ira M. Long, Jr., John T. Rice, The Honorable Jacqueline Schulten, and Christopher T. Varner.

RECOGNIZING THE HUNTERS LANE HIGH SCHOOL MUSIC PROGRAM

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. COOPER. Madam Speaker, today I rise to pay tribute to the students, teachers and administrators of the music department at Hunters Lane High School in Nashville, Tennessee. They are tonight celebrating a well-deserved designation as a Signature School by the Grammy Foundation and the Gibson Foundation, an honor given to just 22 schools across the country.

Hunters Lane is one of Nashville' s fine public high schools, and in a city known for its music, Hunters Lane's program lives up to our community's highest standards. The Warriors boast a marching band, a concert band, a jazz band and a drum line, in addition to a bustling choral music program, all of which perform to great acclaim. Indeed, the students at Hunters Lane are a talented bunch.

I was pleased, Madam Speaker, but not surprised to learn that Hunters Lane was being recognized with a $5,000 grant from the Grammy Foundation and the Gibson Foundation to benefit the school's guitar and piano programs. Hunters Lane was selected from over 20,000 schools and 700 applicants. Clearly, their music program is the cream of the crop.

I am particularly proud of Hunters Lane's commitment to music education. Just two weeks ago in the House of Representatives, we passed a resolution I offered with my colleague Mr. PORTER expressing the sense of Congress that "music education grounded in rigorous instruction is an important component of a well-rounded academic curriculum and should be available to every student in every school." Music education, the House found, helps students "analyze, solve problems, communicate, and work cooperatively." Soon I expect the Senate to concur in this matter, and the importance of school-based music education to youth development will be resolved by the full 110th Congress.

Truly, Hunters Lane High School expresses our community's commitment to music education, and I hope that this honor only furthers the school's goals. That is why today I ask my colleagues to join me in saluting the students, teachers and administrators of Hunters Lane, who have worked hard to make their music program one of the best in the country. May this award inspire other public schools across the nation to follow in their footsteps.

PAYING TRIBUTE TO THE GIL FAMILY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Gil family, proprietors of the Casa Don Juan restaurant, who were named the Small Business Association's Family Owned Small Business of the Year for the State of Nevada.

Over 10 years ago, Maria and Raul Gil moved to Las Vegas from California looking for an opportunity to own and operate a family restaurant. Upon arriving in Las Vegas the Gil's recognized that there was a lack of Mexican restaurants, and subsequently opened Casa Don Juan. Over the past 10 years, Casa Don Juan has built up its clientele with excellent food and service and now employs over 40 people, including the Gil's children, Nancy, Denisse and Billy.

Casa Don Juan is located on Main Street in downtown Las Vegas and has greatly benefited from the recent development and revitalization efforts. The Gil's now plan to expand Casa Don Juan to meet the growing demand from their very satisfied and loyal clientele.

Madam Speaker, I am proud to honor Raul, Maria, Nancy, Billy and Denisse Gil. Their innovative spirit and hard work are commendable and I wish the Gil family continued success at Casa Don Juan.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, May 7, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine
Business meeting to consider pending calendar business.
SR–253

Finance
To hold an oversight hearing to examine the Medicare prescription drug benefit.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine community integration and recovery, focusing on transforming mental health and substance abuse systems of care.
SD–628

Judiciary
To hold hearings to examine privacy and civil liberties concerns, focusing on the REAL ID Act (Public Law 109–13).
SD–226

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine the policies and funding necessary for reducing U.S. oil dependence relating to the results of an analysis conducted to assess the economic impact of implementing the Energy Security Leadership Council's recommendations to the Nation.
SD–192

Intelligence
Closed business meeting to consider certain intelligence matters.
SH–219

MAY 9

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill policy proposals relating to farm and energy issues and rural development.
SR–328A

Foreign Relations
To hold hearings to examine climate change relating to national security threats.
SD–419

Veterans' Affairs
To hold hearings to examine on benefits legislation.
SD–562

10 a.m.
Judiciary
Business meeting to consider S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.
SD–226

Environment and Public Works
Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee
To hold hearings to examine emerging technologies and practices for reducing greenhouse gas emissions.
SD–406

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Defense.
SD–192

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

Foreign Relations
To hold hearings to examine the nominations of Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, and Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.
SD–419

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Internal Revenue Service.
SD–192

Aging
To hold hearings to examine the future of Medicare, focusing on recognizing the need for chronic care coordination.
SD–106

MAY 10

9 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine a status report on reform efforts by the Under Secretary of Homeland Security for Management.
SD–342

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.
SD–366

Indian Affairs
Business meeting to consider pending legislative business.
SR–485

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine the Federal Aviation Administration's budget performance and treatment.
SD–138

10 a.m.
Finance
To hold hearings to examine economic issues for America's working families and middle class.
SD–215

Judiciary
To hold hearings to examine the nominations of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Janet T. Neff, to be United States District Judge for the Western District of Michigan, and Liam O'Grady, to be United States District Judge for the Eastern District of Virginia.
SD–226

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the effects of climate change and ocean acidification on living marine resoucres.
SR–253

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of State and foreign operations.
SD–192

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine violent Islamist extremism, focusing on government efforts to defeat it.
SD–342

3 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of David George Nason, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, Nguyen Van Hanh, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury, Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration, Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank, Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States, Scott A. Keller, of Florida, to be an Assistant Secretary of Housing and Urban Development, Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development, and Janis Herschkowitz, of Pennsylvania, to be a Member of the Board of Directors of the National Consumer Cooperative Bank.
SD–538

MAY 15

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications, taxation and federalism.
SR–253

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System, S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System, H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.
SD–366

MAY 16

10 a.m.
Judiciary
To hold hearings to examine rogue online pharmacies, focusing on the growing problem of internet drug trafficking.
SD–226

Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Small Business and Entrepreneurship
Business meeting to markup S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act.
SR–428A

MAY 17

9:30 a.m.
Armed Services
To hold hearings to examine the United States European Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine violence in the media.
SR–253

MAY 22

10 a.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on health legislation.
SD–562

MAY 24

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.
SR–253

CANCELLATIONS

MAY 9

10 a.m.
Rules and Administration
To hold hearings to examine improving energy efficiency, increasing the use of renewable sources of energy, and reducing the carbon footprint on the Capitol complex.
SR–301

MAY 10

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

POSTPONEMENTS

2 p.m.
Judiciary
To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.
SD–226

HOUSE OF REPRESENTATIVES—*Tuesday, May 8, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

INDIA: A DEMOCRACY STRUGGLING FOR RELIGIOUS FREEDOM

Mr. STEARNS. Thank you, Madam Speaker.

I come to the House floor as a result of a town meeting I had in my congressional district in which I heard from the Harvest Christian Church. It goes to the point that the United States and India, as all of us know, are the world's two largest democracies. However, although the Indian National Government guarantees religious freedom, in many of the provinces, oppression and persecution still exist. I want to bring that to my colleagues' attention this morning. Harvest Christian Church in my home district has worked closely with many church groups in India. And, as I mentioned, during my last town meeting, Pastor Crowe shared with me some of the disturbing things that are happening there.

On April 1, during Palm Sunday celebrations in Jabalpur, in the middle of their worship service, about 30 people from a Hindu extremist group—whose name literally means "religious army"—came with sticks and started beating everybody, including the evangelist and the men and women and children who were in the congregation that day. The pastor was badly beaten and suffers severe head injury. These people were admitted in the hospital where people from that group went and threatened them. They decided to leave the hospital and are currently staying at undisclosed locations. The attackers remain unpunished for these crimes. In fact, that day no one from the government condemned the attack or sympathized with the victims or the terrorized Christian community, not to speak of offering any relief to the family that were affected by this terrorist group. The police authorities, though reluctant to name the forces behind the attack, announced finally the arrest of five persons. All were from a radical Hindu background and lived in the slums the pastor used to visit regularly. Persecution such as this is not uncommon in India, and these sorts of attacks are not isolated incidents.

My colleagues, in another example, a mob of around 50 Hindu extremists surrounded a house church the night of April 22 and began shouting derogatory statements at all the worshipers in the church. Terrified believers in the church shut the doors, phoned the local police and asked for help. Two policemen arrived and took two pastors to the police station. En route, a few activists began beating and insulting the pastors and four other believers who had accompanied them, as the police officers simply looked on. "At the station, the police shouted at the pastors, and the extremists who were present made accusations that the pastors were forcibly converting people and inciting the people to stop doing Hindu rituals and to remove pictures of Hindu deities from their houses." George said. The tirade continued until 3 a.m., when the pastors were jailed, not being released on bail until April 25. The police inspector stated the pastors were charged with "promoting enmity" between different groups on grounds of religion and "deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs."

While there is ongoing violence against Christians in India, the good news is that it is endemic and the number of incidents are not increasing. The BJP is a Hindu political party, which was in national power until 2004 when the secular constitution party then came to power. However, they still retain positions of power in some states, and it is there where the majority of attacks against Christians occur.

According to the State Department International Religious Freedom Report 2006, "The constitution provides for freedom of religion, and the government generally respects this right in practice. However, the government sometimes did not act swiftly enough to counter effectively societal attacks against religious minorities and attempts by some leaders of state and local governments to limit religious freedom. Despite government efforts to foster communal harmony, some extremists continued to view ineffective investigation and prosecution of attacks on religious minorities, particularly at the state and local level, as a signal that they could commit such violence with impunity."

My colleagues, this is a situation that must not be tolerated. The frequency of these attacks and the lack of prosecution of extremists who perpetrate these crimes are in direct opposition to the most basic tenets of our democracy and surely the democracy in India. I urge the Indian Government to protect religious minorities and to take strong steps to enforce their constitutional laws regarding religious freedom in these oppressive provinces.

THE RISING PRICE OF GAS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. As I speak on the floor today, across America citizens are being gouged at the gas pump once again. Every year, as certain as Memorial Day is celebrated at the end of this month, the oil industry jacks up prices.

On the west coast in Oregon, I paid $3.43 a gallon for regular in Springfield. My colleague, GREG WALDEN, paid $3.99 on the east side of the mountains. The local paper accounts for this by saying "unexpected refinery maintenance." Hmm. Maybe they could schedule maintenance at a different time of year. No, that wouldn't be quite so profitable for the industry. In fact, the industry has been colluding for more than a decade to close down refinery capacity so they can have these wonderful price spikes and gouge American consumers.

There was an industry memo back then saying how the refinery sector wasn't particularly profitable, but through mergers the industry has managed to do away with more than 100 refineries. Now we have a refinery shortage. And if they just close one down to sweep the floors, the price of gas goes up 20 cents a gallon and the industry execs cry all the way to the bank and to their bonuses. This has to stop. We have to get back in charge of this industry. We've got to break up these huge conglomerates. Start with a moratorium on further mergers. Break 'em up. Impose a windfall profits tax. Unless they invest in more refinery capacity, unless they invest in new fuels or energy efficiency, confiscate the money from them through a windfall profits tax which they have taken from the American consumers through price-gouging and reinvest it to bring down prices and make this country more energy-efficient in the future. We need both a short-term and a long-term strategy to deal with this industry.

We have to take on the OPEC cartel. Now, this President is all about free trade. All about free trade. He wants more free trade agreements. Seven of the members of OPEC are in the World Trade Organization, highly touted by this President as a rules-based trade organization to promote free trade. They are conspiring and colluding among themselves and with Big Oil to jack up the price of oil. That's illegal under the WTO. Why won't President Bush file a complaint against OPEC? Perhaps because he's a little too tight with the Saudis, the royal family that runs that country and others. And they obviously, as well as industry execs, are profiting immensely from this situation.

We need to, as I said earlier, ban further mergers. My bill would establish a commission to study market power and suggest remedies to that. To me the simplest remedy is antitrust and to break up some of these giant conglomerates and again begin to bring a little bit of competition back to this industry.

The windfall profits tax I mentioned earlier, impose a windfall profits tax on these folks and take that money and reinvest it in energy efficiency and new fuels and research unless they will spend the money on energy efficiency, new fuels, and refinery capacity which is needed in this country.

If we don't take action, it isn't going to happen. ExxonMobil is making $4.6 million per hour, $109 million per day, $3.2 billion a month and $40 billion last year. One corporation. Last quarter they set yet another record. And you can bet with the price-gouging going on today, they're going to set yet another record. Every quarter is a new record. But the President talks about free market forces. These aren't free market forces. These people are conspiring to gouge the American consumers and drive up prices at the pump. We need real price relief soon. This Congress must act and the President must stop stonewalling and protecting his friends both domestically and internationally who are involved in the oil cartel.

CHINA AND THE 2008 OLYMPICS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. I thank the gentlelady.

I want Members to see an editorial that was in the Wall Street Journal by Ronan Farrow and Mia Farrow entitled "The Genocide Olympics."

It deals with the issue that there was a full page ad today in The Washington Post with regard to the genocide that is taking place in Sudan, and the one country that has the opportunity to really make a difference to stop the genocide in Sudan is the country of China.

Mia Farrow says in this editorial, "One World, One Dream is China's slogan for the 2008 Olympics. But there is one nightmare that China shouldn't be allowed to sweep under the rug. That nightmare is Darfur, where more than 400,000 people have been killed and more than 2½ million driven from flaming villages by the Chinese-backed government of Sudan."

I have seen those villages and the burning of the villages and we know that the genocide could be stopped by China.

Mia Farrow goes on to say, "That so many corporate sponsors want the world to look away from that atrocity during the games is bad enough. But equally disappointing is the decision of artists like director Steven Spielberg, who quietly visited China this month as he prepares to help stage the Olympic ceremonies, to sanitize Beijing's image." Steven Spielberg, who produced Schindler's List, is now going to try to turn the 2008 Olympics in China to look like a wonderful, wonderful thing.

China is involved in Sudan where they have Antonov bombers bombing the people, helicopters coming in and killing the people, and the Janjaweed who come in and do all sorts of bad things—kill, rape and maim. And China has used its veto power, Mia Farrow says, on the U.N. Security Council to repeatedly obstruct efforts by the U.S. and the U.K. to introduce peacekeepers to curtail the slaughter. Beijing, she says, is uniquely positioned to put a stop to the slaughter, yet they have so far been unabashed in their refusal to do so.

Now, there are some people saying that maybe—maybe—the 2008 Olympics ought to be boycotted. Now, how will you feel, watching or going to the 2008 Olympics and knowing that the country that is doing that could stop the genocide in Darfur?

And so I would urge that if China does not deal with the issue, then the sponsors, but also the people from the West, certainly ought not encourage China to say that we don't care, therefore, we're going to go to your Olympics when Mia Farrow calls it "the Genocide Olympics."

And then she says some other very tough things about Spielberg. Does he really want to be this? I mean, the Chinese are in essence doing what the Nazis did in the Olympics in the thirties, cleaning the streets and changing things.

China has the ability to stop the genocide that is taking place in Sudan, and I think everyone should do everything they can. This administration should do more and everyone in the Congress should do more, that if China doesn't use its leverage in the U.N. and allow the Security Council to pass a resolution allowing the end to come out with regard to U.N. peacekeepers in Darfur, then I believe that Mia Farrow and those who are concerned and are considering boycotting the Olympics will be right. This is a test for China.

Now, the Chinese Embassy is working this Hill aggressively. The Chinese Embassy will be working the administration. The Chinese Embassy will be working powerful governments around the world. But as long as the genocide continues in Darfur where 400,000 people have died, 2.1 million are living in refugee camps, knowing that China has the ability to stop what it mentions on page A-18 in the Washington Post today in this editorial to stop this, then if China is not prepared to use their leverage to stop the genocide, then quite frankly I think Mia Farrow's title of calling this "the Genocide Olympics" will be true and no one should attend those Olympics.

THE "GENOCIDE OLYMPICS"

(By Ronan Farrow and Mia Farrow)

"One World, One Dream" is China's slogan for its 2008 Olympics. But there is one nightmare that China shouldn't be allowed to sweep under the rug. That nightmare is Darfur, where more than 400,000 people have been killed and more than two-and-a-half million driven from flaming villages by the Chinese-backed government of Sudan.

That so many corporate sponsors want the world to look away from that atrocity during the games is bad enough. But equally disappointing is the decision of artists like director Steven Spielberg—who quietly visited China this month as he prepares to help stage the Olympic ceremonies—to sanitize Beijing's image. Is Mr. Spielberg, who in 1994 founded the Shoah Foundation to record the testimony of survivors of the holocaust, aware that China is bankrolling Darfur's genocide?

China is pouring billions of dollars into Sudan. Beijing purchases an overwhelming majority of Sudan's annual oil exports and state-owned China National Petroleum Corp.—an official partner of the upcoming Olympic Games—owns the largest shares in each of Sudan's two major oil consortia. The Sudanese government uses as much as 80% of proceeds from those sales to fund its brutal Janjaweed proxy militia and purchase their instruments of destruction: bombers, assault helicopters, armored vehicles and small arms, most of them of Chinese manufacture. Airstrips constructed and operated by the Chinese have been used to launch bombing campaigns on villages. And China has used its veto power on the U.N. Security Council to repeatedly obstruct efforts by the U.S. and the U.K. to introduce peacekeepers to curtail the slaughter.

As one of the few players whose support is indispensable to Sudan, China has the power to, at the very least, insist that Khartoum accept a robust international peacekeeping force to protect defenseless civilians in Darfur. Beijing is uniquely positioned to put a stop to the slaughter, yet they have so far been unabashed in their refusal to do so.

But there is now one thing that China may hold more dear than their unfettered access to Sudanese oil: their successful staging of the 2008 Summer Olympics. that desire may provide a lone point of leverage with a country that has otherwise been impervious to all criticism.

Whether that opportunity goes unexploited lies in the hands of the high-profile supporters of these Olympic Games. Corporate sponsors like Johnson & Johnson, Coca-Cola, General Electric and McDonalds, and key collaborators like Mr. Spielberg, should be put on notice. For there is another slogan afoot, one that is fast becoming viral amongst advocacy groups: rather than "One World, One Dream," people are beginning to speak of the coming "Genocide Olympics."

Does Mr. Spielberg really want to go down in history as the Leni Riefenstahl of the Beijing Games? Do the various television sponsors around the world want to share in that shame? Because they will. Unless, of course, all of them add their singularly well-positioned voices to the growing calls for Chinese action to end the slaughter in Darfur.

Imagine if such calls were to succeed in pushing the Chinese government to use its leverage over Sudan to protect civilians in Darfur. The 2008 Beijing Olympics really could become an occasion for pride and celebration, a truly international honoring of the authentic spirit of "one world" and "one dream."

RESPONSIBILITY TO IRAQI REFUGEES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

I am privileged to take the floor after my colleague from Virginia and I am in agreement with the sentiment that he has expressed. However, I would like to speak for a moment about the second greatest refugee crisis in the world after Darfur.

Four years after the fall of Baghdad, many of the worst fears expressed at the beginning of that war have come true, as Iraq and its neighbors are in the midst of a humanitarian crisis rivaled only by the ongoing genocide in Darfur, referenced by my good friend from Virginia. Iraq has the fastest growing refugee population in the world. The United States has a responsibility to try to protect the innocent victims of massive violence wherever it can. However, having made the decision to begin a war of choice in Iraq, we have a particular responsibility to those who are suffering as a result of America's actions. Whatever one believes about the wisdom of the war or the future of the United States' engagement in Iraq, we have a responsibility to those innocent Iraqis who have been driven from their homes or fear for their lives every day.

The numbers are sobering. The United Nations High Commission for Refugees estimates 4 million Iraqis have been made refugees, 2 million of which have left for adjacent countries like Syria and Jordan. Every month, another 50,000 to 70,000 Iraqis continue to be displaced from their homes, and these figures likely underestimate the magnitude of the problem. These are the front lines of a regional humanitarian crisis, one that could easily destabilize these front line countries that neighbor Iraq and turn a humanitarian crisis into a security disaster.

For one group in particular, however, our moral responsibility is unquestionable—Iraqis who are at risk because they helped the United States. Having collaborated with the United States military, the United Nations or even with a nongovernmental organization can literally mean a death sentence at the hands of any of the many sides in this civil war. Tens of thousands of Iraqis, who worked as translators, drivers, even construction workers, live every day in fear of being targeted. However, the United States is only allowing 50 Iraqi translators to start their lives over in the United States. Over the next few months, that may be raised to 500, a number that is still dwarfed by the need.

I became acutely aware of this problem working with a local high school in Portland who were partnering with members of the Oregon National Guard who had served in Iraq who were trying to bring their translator to the United States to save her life but kept running into bureaucratic hurdles. Since then, I've heard the same story over and over again.

We should keep faith with those who have served alongside our brave men and women in uniform. This is a basic moral responsibility and a simple issue of fairness. Yet in March, the United States admitted only 11 Iraqi refugees. Since the war began, we have admitted only 700—remember, out of 4 million displaced.

I am introducing legislation this week, the Responsibility to Iraqi Refugees Act, to address this ongoing humanitarian crisis to use all of the tools at our disposal, admitting refugees, providing assistance to the region, and using diplomacy to ensure their well-being. It creates a program to admit to the United States Iraqis who are at risk because they helped coalition or reconstruction efforts. It establishes a special coordinator for Iraqi refugees and internally displaced people and requires the United States to develop plans to ensure the well-being and safety of these Iraqi refugees. Most important, it increases the number of persecuted Iraqis who can be admitted to the United States as refugees. And, finally, it would authorize additional funding for assistance to those refugees, their resettlement and fixing the bureaucratic process that often hampers even the most well-intended efforts.

I urge every Member of the House to cosponsor this broad, ambitious and comprehensive response to the Iraqi refugee crisis before it is too late, too late for the people whose only crime was working with Americans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 51 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, Your heavens are filled with the wide and brilliant blue, a common roof over all the earth, so it seems from the viewpoint of Capitol Hill. Spring breezes contain a purity this side of tragic tornados. Yet the news, like unseen pollen, carries life and discomfort for some in the same moment.

Why, O Lord, is the world such a mixture of good and evil? 24/7 communication wires the mind with stories of victory and devastation so quickly that human perception must choose its ground.

Help national government, Lord, admit limitations even before it discerns a problem or conducts another hearing. Free choice and determined truth must find a balance if pluralistic democracy is to stand.

So we humbly lay before You, Lord, God of heaven and earth, the freshness of a new day, and seek Your blessing upon those who cultivate a culture and plan a future for us both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. BOUSTANY) come forward and lead the House in the Pledge of Allegiance.

Mr. BOUSTANY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RISE TO MEET THE CHALLENGE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Ford Motor Company has announced the closing of a casting plant in Cleveland where they're going to be outsourcing their engine casting business, and idling production at another engine plant for a year.

We are seeing all these blue collar jobs outsourced in this country, and many white collar jobs as well. We're losing millions of manufacturing jobs. And it's not enough to just let this slide by without trying to challenge it.

We have to have a new manufacturing policy in America where the maintenance of steel, automotive and aerospace is considered to be vital to our national economic security.

We have to have a new not-for-profit health care system which covers all workers, so American businesses are not collapsed by the high cost of health insurance.

And we have to have a new trade policy, which means the end of NAFTA and the WTO, and the beginning of trade based on workers rights, human rights and environmental quality principles.

Our community in Cleveland is going to rally behind our auto workers. We're going to do everything we can to see if it's possible to save those plants and to make it possible to find ways of using those plants. But all across this country, we have to rise to meet this challenge.

AL QAEDA'S PRESENCE IN IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the other side of the aisle is going to great lengths to make the case for retreat in Iraq. It seems they'll even ignore the facts if it helps their case.

For some time now, the other side has been saying that the war in Iraq is not part of the war on terror but a distraction from it.

Mr. Speaker, the latest video released by al Qaeda's number two operative clears that up. In this latest rant calling for our destruction, Ayman al Zawahiri calls the violence in Iraq a jihad. He optimistically states that the situation in Iraq "is moving from the stage of defeat of the crusader invaders to the stage of consolidating a Mujahid Islamic Emirate."

He goes on to proclaim that this victory for the terrorists will "raise the banner of Jihad."

Mr. Speaker, the fact is that we are fighting al Qaeda terrorists in Iraq. And if we are unwilling to defeat them there, where exactly will we do so?

Mr. Speaker, when we are honest about who we are fighting in Iraq, the implication becomes clear: We must win in Iraq.

BACK AT SQUARE ONE

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. McCARTHY of New York. Mr. Speaker, last week, President Bush vetoed the Iraqi supplemental. I am disappointed that the President did not attempt to work with us here in Congress prior to his veto. We are now back at square one.

The American people want a new direction for Iraq. Our current strategy is not working, with more sectarian violence spreading throughout Iraq each and every day. If a solution will be reached in this conflict, the Iraqi government must take more responsibility for their future.

The U.S. commitment to end the war in Iraq cannot be open-ended. We must put pressure on the Iraqi government to make political, economical and diplomatic reforms. So far these reforms have not been made, and little progress has been shown by the Iraqi government.

Mr. Speaker, when we talk about the Iraqi war and we talk about terrorism, Iraq did not have terrorists there until we went in, did not do our job in the first several months, and that is why we have terrorism in Iraq today. We must defeat it. We must bring our boys home.

Let the Iraqi government now take care of their own problems.

SUPPORT H. CON. RES. 133

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, many Americans lack protection from catastrophic long-term care expenses related to chronic illnesses and disabilities. Worse yet, many of these families assume Medicare will pay for long-term care services, while it generally does not.

Despite funding from Congress for long-term care education activities, the Department of Health and Human Services has done little to inform families and caregivers of this confusion.

HHS has neglected to clarify these Medicare misperceptions with at least 90 percent of households contacted through its long-term care awareness direct mail campaign. HHS has a duty to use other communication methods to inform families.

I recently introduced a bipartisan resolution with Representative STEPHANIE HERSETH SANDLIN to encourage Secretary Leavitt to be more proactive on this issue, so Americans can have greater independence, choice and control over the services they need in the setting they prefer.

I urge my colleagues to support H. Con. Res. 133.

DEMOCRATS' BUDGET PRIORITIZES NEEDS OF OUR CHILDREN

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, when the Democrats took control of Congress this year, we pledged that the voices of children would become a top priority for a change. This month Democrats will complete a final budget that meets our commitment to our children and abides by tough pay-as-you-go rules we reinstituted in January.

This new Congress has a responsibility to clean up the fiscal mess that we inherited. Deficits matter. Over the last 6 years, the choice to live beyond our means has come at a great expense to our children who will be forced to pay off that debt. The Democratic budget says, enough with deficit spending. Unlike the President's budget, ours will be balanced within the next 5 years.

First, we increase funding for our children's health care by $50 billion over the next 5 years, which will allow States to ensure millions of children who are now uninsured. And then we will provide $7.9 billion over the President's budget for education funding so we can really mean it when we say, No child left behind.

FREE FLOW OF INFORMATION ACT OF 2007

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, enshrined in the first amendment of the Constitution are these words: "Congress shall make no law abridging the freedom of speech or of the press.”

Nevertheless, in the last two decades, we have seen a troubling increase in the number of occasions where reporters have faced threats of subpoena, subpoenas and even jail time for refusing to reveal confidential sources.

Mr. Speaker, compelling reporters to testify and compelling them to reveal the identity of their confidential sources is a detriment to the public interest. And last week, my colleague, Congressman RICK BOUCHER of Virginia, along with a distinguished bipartisan group of original cosponsors, introduced the Free Flow of Information Act, which would protect a reporter's right to keep confidential sources confidential.

As a conservative who believes in limited government, I believe the only check on government power in real time is a free and independent press.

I urge all of my colleagues to give due consideration to this bipartisan legislation. Let us put a stitch in this tear in the first amendment freedom of the press. I urge cosponsorship of the Free Flow of Information Act.

ACCOUNTABILITY HAS RETURNED

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Mr. Speaker, accountability has returned to Washington with a new Congress that takes its oversight responsibilities very seriously.

In the past 4 months, Congress has conducted over 180 oversight hearings on issues very important to the American people. These are not just hearings; they're hearings that have led to action.

Walter Reed: Since we concluded our hearing, we determined on a bipartisan basis after the information came out that more money was needed. We put $1.7 billion to make certain that we would take care of our wounded warriors.

Congress now continues to oversee the ever-changing U.S. attorney scandal. The American people absolutely must have confidence that the U.S. Attorney's Office is about enforcing the law, not making it up as they go along or pursuing outcomes for partisan political reasons.

Mr. Speaker, we cannot have real accountability without congressional oversight, and this is one of the ways the new Democratic Congress is changing the way that we do business here in Washington.

H.R. 1595, GUAM WORLD WAR II LOYALTY RECOGNITION ACT

(Mr. FORTUÑO asked and was given permission to address the House for 1 minute.)

Mr. FORTUÑO. Mr. Speaker, three former Republican Governors from Guam; in addition to the current Governor, Felix Camacho; two former Democratic Guam Governors; one former Republican Guam Delegate; two former Guam Delegates; and the current Delegate from Guam, MADELEINE BORDALLO, have all fought for fair treatment for the patriotic people of Guam who endured nearly 3 years of brutal enemy occupation during World War II.

In addition, the 109th Republican-controlled Congress, the Resources Committee, chaired by Congressman Richard Pombo; the Judiciary Committee, chaired by Mr. SENSENBRENNER, both acted in a bipartisan effort to favorably pass legislation to give parity to Guam.

Acknowledging the patriotism of the people of Guam, who were American nationals, throughout Guam's occupation has been a bipartisan effort for decades.

This issue is about patriotism; certainly not about partisanship. I urge my colleagues to vote in favor of H.R. 1595 when it comes up for a vote today.

NATIONAL TEACHER'S DAY

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Good afternoon, Mr. Speaker. Today is National Teacher's Day, a day which is very important to me and my family.

This year's theme for National Teacher's Day is “Great Teachers Make Great Public Schools.” And I know that's true.

I had wonderful teachers in the Jefferson County public schools, and those teachers had a tremendous impact on my life.

Our three daughters are products of Jefferson County public schools, and my sister is a public school teacher.

Few other professionals touch as many people as teachers do. Teachers are our role models, our confidants, our taskmasters and our moral compass.

I look forward to working with my colleagues in the House to invest in our schools, reduce class sizes and ensure that our teachers have the tools and resources they need to give our children the high quality education necessary to succeed in an increasingly competitive global economy.

RECOGNIZING THE 125TH ANNIVERSARY OF BILLINGS, MONTANA

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, today I'm introducing legislation to recognize the 125th anniversary of the City of Billings, Montana. First discovered by Lewis and Clark on the famous expedition, Billings is now the most populous city in the Northern Rocky Mountain Region of the United States.

I know for many U.S. cities, 125 years isn't very long. However, for Billings, these years have created a rich history that stretches beyond its age.

Historically, Billings has been the gateway to the Pacific northwest. Even its name, which originated with the former president of the Northern Pacific Railroad, Frederic Billings, is a description of the city's historical role as an important railway link to the northwest.

Billings has also been home to many notable people. For instance, in 1907, famous cowboy, author and illustrator, Will James came to Billings, where he lived and worked for years. Finally, the city is home to the oldest higher education institution in the State of Montana, Rocky Mountain College.

Today the city serves as an example of an all-American city through both its flourishing economy and its continued growth. I congratulate the city of Billings, Montana, and its years of rich history.

KEEPING OUR CONTRACT WITH OUR NATION'S VETERANS

(Mr. FILNER asked and was given permission to address the House for 1 minute.)

Mr. FILNER. When the Democrats became the majority of this Congress earlier this year, we promised to keep our contract with our Nation's veterans, to keep our contract.

So how have we done during the first four months as Democrats? Wherever we stand on the war, wherever we stand on the war, we are committed to make sure that every young man and woman who returns from that war gets all the care, the love, the attention, the honor, respect and dignity that this Nation can bestow.

And in the first three budget bills that went by this House, in the last 3 months, we were able to add over last year's total over $13 billion for veterans health care; $13 billion, that's almost a 30 percent increase over last year. The biggest in the history of the Veterans' Administration.

And we're going to use that money to make sure that the terrible brain-injured veterans that come back, those who have physical scars or mental scars (PTSD, Post-Traumatic Stress Disorder) will get all the care that an advanced Nation can give.

As a nation, we are not doing our job now, but we Democrats are committed to making sure the job is done.

ANOTHER DAY BUT NOT ANOTHER DOLLAR

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, another day, but yet not other dollar has been sent by Congress to supply our warriors in Iraq with the equipment and resources they need.

The troops will soon be out of money to carry on the war in Iraq. Congress needs to get needed funds to our military.

Our troops are the best ever assembled for warfare. They are all volunteers. They will do their duty in spite of congressional inaction for money.

Our troops are relentless. They adhere to the words of Winston Churchill in 1941. "There shall be no halting or half measures. We cannot for a minute afford to relax. On the contrary, we must drive ourselves forward with unrelenting zeal."

So Congress must appropriate money to make that military mission successful. And what is that mission? –

In part, it is what President John F. Kennedy said years ago: "Let every nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty."

And that's just the way it is.

□ 1215

GUAM WAR CLAIMS REVIEW COMMISSION

(Ms. BORDALLO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, the people of Guam endured a brutal occupation of public executions, beheadings, rape, beatings, forced labor, forced march, and internment in concentration camps during the occupation of Guam in World War II.

So why are we just now dealing with war claims? Because a Federal Guam War Claims Review Commission appointed by Secretary Norton reaffirmed what the Hopkins Commission found in 1947, that the Guam war claims issue has not been addressed. And here is this report, over 1,000 pages.

Let me say this in a clear way. The people who were occupied were ignored by their own government. All war claims were settled by Congress for the American people. The commission found this has never been rectified for Guam. The review commission stated very clearly, Mr. Speaker, this is our moral obligation.

So I urge today my colleagues to pass H.R. 1595 to fulfill this moral obligation to American citizens.

ASIAN CARP

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, I am proud to be part of a broad, bipartisan coalition that is working to implement a strategy for the restoration, protection, and sustainable use of the Great Lakes.

In addition to supporting a comprehensive bill that would help stop sewage contamination, prevent invasive species introductions, and restore wetlands in the Great Lakes, I am also supporting H.R. 553, the Great Lakes Asian Carp Barrier Act.

Asian carp consume large amounts of food and compete with native fish for habitat throughout the Great Lakes region. Our Great Lakes would suffer irreparable harm if the Asian carp enters Lake Michigan.

With other aquatic invasive species already wreaking havoc on our waters, the threat posed by Asian carp is not one Michiganders can afford to overlook.

We must act now and construct barriers to protect native fish and wildlife from these large, nonnative predatory fish. It is time for Congress to invest in restoring the Great Lakes, and I urge my colleagues to support this bill vital to maintaining these aquatic treasures essential to both Michigan and the entire Nation.

H.R. 1595, GUAM WORLD WAR II LOYALTY RECOGNITION ACT

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, this morning I rise in recognition of the Guam World War II Loyalty Recognition Act.

Twenty-two thousand American nationals were captured during World War II by the Japanese Imperial Forces. All 22,000 were detained on U.S. territory, the island of Guam. For nearly 31 months, these U.S. citizens were civilian prisoners of war. Many were executed and many atrocities were committed against them that included rape, physical torture, and other such efforts, all committed because of their loyalty to the United States. They refused to become a part of Imperial Japan. They would not bow to the occupiers.

Two Federal commissions have now recommended to Congress that we have the moral obligation to make our fellow Americans whole from the suffering they endured because of their loyalty and patriotism to our country.

I will vote in favor of H.R. 1595, the Guam World War II Loyalty Act carried by our colleague, and I urge my colleagues to do the same. This is an important measure. We must never forget.

HENRY HYDE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, 3 weeks ago the Supreme Court upheld the ban on the abomination of partial-birth abortion.

I come this morning to say thank you to one of our former Members, the Honorable Chairman Henry Hyde, who served in this body for almost 30 years. Chairman Hyde stood up for the sanctity of life at every step of the way, every day that he served in this great body, and I hope he is enjoying his retirement in the great State of Illinois.

Mr. Speaker, Henry once said, "This is not a debate about religious doctrine or even about public policy options. It is a debate about our understanding of human dignity, what it means to be a member of the human family even though tiny, powerless, and unwanted."

And I hope my colleagues will all reflect on these words.

Chairman Hyde, we thank you from the bottom of our heart. God bless you for your service to this great body.

NEW DEMOCRATIC CONGRESS PRODUCING POSITIVE RESULTS FOR ALL AMERICANS

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, it has now been 4 months since Democrats took control of Congress, and already we see a dramatic change in how business is done on Capitol Hill.

To begin with, we restored the 5-day workweek so that actually we are addressing the people's business. Longer workweeks have led to more bills and resolutions being passed. In 2005 the previous Congress had only 72 bills up to this point. This year alone we have already passed 165. That is almost 100 bills more in this short 4-month period of time.

We have also approved a budget for the upcoming fiscal year that significantly increases funding for veterans' health care, children's health care and education. And we do it all without raising taxes, Mr. Speaker.

Mr. Speaker, we've only been in charge now for 4 months, but we are already producing positive results for the American people.

BORDER AGENTS NO-CONFIDENCE VOTE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, did you know that the Nation's border agents have no confidence in their top chief? These men and women are on the front lines of illegal immigration. They want, need, and deserve strong leadership.

Recently, the National Border Patrol Council, the union representing the country's 11,000 nonsupervisory border agents, announced it had cast a unanimous no-confidence vote in U.S. Border Patrol Chief David Aguilar. The vote comes as two border agents sit in jail for doing their jobs, combating illegal immigration.

If you are as outraged as I am about the unjust persecution of law enforcement agents, go to pardontheagents.com and sign an online petition urging President Bush to pardon Agents Ramos and Compean.

TBI BILL, H.R. 2179

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in support of H.R. 2179, the Traumatic Brain Injury Centers Act.

I introduced this bill because traumatic brain injury, or TBI, has become the signature injury of the wars in Iraq and Afghanistan and it needs our Nation's full attention.

While new forms of military technology are routinely saving soldiers' lives from deadly explosive attacks, these survivors often return home suffering from TBI. Veterans suffering from TBI may have trouble relearning simple skills or might be left permanently unable to perform daily functions.

H.R. 2179 would help veterans and their families cope with TBI by creating five traumatic brain injury centers. These centers would conduct TBI research, develop improved models for TBI care, and provide education and training on TBI for VA staff. While the VA has built an impressive medical system that includes polytrauma centers, H.R. 2179 would ensure that the VA system includes centers solely focussed on TBI. These centers will be the focal point for research and education dealing with this injury.

As American servicemembers return home, many of them suffering from TBI, we owe them nothing less than the highest quality care this Nation can provide.

CORRUPTION IS ALIVE AND WELL IN CONGRESS

(Mr. SHAYS asked and was given permission to address the House for 1 minute.)

Mr. SHAYS. Mr. Speaker, my Democratic colleagues talk about the great activity in the House.

We had great activity in the House before. You didn't have a do-nothing Congress last year. You had a do-nothing Senate. And you're going to have a do-nothing Senate again this year. You're going to stack up all your bills and you're going to be waiting just like we did.

The other outrage that is happening is there is a bill, H.R. 1294, that is going to recognize six Indian tribes, bypass the Bureau of Indian Affairs.

Corruption is alive and well in this place again because that's what we did a few years ago. We stopped it. There is a process that should be followed. Go before the Bureau of Indian Affairs.

How do we know what's a tribe? How do we know if there's economic, social, and political continuity of these tribes precolonial time?

The Democrats are bringing back a corrupt practice. I urge you to pay attention to this.

H.R. 1595, GUAM WORLD WAR II LOYALTY RECOGNITION ACT

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today we will consider the Guam World War II Loyalty Recognition Act.

Two Federal commissions, one in 1947 and the other in 2004, recommended to the Congress that the people of Guam have not been made whole despite efforts to rehabilitate their lives and livelihoods that were destroyed during Guam's occupation by Japanese Imperial Forces during World War II.

Two Federal commissions have spoken about the atrocities of war they lived through: beheadings by public executions, rapes and torture. Two Federal commissions have underscored that the patriotism of the people of Guam during their occupation was unquestionable. Two Federal commissions recommended we make additional reparations to give them justice and parity.

It is past time that Congress heeds the recommendations of both Federal commissions to recognize their loyalty and patriotism. I urge my colleagues today to vote in favor of H.R. 1595, the Guam World War II Loyalty Act.

HOUSE REPUBLICANS MUST REALIZE THAT A CHANGE OF COURSE IS NEEDED IN IRAQ

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, last week President Bush vetoed a plan to fund our troops and to change the direction in Iraq. Following his veto, the House voted for the fourth time in 3 months for a new direction in Iraq and rejected the President's open-ended commitment.

Unfortunately, House Republicans have refused to join us in our attempts to change the course of the war. Republican Leader BOEHNER said over the weekend that he wants a clean bill. What he is really saying is that he wants us to rubber-stamp the President's war proposal. That's what Republican Congresses have been doing for 4 years, and it hasn't helped our military and it hasn't made America safer.

When are House Republicans going to realize that the American people overwhelmingly support benchmarks and a real plan to change direction in Iraq? One encouraging sign was when Leader BOEHNER said this weekend that he would be willing to look at a plan B in September. Does that mean that House Republicans will finally begin to join us in changing the course of the war in Iraq? We'll have to wait and see.

□ 1230

IN SUPPORT OF GUAM WORLD WAR II LOYALTY RECOGNITION ACT

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, today's headline in Guam reads, "Island in state of mourning." This is because Guam has lost its 10th son to the war in Iraq. The headline could read the same after yesterday's call for a recorded vote by the Republican leadership on H.R. 1595, the Guam World War II Loyalty Act, a bipartisan bill giving parity to Guam after 63 years of inequity and injustice.

The question we must ask ourselves before this vote today is, will we ignore history? Will we be deaf to the testimonials of Guam's liberators, our U.S. servicemen, who spoke about Guam's patriotism in the face of enemy occupation? Will we vote against inequity for people who aided our military to take Guam back from the enemy, who greeted our military with tattered rags made into American flags?

A vote against H.R. 1595 is one against patriotic Americans. I urge my colleagues to support the Guam World War II Loyalty Act.

IN SUPPORT OF GUAM WORLD WAR II LOYALTY RECOGNITION ACT

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise in support of H.R. 1595, the Guam World War II Loyalty Recognition Act.

When the Japanese invaded Guam during World War II, six U.S. servicemen remained on the island. Rather than surrender, these six men fled into the jungle. The Japanese soon learned of their presence and demanded that they turn themselves in. They threatened execution of anyone found helping the American soldiers.

Despite these threats, the American soldiers refused to surrender and the people of Guam continued to help them avoid capture. They faced long odds with the Japanese military conducting intense searches of the island, but one soldier, George Tweed, survived. Tweed was later awarded the Legion of Merit medal for his efforts. One of his protectors, Antonio Cruz Artero, was awarded the Medal of Freedom. Countless others who aided Tweed received nothing but the satisfaction of knowing they helped save the life of a man who symbolized hope for Americans to return and liberate Guam.

Today's vote will recognize the patriotism of the people of Guam, who risked their lives to save a U.S. serviceman.

I urge all my colleagues to vote in favor of H.R. 1595.

DEMOCRATS TO COMPLETE BUDGET PROCESS THAT CONTINUES TO TAKE NATION IN NEW DIRECTION

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this month the Democratic Congress will approve a final budget plan that, unlike the President's budget, will actually be balanced over the next 5 years, and we do it without raising taxes. Now the President likes to claim that his budget proposal achieves balance by 2012 and does not increase taxes, but that's simply not true. According to the nonpartisan Congressional Budget Office, the President's budget will still be running a $9 billion deficit 5 years from now.

The President's broken promises don't stop there. His budget would also cost middle-class families $247 billion in tax increases over the next 5 years under the alternative minimum tax, and $500 billion in taxes on employer-provided health insurance.

Fortunately, Democrats rejected the President's budget. Instead, we restore fiscal integrity to our Nation, protect middle-income families from tax increases and actually reach balance by the year 2012. The American people asked us to take this Nation in a new direction, and our budget answers their call.

And by the way, Mr. Speaker, give peace a chance.

SENDING IRAQ SUPPLEMENTAL BILL TO PRESIDENT'S DESK—BUSH WAS WRONG TO VETO

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, 4 years ago, President Bush declared that major combat operations in Iraq were over. To that point, we had lost 139 soldiers. Over the last 4 years, due to the administration's incompetence and lack of planning, thousands more U.S. troops have been killed and wounded, hundreds of billions of dollars of U.S. taxpayer money has been spent, and now Iraq is consumed by a civil war that the President is asking our troops to referee.

It was way too soon for the President to declare mission accomplished, but 4 years later, the President seems content to tell our soldiers that their mission is not going to be accomplished any time soon.

By vetoing the Iraq supplemental last week, the President ignored the voices of the American people, his own military generals and this Congress. He can no longer afford to be that stubborn. The President must work with the Congress to come up with an agreement on how to move forward. He can't believe that this Congress is going to roll over and rubber-stamp his failed policies like past Republican Congresses have done.

Mr. Speaker, Democrats refuse to allow the status quo to continue. It is time we accomplish our mission in Iraq.

NEW DEMOCRATIC CONGRESS PRODUCING POSITIVE RESULTS FOR ALL AMERICANS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, for the last 4 months, we have taken control of the House, and we have headed in the right direction, bringing back necessary oversight of this administration and producing positive results for the American people, especially as it dealt with the special interest groups.

We got off on a quick start, passing six bills during our first 100 hours that will make college and prescription drugs more affordable and will expand economic opportunities for millions of Americans who have not received a pay raise in the last 9 years. Mr. Speaker, I rise today to indicate to you that we will continue to do that.

We also passed the budget for 2007 that should have been done last year, striking out all earmarks and adding additional money for our veterans, $3.6 billion.

I am pleased to also announce that we passed a supplemental that added additional money for our veterans, an additional $1.8 billion for our war veterans. Unfortunately, the President has vetoed this piece of legislation.

We are going to continue to push forward in making sure that we have oversight over these committees.

ANNOUNCEMENT BY CHAIRMAN OF PERMANENT SELECT ' COMMITTEE ON INTELLIGENCE REGARDING AVAILABILITY OF CLASSIFIED ANNEX

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, today I wish to inform my colleagues that the classified annex to H.R. 2082, the Intelligence Authorization Act for fiscal year 2008, will be available during regular committee business hours to Members only. Personal staff are requested to call ahead to extension 5-7690 to schedule a viewing for their Member of Congress. Members will be required to fill out the appropriate security paperwork to view the classified documents.

PROVIDING FOR CONSIDERATION OF H.R. 1294, THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 377 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 377

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1294) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendments printed in the report of the Committee on Rules to accompany this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1294 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For purposes of debate only, I yield the customary 30 minutes to the gentleman, my good friend from Washington, Representative HASTINGS. All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as the Clerk just read, this rule provides for consideration of H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007. The rule provides for 1 hour of general debate in the House, equally divided and controlled by the chairperson and ranking minority member of the Committee on Natural Resources.

Mr. Speaker, this legislation provides something that has been long overdue to six Native American Tribes in Virginia.

After literally centuries of injustice, some 3,175 members of these great tribes will finally gain Federal recognition under this bill. Just like the great Seminole and Micosukee Tribes in south Florida that I am privileged to represent, these six tribes now have the chance to finally receive the proper recognition and respect they rightfully deserve.

Just like the other 562 Federally recognized American Indian tribes in the United States, these tribes will finally have access to basic services, such as child welfare services, adult care and community development, services every one of us in this body take for granted.

Each of these six American Indian tribes descended from the historic tribes that occupied the Virginia coastline in 1607. Their rich history and tradition forever ties them to this land. Over the centuries, they have survived racial hostility and State-sanctioned attempts to stamp out their heritage and cultural identity.

Notwithstanding their ancient bonds to this soil, they continue to walk oppressed among us. The reason for such injustice? Because in the early part of the 19th century, Virginia officials intentionally destroyed the majority of their historical records and artifacts that affirmed the existence of Native Americans in Virginia. Virginia finally recognized them in the 1980s, and it is appropriate and long overdue that Congress is finally following suit.

Unfortunately, Mr. Speaker, Native American tribes, whose land was forcibly taken from them centuries ago, are still struggling for their basic rights and freedoms to this day. I ask, does this story of repression, refusal and repudiation not ring true for so many generations of Americans? Now, it takes acts of Congress to give them the recognition they have long deserved.

Legislation providing Federal recognition for these six tribes, the Chickahominy, the Eastern Chickahominy, the Monacan, the Rappahannock and the Mattaponi is today what we seek and what for too long has been denied. I ask again how we reconcile this kind of repression and repudiation.

The Queen of England is in the United States today. Last week, she visited the coastline of Virginia, Jamestown, where many of these people that we seek to get designation for and recognition for today came from, and yet she would not have had an opportunity to see them in their cultural array for the reason that they are not recognized.

Legislation providing Federal recognition for these six tribes has been introduced in both the House and the Senate in every Congress since the 106th, without action. To deny them recognition once more is to perpetuate the tyranny.

The underlying legislation would be a small step in rectifying our Nation's history of suppressing these great people. I am proud to support this rule and the underlying legislation, and I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Florida and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this closed rule. This closed rule provides for consideration of a bill to Federally recognize six new Indian tribes in the State of Virginia. This bill marks the first time in over 20 years that the House of Representatives has considered legislation to extend Federal recognition to a tribe.

While I will acknowledge Congress can grant Federal recognition to individual tribes, the Department of Interior's Bureau of Indian Affairs has the administrative process by which a group may establish itself as an Indian tribe and become eligible for services and benefits extended to other tribes under Federal law.

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While each of these six tribes have separately submitted a petition for recognition to the Bureau of Indian Affairs, none of the petitions are complete. Rather than wait for these petitions to go through the administrative process, the Democrat majority has decided to bring this legislation to the floor under a completely closed rule, which allows no input or improvements to be made to this legislation.

Mr. Speaker, despite commitments made by the Democrats for a new era of openness, the Rules Committee has only approved one truly open rule that allowed Members of Congress to come to the floor and offer amendments during consideration of a bill. House Resolution 377 is the 18th closed rule brought forth by the Democrat majority, which means that this is the 18th time the Democrat majority has shut Members of Congress out of the deliberative process. So I urge my colleagues to vote against this closed rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 7 minutes to our distinguished colleague, the gentleman from Virginia (Mr. MORAN), a member of the Appropriations Committee and a leader in this fight in each of the Congresses that we have spoken of.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from Florida for yielding me the time.

I would also like to address my good friend from Washington, also Mr. HASTINGS, as well as my friend from Connecticut sitting behind Mr. HASTINGS, because I heard his statement earlier which reflected the statement of the gentleman representing the minority on the Rules Committee.

Mr. Speaker, I would like to address these concerns, legitimate concerns, that have been raised, and explain why I think you would agree that what we are doing today is not only appropriate and proper, but well-justified.

There was a white-tie dinner at the White House last night. The country, particularly Virginia, is celebrating the 400th anniversary of the Jamestown settlement. But these six Indian Tribes are the reason why those English settlers were able to survive. They showed them how to survive. They sheltered them. They taught them how to grow the plants that were native to North America. They took care of them. Subsequently, when the English settlers got on their feet, they displaced these Indians, took their land and treated them pretty badly.

Finally, in 1677 there was a treaty signed with King Charles II. There was no American government at the time. It was the only government that could sign a treaty. It is the oldest Indian treaty in existence today. It continued, that treaty, but the implementation of it did not. The English government, in other words, its settlers here, violated that treaty at every opportunity, diminished these tribes and took their land.

Then, to compound this situation, and to understand why this is a unique situation beyond the 400th anniversary, in 1924 the Commonwealth of Virginia passed what was called the Racial Integrity Act. It was sponsored by a white supremacist who had alliances with the Nazi government in Germany, we understand. It was a very bad time in American history.

This law allowed the Commonwealth of Virginia to destroy the documents that proved the existence of these Native American families. They legally went into the courthouses and destroyed the birth records, they destroyed everything that identified them as Native Americans, and that is why there is a unique situation here. They don't have the documentation that they would need to present to the Bureau of Indian Affairs.

This is compounded, of course, by the fact that this recognition process is almost impossible. We wouldn't want to wish it on our worst enemy, to have to go through what Native American tribes now have to go through. It is demeaning and deliberately frustrating. And they were told, well, you might get recognition, but certainly not in your lifetime. These Native Americans have been mistreated by this country.

Now we have compromised. You could say we have unfairly treated them again, but it is the only way to get this recognition through in time for the celebration of the Jamestown settlement.

We said, we are not going to treat you like other Native American tribes. You are not going to be able to have gambling, to have casinos, to even play bingo. We are going to prohibit it in this legislation, just to reassure people who are concerned about gambling, and understandably, given all of the corruption that has occurred, Jack Abramoff and so on. I don't have to get into all that. We made the compromise, and they reluctantly agreed to it.

Then, even though they have 500 acres that everyone agrees is theirs that should be put into trust, we are going to hold back and require all of the environmental processes and so on to be gone through by the Department of Interior. Whatever that administrative process is, they have to wait and go through all of that in order just to have their own land put into trust. Another compromise.

We have compromised in every way we could. That is the reason for the closed rule. We have talked to everyone that appeared to have any opposition.

Mr. WOLF had legitimate concern about gambling. We tried to bring this to the floor before. He has blocked it. I can understand his concern. But this is a unique situation. We have addressed it. We have addressed that issue on gambling. Mr. WOLF now supports the bill, he has told me.

Mr. YOUNG supports the bill, because he has have looked at it extensively. I don't believe my good friend from Connecticut is on the Natural Resources Committee and may not have participated in those discussions, all of those compromises that have led us to this point.

But I think if you look at the justice of this situation, if you look back at the truth of what has occurred to these Indians, you have to come to the conclusion that this is a unique situation. This is justified. In fact, this is urgent.

There are some representatives of the tribes here today. They have been so frustrated, cynical even, disappointed that the Congress won't understand what they understand and what they would like to be able to pass on to their children.

The only people that would ever educate them and their ancestors were Christian missionaries. They were forbidden to go to public schools. They were forbidden to have jobs. They couldn't get their children out of hospitals if they called them an American Indian because they would be subject to a year in prison.

I don't want to go into all of this, because I would like to put this behind us, because it is a very sad chapter of American history. Hopefully that chapter is about to end and a new chapter will begin with this legislation.

That is why I would ask my colleagues, approve this legislation. Do the right thing. Do it in time, so we can honestly celebrate with the people in Jamestown and with these tribes.

These tribes deserve recognition. They deserve to be able to have the kind of pride that they have merited through their persistence. They are extraordinarily patriotic, loyal to this country, honest and obedient. They are good people. Let's pass this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate my friend from Virginia laying out his remarks on this and his arguments on this, but it seems to me if there is this much work done with it, we certainly should have an open process because of all the compromises made, rather than a closed process.

With that, Mr. Speaker, I yield such time as he may consume to my friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I just want to say to Mr. MORAN, I totally trust and understand his sincerity, but everything he said there are significant answers to. And all he has done is raised even more questions. He is basically saying to pass this bill and rush it through the Senate real quickly so we can have this be part of the celebration.

How clever were these six tribes to decide that this is the way they would get it through and bypass the Bureau of Indian Affairs process. With this legislation we are going to create six independent nations within our Nation, and we are now going to go back to bypassing a process and just deciding here in this Chamber.

I have no way of knowing if each of these are a legitimate tribe. There is no way for us in this Chamber to know it. We did that before Republicans were elected, and we stopped the process because we saw bypassing the Bureau of Indian Affairs process was corrupting. It was corrupting because it meant that if you had the influence, even if you didn't meet the standards of the Bureau of Indian Affairs, you could become a tribe.

The fact is that my colleague has said he has dealt with one of the objections. What you have done is dealt with the objection so the bill can pass. But gambling will be alive and well. First the prohibition will be tested in the courts, and the mere fact that my colleague said we are not treating them fairly by taking it out is his next argument to say we have to treat them fairly once they are tribes.

The bottom line is gambling is a license to print money, and the financial instincts and pressures will be so great that to say they will not have gambling is patently laughable. They will have it, if they are a tribe.

The bottom line to me is this: We have a process. We started to go around that process and we started to bring bills forward, and now every State is going to ask the same thing that Mr. MORAN did. The process is too long.

Well, if we don't like the process, fix the process. But we are not capable to decide what tribe should become independent nations within the confines of the United States. We don't have that capability. We have given that process to the Bureau of Indian Affairs, and we need to document it. The fact that these six tribes can't document that they have an historic economic, social and political continuity is significant. It is very significant. They don't even have reservations, a place where they were meeting.

So I can't say how strongly I oppose this legislation. I fear that, however well intended my colleague from Virginia is, he has become the point of the spear that will result in a huge, huge pressure. The tribes in Connecticut, the tribes in Massachusetts, the tribes in New York, those that can't prove that they meet the Federal standard, like these tribes, will come to Congress and say they want the same thing. And our argument disappears, because when this passes, and I think it will, more than 50 percent of our Members will have voted for it, they will not be able to go and say to any tribe, follow the process. They will, in my judgment, have corrupted the process of the Bureau of Indian Affairs and now have no standing to say follow it.

Mr. Speaker, I just urge my colleagues, if you have a tribe, and I speak to all of my colleagues, those that are in this Chamber and those who are not, if you have a tribe that you think is trying to get around the Bureau of Indian Affairs and you vote for this legislation, you will have no standing whatsoever to oppose them. You will now have to be part of corrupting that process, going around and passing a bill on the floor, when we have no capability whatsoever to determine if they are a legitimate Federal tribe, not State tribe, a Federal tribe, proving social, political and economic continuity through historic times.

Mr. Speaker, I urge my colleagues to vote against this bill. I know this: I sure will.

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Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I would ask my friend from Connecticut to listen to my response to the points that he just made because I know he is a fair man. And when he considers the fact that, first of all, the Narragansett Tribe was recognized in the 1990s with a similar prohibition, and they don't gamble.

This particular tribe, they were raised by Christian missionaries. They believe gambling is a sin. They could be operating bingo parlors down the street today. They don't because they believe it is wrong to do so. They don't want to gamble.

But they are unique, and I would say to my friend, in 1912 through 1946, the Bureau of Vital Statistics in Virginia systematically erased all reference to Indians in all public records. That is unique. That hasn't happened in other States. The Governor of Virginia recognizes these tribes. They have been recognized for hundreds of years.

And the fact is, we are not bringing this legislation up all of a sudden now. This legislation we have been trying for 8 years to get through; 8 years I have sponsored it. But these Indian tribes didn't have any money to influence the process.

The Racial Integrity Act of 1924, and I go back to this, as embarrassed as I am about the fact that it passed the legislature of Virginia, required all persons to register as "white" or "colored" in the language of those days, and it made it a criminal offense for Indians not to so register. That is why they were eliminated in the State. It is what a historian called a paper genocide. That is why this is a very unique situation. It is not all of a sudden. For 8 years, we have been trying to pass this legislation. The Governor recognizes they exist, and it is not about gambling.

It is understandable you would assume it is about gambling. It is not, and we have examples of other tribes that are not gambling today that have similar prohibitions. So I would say to the gentleman, please do the right thing. Read the bill carefully, and I trust you will support it as a result.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Could I ask the gentleman, he mentioned one tribe that he referred to as a Christian tribe, are we recognizing one tribe or six tribes?

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. In this case, we are recognizing six. There was one tribe in the 1990s, the Narragansett Tribe, a similar prohibition against gambling was instituted. They don't gamble.

This is about recognition.

Mr. SHAYS. So your reference that one tribe would clearly not want gambling, it is a fact that these tribes did want gambling and the only way you could get this bill through the Chamber was to take it out, and you said on the floor, I think I heard you correctly, that it was an outrage to take it out and it took away their rights and so on.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I didn't use the term "outrage," but I do I think it is unfair. If I were a Native American member of any of these six tribes, I would feel badly that I wasn't treated the way other Native American tribes have been treated. It is a matter of pride and sovereignty, so you can choose not to gamble, not to have Congress say, we don't trust you; we are going to prohibit you from gambling. But it is not their intent to gamble.

Mr. SHAYS. I would just point out to my colleague that a number of tribes said they didn't want gambling, and then when they had the opportunity, they seized it in spite of the fact that they said they didn't want to.

The precedent can be turned over by the court, and it can be changed simply by inserting language in some major appropriation that the tribe can have gambling, and it may not even see the light of day.

The fact that the tribe has sought for years to bypass the Bureau of Indian Affairs only says that they have tried to bypass the Bureau of Indian Affairs. The fact that you have introduced this bill continually only tells me that you have tried to bypass the process.

If the process is not working, change the process.

Mr. MORAN of Virginia. If the gentleman would continue to yield, I again thank my friend and thank you for being able to communicate in this fashion.

The fact is that they have tried for 8 years to get recognition. But when you say that they are bypassing the process, the reason the process doesn't work is, in this case, the Commonwealth of Virginia made it legal to destroy all of the documentation that would have proved their existence. It was legal under the Racial Integrity Act. They went in and destroyed every reference to them.

Mr. SHAYS. Reclaiming my time, as we keep talking about it, more warnings go off to me.

The fact that they would have only tried for the last 8 years to go through this process, it strikes me as extraordinarily arrogant that this tribe, that has only tried for 8 years, should bypass tribes that have tried for much longer than that. And the fact that they are trying now as opposed to in the past tells me that they saw the kind of revenues that existed and said, hey, let's be part of this gravy train. That concerns me as well.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. First of all, it is six tribes. The Governor of Virginia recognizes them, and the Commonwealth of Virginia has recognized them since it did away with the Racial Integrity Act. Senator Allen when he was Governor recognized them because they do exist.

Mr. SHAYS. Let me just point out that States do recognize. But if you establish as a precedent that all tribes recognized by States will get Federal recognition, then you have just included a whole number of Connecticut tribes that will have State recognition. State recognition is different than Federal. Federal has to prove that there is a socioeconomic and political continuity through historical times.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 1 minute in order to respond to the gentleman.

And what would be wrong with that? I am reminded of the comedian Flip Wilson who said that when Christopher Columbus discovered America, the Native Americans must have been running down to the shoreline saying, "Discover me."

Enough already. We have abused these people continuously. We put them on reservations, and now we would stand here in this body and argue that they are not entitled to designation? This particular set of tribes, all six of them, have gone to the Bureau of Indian Affairs and sought recognition there. And since the 106th Congress, we have introduced measures here, whether or not they gamble or didn't gamble.

They gamble in Connecticut, and they gamble in Florida. And this crazy Nation is going to gamble its brains out, but it ain't the Indians' fault. And if it is their fault, then they ought to have that right from what we took from them.

Mr. HASTINGS of Washington. I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. This is an important dialogue to have, and I appreciate the candor of the gentleman. What he has basically said is: What's wrong with that?

What is wrong with all of the State-recognized tribes getting Federal recognition in my State, for instance?

I would like all of my State legislators and my senators and my State representatives to hear what you just said because that is what concerns us. There is a lot wrong with that because some of the State-recognized tribes don't meet the standard that we say of a social, political and economic continuity. There were times when they didn't even exist for awhile, but we recognize them on the State level.

I can't emphasize enough that what you are doing is you are opening a huge Pandora's box; and however well intended you are, you have heard the basic argument. Every Member of Congress who has a State-recognized tribe but not a federally recognized tribe, be well aware of what this new Congress is coming from: What's wrong with that? There is a lot wrong with that.

Go through the process. And if the process is not working, change the process. Don't start overriding the Bureau of Indian Affairs and doing it just for a select few.

I want to point out to my colleague, I am not impressed that it was from the 106th Congress. That is just a few years ago. There are others that are going through the process fairly, working hard, and now they are going to say we have been trying since the 103rd and the 105th and 99th.

Mr. HASTINGS of Florida. Mr. Speaker, I would inquire of the gentleman from Washington through the Chair if he has any remaining speakers. I'm the last speaker for this side and I'm prepared to reserve until the gentleman has closed.

Mr. HASTINGS of Washington. I have no more requests for time, so I'll close.

Mr. Speaker, I would just suggest that the exchange that we have had here back and forth between the gentleman from Virginia and the gentleman from Connecticut and the gentleman from Florida begs to a process that should be much more open. Clearly there are some issues that were raised.

My friend from Connecticut talked about the process and the fact that this may be bypassing the process. Maybe an open process would have allowed us to pursue that, but we don't have that opportunity. We have a closed rule dealing only with six tribes. I think that is significant.

So, Mr. Speaker, as a majority member of the House Rules Committee in the last Congress, I just want to point out that nearly 16 percent of the rules by that committee in the last Congress were open rules and 84 percent were restrictive or closed.

Thus far in this Congress, the 110th Congress, only 2.5 percent of the rules brought forth by the new Democrat majority on the Rules Committee have been open, while a staggering 97.5 percent have been restricted or closed.

So, Mr. Speaker, I hope that the trend we see before us today with yet another closed rule denying Members an opportunity to try to improve legislation does not continue for much longer. However, I must comment that I am more disbelieving with each restrictive and closed rule brought to the floor.

With that, Mr. Speaker, I urge my colleagues to vote against this closed rule.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. I would remind my good friend, I have served with him on the Rules Committee in the minority and in the majority, and he is obviously in his statistics not taking into consideration the preprinting requirements that have been offered.

I would also remind you that no one came to the Rules Committee with reference to any amendment as it pertains to this particular matter that was noticed last week that it was going to be up.

And now I yield to my friend.

Mr. HASTINGS of Washington. I appreciate my friend for yielding.

First of all, if there is a preprinting requirement, that means that once that deadline is done and debate starts on the floor, no one can come down and amend the rule. Therefore, it's a closed rule.

Secondly, I can't say for certain, but the exchange that we had down here, a very good exchange, may have brought forward some idea by a Member wanting to come down and at least discuss an amendment. We don't have that opportunity. That is simply the point that I am making. This is a closed rule.

Mr. HASTINGS of Florida. Reclaiming my time, in closing now, on behalf of the six tribes that I believe we have a great opportunity today to finally bringing closure to their injustice. Indeed, in my view, Congress has a duty to end the suppression and provide these six Native American Indian tribes with recognition long overdue.

Number one, they were not recognized by the Federal Government. And if they didn't exist for a very long time, it was because of the Federal Government. And then when they tried to come back and say that we are going to meet all of these exacting requirements under the petition, who had destroyed their records, the Virginia government had destroyed their record.

What part of that don't you all understand, that these people can't make something out of whole cloth in a situation where their records have been destroyed?

How vicious can one situation be when you destroy the records of individuals and then ask them to corroborate and prove they exist? That is a virtual impossibility.

In this particular case, if there is one group of Native Americans that deserve an exception, and I might add they would be all six of these in light of the fact that systematically at every courthouse in Virginia every one of their records were burned or destroyed, and that was under the aegis of the authority of the Virginia government.

Give these people a break, if no one else. Now they have made it very clear that they do not intend, they forgo the right to gamble. And all things considered, I don't see my colleague from Connecticut and I don't see any colleagues from California and Nevada and me and others from Florida around turning the revenue back that is being produced. The State of Florida, for example, is about the business of trying to come up with better formulas so they can get more of the revenue that is coming into the Seminole and Miccosukee tribes. I suggest to you that Connecticut probably would be near bankrupt if it hadn't been for the Indian tribes and the revenue that comes into that State.

Somewhere along the line when you have taken from people, you ought to at least give them an opportunity to have the playing field level. And we are talking about in this case only 3,175 members, 562 Federal tribes have already been recognized. And yes, Mr. SHAYS, I think every other one of them ought to be recognized, including my ancestors that are Creek Indians.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 377 will be followed by a 5-minute vote on adopting House Resolution 370.

The vote was taken by electronic device, and there were—yeas 228, nays 186, not voting 18, as follows:

[Roll No. 305]

YEAS—228

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney

Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—186

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—18

Brown, Corrine
Doyle
Engel
Fattah
Gilchrest
Goode
Harman
Hulshof
Johnson (IL)
Johnson, E. B.
Marchant
Markey
McCotter
McMorris Rodgers
Ros-Lehtinen
Souder
Sullivan
Tiahrt

□ 1338

Mr. WELLER of Illinois and Mr. HALL of Texas changed their vote from "yea" to "nay."

Ms. HOOLEY, Mr. YOUNG of Alaska and Mr. WELDON of Florida changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 370, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 197, not voting 14, as follows:

[Roll No. 306]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger

Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Brown, Corrine
Doyle
Engel
Fattah
Gilchrest
Gutierrez
Hulshof
Johnson (IL)
Johnson, E. B.
Lynch
McMorris Rodgers
Ruppersberger
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1348

Mr. BILBRAY changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately today, May 8, 2007, I was unable to cast my votes on H. Res. 377 and H. Res. 370.

Had I been present for rollcall No. 305 on passage of H. Res. 377, Providing for the consideration of H.R. 1294, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act, I would have voted "nay."

Had I been present for rollcall No. 306 on passage of H. Res. 370, Providing for consideration of the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, I would have voted "nay."

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 370, I call up the Senate Concurrent Resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—The Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2008 and that the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent Resolution on the Budget for Fiscal Year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGET PROCESS

Sec. 201. Pay-as-you-go point of order in the Senate.
Sec. 202. Point of order against reconciliation legislation that would increase the deficit or reduce a surplus.
Sec. 203. Point of order against legislation increasing long-term deficits.
Sec. 204. Emergency legislation.
Sec. 205. Extension of enforcement of budgetary points of order.
Sec. 206. Point of order against advance appropriations.
Sec. 207. Discretionary spending limits.
Sec. 208. Application of previous allocations in the Senate.
Sec. 209. Point of order to Save Social Security First.
Sec. 210. Point of order against legislation that raises income tax rates.
Sec. 211. Circuit breaker to protect Social Security.
Sec. 212. Point of order—20% limit on new direct spending in reconciliation legislation.
Sec. 213. Point of order against legislation that raises income tax rates for small businesses, family farms, or family ranches.
Sec. 214. Point of order against provisions of appropriations legislation that constitutes changes in mandatory programs with net costs.
Sec. 215. Disclosure of interest costs.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for care of wounded service members.
Sec. 303. Deficit-neutral reserve fund for tax relief.
Sec. 304. Deficit-neutral reserve fund for comparative effectiveness research.
Sec. 305. Deficit-neutral reserve fund for higher education.
Sec. 306. Deficit-neutral reserve fund for the Farm Bill.
Sec. 307. Deficit-neutral reserve fund for energy legislation.
Sec. 308. Deficit-neutral reserve fund for Medicare.
Sec. 309. Deficit-neutral reserve fund for small business health insurance.
Sec. 310. Deficit-neutral reserve fund for county payments for Secure Rural Schools and Community Self-Determination Act of 2000 reauthorization.
Sec. 311. Deficit-neutral reserve fund for terrorism risk insurance reauthorization.
Sec. 312. Deficit-neutral reserve fund for affordable housing.
Sec. 313. Deficit-neutral reserve fund for receipts from Bonneville Power Administration.
Sec. 314. Deficit-neutral reserve fund for Indian claims settlement.
Sec. 315. Deficit-neutral reserve fund for Food and Drug Administration.
Sec. 316. Deficit-neutral reserve fund for health care reform.
Sec. 317. Deficit-neutral reserve fund for enhancement of veterans' benefits.
Sec. 318. Deficit-neutral reserve fund for long-term care.
Sec. 319. Deficit-neutral reserve fund for health information technology.
Sec. 320. Deficit-neutral reserve fund for child care.
Sec. 321. Deficit-neutral reserve fund for comprehensive immigration reform.
Sec. 322. Deficit-neutral reserve fund for mental health parity.
Sec. 323. Deficit-neutral reserve fund for preschool opportunities.
Sec. 324. Deficit-neutral reserve fund for the safe importation of FDA-approved prescription drugs.
Sec. 325. Application and effect of changes in allocations and aggregates.
Sec. 326. Adjustments to reflect changes in concepts and definitions.
Sec. 327. Exercise of rulemaking powers.
Sec. 328. Deficit-neutral reserve fund for expansion of above-the-line deduction for teacher classroom supplies.
Sec. 329. Adjustment for Smithsonian Institution salaries and expenses.
Sec. 330. Deficit-reduction reserve fund for reduction of improper payments.
Sec. 331. Deficit-neutral reserve fund for extension of the deduction for State and local sales taxes.
Sec. 332. Deficit-neutral reserve fund for extension of certain energy tax incentives.
Sec. 333. Reserve fund to provide additional training for physicians and attract more physicians in States that face a shortage of physicians in training.
Sec. 334. Deficit-neutral reserve fund for repeal of the 1993 increase in the income tax on Social Security Benefits.
Sec. 335. Sense of Congress on the State Criminal Alien Assistance Program.
Sec. 336. Deficit-neutral reserve fund for eliminating military retirement and disability offset.
Sec. 337. Deficit-neutral reserve for asbestos reform legislation.

Sec. 338. Deficit-neutral reserve fund for manufacturing initiatives.
Sec. 339. Deficit-reduction reserve fund for increased use of recovery audits.
Sec. 340. Deficit-neutral reserve fund for a delay in the implementation of a proposed rule relating to the Federal-State Financial Partnerships under Medicaid and SCHIP.
Sec. 341. Reserve fund to improve the health care system.
Sec. 342. Reserve fund to improve Medicare hospital payment accuracy.
Sec. 343. Deficit-neutral reserve fund to improve health insurance.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2007: $1,900,706,000,000.
Fiscal year 2008: $2,008,975,000,000.
Fiscal year 2009: $2,122,544,000,000.
Fiscal year 2010: $2,221,229,000,000.
Fiscal year 2011: $2,357,776,000,000.
Fiscal year 2012: $2,426,691,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2007: -$4,000,000,000.
Fiscal year 2008: -$41,821,000,000.
Fiscal year 2009: $15,618,000,000.
Fiscal year 2010: $57,508,000,000.
Fiscal year 2011: -$36,774,000,000.
Fiscal year 2012: -$170,405,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2007: $2,364,566,000,000.
Fiscal year 2008: $2,490,185,000,000.
Fiscal year 2009: $2,506,314,000,000.
Fiscal year 2010: $2,555,623,000,000.
Fiscal year 2011: $2,669,264,000,000.
Fiscal year 2012: $2,696,288,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2007: $2,298,846,000,000.
Fiscal year 2008: $2,460,251,000,000.
Fiscal year 2009: $2,555,575,000,000.
Fiscal year 2010: $2,587,173,000,000.
Fiscal year 2011: $2,675,133,000,000.
Fiscal year 2012: $2,682,375,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2007: $398,140,000,000.
Fiscal year 2008: $451,276,000,000.
Fiscal year 2009: $433,031,000,000.
Fiscal year 2010: $365,944,000,000.
Fiscal year 2011: $317,357,000,000.
Fiscal year 2012: $255,684,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2007: $8,960,830,000,000.
Fiscal year 2008: $9,529,811,000,000.
Fiscal year 2009: $10,079,488,000,000.
Fiscal year 2010: $10,562,973,000,000.
Fiscal year 2011: $10,993,669,000,000.
Fiscal year 2012: $11,375,583,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2007: $5,045,226,000,000.
Fiscal year 2008: $5,308,213,000,000.
Fiscal year 2009: $5,537,687,000,000.
Fiscal year 2010: $5,686,479,000,000.
Fiscal year 2011: $5,769,579,000,000.
Fiscal year 2012: $5,779,399,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $637,586,000,000.
Fiscal year 2008: $668,998,000,000.
Fiscal year 2009: $702,851,000,000.
Fiscal year 2010: $737,589,000,000.
Fiscal year 2011: $772,605,000,000.
Fiscal year 2012: $807,928,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $441,676,000,000.
Fiscal year 2008: $460,224,000,000.
Fiscal year 2009: $478,578,000,000.
Fiscal year 2010: $499,655,000,000.
Fiscal year 2011: $520,743,000,000.
Fiscal year 2012: $546,082,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2007:
(A) New budget authority, $4,692,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2008:
(A) New budget authority, $5,130,000,000.
(B) Outlays, $5,105,000,000.
Fiscal year 2009:
(A) New budget authority, $5,284,000,000.
(B) Outlays, $5,244,000,000.
Fiscal year 2010:
(A) New budget authority, $5,444,000,000.
(B) Outlays, $5,417,000,000.
Fiscal year 2011:
(A) New budget authority, $5,612,000,000.
(B) Outlays, $5,583,000,000.
Fiscal year 2012:
(A) New budget authority, $5,783,000,000.
(B) Outlays, $5,753,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):
Fiscal year 2007:
(A) New budget authority, $619,363,000,000.
(B) Outlays, $560,462,000,000.
Fiscal year 2008:
(A) New budget authority, $648,820,000,000.
(B) Outlays, $617,842,000,000.
Fiscal year 2009:
(A) New budget authority, $584,775,000,000.
(B) Outlays, $626,962,000,000.
Fiscal year 2010:
(A) New budget authority, $545,251,000,000.
(B) Outlays, $572,856,000,000.
Fiscal year 2011:
(A) New budget authority, $551,054,000,000.
(B) Outlays, $558,381,000,000.
Fiscal year 2012:
(A) New budget authority, $559,899,000,000.
(B) Outlays, $551,763,000,000.

(2) International Affairs (150):
Fiscal year 2007:
(A) New budget authority, $34,790,000,000.
(B) Outlays, $32,015,000,000.
Fiscal year 2008:
(A) New budget authority, $39,214,000,000.
(B) Outlays, $36,944,400,000.
Fiscal year 2009:
(A) New budget authority, $34,555,000,000.
(B) Outlays, $35,101,600,000.
Fiscal year 2010:
(A) New budget authority, $34,859,000,000.
(B) Outlays, $33,497,400,000.
Fiscal year 2011:
(A) New budget authority, $35,432,000,000.
(B) Outlays, $33,376,600,000.
Fiscal year 2012:
(A) New budget authority, $35,984,000,000.
(B) Outlays, $33,335,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2007:
(A) New budget authority, $25,079,000,000.
(B) Outlays, $24,516,000,000.
Fiscal year 2008:
(A) New budget authority, $27,583,000,000.
(B) Outlays, $26,353,000,000.
Fiscal year 2009:
(A) New budget authority, $26,925,000,000.
(B) Outlays, $27,529,000,000.
Fiscal year 2010:
(A) New budget authority, $27,289,000,000.
(B) Outlays, $27,651,000,000.
Fiscal year 2011:
(A) New budget authority, $27,654,000,000.
(B) Outlays, $27,267,000,000.
Fiscal year 2012:
(A) New budget authority, $28,020,000,000.
(B) Outlays, $27,593,000,000.

(4) Energy (270):
Fiscal year 2007:
(A) New budget authority, $2,958,000,000.
(B) Outlays, $1,384,000,000.
Fiscal year 2008:
(A) New budget authority, $3,662,000,000.
(B) Outlays, $1,256,000,000.
Fiscal year 2009:
(A) New budget authority, $3,142,000,000.
(B) Outlays, $1,659,000,000.
Fiscal year 2010:
(A) New budget authority, $3,198,000,000.
(B) Outlays, $1,778,000,000.
Fiscal year 2011:
(A) New budget authority, $3,258,000,000.
(B) Outlays, $1,766,000,000.
Fiscal year 2012:
(A) New budget authority, $3,306,000,000.
(B) Outlays, $2,032,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2007:
(A) New budget authority, $31,332,000,000.
(B) Outlays, $32,905,000,000.
Fiscal year 2008:
(A) New budget authority, $32,933,000,000.
(B) Outlays, $34,927,000,000.
Fiscal year 2009:
(A) New budget authority, $33,331,000,000.
(B) Outlays, $35,250,000,000.
Fiscal year 2010:
(A) New budget authority, $33,999,000,000.
(B) Outlays, $35,264,000,000.
Fiscal year 2011:
(A) New budget authority, $34,365,000,000.
(B) Outlays, $35,337,000,000.
Fiscal year 2012:
(A) New budget authority, $35,098,000,000.
(B) Outlays, $35,624,000,000.

(6) Agriculture (350):
Fiscal year 2007:
(A) New budget authority, $26,207,000,000.
(B) Outlays, $22,580,000,000.
Fiscal year 2008:
(A) New budget authority, $20,481,000,000.
(B) Outlays, $21,497,000,000.
Fiscal year 2009:
(A) New budget authority, $20,984,000,000.
(B) Outlays, $20,108,000,000.
Fiscal year 2010:
(A) New budget authority, $21,137,000,000.
(B) Outlays, $20,118,000,000.

Fiscal year 2011:

(A) New budget authority, $21,099,000,000.

(B) Outlays, $20,390,000,000.

Fiscal year 2012:

(A) New budget authority, $21,288,000,000.

(B) Outlays, $20,763,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2007:

(A) New budget authority, $5,515,000,000.

(B) Outlays, –$3,522,000,000.

Fiscal year 2008:

(A) New budget authority, $8,915,000,000.

(B) Outlays, $1,882,000,000.

Fiscal year 2009:

(A) New budget authority, $8,602,000,000.

(B) Outlays, $159,000,000.

Fiscal year 2010:

(A) New budget authority, $8,566,000,000.

(B) Outlays, $178,000,000.

Fiscal year 2011:

(A) New budget authority, $8,591,000,000.

(B) Outlays, –$27,000,000.

Fiscal year 2012:

(A) New budget authority, $8,772,000,000.

(B) Outlays, $507,000,000.

(8) Transportation (400):

Fiscal year 2007:

(A) New budget authority, $81,282,000,000.

(B) Outlays, $74,739,000,000.

Fiscal year 2008:

(A) New budget authority, $83,872,000,000.

(B) Outlays, $81,383,000,000.

Fiscal year 2009:

(A) New budget authority, $75,700,000,000.

(B) Outlays, $84,032,000,000.

Fiscal year 2010:

(A) New budget authority, $76,253,000,000.

(B) Outlays, $85,893,000,000.

Fiscal year 2011:

(A) New budget authority, $76,887,000,000.

(B) Outlays, $86,307,000,000.

Fiscal year 2012:

(A) New budget authority, $77,476,000,000.

(B) Outlays, $87,721,000,000.

(9) Community and Regional Development (450):

Fiscal year 2007:

(A) New budget authority, $19,117,000,000.

(B) Outlays, $28,281,000,000.

Fiscal year 2008:

(A) New budget authority, $15,415,000,000.

(B) Outlays, $22,461,500,000.

Fiscal year 2009:

(A) New budget authority, $13,561,000,000.

(B) Outlays, $21,264,000,000.

Fiscal year 2010:

(A) New budget authority, $13,742,000,000.

(B) Outlays, $20,059,000,000.

Fiscal year 2011:

(A) New budget authority, $13,921,000,000.

(B) Outlays, $18,076,000,000.

Fiscal year 2012:

(A) New budget authority, $14,098,000,000.

(B) Outlays, $15,084,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2007:

(A) New budget authority, $92,780,000,000.

(B) Outlays, $92,224,000,000.

Fiscal year 2008:

(A) New budget authority, $93,889,000,000.

(B) Outlays, $90,399,000,000.

Fiscal year 2009:

(A) New budget authority, $97,592,000,000.

(B) Outlays, $93,948,000,000.

Fiscal year 2010:

(A) New budget authority, $99,366,000,000.

(B) Outlays, $96,896,000,000.

Fiscal year 2011:

(A) New budget authority, $99,650,000,000.

(B) Outlays, $98,473,000,000.

Fiscal year 2012:

(A) New budget authority, $100,104,000,000.

(B) Outlays, $98,307,000,000.

(11) Health (550):

Fiscal year 2007:

(A) New budget authority, $268,340,000,000.

(B) Outlays, $268,645,000,000.

Fiscal year 2008:

(A) New budget authority, $291,266,000,000.

(B) Outlays, $290,234,000,000.

Fiscal year 2009:

(A) New budget authority, $310,068,000,000.

(B) Outlays, $308,329,000,000.

Fiscal year 2010:

(A) New budget authority, $333,219,000,000.

(B) Outlays, $333,355,000,000.

Fiscal year 2011:

(A) New budget authority, $356,057,000,000.

(B) Outlays, $355,356,000,000.

Fiscal year 2012:

(A) New budget authority, $379,814,000,000.

(B) Outlays, $379,151,000,000.

(12) Medicare (570):

Fiscal year 2007:

(A) New budget authority, $365,152,000,000.

(B) Outlays, $370,180,000,000.

Fiscal year 2008:

(A) New budget authority, $389,969,000,000.

(B) Outlays, $390,035,000,000.

Fiscal year 2009:

(A) New budget authority, $414,779,000,000.

(B) Outlays, $414,440,000,000.

Fiscal year 2010:

(A) New budget authority, $439,862,000,000.

(B) Outlays, $440,092,000,000.

Fiscal year 2011:

(A) New budget authority, $484,792,000,000.

(B) Outlays, $484,811,000,000.

Fiscal year 2012:

(A) New budget authority, $481,008,000,000.

(B) Outlays, $480,632,000,000.

(13) Income Security (600):

Fiscal year 2007:

(A) New budget authority, $360,365,000,000.

(B) Outlays, $364,204,000,000.

Fiscal year 2008:

(A) New budget authority, $379,759,000,000.

(B) Outlays, $383,609,000,000.

Fiscal year 2009:

(A) New budget authority, $390,801,000,000.

(B) Outlays, $393,118,000,000.

Fiscal year 2010:

(A) New budget authority, $400,706,000,000.

(B) Outlays, $401,774,000,000.

Fiscal year 2011:

(A) New budget authority, $415,851,000,000.

(B) Outlays, $415,874,000,000.

Fiscal year 2012:

(A) New budget authority, $401,275,000,000.

(B) Outlays, $400,684,000,000.

(14) Social Security (650):

Fiscal year 2007:

(A) New budget authority, $19,089,000,000.

(B) Outlays, $19,089,000,000.

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2007:

(A) New budget authority, $73,896,000,000.

(B) Outlays, $72,342,000,000.

Fiscal year 2008:

(A) New budget authority, $85,262,000,000.

(B) Outlays, $84,424,000,000.

Fiscal year 2009:

(A) New budget authority, $87,372,000,000.

(B) Outlays, $87,943,000,000.

Fiscal year 2010:

(A) New budget authority, $89,559,000,000.

(B) Outlays, $89,210,000,000.

Fiscal year 2011:

(A) New budget authority, $94,707,000,000.

(B) Outlays, $94,314,000,000.

Fiscal year 2012:

(A) New budget authority, $91,513,000,000.

(B) Outlays, $90,957,000,000.

(16) Administration of Justice (750):

Fiscal year 2007:

(A) New budget authority, $45,559,000,000.

(B) Outlays, $44,709,000,000.

Fiscal year 2008:

(A) New budget authority, $48,796,000,000.

(B) Outlays, $47,090,500,000.

Fiscal year 2009:

(A) New budget authority, $47,333,000,000.

(B) Outlays, $48,622,900,000.

Fiscal year 2010:

(A) New budget authority, $48,106,000,000.

(B) Outlays, $48,669,000,000.

Fiscal year 2011:

(A) New budget authority, $48,895,000,000.

(B) Outlays, $48,976,000,000.

Fiscal year 2012:

(A) New budget authority, $49,686,000,000.

(B) Outlays, $49,583,000,000.

(17) General Government (800):

Fiscal year 2007:

(A) New budget authority, $18,196,000,000.

(B) Outlays, $18,577,000,000.

Fiscal year 2008:

(A) New budget authority, $18,758,000,000.

(B) Outlays, $19,118,000,000.

Fiscal year 2009:

(A) New budget authority, $19,214,000,000.

(B) Outlays, $19,313,000,000.

Fiscal year 2010:

(A) New budget authority, $19,657,000,000.

(B) Outlays, $19,573,000,000.

Fiscal year 2011:

(A) New budget authority, $20,222,000,000.

(B) Outlays, $19,987,000,000.

Fiscal year 2012:

(A) New budget authority, $20,725,000,000.

(B) Outlays, $20,606,000,000.

(18) Net Interest (900):

Fiscal year 2007:

(A) New budget authority, $344,475,000,000.

(B) Outlays, $344,475,000,000.

Fiscal year 2008:

(A) New budget authority, $370,425,000,000.

(B) Outlays, $370,425,000,000.

Fiscal year 2009:

(A) New budget authority, $390,393,000,000.

(B) Outlays, $390,393,000,000.

Fiscal year 2010:

(A) New budget authority, $412,002,000,000.

(B) Outlays, $412,002,000,000.

Fiscal year 2011:

(A) New budget authority, $427,476,000,000.

(B) Outlays, $427,476,000,000.

Fiscal year 2012:

(A) New budget authority, $438,455,000,000.

(B) Outlays, $438,455,000,000.

(19) Allowances (920):

Fiscal year 2007:

(A) New budget authority, $785,000,000.

(B) Outlays, $755,000,000.

Fiscal year 2008:

(A) New budget authority, –$16,724,000,000.

(B) Outlays, –$7,519,400,000.

Fiscal year 2009:

(A) New budget authority, –$7,296,000,000.

(B) Outlays, –$7,068,500,000.

Fiscal year 2010:

(A) New budget authority, –$7,390,000,000.

(B) Outlays, –$7,935,400,000.

Fiscal year 2011:

(A) New budget authority, -$7,481,000,000.

(B) Outlays, -$7,823,600,000.

Fiscal year 2012:

(A) New budget authority, -$7,574,000,000.

(B) Outlays, -$7,761,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2007:

(A) New budget authority, -$69,714,000,000.

(B) Outlays, -$69,714,000,000.

Fiscal year 2008:

(A) New budget authority, -$71,754,000,000.

(B) Outlays, -$71,754,000,000.

Fiscal year 2009:

(A) New budget authority, -$67,035,000,000.

(B) Outlays, -$67,044,000,000.

Fiscal year 2010:

(A) New budget authority, -$67,458,000,000.

(B) Outlays, -$67,458,000,000.

Fiscal year 2011:

(A) New budget authority, -$70,175,000,000.

(B) Outlays, -$70,195,000,000.

Fiscal year 2012:

(A) New budget authority, -$72,557,000,000.

(B) Outlays, -$72,560,000,000.

TITLE II—BUDGET PROCESS

SEC. 201. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 4 following periods:

(A) The current fiscal year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current fiscal year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 505 of H. Con. Res. 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, shall no longer apply.

SEC. 202. POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT WOULD INCREASE THE DEFICIT OR REDUCE A SURPLUS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any reconciliation bill, resolution, amendment, amendment between Houses, motion, or conference report pursuant to section 310 of the Congressional Budget Act of 1974 that would cause or increase a deficit or reduce a surplus in the current fiscal year, the budget year, the period of the first 5 fiscal years following the current fiscal year, or the period of the second 5 fiscal years following the current fiscal year.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 203. POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in fiscal year 2018 through fiscal year 2057.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in 2018 through 2057.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(e) REPEAL.—In the Senate, section 407 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(f) SUNSET.—This section shall expire on September 30, 2017.

SEC. 204. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section, except that the authority to designate shall not apply to funding for spinach producers on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and sections 201 and 207 of this resolution (relating to pay-as-you-go in the Senate and discretionary spending limits).

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken

from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) REPEAL.—In the Senate, section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

SEC. 205. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER.

Notwithstanding any provision of the Congressional Budget Act of 1974 and section 403 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 and section 403 of H. Con. Res. 95 (109th Congress) shall remain in effect for purposes of Senate enforcement through September 30, 2017.

SEC. 206. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2009, that first becomes available for any fiscal year after 2009.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2009 and 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,158,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) REPEAL.—In the Senate, section 401 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

SEC. 207. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2007, $951,140,000,000 in new budget authority and $1,029,456,000,000 in outlays; and

(2) for fiscal year 2008, $942,295,000,000 in new budget authority and $1,021,392,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $213,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $406,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $406,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(C) Health care fraud and abuse control.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 to the health care fraud and abuse control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $383,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(D) Unemployment insurance improper payments reviews.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for unemployment insurance improper payments reviews for the Department of Labor, and provides an additional appropriation of up to $40,000,000 for unemployment insurance improper payments reviews for the Department of Labor, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) Wildland fire suppression.—

(i) Definition.—For this subparagraph, the term "base amount" refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year's budget request is submitted by the President to Congress.

(ii) Adjustments for fiscal year 2008.—If the amount appropriated for Wildland Fire Suppression in fiscal year 2008 is not less than the base amount, then the chairman of the Senate Committee on the Budget may adjust the appropriate allocations, aggregates, discretionary spending limits, and other budgetary levels in this resolution for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, by the amounts provided in such legislation for such purpose, but not to exceed the following amounts in budget authority and the outlays flowing therefrom:

(I) for the Forest Service, for fiscal year 2008, $400,000,000; and

(II) for the Department of the Interior, for fiscal year 2008, $100,000,000.

(F) Costs of global war on terror.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 or 2009 in excess of the levels assumed in this resolution for expenses related to the global war on terror, but not to exceed the following amounts:

(i) For fiscal year 2008, $145,162,000,000 in budget authority and the outlays flowing therefrom.

(ii) For fiscal year 2009, $50,000,000,000 in budget authority and the outlays flowing therefrom.

(G) Adjustment for United States forces in the global war on terrorism.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $5,000,000,000 in budgetary authority and outlays flowing therefrom, to—

(i) address training, equipment, force protection, logistics, or other matters necessary for the protection of United States forces; or

(ii) address deficiencies at Walter Reed Army Medical Center and other facilities within the military medical system providing treatment to service members injured while performing their duties in the Global War on Terrorism.

SEC. 208. APPLICATION OF PREVIOUS ALLOCATIONS IN THE SENATE.

Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

SEC. 209. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) Point of Order in the Senate.—It shall not be in order in the Senate to consider any legislation that would increase the on-budget deficit in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) Supermajority Waiver and Appeal.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 210. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) In General.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase. In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) Supermajority Waiver and Appeal.—

(1) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeal.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 211. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) Circuit Breaker.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) Point of Order.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) Amendments to Budget Resolution.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) Suspension of Requirement During War or Low Economic Growth.—

(1) Low growth.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, this section is suspended.

(2) War.—If a declaration of war is in effect, this section is suspended.

(e) Supermajority Waiver and Appeals.—

(1) Waiver.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) Budget Year.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 212. POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(1) In the Senate.—It shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974 that produces an increase in outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SEC. 213. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES FOR SMALL BUSINESSES, FAMILY FARMS, OR FAMILY RANCHES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase on incomes generated by small businesses (within the meaning of section 474(c) of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2032A of such Code) (regardless of the manner by which such businesses, farms and ranches are organized). In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 214. POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTES CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, which includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation, if such provision has a net cost over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) DETERMINATION.—For purposes of this section, the determination of whether a provision violates paragraph (a) shall be made by the Committee on the Budget of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) GENERAL POINT OF ORDER.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) FORM OF THE POINT OF ORDER.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 215. DISCLOSURE OF INTEREST COSTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that is required to contain the statement described in section 308(a) of the Congressional Budget Act of 1974, unless such statement contains a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such legislation for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

(a) PRIORITY.—The Senate establishes the following priorities and makes the following findings:

(1) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) a top priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(2) Extending health care coverage to the Nation's vulnerable uninsured children is an urgent priority for the Senate.

(3) SCHIP has proven itself a successful program for covering previously uninsured children.

(4) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among our Nation's governors, and within state and local governments.

(5) SCHIP reduces the percentage of children with unmet health care needs.

(6) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(7) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(8) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(b) RESERVE FUND.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 for reauthorization of the State Children's Health Insurance Program (SCHIP), if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to reach uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, and supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes up to $20,000,000,000 over the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012. Among the policy changes that could be considered to achieve offsets to the cost of reauthorizing the State Children's Health Insurance Program and expanding coverage for children is an increase in the tobacco products user fee rate with all revenue generated by such increase dedicated to such reauthorization and expansion.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR CARE OF WOUNDED SERVICE MEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report which improves the medical care of or disability benefits for wounded or disabled military personnel or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation) or improves the disability evaluations of military personnel or veterans to expedite the claims process, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief, such as enhanced charitable giving from individual retirement accounts, and refundable tax relief and including the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional 5 years, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR COMPARATIVE EFFECTIVENESS RESEARCH.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that establishes a new federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report, including tax legislation, that would make higher education more accessible and more affordable, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) reauthorizes the Food Security and Rural Investment Act of 2002;

(2) strengthens our agriculture and rural economies and critical nutrition programs;

(3) provides agriculture-related tax relief;

(4) improves our environment by reducing our Nation's dependence on foreign sources of energy through expanded production and use of alternative fuels; or

(5) combines any of the purposes provided in paragraphs (1) through (4);

by the amounts provided in that legislation for those purposes up to $15,000,000,000 over the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would reduce our Nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE.

(a) PRESCRIPTION DRUGS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that repeals the prohibition in section 1860D–11(i)(1) of the Social Security Act (42 U.S.C. 1395w–111(i)(1)) while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012 and provided further that any savings from the measure are to be used either to improve the Medicare Part D benefit or for deficit reduction.

(b) PHYSICIAN PAYMENTS.—The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

(c) IMPROVEMENTS TO MEDICARE PART D.—The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that makes improvements to the prescription drug benefit under Medicare Part D, by the amounts provided in such legislation for that purpose up to $5,000,000,000, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR SMALL BUSINESS HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that makes health insurance coverage more affordable or available to small businesses and their employees without weakening rating rules or reducing covered benefits, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 REAUTHORIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393), by the amounts provided by that legislation for that purpose, but not to exceed $440,000,000 in new budget authority for fiscal year 2008 and the outlays flowing from that budget authority and $2,240,000,000 in new budget authority for the period of fiscal years 2008 through 2012 and the outlays flowing from that budget authority, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR TERRORISM RISK INSURANCE REAUTHORIZATION.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that provides for a continued Federal role in ensuring the availability of terrorism insurance after the expiration of the Terrorism Risk Insurance Extension Act, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would establish an affordable housing fund financed by the housing government-sponsored enterprises, by the amounts provided in such legislation for that purpose, provided that the legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may adjust the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury, by the amounts provided by that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR INDIAN CLAIMS SETTLEMENT.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) creates an Indian claims settlement fund for trust accounting and management deficiencies related to Individual Indian Moneys and assets; and

(2) extinguishes all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement of assets, or interest owed in connection with Individual Indian Moneys accounts;

by the amounts provided in such legislation for those purposes up to $8,000,000,000, provided that such legislation does not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD AND DRUG ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate tobacco products and assess user fees on tobacco manufacturers and importers to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.

If an SCHIP reauthorization bill is enacted, then the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report to improve health care, and provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND FOR ENHANCEMENT OF VETERANS' BENEFITS.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would enhance benefits for veterans, including services for low-vision and blinded veterans, including GI educational benefits, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR LONG-TERM CARE.

The Chairman of the Senate Budget Committee may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and non-institutional care, promote quality care, and provide for the cost-effective use of public resources, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.

(a) The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

(b) The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for payments that are based on adherence to accepted clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $5,000,000,000 for the child care entitlement to States, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE IMMIGRATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for comprehensive immigration reform;

(2) provides for increased interior enforcement, through an effective electronic employment verification system which accurately establishes the employment authorization of individuals; and

(3) provides for increased border security and enhanced information technology systems;

provided that such legislation would not increase the deficit for the fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR MENTAL HEALTH PARITY.

If the Senate Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR PRESCHOOL OPPORTUNITIES.

If the Committee on Health, Education, Labor, and Pensions of the Senate, reports a bill or a joint resolution, or an amendment is offered in the Senate to such a bill or joint resolution, or a conference report is submitted to the Senate on a such a bill or joint resolution, that augments or establishes a Federal program that provides assistance to States that offer or expand preschool to children of low-income families, the Chairman of the Committee on the Budget of the Senate may revisit the aggregates, allocations, and other appropriate levels in this resolution by amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit for the total of the period of fiscal years 2007 through 2012.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR THE SAFE IMPORTATION OF FDA-APPROVED PRESCRIPTION DRUGS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 325. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 326. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 327. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 328. DEFICIT-NEUTRAL RESERVE FUND FOR EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR TEACHER CLASSROOM SUPPLIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would permanently extend and increase to $400 the above-the-line deduction for teacher classroom supplies and expand such deduction to include qualified professional development expenses, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 329. ADJUSTMENT FOR SMITHSONIAN INSTITUTION SALARIES AND EXPENSES.

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $17,000,000 in budgetary authority and outlays flowing therefrom, once the Comptroller General of the United States has submitted a certification to Congress that since April 1, 2007—

(1) the Smithsonian Institution does not provide total annual compensation for any officer or employee of the Smithsonian Institution greater than the total annual compensation of the President of the United States;

(2) the Smithsonian Institution does not provide deferred compensation for any such

officer or employee greater than the deferred compensation of the President of the United States;

(3) all Smithsonian Institution travel expenditures conform with Federal Government guidelines and limitations applicable to the Smithsonian Institution; and,

(4) all Smithsonian Institution officers and employees are subject to ethics rules similar to the ethics rules widely applicable to Federal Government employees.

(b) CRITERIA FOR CERTIFICATION.—In making the certification described in subsection (a), the Comptroller General of the United States should take into account the following:

(1) The Smithsonian Institution is a premier educational, historical, artistic, research, and cultural organization for the American people.

(2) The Inspector General for the Smithsonian Institution recently issued a report regarding an investigation of unauthorized and excessive authorized compensation, benefits, and expenditures by the Secretary of the Smithsonian Institution.

(3) The Inspector General's findings indicate that the actions of the Secretary of the Smithsonian Institution are not in keeping with the public trust of the office of the Secretary of the Smithsonian Institution.

(4) Priority should be given to funding for necessary repairs to maintain and repair Smithsonian Institution buildings and infrastructure and protect America's treasures.

(5) Priority should be given to full funding for the Office of the Inspector General for the Smithsonian Institution so that the American people and Congress have renewed confidence that tax-preferred donations and Federal funds are being spent appropriately and in keeping with the best practices of the charitable sector.

SEC. 330. DEFICIT-REDUCTION RESERVE FUND FOR REDUCTION OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by eliminating or reducing improper payments made by agencies reporting improper payments estimates under the Improper Payments Information Act of 2002 and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF THE DEDUCTION FOR STATE AND LOCAL SALES TAXES.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would provide for extension of the deduction for State and local sales taxes, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF CERTAIN ENERGY TAX INCENTIVES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would extend through 2015 energy tax incentives, including the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, and the provisions to encourage energy efficient buildings, products and power plants, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 333. RESERVE FUND TO PROVIDE ADDITIONAL TRAINING FOR PHYSICIANS AND ATTRACT MORE PHYSICIANS IN STATES THAT FACE A SHORTAGE OF PHYSICIANS IN TRAINING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides additional training for physicians and attracts more physicians in States that face a shortage of physicians in training, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 334. DEFICIT-NEUTRAL RESERVE FUND FOR REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on Social Security benefits, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 335. SENSE OF CONGRESS ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") carried out pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2004.

(4) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2005.

(5) Congress appropriated $405,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2006.

(6) Congress appropriated $399,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2007.

(7) Congress has authorized to be appropriated $950,000,000 to carry out SCAAP for each of the fiscal years 2008 through 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the budgetary totals in this resolution assume that $950,000,000 should be made available for SCAAP for fiscal year 2008.

SEC. 336. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING MILITARY RETIREMENT AND DISABILITY OFFSET.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 337. DEFICIT-NEUTRAL RESERVE FOR ASBESTOS REFORM LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report regarding asbestos reform, that—

(i) either provides monetary compensation to impaired victims of mesothelioma or provides monetary compensation to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substantial contributing factor in causing their condition,

(ii) does not provide monetary compensation to unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a substantial contributing factor in causing their condition, and

(iii) is estimated to remain funded from nontaxpayer sources for the life of the fund, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2057.

SEC. 338. DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 339. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that agencies increase their use of the recovery audits authorized by the Erroneous Payments Recovery Act of 2001 (section 831 of the National Defense Authorization Act for fiscal year 2002) and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 340. DEFICIT-NEUTRAL RESERVE FUND FOR A DELAY IN THE IMPLEMENTATION OF A PROPOSED RULE RELATING TO THE FEDERAL-STATE FINANCIAL PARTNERSHIPS UNDER MEDICAID AND SCHIP.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the

Medicaid program and SCHIP in a similar manner, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 341. RESERVE FUND TO IMPROVE THE HEALTH CARE SYSTEM.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SEC. 342. RESERVE FUND TO IMPROVE MEDICARE HOSPITAL PAYMENT ACCURACY.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses the wide and inequitable disparity in the reimbursement of hospitals under the Medicare program;

(B) includes provisions to reform the area wage index used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(C) includes a transition to the reform described in subparagraph (B); and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2008 through 2012.

SEC. 343. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE HEALTH INSURANCE.

If a Senate committee reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, reduces growth in the number of uninsured Americans, improves access to affordable and meaningful health insurance coverage, improves health care quality, or reduces growth in the cost of private health insurance by facilitating market-based pooling, including across State lines, and a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, provides funding for State high risk pools or financial assistance, whether directly, or through grants to States to enhance the effectiveness of such pooling or to provide other assistance to small businesses or individuals, including financial assistance, for the purchase of private insurance coverage, the Chairman of the Committee on the Budget may make appropriate adjustments in allocations and aggregates for fiscal year 2007 and for the period of fiscal years 2008 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

The SPEAKER pro tempore. Pursuant to House Resolution 370, the amendment in the nature of a substitute consisting of the text of House Concurrent Resolution 99, as adopted by the House, is adopted and the Senate concurrent resolution, as amended, is considered read.

The text of the Senate concurrent resolution, as amended, is as follows:

S. CON. RES. 21

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2007 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2008, including appropriate budgetary levels for fiscal years 2009 through 2012.

(b) TABLE OF CONTENTS.—The table of contents for this resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Reserve fund for the State Children's Health Insurance Program.
Sec. 202. Reserve fund for reform of the alternative minimum tax.
Sec. 203. Reserve fund to provide for middle-income tax relief and economic equity.
Sec. 204. Reserve fund for agriculture.
Sec. 205. Reserve fund for higher education.
Sec. 206. Reserve fund for improvements in medicare.
Sec. 207. Reserve fund for creating long-term energy alternatives.
Sec. 208. Reserve fund for affordable housing.
Sec. 209. Reserve fund for equitable benefits for Filipino veterans of World War II.
Sec. 210. Reserve fund for Secure Rural Schools and Community Self-Determination Act reauthorization.
Sec. 211. Reserve fund for receipts from the Bonneville Power Administration.
Sec. 212. Reserve fund for Transitional Medical Assistance.

TITLE III—BUDGET ENFORCEMENT

Sec. 301. Program integrity initiatives.
Sec. 302. Advance appropriations.
Sec. 303. Overseas deployments and emergency needs.
Sec. 304. Application and effect of changes in allocations and aggregates.
Sec. 305. Adjustments to reflect changes in concepts and definitions.
Sec. 306. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 307. Exercise of rulemaking powers.

TITLE IV—POLICY

Sec. 401. Policy on middle-income tax relief.
Sec. 402. Policy on defense priorities.
Sec. 403. Policy on college affordability.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on servicemembers' and veterans' health care and other priorities.
Sec. 502. Sense of the House on the Innovation Agenda: A commitment to competitiveness to keep America #1.
Sec. 503. Sense of the House on homeland security.
Sec. 504. Sense of the House regarding the ongoing need to respond to Hurricanes Katrina and Rita.
Sec. 505. Sense of the House regarding long-term sustainability of entitlements.
Sec. 506. Sense of the House regarding the need to maintain and build upon efforts to fight hunger.
Sec. 507. Sense of the House regarding affordable health coverage.
Sec. 508. Sense of the House regarding extension of the statutory pay-as-you-go rule.
Sec. 509. Sense of the House on long-term budgeting.
Sec. 510. Sense of the House regarding pay parity.
Sec. 511. Sense of the House regarding waste, fraud, and abuse.
Sec. 512. Sense of the House regarding the importance of child support enforcement.
Sec. 513. Sense of the House on State veterans cemeteries.

TITLE VI—RECONCILIATION

Sec. 601. Reconciliation.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2007: $1,904,706,000,000.
Fiscal year 2008: $2,050,797,000,000.
Fiscal year 2009: $2,106,926,000,000.
Fiscal year 2010: $2,163,721,000,000.
Fiscal year 2011: $2,394,551,000,000.
Fiscal year 2012: $2,597,096,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2007: $0.
Fiscal year 2008: $0.
Fiscal year 2009: $0.
Fiscal year 2010: $0.
Fiscal year 2011: $0.
Fiscal year 2012: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2007: $2,380,614,000,000.
Fiscal year 2008: $2,495,291,000,000.
Fiscal year 2009: $2,516,301,000,000.
Fiscal year 2010: $2,569,952,000,000.
Fiscal year 2011: $2,684,936,000,000.
Fiscal year 2012: $2,716,188,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2007: $2,300,065,000,000.
Fiscal year 2008: $2,465,888,000,000.
Fiscal year 2009: $2,565,305,000,000.

Fiscal year 2010: $2,600,718,000,000.

Fiscal year 2011: $2,691,358,000,000.

Fiscal year 2012: $2,700,809,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2007: $395,359,000,000.

Fiscal year 2008: $415,091,000,000.

Fiscal year 2009: $458,379,000,000.

Fiscal year 2010: $436,997,000,000.

Fiscal year 2011: $296,807,000,000.

Fiscal year 2012: $103,713,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2007: $8,927,000,000,000.

Fiscal year 2008: $9,461,000,000,000.

Fiscal year 2009: $10,036,000,000,000.

Fiscal year 2010: $10,591,000,000,000.

Fiscal year 2011: $11,001,000,000,000.

Fiscal year 2012: $11,231,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2007: $5,042,000,000,000.

Fiscal year 2008: $5,269,000,000,000.

Fiscal year 2009: $5,524,000,000,000.

Fiscal year 2010: $5,743,000,000,000.

Fiscal year 2011: $5,805,000,000,000.

Fiscal year 2012: $5,663,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):

Fiscal year 2007:

(A) New budget authority, $525,797,000,000.

(B) Outlays, $534,270,000,000.

Fiscal year 2008:

(A) New budget authority, $506,995,000,000.

(B) Outlays, $514,401,000,000.

Fiscal year 2009:

(A) New budget authority, $534,705,000,000.

(B) Outlays, $524,384,000,000.

Fiscal year 2010:

(A) New budget authority, $545,171,000,000.

(B) Outlays, $536,433,000,000.

Fiscal year 2011:

(A) New budget authority, $550,944,000,000.

(B) Outlays, $547,624,000,000.

Fiscal year 2012:

(A) New budget authority, $559,799,000,000.

(B) Outlays, $548,169,000,000.

(2) International Affairs (150):

Fiscal year 2007:

(A) New budget authority, $28,795,000,000.

(B) Outlays, $31,308,000,000.

Fiscal year 2008:

(A) New budget authority, $34,675,000,000.

(B) Outlays, $33,096,000,000.

Fiscal year 2009:

(A) New budget authority, $35,428,000,000.

(B) Outlays, $32,557,000,000.

Fiscal year 2010:

(A) New budget authority, $35,623,000,000.

(B) Outlays, $32,687,000,000.

Fiscal year 2011:

(A) New budget authority, $36,083,000,000.

(B) Outlays, $33,006,000,000.

Fiscal year 2012:

(A) New budget authority, $36,530,000,000.

(B) Outlays, $33,613,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2007:

(A) New budget authority, $25,079,000,000.

(B) Outlays, $24,516,000,000.

Fiscal year 2008:

(A) New budget authority, $27,611,000,000.

(B) Outlays, $26,472,000,000.

Fiscal year 2009:

(A) New budget authority, $28,641,000,000.

(B) Outlays, $28,411,000,000.

Fiscal year 2010:

(A) New budget authority, $29,844,000,000.

(B) Outlays, $29,485,000,000.

Fiscal year 2011:

(A) New budget authority, $31,103,00,000.

(B) Outlays, $30,089,000,000.

Fiscal year 2012:

(A) New budget authority, $32,438,000,000.

(B) Outlays, $31,367,000,000.

(4) Energy (270):

Fiscal year 2007:

(A) New budget authority, $2,943,000,000.

(B) Outlays, $1,369,000,000.

Fiscal year 2008:

(A) New budget authority, $3,240,000,000.

(B) Outlays, $1,092,000,000.

Fiscal year 2009:

(A) New budget authority, $3,051,000,000.

(B) Outlays, $1,454,000,000.

Fiscal year 2010:

(A) New budget authority, $3,136,000,000.

(B) Outlays, $1,641,000,000.

Fiscal year 2011:

(A) New budget authority, $3,228,000,000.

(B) Outlays, $1,697,000,000.

Fiscal year 2012:

(A) New budget authority, $3,307,000,000.

(B) Outlays, $1,997,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2007:

(A) New budget authority, $31,332,000,000.

(B) Outlays, $32,919,000,000.

Fiscal year 2008:

(A) New budget authority, $32,813,000,000.

(B) Outlays, $34,864,000,000.

Fiscal year 2009:

(A) New budget authority, $33,529,000,000.

(B) Outlays, $35,332,000,000.

Fiscal year 2010:

(A) New budget authority, $34,483,000,000.

(B) Outlays, $35,574,000,000.

Fiscal year 2011:

(A) New budget authority, $35,152,000,000.

(B) Outlays, $35,952,000,000.

Fiscal year 2012:

(A) New budget authority, $36,194,000,000.

(B) Outlays, $36,543,000,000.

(6) Agriculture (350):

Fiscal year 2007:

(A) New budget authority, $21,471,000,000.

(B) Outlays, $19,738,000,000.

Fiscal year 2008:

(A) New budget authority, $20,381,000,000.

(B) Outlays, $19,549,000,000.

Fiscal year 2009:

(A) New budget authority, $20,933,000,000.

(B) Outlays, $20,059,000,000.

Fiscal year 2010:

(A) New budget authority, $21,138,000,000.

(B) Outlays, $20,112,000,000.

Fiscal year 2011:

(A) New budget authority, $21,156,000,000.

(B) Outlays, $20,436,000,000.

Fiscal year 2012:

(A) New budget authority, $21,402,000,000.

(B) Outlays, $20,863,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2007:

(A) New budget authority, $5,515,000,000.

(B) Outlays, $3,522,000,000.

Fiscal year 2008:

(A) New budget authority, $9,158,000,000.

(B) Outlays, $1,985,000,000.

Fiscal year 2009:

(A) New budget authority, $9,973,000,000.

(B) Outlays, $996,000,000.

Fiscal year 2010:

(A) New budget authority, $13,775,000,000.

(B) Outlays, $3,460,000,000.

Fiscal year 2011:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $1,931,000,000.

Fiscal year 2012:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $1,097,000,000.

(8) Transportation (400):

Fiscal year 2007:

(A) New budget authority, $81,282,000,000.

(B) Outlays, $74,739,000,000.

Fiscal year 2008:

(A) New budget authority, $82,657,000,000.

(B) Outlays, $80,802,000,000.

Fiscal year 2009:

(A) New budget authority, $76,343,000,000.

(B) Outlays, $83,948,000,000.

Fiscal year 2010:

(A) New budget authority, $77,261,000,000.

(B) Outlays, $86,127,000,000.

Fiscal year 2011:

(A) New budget authority, $78,289,000,000.

(B) Outlays, $87,018,000,000.

Fiscal year 2012:

(A) New budget authority, $79,169,000,000.

(B) Outlays, $88,761,000,000.

(9) Community and Regional Development (450):

Fiscal year 2007:

(A) New budget authority, $15,717,000,000.

(B) Outlays, $28,281,000,000.

Fiscal year 2008:

(A) New budget authority, $15,032,000,000.

(B) Outlays, $22,017,000,000.

Fiscal year 2009:

(A) New budget authority, $13,928,000,000.

(B) Outlays, $20,474,000,000.

Fiscal year 2010:

(A) New budget authority, $14,129,000,000.

(B) Outlays, $19,220,000,000.

Fiscal year 2011:

(A) New budget authority, $14,328,000,000.

(B) Outlays, $17,649,000,000.

Fiscal year 2012:

(A) New budget authority, $14,528,000,000.

(B) Outlays, $15,131,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2007:

(A) New budget authority, $92,780,000,000.

(B) Outlays, $92,224,000,000.

Fiscal year 2008:

(A) New budget authority, $92,461,000,000.

(B) Outlays, $91,119,000,000.

Fiscal year 2009:

(A) New budget authority, $96,810,000,000.

(B) Outlays, $93,978,000,000.

Fiscal year 2010:

(A) New budget authority, $98,333,000,000.

(B) Outlays, $96,041,000,000.

Fiscal year 2011:

(A) New budget authority, $98,409,000,000.

(B) Outlays, $97,276,000,000.

Fiscal year 2012:

(A) New budget authority, $98,654,000,000.

(B) Outlays, $96,909,000,000.

(11) Health (550):

Fiscal year 2007:

(A) New budget authority, $267,892,000,000.

(B) Outlays, $268,197,000,000.

Fiscal year 2008:

(A) New budget authority, $286,767,000,000.

(B) Outlays, $286,261,000,000.

Fiscal year 2009:

(A) New budget authority, $307,842,000,000.

(B) Outlays, $305,984,000,000.

Fiscal year 2010:

(A) New budget authority, $325,885,000,000.

(B) Outlays, $325,716,000,000.

Fiscal year 2011:

(A) New budget authority, $347,621,000,000.

(B) Outlays, $346,553,000,000.

Fiscal year 2012:

(A) New budget authority, $370,780,000,000.

(B) Outlays, $369,739,000,000.

(12) Medicare (570):

Fiscal year 2007:

(A) New budget authority, $365,152,000,000.

(B) Outlays, $370,180,000,000.

Fiscal year 2008:

(A) New budget authority, $389,586,000,000.

(B) Outlays, $389,696,000,000.

Fiscal year 2009:

(A) New budget authority, $416,731,000,000.

(B) Outlays, $416,382,000,000.

Fiscal year 2010:

(A) New budget authority, $442,369,000,000.

(B) Outlays, $442,589,000,000.

Fiscal year 2011:

(A) New budget authority, $489,100,000,000.

(B) Outlays, $489,109,000,000.

Fiscal year 2012:

(A) New budget authority, $468,828,000,000.

(B) Outlays, $486,440,000,000.

(13) Income Security (600):

Fiscal year 2007:

(A) New budget authority, $360,365,000,000.

(B) Outlays, $364,204,000,000.

Fiscal year 2008:

(A) New budget authority, $379,927,000,000.

(B) Outlays, $383,546,000,000.

Fiscal year 2009:

(A) New budget authority, $391,073,000,000.

(B) Outlays, $393,458,000,000.

Fiscal year 2010:

(A) New budget authority, $401,429,000,000.

(B) Outlays, $402,422,000,000.

Fiscal year 2011:

(A) New budget authority, $417,016,000,000.

(B) Outlays, $416,907,000,000.

Fiscal year 2012:

(A) New budget authority, $402,874,000,000.

(B) Outlays, $402,130,000,000.

(14) Social Security (650):

Fiscal year 2007:

(A) New budget authority, $19,089,000,000.

(B) Outlays, $19,089,000,000.

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2007:

(A) New budget authority, $73,896,000,000.

(B) Outlays, $72,342,000,000.

Fiscal year 2008:

(A) New budget authority, $85,192,000,000.

(B) Outlays, $82,772,000,000.

Fiscal year 2009:

(A) New budget authority, $87,787,000,000.

(B) Outlays, $87,681,000,000.

Fiscal year 2010:

(A) New budget authority, $90,414,000,000.

(B) Outlays, $89,710,000,000.

Fiscal year 2011:

(A) New budget authority, $96,033,000,000.

(B) Outlays, $95,410,000,000.

Fiscal year 2012:

(A) New budget authority, $93,325,000,000.

(B) Outlays, $92,599,000,000.

(16) Administration of Justice (750):

Fiscal year 2007:

(A) New budget authority, $45,504,000,000.

(B) Outlays, $44,659,000,000.

Fiscal year 2008:

(A) New budget authority, $46,940,000,000.

(B) Outlays, $46,155,000,000.

Fiscal year 2009:

(A) New budget authority, $46,111,000,000.

(B) Outlays, $47,311,000,000.

Fiscal year 2010:

(A) New budget authority, $47,168,000,000.

(B) Outlays, $47,504,000,000.

Fiscal year 2011:

(A) New budget authority, $48,379,000,000.

(B) Outlays, $48,164,000,000.

Fiscal year 2012:

(A) New budget authority, $49,610,000,000.

(B) Outlays, $49,207,000,000.

(17) General Government (800):

Fiscal year 2007:

(A) New budget authority, $18,193,000,000.

(B) Outlays, $18,574,000,000.

Fiscal year 2008:

(A) New budget authority, $18,614,000,000.

(B) Outlays, $18,998,000,000.

Fiscal year 2009:

(A) New budget authority, $19,264,000,000.

(B) Outlays, $19,328,000,000.

Fiscal year 2010:

(A) New budget authority, $19,886,000,000.

(B) Outlays, $19,765,000,000.

Fiscal year 2011:

(A) New budget authority, $20,647,000,000.

(B) Outlays, $20,370,000,000.

Fiscal year 2012:

(A) New budget authority, $21,359,000,000.

(B) Outlays, $21,193,000,000.

(18) Net Interest (900):

Fiscal year 2007:

(A) New budget authority, $344,431,000,000.

(B) Outlays, $344,431,000,000.

Fiscal year 2008:

(A) New budget authority, $369,454,000,000.

(B) Outlays, $369,454,000,000.

Fiscal year 2009:

(A) New budget authority, $389,194,000,000.

(B) Outlays, $389,194,000,000.

Fiscal year 2010:

(A) New budget authority, $413,140,000,000.

(B) Outlays, $413,140,000,000.

Fiscal year 2011:

(A) New budget authority, $431,192,000,000.

(B) Outlays, $431,192,000,000.

Fiscal year 2012:

(A) New budget authority, $442,528,000,000.

(B) Outlays, $442,528,000,000.

(19) Allowances (920):

Fiscal year 2007:

(A) New budget authority, $785,000,000.

(B) Outlays, $755,000,000.

Fiscal year 2008:

(A) New budget authority, $0.

(B) Outlays, $30,000,000.

Fiscal year 2009:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2010:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2011:

(A) New budget authority, $0.

(B) Outlays, $0.

Fiscal year 2012:

(A) New budget authority, $0.

(B) Outlays, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2007:

(A) New budget authority, $69,714,000,000.

(B) Outlays, $69,714,000,000.

Fiscal year 2008:

(A) New budget authority, $70,979,000,000.

(B) Outlays, $70,979,000,000.

Fiscal year 2009:

(A) New budget authority, $66,560,000,000.

(B) Outlays, $66,569,000,000.

Fiscal year 2010:

(A) New budget authority, $66,933,000,000.

(B) Outlays, $66,933,000,000.

Fiscal year 2011:

(A) New budget authority, $69,575,000,000.

(B) Outlays, $69,595,000,000.

Fiscal year 2012:

(A) New budget authority, $71,857,000,000.

(B) Outlays, $71,860,000,000.

(21) Overseas Deployments and Other Activities (970):

Fiscal year 2007:

(A) New budget authority, $124,310,000,000.

(B) Outlays, $31,506,000,000.

Fiscal year 2008:

(A) New budget authority, $145,163,000,000.

(B) Outlays, $114,914,000,000.

Fiscal year 2009:

(A) New budget authority, $50,000,000,000.

(B) Outlays, $109,425,000,000.

Fiscal year 2010:

(A) New budget authority, $0.

(B) Outlays, $42,324,000,000.

Fiscal year 2011:

(A) New budget authority, $0.

(B) Outlays, $13,561,000,000.

Fiscal year 2012:

(A) New budget authority, $0.

(B) Outlays, $4,485,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

In the House, with respect to a bill or a joint resolution (or an amendment to or a conference report submitted on such a bill or joint resolution) reported from the Committee on Energy and Commerce that increases new budget authority that would result in no more than $50,000,000,000 in outlays for fiscal years 2008 through 2012 for expanding coverage and improving children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as medicaid), the chairman of the Committee on Budget may make the appropriate adjustments in allocations of the Committee on Energy and Commerce, and in budget authority and outlays of other committees as may be necessary pursuant to such adjustment for the Committee on Energy and Commerce, and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 202. RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, with respect to any bill or joint resolution (or an amendment thereto or conference report thereon) that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bills or joint resolutions (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such bills or joint resolutions is filed, such bills or joint resolutions are placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such bills or joint resolutions.

SEC. 203. RESERVE FUND TO PROVIDE FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, with respect to any bill or joint resolution (or an amendment thereto or conference report thereon) that provides for tax relief for middle-income families and taxpayers and enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, modification of the Alternative Minimum Tax, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bills or joint resolutions (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such bills or joint resolutions are filed, such bills or joint resolutions are placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such bills or joint resolutions.

SEC. 204. RESERVE FUND FOR AGRICULTURE.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that provides for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorizes similar programs, or both, that increases new budget authority by no more than $20,000,000,000 for the period of fiscal years 2007 through 2012, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 205. RESERVE FUND FOR HIGHER EDUCATION.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that makes college more affordable through reforms to the Higher Education Act of 1965, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 206. RESERVE FUND FOR IMPROVEMENTS IN MEDICARE.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that improves the medicare program for beneficiaries and protects access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 207. RESERVE FUND FOR CREATING LONG-TERM ENERGY ALTERNATIVES.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that fulfills the purposes of section 301(a) of H.R. 6, the Clean Energy Act of 2007:

(1) The chairman of the Committee on Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments made under this paragraph may be made whenever a rule is filed for a bill or joint resolution that attributes the offsets included in H.R. 6 to the bill or joint resolution.

(2) The chairman of the Committee on the Budget may make appropriate adjustments to the allocations provided for under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations to the extent a bill or joint resolution in the form placed before the House by the Committee on Rules provides budget authority for purposes set forth in section 301(a) of H.R. 6 in excess of the amounts provided for those purposes in fiscal year 2007. Any adjustments made under this paragraph shall not include revenues attributable to changes in the Internal Revenue Code of 1986 and shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to H.R. 6 for the year in which the adjustments are made.

SEC. 208. RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 209. RESERVE FUND FOR EQUITABLE BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that would provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 210. RESERVE FUND FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT REAUTHORIZATION.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act (Public Law 106–393), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 211. RESERVE FUND FOR RECEIPTS FROM THE BONNEVILLE POWER ADMINISTRATION.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the Department of the Treasury, the chairman of the Committee on Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 212. RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that extends the Transitional Medical Assistance program, included in title 19 of the Social Security Act, through fiscal year 2008, the chairman of the Committee on Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $6,822,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $406,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, then the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(3) HEALTHCARE FRAUD AND ABUSE CONTROL PROGRAM.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $183,000,000 and the amount is designated to the healthcare fraud and abuse control program at the Department of Health and Human Services, then the allocation to the House Committee on Appropriations shall be increased by the amount of additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(4) UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for unemployment insurance improper payment reviews for the Department of Labor, and provides an additional appropriation of up to $40,000,000 and the amount is designated for unemployment insurance improper payment reviews for the Department of Labor, then the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(b) PROCEDURE FOR ADJUSTMENTS.—

(1) IN GENERAL.—

(A) CHAIRMAN.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget shall make the adjustments set forth in subparagraph (B) for the incremental new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) MATTERS TO BE ADJUSTED.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(ii) the budgetary aggregates as set forth in this resolution.

(c) OVERSIGHT OF GOVERNMENT PERFORMANCE.—In the House, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committee on the Budget.

SEC. 302. ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto may not provide for advance appropriations.

(b) ADVANCE APPROPRIATION.—In the House, an advance appropriation may be provided for fiscal year 2009 or 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,558,000,000 in new budget authority.

(c) DEFINITION.—In this section, the term "advance appropriation" means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008.

SEC. 303. OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) OVERSEAS DEPLOYMENTS AND RELATED ACTIVITIES.—In the House, any bill or joint resolution or amendment offered or considered as adopted or a conference report thereon, that makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities, and such amounts are so designated pursuant to this subsection, then new budget authority, outlays or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(b) EMERGENCY NEEDS.—In the House, any bill or joint resolution, or amendment offered or considered as adopted or conference report thereon, that makes appropriations for nondefense discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority, outlays, or receipts resulting therefrom shall not be counted for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 304. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) COMMITTEE ON THE BUDGET DETERMINATIONS.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

SEC. 305. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect on September 30, 2002).

SEC. 306. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 307. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House and as such they shall be considered as part of the rules of the House, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE IV—POLICY

SEC. 401. POLICY ON MIDDLE-INCOME TAX RELIEF.

It is the policy of this resolution to minimize fiscal burdens on middle-income families and their children and grandchildren. It is the policy of this resolution to provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax (AMT) under current law in the context of permanent, revenue-neutral AMT reform. Furthermore, it is the policy of this resolution to support extension of middle-income tax relief and enhanced economic equity through policies such as—

(1) extension of the child tax credit;

(2) extension of marriage penalty relief;

(3) extension of the 10 percent individual income tax bracket;

(4) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(5) extension of the research and experimentation tax credit;

(6) extension of the deduction for State and local sales taxes;

(7) extension of the deduction for small business expensing; and

(8) enactment of a tax credit for school construction bonds.

This resolution assumes the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the "tax gap", and reduced taxpayer burdens through tax simplification.

SEC. 402. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) recommendations of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to fund cooperative threat reduction and nuclear nonproliferation programs at a level commensurate with the risk is a high priority, and the President's budget should have requested sufficient funding for these programs;

(2) ensuring that the TRICARE fees for military retirees under the age of 65 remain at current levels;

(3) funds be provided for increasing pay to ensure retention of experienced personnel and for improving military benefits in general;

(4) the Missile Defense Agency should be funded at an adequate but lower level and the elimination of space-based interceptor development will ensure a more prudent acquisition strategy, yet still support a robust ballistic missile defense program;

(5) satellite research, development, and procurement be funded at a level below the amount requested for fiscal year 2008, which amounts to a 26 percent increase above the current level, but at a level sufficient to develop new satellite technologies while ensuring a more prudent acquisition strategy;

(6) sufficient resources be provided to implement Government Accountability Office (GAO) recommendations, such as improving financial management and contracting practices at the Department of Defense (DOD), and that substantial savings should result from the identification of billions of dollars of obligations and disbursements and Government overcharges for which the Department of Defense cannot account;

(7) that the Department of Defense should do a more careful job of addressing the 1,378 Government Accountability Office recommendations made to the Department of Defense and its components over the last six years that have yet to be implemented, which could produce billions of dollars in savings; and

(8) accruing all savings from the actions recommended in paragraphs (4) through (7) should be used to fund higher priorities within Function 050 (Defense), and especially those high priorities identified in paragraphs (1) through (3) and to help fund recommendations of the bipartisan "Walter Reed Commission" (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military healthcare facilities and services.

SEC. 403. POLICY ON COLLEGE AFFORDABILITY.

It is the policy of this resolution that the reconciliation directive to the Committee on Education and Labor shall not be construed to reduce any assistance that makes college more affordable for students, including but not limited to assistance to student aid programs run by nonprofit state agencies.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the United States Armed Services, who have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $43,055,000,000 in discretionary budget authority for 2008 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $6,598,000,000 more than the 2007 level, $5,404,000,000 more than the Congressional Budget Office's baseline level for 2008, and $3,506,000,000 more than the President's budget for 2008;

(3) this resolution provides funding to implement, in part, recommendations of the bipartisan "Walter Reed Commission" (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military and veterans health care facilities and services;

(4) this resolution assumes the rejection of the enrollment fees and co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain and spinal cord injuries; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 502. SENSE OF THE HOUSE ON THE INNOVATION AGENDA: A COMMITMENT TO COMPETITIVENESS TO KEEP AMERICA #1.

(a) It is the sense of the House to provide sufficient funding that our Nation may continue to be the world leader in education, innovation and economic growth. This resolution provides $450,000,000 above the President's requested level for 2008, and additional amounts in subsequent years in Function 250 (General Science, Space and Technology) and Function 270 (Energy). Additional increases for scientific research and education are included in Function 500 (Education, Employment, Training, and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 400 (Transportation), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President requested.

(b) America's greatest resource for innovation resides within classrooms across the country. The increased funding provided in this resolution will support important initiatives to educate 100,000 new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K-12 classrooms.

(c) Independent scientific research provides the foundation for innovation and future technologies. This resolution will put us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences across all agencies, and collaborative research partnerships; and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 503. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2008 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2008, and additional amounts in subsequent years, in the four budget functions: Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice) that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip first responders, strengthen border patrol, and increase the preparedness of the public health system.

SEC. 504. SENSE OF THE HOUSE REGARDING THE ONGOING NEED TO RESPOND TO HURRICANES KATRINA AND RITA.

It is the sense of the House that:

(1) Critical needs in the Gulf Coast region should be addressed without further delay. The budget resolution creates a reserve fund that would allow for affordable housing that may be used to focus on areas devastated by Hurricanes Katrina and Rita, as well as new funding for additional recovery priorities.

(2) Additional oversight and investigation is needed to ensure that recovery efforts are on track, develop legislation to reform the contracting process, and better prepare for future disasters. Those efforts should be made in close consultation with residents of affected areas. The budget resolution provides additional 2007 funding for the Federal

Emergency Management Agency, some of which may be used for this purpose.

SEC. 505. SENSE OF THE HOUSE REGARDING LONG-TERM SUSTAINABILITY OF ENTITLEMENTS.

(a) Findings.—The House finds the following:

(1) The aging of the United States population is going to put unprecedented pressure on the Nation's retirement and health care systems.

(2) The long-term strength of social security would be improved through a fiscally responsible policy of reducing the deficit and paying down the debt that has accumulated since 2001, thus reducing debt service payments and freeing up billions of dollars that can be dedicated to meeting social security's obligations.

(3) A policy of reducing and eventually eliminating the deficit and paying down the debt is a key factor in improving the long-term strength of the economy as a whole, because a lower debt burden frees up resources for productive investments that will result in higher economic growth, provide a higher standard of living for future generations, and enhance the Nation's ability to meet its commitments to its senior citizens.

(4) The most significant factor affecting the Nation's entitlement programs is the rapid increase in health care costs. The projected increasing costs of medicare and medicaid are not unique to these programs but rather are part of a pattern of rising costs for the health sector as a whole.

(b) Sense of the House.—It is the sense of the House that the growing cost of entitlements should be addressed in a way that is fiscally responsible and promotes economic growth, that addresses the causes of cost growth in the broader health care system, and that protects beneficiaries without leaving a legacy of debt to future generations.

SEC. 506. SENSE OF THE HOUSE REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

(a) Findings.—The House finds the following:

(1) More than 35 million individuals (12.4 million of them children) are food insecure, uncertain of having, or unable to acquire enough food. 10.8 million Americans are hungry because of lack of food.

(2) Despite the critical contributions of the Department of Agriculture nutrition programs and particularly the food stamp program that significantly reduced payment error rates while increasing enrollment to partially mitigate the impact of recent increases in the poverty rate, significant need remains.

(3) Nearly 25 million people, including nine million children and three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year.

(b) Sense of the House.—It is the sense of the House that the Department of Agriculture programs that help fight hunger should be maintained and that the House should seize opportunities to enhance those programs to reach people in need and to fight hunger.

SEC. 507. SENSE OF THE HOUSE REGARDING AFFORDABLE HEALTH COVERAGE.

(a) Findings.—The House finds the following:

(1) More than 46 million Americans, including nine million children, lack health insurance. People without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems.

(2) Most Americans receive health coverage through their employers. A major issue facing all employers is the rising cost of health insurance. Small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, due to higher administrative costs and fewer people over whom to spread the risk of catastrophic costs. Because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the nation's uninsured individuals.

(b) Sense of the House.—It is the sense of the House that legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special needs of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and promoting improvements in disease management and disease prevention.

SEC. 508. SENSE OF THE HOUSE REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the House that in order to reduce the deficit Congress should extend PAYGO in its original form in the Budget Enforcement Act of 1990.

SEC. 509. SENSE OF THE HOUSE ON LONG-TERM BUDGETING.

It is the sense of Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.

SEC. 510. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 511. SENSE OF THE HOUSE REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the House that all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending. To this end, section 301 of this resolution includes cap adjustments to provide appropriations for three programs that accounted for a significant share of improper payments reported by Federal agencies in 2006: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance. Section 301 also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $300,000,000,000 tax gap. In addition, the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate new high-priority entitlement benefits. Finally, section 301 of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 512. SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 513. SENSE OF THE HOUSE ON STATE VETERANS CEMETERIES.

It is the sense of the House that the Federal Government should pay the plot allowance for the interment in a State veterans cemetery of any spouse or eligible child of a veteran, consistent with the pay-as-you-go principle.

TITLE VI—RECONCILIATION

SEC. 601. RECONCILIATION.

(a) Instructions.—The House Committee on Education and Labor shall report changes in laws to reduce the deficit by $75,000,000 for the period of fiscal years 2007 through 2012.

(b) Mandatory Savings.—Not later than September 10, 2007, the House Committee on Education and Labor shall submit its recommendations to the House of Representatives.

(c) Submission of Revised Allocations.—Upon the submission to the House of a reconciliation bill or conference report thereon, that complies with this reconciliation instruction, the chairman of the Committee on the Budget may file with the House appropriately revised allocations and budgetary aggregates. Such revisions shall be considered to be the allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of the Congressional Budget Act of 1974.

The SPEAKER pro tempore. Pursuant to House Resolution 370, the previous question is ordered.

The question is on concurring in the Senate concurrent resolution, as amended.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 207, not voting 13, as follows:

[Roll No. 307]

YEAS—212

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—207

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Brown, Corrine
Butterfield
Doyle
Engel
Fattah
Feeney
Gilchrest
Hulshof
Johnson, E. B.
McMorris Rodgers
Ruppersberger
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1407

Mr. BERMAN changed his vote from "nay" to "yea."

So the Senate concurrent resolution, as amended, was concurred in. 200-205

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. SPRATT. Mr. Speaker, pursuant to House Resolution 370, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Spratt moves that the House insist on its amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. Pursuant to House Resolution 370, the previous question is ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Ryan of Wisconsin moves that the managers of the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the concurrent resolution on the budget, S. Con. Res. 21, be instructed to:

(A) Recede from the revenue levels set forth in the House amendment; insist on the policy statement in section 401 of the House amendment to support the extension of such tax provisions as the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, extension of the research and experimentation tax credit, extension of the deduction for State and local sales taxes; and recede to section 210 of the Senate resolution which prohibits consideration of an increase in Federal income tax rates;

(B) Insist on the lowest possible levels of revenue within the scope of the conference in fiscal years 2011 and 2012; and make any commensurate adjustments in outlay levels; and

(C) Set forth a unified surplus of at least $96 billion in fiscal year 2012 in resolving the differences between section 101(4) of the House amendment and section 101(4) of the Senate resolution.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from South Carolina (Mr. SPRATT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion we are offering today reflects a very simple up or down choice: One, rejecting the largest tax increase in our Nation's history, which is contained in the House budget; two, insisting on the lowest possible level of taxes available in the budget conference: and three, stopping the raid on Social Security's cash surpluses.

Both the House and the Senate Democrat budgets call for historic tax increases, and we in the minority can't do anything to prevent that. But we hope that, with this vote, we can at least minimize the damage that these tax hikes will bring.

Let me take a moment to describe the options that we have to work with as a minority. The House-passed budget would impose a tax hike of $392 billion from such things as reimposing the tax penalty on married couples, cutting in half the child tax credit, and raising marginal income tax rates on low- and middle-income working families.

This would increase the average family's tax bill by roughly $2,900 a year and likely reverse the economic progress we have achieved over the past few years. So, right along with their higher tax bill, Americans would see fewer jobs and slower wage growth.

This massive tax increase was the only way the House Democrats could accomplish their massive increase in spending. Their budget makes no effort, none, to moderate the growth of spending. It simply requires taxpayers to send more of their money to make the Democrats' budget numbers add up.

In our debate a few weeks ago, the Democrats tried gamely to assert that their budget doesn't increase taxes after all. And as proof, they pointed to the novel policy language that claims that they will extend some of the tax relief provisions enacted in 2001 and 2003. They have these reserve funds that say they don't really want to raise taxes. But if you read the fine print, this would only happen later and only if they hike some other taxes by the same amount. So even with the flowery reserve fund language, the goal, the preference of not raising taxes can only be met if they raise taxes.

But the numbers in this budget tell a very different story. By the numbers, which is what a budget is all about, the House budget raises taxes nearly $400 billion, and numbers do not lie.

The other option is the Senate budget, which raises taxes by about $216 billion, the second largest tax increase in American history. This will include higher taxes on middle-income earners because the Senate budget still raises marginal income tax rates across the board. But at least it attempts to protect the marriage penalty relief, child tax credit and estate tax relief.

Unfortunately, the other Chamber, like their Democrat counterparts in the House, also call for large spending increases. And as a consequence, their budget will continue to raid the Social Security trust funds in fiscal year 2012, something the House-passed budget and the Republican substitute did not do.

So while the Democrat budget in the Senate didn't raise as many taxes, it did raid the Social Security trust fund, and the House Republican and the House Democrat budget resolution did not.

So, what we are simply trying to do is get the best of both products such that it can be had. Accordingly, our motion would simply direct the conferees to do two things: First, reject the House's $392 billion tax increase, again, the largest tax increase in American history, and keep their tax hike to the lowest possible level permitted under the rules. Second, insist on the lowest possible level of taxes between the House-passed and Senate-passed Democrat budgets. This language is included because the motion is required to stay within the scope of the two budgets. We wish we could do more, but this is the scope we have been dealt. Third, it would direct the conferees to stop raiding Social Security for the government's operating budget. They should do this by running a unified surplus, including Social Security, of $96 billion in fiscal year 2012, which is equal to the Social Security cash surplus for that year.

We know that this is possible because we proved it could be done in our own budget. Our Republican budget not only balanced the budget without raising anyone's taxes, we ran a surplus that ensured the Social Security trust funds would not be raided.

So, again, today we are simply asking our Democratic colleagues to do the following: one, reject the largest tax increase in American history; and two, stop the raid of the Social Security cash surplus.

This is a simple choice. A "yes" vote supports these objectives. A "no" vote rejects them.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, let me say from the outset what we said yesterday in the debate of this bill. But let me refer to third parties, independent, disinterested third parties like the Concord Coalition. They took a look at our budget, and they said unequivocally, and I'm quoting, "Thus, to be clear, the budget resolution does not call for or require a tax increase."

The Center on Budget and Policy Priorities, excellent analytical work, they took a look at our budget and they said, "The House budget does not include a tax increase."

And then, finally, the Hamilton Project of the Brookings Institution, independent, disinterested said, plainly, simply, "This budget would not raise taxes."

We have included in the budget resolution not one place, but twice, in different parts of the resolution, our wholehearted endorsement, our commitment, our pledge, our determination to see that these middle-income tax cuts are preserved and enacted and carried forward when they expire per their terms.

The budget resolution does not cause them to expire. They were designed to expire, written to expire when they were offered and passed. At that particular time, that was part of the provision.

□ 1415

In addition, I am making clear again that our budget resolution allows all of the deductions, credits, exemptions and exclusions that are provided in the 2001 and 2003 tax cuts. All of them are provided and allowed to stay in place this year, next year, and for the next 4 years. So there is very little disagreement about us except I am wondering about the arithmetic.

Budget resolution motions to instruct are nonbinding. They are a valid part of the process. But they do present a problem. They single out specific elements of a budget resolution without looking at how one goal, such as tax reduction, interacts with another goal, such as deficit reduction. In that respect, what my colleagues on the other side of the aisle have offered is a resolution that calls for support of all of the tax cuts they laid out plus a surplus of $96 billion.

Could I ask the gentleman from Wisconsin, what does this assume about the bottom line before the tax cuts? How big a surplus would you have to have in 2012 in order for there to be, after taking these tax cuts, a $96 billion remaining surplus?

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. This assumes a $96 billion unified budget surplus after those tax cuts are extended.

Mr. SPRATT. How much?

Mr. RYAN of Wisconsin. A $96 billion cash surplus unified budget after the extension of those taxes.

Mr. SPRATT. So what is the surplus before these tax cuts are taken?

Mr. RYAN of Wisconsin. I don't know off the top of my head.

Mr. SPRATT. It would have to be pretty substantial. Isn't the cost of these tax cuts in the first year $180 billion or more?

Mr. RYAN of Wisconsin. The gentleman's budget resolution that passed the House had, I think, about a $150 billion cash surplus and raised all those taxes; so he had a sizable surplus.

Mr. SPRATT. It's my understanding, roughly speaking, that the cost of these tax cuts, the revenue impact of these tax cuts, in the first year was about $180 billion. If you take that kind of charge against the surplus and still have a surplus left of $96 billion, then you've got about a $276 billion surplus in that year.

Mr. RYAN of Wisconsin. If the gentleman will yield, not only did the Republican budget substitute accommodate for that, it accommodated for an extension of all of the tax cuts that expire in 2010 in addition to having a surplus equal to or greater than the unified Social Security cash surplus. So the Republican budget substitute accommodated all of these tax cuts and stopped the raid on Social Security.

Mr. SPRATT. Is this the CBO number?

Mr. RYAN of Wisconsin. Yes.

Mr. SPRATT. CBO's projection.

Mr. RYAN of Wisconsin. Yes.

Mr. SPRATT. And what you would then expect is a $276 billion surplus before the tax cuts?

Mr. RYAN of Wisconsin. I can't speak to that number. I don't know that number off the top of my head.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to yield 2 minutes to the vice ranking member of the Budget Committee, Mr. BARRETT from South Carolina.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Republican motion to instruct conferees on the fiscal year 2008 budget. This budget motion rests on one simple premise: to reject the largest tax increase in American history contained in the Democrats' House-passed budget.

By not addressing the Bush tax cuts, the Democratic budget resolution calls for a $393 billion tax hike, Mr. Speaker.

In my home State of South Carolina, approximately 1.5 million people will see an average $2,400 increase in their tax bills. In my district alone, about 2,448 people will be forced to pay higher taxes, and estimates indicate a $182 million loss to the local economy, which translates in about 2,200 jobs being lost.

Mr. Speaker, the government spends too much money as it is. I can't imagine what it would be like with an additional $400 billion of spending. We have serious challenges facing this Nation and more money is not the solution. Instead of increasing the burden on American citizens, we have an obligation to find real workable solutions.

The Republican motion to instruct calls for a simple up-or-down vote on whether Congress should increase taxes on working Americans by $393 billion, as the House Democrat budget does. It directs conferees to commit to two things: Number one, reject the massive tax increase in the House budget that increases marginal tax rates, reimposes the marriage penalty, reimposes the death tax, cuts the child credit in half, and raises a range of other taxes as well.

And, number two, stop the raid on Social Security cash surpluses. Conferees should produce a budget with a surplus sufficient to halt the raid on cash surpluses in the Social Security trust funds by fiscal year 2012.

Mr. Speaker, these challenges aren't going to go away, and delaying addressing them just makes them worse and burdens future generations. The Republican alternative offers solutions, and for this reason I urge my colleagues to support the Republican motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding.

Mr. Speaker, it's not surprising to me why there is such disorientation from the erstwhile majority about the budget resolution that will be going to conference. It's because it contains a principle that they don't understand, which is called deficit reduction.

The erstwhile majority made a living out of borrowing money, spending more, taxing less, borrowing more; spending more, taxing less, borrowing more. They turned a huge projected budget surplus into an immense budget deficit and debt, which will be paid for by the children and grandchildren of the Members of this institution.

Mr. Speaker, here are the facts about the budget resolution the House passed: The fact is not one dollar of taxes is raised on anyone in the fiscal year covered by the first year of this resolution or the second year. Now, we get to a point at the end of 2009 where the tax cuts which the erstwhile majority enacted a few years ago expire. They passed a law that said that those tax cuts expire. We say let's pause at that point and decide what is in the best interest of the country. And there are options. Perhaps the surplus will have grown to the point where we can finance all of those tax cuts and not increase the deficit. Perhaps there will be greater revenues that have been projected under our conservative revenue estimates and we will be able to afford to extend all the tax cuts. Perhaps we will look at the state of the economy at that time and decide that the best thing to do is to extend all the tax cuts to try to engender some economic growth. Or perhaps we will decide that a rigid discipline that emphasizes deficit reduction, as is in this resolution, is the right thing to do.

The erstwhile majority practiced the principle of leap first and look later. This resolution says look before you leap. It says when we reach the point where the tax cuts expire, we will make a judgment about whether spending cuts, tax cut renewal, or some other strategy is in the best interest of the country.

Not one dollar of taxes is raised in the first fiscal year covered by this budget, and nothing in this resolution necessitates the raising of any taxes on anyone. It simply says, Mr. Speaker, that Congress should do something the erstwhile majority never did: Look before you leap. Make decisions based on good economic evidence, not blind faith.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I yield myself 30 seconds.

I say to my articulate friend from New Jersey, I think what he mentioned was a real good highlight on the philosophical differences between our two parties. The question is, who is first in line, the taxpayer or the government? We believe that the taxpayer ought to be first in line by keeping more of their hard-earned money, not the government. The State of New Jersey, which is a high tax-paying State, on average under these tax increases will pay an average of $3,780 more under Democrat-passed budget per taxpayer in the State of New Jersey.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I listened to the terms of the gentleman from New Jersey speaking about not leaping first. It's kind of a very aesthetic way to say to it. No, what he's taking about is leaping on the American taxpayer. That's what the Democratic budget does. It does leap on the American taxpayer because it does increase $392 billion on the American taxpayer. This budget does. And all Americans are going to be paying for this. Middle-income families, low-income earners, families with children, and small businesses.

And we have heard again that they don't want to raise taxes in this budget. But if that's true, Mr. Speaker, then let's instruct the conferees to extend these popular tax provisions, these tax relief provisions.

Unfortunately, at the committee markup, Mr. Speaker, the Republicans offered several amendments to do just that, aimed at helping the hardworking American taxpayers. Not one single Democrat voted in favor of these commonsense tax cut provisions. And what were they, Mr. Speaker? Because they always like to say, oh, it's tax cuts for the rich. No. Let's talk about what they are, what they voted against in committee, without one dissenting vote.

They voted against extending the $1,000 per child tax credit. Not only the wealthy have kids in this country, Mr. Speaker. They voted against extending the marriage penalty tax relief. Not only the wealthy get married, at least not in the State of Florida that I represent. They voted against elimination of the death tax. That's right. They want dead people to pay more taxes. And they voted against extending the State and local tax deduction.

How does this affect regular middle-class Americans? Mr. Speaker, a middle-income family of four earning $60,000 will look at over a 60 percent tax increase by the year 2011. One hundred and fifteen million taxpayers will see their taxes increase an average of $1,700 by 2011. In Florida that I am privileged to represent, over 6.7 million taxpayers will see their taxes increase increased by over $3,000.

Mr. SPRATT. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

It is an interesting debate that is going on here today because in terms of the motion to instruct, there really isn't that great a difference of opinion. We are, in fact, going to be able to meet the objectives. We are working hard in our budget to make sure that we deal meaningfully with tax relief for those who need it.

The difference between the Republicans and the Democrats is that they are not willing to make any distinction. For them it is Paris Hilton who is first in line. We have made it clear that we are going to work to make sure that real priorities for American families are adopted. We have proven that in terms of what we have stood for in the past as well as what we are working for in the future.

Democrats have repeatedly voted for a lowered tax bracket on lower-income people, the expansion of the earned income tax credit, marriage penalty relief, increase in the child tax credit, acceleration of the expansion of the 10-percent bracket, increased expensing for small businesses. These were things that people here on the floor who are on our side of the aisle offered up as a responsible alternative when our friends on the other side were engaged in a rather extensive and unfocused effort to try to provide tax benefits for those who need them the least while ignoring the needs of those who need it the most.

They have given some modest bones to a few in America. Those that merit our support will, in fact, be continued. And, more important, we are going to deal with what is the largest tax increase in American history, which the Bush administration and my Republican friends on the other side of the aisle have set the stage for, and that is the tsunami of the alternative minimum tax. That is going to cost $1 trillion over the next 10 years, and we have made it clear that that is our number one priority to solve, as in the House Committee on Ways and Means we working on this.

We don't have to accede to every single detail for Paris Hilton in order to make sure that we deal with the needs of working Americans and the tax tsunami of the alternative minimum tax, which has been ignored session after session after session by the Republicans when they were in charge.

I find no small amount of irony to hear my good friend from Wisconsin talking about how he has proven it is possible to have a unified budget surplus when for 12 consecutive years of ironclad Republican control they wrote all the fiscal rules, wrote the budgets, wrote the tax policy.

□ 1430

I invite anybody to look at what the now minority proved that they could do. It's a pretty sorry record of fiscal irresponsibility.

Mr. Speaker, my point is simply that the budget resolution that we brought forward is a reasonable, meaningful approach to deal with these fiscal problems.

Independent observers agree that there is no tax increase this year or the next. And we are on a path allowed for in our budget resolution and the work we are doing in the Ways and Means Committee right now to make sure that we solve the tax tsunami of the alternative minimum tax.

I look forward to our getting past this type of discussion here, as my friends on the other side of the aisle seek to substitute rhetoric for their sorry record of non-accomplishment, and look forward to moving forward.

Mr. RYAN of Wisconsin. Mr. Speaker, at this time I would like to yield 3 minutes to a distinguished member of the Budget Committee, Mr. HENSARLING from Texas.

Mr. HENSARLING. I thank the gentleman for yielding.

I have listened very carefully to the previous speaker talk about rhetoric. And indeed, the rhetoric I hear from the other side of the aisle is pure Orwellian; up is down, black is white, victory is defeat and the largest tax increase in American history is somehow actually tax relief.

You cannot state good intentions and then instead act with cruel actions. The numbers of this budget lead to the largest single tax increase in American history. And Mr. Speaker, let me quote from the Washington Post again, not exactly a bastion of conservative thought, I will quote from their March 29th edition, "And while House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all these cuts expire on schedule in 2010." And then they somehow say that we contrive temporary tax relief. Well, as the chairman knows, he has had plenty of opportunities to make this tax relief permanent, but he and everyone else on that side of the aisle have declined that opportunity.

And again, it's a matter of priorities. Democrat friends decide to prioritize the Federal budget over the family budget. But let's look at how their single largest tax increase in American history is going to impact family budgets. Let's hear from Joan from Mesquite, who wrote, "An additional $2,200 raise in taxes for my husband and me would mean that we would not be able to meet our budget obligations. I drive an 11-year-old car. And sometimes it breaks. And it costs me more to fix than what it's worth. I was hoping to buy a newer car, but if taxes go up, I won't be able to do that."

Let's hear from Robert of Garland. "I'm unemployed on Social Security and my wife works. At this point, between taxes and utilities, we're at the breaking point of being able to keep our home. If we have an increase of over $2,000 per year, it may well mean the straw that broke the camel's back; we would lose our home." That's how the single largest tax increase in American history is affecting that family.

Let's see how it affects Linda in Rowlett. "It would mean the difference of whether my daughter or husband would be able to purchase a car or not. For my husband and I, it helps us continue with his radiation treatments for his prostate cancer and allows us to continue providing in-home assistance for my elderly parents. Please allow us to retain this money for our needs. Please don't let government take additional tax dollars from us."

That's the cruel actions. It's not the Orwellian rhetoric that we want to somehow preserve the tax relief. They are imposing the single largest tax increase in American history, a cruel hoax on American families as they try to meet their education budgets and their transportation budgets.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire how much time is remaining on either side.

The SPEAKER pro tempore. The gentleman from Wisconsin has 17½ minutes, and the gentleman from South Carolina has 19 minutes remaining.

Mr. SPRATT. I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

I think it's important to put up a chart so we will know who's saying what about fiscal responsibility, because this chart shows what happened in the nineties when, with President Clinton's veto vetoing Republican bills after the Democrats set the budget off in the right direction, we were able to create a surplus that when this administration came in in 2001, we had a projected $5.5 trillion surplus. As a result of Republican initiatives, that surplus looks like it's going to come in, a 10-year surplus, at about a $3 trillion deficit, a swing of $8.5 trillion. And to put that in perspective, we've spent about $500 billion in Iraq; $8.5 trillion deterioration of the budget, $500 billion in Iraq, that is $0.5 trillion; $8.5 trillion deterioration, $0.5 trillion attributable to the war. And the Democratic budget, again, responsibly digs us out of this mess.

The important thing to note is, we talk about 9/11. We were broke. We spent the surplus, other than Social Security and Medicare, before 9/11. So you can't blame 9/11 for the fiscal decline that has happened here.

This budget is responsible. It shows how we can dig ourselves out. Unfortunately, we have, first of all, no leadership from the White House. Even the Republican budget pretty much ignores the President's budget. The President's budget had us in a ditch, never coming into surplus. At least the Republican budget has us coming out of the deficit and into surplus in 2012, but it does it in such a way that is not responsible and not predictable.

The Republicans' budget assumes that we're going to whack about $250 billion out of Medicare and Medicaid, about $250 billion cut out of health care. This is at a time when doctors are telling us now that they can't absorb the cuts. We are having situations now when States are not paying dentists enough for dentists to even take Medicaid. $250 billion cut. It's not going to happen. We're not going to go into surplus under the Republican budget.

The main factor that we have to look at is, who's talking? The Democrats dug us out of the ditch; Republicans put us back in the ditch; and the Democrats are digging us out again with a responsible budget. The Republicans have a budget that is so draconian on health care that 40 Republicans even voted against the Republican budget.

And so we have a responsible plan. Let's stick with the responsible plan, dig us out of the mess again, and have fiscal responsibility.

Mr. RYAN of Wisconsin. At this time, Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, despite the hopes of the other side of the aisle, the constituents in my district are pretty smart people. When they were paying a little over $2 a gallon for gasoline a year or so ago and now they're paying upwards of $3 per gallon, they know that's an increase out of their pocket. Likewise, when it comes to taxes, when they see that they are paying so much for their taxes now on the Federal level now, and after this package goes through on the other side of the aisle, they will be paying upwards to $3,000 or more. They know, they're smart enough to realize that's a tax increase as well.

My colleagues on the other side of the aisle have to look to outside nonpartisan groups they call them, really nonpartisan liberal think tanks I think is the best term, for those think tanks to say that these are not tax increases when they really are. When your taxes go up from this year to the next year to the next year, that is a tax increase.

They talk about the budget planning process and say, don't worry, it only comes at the end of the budget. Well, you know, regular families plan during the entire budget. If you have a weekly budget for your food allotment, you want to make sure you have food at the end of the week. If you're doing a monthly budget, you plan the entire month. If you have a yearly budget or a 5-year budget as this is, you do it in the entire 5 years. And under the Democrats' budget, your taxes during the course of that time will go up. In New Jersey, you're looking at a $3,000 or more tax increase.

When it comes to Social Security, my constituents are also very smart and loud when they say, "Keep your hands off of my Social Security." The Republican plan does that. The Republican plan stops the raid on Social Security, and it does so without a tax increase.

Now, there is some rumor I am hearing by some Democrats on the other side of the aisle that they may support our motion to recommit. But mind you, mark my words, if they support this motion to recommit, it will be as disingenuous as their support and their comments and other things they have done in the past this year. When they said that they were going to curtail spending, what did they actually do? They increased spending by over 11 percent in this budget. When they said they weren't going to raise your taxes, what did they do? They increased your taxes by $392 billion. And when they said that they were going to solve the AMT problem, what did they do? They did not solve it at all.

Support this motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in response to the last speaker, if we support this resolution, it's because we originally provided in our budget resolution, in two different aspects of our budget resolution, our full, wholehearted support for these middle-income tax cuts. We still have, I will have to confess, concern about your arithmetic here, but we supported it in the budget resolution we filed, which passed the House. We endorsed and pledged that we would seek to the extension of the 10 percent individual tax bracket, the child tax credit, research and experimentation tax credit, all of these things. Read the resolution. They're there. We were there before you were, saying that, over the next 3 or 4 years, we need to see that when December 31, 2010, comes along, these tax cuts will survive and be preserved. We are committed to that, black and white print, budget resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I will yield for one question.

Mr. GARRETT of New Jersey. Because you referred to my comments.

When you said that you planned this in the budget, are your comments referring to reserve accounts?

Mr. SPRATT. No. I'm talking about statements in our budget resolution which state emphatically and clearly, "It is the policy of this budget resolution to preserve, defend and protect the middle-income tax cuts adopted in 2001 and 2003, which will expire in 2010."

Now, we do believe, and this also is in our budget resolution, we believe in the PAYGO principle. We believe that the Tax Code is full of deductions and credits and exemptions and exclusions, and you can go through a closet cleaning in the Code and come up with enough offsets to provide for the extension of many of these tax cuts, maybe not all but many, without any adverse impact on the bottom line budget deficit.

Mr. GARRETT of New Jersey. If the gentleman will yield.

Mr. SPRATT. I will yield.

Mr. GARRETT of New Jersey. I understand what you're saying, the first part, that those are the heart-felt policy statements of your budget. But are you referring then to the other side of the equation, to the reserve accounts that are spoken of in the budget as far as, I will use the term, for paying for those?

Mr. SPRATT. There was a provision that allowed for reserve accounts so that we could provide for these tax cuts. But basically we took the position that this decision does not have to be made now, and indeed it can be better made closer in time to December 31, when we see what is the bottom line then. How much debt have we accumulated? What is the total deficit? What is the forecast for the future? At that point in time, we can consider the tax cuts, extension of them.

By my understanding, if you extend all of the 2001 and 2003 tax cuts that expire on December 31, the cost over 10 years is about $2 trillion. That's a big decision. We think you should make it deliberately and closer in point of time to when these tax cuts actually expire.

Let me say also that not only did we put these tax cuts and state our support for them in the budget resolution, but in addition, when the tax cuts were passed in 2001, we either had substitutes or occasionally voted for independent free-standing provisions like the marriage penalty relief. Democrats were there when that passed the House. I voted for it the first time it came up and voted for it again repeatedly. In our substitutes, we had a 12 percent bracket and then a 10 percent bracket. We had a child tax credit, which we continually increase, and we had the R&E tax credit extension. We had expensing for small businesses. Many, if not all, of the things you are talking about here we voted for, maybe not on your bills but on our bills because these are tax policies favoring middle-income Americans for whom we think tax relief is well in order.

Secondly, we have a problem still with the arithmetic that you've got here.

☐ 1445

According to my information, looking at CBO's most recent report, the Social Security surplus for 2012 is $255 billion. If you want to stay out of Social Security, you have got to have a surplus of at least $255 billion, a unified surplus of at least $255 billion, am I correct?

Mr. RYAN of Wisconsin. Mr. Speaker, if the gentleman will yield, the $96 billion unified surplus reflects the cash surplus, meaning the amount of overpayments on FICA taxes, payroll taxes for Social Security, that gets spent on other government programs that ought to go to Social Security. The interest on top of that is the number that the gentleman from South Carolina is talking about. That reflects past borrowing, past raiding of the Social Security surplus. We would like to fix that, too.

We think that is a good start. Let's say from now on if you pay FICA taxes to Social Security, let's not spend it on all these other government programs. So the cash surplus that occurs in 2012, that is what we are talking about with that $96 billion, not the interest on top that reflects all of the past borrowing and raiding of the Social Security trust fund.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I understand that. But the Social Security surplus is $255 billion.

Mr. RYAN of Wisconsin. That is the cash surplus, plus interest. We are talking about the cash surplus.

Mr. SPRATT. Mr. Speaker, on the other hand, if you look at the surplus you are claiming, $96 billion, and also provide for these tax cuts, my information is that these tax cuts have a revenue impact of at least $180 billion. That would mean in the year 2012 there has to be a bottom line surplus of $276 billion before the tax cuts are taken.

Mr. RYAN of Wisconsin. Mr. Speaker, that is not all in the year 2012, I believe. There is a problem with the numbers here.

Mr. SPRATT. $180 billion I believe is 1 year.

Mr. RYAN of Wisconsin. We seem to have a difference of opinion. But let me make one point: We showed you how to do it.

Mr. SPRATT. But you haven't shown us the arithmetic. We are not sure your arithmetic is correct.

Mr. RYAN of Wisconsin. We showed you with our budget substitute, we do not raise taxes on the American economy and family, and we can also stop raiding the cash surplus of Social Security. And the reason I can tell you we showed you is that is exactly what the Republican budget resolution substitute did, as scored by CBO.

Mr. SPRATT. Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 1½ minutes to make a couple of comments before I yield to the gentleman from Texas.

Mr. Speaker, I think I made the point on the Social Security cash surplus. We are talking about how much overpayments people pay in their payroll taxes in any given year. We don't want to keep spending that on other government programs. That is point number one.

Point number two: The very fact that the gentleman from South Carolina is suggesting that they are going to accept this motion to instruct, that they are going to accept this, means they agree there are tax increases in this budget.

They are saying right now, I just heard him say it, we don't want to raise taxes on the middle-class. We don't want to get rid of the child tax credit. We don't want to bring back the marriage penalty. We don't want to do away with the 10 percent bracket. So we will accept this motion to instruct. I.e., the other tax increases in this budget are just that, tax increases. Death tax, the marginal income tax rates across-the-board, capital gains, dividends.

Let me just make the point more clearly, by not quoting a think tank that may be left of center, right of center, whatever of center. Let me quote the Washington Post, clearly no paragon of right-wing thinking.

The Washington Post, right after the Democrat budget came out: "And while House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all of these tax cuts expire on schedule in 2010."

They further go on to say about the Democratic budget plan, "The budget plan expresses support for certain cuts, including the extended child tax credit, elimination of the marriage penalty, and the 10 percent bracket, that would require another reserve fund to be filled with hundreds of billions of dollars in tax increases to cover the cost."

Mr. Speaker, I yield 2 minutes to the distinguished member of the House Budget Committee, the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the ranking member.

Mr. Speaker, I think to the other Members in the House listening to this debate this sounds like a school yard kind of struggle: Yes, you are; no, you're not; yes, you are; no, you're not. We are back and forth. We are both using the same set of facts.

But the truth of the matter is, in 2011 and 2012, however it happens, under the current code the revenues of the government will go up $400 billion. The rhetoric on the other side of the aisle that this does not represent a tax increase would have a lot greater credibility with me and those on our side of the aisle if in fact our colleagues on the Budget Committee hadn't spent that $400 billion.

The chairman mentioned earlier about waiting until December 31, 2011, to fix these things. The problem with that is that at the end of 2010, maybe that is the date he was referencing, the estate tax goes from a zero tax rate to a 55 percent tax rate.

I spent a career helping folks comply with a very complex code, and estate planning requires generally a lot longer period of time to react and put plans in place than from one year to the next. So, to keep estates out there hung up with the idea that the tax is going to come back fully at 55 percent, I think is unfair.

The other thing that has to be said is that all of the tax increases go in fully. So the 33 percent bracket goes to a 39.6 percent bracket. If in fact the Democrats do want to protect the 10 percent bracket from going to 15 percent, as they have said, they are going to have to raise taxes on the top brackets. They are going to have to raise taxes in other places in order to stay within this bill's definition of PAYGO.

So I am going to speak in favor of the motion to instruct, but just for full and fair disclosure, I voted twice, since we did vote on this bill twice, against the Democrats' budget.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 2 minutes.

One additional point I wanted to make, Mr. Speaker, is the point about PAYGO that the gentleman from South Carolina mentioned. As it is well known, we have a problem with their version of PAYGO. When PAYGO is designed to raise taxes, we don't like it. When PAYGO is designed to control spending, we like it. That is why we are for PAYGO on spending, not on raising taxes.

But if this amendment is accepted, if this motion to instruct is accepted, let's just be very clear, it does violate their PAYGO. Because the Baucus amendment, which is what we are referring to, which is the amendment that passed in the Senate, uses their surpluses, quote-unquote, to pay for these tax cuts. PAYGO says if you are going to reduce taxes, you have to offset them with either a tax increase or a spending cut, not with surpluses.

So this amendment, we believe if you are going to have a surplus, it should either go back to the Social Security trust fund and pay down debt, or reduce taxes. That is what we are proposing.

But just so we are very clear with ourselves here, this Baucus amendment, this acceptance of this policy of not raising all of these taxes, just some of them, which is the best choice we have between the two options as the minority, does violate their own PAYGO rule by dedicating their surpluses towards this tax relief, rather than having offsets, either coming from spending cuts or tax increases.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, PAYGO is a very simple concept. If you are going to increase spending, you pay for it. If you are going to cut taxes, you pay for it. You don't go into the ditch. If you have a tax cut, you have to pay for it either with increases of other taxes or spending cuts to pay for it. If you have spending increases, you have to pay for it with cutting spending somewhere else or increasing taxes to pay for it. It is a very simple concept.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. If you are going to reduce taxes, you have to pay for it by either raising taxes or cutting spending. That is what your PAYGO is, correct?

Mr. SCOTT of Virginia. That is correct.

Mr. RYAN of Wisconsin. Well, you are violating it if you accept this amendment then.

Mr. SCOTT of Virginia. That is the concept, and that is how we got out of the ditch that we got into. If you build up a surplus, then you have something to spend. That is consistent with PAYGO.

But the point is that we got out of the ditch with fiscal responsibility, and as soon as 2001 came along, you let PAYGO expire, passed tax cuts that we couldn't afford and put us right back into the ditch. The fact is that the only way the Republican budget makes any sense is if you have $250 billion in cuts, mostly in Medicare and Medicaid, at a time when we can't even afford the cuts that are already in effect.

To put that $250 billion in context, there are plans out there, including the All Healthy Children Act, which can cover all children with healthcare for $15 billion a year. You are talking about cutting healthcare $250 billion. Obviously, you are not going to do it and so obviously the budget is not realistic.

But what are your priorities? Tax cuts that we can't afford at a time when we need to cover children? We can't even afford the Medicaid program we have got now. In most States, you can't find a dentist because the reimbursement rates aren't high enough, and here we are cutting Medicare and Medicaid $250 billion.

Mr. Speaker, I would hope that we would adopt the Democratic budget and reject the motion to recommit, because it requires us to assume $250 billion in cuts that we are not going to make. We have a responsible budget. It digs us out of the ditch that the Republicans put us in starting in 2001.

I would hope again we would reject the motion and adopt the Democratic budget as we passed it in the House.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I listened very carefully to my friend from Virginia. The only thing that is being cut here is the family budget, and it is being cut by the Democrats. If you look at the numbers of the Republican budget, government grows each and every year. Now, it doesn't grow as fast as the Democrat budget. And the way the Democrat budget grows is by imposing the single largest tax increase in American history on hard-working Americans.

An average in my district, the Fifth Congressional District of Texas, an average of $2,700 a year, Mr. Speaker, is going to be imposed on those hard-working people as they try to send their children to college, as they struggle to try to meet the healthcare payments for elderly parents, as they try to make payments on their healthcare premiums, as they try to put together that capital to launch their American dream and to buy their first home.

The cutting that is going on here is the cutting out of the heart of the family budget by the Democrat budget, imposing the single largest tax increase in American history. And as bad as that tax increase is, $392 billion over 5 years, it is a pittance compared to the taxes that they are going to impose on the next generation, because, Mr. Speaker, their budget is silent, absolutely silent, on the number one fiscal challenge facing America, out-of-control entitlement spending.

The Republicans are being responsible in trying to ensure that the next generation doesn't see a doubling of their taxes, which we all know will happen.

So this is the kick-the-can-down-the-road budget of the Democrats, when they know that our children and grandchildren will see their taxes doubled from roughly 20 percent of the economy to 40 percent. Now, how many of our children and grandchildren will ever be able to own a home, start a business or send their children to college?

This is the idea of the Democrats' fiscal responsibility, doubling taxes on the American people? I want no part of it.

Mr. SPRATT. Mr. Speaker, Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I think it is important to note that when you talk about average tax cuts, this is an average $250 a family tax cut, average $250 for a family of four. But you notice who gets it? This is involving personal exemptions and standard deductions.

If you make a $1 million, $17,000; $650 if you make $200,000 to $1 million; $11 if you make $100,000 to $200,000; if you make less than $100,000, you get on average of zero.

This is what you call an average $250 a family tax cut.

□ 1500

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes.

I have here a copy of the President's budgetary proposals for fiscal year 2008 published by the Congressional Budget Office. If you turn to page 6, you will see that the cost of the tax cuts, extending the tax cuts, which the motion proposes, the cost or the revenue impact of that in the year 2012 is $231 billion. That is what CBO says.

If you now add $96 billion to that, the surplus that year must be $327 billion. The surplus, $327 billion. Last year the deficit was $248 billion. If we move to a surplus of $327 billion in the year 2012, that requires a movement in the right direction of $575 billion which is hard to believe.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I wish we were talking about all of the tax cuts. Unfortunately, what we have in the Baucus amendment, that is only $132 billion in 2012 because the Baucus amendment only extends some of the tax cuts.

The point we are making is, if we want to stop raising taxes and raiding Social Security, we are going to have to control spending. That is what we propose to do; and sadly, that is not what the majority budget does.

Mr. SPRATT. The point, I am sure, is you are supportive of all of the 2001 and 2003 tax cuts. You are limited by procedural rules to only dealing with that which is in the scope of the two resolutions. But, in fact, I am sure you are supportive of that. If that is true, you have to acknowledge that the number is $231 billion. That is the revenue impact of extending all of the tax cuts. If you add 96, which is the surplus you project, you get a big, big number.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CAMPBELL), a member of the House Budget Committee.

Mr. CAMPBELL of California. Mr. Speaker, I have been listening to all of this debate, and I guess what I don't really understand is, why? I mean, why the Democrats here on the other side of the aisle want to oppose this motion to instruct.

I mean, do you want to raid the Social Security surplus? Do you like telling people that they are paying money for their own Social Security and retirement and then taking it and using it for other things? Do you like that? Do you want to do that? I mean, do you want to enact the biggest tax increase in American history? Do you want really to tax people more on capital gains and dividends when over 50 percent of Americans now own some sort of stock? Do you want to go back to penalizing married couples and having them pay more taxes after they get married than two people would when they were single? Do you really want to reduce the child care tax credit? Do you want to stifle economic growth?

I know some of you say you don't think that these tax cuts caused this economic growth. Let's assume they didn't cause it all. It can't be a coincidence that since the tax reductions went into place, we have had enormous economic growth, enormous job growth and enormous revenue growth to the Federal Government.

Do you really want to do all that? Do you really want to pass the largest tax increase in American history; and for what? So you can raise spending a lot over the next 5 years because if you just didn't increase spending, you could do all of this. You could allow Americans to keep their own money.

But no, you want to take their money from them and spend it on your priorities. Now I guess that is what you want to do. I still don't understand it. I don't understand why the government having money is so much more a priority, but I guess it is because you look at all money as the government's, and you allow people to keep some. We look at money as belonging to the people who earned it, and we allow the government to take that which is necessary.

But understand that if all you did was keep spending level or increase it a little bit over the next 5 years, then you wouldn't have to raise taxes and then you wouldn't have to raid the Social Security surplus. But apparently that is what you want to do.

Mr. SPRATT. Mr. Speaker, I yield myself 3 minutes. Mr. Speaker, this goes back to something that our President called fuzzy math. And if I seem hung up on the topic of math, it is because arithmetic is important when you are putting together a budget.

What they are telling us is they can run a $96 billion surplus in the year 2012 even though they are taking tax cuts that will take $231 billion in revenues out of the Federal Treasury. It is a stretch, to say the least. That involves assuming that we will have a surplus in the year 2012 of $327 billion.

How far from that are we today? Last year we had a deficit of $248 billion. If we are to move to a surplus of $327 billion by the year 2012, there has to be a movement in the right direction, a positive movement of $575 billion. Let's hope it happens, but I wouldn't bet the farm on it.

They then say and just said we are raiding Social Security. How absurd can you get? Here it is right here. The Social Security surplus is $255 billion. They do not even claim more than $96 billion on the surplus. If they left the tax cut out, they would indeed have enough bottom line, 96 plus 231, to cover the surplus, but they haven't done that.

Here on the bottom line, the back of an envelope, is a simple chart that I bring down to the well with me every time I talk because we need to be reminded. When President Bush came to office, the national debt was $5.7 trillion. Six years later, the national debt is $8.8 trillion, an increase of $3.1 trillion over the last 6 years. That is a 60 percent increase in the debt of the United States. We have not seen anything like it since the Second World War.

Are we worried about fuzzy math? You better believe we are because this is the consequence of it. What the Republican budget resolution would have done had it been adopted is it would have extended again and again the policy of borrow and spend, leaving the tab to our children.

Here is what the tab looked like, in addition to the $8.8 trillion: You can cut taxes today, but what you leave in the wake of what you have done is a debt tax, the one tax that has to be paid because it is the amount of money we have to levy and raise every year to pay interest on our national debt, which is obligatory. It cannot be avoided. It has to be paid.

Here is the difference between interest on the national debt, which is well over $200 billion, headed to $300 billion within the foreseeable future, and look what it does to other priorities, things that are pressing and important like veterans health care, homeland security, and education. All of those things are dwarfed by the increase in interest payments on the debt.

This is a debt tax we have to pay today. All Americans have to pay it. Our children will have to pay it because of our irresponsible fiscal policy. This is why we need to clear up this fuzzy math and put the country back on a firm path to fiscal responsibility.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I rise today with great concern for our economy. I rise because we hear about the debt and certainly my concern is that if we are not careful, we will make the debt even worse than it is now because an economy can turn south with overtaxation. Right now we are headed to tax increases that concern me a great deal.

In Nebraska, the average tax increase per taxpayer is almost $2,400 a year as proposed. More than that though, I am concerned about small businesses, farmers and ranchers who face tax increases whether it is the estate tax or other taxes.

When I have a small business person come up to me and say, we need to do something about the estate tax, the death tax because it will devastate their business, that gets my attention.

My concerns are that we have available capital in our economy because, with available capital, we see good things happening, whether it is investing in the stock market or whether it is expanding a small business or whether it is putting money away for a child or grandchild heading to college. The fact is, available capital does great things, and that is why I rise with extreme concern about our budget because the budget calls for a tax increase, and that is what concerns me so much because tax increases are bad for economic growth. Tax increases lead to a downturn in the economy.

I not only believe we can do better than this proposed budget, but we must do better.

Mr. SPRATT. For the clarification of Members, let me give you my take on what is before us right now. This motion to instruct conferees calls for us to recede, back off the revenue levels in the House amendment and insist on, listen to this, policy statement in section 401 of the House amendment. That is our budget resolution, the Democratic budget resolution.

It is the place in our resolution where one time we have insisted, pledged our support for the extension of these middle-income tax cuts passed in 2001 and 2003. That is paragraph A. It is hard for us to disagree with the enforcement of the language that we put in the budget resolution in the first place.

Secondly, paragraph B, insist on the lowest possible levels of revenue within the scope of the conference.

It is hard to tell what that level might be, whether or not it is consistent with the one above, but we certainly will give some consideration to that.

And finally, set forth a unified surplus of at least $96 billion in fiscal year 2012. I hope we can do it, but you have heard me go through the arithmetic out here, and I think it is a reach to even imply that these three variables can be integrated and solved in this one multi varied equation.

If you can do it, fine. If you can come out of all this still having these tax cuts and still having a $96 billion surplus, great. But I have to tell you, I think it is fuzzy math.

But we are wholeheartedly in support of the middle-income tax cuts that are enumerated here. Indeed, they have been lifted straight out of the Democratic budget resolution, and that is why we are supportive of them.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me concur that the resolution does say what the chairman says it does. The reason it points to the words in the House budget resolution, which say that the policy of the House is to keep these tax cuts, but we refer to the deeds of the Senate is because the House didn't pay for those tax cuts, didn't extend those tax cuts. The Senate extended those tax cuts.

The House used the words that said, we hope, we wish, we would like to extend these tax cuts, but they didn't do that. They raised the taxes. It is the Senate.

The mere fact that the Senate passed the Baucus amendment in the first place is a repudiation of the claim by the House that they are actually not raising taxes.

The Senate looked at the House budget resolution and said, you know what, this thing is the largest tax increase in American history. We don't want to raise taxes on middle-income earners, child tax credit, marriage penalty, 10 percent bracket; and therefore, they passed the Baucus amendment.

What we are saying is we wish we could extend all of the tax cuts. Since the scope is limited, we are saying, let's stick with the Senate and actually put numbers where the words are in the House by actually lowering the revenue number.

Now, the chairman is right. He is saying it is a reach to reach these surpluses. It is too tough to do it to reach these surpluses if you accept his premise. And the premise of the chairman's budget is do nothing to control spending.

Mr. Speaker, we don't have a revenue problem in Washington. Just the last 7 months alone we had 11 percent revenue growth. That is 3 straight years of double-digit revenue growth at these lower tax rates. We have plenty of money coming in from taxpayers. The problem is we are spending it too fast. That is the problem in Washington, not a revenue problem, a spending problem.

If you accept the premise of the chairman, the esteemed gentleman from South Carolina (Mr. SPRATT), that there is no spending problem in Washington, which I don't accept, then he is correct, you can't balance the budget. You can't stopped the raid on Social Security and you can't extend tax relief.

□ 1515

We disagree. How tough is it to do it? Let me tell you what our budget accomplished, the Republican substitute. We simply said in order to stop the raid of the Social Security surplus and make all these tax cuts permanent, spend $14.977 trillion over the next 7 years instead of the current projection, $15.286 trillion. That is what we are saying. We are saying instead of spending over the next 5 years $15.286 trillion, spend $14.977 trillion. Instead of growing mandatory spending by 5.2 percent, grow it at 4.3 percent.

Is this Draconian, is this crazy, is this hard core? No. It's what families do around a kitchen table every day. We are simply saying put taxpayers first. Don't make people wait for 3 years to see if they're going to have their per-child tax credit, if they're going to have the marriage penalty, if the estate taxes are going to be higher, lower or somewhere in between. Tell them now. Let's tell taxpayers, first you get to keep your money; then we're going to tighten our belt here in Washington by controlling spending.

Mr. Speaker, the taxpayers deserve this respect. They don't deserve to be jerked around. We should control spending, and by golly, we need to prepare for the retirement of these baby boomers. We need to reform these entitlement programs so we can extend their solvency, extend their reliability, and that is the biggest shame of all.

Not only does this budget have the largest tax increase in American history; it proposes that we do nothing for the next 5 years to control and reform entitlements to do anything to control spending. That's a shame. That's why we should pass this motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. POMEROY). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

COMMUNICATION FROM THE HONORABLE ROBERT E. ANDREWS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable ROBERT E. ANDREWS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 3, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for documents issued by the Superior Court of New Jersey, Gloucester County.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERT E. ANDREWS,
Member of Congress.

COMMUNICATION FROM THE DISTRICT DIRECTOR OF THE HONORABLE DAVID PRICE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Rose Auman, District Director, Office of the Honorable DAVID PRICE, Member of Congress:

MAY 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a judicial subpoena for trial testimony issued by the Orange County, North Carolina District Court.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ROSE AUMAN,
District Director.

THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2007

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 377, I call up the bill (H.R. 1294) to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Federal recognition.
Sec. 104. Membership; governing documents.
Sec. 105. Governing body.
Sec. 106. Reservation of the Tribe.
Sec. 107. Hunting, fishing, trapping, gathering, and water rights.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Federal recognition.
Sec. 204. Membership; governing documents.
Sec. 205. Governing body.
Sec. 206. Reservation of the Tribe.
Sec. 207. Hunting, fishing, trapping, gathering, and water rights.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Federal recognition.
Sec. 304. Membership; governing documents.
Sec. 305. Governing body.
Sec. 306. Reservation of the Tribe.
Sec. 307. Hunting, fishing, trapping, gathering, and water rights.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.
Sec. 402. Definitions.
Sec. 403. Federal recognition.
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TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, "as a matter largely of historical accident", but was "interested in them as descendants of the original inhabitants of the region";

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) In 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians "in your area";

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of enactment of this Act, the Tribe transfers to the Secretary land within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia, the Secretary shall take the land into trust for the benefit of the Tribe.

(b) GAMING.—

(1) GAMING.—No reservation or tribal land or land taken into trust for the benefit of the Tribe or a member of the Tribe shall be eligible to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of that Act (25 U.S.C. 2719(a)).

(2) APPROVAL OF COMPACTS.—No compact for class III gaming shall be valid unless approved or ratified by the Virginia General Assembly.

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the "United Indians of Virginia" was formed; and

(27) Chief Marvin "Strongoak" Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of enactment of this Act, the Tribe transfers to the Secretary any land within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia, the Secretary shall take the land into trust for the benefit of the Tribe.

(b) GAMING.—

(1) GAMING.—No reservation or tribal land or land taken into trust for the benefit of the Tribe or a member of the Tribe shall be eligible to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of that Act (25 U.S.C. 2719(a)).

(2) APPROVAL OF COMPACTS.—No compact for class III gaming shall be valid unless approved or ratified by the Virginia General Assembly.

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as "the cliffs" on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in "New Kent" County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as "the cliffs" (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the "Upper Mattaponi Indian Tribe" and "Chickahominy Indian Tribe", elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have "Adams" as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were "blended" with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as "Indians" in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as "Indians";

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a "colored" designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into "colored" units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of enactment of this Act, the Tribe transfers to the Secretary land within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia, the Secretary shall take the land into trust for the benefit of the Tribe.

(b) GAMING.—

(1) GAMING.—No reservation or tribal land or land taken into trust for the benefit of the Tribe or a member of the Tribe shall be eligible to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of that Act (25 U.S.C. 2719(a)).

(2) APPROVAL OF COMPACTS.—No compact for class III gaming shall be valid unless approved or ratified by the Virginia General Assembly.

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1) during the initial months after Virginia was settled, the Rappahannock Indians had 3 encounters with Captain John Smith;

(2) the first encounter occurred when the Rappahannock weroance (headman)—

(A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine whether Smith had been the "great man" who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnapped Rappahannock people; and

(B) determined that Smith was too short to be that "great man";

(3) on a second meeting, during John Smith's captivity (December 16, 1607 to January 8, 1608), Smith was taken to the Rappahannock principal village to show the people that Smith was not the "great man";

(4) a third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to "treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamunkeys";

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, "the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock";

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that "there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman";

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, "who were supposed to be her tributaries", but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council "that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers";

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres "about the town where they dwelt";

(22) the Rappahannock "town" was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian land act,

which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26) in 1706, by order of Essex County, Lieutenant Richard Covington "escorted" the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29) in the 19th century, those Saunders, Johnson, and Nelson families are among the core Rappahannock families from which the modern Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as "Indians, having a great need for moral and Christian guidance";

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900's, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that "special instructions" were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were "flatly denying" his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as "Indian" only if Indian "blood" predominated and "Indian" identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as "Negro", and it failed to see why "an exception should be made" for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks were convicted of violating the Federal draft laws and, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, "Surviving Indian Groups of the Eastern United States", which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a white public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term "Tribe" means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term "Tribe" does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal

members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, Spotsylvania County, Stafford County, and Richmond County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of enactment of this Act, the Tribe transfers to the Secretary land within the boundaries of King and Queen County, Stafford County, Spotsylvania County, Richmond County, Essex County, and Caroline County, Virginia, the Secretary shall take the land into trust for the benefit of the Tribe.

(b) GAMING.—

(1) GAMING.—No reservation or tribal land or land taken into trust for the benefit of the Tribe or a member of the Tribe shall be eligible to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of that Act (25 U.S.C. 2719(a)).

(2) APPROVAL OF COMPACTS.—No compact for class III gaming shall be valid unless approved or ratified by the Virginia General Assembly.

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) In 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian "Kings and Chief Men";

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as "white" with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the State of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he "would be willing to accept these children in the Cherokee school";

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as "Monacan Co-operative Pottery" at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the State of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of enactment of this Act, the Tribe transfers to the Secretary any land within the boundaries of Amherst County, Virginia, the Secretary shall take the land into trust for the benefit of the Tribe.

(b) GAMING.—

(1) GAMING.—No reservation or tribal land or land taken into trust for the benefit of the Tribe or a member of the Tribe shall be eligible to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of that Act (25 U.S.C. 2719(a)).

(2) APPROVAL OF COMPACTS.—No compact for class III gaming shall be valid unless approved or ratified by the Virginia General Assembly.

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the

Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the "Indian privileges" of clearing swamp land and bearing arms (which privileges were forbidden to other nonwhites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the State of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Notwithstanding any other provision of law, if, not later than 25 years after the date of enactment of this Act, the Tribe transfers any land within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia, the Secretary shall take the land into trust for the benefit of the Tribe.

(b) GAMING.—

(1) GAMING.—No reservation or tribal land or land taken into trust for the benefit of the Tribe or a member of the Tribe shall be eligible to satisfy the terms for an exception under section 20(b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after October 17, 1988, under section 20(a) of that Act (25 U.S.C. 2719(a)).

(2) APPROVAL OF COMPACTS.—No compact for class III gaming shall be valid unless approved or ratified by the Virginia General Assembly.

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

The SPEAKER pro tempore. Pursuant to House Resolution 377, the amendment in the nature of a substitute printed in the bill, modified by the amendments printed in House Report 110–130, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.
Sec. 102. Definitions.
Sec. 103. Federal recognition.
Sec. 104. Membership; governing documents.
Sec. 105. Governing body.
Sec. 106. Reservation of the Tribe.
Sec. 107. Hunting, fishing, trapping, gathering, and water rights.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Federal recognition.
Sec. 204. Membership; governing documents.
Sec. 205. Governing body.
Sec. 206. Reservation of the Tribe.
Sec. 207. Hunting, fishing, trapping, gathering, and water rights.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.
Sec. 302. Definitions.
Sec. 303. Federal recognition.
Sec. 304. Membership; governing documents.
Sec. 305. Governing body.
Sec. 306. Reservation of the Tribe.
Sec. 307. Hunting, fishing, trapping, gathering, and water rights.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.
Sec. 402. Definitions.
Sec. 403. Federal recognition.
Sec. 404. Membership; governing documents.
Sec. 405. Governing body.
Sec. 406. Reservation of the Tribe.
Sec. 407. Hunting, fishing, trapping, gathering, and water rights.

TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.
Sec. 502. Definitions.
Sec. 503. Federal recognition.
Sec. 504. Membership; governing documents.
Sec. 505. Governing body.
Sec. 506. Reservation of the Tribe.
Sec. 507. Hunting, fishing, trapping, gathering, and water rights.

TITLE VI—NANSEMOND INDIAN TRIBE

Sec. 601. Findings.
Sec. 602. Definitions.
Sec. 603. Federal recognition.
Sec. 604. Membership; governing documents.
Sec. 605. Governing body.
Sec. 606. Reservation of the Tribe.
Sec. 607. Hunting, fishing, trapping, gathering, and water rights.

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale,

Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as white or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, "as a matter largely of historical accident", but was "interested in them as descendants of the original inhabitants of the region";

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) In 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians "in your area";

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Tribal member.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) Tribe.—The term "Tribe" means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) Federal Recognition.—

(1) In general.—Federal recognition is extended to the Tribe.

(2) Applicability of laws.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) Federal Services and Benefits.—

(1) In general.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) Service area.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) In General.—Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be considered by the Secretary of the Interior under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia. The Secretary shall make a final determination within three years of the date which the tribe submits a request for land to be taken into trust. Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall be considered part of the reservation of the Tribe.

(b) Gaming.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. _08. JURISDICTION OF STATE OF VIRGINIA.

(a) In General.—The State of Virginia shall exercise jurisdiction over—

(1) all criminal offenses that are committed on; and

(2) all civil actions that arise on,

lands located within the State of Virginia that are owned by, or held in trust by the United States for, the Tribe.

(b) Acceptance of State Jurisdiction by Secretary.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the State of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King

William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the "United Indians of Virginia" was formed; and

(27) Chief Marvin "Strongoak" Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Tribal member.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) Tribe.—The term "Tribe" means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) Federal Recognition.—

(1) In general.—Federal recognition is extended to the Tribe.

(2) Applicability of laws.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) Federal Services and Benefits.—

(1) In general.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) Service area.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) In General.—Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be considered by the Secretary of the Interior under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia. The Secretary shall make a final determination within three years of the date which the tribe submits a request for land to be taken into trust. Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall be considered part of the reservation of the Tribe.

(b) Gaming.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. _08. JURISDICTION OF STATE OF VIRGINIA.

(a) In General.—The State of Virginia shall exercise jurisdiction over—

(1) all criminal offenses that are committed on; and

(2) all civil actions that arise on,

lands located within the State of Virginia that are owned by, or held in trust by the United States for, the Tribe.

(b) Acceptance of State Jurisdiction by Secretary.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the State of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as "the cliffs" on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in "New Kent" County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as "the cliffs" (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the "Upper Mattaponi Indian Tribe" and "Chickahominy Indian Tribe", elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have "Adams" as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were "blended" with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as "Indians" in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as "Indians";

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a "colored" designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into "colored" units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be considered by the Secretary of the Interior under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and queen County, and New Kent County, Virginia. The Secretary shall make a final determination within three years of the date which the tribe submits a request for land to be taken into trust. Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall be considered part of the reservation of the Tribe.

(b) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC._08. JURISDICTION OF STATE OF VIRGINIA.

(a) IN GENERAL.—The State of Virginia shall exercise jurisdiction over—

(1) all criminal offenses that are committed on; and

(2) all civil actions that arise on,

lands located within the State of Virginia that are owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the State of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1) during the initial months after Virginia was settled, the Rappahannock Indians had 3 encounters with Captain John Smith;

(2) the first encounter occurred when the Rappahannock weroance (headman)—

(A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine whether Smith had been the "great man" who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnapped Rappahannock people; and

(B) determined that Smith was too short to be that "great man";

(3) on a second meeting, during John Smith's captivity (December 16, 1607 to January 8, 1608), Smith was taken to the Rappahannock principal village to show the people that Smith was not the "great man";

(4) a third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to "treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamunkeys";

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, "the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock";

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that "there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman";

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, "who were supposed to be her tributaries", but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council "that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers";

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres "about the town where they dwelt";

(22) the Rappahannock "town" was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian land act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26) in 1706, by order of Essex County, Lieutenant Richard Covington "escorted" the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29) in the 19th century, those Saunders, Johnson, and Nelson families are among the core Rappahannock families from which the modern Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as "Indians, having a great need for moral and Christian guidance";

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900's, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that "special instructions" were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were "flatly denying" his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as "Indian" only if Indian "blood" predominated and "Indian" identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as "Negro", and it failed to see why "an exception should be made" for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks were convicted of violating the Federal draft laws and, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, "Surviving Indian Groups of the Eastern United States", which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a white public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term "Tribe" means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term "Tribe" does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, Spotsylvania County, Stafford County, and Richmond County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be considered by the Secretary of the Interior under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within the boundaries of King and Queen County, Stafford County, Spotsylvania County, Richmond County, Essex County, and Caroline County, Virginia. The Secretary shall make a final determination within three years of the date which the tribe submits a request for land to be taken into trust. Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall be considered part of the reservation of the Tribe.

(b) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 08. JURISDICTION OF STATE OF VIRGINIA.

(a) IN GENERAL.—The State of Virginia shall exercise jurisdiction over—

(1) all criminal offenses that are committed on; and

(2) all civil actions that arise on,

lands located within the State of Virginia that are owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the State of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) In 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian "Kings and Chief Men";

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as "white" with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the State of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he "would be willing to accept these children in the Cherokee school";

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as "Monacan Co-operative Pottery" at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the State of Virginia, which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be considered by the Secretary of the Interior under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within the boundaries of Amherst County, Virginia. The Secretary shall make a final determination within three years of the date which the tribe submits a request for land to be taken into trust. Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall be considered part of the reservation of the Tribe.

(b) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 08. JURISDICTION OF STATE OF VIRGINIA.

(a) IN GENERAL.—The State of Virginia shall exercise jurisdiction over—

(1) all criminal offenses that are committed on; and

(2) all civil actions that arise on,

lands located within the State of Virginia that are owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the State of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the "Indian privileges" of clearing swamp land and bearing arms (which privileges were forbidden to other nonwhites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the State of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term "tribal member" means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term "Tribe" means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any tribal member on or near any Indian reservation.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Fee lands which the Tribe seeks to convey to the United States to be held in trust shall be considered by the Secretary of the Interior under part 151 of title 25 of the Code of Federal Regulations (or a successor regulation) if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia. The Secretary shall make a final determination within three years of the date which the tribe submits a request for land to be taken into trust. Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall be considered part of the reservation of the Tribe.

(b) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

SEC. 08. JURISDICTION OF STATE OF VIRGINIA.

(a) IN GENERAL.—The State of Virginia shall exercise jurisdiction over—

(1) all criminal offenses that are committed on;

and

(2) all civil actions that arise on, lands located within the State of Virginia that are owned by, or held in trust by the United States for, the Tribe.

(b) ACCEPTANCE OF STATE JURISDICTION BY SECRETARY.—The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, all or any portion of the jurisdiction of the State of Virginia described in subsection (a) upon verification by the Secretary of a certification by a tribe that it possesses the capacity to reassume such jurisdiction.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1294.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to my colleagues on both sides of the aisle I would observe that this is one of those rare moments in this body when history itself seems to hold its breath.

We are here today 400 years after the first English settlers landed in what became Jamestown, Virginia, to finally acknowledge a government-to-government relationship with some of the Indian tribes who greeted those early settlers. Reflect upon that for a moment. The ancestors of the members of these Indian tribes were there 400 years ago at Jamestown and facilitated the very founding and early development of this Nation. Spanning the entire history of this Nation, they have been here, and they have endured extreme adversity.

These Indian tribes have taken part in ceremonies with the visiting Queen of England commemorating this 400th anniversary of the establishment of Jamestown, and they are a vital part of the official activities continuing this week.

I can think of no better time than this week for Congress to step up to its responsibility by using its constitutional authority to acknowledge these Indian tribes. Simply put, the pending legislation would extend Federal recognition to six Indian tribes located within the Commonwealth of Virginia.

It is sponsored by our colleague JIM MORAN of Virginia and enjoys bipartisan support, including Virginia Representatives BOBBY SCOTT, JO ANN DAVIS and TOM DAVIS. I, too, am a cosponsor of H.R. 1294, and I am pleased that the Natural Resources ranking republican member with us today, Mr. DON YOUNG, is also a strong supporter.

Importantly, both former Virginia Governors George Allen and Mark Warner, as well as current Governor Tim Kaine, have endorsed the tribes' recognition and status as sovereign governments. The Virginia Council of Churches supports the measure as well.

The authority to recognize a government-to-government relationship with an Indian tribe is a very solemn one for the Congress. It is necessary in this case because the members of these six tribes have faced hundreds of years of discrimination, abuse, and outright attempts to extinguish their very existence and rob them of their heritage.

From 1912 to 1947, Dr. Walter Plecker, a white supremacist, set out to rid the Commonwealth of Virginia of any records that proved the existence of Indians or Indian tribes. He was instrumental in ensuring passage of the Racial Integrity Act in 1924, making it illegal for individuals to classify themselves or their newborn children as "Indian." But it went further than that, spending decades changing the race designation on birth certificates and other legal documents from "Indian" to "colored," "Negro," or "free issue." Throughout it all, the Virginia Indians did not break, but they held firm to their culture and to their identity.

I would note that this bill is named for Thomasina "Red Hawk Woman" Jordan, whose lifelong pursuit of advancing Native American rights encompassed ensuring the promise of education for all Indians and securing Federal recognition of Virginia Indian tribes.

The pending measure was reported by the Natural Resources Committee by voice vote.

To address claims that the tribes are only interested in Federal recognition so that they may conduct gaming, all six tribes supported an outright gaming prohibition which was included in this bill. This gaming prohibition precludes the Virginia tribes from engaging in, licensing or regulating gambling pursuant to the Indian Gaming Regulatory Act on their lands.

In closing, I would like to pay special homage to the gentleman from Virginia (Mr. MORAN) who has spent several years tirelessly working to achieve Federal recognition for Virginia's First Americans. He, Representative BOBBY SCOTT and others I mentioned, TOM DAVIS and JO ANN DAVIS, have been before our Committee on Natural Resources and testified on this issue, and I salute their superb leadership as well.

It is because of this dedication to this issue that this legislation is before us today during this historic occasion marking the 400th anniversary of Jamestown. It is time to put this issue to rest and do the right thing by extending Federal recognition to these tribes.

I urge all my colleagues to join me in supporting the pending measure.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from West Virginia said, I do support H.R. 1294. This bill and prior versions have been in the works over the last several Congresses. This bill is long overdue.

We have heard arguments saying that we should let the tribes undergo the Federal acknowledgment process at the Department of the Interior. This would be a reasonable argument except for the fact that the Department's process is not specifically authorized by Congress. The intentions behind the creation of the process in 1978 were honorable enough, and perhaps compelling tribes to use this process is appropriate in certain cases.

But it is a fact that the Department has not always abided by its own process in extending the recognition, or failing to extend recognition, to some legitimate tribes. It is a fact that the administrative process is bogged down with hundreds of petitions, many of which are not filed by tribes that can demonstrate the history of the six Virginia tribes.

In the hearings held on this bill, the committee has heard convincing testimony describing the rich but sometimes sad history of the six Virginia tribes. I do not need to repeat the detailed history starting with Pocahontas and Captain John Smith. We have heard a lot of that recently.

What matters is whether or not the evidence presented to the Congress demonstrates a continuous existence of a distinct Indian community from the time of European contact to the present. And in this, the six group petitioners in H.R. 1294 pass the test with flying colors.

This legislation enjoys broad support throughout the Commonwealth of Virginia. I would specifically point to the efforts of the gentlewoman from Virginia (Mrs. JO ANN DAVIS) who has been an untiring advocate for recognizing the Rappahannock tribe, which is in her district. She is the sponsor of H.R. 106, a bill to recognize this tribe. She is also cosponsoring the bill before us today.

Her support, as well as the support of the elected officials of Virginia, is critical. Local knowledge and interaction with the tribes is a key consideration. We are obligated to weigh this very heavily in our deliberations over this bill. We have an obligation to defer to the judgment of the Members when bills affecting their constituents are at stake.

One of the few points of opposition to H.R. 1294 concerns the issue of gaming. The bill contains a strict prohibition on any gaming in Virginia. I do not think it is fair to limit tribal sovereignty in this way. It is unfair to view recognition through the prism of Indian gaming.

However, the committee made its decision to defer to some Members of the Virginia delegation on this issue, and I reluctantly supported an amendment to add the gaming measure.

Therefore, I trust that H.R. 1294 will pass the House with a strong majority today, and I urge my colleagues to give their Virginia tribes their due.

I would like to also recognize Mr. MORAN who has done an outstanding job on this issue and has been a great promoter. I always admire those, although not in his district, that have stepped forth and carried this torch on that side of the aisle, and I do compliment him on that effort.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I recognized the tremendous efforts of Mr. MORAN of Virginia in my opening comments, and I know he spoke on the rule on this issue, but I now recognize him again, the gentleman from Virginia, Mr. JIM MORAN, for 7 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I thank very much my very good friend Chairman RAHALL. He has shown a lot of courage and also caring and sensitivity to the situation that confronts these particular Indian tribes. I see my good friend Mr. SCOTT from Virginia, as well, who will speak to this and my good friend, the ranking minority member, Mr. DON YOUNG; and I thank him for stepping up on this, too. I know that his words are deeply felt, and his support is deeply appreciated.

I also want to compliment the staff on both sides. They have done the research. They have provided the accurate information; and without that, there would be a lot of misimpressions that would be going around the floor that could defeat this bill; but the facts are on our side, and that is because particularly the very good, hard-working staff has made sure that the facts have become public.

Let me share some of those facts with you. The argument is going to be used that these tribes should go through the regular process at the BIA, and the argument will be made that this just opens it up to gambling and there is going to be another issue in terms of the corruption that is inherent within casino gambling and so on.

The fact is that it would be virtually impossible for these Virginia Indian tribes to provide the documentation that the Bureau of Indian Affairs requires. This is a unique situation that does not apply in other States because other States did not make it legal to go into courthouses, local courthouses, throughout the State and destroy the very documentation that is now necessary.

Now, of course, the Governor of Virginia and all the previous Governors, including Senator Allen who specifically recognized these Indian tribes when he was Governor, they have all acknowledged there is no question these Indian tribes exist. In fact, they have the oldest treaty that has been in existence in the United States, 1677, signed with King Charles II.

□ 1530

But, of course, that was before there was an American government; and, as a result, ironically, we haven't specifically recognized these Indians, because they have the oldest treaty. But these were the Indians that enabled the Jamestown settlers to survive.

Here we are, the Queen is at the White House, and we are having all this pomp and circumstance, and the very Indians that enabled it to happen have not been recognized by our government and, in fact, have been treated to some of the worst injustices across this land. From 1912 to 1946, their documents were deliberately destroyed.

In 1924, there was a Racial Integrity Act passed by a white supremacist, Dr. Walter Plecker. He was head of the Department of Vital Statistics, very politically powerful. And that, in effect, made it a crime to be identified as an Indian. You had to check a box "white" or "colored" throughout the State in the parlance of that time.

My friend and colleague from Virginia knows what I mean, and he believes it, because he knows Virginia history. Many of our colleagues, though, might not believe that this could happen; and, yet, it did. It was a penalty of a year of imprisonment for identifying oneself as an American Indian. So they don't have the documentation. Bureau of Indian Affairs would say, yes, we would recognize you, there is no question you exist, but it won't be in your lifetime.

Well, 400 years. Isn't this time? Now, obviously, there has been a lot of intermarriage, but the fact is, there are records, and we can produce those records. But we don't have the time, and it doesn't seem to be fair to force these Indian tribes through a process that may fail only because of governmental action, a grossly unjust governmental action.

So gambling is not an issue. These Indian tribes, even though they should certainly be on a par with all other Indian tribes, have compromised, have accepted language that prohibits them from being able to gamble, even bingo. The State gets an enormous amount of money from lottery, but they can't participate. They have accepted that. This is a matter of pride for these Indians.

This is a matter of pride. These Native Americans want to be able to tell their children, and their grandchildren, and their grandchildren, in turn, their grandchildren, we were the ones that enabled the English settlement to survive. We have a proud tradition. We were recognized by the United States Congress.

Now, hopefully, at some point, the other compromise we have made in terms of putting land into trust, that will be rectified, too, but that's not going to be immediately put into trust. We compromised with the communities; we have gone through all of the possible procedures that might raise some objection to this.

Now, Members may come to the floor who, I suspect, have not read the bill, with some objection. I don't think it's a matter of bias, but it certainly is a matter of concern that there has been abuse on the part of some lobbyists working with Indian tribes. We understand that.

But, gosh, this is a unique situation. This is a matter of injustice that cries out to be rectified. This bill rectifies that injustice. Hopefully we can do it in time for the actual date of the English settlers landing at Jamestown. It's 400 years overdue.

Again, I thank the chairman, the ranking member, and I thank the Speaker for the time. In advance, I thank my colleagues for doing the right thing.

Mr. Speaker, if floor procedures were to permit, I would address the members of the six Virginia tribes seeking Federal recognition.

I would say that I know their quest has been a long struggle to assert their identity and their rights.

Despite centuries of racial hostility and coercion by the Commonwealth of Virginia and others, they have refused to yield their most basic human right and have suffered and lost much.

But, throughout the centuries you have retained your dignity and supported your people.

When it appeared that no one else would, when little was available, when even the doors of the public school house were closed to your children, you have never yielded to those who said you didn't exist.

Mr. Speaker, I would say to the Virginia tribes that win or lose today, you have already won by refusing to yield and by remaining true and faithful to who you are.

I would also say that it has been an honor for me to have helped carry this legislation.

While it is less than ideal, it moves you closer to the day our national government recognizes you exist.

Mr. Speaker, as Member of this chamber know, the crafting of congressional legislation is far from a perfect process. But, when it speaks, it speaks with the people's voice.

Today, I encourage my colleagues to speak and finally affirm that the Virginia tribes exist and deserve Federal recognition.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a cosponsor of this legislation, who helped us tremendously in reaching the point where we are today.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act.

I want to thank my colleague from Virginia (Mr. MORAN) for introducing the bill, and the gentleman from West Virginia and the gentleman from Alaska for their leadership and cooperation in bringing the bill to the floor.

This year marks the 400th anniversary of the founding of Jamestown, Virginia, the first permanent English settlement in North America. Jamestown is the cornerstone of our great republic, and its success relied heavily on the help of the indigenous people of Virginia. Virginia's Native Americans played a critical role in helping the first settlers of Jamestown survive the harsh conditions of the new world.

After the Jamestown colony weathered the first couple of years in the new world, the colony expanded, and the English pushed further inland. The same Native Americans that helped those first settlers were coerced and pushed from their land without compensation. Treaties, many of which precede our own Constitution, were often made in an effort to compensate the Virginia Native Americans. But, unfortunately, as history has shown, those treaties were rarely honored or upheld.

Like many other Native Americans, Virginia Indian tribes were marginalized from society. They were deprived of their land, prevented from getting an education and denied a role in our society. Virginia's Native Americans were denied their very fundamental human rights and the very freedoms and liberties enshrined in our own Constitution.

This bill on the House floor today will finally grant Federal recognition to the Chickahominy Tribe, the Eastern Chickahominy Tribe, the Upper Mattaponi Tribe, the Rappahannock Tribe, the Monacan Indian Nation, and the Nansemond Tribe. The bill will ensure the rightful status of Virginia's tribes in our Nation's history.

Federal recognition will also promote tribal economic development that will allow Virginia's tribes to become self-sufficient. Those same opportunities will allow Virginia's tribes to flourish culturally and economically, and will lead to a brighter future for a whole new generation.

We have waited too long to recognize Virginia's tribes. The time has come for Congress to act. I urge my colleagues to support the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, in conclusion, I would observe that, before the eastern counties of Virginia seceded from the Union at the start of the Civil War, the legal western counties that are now West Virginia were part of the Commonwealth of Virginia, so we, too, owe these tribes our gratitude.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise in support of H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act. I would like to thank Representative MORAN for his leadership, efforts and work, and also Chairman RAHALL for bringing this measure to the floor.

Several of the Virginia tribes are located within my congressional district, and I am proud to be one of the primary cosponsors of this historically significant legislation. As a former member of the Virginia Council on Indians, it is important to me that the tribes who were here before the English landing at Jamestown in 1607, receive all the rights afforded other similarly situated Indian tribes.

Often in the face of discrimination and persecution, the Virginia Indian community has strived for centuries to maintain their heritage and culture. Between 1912 and 1946 the Bureau of Vital Statistics in Virginia systematically erased all reference to Indians in public records. Additionally, Virginia's Racial Integrity Act of 1924 required all Indians to register as white or colored. These discriminatory actions and laws essentially erased hundreds of years of Virginia Indian dignity, heritage, and genealogy.

The members of these tribes have worked tirelessly and deserve greater autonomy and control to deal with tribal housing, health care and education. The six tribes were recognized by Virginia between 1983 and 1989. However, significant destruction of tribal records at the hands of the Commonwealth of Virginia have made prompt recognition and documentation through the Bureau of Indian Affairs' record intensive bureaucratic process impossible.

I believe it is appropriate that Congress take steps to federally recognize the Chickahominy, the Eastern Division Chickahominy, the Upper Mattaponi, the Rappahannock, the Monacan Indian Nation, and the Nansemond Indian Tribe.

It is appropriate as the Nation commemorates the 400th Anniversary of the first permanent English settlement in the New World that Congress officially recognizes the tribes who were here before Captain John Smith set foot in America. I urge my colleagues to adopt this bill and extend much deserved recognition to these Virginia tribes.

Mr. GOODLATTE. Mr. Speaker, I rise today regarding H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007. While I support granting these six Virginia tribes Federal recognition, I remain concerned about opening the door to casino-style gaming in the Commonwealth of Virginia.

The Virginia tribes have always contended that they have no interest in pursuing gaming. And I was encouraged when the Resources Committee adopted an amendment to limit the tribes' ability to pursue gaming. However, in recent days I have begun to hear murmurs that the language is not as strong as we have been led to believe, and the tribes are considering challenging the gaming limitation. I have always believed the tribes when they have said they do not wish to pursue gambling, so I hope that there is no truth to a challenge.

I believe it is the desire of this Congress that if challenged in court, this language would be upheld, just as similar language was upheld in *Del Sur Pueblo* v. *The State of Texas*, 69 Fed. App. 659. However, I urge the Senate to look closely at this bill to see if this language can be tightened and strengthened to further ensure that casino-style gambling doe not come to the Commonwealth. We must ensure that this bill, while well-intentioned, does not negatively affect Virginia.

The Commonwealth of Virginia and the Nation should honor and recognize these tribes. However, we must continue to look for a way to grant them this recognition, without leaving our beautiful Commonwealth open to the ill-effects of gambling.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to support this bill to correct a long standing historical inequity.

H.R. 1294 would provide federal recognition to six American Indian tribes in the Commonwealth of Virginia. With this formal recognition our Government will extend to these tribes the respect, dignity and benefits afforded to 562 other American Indian tribes.

Despite historical records documenting the existence of these tribes dating back to the 1600s and formal recognition by the Commonwealth in the 1980s, their efforts to receive Federal recognition have been ongoing for decades.

While documents normally required by the Bureau of Indian Affairs are missing or have been altered, this was not the fault or result of tribal action. In 1997, Virginia passed legislation to correct these historical records and in 1999 passed a resolution urging Congress to grant these tribes Federal recognition.

This inequity should stand no longer. The Chickahominy Indian Tribe, the Eastern Division of the Chickahominy Indian Tribe, the Upper Mattaponi Tribe, the Rappahannock Tribe Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe deserve to be on equal footing with other tribes in the United States. They would benefit greatly from the ability to compete for educational programs, grants and other federal services.

Mr. Speaker, this has gone on long enough. As we commemorate the 400th anniveary of the founding of Jamestown and honor the history and courage that experience entailed, let us also honor these Native Americans who have persevered through a system of exclusion, by mandating Federal recognition.

Mr. WOLF. Mr. Speaker, I'm going to vote for this bill because I believe it represents a significant step forward in ensuring that the Commonwealth's interests are safeguarded when it comes to preventing casino-style gambling from coming to the state while providing full Federal recognition to these six Virginia Tribes.

However, I hope the Senate will take a very careful look at it before proceeding because I have already begun hearing rumors that attorneys are being consulted about ways to overturn the limitation on tribal gambling included in the legislation.

I believe the tribes when they say they aren't interested in pursuing gambling. Nevertheless, I would be extremely disappointed if there is any merit to the chatter I am hearing already—even before the bill gets out of the House—about their interest in a court challenge of the bill's gambling limitation. I certainly hope that's not true, and that what I am hearing is simply rumor.

I also must admit that I am troubled by the fact the tribes have been paying a lobbyist at least $80,000 for the past several years to advance this legislation. I certainly hope that this bill isn't the first step down the slippery slope we've been down before relating to lobbying and tribal gambling.

In moving forward with approval of this legislation, I believe it is important to underscore Congress' basis for this gambling limitation. Under the bill, no Virginia Indian tribe or tribal member, if granted Federal recognition by H.R. 1294, would have any greater rights to gamble or conduct gambling operations under the laws of the Commonwealth of Virginia than any other citizen of Virginia. Further, it is the expectation of Congress that the language restricting gambling operations by Indian tribes will be upheld if it is ever challenged in court, just as similar language was upheld in *Ysleta Del Sur Pueblo* v. *the State of Texas*, 69 Fed. App. 659. The Natural Resources Committee testimony demonstrates Congress' basis for including this limitation in the tribes' ability to engage in gambling.

In *Narragansett Indian Tribe* v. *National Indian Gaming Commission*, 332 U.S. App. D.C. 429, the United States Court of Appeals for the District of Columbia Circuit applied the Supreme Court's rational basis test from *Morton* v. *Mancari*, 417 U.S. 535 (1947), to determine that the denial of gambling opportunities under the Indian Gaming Regulatory Act to the Narragansett Tribe under the Rhode Island Indian Claims Settlement Act did not violate the equal protection standards of the Fifth Amendment. If the legislation before us today, H.R. 1294, is ever challenged in court, a court should similarly find a rational basis for this limitation.

Again, my concern is not with the Federal recognition of Virginia's Indian tribes. It has always been with the explosive spread of gambling and the potential for casino gambling to come to Virginia. No bill should become law unless it protects the interests of the Commonwealth.

If casino gambling were to come to Virginia, it would open the door to the myriad of financial and socials ills associated with gambling. Virginia's tourism sector, its economy and its communities are some of the strongest in the country. Places such as the Shenandoah Valley, Williamsburg and Jamestown are national treasures which draw visitors from all over the world. Small businesses thrive in Virginia. The Commonwealth's reputation would be tarnished if it allowed casino-style gambling within its borders.

As the author of legislation which created the National Gambling Impact Study Commission that released its 2-year study in 1999, I know firsthand about the devastating social and financial costs of gambling. Crime. Prostitution. Corruption. Suicide. Destroyed families. Child and spouse abuse. Bankruptcy.

This legislation, I believe, does shut the door on the opportunity for these tribes to acquire land and eventually establish tribal casinos. As I said, I know that the current tribal leadership has indicated that they do not want to pursue gambling—and I believe they are sincere. But what the leaders today say doesn't lock in the leaders of tomorrow. I have already started to worry that future leadership of the tribes will pursue establishing tribal casinos. I hope I am wrong.

Ms. HIRONO. Mr. Speaker I rise in support of H.R. 1294, the Tomasina E. Jordon Indian Tribes of Virginia Federal Recognition Act of 2006. This bill will confer long-delayed Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and Nansemond Indian Tribe.

The members of these tribes were thriving before the arrival of the first European settlers. They entered into treaties with the settlers, but as has happened all too often throughout Native American history, they lost their lands to the newcomers.

In many cases, to correct the injustice, Congress recognized its obligation to these Native Americans and funded programs benefiting them, but without Federal recognition. This bill will finally begin to make amends to these proud tribes by granting Federal recognition.

This bill will permit members enrolled as tribal members to receive benefits applicable to Indians or nations, Indian tribes or bands of Indians without regard to the existence of a reservation and regardless of the location of the residence of any tribal member on or near any Indian reservation. This is only fair. The physical location of any member should not dictate whether he or she who may be otherwise entitled to and in need of assistance, should receive benefits entitled to the Tribe.

This bill also prohibits gaming on the tribal land. It permits the Secretary of the Interior to take any land into trust for the benefit of any member of the Tribe. The bill will finally grant the protections and benefits long denied the six Indian tribes for want of Federal recognition.

The experience of these tribes is similar to that of Native Hawaiians. To correct the injustices suffered by the indigenous people of Hawaii, my distinguished colleague from Hawaii, the Honorable NEIL ABERCROMBIE, and I have introduced H.R. 505, which will lead to Federal recognition of Native Hawaiians.

We believe that the time has long passed when all indigenous people with similar histories of sovereignty lost and homelands taken are recognized and afforded the protections they deserve pursuant to Congress' plenary powers over Indian Commerce authorized by the Constitution of the United States.

I strongly urge passage of this important legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to support this bill to correct a long-standing historical inequity.

H.R. 1294 would provide Federal recognition to six American Indian tribes in the Commonwealth of Virginia. With this formal recognition our Government will extend to these tribes the respect, dignity and benefits afforded to 562 other American Indian tribes.

Despite historical records documenting the existence of these tribes dating back to the 1600s and formal recognition by the Commonwealth in the 1980s, their efforts to receive Federal recognition have been ongoing for decades.

While documents normally required by the Bureau of Indian Affairs are missing or have been altered, this was not the fault or result of tribal action. In 1997, Virginia passed legislation to correct these historical records and in 1999 passed a resolution urging Congress to grant these tribes Federal recognition.

This inequity should stand no longer. The Chickahominy Indian Tribe, the Eastern Division of the Chickahominy Indian Tribe, the Upper Mattaponi Tribe, the Rappahannock Tribe Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe deserve to be on equal footing with other tribes in the United States. They would benefit greatly from the ability to compete for educational programs, grants and other Federal services.

Mr. Speaker, this has gone on long enough. As we commemorate the 400th anniversary of the founding of Jamestown and honor the history and courage that experience entailed, let us also honor these Native Americans who have persevered through a system of exclusion, by mandating Federal recognition.

Mr. COLE of Oklahoma. Mr. Speaker, I rise today in support of H.R. 1294, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2006. This is a bill that is long overdue and provides an opportunity to right an historical wrong.

As clearly outlined in the language of this legislation, these six tribes are of great historical significance. These tribes were some of the first Native Americans to come into contact with European settlers, and save for the active cooperation of these tribes, a number of the first English settlements in America may not have survived.

Having clearly impacted the course of our Nation and having endured in a country of drastic change and challenges for four centuries, I am pleased to support a bill that will provide these six tribes federal recognition at long last.

Mr. Speaker, the only reservation I have with this bill is the fact that it prohibits every single one of these tribes from gaming. For if indeed this bill passes "into public law, these tribes should be afforded every right they deserve as a sovereign entity as granted to them under the Constitution of the United States. These tribes should not have to bargain away any one piece of their sovereignty they have sought to preserve in order to receive federal recognition. This diminishes the tribes, and places them at a lesser status than states and other tribes. In the future, I hope that Congress recognizes that it is not fair to blackmail tribes into giving up part of their rights in order to provide them sovereignty.

With that said, Mr. Speaker, I recognize that these tribes negotiated with the House and the state in which they reside and ultimately agreed to this prohibition on their right to engage in certain forms of lawful economic activities. Therefore, although I fear the precedent this may establish, I honor the settlement reached between the House, the state of Virginia, and the tribes, and urge my colleagues to support passage of H.R. 1294.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of this bill. I applaud the precedent set here, which subjects any casino projects to state laws and does not allow the tribes special gaming privileges. In considering this bill, I hope that we will be consistent in the tribes we support, especially when there is a potential for gaming. Native American communities rightly deserve to have sovereign control over their land, including the capacity to use tribal-run businesses to raise funds for the tribe. However, I oppose using lands not associated with the tribe or newly acquired lands for building casinos. My opposition stems from my own experience with legislation to federally recognize tribes. Vocal communities in my district have consistently stood up against the proliferating problem of off-reservation gaming—and we must do more to stop the most egregious forms of reservation shopping allowed by IGRA. Thus, it's important that we proceed with caution as we move forward with tribal recognition legislation, and that we make our intents transparent.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 377, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today, in the following order: the motion to instruct on S. Con. Res. 21, and the motion to suspend the rules and pass H.R. 1595.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

MOTION TO INSTRUCT CONFEREES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on S. Con. Res. 21, offered by the gentleman from Wisconsin (Mr. RYAN), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 364, nays 57, not voting 11, as follows:

[Roll No. 308]

YEAS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)

Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Ortiz
Pallone
Pascrell
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—57

Baldwin
Capps
Capuano
Carson
Clarke
Cohen
Conyers
Costello
DeLauro
Dingell
Ellison
Farr
Filner
Frank (MA)
Grijalva
Hastings (FL)
Hinchey
Hoyer
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kilpatrick
Kucinich
Lee
Markey
McCollum (MN)
McDermott
McGovern
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Obey
Olver
Pastor
Payne
Rahall
Rangel
Sánchez, Linda T.
Schakowsky
Scott (VA)
Sherman
Slaughter
Stark
Stupak
Thompson (MS)
Towns
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Wexler

NOT VOTING—11

Bean
Brown, Corrine
Doyle
Engel
Fattah
Hulshof
Johnson, E. B.
McMorris Rodgers
Ruppersberger
Souder
Tiahrt

□ 1609

Mr. CAPUANO, Ms. VELÁZQUEZ, Ms. LINDA T. SÁNCHEZ of California, Messrs. FARR, COSTELLO and MURTHA, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mrs. JONES of Ohio, Messrs. JEFFERSON, SHERMAN, HOYER, ELLISON, WATT and OLVER, Ms. WASSERMAN SCHULTZ, Mr. McGOVERN, Mr. MARKEY, Ms. WATSON, Ms. SLAUGHTER, Ms. CARSON, Ms. McCOLLUM of Minnesota, Ms. KILPATRICK and Ms. CLARKE changed their vote from "yea" to "nay."

Mrs. MALONEY of New York, Messrs. JACKSON of Illinois, CARTER and BILIRAKIS, Ms. SUTTON, Ms. LORETTA SANCHEZ of California and Mr. HALL of Texas changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GUAM WORLD WAR II LOYALTY RECOGNITION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1595, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1595, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 288, nays 133, not voting 11, as follows:

[Roll No. 309]

YEAS—288

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
English (PA)
Eshoo
Etheridge
Farr
Ferguson
Filner
Forbes
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)

Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—133

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boustany
Brady (TX)
Brown-Waite, Ginny
Buchanan
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Mack
Marchant
McCrery
McHenry
McKeon
Mica
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reynolds
Rogers (KY)
Roskam
Royce
Sali
Schmidt
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Westmoreland
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—11

Bean
Brown, Corrine
Doyle
Engel
Fattah
Hulshof
Johnson, E. B.
McMorris Rodgers
Ruppersberger
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1616

Messrs. ALTMIRE, GRAVES, and JOHNSON of Illinois changed their vote from "yea" to "nay."

Mr. ELLISON changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. CON. RES. 21, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. SPRATT, Ms. DELAURO, Messrs. EDWARDS, RYAN of Wisconsin, and BARRETT of South Carolina.

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1294, THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT OF 2007

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1294, including corrections in spelling, punctuation, section numbering and cross-referencing, the table of contents, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

PERMISSION FOR COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be permitted to file a supplemental report on the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes. The supplemental report contains the estimate on the bill prepared by the Congressional Budget Office.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMEMORATING THE 400TH ANNIVERSARY OF THE JAMESTOWN SETTLEMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 117) commemorating the 400th Anniversary of the settlement of Jamestown.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 117

Whereas the founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States;

Whereas the Jamestown Settlement owed its survival in large measure to the compassion and aid of the Native people in its vicinity;

Whereas Native Virginia people substantially aided the Jamestown colonists with food and supplies at times that were crucial to their survival;

Whereas the Native people served as guides to geography and natural resources, crucial assistance in the Virginia colonists' exploration of the Chesapeake Region;

Whereas the Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures;

Whereas the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status;

Whereas the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown;

Whereas, in 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary, and Congress commends the Commission's hard work and dedication;

Whereas Congress reminds all Americans of the importance of their country's history and founding at Jamestown; and

Whereas the 2007 observance of the founding of Jamestown commemorates the 400th anniversary of the first permanent English colony in America: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress commemorates the 400th Anniversary of the founding of the colony Jamestown in 1607 and urges all Americans to honor this seminal event in our Nation's history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in the consideration of H. Con. Res. 117, a bill that commemorates the 400th anniversary of the founding of the Jamestown settlement.

H. Con. Res. 117, which has 77 cosponsors, was introduced by Representative JO ANN DAVIS of Virginia on April 18, 2007. H. Con. Res. 117 was reported from the Oversight Committee on May 1, 2007, by a voice vote.

On May 14, 1607, Indians of the Powhatan tribe of Virginia saw three English sailing ships approaching their land. The 214 people on board of the *Susan Constant*, the *Discovery*, and the *Godspeed* had departed from London 5 months earlier. They would establish on the banks of the James River what would become America's first English settlement in the new world.

While disease, famine, and continuing attacks from neighboring Indians took a tremendous toll on the settlers, only 60 of the original settlers survived just 2 years after arriving in America, England sent another three ships that arrived with supplies and new settlers to help stabilize the colony.

Jamestown survived because the colonists worked together to cultivate the swamp-like land of the Virginia island and made it suitable for the growing of tobacco. By 1620 Jamestown had shipped almost 50,000 pounds of tobacco to England. Fifty years later Virginia and Maryland would ship 15 million pounds. Jamestown depended upon its agricultural products and trade to flourish as a new colony in America.

Last Friday, on May 4, Queen Elizabeth II visited a tourist village at Jamestown to celebrate the 400th anniversary of the founding of America's first English settlement. The Queen's last visit to Jamestown was 50 years ago. Jamestown represented a government that reflected many of our Nation's democratic ideals and institutions, including the rule of law and free enterprise.

Mr. Speaker, I commend my colleague for seeking to commemorate the 400th anniversary of Jamestown and urge swift passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as she may consume to my distinguished colleague from the State of Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Con. Res. 117, a resolution that I have introduced to commemorate the 400th anniversary of the settlement at Jamestown. I want to thank my colleague TOM DAVIS for his work on this resolution and also the entire Virginia delegation for their support.

I feel very honored to represent the First District of Virginia, what I like to call America's First District.

As we all know, in 1607 the first permanent English colony in North America was founded in Jamestown, Virginia. As we look back on this historic time 400 years later, it is obvious that the journey that began with the settlement of Jamestown has truly changed the world. Representative government in America began at Jamestown and many of our Nation's democratic ideals and institutions, including the rule of law, free enterprise, and cultural diversity, trace their roots to that beginning. It was not a perfect beginning, but nonetheless it was the start of an experiment that changed the course of history.

I would be remiss if I did not mention the Native Americans' contributions to the early beginnings of this Nation. The Jamestown settlement owed its survival in large measure to the compassion and aid of the Virginia Indians. They provided the colonists with food and supplies at times that were crucial to their survival, and they served as guides to geography and natural resources, including the colonists' exploration of the Chesapeake Bay region. It is a fact that the settlement would not have survived without the Virginia Indians, and we owe them an enormous debt of gratitude.

As Americans, we are so blessed with the freedoms that we enjoy and with the truth for which our country stands. Many of these ideals can be traced back to Jamestown, Virginia. And I urge my colleagues to vote for H. Con. Res. 117 to commemorate the events that took place 400 years ago.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia, Representative BOBBY SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of H. Con. Res. 117, a resolution commemorating the 400th anniversary of the founding of Jamestown, Virginia, introduced by my distinguished colleague from Virginia's, and America's, First Congressional District (Mrs. JO ANN DAVIS).

This is truly an exciting time for the Commonwealth of Virginia and our Nation as we commemorate the 400th anniversary of the founding of Jamestown, the first permanent English settlement in North America and the cornerstone of our Republic. I have been honored to be one of the representatives of the most historic region in America, and all of the members of the Virginia delegation have worked hard to ensure that Federal funds and services have been readily available to prepare for this historic occasion beginning back in 2000 with the establishment of the Federal Jamestown 400th Commemoration Commission. And I would like to specifically acknowledge the hard work of Congresswoman JO ANN DAVIS and her staff for their tireless efforts on behalf of Jamestown's 400th anniversary.

Mr. Speaker, the spotlight of the world is now shining on the Commonwealth of Virginia. The Queen of England visited our State capital in Richmond and the Jamestown settlement just last week to commemorate this historic event.

☐ 1630

Hundreds of thousands, perhaps millions, of people from all over our Nation and from all over the world will descend on Virginia this year to celebrate our 400th anniversary.

Mr. Speaker, I encourage all of my colleagues to visit Jamestown this year and encourage them to support this concurrent resolution.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, 400 years ago, a group of entrepreneurs from the Virginia Company landed on Jamestown Island with the intent of establishing a colony to find gold and a water route to the Orient. This landing spot became the first permanent English colony in America and would eventually become the capital of Virginia for 92 years. Built on a marshy and unhealthy site, the town suffered badly at the hands of fire and disease.

The development of this great Nation clearly did not come about easily. By the end of 1607, after a particularly harsh winter, only 60 of the original 214 settlers remained alive. The colony probably would have failed completely if it had not been for the courage and determination of Captain John Smith, who contrived to get food from the Indians, proving to be crucial for their survival.

The suffering of these early settlers continued for many years. However, by 1614, John Rolfe introduced new techniques of curing the tobacco leaf which provided the first opportunity for the settlers to finally grow a crop that would sustain them for many years to come. Tobacco became the money crop for Jamestown and, ultimately, Virginia. In a short time, every farmer in Virginia was raising and exporting tobacco.

Soon thereafter, a representative assembly called the House of Burgesses was established in the colony and met once a year. Meeting in the Jamestown Church, it was the first legislature of elected representatives in America.

Every farmer in Virginia was granted 40 acres of land, and with the income from farming tobacco, families began to sustain themselves. This community of small farmers, the great majority, 90 percent of them, not only owned but cultivated or owned land. Today, it is hard to fathom how Jamestown of Virginia survived with the suffering, malnutrition, disease and an appalling death rate. But, here we are 400 years later celebrating the quadricentennial of these brave peoples who included not only the British colonists, but the Native Americans they met upon arrival and the Africans who became indentured servants soon after.

Furthermore, this year we have the honor to celebrate the 400th anniversary with people from around the world, including Queen Elizabeth II of England.

I wholeheartedly encourage all Americans to visit this historic site. It offers an opportunity to learn how the first settlers survived and ultimately thrived as a result of their tenacity and steadfast desire to make this a place of which we can all be proud.

Seeing how many of the democratic ideals which originated in Jamestown are still being preserved 400 years later, it is only natural for us to commemorate and honor the founding of Jamestown and how it led to the establishment of our great country.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, let me just say that I would hope to be one of those millions who visit Jamestown this year to celebrate its 400th anniversary. I commend Representative JO ANN DAVIS for introducing this legislation, and I urge its passage.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Con. Res. 117.

Mr. Speaker, 400 hundred years ago a group of entrepreneurs from the Virginia Company landed on Jamestown Island with the intent of establishing a colony to find gold and a water route to the Orient. This landing spot became the first permanent English colony in America and later became the capital of Virginia for 92 years.

Mr. Speaker, I ask today that we take a moment to focus on the courage of those who lived there.

In a strange land, yet not the land they sought, in an unhealthy place plagued by disease, fire and the elements, they banded together to make a life.

And that life was not an easy one. By the end of 1607, after a particularly harsh winter, only 60 of the original 214 settlers remained alive. If Captain John Smith hadn't contrived to get food for the Indians, the American dream might well have died on those swampy shores.

Suffering and hard work were not strangers to the colonists. By 1614, the settlers had a cash crop—tobacco—and they worked hard to see that it sustained the colony.

To ensure order, they formed the House of Burgesses, the first representative assembly in America. Soon, every farmer in Virginia was granted 40 acres of land on which to farm tobacco.

Still, they had little beyond that which they could get for themselves or the local Indians. It is hard today to fathom the courage of those who struggled against all to make the colony and their families a success.

Today, 400 years later, we honor not just those brave people but the native Americans they encountered and the Africans who became indentured servants soon thereafter.

I encourage all Americans to take a cue from the Queen of England and make the pilgrimage to Jamestown during this historic year.

I encourage them to observe first-hand the hardships endured, the friendships forged, the commitment to something more than survival—the courage to leave behind far more comfortable lives in England and take the chance of a lifetime.

These were the first Americans in many senses. They were the first to form a government, the first to be willing to push past tradition and comfort for adventure, for fairness, for democracy. That's why I am I proud to urge passage of H. Con. Res. 117.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 117, which commemorates the 400th anniversary of the settlement of Jamestown.

On May 14, 1607, just over 100 English settlers landed on the banks of the James River, in what is today the state of Virginia. The first permanent English settlement in North America, Jamestown weathered extreme hardship, starvation, and warfare to become the foundation upon which our Nation was built. We can recognize many of our democratic ideals in institutions developed by the Jamestown settlement. It was in this colony, in 1619, that the House of Burgesses, the first locally elected legislative body in the New World, was convened in a Jamestown church.

As a nation, we have come a long way since our early colonial days. We fought a war with each other to abolish slavery, which was introduced in Jamestown in the same year as the House of Burgesses. We gradually extended full citizenship and equal rights to African Americans. While the settlers that landed in 1607 were all male, we have in the past 400 years, incorporated women into all aspects of our Nation's political, economic, and social life. And while the early colonial settlements fought wars with their Native American neighbors, we have, in recent decades, made serious efforts toward making amends for injustices done to native tribes.

This resolution serves to remind and educate Americans about the importance of our history. It highlights that the economic, political, religious, and social institutions developed during our colonial past continue to form the backbone of our society today. Significantly, this resolution also draws attention to the crucial role the native people played in the success of the Jamestown colony, and in the formation of our Nation.

Mr. Speaker, as we celebrate the 400th anniversary of Jamestown, this legislation urges us to understand and engage with our history as Americans. I strongly support this resolution, and I urge my colleagues to do the same.

Mr. GOODLATTE. Mr. Speaker, I rise today to offer my strong support for this resolution.

Four hundred years ago in 1607, 104 English settlers took a dangerous voyage. The voyage alone was perilous, but their future in their new land was no less daunting. These courageous voyagers landed on the shores of what is now the great Commonwealth of Virginia. They set sail on what many have considered America's founding river, the James River, and established the first permanent English settlement at Jamestown.

These brave settlers faced many hardships—sickness, war, hunger, and death. However, their faith and perseverance allowed this colony to flourish despite these seemingly insurmountable odds. These settlers established the foundation of this great Nation, and I am happy that we, in this House, are gathered here today to commemorate their sacrifice.

These early settlers were the first to celebrate what we have now come to know as the American dream. Kathryn Lange said it best in her book, "1607: A New Look At Jamestown," "Jamestown was a place where the poor might become rich through hard work, where people could govern themselves and where cultures mixed to create a new, American way of life."

This profound, new way of life, was unlike anything else in the world at the time. The Jamestown Colony planted the seeds of the ideals of life and liberty, which sprouted into this great Nation. As a nation we have held fast to the ideals that flourished in this early colony, and we still celebrate those ideals today.

Today we gather to commemorate that early settlement at Jamestown, but we do not commemorate just one colony, we commemorate the birth of a nation that sprung from that small colony.

I urge my colleagues to join me in commemorating the 400th anniversary of the Jamestown settlement, and the birth of our Nation.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 117.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING PUBLIC SERVANTS FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 307) expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 307

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(12) improve and secure our transportation systems;

(13) keep the Nation's economy stable; and

(14) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 7 through 13, 2007, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 23rd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I would yield myself such time as I might consume.

H. Res. 307 commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week, May 7 through May 13, 2007. This resolution salutes their unyielding dedication and spirit of public service.

On Tuesday, April 17, 2007, I introduced this legislation in conjunction with Senator AKAKA, who introduced S. Res. 150 to honor and celebrate the commitment of the men and women who have dedicated their lives to serving the public.

Over 18 million individuals in cities, counties and States in America and abroad serve our government and the American people. They perform essential services that the Nation relies upon every day. Federal employees from agencies like the National Institutes of Health, National Science Foundation, and the Food and Drug Administration are committed to promoting health, advances in research, regulating industries, and ensuring the well-being and safety of our citizens.

The men and women serving in the Armed Forces of the United States as well as the skilled trade and craft employees who support their efforts contribute greatly to the security of our country and to the world. We cannot thank our public servants enough for the work that they do for their fellow citizens day in and day out.

Governments at all levels simply cannot function properly without good employees who are committed to public service. We should be reminded of their contributions, not just in May, but when we are setting their pay and benefits, and by ensuring that they have the resources they need to do their jobs.

Last Wednesday, the Senate passed Senate Resolution 150, the companion bill to H. Res. 307, and I would urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

I am extremely proud to rise today in support of H. Res. 307, honoring the millions of dedicated public servants that serve our Nation. Our country simply could not function without its innovative, professional, highly trained public service employees. At all levels of government you will find hardworking staff making our country prosper and thrive through their contributions. The expertise and work ethic offered by these individuals sets an honorable example for future generations of employees. From emergency responders to librarians, public servants span the spectrum of jobs that keep our country efficient and safe.

Beyond the tremendous work of civilian employees and uniformed service personnel, the members of our National Guard and Reserves are crucial to the welfare of all U.S. citizens. They provide vital strategic support for our Nation's military both at home and abroad. Their tremendous accomplishments with assisting States and countries overseas with natural disasters is to be praised.

Once again, I commend these employees for performing challenging and oftentimes thankless jobs with honor and dedication. I appreciate them for moving our country forward and maintaining our safety and security. For these reasons I am thrilled to express my support for a week of honoring these individuals.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentlelady for her comments, and I appreciate her support of this resolution.

Mr. WOLF. Mr. Speaker, I rise today to mark the 23rd annual Public Service Recognition Week. I am proud to be a co-chair of the Congressional Public Service Caucus, proud to have been a federal employee, and proud to represent in Congress a large number of my constituents who are federal employees. These employees are a national asset who work hard day after day with professionalism and dedication.

Federal employees are the backbone of our government. They can be found working to find cures for diseases at the National Institutes of Health, helping seniors with their Social Security benefits, representing our interests overseas in the State Department, serving as stewards of America's natural resources in the National Park Service, helping our country defend the homeland at the Department of Defense and at the Department of Homeland Security. These are but a few examples of the many areas in which federal employees are serving our country.

We must not forget those federal employees who are risking their lives in the war against terrorism. The first combat death in Afghanistan in the wake of September 11 was CIA officer Johnny Micheal Spann, one of my constituents. And today, Federal employees can be found throughout the globe fighting the war against terrorism in many different ways.

The sacrifice and hard work of our federal employees, whether abroad or at home, should never be forgotten. Federal employees deserve fair pay—which is why I have been pleased to support pay parity for federal employees since I have been in Congress.

They deserve adequate health care—which is why I have supported legislation to make sure federal employees get quality health benefits.

And retired Federal employees must not be forgotten—which is why I have supported legislation to aid Federal employees who have retired from active service. Federal employees deserve to be honored during Public Service Recognition Week. But we must always remember the they are serving our country every day of the year.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H. Res. 291, a resolution that commemorates and observes Peace Officers' Memorial Day, which honors law enforcement officers and those killed or disabled in the line of duty.

Law enforcement officers risk their lives daily to protect the citizens of this Nation and sadly 143 law enforcement officers were killed in the line of duty in 2006. Next week, thousands of law enforcement officers will come to Washington, DC, to pay their respects to their fallen fellow officers at the National Law Enforcement Memorial. As a former police officer, I also pay tribute to law enforcement officials who died in the line of duty in 2006 and continue to honor those police officers who made the ultimate sacrifice.

As a proud member of the Congressional Law Enforcement Caucus, I strongly support critical funding for programs, such as the Community Oriented Policing Services (COPS) program, to hire additional police officers and help law enforcement acquire the latest crime-fighting technologies. I will continue to be a strong supporter of the law enforcement community and will advocate on behalf of public safety in Congress.

Mr. Speaker, in honor of our courageous law enforcement officers, I ask my colleagues to join me in recognizing and paying respect to our valiant heroes. As a proud cosponsor of H. Res. 291, I urge my colleagues to support this resolution.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am proud we have brought this resolution to the floor today. it is sadly fitting, as today marks the 1-year anniversary of the fatal shootings of Master Police Officer Michael E. Garbarino and Detective Vicky O. Armel of the Fairfax County Police Department—the first two officers shot and killed in the line of duty in the department's long, distinguished history.

These local officers were shining examples of the courage and selflessness found in our law enforcement community. Their stories also illustrate the fact that personal sacrifice and danger have always been synonymous with law enforcement service, beginning with New York City's Deputy Sheriff Isaac Smith, who on May 17, 1792, became the first recorded police officer to be killed in the line of duty.

Today, there are 870,000 sworn law enforcement officers in the United States who continue the "quest to preserve both democracy and decency, and to protect a national treasure that we call the American dream," a quote by President George Bush engraved on the National Law Enforcement Officers Memorial. Each one of these officers and their families carry with them the knowledge their efforts put them in harm's way. Today, more than 56,000 are assaulted each year and every 53 hours, an officer is killed while serving the American people. September 11, 2001, was the deadliest day for police officers in all of American history when 72 officers were killed while responding to terrorist attacks.

May 15 is Peace Officers Memorial Day, a holiday created in 1961 by Congress to honor fallen law enforcement officers who dedicated their lives to protecting this country and its citizens. The flag is flown at half-staff and thousands of people visit the Memorial, which was authorized by President Ronald Reagan in 1984 and built in 1989 and currently has 17,912 names etched into the wall.

Mr. Speaker, I support this resolution to honor the memories of Master Police Officer Garbarino and Detective Armel, and all the fallen heroes from the law enforcement ranks for their service and their willingness to expose themselves to danger in their pursuit of a safe community.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 307.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 291) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 291

Whereas there are more than 870,000 sworn law enforcement officers throughout the United States;

Whereas law enforcement officers are dedicated to serving this country, and protecting this country and its citizens from harm;

Whereas law enforcement officers face dangers and threats to their personal safety each day;

Whereas more than 56,000 law enforcement officers are assaulted every year;

Whereas every 53 hours, a law enforcement officer in the United States is killed in the line of duty;

Whereas 143 law enforcement officers were killed in the line of duty in 2006, 12 fewer than the 155 officers killed in 2005;

Whereas Public Law 87–726 requests that the President issue proclamations designating May 15th of each year as National Peace Officers Memorial Day; and

Whereas section 7(m) of title 4, United States Code, requires that the flag of the United States be flown at half-staff on Peace Officers Memorial Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleague in consideration of House Resolution 291, which honors our fallen law enforcement officers.

H. Res. 291, which has 72 cosponsors, was introduced by Representative TED POE of Texas on March 29, 2007. H. Res. 291 was reported from the Oversight Committee on May 1, 2007, by a voice vote.

Historically, America has been blessed with citizens of courage and character who have dedicated their lives to keeping peace in our communities. Five years after the creation of the U.S. Marshals Service in 1789, U.S. Marshal Robert Forsyth was shot and killed in the line of duty. He was the first of more than 14,000 law enforcement personnel since that time to give his or her life to uphold the law.

Last year, 143 officers gave their lives in the line of duty. For these heroes, the safety of their fellow citizens was their purpose and passion. They made the ultimate sacrifice to fulfill their duty and service to humanity.

Each year, the President issues a proclamation naming May 15 as National Peace Officers Memorial Day. Our Nation owes a lasting debt and gratitude to the men and women of law enforcement who risk their lives each day to protect and serve the citizens of this Nation.

Every American should honor peace officers, not only in words and ceremony but in their commitment to promote justice, fairness and peace in their homes, communities, schools and businesses.

Mr. Speaker, I commend Representative POE for seeking to honor our fallen heroes, and I urge swift passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

H. Res. 291 supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State and local law enforcement officers killed in the line of duty, and encourages the citizens of the United States to observe the day with appropriate ceremonies and respect.

Police officers have been protecting American citizens since April 1631, when the city of Boston first established its "night watch" law enforcement program in the colonies. There is a quote by President George H.W. Bush engraved on the National Law Enforcement Officers Memorial located at Judiciary Square here in Washington which summarizes the mission of the 870,000 current sworn law enforcement officers in the United States. It states that it is their daily "quest to preserve both democracy and decency, and to protect a national treasure that we call the American Dream."

Law enforcement officers face dangers on the job every single day. On May 17, 1792, New York City's Deputy Sheriff Isaac Smith became the first recorded police officer to be killed in the line of duty. Today, more than 56,000 are assaulted each year, and every 53 hours an officer is killed while serving the American people. September 11, 2001, was the deadliest day for police officers in all of American history when 72 officers were killed while responding to terrorist attacks.

Mr. Speaker, I want to recognize the life of Sergeant Howard Plouff from my district, who was killed recently in the line of duty. He was known as an honorable man who selflessly served his family and community for more than 17 years in the Winston-Salem Police Department. He was dedicated to community development and service. His is a legacy of the spirit of service that permeates this great country.

☐ 1645

He earned the respect of his fellow officers and did not hesitate to go above and beyond the call of duty. In fact, during his time with the Winston-Salem Police Department, he was awarded its highest honor, the Medal of Valor. He left behind a loving wife and two daughters. He was an extremely positive role model and an example of all the officers we are honoring with this resolution.

May 15 is Peace Officers Memorial Day, a holiday created in 1961 by Congress to honor fallen law enforcement officers who dedicated their lives to protecting this country and its citizens. The flag is flown at half staff and thousands of people visit the memorial which was authorized by President Ronald Reagan in 1984. Built in 1989, it currently has 17,912 names etched into the wall. Each of these names reminds us of the sacrifices these brave law enforcement officers have given in order to keep American citizens safe. They also stand for those living officers who would, without hesitation, do the same to protect all of us.

With gratitude to our law enforcement officers' devotion and dedication to our country, I ask all Members to join me in supporting H. Res. 291.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for yielding.

Mr. Speaker, this is an appropriate resolution that comes before us. I know that in a couple of days many of us will be out on the West Lawn commemorating and celebrating the Nation's law enforcement officers from across the Nation. We welcome them to this Congress every year, and we do so humbly and with great appreciation.

Let me acknowledge the work that many of us have done with our local law enforcement in the State of Texas. We have a multitude of law disciplines, from the constables office. I have the privilege of representing the first African American constable, Mae Walker, and representing Constable Victor Trevino, a Hispanic constable. We have deputy sheriffs. We have the sheriff's department. We have the Houston Police Department, the Department of Public Safety. In many instances we find great leaders who believe not only in crime fighting, but crime prevention.

I rise today to focus in particular on the importance of law enforcement in working in the community. I salute the former mayor of the city of Houston, Lee Brown, former chief of police of the cities of Houston, New York, and Atlanta. I consider him the father of community-oriented policing that really speaks to the hearts and minds of the people.

It lets the police officers, law enforcement officers, become knowledgeable about the community, and in particular they work to know the "good guys" and the "bad guys." Neighbors become comfortable with law enforcement officers when they are engaged as people who are certainly concerned about the neighborhood and the community. They are eager to help them bust, if you will, the crime situation or bust the criminal or make sure that the situation is corrected.

At the same time as we raise up and respect our law enforcement officers, let me applaud those who I speak to all the time as I travel to Washington. We have a very effective aviation police force. I get an opportunity as I go through the airport to listen to them and to thank them.

Let us be concerned about the benefits for law enforcement officers. In particular, I know that my city, a very large city, has seen the decline of senior officers. For some reason or another, because our belts are being tightened, we don't have enough resources to provide them with the upward mobility, the professional development and the protection of their pensions and to recognize the sacrifice that they and their families are making. We as communities across the Nation should be concerned about making sure they have the right kind of benefits.

On the Federal level, I am very glad that the House Judiciary Committee has just passed out a COPS bill reauthorization. I think that is a very, very important aspect of the work of this Congress. The COPS program worked. It provided police officers for rural communities and urban communities. I spoke to my police personnel there and they said, yes, it would help us greatly if the COPS program were reauthorized. So as we salute our peace officers across America, let us make sure that we are actually doing as we are saying, and that is providing them with the resources that they need.

At the same time, let me also add the importance of training. There is the sensitivity that our police officers are able to get through experience, but training also helps them detect those with mental illness and have the best resources to address those suffering from mental illness so that those persons can be taken away from society before they do harm to themselves or someone else.

This legislation is timely because we thank those who are serving today. We offer our deepest sympathy to the families of those who have lost their lives on the front lines of law enforcement in America over the last year, and we certainly acknowledge the continued sacrifice that law enforcement officers will make.

The best point about what this says as we stand on the floor today saluting them is that we should promote and congratulate good law enforcement officers. We should not allow the bad incidents that occur, the mishaps that occur, and many of them have occurred, and I have stood up vigorously against them and I will stand up yesterday, today and tomorrow, when there is abuse. But we should not allow those kinds of situations to take away from the grandeur, the respect, the honesty, the integrity and the downright commitment that the law enforcement agencies of America, particularly those in our local communities, show every single day with the idea that as they leave in the morning and kiss their families good-bye, that they might sacrifice their lives so that we might be safe.

We owe them a great debt of gratitude, and it is my pleasure to thank the distinguished gentleman from Illinois and thank the sponsor of this legislation for allowing me to pay tribute at this time.

Mr. Speaker, I rise today in support of H. Res. 291, supporting the goals and ideals of Peace Officers Memorial Day.

Peace officers, the sworn, public-sector officers entrusted with law enforcement authority and the power of arrest, risk their lives daily to protect our Nation. These individuals, who are responsible for safeguarding the rights and freedoms we enjoy as Americans, are true heroes.

Peace Officers Memorial Day honors those who have made the ultimate sacrifice for the safety and security of their communities and our Nation. Created by Public Law 87–726, signed by President Kennedy in 1962, this day gives us the opportunity to acknowledge and pay our respect to those who, through their courageous deeds, have fallen in the line of duty.

Mr. Speaker, on Sunday, May 13, 2007, 382 names will be added to the National Law Enforcement Officers Memorial during the 19th Annual Candlelight Vigil. These 382 names include 145 officers who died in the 2006, plus 237 from earlier years who had previously been lost to history. Of these 382 names, 55 represent Texas law officers who lost their lives in the line of duty, nine of them in 2006.

Mr. Speaker, one of the names of the fallen heroes to be added to the list is Officer Rodney J. Johnson of the Houston Police Department. Officer Johnson, a 12-year veteran of the Houston Police Department, was killed September 21, 2006, while taking a suspect in custody during a traffic stop. He leaves to honor his memory his beloved wife, Houston Police Department Officer Joslyn Johnson, and five teenage children; three daughters and two sons, ages 14 to 19.

Officer Rodney Johnson was born in Houston and served in the U.S. Army as a military police officer until being honorably discharged in 1990. He then went to work as a corrections officer for the Texas Department of Criminal Justice and then as a jail attendant. He graduated from the Houston police academy in 1994.

As a member of the department's Southeast Gang Task Force, Officer Rodney Johnson earned two Lifesaving Awards and one Medal of Valor from the State of Texas. In January 1998, Officer Rodney Johnson rescued a physically challenged driver trapped in rising floodwaters in January 1998 and later that year he rescued mentally challenged people trapped inside of a burning house.

Officer Rodney Johnson, who stood 6 feet 5 inches tall and weighed nearly 300 pounds, served on his union's board of directors. As Hans Marticiuc, the president of Officer Johnson's union stated, "he was big and he was intimidating-looking, but he was as gentle as a baby bear."

Mr. Speaker, the number of officers killed in the line of duty last year declined nearly 8 percent from 2005, when there were 157 officer deaths. The 2006 figure was the lowest annual total since 1999, when 143 officers were lost.

Although the number of officers killed in the line of duty has declined in recent years, the fact that one officer is killed every 2½ days in our country is a sober reminder that protecting our communities and safeguarding our democracy come at a heavy price. Including this year's officers, there are now 17,917 names engraved on the Memorial, representing offices from all 50 states, the District of Columbia, U.S. territories, and Federal law enforcement and military police agencies.

Mr. Speaker, I urge my colleagues to join me in supporting this important resolution, honoring the Federal, State, and local peace officers killed or disabled in the line of duty.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. POE), the author of this resolution.

Mr. POE. I want to thank the gentlelady from North Carolina for yielding the time.

Mr. Speaker, I would like to also thank the Committee on Oversight and Government Reform, Chairman WAXMAN and Ranking Member DAVIS, for their support of this legislation, and, of course, the gentleman from Illinois as well.

Mr. Speaker, House Resolution 291 supports the goals and ideals of Peace Officers Memorial Day, our Nation's first line of defenders. I would also like to thank the 78 Members of Congress who cosponsored this bipartisan resolution for their support.

Law enforcement officers are a special type of people. They put on the uniform and the badge of a law officer. They swear an oath to uphold the law of our land and vow to protect the citizens of all communities.

In carrying out their duties, law enforcement officers are routinely subjected to threats against their personal safety. According to the National Law Enforcement Memorial Fund, more than 56,000 law enforcement officers are assaulted every year in the line of duty. They are subjected to being slapped, punched, kicked, bit, stabbed, and even shot by suspects. And this does not include what could happen in the course of high-speed chases that occur throughout our country.

Most of these peace officers that are assaulted walk away from that fight with minor injuries and the suspect generally is carted off to jail in handcuffs. There are those community protectors, however, that aren't as fortunate, because they give their lives in the line of duty.

Since the first recorded police department death in 1792, over 17,900 peace officers have been killed while performing the duty of a law officer somewhere in this great country. Statistics show that every 53 hours a law enforcement officer is killed in the line of duty. Last year, 2006, 143 officers were killed in the line of duty.

We all remember September 11 and what occurred on that day, how many of us watched on television when those planes hit the World Trade Center, when they hit the Pentagon; how thousands of people, good people, as soon as that terror hit those buildings, those people were running as fast as they could to get away from that danger.

But there was another group of people, not very many, but they were there running as fast as they could to get to the danger, and those were the people who wear the badge. That also included our firefighters and our emergency medical technicians. Seventy-two of those peace officers that ran to those buildings that were being assaulted from the air were killed in the line of duty that one day.

Of course, it strikes all communities, even our community down in Beaumont, Texas, and the Beaumont Police Department and its recent tragedy of a peace officer killed in the line of duty. Last week, this community suffered the loss of one of their own, Officer Lisa Beaulieu, the first female peace officer in southeast Texas that has been killed in the line of duty.

She was a 6-year veteran of the Beaumont Police Department. She was on patrol by herself at 1 a.m. when she responded to the scene of a motorcycle accident in Beaumont. As she got out of her vehicle and started directing traffic, a drunk driver slammed into her, throwing her over the side of the freeway and killing her. It was a tragic end for a peace officer that loved to protect the people of our Nation.

Mr. Speaker, during the time that I was a judge in Texas for over 22 years, I encountered many, many peace officers who wore the badge, and proudly did so; and I considered those peace officers who would do that, that cross over the line to represent the rest of us and protect us, a rare and noble bleed.

So on Tuesday, May 15, thousands of local, State and Federal peace officers will gather across the Nation to remember their fellow officers. Known as National Peace Officers Memorial Day, established by President Kennedy in 1962, the day serves as a tribute to the men and women who daily put themselves in harm's way to ensure the safety and security of our country and our Nation. The flags will be lowered at half mast and ceremonies will be held across the entire country.

The national memorial ceremony is held right here on the lawn of the United States Capitol, where the President of the United States, thousands of law enforcement officers, and Members of Congress will be there. Those officers that are in attendance, their badges will be draped in black as a remembrance of their fellow officers who were killed in the line of duty.

Law enforcement officers are the first line of defense between law-abiding citizens and those who violate the law. They are public servants who dedicate their time and their lives to protect us. They wear the badge of courage with pride, and we as a Nation need to honor them for their service of the American people.

I hope that our Congress, these folks in this body, will pass this legislation as fast as possible.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve my time.

Ms. FOXX. Mr. Speaker, I yield 5 minutes to my distinguished colleague, the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentlelady for yielding time.

Mr. Speaker, I am proud to stand here today as a cosponsor of this resolution to honor our law enforcement officers across this Nation. I was one of the 870,000 sworn law enforcement officers that are on the job today just a couple of years ago, until I came to this House. I have to be honest and confess that my heart still lies with my fellow officers and deputies in the King County Sheriff's Office in Seattle, Washington.

I was one of those officers who have been spit on, kicked, called every name that you can think of and maybe some that you can't think of, stabbed, shot at, threatened. All of those things happened in my 33-year career.

But I am here today alive and well to talk about those officers that sacrificed their lives. Some of those were my good friends. Two were my partners. One was an academy mate. One was my best friend. Murdered. Shot and killed.

Now, just last year the King County Sheriff's Office lost another dedicated law enforcement officer by the name of Steve Cox. Imagine you are Deputy Steve Cox and you are responding to a call on an early Saturday morning back in December. You really don't know what kind of a call you are going to. But then you hear that shots have been fired. Part of your job is to interview every person at the scene, so you start to interview these people. All of a sudden, in the middle of the interview, somebody pulls a gun, and before Deputy Cox could react, he was shot in the head and killed. He left behind a wife and a 1-year-old son.

These are things that happen every day on the streets of our great Nation. We owe such a debt of gratitude to the men and women who wear the badge, whether they wear a blue uniform or green, gray or whatever color it might be, who are there to protect us from those people on our streets who choose not to obey the laws of the land.

There are four people from the State of Washington who will be added to the memorial this year: Joselito Barber from the Seattle Police Department; Edwanton Thomas from the Brier Police Department; Dick Rhodes from the Kittitas County Sheriff's Office; and Deputy Steve Cox from the King County Sheriff's Office.

Mr. Speaker, as you can tell, this is very close to my heart. It should be close to each and every one of us. Every time we see one of the Capitol Hill police officers or the Washington, D.C. police when we are back here, please stop and say thank you for a job well done in putting their lives and their family's lives on the line for us every day.

☐ 1700

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise in strong support of the resolution introduced by the gentleman from Texas (Mr. POE). Texas has lost 55 law enforcement officers. That is part of the 382 fallen officers across this Nation.

As mayor of the city of Fort Worth, when asked what was the most important thing I did when I was mayor, I always talked about working with the Fort Worth police officers, those brave officers who risk their lives every day to keep us safe and free. We think about those officers, and we think about their families also.

One of the officers was Dwayne Freeto. He was just 34 years old when he was killed by a drunk driver just 8 days before this past Christmas. He had been a police officer with the Fort Worth Police Department since August 2005. He also served in the United States Army. When he was killed, he left behind a wife, Karen, and two daughters, ages 3 and 9.

Those stories can be repeated about our officers across this Nation so many times. I join in strong support of this resolution and also to remind everyone of the candlelight vigil this Sunday to honor those officers. They are people who sacrifice their lives every day and stand up for us. It is my great honor to speak today.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from Texas for introducing this very meaningful and worthwhile legislation. I think all of us owe a tremendous debt of gratitude to our law enforcement officers and personnel throughout the country. I urge passage of this resolution.

Mr. SHULER. Mr. Speaker, I rise today in support of Peace Officers Memorial Day, honoring Federal, State, and local peace officers killed or disabled in the line of duty. Our law enforcement officers dedicate and risk their lives daily to protect our Nation and ensure that our neighborhoods are safer.

More than 56,000 law enforcement officers are assaulted every year, and in 2006, 143 law enforcement officers were killed in the line of duty. No words can adequately express our gratitude for their sacrifice and service. My heart goes out to the families and friends who have lost loved ones in the line of duty, and to those officers who have been harmed while serving this great country.

A few months ago, Western North Carolina lost one of our own brave officers. Police Officer Shawn Joshua Dean Williams died while responding to a fellow officer's call for assistance in Old Fort, North Carolina. He was only 23 years old. He is survived by his wife, Shannon Kirby Williams; his young daughter, Ryleigh Alexis; and his parents, Max Suttles and Holly Williams.

Mr. Speaker, Officer Williams' life was an example of service for all of us to follow.

I ask my colleagues to join me in expressing sadness over all the officers lost in the line of duty and to acknowledge the dedication of all law enforcement officers who protect and serve our communities every day.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in strong support of House Resolution 291, honoring those brave officers who have paid the ultimate price in the line of duty.

May 15th marks the 44th annual Peace Officers' Memorial Day and to mark the occasion, law enforcement officers from around the Nation will gather here in Washington, D.C. This visit will include a gathering here on the Capitol lawn to pay their respects to their fallen comrades.

All of these officers—both those who have passed and those who carry on today—deserve our gratitude and our respect, But, during this time of remembrance, I would like to especially recognize those 72 brave officers who were lost on September 11, 2001, the single deadliest day in law enforcement history. Thirty-seven of those lost were officers of the New York/New Jersey Port Authority and we are eternally indebted to them for their bravery and sacrifice on that tragic day. The memory of their service and the sacrifice their families have made on our behalf should be always in our thoughts.

In our great Nation, there are 870,000 sworn law enforcement officers who risk their lives daily to ensure the safety of their neighbors. Every 53 hours one of these officers is killed in the line of duty. It is in their memory that we gather each May to pay our respects to the fallen and to honor this noble profession.

Many thanks go to the law enforcement officers in New Jersey, here at the United States

Capitol, and around the United States. We thank you for your service and join you in honoring your fallen comrades.

Mr. MORAN of Virginia. Mr. Speaker, I rise today in support of H. Res. 291, which supports the goals and ideals of National Peace Officers' Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty and calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

I am proud to be a co-sponsor of this resolution and support the recognition of May 15th as National Peace Officers' Memorial Day, a day dedicated to the recognize and pay tribute to more than 870,000 law enforcement officers throughout the United States, and those officers who are killed or disabled in the line of duty.

It is estimated that more than 56,000 law enforcement officers are assaulted every year, and 143 law enforcement officers were killed in the line of duty in 2006. Of those 143 killed in the line of duty last year, we also lost two outstanding law enforcement officers, Detective Vicky Armel and Master Police Officer Michael Garbarino of the Sully Police Station of Fairfax County in Virginia.

Exactly 1 year ago today, on May 8, 2006, Detective Armel and MPO Garbarino were both shot and killed when a suspect using a hunting rifle opened fire on them in the parking lot of the Sully District Station. Detective Armel died on the scene and MPO Garbarino died 9 days later while in the hospital.

Both officers gave a combined 40 years of service, protecting our country. They died heroically trying to protect their fellow servicemen. Today, they, along with all other peace officers, are being honored in our hearts and minds. This week, a monument will be unveiled at the Sully Police Station in Fairfax honoring Detective Armel and MPO Garbarino and a full memorial service is also planned.

Detective Armel and MPO Garbarino, along with the hundreds of thousands of other law enforcement officers that serve us or were injured or killed in the line of duty, deserve our support. We owe the thousands of men and women who put their life on the line the recognition and gratitude for all their hard work, tireless efforts and daily life threatening situations that they encounter, to protect and serve us. I urge my colleagues to vote for H. Res. 291.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 291.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL SUFFRAGISTS DAY

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 105) supporting the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 105

Whereas one of the first public appeals for women's suffrage came in 1848 when Lucretia Mott and Elizabeth Cady Stanton called a women's rights convention in Seneca Falls, New York, on July 19, 1848;

Whereas Sojourner Truth gave her famous speech titled "Ain't I a Woman?" at the 1851 Women's Rights Convention, in Akron, Ohio;

Whereas, in 1869, women suffragists formed the National Woman Suffrage Association and the American Woman Suffrage Association, which were national organizations designed to work for the right of women to vote;

Whereas these organizations united in 1890 to form the National American Woman Suffrage Association;

Whereas, in 1872, Susan B. Anthony and a group of women voted in the Presidential election, in Rochester, New York;

Whereas Susan B. Anthony was arrested and fined for voting illegally;

Whereas at her trial, which attracted nationwide attention, Susan B. Anthony made a speech that ended with the following slogan: "Resistance to tyranny is obedience to God";

Whereas, on January 25, 1887, the United States Senate voted on women's suffrage for the first time;

Whereas, during the early 1900s, a new generation of leaders joined the women's suffrage movement, including Carrie Chapman Catt, Maud Wood Park, Lucy Burns, Alice Paul, and Harriot E. Blatch;

Whereas women's suffrage leaders devoted most of their efforts to marches, picketing, and other active forms of protest;

Whereas Alice Paul and others chained themselves to the White House fence;

Whereas women suffragists were often arrested and sent to jail, where many of them went on hunger strikes;

Whereas almost 5,000 people paraded for women's suffrage up Pennsylvania Avenue, in Washington, DC;

Whereas, on August 18, 1920, ratification of the 19th amendment to the Constitution was completed, thus guaranteeing women in the United States the right to vote;

Whereas July 19th is the anniversary of the first women's rights convention; and

Whereas designating July 19th as National Suffragists Day would raise awareness of the importance of women suffragists who fought for and won the right of women to vote in the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY), the author of the resolution.

Ms. BERKLEY. I thank the gentleman from Illinois (Mr. DAVIS) for yielding, and a special thank you to Mr. WAXMAN.

Mr. Speaker, I am delighted to be here today in support of a resolution that I have reintroduced that would promote the goals and ideals of creating a day in honor of the women of America's suffragist movement.

The goal of this resolution is to recognize the anniversary of the inaugural women's rights convention in Seneca Falls, New York, in 1848. The suffragists are role models who inspired an entire generation and continue to inspire generations of young American women, just as they have two young women from the State of Nevada, Hannah Low and Destiny Carroll, who started their own petition drive to pay tribute to the efforts of these great suffragists.

Hannah Low and Destiny Carroll presented a petition to me with hundreds of signatures from their fourth grade class in support of creating a day to recognize the achievements of our brave suffragists.

I cannot tell you how proud I am of Hannah and Destiny, and I thank them for serving as an inspiration for this resolution.

While it may seem unbelievable to us now, it was not that long ago that women did not have the right to vote in our great Nation. On July 19, 1848, the first public appeal for women's suffrage was made, and a new movement was born for equality.

We owe these suffragists a debt of gratitude for their efforts in their fight to give women the right to vote and to be full participating members in our Nation's political process. I hope that recognizing the anniversary of the inaugural women's rights convention in 1848 will keep alive the memory of the struggle to win the fundamental right, the right to vote, for women. I urge my colleagues to support this resolution.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is difficult to imagine a time when our Nation's women did not have the privilege to vote. Thankfully, we have moved past those times to where we currently have the highest number of female Members in the history of the Congress. Although I think it is very difficult for people to realize.

in the history of this Congress, we have had only 249 women, and 90 of them are serving now.

As we all know, the struggle for women to achieve this came at great sacrifice. The fight lasted over many decades because of dedicated perseverance of many women. These pioneers were revolutionary in their fight for equality. They worked tirelessly knowing there would be a future when women were seen as equal to men with the ability to vote.

The historical Seneca Falls Convention, held in 1848, was led by a group of innovative women, including Lucretia Mott and Elizabeth Cady Stanton. Following the convention, they formed the National Woman's Suffrage Association and the American Woman's Suffrage Association which merged together in 1890. Through public speeches, marches, parades, pickets, arrests and even hunger strikes, the members of the associations fought their battle across the country. Their historic efforts came to fruition on August 18, 1920, when the Congress ratified the 19th amendment of the Constitution thereby granting women the right to vote. The goal of the suffragist movement endured over 50 years.

Schools around the world teach their students the rich history of the movement, and it is with pleasure that we promote continued awareness through a National Suffragists Day.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I commend the gentlewoman from Nevada for introducing this legislation. It is amazing and we would never believe that women only have had the right to vote since 1920. It obviously means we have come a long way as a result of women's suffrage. We now have a woman who is the Speaker of the House of Representatives, which represents movement and progress.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Con. Res. 105, a resolution supporting the goals and ideals of a National Suffragists Day. This resolution promotes awareness of the women's suffragist movement and the brave individuals who fought to make the right to vote a reality for all women.

I want to thank my colleague, Representative BERKLEY, for sponsoring this important legislation.

The women's suffragist movement has a long history in America. Today it may seem hard to believe, but less than one hundred years ago, women did not have the right to vote in federal elections in this country.

National Suffragists Day would honor women such as Susan B. Anthony and Elizabeth Cady Stanton, who together founded the National Woman Suffrage Association in 1869.

These two leaders, along with other courageous women such as Lucretia Mott, Alice Paul, Paulina Kellogg Wright Davis, and countless other brave Americans, fought tirelessly to achieve their God-given rights to freedom and opportunity.

I have introduced legislation of my own to posthumously honor Alice Paul and raise awareness of her powerful contributions to the suffragist movement and American society.

Finally, due to the sacrifice, hard work, and diligence of women like Alice Paul, the 19th Amendment to the Constitution was ratified in the summer of 1920, giving women the right to vote on a national level.

While today's resolution honors some great Americans of the past, it also provides us with an opportunity to look at the current state of women in our country.

We have come a long way as a nation since the summer of 1920. My home state of California is represented by two female Senators. We have a woman serving as Speaker of the House of Representatives, and a very strong female presidential candidate.

Still, there is much more that needs to be done. Inequalities in pay, health care discrepancies, and a lack of good and affordable childcare still haunt many women in the United States today.

We must remain vigilant. We must ensure that all Americans have an equal opportunity for success and happiness. With that in mind, I urge my colleagues to cast a vote for honoring and increasing awareness of suffragists in America, and support H. Con. Res. 105.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 105, supporting goals and ideals of a National Suffragist Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States.

Mr. Speaker, as a woman who has not only enjoyed the privileges and responsibilities of voting, but also of serving my country in elected office, I am extremely proud to co-sponsor this resolution honoring those women who fought for my right, and the right of all women, to participate in the process of governing.

This bill recognizes the tireless work and innovative ideas of women in particular. Susan B. Anthony, Elizabeth Cady Stanton, Sojourner Truth, Carrie Chapman Catt, Maud Wood Park, Lucy Burns, and Alice Paul were visionaries in their own times, and remain inspirations to us today. These seven women each challenged a system of male dominance, and asserted the role of women in politics and governance. Many of their methods of civil disobedience and peaceful protesting were taken up by the Civil Rights Movement of the 1950s and 60s, which expanded voting rights to even more of the population.

July 19th will be the anniversary of the first women's rights convention, held in Seneca Falls, New York, in 1848. To celebrate their accomplishments and raise awareness of the importance of the suffragists who fought for and won the right of women to vote in the United States, this bill designates July 19th as National Suffragists Day.

Mr. Speaker, any of these women would be amazed and proud to see an America where women are not only able to vote, but they are able to run for office. It is incredibly appropriate that this body, presided over by a woman for the first time in its history, should honor their work through a day set aside to raise awareness of their struggle.

Mr. Speaker, I am especially pleased to support this resolution because it gives much deserved recognition to one of my heroes, Sojourner Truth, the great abolitionist and suffragist.

In 1843, deciding her mission was to preach the word of God, Sojourner Truth—the name she gave herself as a traveling preacher who speaks the truth—left New York and traveled throughout New England, calling her own prayers meetings and attending those of others. She preached "God's truth and plan for salvation."

After months of travel, she arrived in Northampton, Massachusetts, and joined the Northampton Association for Education and Industry, where she met and worked with abolitionists such as William Lloyd Garrison, Frederick Douglass, and Olive Gilbert.

As we know, during the 1850s, slavery became an especially issue in the United States. In 1850, Congress passed the Fugitive Slave Law, which allowed runaway slaves to be arrested and jailed without a jury trial, and in 1857, the Supreme Court ruled in the Dred Scott case that those enslaved had no rights as citizens and that the government could not outlaw slavery in the new territories.

While traveling and speaking in states across the country, Sojourner Truth met many women abolitionists and noticed that although women could be part of the leadership in the abolitionist movement, they could neither vote nor hold public office. It was this realization that led Sojourner to become an outspoken supporter of women's rights.

In 1851, she addressed the Women's Rights Convention in Akron, Ohio, delivering her famous speech "Ain't I a Woman?" The applause she received that day has been described as "deafening." From that time on, she became known as a leading advocate for the rights of women. Indeed, she was one of the nineteenth century's most eloquent voices for the cause of anti-slavery and women's rights.

It was to give proper recognition to her contributions to the struggle to abolish slavery and secure equal rights for women that I introduced H.R. 4510 which would direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol. In February of this year, that legislation became law.

I strongly support H. Con. Res. 105, and I urge my colleagues to join me in doing so.

Ms. WOOLSEY. Mr. Speaker, I rise today in support of this resolution honoring women suffragists. How fitting that the House should consider this legislation just a few days before our Nation will celebrate Mother's Day.

Our foremothers, who fought so courageously for a woman's right to vote, passed on to us a precious gift: the gift of citizenship, of having a stake in our government. Imagine it: when Susan B. Anthony started the campaign for women's suffrage, one of her acts of "civil disobedience" was to cast a vote in the 1872 presidential election. Voting was her crime, and she was fined for it.

This seems so unbelievable to us now since our Nation has finally lived up to some of its early ideals—ideals such as "all persons are created equal" and that all of us have a right to elect our representatives.

We have even had the privilege of electing the first woman Speaker of the House—NANCY

PELOSI—quite a milestone, especially considering the long and difficult struggles suffragists faced in their efforts to win the right of women to vote.

I am proud to pay my deepest respects to these amazing women who fought for our right to stake a claim to our government and earn a seat at the table. Thank you.

Ms. CLARKE. Mr. Speaker, I rise today in support of H. Con. Res. 105—A resolution supporting the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States.

One suffragette in particular comes to mind—Ms. Sojourner Truth. Sojourner Truth was an ex-slave, abolitionist and feminist who fought for women's rights. In that regard, she delivered her famous "Ain't I A Woman" speech at the 1851 Women's Rights Convention in Akron, Ohio.

Her speech dispels the perception of women as fragile beings unable to hold our own in society. Ms. Truth outlined the work she has done—planting, plowing and gathering in barns. All without the assistance of a man. She then raises the question; Ain't I a woman?

Sojourner Truth called for the extension of voting rights to all women. Her presence at the Convention was an important milestone in the women's movement and her speech left an indelible mark on the Convention, thus becoming a milestone of the women's rights movement.

Sojourner's thought provoking speech resonates even today. Her courage helped to empower and ignite the spark in future generations of women.

Fannie Lou Hamer, an ideological descendant of the suffrage movement became known as the lady in the civil rights movement that was "sick and tired of being sick and tired."

Shirley Chisholm was the daughter of Caribbean immigrants. She was the first black woman to be elected to the U.S. Congress, (a beneficiary of a voting rights district). And the first black woman candidate for President of the United States. Shirley Chisholm was another descendant of the suffrage movement.

And, Mr. Speaker, thanks to the bravery, perseverance and determination of women such as Sojourner Truth, Fannie Lou Hamer and Shirley Chisholm—women on whose shoulders I stand—Here I Stand—elected in the 110th Congress and representing a voting rights district.

If Americans are honest, the list of individuals that have benefitted from the blood, sweat and tears of the women suffragists would fill volumes.

It is my hope that all suffragists, in particular those of color such as Sojourner Truth and Fannie Lou Hamer whose contributions have historically been sidelined, are recognized for the vital role that they played in giving all women the right to vote in the United States.

I ask my colleagues on both sides of the aisles to join me in voting in the affirmative for this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 105.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA HOME RULE AMENDMENT ACT

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFORMING DISTRICT CHARTER TO COUNCIL AMENDMENTS RELATING TO PUBLIC EDUCATION.

(a) IN GENERAL.—The District of Columbia Home Rule Act is amended—

(1) by striking section 452 (sec. 1–204.52, D.C. Official Code); and

(2) by striking section 495 (sec. 1—204.95, D.C. Official Code).

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking the item relating to section 452 and the item relating to section 495.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as she might consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, may I offer my thanks to the chairman of the subcommittee, particularly for the very expeditious way in which he has moved my request for early consideration of the matter before us now.

I rise to request passage of H.R. 2080, a bill to amend the District of Columbia Home Rule Act in keeping with District public school charter revisions proposed by Mayor Adrian Fenty and passed by the Council of the District of Columbia.

I very much appreciate that Chairman HENRY WAXMAN and Chairman DANNY DAVIS considered this bill expeditiously, and the leadership has kindly granted our request for early consideration of the bill on the House floor on the suspension calendar in light of the fact that the matter before the House is not controversial.

The bill supports the District in moving on its own to correct problems in its local school system.

In fact, H.R. 2080 is before the Congress only because the current Home Rule Act now in the process of being revised requires that certain changes to the District's charter be made by Federal legislation. I stress that the underlying school reorganization involves no Federal funds and is entirely a local school issue.

However, H.R. 2080 is of major importance to the District of Columbia. And if it were possible, the city would have made these revisions effective immediately. Therefore, I am grateful to the Federal Workforce chair, Mr. DANNY DAVIS, and Oversight and Government Reform Committee Chairman HENRY WAXMAN for moving this bill as soon as possible in committee, and the subsequent movement to the House floor the very next week, the week in which we now find ourselves.

The school structure change in particular puts a heavy and unprecedented burden on the administration of a new mayor, Mayor Adrian Fenty. Many in the Congress have over the years urged changes in the D.C. public schools; and therefore, I know that the last thing Congress wants to do is get in the way or slow a difficult local school reform process.

The extra congressional level of procedure for a local school restructuring is not within the expertise of a national legislative body whose agenda is packed with urgent national concerns.

□ 1715

The necessity for a Member of Congress to introduce a bill for a self-governing city is an anachronism neither the Congress nor the District deserves or can afford today. I promise the Congress I will try to make this the last time the House or the Senate is requested to pass a charter bill of no concern and of little interest to the Congress of the United States.

I strongly ask that all Members support the swift passage of this bill today.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 2080 which will implement the District of Columbia Public Education Reform Amendment Act of 2007. The legislation was passed by a 9-2 vote by the city council on April 19 and was signed by Mayor Fenty on April 23. Because the local bill includes amendments to the Home Rule Act, Congress must pass this bill for it to be effective. I make a special note that this legislation relies solely on local funds.

Before approving the bill, the city council held over 70 hours of hearings. I commend Mayor Fenty for proposing this bold change in governance and the city council for its careful deliberation and amendments to the original proposal.

Key elements of the local bill include streamlined educational responsibility, spending controls and consolidation of functions. The legislation is also intended to resolve issues that have festered between the D.C. public school system and charter schools.

Every city and county is entitled to govern its own school system as it sees fit, and the District of Columbia ought not to be an exception.

The challenges that have faced the city's public schools are well-known and extensively documented. Congress needs to pass this legislation promptly to ensure these reforms can be in place before school begins again next August. Changes in educational procurement are particularly important. Recent reports of failing boilers and high levels of lead in school water fountains lend a sense of urgency to this bill.

I wish the mayor and the city council well as they assume enhanced responsibility for public education. They have asked through this legislation to be held to a much higher level of accountability, and I commend them for stepping up to the plate on this core function of local government.

This does not obviate the continuing need to provide an alternative to underperforming neighborhood schools. That is why the D.C. Opportunity Scholarship Program is so vital. Today, the program gives approximately 1,800 low-income students access to schools of their choice. Reauthorization of this excellent program, which will be required by 2008, is necessary as part of our vision to expand and improve opportunities for D.C. students.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, H.R. 2080 repeals sections 452 and 495 of the District of Columbia Home Rule Act and permits the District of Columbia Council to establish the District of Columbia public schools as a Cabinet-level agency.

Under H.R. 2080, the mayor and the council will be held accountable for the management of the District's public schools. Section 452 describes the role and responsibilities of the mayor and council with respect to the annual budget process for the District of Columbia public school system. Section 452 provides the mayor and the council authority to establish the maximum amount of funds which will be allocated to the District of Columbia's Board of Education, but they are not allowed to change how the funds are used for educational programs.

H.R. 2080 will eliminate section 452 and allow the mayor and council to determine the level of funding allocations that each program receives. The money for this budget is entirely local money.

Section 495 established the D.C. Board of Education. H.R. 2080 would repeal the powers of the board and gives the mayor and council authority over the District's public schools. Mayor Fenty has been seeking the authority to reform the D.C. public school system since earlier this year.

On January 5, 2007, the mayor submitted the District of Columbia Public Education Reform Amendment Act of 2007, the act, to the D.C. council for their consideration. The act transfers management and oversight authority for D.C.'s public schools to the mayor.

It transfers all State education agency responsibilities from the Board of Education to the State education office; creates an Interagency Collaboration and Services Integration Commission; establishes an Office of Ombudsman for public education; and a Public Education Facilities Management and Construction Authority.

The D.C. council has held over 70 hours of hearings and heard the testimonies of residents, teachers, students, parents and leading educational experts on the mayor's proposal. The mayor believes that giving him control of D.C. public schools will lead to a dramatic improvement in the District's school system.

The District of Columbia Public Education Reform Amendment Act of 2007 passed the District of Columbia council on April 19, 2007, by a vote of 9–2. H.R. 2080 will allow the mayor to implement his initiatives to reform D.C. public schools.

Mr. Speaker, I want to commend Representative ELEANOR HOLMES NORTON and ranking minority member, Representative TOM DAVIS, for introducing this legislation. It is important to note that if D.C. had home rule, this legislation would not be necessary.

I urge all my colleagues to support this legislation because, in effect, what we are really doing is giving certification, in a sense, to actions that have been taken by the District of Columbia's city council and giving them the authority to exercise responsibility for their own public school system, which is obviously the right thing to do.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield back the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge passage of this legislation, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 2080.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, today is the 112th day since a great injustice took place in this country.

On January 17, 2007, two United States Border Patrol agents entered Federal prison to begin serving 11- and 12-year sentences respectively.

Agent Compean and Agent Ramos were convicted last spring for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our borders into Texas. These agents never should have been prosecuted. Yet, the U.S. Attorney's office prosecuted the agents and granted immunity to the drug smuggler. The illegal drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and has sued the border patrol for $5 million for violating his civil rights. And he is not an American citizen.

The American people have not forgotten Agents Ramos and Compean, who should have been commended instead of indicted. I encourage citizens across this country to continue calling the White House and ask the President to use his authority to immediately pardon these two heroes.

Members of Congress and the American people are outraged and concerned with this administration's indifference to the plight of two honorable men who have been crucified unfairly by a Federal prosecutor. These two agents have given years of their lives in service to this Nation; yet they have been unjustly punished for doing their job to protect the American people.

By using the power of his office to pardon these two agents, the President has the opportunity to reverse a grave injustice.

Mr. Speaker, in closing, I would like to share part of the comments made by Chairman JOHN CONYERS on the floor last week following my remarks on these two border agents, and I quote the chairman: "It's important that the kinds of concerns you have raised are known to all of our men and women who carry badges and weapons defending us, not just at borders, but in every State in the Union." Again, that is a quote from Chairman JOHN CONYERS.

I want to thank Chairman CONYERS for his interest in this issue, and I am encouraged that the Senate Judiciary Committee and the House Judiciary Committee will soon move forward with hearings to investigate the injustice committed against these two border agents.

HONORING THE LIFE OF MRS. LUCY HALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I guess if I had not had to be here today, I would have been back in my community, where I live, at the Friendship Baptist Church, and I would have been there because today was the funeral for Mrs. Lucy Hall, who was the wife of the pastor of that church for the last 50 years.

The Hall family have made tremendous impact on not only the community where we live, but also on the city of Chicago and its surrounding communities.

Mrs. Hall was a retired educator. She and her husband raised their three children in our neighborhood. Two of their children are judges. One is an appellate court judge in the State of Illinois. The other is a supreme court judge in New York, and of course, their son is a noted psychologist who works in the State of New York.

But Mrs. Hall exemplified the essence of excellence. She was indeed a grand lady, full of dignity, full of charm, full of commitment, full of dedication and full of hard work. She and her husband are legends in our neighborhood.

They developed programs which originated at the Friendship Baptist Church to deal with health issues such as cancer. They provided mammogram screening and education. They had after-school reading and boy scouts and tutoring.

So I simply take to the floor this evening to extend my condolences to the Hall family, to Reverend Shelvin Jerome Hall, to Judge Shelvin Louise Hall, to Judge Hall of the Supreme Court in New York, to their brother and the Halls' son and all of the members of a great family in the community where I live and work.

We shall miss her, but we rejoice in the life that she lived.

□ 1730

ALTERNATIVE MINIMUM TAX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the minority leader.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise tonight to talk about the tax increase that's coming. Now, we know that in the budget that the Democratic majority put together in the House, they posited the largest tax increase in American history. But that's not the tax increase that I have been referring to. The tax increase I am talking about is something that had its genesis in the 1960s, was renewed in the 1980s, was never insulated against inflation and has been allowed to run riot across the American Tax Code.

The tax increase I am talking about is the alternative minimum tax. In the late 1960s, the alternative minimum tax was created to deal with, at most, several hundred dread taxpayers. They were the people at the very pinnacle of the American economy who somehow were able to position themselves using a hyper-complicated Tax Code, using it to free themselves almost completely or, in some cases, completely, of tax liability.

In the late 1960s, correctly, Congress, looking at the complexity of the Tax Code and looking at this outcome, thought that isn't fair. So they created an alternative calculation that would provide that everyone pay at least a certain tax liability. That policy was renewed and actually expanded in the late 1980s when Democrats controlled the House of Representatives.

In the process, this alternative minimum tax was applied to what was then very high-income thresholds. Lo and behold, it was never indexed to inflation. Accordingly, more and more people have fallen under this alternative unfavorable tax calculation, which I am going to talk about in this hour, and more and more people that we would consider to be middle class have found themselves under the alternative minimum tax.

More and more small business owners have seen the incentives that they expected to get for making investments in the economy stripped away. More and more families have seen pro-family tax policies taken away from them by the alternative minimum tax.

Far from applying to a few hundred taxpayers, today the alternative minimum tax is applied to nearly 3 million taxpayers. But in past Congresses, quietly, we have moved to at least protect the people who would have been hit in recent years with additional tax liabilities from being covered. We have put in place a series of patches, patches that would protect taxpayers that we wanted to give tax relief from being hit with the AMT.

Those patches have become more expensive. To apply the annual patch next year, we would have to, in effect, set aside $47 billion to do it. But if we don't do it, not a few hundred taxpayers, not 3 million taxpayers, but 23 million taxpayers in America, including a significant part of the middle class, would have to pay the AMT.

That, frankly, is flat-out unfair and unsustainable. It's a tax increase that Congress had never intended and that the last few Congresses have acted to protect the middle class against.

Yet what has happened here, we find that the majority, the House Democrats, particularly, and their budget, haven't set aside a dime for a patch to deal with the AMT. They want to spend the money, even as they want to spend the money from the lapsing of some of the tax policies that we put in place at the beginning of the decade. They don't call it a tax increase, but they take the money and run.

By not fixing, by not patching the AMT, implicit in their budget is a major tax increase on top of that, on a major part of the middle class. Yet it's far worse than that, because we have been hearing recently in the committee that I serve on, the Ways and Means committee, that some in the majority want to make changes in the AMT, supposedly to reform it. But they do it by raising taxes elsewhere, and that's what I am here tonight to argue against.

If we deal with the AMT, not by controlling spending and by putting in place a long-term fix, but by simply raising taxes, we run the risk of having a dramatic impact on the economy. I have some numbers here that I think put this into a fairly dramatic perspective. As we have looked at the bracket creep, we have seen many middle class families, particularly in communities with higher taxes and higher standards of living, paying, potentially, the AMT.

What we have looked at is that some of the proposals that have been laid out there would provide AMT tax relief to middle class taxpayers by increasing the tax burden. Specifically, we understand that some in our committee are considering an AMT exemption for families earning up to $250,000.

That sounds great, but it also, potentially, will raise taxes at the high end. We have just had an election in France. In France, one of the issues was that their economy hasn't been very dynamic because of their top tax rate. The top tax rate in France is about 48 percent. Unfortunately, fixing the AMT would require so much revenue that if it's only done through raising the top rate, our top tax rate would be in the range of 48 percent. That would be a significant break on the economy.

Let me put this into a local perspective. I represent a district where not many people are in the highest income levels, but we have many local businesses and many local manufacturers that are subchapter S companies. They are closely held relationships, and they exist, basically, and pay personal income tax rates. This would, in effect, on some of our most dynamic job-creating local companies put the brake on their growth.

This is a direct tax on jobs in the emerging economy. As such, it is a real concern in a place like northwestern Pennsylvania where we have mainly people who are working class and middle class and very few high-income people. We think that this would have a big impact directly on our local economy.

Ladies and gentlemen, I am very concerned that we get this right, and I am also very concerned, not only that we fix the AMT but also that we do it in the right way. Now, we have a proposal, and I think it's very important to realize there is a proposal out there to repeal the individual AMT.

I am a cochairman of the zero AMT caucus, and I am prime sponsor of a bill, H.R. 1366, that would flat out repeal the AMT. In my view, the AMT is a Frankenstein's monster, which over the years has affected more and more taxpayers by subjecting them to a parallel tax system that arbitrarily and sometimes unpredictably deprives them of tax preferences and incentives that they have planned for.

In effect, the AMT runs the risk of punishing millions of middle class Americans every year with a tax that is, as I have said, was intended only for a handful of the highest level earners. My legislation once and for all would rid the Tax Code of this arcane and unfair tax policy and remove a significant barrier for economic growth in the American economy.

The AMT is not only a source of higher taxes; it's a source of complexity in the Tax Code. Getting rid of it is a priority for many of those who have advocated a simpler Tax Code.

The AMT, I believe, is unfair on the face of it, because it is now applied to a whole host of taxpayers that Congress had originally told them, this will never apply to you. While the structural features of the regular income tax are indexed to inflation, the AMT is not. As a result, as incomes have risen over the past 20 years, more and more taxpayers have fallen into the AMT. I think that Congress needs to act now. Act now to repeal the AMT or at very least to patch it.

As I said earlier, it would take $47 billion, which is a lot of money, but in a $3 trillion budget, it's something that we could find the room to do. Patching for 2 years would cost, they estimate, $110 billion. That's also something that's expensive, but it's something that we should be prepared to do.

An alternative approach would be to make the AMT a temporary tax provision. I have argued potentially for doing that if Congress does not have the will to pursue flat out repeal. But the idea of getting rid of the AMT by simply raising taxes is very, very dangerous.

I was always struck by a quote from H.L. Mencken, "When a new source of taxation is found, it never means, in practice, that an old source is abandoned. It merely means that the politicians have two ways of milking the taxpayer where they previously only had one before."

I think that the unfortunate thing about the AMT is that it is generating now so much revenue that people in Washington are afraid to do away with it. I think we need to have an aggressive approach to getting rid of the AMT that does not simply shift the tax burden more to taxpayers.

We need to come up with a creative way of dealing with this problem. I believe that there is the will to do it. I have offered to work across party lines with my colleagues on the other side, and I want to extend that offer again today.

I do think that if we approach this as something that has to be fixed through a combination of savings and maybe other changes in tax policy, there is going to be a range of ways that we could deal with this problem and certainly to protect the middle class from the AMT falling on it.

□ 1745

But we are concerned when we hear the press reports that suggest that the House Democrats simply want to use this to raise taxes.

Here is what in effect they are doing. They are taking that additional 20 million taxpayers and they are effectively holding them hostage for a higher tax level which is going to generate revenue for them to fulfill their campaign promises. We think that there has got to be a better way of doing that.

We are also concerned that the AMT can become a locomotive, recognizing that many taxpayers will otherwise be hit by liabilities that AMT relief will become a basis for running through a bill that generates much higher levels of revenue, in effect, manufactures a crisis. That way, the AMT bill becomes a locomotive for driving much higher taxes in the economy.

Today, I would argue very simply, Mr. Speaker, that Washington take a very high percentage of what people earn in America today. The problem and the source of our national deficit is not the fact that we don't generate enough revenue. In fact, revenue has been growing steadily on a year-to-year basis. The problem is not that we haven't entertained tax increases, because in effect we have been passing and adopting tax policies; curiously, through lower capital gains rates we have been generating more revenue from capital gains. The problem has not been a lack of revenue. It has been a lack of spending restraint. And, unfortunately, our friends on the other side of the aisle have approached the AMT problem exclusively as one that needs to be dealt with through revenue.

I think people need to understand what level of taxpayer we are talking about here. The AMT would be applied to people who are authentically middle class. I am struck here by the fact that if we look today, Washington is left to deal with this growing monster that is the AMT that is going to ensnare 23 million Americans come April 15, 2008. It operates as a parallel tax system, and in effect it takes away from taxpayers some preferences that Congress had firmly intended to them. This, I think, represents something that is fundamentally unfair.

We are talking here that, for the year 2006, under the AMT, the basic exemption from the AMT is only $62,550 for joint returns. This is not, in my view, a wealthy couple. It is $42,500 for a single and head-of-household returns, which in turn is subtracted to obtain AMT taxable income. It is the income above that that pushes people into the AMT.

These exemption levels, as I have pointed out, are the result of a patch that past Congresses have enacted. In other words, they are temporary and are scheduled to revert in 2007 to their prior levels of $45,000 for joint returns and $35,750 for unmarried taxpayers.

The basic AMT exemption is phased out for taxpayers with high levels of AMT income. A two-tiered rate structure of 26 percent and 28 percent is assessed against AMT taxable income. The taxpayer then, and this is how it works, compares his AMT tax liability to his regular tax liability and pays the greater of the two. As a result, middle-class Americans, hardworking families, are falling victim to what was, and always was, intended to be a policy that was aimed at the wealthiest and which ultimately at the end of the day is simply bad tax policy.

We think that we need to do a better job of dealing with the AMT, but to do that, simply raising taxes, is the wrong way to go.

How high would taxes have to go to deal with the AMT problem? I am struck by an estimate by the Urban Institute in Brookings Tax Policy Center that took a look at this question and came back with some startling figures. They argue that, in order to repeal the AMT, the majority, if they were to do that simply through tax increases, would have to increase the top three brackets very substantially. This study estimates that the majority would have to increase the 28 percent, 33 percent, and 35 percent brackets to 32.2 percent, 38 percent, and 40.3 percent respectively.

On top of the already enormous tax increase in the Democrats' budget, this level is confiscatory tax policy and it is a recipe, in our view, for a quick and nasty economic slowdown.

Well, I sincerely believe that there is the potential for a bipartisan consensus here. I think what we are seeing is a setup for much higher taxes; and that is why I am here on the floor tonight, to blow the whistle on it.

In my own district, in Pennsylvania's Third Congressional District, in 2005, a little over 2,700 taxpayers were impacted by the AMT. By contrast, if Congress does not act, in 2007, roughly 18,500 taxpayers will be hit with the AMT. This is a serious tax bite, and it has to be dealt with in a serious way and not simply by raising taxes.

Mr. Speaker, the AMT is a classical example of the rule of unintended consequences. The fundamental reason for the spread of the AMT is that the exemption amount was never indexed to inflation. As a result, the AMT spread rapidly before the 2001 and 2003 tax laws were adopted, and it would have continued spreading without those laws. It is projected to spread further after 2010, even if those laws are sunset. Taxpayers who move on the AMT in 2007 through 2010, due to the 2001 and 2003 tax laws, will still enjoy a net tax cut from those laws.

The most recent attempts to deal with the AMT have been through the use of patches; yet, I would argue that a more comprehensive solution is more desirable.

You know, it is also important to realize, we had an opportunity to repeal the AMT in 1999. It passed the House and it passed the Senate. It was part of a broader tax bill, and it was recognized at that time to be a very important priority. Repealing it at that time was something that we knew we could afford to do; yet, in 1999, the Clinton administration vetoed that legislation. Unfortunately, some of those who now want to deal with the AMT by raising taxes voted to sustain that veto, voted in effect to leave in place a tax that was never intended for the middle class.

The individual AMT doesn't just affect individuals. It also hurts small businesses. The many small businesses that pay the individual AMT lose the benefit of important tax incentives, such as the R&D tax credit, the work opportunity tax credit, accelerated depreciation, and many other general business tax credits. It is, anyone who has been in it and any accountant will tell you, ridiculously complicated and arbitrary. It is almost impossible for the average taxpayer and small business owner to calculate the AMT without help from a tax preparer or from tax software.

If we are serious about dealing with the problem of complexity in the Tax Code, one of the quickest things that we could do, one of the simplest things that we could do is flat-out repeal the AMT. We think this is something that ought to be of direct interest to us today, and we are very concerned that this real problem is being commandeered by those who simply want to raise taxes.

Our solution is that we want to see action today. We want to see both parties come together and talk about this problem honestly, not just discuss plans to raise taxes behind closed doors. We want to see an opportunity here today to discuss how we can use fiscal discipline and restrained spending to get rid of the AMT, or to potentially sunset it and phase it out over time. It is not too late to do that.

We believe that there are ways to deal with the AMT as an alternative that don't require us to bring our top tax rates up to the level of France. I believe that there are means of dealing with this problem without sucker punching our economy. I believe that we have the opportunity to deal with this problem fairly and honesty without presuming a tax increase.

We tend to forget this in Washington, but when somebody is paying out more in taxes, that is a tax increase. Whether that tax increase was the phaseout of a tax provision that was put into the law years ago and simply not renewed, whether that change in tax policy is something that was a policy from the 1960s that was never adjusted or modernized, the fact is we anticipate a tax increase unless we show fiscal restraint this year. And the Democratic budget, in addition to positing the largest tax increase in American history, has manufactured this AMT crisis and created a challenge for us that the Democrats are apparently proposing to respond to simply by raising taxes.

When people hear that the only folks experiencing the tax increase are going to be the highest income people, that doesn't tell the whole story, because so many jobs are tied up in companies that are also taxed at those rates. This is a challenge that I think requires an authentic bipartisan solution, not just a tax increase.

Mr. Speaker, I yield to the gentleman from Kansas such time as he may consume.

Mr. MORAN of Kansas. I thank the gentleman from Pennsylvania for yielding time, and I thank the Speaker this evening for recognizing me.

Mr. Speaker, 20 minutes can go by in a flash; 2 minutes seems like an eternity. Last Friday night, Greensburg, Kansas, was struck by a devastating tornado. With 20 minutes' warning, I am sure the people of Greensburg did everything possible to protect their homes, their lives, to gather their loved ones, to find the basement, to seek the shelter. Twenty minutes is an awfully short period of time to try to save your life.

Two minutes, the time that it takes for the tornado 1½ miles wide, winds blowing 207 miles an hour, 2 minutes it takes to destroy a community.

The losses last Friday night in Greensburg, Kansas, are significant. The photograph I have with me demonstrates the look of a town, a county seat town of Kiowa County, Kansas, population about 1,500. In many ways, a typical Kansas community; in many ways, a typical small town in rural America.

Mr. Speaker, I have been in Greensburg, Kansas, for the last 3 days. And perhaps what I see is typical, but what I see is heroics. From the moment the tornado struck, the people of Greensburg arose to the occasion, and every moment since then, their lives have been devoted toward making certain that people are okay, seeking recovery of their loved ones and their property, and trying to make certain that everyone is found and that life is preserved.

Mr. Speaker, 2 minutes did a lot of damage to a community; and yet in every conversation I had with the citizens of Greensburg, ultimately at least a small smile would come upon their face because they were able to count the blessings that they had despite the tornado. They were able to talk about the next opportunity they have to rebuild their lives, the people's whose lives were saved, the people whose lives are here today.

Mr. Speaker, this community has lost its entire housing structure. I walked through Greensburg for about 45 minutes on Saturday, a town that I represented as a State senator and now as a Member of Congress, and I found one home in that 45 minutes that I thought would be habitable.

□ 1800

The downtown business district is gone. You know, especially, Mr. Speaker, how difficult it is to preserve and enhance a business district in rural communities.

This is a community that has a business district maybe of six or seven blocks, both sides of the street. But every business destroyed. Gone is the city hall. Gone is the high school. Gone is the grade school. Gone is the hospital. Gone is the library.

This community faces many challenges, Mr. Speaker. But in each and every instance, not only have the citizens of that community arose to the occasion, not only have the citizens of that community done everything they could to save lives and protect property; but now already they talk of, how do we rebuild our hometown?

I spent a little time with the national media who are covering this story in Greensburg, Kansas, and my guess is Greensburg, Kansas, is probably a foreign country to many of them. And their question is, as they look across the rubble that's demonstrated in this photograph is, Congressman, can you really believe that this community has a future; that they will be around 2 years from now, 5 years from now, a decade from now? And the answer is yes.

I don't know a lot about lots of other communities in the country. But I know about the people of Greensburg, Kansas, and they will make every effort to see that their community survives and prospers, and that their children and grandchildren have a future there. You know, there's a special place we all call, it's called home. And everybody wants to live where it's home. And so, as the folks of Greensburg try to pick up their lives, rebuild their homes, re-establish the businesses, recreate a community, they just want Greensburg to be home again.

And so tonight I rise to commend them for their spirit, acknowledge their bravery, speak about their compassion and love for their friends and family and neighbors. And I especially want to talk about the city officials, the mayor, Lonnie McCollum, the city manager, Steve Hewett.

Perhaps people don't realize that the people who are there today trying to restore the electricity, the water, the sewer, the telephone service, the power, they, too, lost everything. So as the city officials have gone back to work trying to restore the basic needs of a community, they face the challenges of not having a home, vehicles destroyed, families living outside the community.

And Mr. Speaker, in addition to the city officials and the people of Greensburg, the American Red Cross, the Salvation Army, Heart to Heart, church groups, hundreds and thousands of people across the country on Sunday said their prayers for the people of Greensburg, Kansas. Offering plates were passed. The community of Haviland, a small town much smaller than the community of Greensburg, 15 miles down the road, the grocery store open on Sunday. I was there. I watched as the owner of the grocery store, no small task to keep a grocery store in Haviland, Kansas, alive and well, but I watched as customers placed groceries on the counter. And the grocery store owner said, where are you from? And the answer was, Greensburg. No charge.

That's the community that people call home in Kansas and many places across the country. And it's that effort that we are seeing today in which people come to the aid and rescue of their friends and neighbors and people they don't even know to make certain that good happens in a very difficult and challenging time.

And we are pleased with the National Guard. We are pleased with the services we have with surrounding communities and their law enforcement, emergency preparedness. And FEMA has arrived on the spot almost from day one, almost from the first moment the tornado struck.

I just got off the phone with the National Weather Service in Dodge City, Kansas. 20 minutes is not very long. But that 20 minutes, because of the efforts of the folks forecasting the weather that night, saved lives.

And I would ask that Kansans and Americans tonight again say their prayers for the people of Greensburg, that they recognize that we in America, no matter where the challenge or difficulty lies, we are in it together. And I would ask that, throughout the course of time, that the contributions be collected, the efforts be made to restore the community and that all Americans share in that process.

The people of Greensburg ought to be reassured that we, in Congress, we, as the Federal Government, will do everything within our power to assist them in their efforts. We want to reassure them that the future is theirs, and we're here to help.

And the role that we play as a Federal Government, the role that all the agencies who have arrived to provide assistance is important. But the reality is that Greensburg, Kansas, has a future because the people who call Greensburg home want to ensure that future comes tomorrow, next year and for another generation.

Mr. Speaker, I thank you for the opportunity to pay tribute to a community back home.

Mr. ENGLISH of Pennsylvania. Will the gentleman yield?

Mr. MORAN of Kansas. I'd yield to the gentleman from Pennsylvania.

Mr. ENGLISH of Pennsylvania. First of all, I want to thank the gentleman for his stirring words. I can say in northwestern Pennsylvania, we have watched the developments in Kansas with horror, because it was just a couple of decades ago that we had a series of major tornado events that very much marked, seemingly immutably, many of our rural communities. And I think of Albion, Pennsylvania, and how it took years for its downtown to bounce back.

Can I reassure the gentleman that I think all of his colleagues appreciate his plea, appreciate the terrible dilemma facing so many of his constituents? And you can count on our solidarity in this effort.

And it seems a little trite to point this out, but I have to say, the gentleman has always been one of the most eloquent voices for rural America. He has done a great job here tonight of laying before us the plight of this community. But we are particularly grateful for his advocacy tonight, and I want to say, our prayers will be with you. Our resources will be with you, and Northwestern Pennsylvania will be there for Kansas in any way we can help out.

Mr. MORAN of Kansas. I thank the gentleman and appreciate the words of encouragement, the phone calls, the letters and the conversations I have had with my colleagues from across the country who, like you, express their care and concern for the people of Kansas.

Mr. POMEROY. Will the gentleman yield?

Mr. MORAN of Kansas. I'd be happy to yield to you.

Mr. POMEROY. I just also very briefly, representing the other side of the aisle, want to echo the statements so eloquently made by the gentleman from Pennsylvania.

JERRY, you spoke right from the heart. We can feel the pain that you're feeling on behalf of those who have had their lives just devastated. It's important for them to know that they're going to have your first class advocacy. And you certainly just put that on display tonight.

And it's also important for them to know that we offer them our prayers. And beyond that, we will be with them as they rebuild.

I represented a city that got flooded, and it took years, but we just had the 10-year commemoration of that event, and this city is back, bigger and better than ever.

Now, I've never seen anything like the picture that you put on display tonight. It's a different challenge. A different magnitude of effort's going to be required, but we will be with you. The Federal Government will be there, and we will follow your lead as we fashion a response that meets the need, the tremendous need in the wake of this tornado. I yield back.

Mr. MORAN of Kansas. I thank so much the gentleman from North Dakota who, I know, like the gentleman from Pennsylvania, understands that rural America is a special place, and the place called home, in this case a place called Greensburg, Kansas, matters a lot, not only in the future of that community, but in the future of a way that we try to preserve here, a way of life that matters, I think, to all of America.

Again, I express my appreciation to my colleagues for their support. I remind the folks of Greensburg, Kansas, that we'll be an ally. I thank those who have worked so hard to this point to see that there is an opportunity for a future.

And tonight I especially say my prayers for the family members of those whose families lost their lives. Ten people died in the tornado on Friday night.

Life is a very precious thing, and we offer our prayers. We seek the support of all as we try to rebuild Greensburg, Kansas. I thank the gentleman for yielding.

Mr. ENGLISH of Pennsylvania. I thank the gentleman for his contribution.

Mr. Speaker, I am going to keep my remaining remarks brief and, again, salute the gentleman for taking the time to come down and share the experience of his district and his community with this awful weather disaster, which we in northwestern Pennsylvania certainly understand and certainly we will reach into our pockets and be generous in helping our fellow Americans.

But, Mr. Speaker, I'd like to, for a moment, return to my prior topic, put my green eye shade back on and talk about the AMT and its potential effect on taxpayers.

You know, one point that I hadn't had the opportunity to make earlier, was that over the past few weeks, in the ramp up to what we fear will be an attempt to use the AMT as a basis for a broader tax increase, we've heard made the strange argument by our friends on the other side of the aisle that somehow, the AMT is falling on more families because of the tax cuts enacted in 2001 and 2003. This argument has been echoed within the Ways and Means Committee, and it's bizarre on the face of it. But there are actually arguments that are being made trying to connect these dots and square this circle.

The argument is that, as a result of reduced income tax rates relative to the AMT, more taxpayers are subject to the AMT. Conversely, this logic maintains that if income taxes are increased, less people would be subject to the AMT. It's an odd reform that raises taxes on Americans, and this smells an awful lot like robbing Peter to pay Paul. After all, if taxpayers are paying the AMT, or paying the basic income tax, one way or the other, what is relevant to them is how much they're paying.

The argument we are hearing from the other side simply runs roughshod over the facts. The AMT is growing significantly because the tax brackets involved were never indexed to inflation. Clearly, no American is worse off under recent tax relief. And fewer taxpayers are subject to the AMT than otherwise would be as a result of the patches that that tax relief contained.

I have, I believe, a number of charts, but I am not going to trouble you with them at this time of the evening, that demonstrate that this problem has been stated in an unusual way. It is misleading to claim that the 2001 and 2003 tax cuts led to more people paying the AMT.

The fact is, between the patches and the tax cuts, fewer people are paying the AMT today than would have under pre-2001 tax laws. This is a very important revelation.

The fact is, past Congresses have moved, in budget after budget, to protect the middle class from the ravages of the AMT. Notwithstanding that, the AMT now hits nearly 3 million taxpayers, where it was originally designed only to hit a few hundred. Without a patch, the AMT would fall on 23 million taxpayers.

Because of that added tax liability on 20 million taxpayers, fixing the AMT is certainly a challenge. But to me, it's a much bigger challenge to argue that somehow we should let the AMT fall on these people when it was never conceived as a tax to be applied to them.

□ 1815

The fact is the AMT at the current rate runs the risk of crowding out the rest of the tax code and becoming the Tax Code, and that would be a disaster. The AMT does not treat families as favorably. It does not treat small business investment as favorably. It doesn't have the nuances of the current Tax Code, and it simply has higher rates.

We believe that in the end, the real solution is fundamental tax reform, to move to a reformed tax system that contains no AMT but through its simplicity also requires no AMT to guarantee that everyone pays what they are obliged to pay. Through simplicity we can reduce the tax gap. We can make the Tax Code more predictable, and we can provide through fewer loopholes fewer opportunities for people to take unfair advantage. That is the real solution at the end.

I believe, though, that we are going to see this year a concerted effort by the new majority to do what they did the last time they were in the majority, and that is to push through massive tax increases. The AMT, it looks like, is going to be their first excuse to do it. So it is going to be the first real test of this Congress, whether it is going to take a different route than that that we traditionally expect or whether it is going to go down the old path of tax and spend, raising taxes, expanding the size of government, and ultimately hitting the taxpayers in newer and more subtle ways.

Enacting French tax structures is not the solution to growing the economy. It is not the solution to the deficit, and it is not the solution to the AMT.

I think the time has come for Congress to deal with this issue honestly, to bring it out into the open. My hope is that our committee, the Ways and Means Committee, will have an opportunity to do hearings specifically on this point. As ranking member of the Select Revenue Measures Subcommittee, I also hope that we have the opportunity there to more closely examine the AMT and to build on recent hearings to look at actual solutions and come up with a solution that reduces the tax burden and protects the middle class rather than simply raising taxes. That may be a challenge that requires statesmanship, but I believe the time has come to deal with this issue directly.

Anyone who, I believe, signs on to what the papers tell us might be the solution here can't claim that they are following certainly the dictum of Americans for Tax Reform, which years ago got many Members of Congress to sign a pledge not to raise taxes. I believe that any AMT solution that raises taxes will put Congress on record as being in favor of Big Government and higher taxes. I believe that we need to look at creative alternatives and the time has come for that.

Mr. Speaker, I am grateful for the opportunity to take my party's leadership hour.

RECESS

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1850

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JOHNSON of Georgia) at 6 o'clock and 50 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–136) on the resolution (H. Res. 382) providing for consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–137) on the resolution (H. Res. 383) providing for consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 51 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2013

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY of Connecticut) at 8 o'clock and 13 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CORRINE BROWN of Florida (at the request of Mr. HOYER) for May 7 and the balance of the week on account of illness in the family.

Mr. ENGEL (at the request of Mr. HOYER) for May 7 and the balance of the week on account of a family medical emergency.

Mr. RUPPERSBERGER (at the request of Mr. HOYER) for today after 1:30 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Member (at the request of Ms. FOXX) to revise and extend his remarks and include extraneous material:)

Mr. WALSH of New York, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 9, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1551. A letter from the Secretary, Department of Energy, transmitting a copy of the Department's Energy Fleet Alternative Fuel Vehicle Acquisition Report, Compliance with EPAct and E.O. 13149 in Fiscal Year 2006, pursuant to Public Law 109-58, section 701; to the Committee on Energy and Commerce.

1552. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress on the actions Federal Agencies are taking to incorporate and implement the May 2002 Interagency Agreement, pursuant to Public Law 107-58, section 372(b); to the Committee on Energy and Commerce.

1553. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Report to Congress on Marketing Violent Entertainment to Children: A Fifth Follow-up Review of Industry Practices In the Motion Picutre, Music Recording & Electronic Game Industries; to the Committee on Energy and Commerce.

1554. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 07-20, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Iraq for defense articles and services, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1555. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual report relating to the prevention of nuclear proliferation from January 1 to December 31, 2006, pursuant to 22 U.S.C. 3281(a); to the Committee on Foreign Affairs.

1556. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2007 Annual Report, pursuant to 22 U.S.C. 6412 Public Law 105-292 section 102; to the Committee on Foreign Affairs.

1557. A letter from the Under Secretary, Department of the Air Force, Department of Defense, transmitting a memorandum of transmittal for the Agreement between the Government of the United States of America and the Government of the Republic of Korea concerning the Korean Seismic Research Stations, Wonju, Republic of Korea, pursuant to 10 U.S.C. 2565; to the Committee on Foreign Affairs.

1558. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report to Congress on the Millennium Challenge Corporation's activities for fiscal year 2006, pursuant to Public Law 108-199, section 613; to the Committee on Foreign Affairs.

1559. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2006 Annual Report on United Nations voting practices, pursuant to 22 U.S.C. 2414a; to the Committee on Foreign Affairs.

1560. A letter from the Secretary, Department of State, transmitting a request for the prompt consideration and passage of H.R. 6060, the Department of State Authorities Act of 2006; to the Committee on Foreign Affairs.

1561. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2007-15 on the Eligibility of the Republic of Montenegro and the Republic of Serbia to Receive Defense Articles and Defense Services; to the Committee on Foreign Affairs.

1562. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Korea, United Kingdom, and the Netherlands (Transmittal No. DDTC 014-07); to the Committee on Foreign Affairs.

1563. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act,, certification regarding the proposed manufacturing license agreement for the manufacture of major defense articles to the Government of Japan (Transmittal No. DDTC 013-07); to the Committee on Foreign Affairs.

1564. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment in the Government of Germany (Transmittal No. DDTC 001-07); to the Committee on Foreign Affairs.

1565. A letter from the Secretary, Department of State, transmitting the Department's report covering current military, diplomatic, political, and economic measures that are being or have been undertaken to complete out mission in Iraq successfully, pursuant to Public Law 109-163, section 1227; to the Committee on Foreign Affairs.

1566. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2007 through March 31, 2007; to the Committee on Foreign Affairs.

1567. A letter from the Chair, Antitrust Modernization Commission, transmitting the Commission's report and recommendations, pursuant to Public Law 107-273, section 11058; to the Committee on the Judiciary.

1568. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the annual report of the Office of Justice Programs for Fiscal Years 2005, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

1569. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2008, pursuant to 42 U.S.C. 233(o); to the Committee on the Judiciary.

1570. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD [CGD05-06-104] (RIN: 1625-AA87) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1571. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Falmouth Maine, Casco Bay [CGD01-06-026] (RIN: 1625-AA01) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1572. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks Display, Trent River, New Bern, North Carolina [CGD05-06-092] (RIN: 1625-AA00) received April 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1573. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; ChampBoat Grand Prix of Savannah; Savannah, Georgia [CGD07-06-191] (RIN: 1625-AA08) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1574. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Modification and Revocation of VOR Federal Airways; East Central United States. [Docket No. FAA-2006-24926; Airspace Docket No. 06-ASW-1] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1575. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change to Time of Designation of Restricted Area 6320; Matagorda, TX [Docket No. FAA-2006-26646; Airspace Docket No. 06-ASW-12] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1576. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airway V-2; East Central United States. [Docket No. FAA-2006-25673; Airspace Docket No. 06-ASW-13] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1577. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes, and Model Astra SPX and 1125 Westwind Astra Airplanes [Docket No. FAA-2007-27077; Directorate Identifier 2006-NM-286-AD; Amendment 39-14916; AD 2007-03-05] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1578. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A-340-300, A340-500, and A340-600 Airplanes [Docket No. FAA-2007-27064; Directorate Identifier 2006-NM-274-AD; Amendment 39-14915; AD 2007-03-04] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1579. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-26217; Directorate Identifier 2006-NM-209-AD; Amendment 39-14886; AD 2007-01-14] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1580. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 and 900, and Falcon 900EX Airplanes; and Model Falcon 2000 and Falcon 2000EX Airplanes [Docket No. FAA-2006-25988; Directorate Identifier 2006-NM-113-AD; Amendment 39-14884; AD 2007-01-12] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1581. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-300 Airplanes [Docket No. FAA-2006-25079; Directorate Identifier 2006-NM-065-AD; Amendment 39-14885; AD 2007-01-13] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1582. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-70, DC-8-60F, and DC-8-70F Series Airplanes [Docket No. 2001-NM-183-AD; Amendment 39-14889; AD 2007-02-02] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1583. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 and A300-600 airplanes [Docket No. FAA-2007-27150; Directorate Identifier 2006-NM-288-AD; Amendment 39-14929; AD 2007-03-18] (RIN: 2120-AA64) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1584. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Santa Cruz, CA. [Dcoekt No. FAA-2006-25922; Airspace Docket No. 06-AWP-17] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1585. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Change to Controlling Agency of Restricted Area 2312; Fort Hauchuca, AZ [Docket No. FAA-2006-26599; Airspace Docket No. 06-ASW-11] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1586. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Low Altitude Reporting Point; AK [Docket No. FAA-2006-25905; Airspace Docket No. 06-AAL-30] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1587. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class D/E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK [Docket No. FAA-2006-25947; Airspace Docket No. 06-AAL-31] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1588. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Modification and Revocation of VOR Federal Airways; East Central United States [Docket No. FAA-2006-24926; Airspace Docket No. 06-ASW-1] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1589. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Newton Field, ME [Docket No. FAA-2006-26032, Airspace Docket No. 06-ANE-01] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1590. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Bethel Regional Airport, ME [Docket No. FAA-2006-26031, Airspace Docket No. 06-ANE-02] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Griffiss Airfield, Rome, NY. [Docket No. FAA-2006-26095; Airspace Docket No. 06-AEA-014] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ridgway, PA [Docket No. FAA-2006-23907; Airspace Docket No. 06-AEA-03] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E-2 Airspace; Griffiss Airfield, Rome, NY. [Docket No. FAA-2006-26116; Airspace Docket No. 06-AEA-015] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1594. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E-2 Airspace; Griffiss Airfield, Rome, NY. [Docket No.FAA-2006-26116; Airspace Docket No. 06-AEA-015] (RIN: 2120-AA66) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1595. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Connecticut River, East Haddam, CT [CGD01-06-128] (RIN: 1625-AA09) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1596. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Aproach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30534 Amdt. No. 3204] (RIN: 2120-AA65) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1597. A letter from the Pogram Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30532 Amdt. No. 3202] (RIN: 2120-AA65) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30536 Amdt. No. 3206] (RIN: 2120-AA65) received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1599. A letter from the Assistant Secretary, Office of Legislative Affairs, TSA, Department of Homeland Security, transmitting the Administration's report on Security Plan for Essential Air Service and Small Community Service Airports, pursuant to Public Law 109-347, section 701; to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 1873. A bill to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes (Rept. 110–111, Pt. 3).

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1505. A bill to designate the Federal building located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach Federal Building"; with amendments (Rept. 110–132). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 79. A resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 110–133). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 123. A resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 110–134). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 352. A resolution supporting the goals and ideals of National Public Works Week (Rept. 110–135). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 382. A resolution providing for consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes (Rept. 110–136). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 383. A resolution providing for consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes (Rept. 110–137). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MICHAUD:

H.R. 2199. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 2200. A bill to amend title 5, United States Code, relating to the use of the leave transfer program by wounded veterans who are Federal employees; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY (for himself and Mr. BOOZMAN):

H.R. 2201. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Committee on Care of Veterans with Traumatic Brain Injury; to the Committee on Veterans' Affairs.

By Mr. MCDERMOTT:

H.R. 2202. A bill to amend the Social Security Act to provide for wage insurance for dislocated workers; to the Committee on Ways and Means.

By Mr. MCKEON (for himself, Mr. HOEKSTRA, Mr. BISHOP of Utah, Mr. WALBERG, Mr. FORTUÑO, Mr. BOEHNER, Mr. WILSON of South Carolina, Mr. BOUSTANY, and Mr. MARCHANT):

H.R. 2203. A bill to amend the Elementary and Secondary Education Act of 1965 to increase student access and participation in supplemental educational services, and for other purposes; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Mr. PAYNE, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. SARBANES, Ms. HIRONO, Mr. HARE, Mr. COURTNEY, Mr. VAN HOLLEN, Ms. DELAURO, Mr. DELAHUNT,r. MCINTYRE, Mr. CLEAVER, Mr. HIGGINS, Ms. WATSON, Ms. MATSUI, Mr. HONDA, Mr. NADLER, Mrs. TAUSCHER, Mr. MORAN of Virginia, Mr. CAPUANO, Mr. FARR, Mr. JEFFERSON, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. EMANUEL, Mr. STARK, Ms. MCCOLLUM of Minnesota, Mr. ETHERIDGE, Ms. BALDWIN, Mr. SHERMAN, Mr. MCNERNEY, Mr. MCGOVERN, Ms. SLAUGHTER, Ms. KILPATRICK, and Mr. SCHIFF):

H.R. 2204. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio (for herself, Mr. ENGLISH of Pennsylvania, Mr. GORDON, Mrs. CAPITO, Mr. CROWLEY, Mr. RAMSTAD, Mr. LEWIS of Kentucky, Mr. SHAYS, Mr. TERRY, Ms. ROS-LEHTINEN, Mr. ANDREWS, Ms. BERKLEY, Mr. COLE of Oklahoma, Ms. SCHWARTZ, Mr. MURPHY of Connecticut, Ms. PRYCE of Ohio, Mrs. BIGGERT, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. DAVIS of Alabama, Mr. PORTER, Ms. DELAURO, Mr. PENCE, Mr. SAM JOHNSON of Texas, Mr. EMANUEL, Mr. COURTNEY, Mr. PAUL, Mr. CANTOR, Mr. GERLACH, and Mr. LARSON of Connecticut):

H.R. 2205. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 2206. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBEY:

H.R. 2207. A bill making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself, Mr. SHIMKUS, Mr. MATHESON, Mr. HASTERT, Mr. DOYLE, Mr. PICKERING, Mr. HILL, Mr. UPTON, Mr. ROSS, and Mr. WHITFIELD):

H.R. 2208. A bill to provide for a standby loan program for certain coal-to-liquid projects; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA (for himself, Mr. NUNES, Mr. MCCARTHY of California, and Mr. COSTA):

H.R. 2209. A bill to amend the Agricultural Adjustment Act to add clementines to the list of fruits and vegetables subject to minimum quality import requirements issued by the Secretary of Agriculture; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. CASTLE, Mr. BECERRA, and Mr. KIRK):

H.R. 2210. A bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. DELAHUNT, Mr. PAUL, and Mr. SCHIFF):

H.R. 2211. A bill to require the President to transmit to Congress a report on every program of the Federal Government that authorizes or requires the gathering of information on United States persons in the United States, established whether in whole or in part pursuant to the "all necessary and appropriate force" clause contained in the Authorization for Use of Military Force (Public Law 107-40); to the Committee on Foreign Affairs.

By Ms. HARMAN (for herself and Mr. ABERCROMBIE):

H.R. 2212. A bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes; to the Committee on Armed Services.

By Ms. HERSETH SANDLIN (for herself and Mrs. CUBIN):

H.R. 2213. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture.

By Mr. HINOJOSA (for himself, Mr. Pastor, Mr. Grijalva, Mr. Gonzalez, Ms. Corrine Brown of Florida, Mr. Rangel, Mr. Ortiz, Mr. Reyes, Ms. Solis, and Mr. Gutierrez):

H.R. 2214. A bill to amend the Adult Education and Family Literacy Act to establish integrated English literacy and civics education programs, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. Farr, Ms. Hirono, Mr. Honda, Ms. Lee, Mr. Markey, Mr. George Miller of California, Mr. Pallone, and Mr. Van Hollen):

H.R. 2215. A bill to provide a reduction in the aggregate greenhouse gas emissions per unit of energy consumed by vehicles and aircraft, and for other purposes; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Lewis of Georgia, Mr. Wexler, Mr. Kucinich, and Ms. Jackson-Lee of Texas):

H.R. 2216. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. Lewis of Georgia, Mr. Wexler, Mr. Kucinich, and Mr. Jefferson):

H.R. 2217. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to include homeless status in the definition of "hate crime" for the purposes of Federal sentencing provisions; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 2218. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Mr. MORAN of Virginia (for himself, Mr. Ramstad, Mr. Sires, Mr. Loebsack, Mr. Hill, Mr. Michaud, Mr. Braley of Iowa, and Mr. Gilchrest):

H.R. 2219. A bill to direct the Secretary of Veterans Affairs to award a grant to a private, nonprofit entity to establish, publicize, and operate a national toll-free suicide prevention telephone hotline targeted to and staffed by veterans of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. TIM MURPHY of Pennsylvania (for himself, Mrs. Napolitano, Mr. Boucher, Mr. Reyes, Mr. Baca, Mr. Rodriguez, Mr. Bonner, Mr. Garrett of New Jersey, Mr. Rogers of Alabama, Mr. Hastert, Mr. Daniel E. Lungren of California, Mr. Kuhl of New York, Mr. Gingrey, Mr. McCotter, Mrs. Schmidt, Mr. Hayes, Mr. Conaway, and Ms. Fallin):

H.R. 2220. A bill to permit educational agencies and institutions to disclose certain information to parents of students who may pose a significant risk to their own safety or well-being, or to the safety or well-being of others; to the Committee on Education and Labor.

By Mr. NADLER (for himself, Mr. Conyers, Mr. Berman, Mr. Delahunt, Mr. Wexler, Ms. Linda T. Sánchez of California, Mr. Gutierrez, Mr. Weiner, Mr. Schiff, Ms. Baldwin, Ms. Wasserman Schultz, Mr. Ellison, Mr. Grijalva, Mrs. Davis of California, Mr. George Miller of California, Mr. Doyle, Ms. Schakowsky, Mr. McGovern, Ms. Lee, Mr. McDermott, Mr. Crowley, Ms. Hirono, Ms. Berkley, Ms. Matsui, Mr. Moran of Virginia, Mr. Farr, Mr. Fattah, Mrs. Capps, Ms. Clarke, Mr. Abercrombie, Mr. McNulty, Mr. Langevin, Ms. Norton, Mr. Lantos, Mr. Waxman, Mr. Clay, Mr. Jackson of Illinois, Mr. Allen, Mr. Capuano, Mrs. Maloney of New York, Mr. Filner, Mr. Pallone, Mr. Honda, Mr. Olver, Mr. Engel, Ms. Woolsey, Ms. DeGette, Mr. Lewis of Georgia, Mr. Wu, Mr. Ackerman, Mr. Kucinich, Mr. Tierney, Mr. Inslee, Ms. Eshoo, Mr. Meehan, Mr. Frank of Massachusetts, Mrs. Napolitano, Mr. Rothman, Mr. Neal of Massachusetts, Mr. Stark, Mr. Serrano, Mr. Shays, Mr. Cummings, Ms. Solis, Mr. Becerra, Mr. Kennedy, Mr. Hinchey, Mr. Payne, and Mr. Markey):

H.R. 2221. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Mr. PASCRELL:

H.R. 2222. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Ways and Means.

By Mr. PORTER (for himself and Mr. Heller):

H.R. 2223. A bill to direct the Director of the Office of National Drug Control Policy, in consultation with the Attorney General and the Secretary of Health and Human Services, to conduct a study on prescription drug take-back programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESTAK:

H.R. 2224. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 2225. A bill to direct the Secretary of Veterans Affairs to submit a report to Congress providing a master plan for the use of the West Los Angeles Department of Veterans Affairs Medical Center, California, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELCH of Vermont:

H.R. 2226. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to carry out a pilot program to provide readjustment counseling and related mental health services to veterans through the use of mobile centers; to the Committee on Veterans' Affairs.

By Mr. HINCHEY (for himself, Mrs. Capps, and Mrs. Bono):

H. Con. Res. 144. Concurrent resolution supporting the goals and ideals of National Women's Health Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H. Con. Res. 145. Concurrent resolution recognizing the 125th anniversary of the city of Billings, Montana; to the Committee on Oversight and Government Reform.

By Mrs. CUBIN:

H. Res. 384. A resolution congratulating the University of Wyoming Cowgirls for winning the Women's National Invitational Tournament for the first time and for their most successful season in school history; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FRANK of Massachusetts introduced a bill (H.R. 2227) for the relief of Paul Green; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Boozman, Ms. Shea-Porter, Mrs. Napolitano, and Mr. Farr.

H.R. 39: Mr. Pascrell.

H.R. 44: Mrs. Maloney of New York.

H.R. 60: Mr. Smith of Texas.

H.R. 78: Mr. Sam Johnson of Texas.

H.R. 87: Mr. McCotter.

H.R. 89: Ms. Roybal-Allard, Mr. Porter, and Mr. Abercrombie.

H.R. 176: Mr. Berman.

H.R. 197: Mr. Gordon, Ms. Harman, Mrs. Emerson, Mr. Donnelly, Ms. Loretta Sanchez of California, and Mr. Doyle.

H.R. 225: Mr. Poe.

H.R. 237: Mr. Peterson of Minnesota, Mr. Rahall, Mr. Ross, Mr. Salazar, Mr. Berry, Mr. Boozman, Mr. Cardoza, Mr. Cramer, Mr. Higgins, Mr. Murtha, Mr. Peterson of Pennsylvania, Mr. Tanner, Mr. Taylor, and Mr. Udall of New Mexico.

H.R. 278: Mrs. McMorris Rodgers, Ms. Harman, Mr. Hare, Mr. Space, Mr. Udall of New Mexico, and Mr. Rahall.

H.R. 297: Ms. Wasserman Schultz.

H.R. 303: Mr. Hall of Texas and Mr. Rodriguez.

H.R. 380: Mr. Barrow.

H.R. 381: Mr. Payne.

H.R. 406: Mr. Hastings of Florida, Ms. Sutton, Ms. Norton, Ms. Eddie Bernice Johnson of Texas, and Mr. Towns.

H.R. 443: Mr. Boozman.

H.R. 445: Mr. Boozman.

H.R. 457: Mr. Burton of Indiana.

H.R. 464: Mr. Gonzalez and Mr. Kind.

H.R. 508: Mr. Rush.

H.R. 522: Ms. Norton and Mr. Honda.

H.R. 526: Mr. Shimkus.

H.R. 549: Mr. Space.

H.R. 551: Mr. Ortiz and Mr. Poe.

H.R. 552: Mr. Davis of Alabama, Mr. Kind, Mr. DeFazio, Mr. Smith of Nebraska, Mr. Welch of Vermont, and Mr. Camp of Michigan.

H.R. 604: Mr. Gillmor.

H.R. 621: Mr. Smith of Nebraska, Mr. Braley of Iowa, and Mr. Welch of Vermont.

H.R. 629: Ms. Lee.

H.R. 676: Mr. Ryan of Ohio.

H.R. 698: Mr. Moran of Virginia and Ms. Velázquez.

H.R. 711: Mr. Porter.

H.R. 728: Mr. Kagen.

H.R. 734: Mrs. Musgrave.

H.R. 736: Mr. Weldon of Florida.

H.R. 741: Mr. Souder and Mr. Dent.

H.R. 743: Mr. Pence.

H.R. 748: Mr. Gene Green of Texas, Mr. Hare, Mr. Emanuel, and Mr. Tim Murphy of Pennsylvania.

H.R. 760: Mr. Rodriguez.

H.R. 820: Mr. English of Pennsylvania, Mr. Lewis of Georgia, Mr. Clay, and Mrs. Tauscher.

H.R. 821: Ms. Harman and Mrs. Davis of California.

H.R. 840: Mr. Ellison.

H.R. 890: Mr. Cleaver, Mrs. McCarthy of New York, Mr. Emanuel, Mr. Waxman, Mr. Sestak, Mr. Andrews, Mr. Hastings of Florida, Mr. McCotter, and Mr. Blumenauer.

H.R. 919: Mr. Paul and Mr. Conaway.

H.R. 926: Mr. Payne.

H.R. 989: Mrs. Schmidt.

H.R. 996: Ms. Lee.

H.R. 1009: Ms. Schakowsky.

H.R. 1010: Mr. Jefferson, Ms. Moore of Wisconsin, and Mr. Waxman.

H.R. 1022: Mr. Blumenauer, Mr. Nadler, Ms. Norton, and Mr. Watt.

H.R. 1023: Mr. Johnson of Georgia.

H.R. 1051: Mr. Payne.

H.R. 1064: Mr. Langevin, Mr. Crowley, Ms. Giffords, Mr. Hare, Mr. Gutierrez, and Mr. McNerney.

H.R. 1069: Mr. Burton of Indiana.

H.R. 1073: Mr. Honda, Mr. Davis of Illinois, and Mr. Welch of Vermont.

H.R. 1074: Mr. Farr.

H.R. 1107: Mr. Weldon of Florida.

H.R. 1115: Mr. Walz of Minnesota.

H.R. 1125: Mr. Wolf, Mr. Moran of Virginia, and Mr. Baker.

H.R. 1176: Mr. Honda.

H.R. 1186: Mr. McCotter.

H.R. 1188: Mr. McNerney.

H.R. 1193: Ms. Herseth Sandlin, Mr. Souder, Mr. Frank of Massachusetts, Mr. Neal of Massachusetts, Mr. Rodriguez, Mr. Goode, Mr. Ramstad, and Mr. Baird.

H.R. 1194: Mr. Hare and Ms. Solis.

H.R. 1197: Mr. Walz of Minnesota.

H.R. 1224: Mr. Wicker, Mr. Payne, Mr. Ryan of Ohio, and Mr. Abercrombie.

H.R. 1225: Ms. Baldwin.

H.R. 1230: Mr. Neal of Massachusetts, Mr. Davis of Illinois, and Mr. Scott of Virginia.

H.R. 1232: Mr. Lantos and Mr. Putnam.

H.R. 1236: Mr. Rush, Mr. Johnson of Georgia, Mr. Meek of Florida, Mr. Lincoln Davis of Tennessee, Mr. Levin, and Mrs. Boyda of Kansas.

H.R. 1239: Mrs. Boyda of Kansas.

H.R. 1293: Mr. Porter and Mr. Filner.

H.R. 1304: Mrs. Biggert, Mr. Gillmor, and Mrs. Boyda of Kansas.

H.R. 1306: Mr. Gerlach and Mr. Engel.

H.R. 1329: Mr. Payne.

H.R. 1394: Mr. McCotter, Mr. Fattah, Mr. Hoekstra, and Mr. Rahall.

H.R. 1395: Mr. Ellsworth.

H.R. 1400: Mr. Moore of Kansas, Mr. Van Hollen, Mr. Ramstad, Mr. Salazar, Mr. Smith of Nebraska, Ms. Watson, Mr. Alexander, Mr. Rangel, Mr. Arcuri, Mr. Radanovich, Mrs. McCarthy of New York, Ms. Ginny Brown-Waite of Florida, Mr. Nadler, Mr. Baker, Mr. Hastings of Washington, Mr. Hare, Ms. Fallin, Mr. Emanuel, Mr. Michaud, Mr. English of Pennsylvania, and Mr. Heller.

H.R. 1414: Mr. Serrano.

H.R. 1426: Mr. Payne.

H.R. 1430: Mr. Price of Georgia and Ms. Foxx.

H.R. 1457: Mr. Tim Murphy of Pennsylvania.

H.R. 1469: Mr. Conyers, Mrs. Emerson, Mr. Thompson of Mississippi, Mr. McCotter, Mr. Waxman, Mr. Ellison, and Mr. Moran of Kansas.

H.R. 1470: Mr. Moran of Kansas and Mr. Braley of Iowa.

H.R. 1474: Mr. Gohmert, Mr. Kingston, Ms. Foxx, Mr. Kagen, Mr. Higgins, Mr. Hill, and Mr. Boozman.

H.R. 1483: Mr. Barrett of South Carolina.

H.R. 1522: Mr. Moore of Kansas and Ms. Roybal-Allard.

H.R. 1537: Mr. Sires, Mr. Altmire, Mr. Higgins, Mr. Holden, Mr. Young of Alaska, Mrs. Davis of California, Ms. Kilpatrick, and Mr. Hoekstra.

H.R. 1539: Mr. Kline of Minnesota.

H.R. 1551: Mr. Altmire.

H.R. 1553: Mr. Rothman, Mr. Wilson of South Carolina, Mr. Wicker, Mr. Moran of Kansas, and Mr. McGovern.

H.R. 1560: Mr. Rahall, Ms. Jackson-Lee of Texas, and Mr. Engel.

H.R. 1567: Mr. Inslee, Mr. McGovern and Mr. Wexler.

H.R. 1576: Ms. Schwartz.

H.R. 1600: Mr. Upton, Ms. Harman, Mr. Bilirakis, and Ms. Roybal-Allard.

H.R. 1608: Mr. Moore of Kansas and Mr. DeFazio.

H.R. 1616: Mr. Emanuel.

H.R. 1619: Mr. Gonzalez.

H.R. 1653: Mr. Blumenauer.

H.R. 1687: Mrs. Wilson of New Mexico and Ms. Zoe Lofgren of California.

H.R. 1688: Mr. Thompson of Mississippi, Mr. Oberstar, and Mr. Rush.

H.R. 1700: Mr. McNerney, Mr. Loebsack, Ms. McCollum of Minnesota, and Mr. Wexler.

H.R. 1709: Mr. Lantos.

H.R. 1717: Mr. Price of Georgia.

H.R. 1727: Ms. DeGette, Mr. McGovern, Ms. Sutton, Mr. Payne, and Mr. Welch of Vermont.

H.R. 1738: Ms. Sutton and Mr. Terry.

H.R. 1740: Mr. Gordon, Mr. Payne, Mr. Bishop of New York, Mr. Stark, and Mr. Allen.

H.R. 1742: Mrs. Cubin, Mr. Paul, Mr. Hastings of Florida, and Mr. Nunes.

H.R. 1748: Mr. Blumenauer.

H.R. 1756: Mrs. Blackburn.

H.R. 1759: Mr. English of Pennsylvania.

H.R. 1767: Mr. Coble, Mrs. Capito, Mr. Scott of Georgia, and Mr. Tiahrt.

H.R. 1776: Ms. McCollum of Minnesota.

H.R. 1783: Mr. Murphy of Connecticut, Mr. Yarmuth, Mr. Arcuri, Mr. Ramstad, and Mr. McNerney.

H.R. 1801: Mr. Gonzalez.

H.R. 1813: Mr. Gillmor.

H.R. 1870: Mr. Meek of Florida.

H.R. 1877: Mrs. Maloney of New York and Mr. Hare.

H.R. 1903: Mr. Hare.

H.R. 1908: Mr. Simpson, Ms. Wasserman Schultz, Mr. Emanuel, Ms. Eshoo, Mr. Wexler, Mr. Matheson, and Mr. Crowley.

H.R. 1911: Ms. Carson and Mr. Cardoza.

H.R. 1921: Mr. Holt and Mr. Davis of Illinois.

H.R. 1941: Mr. George Miller of California, Mrs. Myrick, Mr. Rush, Ms. Watson, and Ms. Woolsey.

H.R. 1945: Ms. Ginny Brown-Waite of Florida and Mr. Gilchrest.

H.R. 1957: Ms. McCollum of Minnesota, Ms. Lee, Ms. Loretta Sanchez of California, and Mr. Stark.

H.R. 1961: Mr. Carnahan.

H.R. 1965: Mr. Udall of Colorado, Mr. Chandler, Mr. Cuellar, Mrs. Cubin, Mr. Carnahan, Mr. Peterson of Minnesota, Mr. Walden of Oregon, and Ms. Herseth Sandlin.

H.R. 1971: Mr. Arcuri and Mr. Kennedy.

H.R. 1984: Mr. Kagen.

H.R. 1992: Mr. Stupak.

H.R. 2015: Ms. Carson, Ms. Sutton, Mr. Scott of Virginia, Mr. Sherman, and Mr. Dicks.

H.R. 2017: Mr. Berman.

H.R. 2022: Mrs. Myrick.

H.R. 2027: Mr. Pastor.

H.R. 2032: Mr. Stark, Mr. Hare, Ms. Norton, and Mr. McNerney.

H.R. 2035: Mr. Terry.

H.R. 2053: Mr. Paul, Mr. Barrett of South Carolina, Mr. Engel, Mr. Reyes, Mr. Franks of Arizona, Ms. Castor, Mrs. Myrick, Mr. Burgess, and Mr. Cuellar.

H.R. 2111: Mr. Payne.

H.R. 2137: Mr. Fattah.

H.R. 2138: Mr. Holt, Ms. Eshoo, Mr. Ehlers, Mr. Roskam, Mr. Simpson, and Mr. Knollenberg.

H.R. 2147: Mr. Carney.

H.R. 2183: Mr. Scott of Georgia.

H.R. 2193: Mr. Ackerman, Mr. Kucinich, and Mr. Shays.

H. Con. Res. 48: Mrs. McMorris Rodgers, and Mrs. Boyda of Kansas.

H. Con. Res. 72: Mr. Serrano, Mr. Price of North Carolina, and Ms. Schakowsky.

H. Con. Res. 85: Mr. Kennedy.

H. Con. Res. 105: Ms. Kilpatrick.

H. Con. Res. 106: Mr. Bilbray.

H. Con. Res. 131: Mrs. McMorris Rodgers, Mr. English of Pennsylvania, Mr. Souder, and Mr. Garrett of New Jersey.

H. Con. Res. 133: Mrs. Drake.

H. Con. Res. 136: Mr. Wu.

H. Con. Res. 137: Mr. Burton of Indiana.

H. Con. Res. 142: Ms. McCollum of Minnesota, Ms. Woolsey, Mr. Turner, and Mr. Burton of Indiana.

H. Res. 121: Mrs. Gillibrand, Mr. Smith of Washington, and Mr. Langevin.

H. Res. 135: Mr. Payne.

H. Res. 143: Mr. Walz of Minnesota, Mr. Honda, and Mr. Dingell.

H. Res. 189: Mr. Spratt, Mr. Bishop of Georgia, Mr. English of Pennsylvania, and Mr. Gonzalez.

H. Res. 194: Mr. Watt, Ms. Moore of Wisconsin, Mr. Meek of Florida, Ms. Waters, and Mr. Thompson of Mississippi.

H. Res. 231: Mr. Smith of Texas.

H. Res. 251: Mr. McDermott, Mr. Boustany, Mr. Towns, Mr. Moore of Kansas, Ms. McCollum of Minnesota, Mr. Alexander, Mr. Taylor, Mr. Salazar, Mr. Jefferson, Mr. Costa, Mr. Matheson, Mr. Tanner, Mrs. Christensen, Mr. Hill, Mr. Filner, Ms. Lee, Mr. Michaud, and Mr. Ross.

H. Res. 257: Ms. Granger, Mr. Price of North Carolina, Mr. Melancon, and Mr. Wexler.

H. Res. 258: Mr. Knollenberg, Mr. Doggett, Ms. Kilpatrick, and Mr. Walberg.

H. Res. 281: Mr. Putnam, Mr. McNerney, and Mr. McCotter.

H. Res. 282: Mr. Klein of Florida, Mr. Tierney, Mr. Ellsworth, Mr. Kagen, and Mr. Murphy of Connecticut.

H. Res. 291: Ms. Loretta Sanchez of California, and Mr. Calvert.

H. Res. 296: Ms. Berkley, Mr. Porter, Mr. Donnelly, Mr. Ortiz, and Mr. Knollenberg.

H. Res. 339: Mr. Wolf, Mrs. Myrick, and Mr. Gonzalez.

H. Res. 345: Mr. Towns, Mr. Shuster, Mr. Gerlach, Mr. Dent, Mr. Ramstad, Mr. Crenshaw, Mr. Smith of New Jersey, Mr. Lincoln Diaz-Balart of Florida, Mr. LoBiondo, Mr. Saxton, Mr. Frelinghuysen, Mr. Young of Florida, Mr. Ferguson, Mr.

Weller, Mr. LaHood, Mr. Upton, Mrs. Cubin, Mr. Baker, Mr. Shimkus, Mr. Neal of Massachusetts, Mr. Meehan, Mr. Nunes, Mr. McCrery, Mr. Costello, Ms. Pryce of Ohio, Ms. Ros-Lehtinen, Mr. Daniel E. Lungren of California, Mr. Reynolds, Mr. Carter, Mr. King of New York, Mr. Whitfield, Mr. Buyer, Ms. Foxx, Mr. Mario Diaz-Balart of Florida, Mr. Kingston, Mr. Tiberi, and Mr. Boustany.

H. Res. 351: Mr. Wamp, Mr. Marchant, Ms. Foxx, Mr. Goode, Mr. Carter, Mr. Sam Johnson of Texas, and Mr. Barton of Texas.

H. Res. 352: Mr. Filner.

H. Res. 366: Mr. Wu and Ms. Jackson-Lee of Texas.

AMENDMENTS

Under clause 8 rule XVIII, proposed amendments were submitted as follows:

H.R. 1684

Offered By: Mr. Terry

Amendment No. 1: At the end of title XI add the following:

SEC. ___. REQUIREMENT TO CONSULT STATES REGARDING GRANT AWARDS.

Before the release by the Department of Homeland Security of any information regarding the award of any grant to a State with amounts authorized under section 101, including before submitting to Congress any list of such grant awards, the Secretary of Homeland Security shall consult with States.

SENATE—*Tuesday, May 8, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of our lives, we confess our dependence on You. Give us, today, our daily bread, food for our bodies, minds, and spirits. Let Your goodness guide us, Your providence protect us, and Your love sustain us.

Today, give our Senators a sense of Your precious presence. Imbue them with Your courage for their challenges, Your wisdom for their perplexities, Your peace for their anxieties, and Your faith for their mountains. Guide them with Your loving hand, for we acknowledge You as the way, the truth, and the light.

We pray this in Your glorious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 8, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for an hour, with the time equally divided. The majority will control the first half and the Republicans will have the final 30 minutes.

The Senate then will resume consideration of S. 1082, the FDA bill.

For the information of the Members, there is a filing deadline at 10:30 this morning for second-degree amendments to the substitute amendment and the bill.

At 11:50 this morning, we will change course and proceed to executive session to consider the nomination of Frederick Kampala, to be a U.S. district judge in northern Illinois. There will be 20 minutes of debate and then a vote. Following the vote, the Senate will recess for our regular conference meetings.

Yesterday, cloture was invoked on the committee substitute. I hope that at some point we will be in a position to agree to the amendments by unanimous consent or to get cloture for completing action on the FDA bill. There are still a number of amendments pending, and a preliminary review by all the Parliamentarians indicates some of them are arguably germane postcloture.

I would say on this matter, I informed the Republican leader yesterday we would not have any votes after 4 o'clock today, but that doesn't mean we would not be in session. If we can't get some agreement on running out the 30 hours, we will have to be in session until that time expires, around 10 or 11 o'clock tonight. Then we would in the morning come in and finish this FDA bill. Then it is my understanding—the Parliamentarian can correct me if I am wrong—that there would be a cloture vote on WRDA at that time, unless some agreement is worked out on that, to move to that bill.

MEASURE PLACED ON THE CALENDAR—S. 1312

Mr. REID. I understand that S. 1312 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1312) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

Mr. REID. I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the majority and the second half controlled by the minority.

The Senator from Oregon is recognized.

HEALTHY AMERICANS ACT

Mr. WYDEN. Mr. President, our friend and colleague, Senator BENNETT, and I have joined together in the first bipartisan legislation to guarantee quality, affordable health care for all Americans in more than a decade. I could have no better partner to deal with the premier issue here at home than Senator BENNETT, who, of course, is a senior Member of the Senate Republican leadership and widely respected on both sides of the aisle. In the days ahead, together, we are going to be talking with Senators of both parties and discussing this legislation on the floor with one specific goal in mind; that is, Senate action to fix health care in America in 2007.

Now, of course, the popular wisdom is that something like this simply could never, ever be done. All the Washington, DC, beltway pundits say fixing health care is something we can't do right now and that it will be the job for the next President and the next Congress and everybody ought to expect that maybe 2 years from now, in the spring of 2009, Congress will get around to dealing with the principal domestic issue of our time.

I and Senator BENNETT don't believe we were given election certificates to sit around for 2 more years, when the American people are saying they cannot afford for the Congress to wait on fixing health care. It is the top issue here at home. It has been studied, studied, and studied. It has been poked and prodded for an awfully long time. It is time for the Senate to act and act now.

Our citizens are staying up late worrying about how they are going to be able to afford quality health care. I don't see how Members of Congress can explain going home at night without addressing our citizens' concerns, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

say we will talk about this again in a couple of years. The country wants action, and Senator BENNETT and I are going to do everything we can to make sure they get it.

Yesterday, the CEOs of five major companies joined our push for action on health care this year. They focused on a handful of important principles. The principles pretty much mirror the Healthy Americans Act. I am very pleased the CEOs yesterday joined those who have already come out in support of the Healthy Americans Act: the business leaders, the labor leaders, the public health advocates, the advocates for consumers, and those who want to have dignity for folks at the end of life. They have already come out in support of the Healthy Americans Act, and I was very glad to be able to join the CEOs with Senator BENNETT yesterday to talk about why it is important for Congress to act and to act now.

The Healthy Americans Act is based on a handful of key principles. The first is that if you are going to fix health care, you have to cover everybody. If you don't cover everybody, what happens in American health care is that those who are uninsured shift their costs to those who are insured. So all the people who have private policies end up picking up the costs of those who are uninsured.

Second, we believe we ought to build universal coverage around private choices, while protecting current Government programs. Our legislation, for example, keeps in place the basic structure of Medicare and veterans programs, making improvements in Medicare: for example, creating incentives for prevention, particularly under Part B, what is called the outpatient portion of the program. We build the future of American health care around quality, affordable private choices, while protecting current Government programs.

The third area we address is fixing the Tax Code. We have 180 million people essentially getting health care in America by a historical accident. Back in the 1940s, there were wage and price controls. It wasn't possible to get quality affordable health care to our citizens, and it was essentially put on the backs of the employers. Then the Tax Code came along to support that decision. Now, more than $200 billion goes out the door in a way that disproportionately favors the most affluent and also promotes inefficiency. If you are a high-flying CEO, you can go out and get a designer smile and write it all off on your tax bill, but if you are a hard-working woman in a furniture store, you get virtually nothing out of the Tax Code. So Senator BENNETT and I think it is time to fix something in the Tax Code that might have made sense 65 years ago but certainly doesn't make sense today.

Then, we propose to cut the link between employers and insurance. There is no reason why we ought to say—at a time when our citizens change their job something like seven times by the time someone is 35, and we live in a society where people want portability, the ability to move quickly from job to job and take their benefits with them—there is no reason to say the future of American health care ought to require the employer to continue to be the focus of how health care is delivered. Certainly, at a time when our employers are up against global competition—and not competing with somebody in Denver or Texas but in global markets—it makes no sense to dump all this onto the back of the employer. So Senator BENNETT and I would cut the link between health insurance and employment.

We have put a special emphasis on creating a new culture of wellness and, in a sense, dealing with the fact that America doesn't have health care at all. What we have is "sick" care. Medicare will spend thousands of dollars under Part A for senior citizens' hospital bills and virtually nothing under Part B for prevention to keep people well. So we make those voluntary incentives part of Medicare so that if a senior, for example, in Montana were to lower her blood pressure or her cholesterol for the first time, that senior in Montana would be able to get a lower Part B premium and actually see, on a voluntary basis, why good health pays off in terms of the premium costs seniors face.

Finally, our judgment is we are spending enough money today on health care. We are not spending it in the right places. To put it into perspective, this year we are going to spend $2.3 trillion on health care. There are about 300 million of us. If you divide 300 million into $2.3 trillion, you could go out and hire a personal physician for every seven families in America and pay that doctor $200,000 a year, and then we would all have quality, affordable health care. Picture that in the State of Montana or in another part of our country: Seven families, for the amount of money we are spending today, could have their own personal physician who would get paid $200,000, and their job would be to take care of seven families. Whenever I bring that up to the physicians groups—I am sure my colleague from Montana would see this as well—whenever I bring it up to physicians, they say: RON, where do I go to get my seven families? It sounds pretty good. It would be pretty good to be able to practice medicine again today rather than being a bean counter and an administrator and somebody who has to shuffle through all the paper and bureaucracy.

We are spending enough; we are not spending it in the right places. So that is why we have to say the first thing we are going to do is spend what is being allocated by American health care today more wisely.

The Lewin Group is sort of the gold standard of doing health care analyses. They analyzed the Healthy Americans Act and the President's proposals and proposals from various States, and they have found that under the legislation that Senator BENNETT and I are working on in the Senate, it would be possible to save $1.45 trillion—that is with a T—on health care spending in the years ahead, the first proposal to actually lower the rate of growth in health spending. So the facts are indisputable. People who are insured today—and you often ask why should they support changes—are picking up the bills of those who are uninsured. As Senator BENNETT has often said, we have universal coverage already today. That is the way it works. Those people are going to get care; it is just not going to be done in a very efficient fashion.

So the facts are not in question. Medical costs are gobbling up everything in sight. Our employers are at a disadvantage when it comes to U.S. competitiveness. There has been a huge increase in chronic illness. A tiny percentage of the Medicare population, for example, consumes most of the Medicare dollars, essentially as a result of problems relating to heart disease and diabetes and a host of other illnesses that could be prevented. Of course, it is well understood by every Senator that there is a demographic avalanche coming with many more older people.

So with the facts not in dispute, with the country saying act now, don't put this off for another 2 years, the Senate has an opportunity to work in a bipartisan way.

Senators on my side of the aisle have made it clear—correctly in my view—that we have to get everybody covered. It is not right for this country to be the only western industrialized nation that cannot figure out how to get everybody under the tent. It is important to get everybody covered.

Senator BENNETT and others on the Republican side of the aisle have been correct in saying the public doesn't feel comfortable with the idea of having Government run it all. The people in my State voted against what is known as a "single payer plan" in 2002 by a 3-to-1 majority.

What Senator BENNETT and I have put together, for the amount of money that is being spent today, is a bill that will save close to $1.5 trillion over the next 10 years. It is legislation you can explain at any townhall meeting in Montana, Oregon, or anywhere else, and that is that every citizen would have access to a private health policy at least as good as their Member of Congress has. It is very simple to understand.

I have a Blue Cross card in my pocket. I was able, during the period of open enrollment, which the Senator from Montana experienced when he came to the Senate, to make choices, make an evaluation of the various private health policies that were offered to me. As a result, my children and I have that private health coverage. I want that same set of choices and set of opportunities for those whom I represent and the people of this country.

My good friend Senator BENNETT has joined me on the floor. I am going to yield soon for him to speak.

I think the debate in the Senate has reached the critical moment, at least for this session of Congress. We know we have to get action on major issues in 2007. We are going to spend a lot of time next year electing a new President. You probably don't have to have the President actually sign a piece of legislation in 2007, but you have to get serious action. Senator BENNETT and I believe there is an opportunity today that we have not had in years and years, and that is to bring Democrats and Republicans together to work for universal coverage.

My friend Senator BENNETT has made the point very eloquently that we are already paying for it today. We are just not, in many respects, getting our money's worth. So we have spent a great deal of time listening to folks in the private sector, in business, and labor, and Government, Democrats and Republicans, and we want to bring the Senate together.

I also point out that the Healthy Americans Act, which Senator BENNETT has agreed to be the lead Republican sponsor on, mirrors the letter that 10 Senators—5 Democrats and 5 Republicans—sent to the President earlier this year, indicating we want to work with him. Health care has been studied and studied. The time for action is now. I am very pleased my good friend Senator BENNETT is going to be joining me in this effort.

I repeat to the Senate, this is the first time in more than a decade there has actually been a bipartisan piece of legislation to provide for universal health coverage in America. The last one, in fact, was largely developed by the late Senator Chafee, who sought to do much of what Senator BENNETT and I are seeking to do.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

HEALTHY AMERICANS ACT

Mr. BENNETT. Mr. President, I appreciate the comments of my friend from Oregon. I wish to make it very clear that if it were not for his dogged persistence in going after the issue of health care reform in this Congress, we would not be where we are. Many of us talk about this. We talk about it in the dining room. We talk about it as we are waiting between rollcall votes. We sit in the cloakroom and say, wouldn't it be great? Yes, why don't we do it? It would be fabulous if. . . .

Senator WYDEN goes beyond the talk. He is determined to go after this. He and I have had a number of conversations, and I know he has had conversations with the administration at the White House and at the Department of Health and Human Services. He is a bulldog on this issue. If it gets done, it will be a tribute to his tenacity. I am beginning to believe it will get done. I am getting his enthusiasm.

I want, for a moment, to spend a little time on history so we can understand how we got in the mess we are in, and why the proposal Senator WYDEN has laid down—and I am proud to cosponsor—is the right direction in which to go. We got in the mess where we are with health care back in the Second World War, when the Federal Government decided, once again, it was going to repeal the law of supply and demand. I have said here many times, if I can control what we carve in marble around here to remind us of our duties, along with these Latin phrases I love, we should also have something before us that says you cannot repeal the law of supply and demand. The law of supply and demand is as immutable as the law of gravity. Because it occurs in economics, some people think we can get around it.

In the Second World War, we had wage and price controls. We were going to prevent inflation by Federal fiat. In other words, we were going to repeal the effects of the law of supply and demand. All right, so that means if I had an employee, I could not give him a raise. All right. Senator WYDEN opens a business and he wants my employee. Since it is a new job, he offers my employee more than I can pay, and I cannot match that because it is against the law. So in order to hold my employee, I say: I will tell you what I will do: instead of giving you a raise in dollars that you can put into your paycheck, I will give you a raise in value. The value will be a health insurance policy that is worth more than Senator WYDEN is offering you in money. And here is the good thing about it: You won't have to pay taxes on this raise. I will pay the taxes on it; that is, it will be deductible. You won't have to pay taxes on it. So you get more value and you get a tax break. Isn't that a good deal? And the employee says: Yes, I will stay with you instead of switching jobs because you can, in fact, get around the Government's effort to prevent you from giving me a raise.

That sounds innocent enough, but it started us down the road of having the employer spending the employee's money. They say, no, that is not employee money, that is employer money; the employer is paying for it. No, he is not. The employee earned that amount of money, returned that amount of value to his employer, but he didn't get it in his W–2. That meant the employer ultimately determined how it would be spent. So we started down the road to where there is a major divide in paying for health insurance. The employer is spending the employee's money, but the employer wants to hold that amount down because it will mean savings in his overall business plan.

So the primary economic motive on the part of the employer is to hold the costs down. He will make a deal, therefore, that produces a temporary, short-term cost advantage for him. The consumer of the service, the employee, has a different agenda. He wants the best care he can get. But since he doesn't control the dollars, even though they are his dollars in terms of his earnings, he is stuck with whatever decision the employer makes.

That might make a little bit of sense if the employee stays with the employer his entire career. But we have gone long beyond that. I tell graduates of the university they can expect to change jobs 10 times before they are 50, and they may even change careers. You may be trained as a veterinarian and end up as a Senator. We have two examples of that here in the Senate today. I thought I was going to spend my entire career in the glass and paint business, a business my grandfather founded, my father ran, and when I graduated, I assumed I was going to be there for the rest of my life. I was there for 4 years, and a change came along, and then there was another change. I sat down when I was 50 and discovered I had changed jobs 17 times from the age of 20 to the age of 50. In terms of health care, that meant 17 times I was exposed to having my health care canceled—17 times, when they were worried about preexisting conditions; 17 times when I would be in a situation I would not like. Indeed I was, because there was a period in that 30-year timespan when I had no health coverage at all. The employer I was working for could not provide it, or under some circumstances I had no employer, period.

So I understand how the precedent set in the Second World War simply doesn't apply to the 21st century. If we were to have a system where the employee controls his dollars—not the employer—and takes the product he buys with those dollars with him from employer to employer, we could solve an enormous amount of the problems we have in health care.

Let's talk about overall costs. John Goodman had a piece in the Wall Street Journal where he talked about quality. He pointed out a study that said the best quality in health care can be found in three cities in the United States. One was Seattle, WA; one was Rochester, MN—and the Mayo Clinic comes to mind—and the third was Salt

Lake City, UT. Naturally, that makes me feel pretty good. It pointed out if every American received the kind of health care that was available in Salt Lake City, UT, the cost would go down by one-third and the quality would go up substantially.

So why doesn't everybody do that? Because they can't take their dollars and shop. They are stuck with whatever plan the employer decides to buy, and even as he is buying, the employer does not have transparency or information that would say to him: The best health care is available at Intermountain Health Care in Salt Lake City. Instead, the salesman who comes in to sell the employer the policy will say: I can save you this much money in this kind of situation. All right, I will buy that policy. The focus is on the dollars rather than the quality.

This is an ironic situation that when quality and competition is focused on, cost comes down automatically. That is what happens in the rest of the economy. Why shouldn't it happen in health care? It doesn't happen in health care because of what we did in World War II, and the legacy of that has followed downward.

What about Government health care? One of the problems with Government health care is we do it in Congress. Every private health care plan had a drug component decades ago. Medicare didn't have a drug component until the last Congress. Why? Because we in Congress couldn't agree as to what it should be. We always agreed there should be one, but we argued about it: It should be better, it should be smaller, we have a doughnut hole. All of the things we talked about that the average consumer knows nothing about or cares nothing about tied it up for decades.

We finally passed Part D. There were dire predictions that it wouldn't work because it wasn't a Government-run plan. It let in private competition. It allowed the senior citizens to make a choice between private offerors. And what has been the consequence of that?

We have some statistics: 2,596 different plans are now being offered around the United States. People are stunned at that number. They thought it would be a monopoly of big drug companies. But when the customer could choose and niche markets opened up, drug companies started to offer products in those niches, and the number of choices exploded.

I have heard the Senator from Wyoming say: We were worried about Wyoming because Wyoming is so small. We didn't think there would be more than one or two plans in Wyoming, if anybody wanted to come at all. We thought Wyoming would be bypassed by Medicare Part D.

There are now 34 Medicare Advantage plans in Wyoming—plenty of choice—and the polls show that something in excess of 80 percent of the seniors like Medicare Part D.

What has happened to the cost? It is one of the few Government programs that I can identify where the cost has come in below projections.

The one thing I always say on the floor of the Senate is, we know every projection with respect to Government plans is always wrong. We don't know whether it is wrong on the high side or wrong on the low side, but we know it is always wrong. But if you are going to bet, bet that it is wrong on the low side. Bet that the program will cost more than we project or than CBO projects. This is one that has come in below.

All of these straws in the wind tell me Senator WYDEN is on to something very significant. It is the Healthy Americans Act which says let the people control their own money. Let the people have their own plan that is going to give us better quality and lower costs.

We look around the world and we see other countries that have tried the single-payer system, and they are retrenching. We look around the world and we see other countries that tried a consumer-driven health care plan, and they are prospering with respect to getting their health care costs down.

With that history, Mr. President, I am proud to be the Republican cosponsor with Senator WYDEN and salute him once again on his leadership and his tenacity in getting this program moving forward.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I believe we have about 13 additional minutes to go. The distinguished Senator from Utah has given a superb description of the history and why it is time to break with 60 years of policy. I would like to, because the distinguished Senator was there during the last effort, the 1993–1994 debate, get his sense about how the approach that we have been talking about—linking together universal coverage with these private choices that individuals would make—is it the Senator's judgment that had that been done in 1993 and 1994 with the efforts of Senator Chafee, himself, and others that we might well have been able to pass legislation right then, 15 years ago, had we taken this approach?

Mr. BENNETT. Mr. President, I say to my friend from Oregon that some of us proposed that during that debate. He is right to mention John Chafee. John Chafee was a towering figure in this body. He was the head of the Republican health care task force. We talked about an individual mandate as opposed to an employer mandate.

The core of the bill that was on the Senate floor, sponsored by then-majority leader George Mitchell, was an employer mandate. And in the partisan nature of that debate, we Republicans organized ourselves to stop that bill. We divided the bill into various sections, and my assignment was to attack the employer mandate. I had a stack of material that high to help me do that with my fellow Senators. But as I would talk with people on the other side, I would say: Let's talk about an individual mandate. I think everyone should have some kind of coverage.

I think it is in society's best interest to have everyone have some kind of coverage. We do it with auto insurance. You can't drive if you don't have an individual insurance plan. So that is how we get universal coverage.

The political stars simply weren't lined up to deal with it. But this is not a new idea. It was around that long ago, and if we had done it, I think we could have passed legislation.

Mr. WYDEN. Mr. President, I appreciate the Senator's comments.

The other area I have picked up over the last 15 years where there has been dramatic interest and is an opportunity for bipartisanship—and I have heard the Senator from Utah talk about it—is this area of prevention. We know with the Medicare Program that something like 4 percent of those on Medicare consume over half the dollars because we are seeing so much of the health care money go to treatment of what are often preventable illnesses—heart disease, diabetes, stroke, and others.

What we have tried to do in the Healthy Americans Act is to create some incentives for families and prevention, and, for example, if parents took a youngster to a wellness program—they wouldn't be required to do it, although we know it makes sense—the parents would be eligible for a discount on the parents' premium, again using these voluntary incentives.

What is the Senator's sense for the opportunities for prevention? I have been struck by some of what the Senator from Utah has said about prevention in the past.

Mr. BENNETT. Mr. President, the record is very clear that when people spend time taking care of themselves, their health care costs go down dramatically. We had examples presented to us from companies that have done that; that is, companies that have been very aggressive in trying to make sure their employees stay healthy rather than simply pay for what happens when they get sick.

The CEO of General Mills was with Senator WYDEN and me at the press conference this week in which he talked about the things they have done in their company. They have held their health care cost increases to the level of inflation. We would all be thrilled with that because health care costs have been going up in double digits for years now.

People respond to incentives, and if there are incentives for parents, incentives for employees to stay healthy rather than simply waiting for the ultimate bill to come along, we will make a significant difference.

If I can be personal for one quick moment, I once worked for Howard Hughes. In the Hughes organization in the 1960s and 1970s, we had absolutely total health care coverage. Anything that had to do with health care, we would send in the bill, and it would get paid 100 percent. I sent in my kids' orthodontist bills, and they paid for straightening their teeth. There wasn't any concern about what was covered or what wasn't. I figured I could have sent in the vet bills for my dog and probably gotten reimbursed, but I didn't do that.

I look back on that and the sense of security and abundance that came from that led me to overuse the system and to not worry about how well we were because they would take care of us. So I have had a personal experience about how important it is to pay attention to health at the front end.

Mr. WYDEN. I close, Mr. President—and the Senator has been very gracious to do this with me this morning—with why it would be important to have a bipartisan initiative now. As we have discussed, the conventional thinking is that the Congress can't deal with something such as this now; that this will be for the next President. But I think the two of us would very much like to bring the Senate together behind what the country wants to do today, which is to fix health care.

I have always gotten the sense that when you have divided Government—the President of one party, the Congress of another—that is the ideal time to try to bring the Congress together to tackle a big issue, and there is nothing bigger than health care at home. I think it would be appropriate.

I appreciate the Senator from Utah for coming and for his support, to hear his thoughts on bringing the Congress together and the country together to finally deal with an issue where there has been so much polarization in the past.

Mr. BENNETT. Mr. President, there is nothing that succeeds in politics like good programs, like good policy. Ronald Reagan didn't invent it, but he is known for repeating it, saying there is no limit to the amount of good you can do if you don't care who gets the credit. Far too much of the partisanship stems from the fact that we don't want the other party to get credit for solving the problem.

When I have had discussions across the aisle about this and Social Security, I get told: BOB, we will address that right after the next election. The next election never comes because there is always a next election.

The Senator from Oregon is exactly right in that for the first time since Dwight Eisenhower's election, we have an election where there is not an incumbent in the White House on the ballot, either a sitting President or a sitting Vice President. So the Democrats who control the Congress have a political motive to show they can do something as they go into the 2008 elections.

The Republicans cannot try to take credit for that with their candidate because they are not going to have a candidate who is part of the present administration. But the Republicans want to be able to say: Well, at least in the last days of the Bush administration something important got done.

The setting is rare. We should take advantage of it. This is the moment, and I join with the Senator from Oregon in an attempt to seize it.

Mr. WYDEN. I thank my colleague from Utah. I see other Senators who are wishing to speak. We will be back to talk with Senators about this issue, to urge action in 2007, to support a bipartisan push in the Senate to deal with the premier domestic issue of our time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

HIGH GAS PRICES

Mr. KYL. Mr. President, my two Texas colleagues and I would like to talk about the Democratic response to high gas prices. Given the fact I believe we have about 12 minutes, we may just have a colloquy instead of each giving presentations.

Let me begin by making a couple of points. The press reported yesterday that U.S. average retail gas prices rose to an overall alltime high, breaking $3 a gallon. I know I paid $3.04, and this is up just about 20 cents a gallon over the last 2 weeks. Every family feels this pinch.

Now, Democrats understand this, and that is why last year—and I know because I was going through a campaign at the time—they attempted to capitalize on a similar spike in gas prices. They held press conferences all across the country pledging to lower gasoline prices.

Let me read one of the headlines that resulted from this publicity blitz from the New York Times. It says: "Democrats Eager to Exploit Anger Over Gas Prices." This is an April 21, 2006, article, which reported, and I am quoting:

> The recommendations of a memorandum sent by Democrat campaign officials to Democratic candidates include holding a campaign event at a gas station where you call for a real commitment to bringing down gas prices.

I guess you can say: That was then, this is now. Now that the Democrats are in charge, the question is, What have they done about the problem they were all too quick to exploit back during the campaign? As far as I can tell, the answer to that question is, exactly nothing. In fact, they tried to and to some extent did prevent Republicans, when we were in control last year, from initiating a series of reforms that would have actually done something about the problem and might have prevented some of what we see now. We were finally able to get legislation passed to open the deep waters off the Gulf of Mexico for oil and gas exploration to bring more supply on line—that was a very positive development—but when we tried to do other things, we were stopped by the Democrats.

I think it is important for us to challenge our colleagues on the other side of the aisle who were very interested in the American public having to pay high gas prices back during the campaign last year. Well, you are in charge. What have you done about it? The answer, so far, appears to me to be, exactly nothing.

Let me say to my colleague from Texas that I know a lot of our problem is because of regulations that inhibit oil refineries from improving their capability to refine more oil and gas or building new refineries. It is very sensitive to what happens at the refineries. My recollection is that there was a recent fire at one of the Texas refineries.

Is it the case that we could do some things—and tried last year to do some things—to make it easier from a regulatory standpoint for oil refineries to increase their capacity? And isn't this one of the ways Republicans have tried to ensure we have a larger supply, which would, therefore, reduce the price of gasoline to our consumers?

Mrs. HUTCHISON. Mr. President, actually, that is absolutely right, and I will say to the distinguished Senator from Arizona that is only one of the problems we have, and it is the reason my husband walked into the house this weekend and said: I just spent $70 filling my gas tank; what are you going to do about it? Like every one of us, I am sure, who has this same experience, I think we should be doing something about it. We should be doing a variety of things about it.

Senator KYL specifically asked about the refinery capacity. We are very tight on refinery capacity. We did pass legislation in the last Congress that would try to ease the regulatory burden and therefore the timetable that it takes from either starting a new refinery or adding critical capacity in an existing refinery, but the regulations had not yet been put out as of a couple of weeks ago.

One of the refiners in my State that wants to add capacity asked me if I would help and at least say to the Department to please issue the regulations so they can go forward, knowing they would have the guidance to move forward with expansion plans and add more refinery capacity.

In addition to that, I have to say that one of the things we see continuing to be blocked on the other side of the aisle is the ability to explore and drill in our own waters. The Department of the Interior, just last week, put out a lease-sale proposal in eight areas, including the Gulf of Mexico, the Outer Continental Shelf, Virginia, and Alaska.

In Virginia, the legislature is taking the first steps to production—by supporting the exploration of gas. The capability for earning money for the treasury of Virginia caused the Virginia Legislature to say: Yes, we want to do it, but there has to be a waiver of a previous extension of the moratorium in drilling. We're hearing signals that the Congress is not going to allow that, even though the Legislature of the State of Virginia and the Governor have said they want to be able to explore to see what is out there, 50 miles out.

The people who represent the people of Virginia have seen, as so many of our legislatures have, that technology today is not what it was 25 years ago. You can drill and explore in an environmentally safe way and we can do something about the price of gasoline at the pump if we will take these kinds of measures. The Department of the Interior is now trying to do that. Yet we are seeing already the signs of obstruction on the other side of the aisle. So I guess we are going to let these prices continue to go up without any regard to what we have in our own resources, under our own control, which could alleviate some of this.

It is not just drilling and production and exploration, either. We are also trying to put forward nuclear power, which is the cleanest, most efficient form of energy. The French have proven that it can be very effective as a clean energy source. Yet we are thwarted from the opportunity by the other side of the aisle to explore that avenue, and then lawsuits crop up, which have stymied our efforts to increase nuclear capacity in our country.

So I would suggest to my friend from Arizona, or my friend from Texas, if we are going to continue to be stopped from using our own natural resources and if we are not going to be able to increase our refinery capacity, then I think we are looking at the capability for countries that have denounced America and said they want the destruction of America to, in fact, be able to hurt our economy by cutting off the oil supply.

I would ask my colleagues, what should we do if we are not going to have cooperation?

Mr. KYL. Mr. President, I think my colleague from Texas, Mr. CORNYN, can certainly answer that question, but first allow me to make a few additional comments.

News reports suggest that increased gas prices can be linked to production shortages at a time of increased demand. More directly, the problem can be traced to a continuing lack of refining capacity and unexpected outages at the Nation's oil refineries. A series of recent outages, largely for maintenance, have reduced the supply of domestic gasoline.

The price of a gallon of oil is still $10 below last year when prices spiked; however, demand has increased 2.3 percent from the same period last year. Existing refineries are unable to meet the ever-rising demand for gasoline. The system also cannot handle unexpected outages, for example, the recent fire in Texas. The U.S. saw the strain on refinery capacity during Katrina when prices nationwide went up 45 cents in 1 week due to refinery damage in the region.

Because of high costs, regulatory redtape, and public opposition, refiners haven't built a new facility since 1976—30 years ago. The system is under such strain that any outages or disruptions are quickly felt in the market in the form of increased prices.

The lack of domestic refining capacity also increases our reliance on foreign sources of refined gasoline. America now imports about a million barrels of gasoline every day—that means that about one of every ten gallons of gas Americans get at the pump is refined in a foreign country.

Regulations requiring a variety of new regional gasoline blends also increase the price and make it difficult to address shortages by moving supply from one area of the country to another.

Last year, Republicans saw the strain on the existing system, and we tried to do something about it. We passed legislation that opened new areas in the deep waters off the Gulf of Mexico to oil and gas exploration to bring more supply on line. Republicans recognize that it is in our national security interest to increase domestic supply, including ANWR, and reduce our reliance on foreign oil.

I also introduced legislation to ensure that oil companies pay their fair share for the oil and gas they produce from public lands. And I introduced legislation to remove the 54 cent import tariff on ethanol, to lower the price consumers pay at the pump.

Republicans also tried to address the lack of domestic refinery capacity. We introduced legislation to streamline permitting to build new refineries, and we were blocked by Democrats. Republicans introduced legislation to incentivize building new refineries, and we were blocked by Democrats. Republicans introduced legislation to reduce the number of boutique blends of gasoline, and we were blocked by Democrats.

Now the Democrats have to do more than block legislation—they have to solve problems.

The Democrats will talk about price gouging legislation and say that is the solution. The FTC looked at this last year after Hurricane Katrina and did not find evidence of price gouging. More hearings will not reduce the price of a gallon of gasoline since there are already laws in place to prosecute price gouging.

The Democrats will talk about conservation and higher CAFE as well. We all support conservation as a long-term solution, but we also need to take action to address our near-term problems and reduce our reliance on foreign oil. We need to increase domestic production and increase our refining capacity.

The theme that I think we see developing here is that the Democrats campaign rhetoric is catching up with them, and now they must prove they can govern and solve people's problems. They are 0 for 7 in '07 with their agenda. Gas prices are only the most recent example of failure. We still don't have a comprehensive energy policy. We still haven't taken steps to improve health care. Democrats campaigned on big ideas, but they are playing small ball.

The Washington Post wrote in an article this weekend entitled "Democrats Momentum is Stalling," which stated that: "Not a single priority on the Democrats' agenda has been enacted, and some in the party are growing nervous that the 'do nothing' tag they slapped on Republicans last year could come back to haunt them." That was the Washington Post, May 5, 2007.

I hope the Democrats will work with us for real solutions to people's problems, including reducing gas prices.

Mr. CORNYN. Mr. President, I think the senior Senator from Texas is exactly right. There are a lot of laws that Congress can pass—we can even repeal laws—but we can't repeal the law of supply and demand. The only way we are going to see these gas prices come down is to produce more supply, as we look for alternative forms of energy. The Senator mentioned, obviously, nuclear power, but we are even investing in clean coal-burning technology. I think we basically need to look at all aspects of the energy issue.

The Senator from Arizona was exactly correct as well. We have gone from a high of 324 refineries in this country down to 132. Because we are in a global marketplace for gasoline, which essentially can be transported wherever the prices tend to be higher, that is why we have seen gas prices in excess of $3 a gallon at the pump.

I remember well that our colleagues on the other side of the aisle last year, when we were in the majority, said they wanted to know what the Republican plan was to relieve the pain at the pump. Well, the Democrats are in charge now, and we would like to know what their plan is. We believe this is something we ought to work on together, on a bipartisan basis, to try to relieve the pain at the pump being experienced by working men and women and families all across this country. The only way we are going to be able to do this is on a bipartisan basis, but the Democrats control the agenda. The majority leader basically controls the time on the Senate floor. We need to know when he plans to bring up some meaningful relief for the American consumers to try to bring that price down.

We need to do this in the short term, the near term, not the long term only. We do need nuclear power. We need to do research in the biofuels and other alternatives. We need to employ wind energy and other clean technologies that will provide for part of our energy needs. We haven't discovered a way to make any of those useful to operate our vehicles. It is oil, and it is gasoline.

The only way we are going to be able to provide relief in the near term is to increase supply by reducing our dependency on imported energy, producing more of it domestically, and relieving some of the regulatory impediments which have made it impossible to create a new refinery in this country in the last 30 years. Only by increasing the supply in the near term are we going to be able to see prices come down at the pump as we continue to explore alternative forms of energy and other ways to meet our energy needs, while continuing to see our economy grow and continue to create jobs.

I hope the majority will take this request seriously and will come back and tell us what their plan is to relieve the pain at the pump American consumers are experiencing today.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISITING STUDENTS SEE GOVERNMENT IN OPERATION

Mr. SPECTER. Mr. President, we have in the galleries today students from the seventh grade of the Saligman Middle School in the Philadelphia suburbs. I am not permitted under Senate rules to acknowledge their presence, except verbally, but my granddaughter, Silvi Specter, is among a very impressive group of 59 students who left Philadelphia before dawn today to come to the Nation's Capital to see government in operation.

I wish I had the opportunity to visit the Senate when I was in the seventh grade. It took me a little longer to get here. I have sensed from this very bright, intelligent group of students that we may produce a Senator or we may produce a President because the sky is the limit if the students apply themselves and work hard.

I was explaining, when we took a picture on the steps today, that the Congress of the United States makes the laws for the country. This is basic civics, but it is good to repeat it. The House of Representatives, consisting of 435 Members, is a representative body, one for every approximately 700,000 people in the United States. Each of our 50 States has 2 Senators. We consider legislation, we vote—pass bills by both the House and Senate—and then we get together on a conference. We have an agreement and a conference report is then voted on separately. The measures then go to the President of the United States.

We have a fascinating part of the legislative process right now with the issue of the funding of the Iraq war. The Constitution creates the Congress under article I and creates the office of the executive branch, the Presidency, under article II. We have a unique constitutional confrontation. I think it is not an overstatement to say it is of historic proportion—perhaps the most dramatic constitutional confrontation between the article I power of the Congress to appropriate, commonly known as the power of the purse, and the authority of the President under his power as Commander in Chief.

The President is insisting on carrying out the program he has in mind with the addition of troops, a surge in Iraq, to try to restore order to that country. I believe had we known Saddam Hussein did not have weapons of mass destruction, we would not have gone into Iraq to start with, but once there, we do not want to leave it in a state of turmoil. So we are trying to work our way through the problems as best we can.

The President laid down two markers for the Iraqis in his State of the Union speech: first, that they should secure Baghdad; and second, that they should end sectarian violence. Regrettably, they have done neither.

Congress legislated, providing the funding the President asked for but setting dates for withdrawal. The President vetoed that, saying identifying a withdrawal date would be to tell the enemy how long they would have to stay there to outlast us. Now we are looking for some resolution. It is complicated. The House is talking about appropriating half of the $100 billion and having another vote in July. The Senate has yet to formulate a proposal.

For certain, by September, when we face the full $500 billion appropriation bill, there is a very difficult time ahead unless we can see light at the end of the tunnel.

On the front page of the New York Times today, one of our Members said that in September there will not be support unless we see some significant progress. The metaphor "light at the end of the tunnel" perhaps is accurate or perhaps we will not be at that place. Because there is grave concern about radical Islamic fundamentalists with the determination by radical Islamic fundamentalists to destroy our society and to kill us—as they did with the striking events of 9/11—there is a concern if we do not fight the insurgents in Iraq, we will be fighting them in the United States.

These are weighty issues and there is a lot of controversy. Speaking for myself, I am still considering what the right course is. I voted against a withdrawal date at this time because there has been a commitment to a surge, 30,000 additional troops. They are not all there yet. Perhaps we will have better results by September. But those are the issues which await a determination.

I reference this in terms of the big issue of the day and how it illustrates the functioning of American Government, Congress and the Presidency, and what we have as a constitutional confrontation.

I know the time has come to move on to other business. I thank my colleagues and the Chair for permitting me to go beyond the 11 o'clock hour.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I gather morning business has expired?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCONNELL. I yield myself 5 minutes of my leader time.

The ACTING PRESIDENT pro tempore. The leader is recognized.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS ROBERT V. DERENDA

Mr. McCONNELL. Mr. President, a bronze plaque hangs at the Joint Readiness Center at Fort Dix, NJ. All the new Army recruits there pass by it, and all the regulars know the story it tells by heart.

This plaque declares the Joint Readiness Center to be named after a Kentucky soldier who volunteered for his country, served a cause he believed to be just and right, and made the ultimate sacrifice.

So I ask the Senate to pause today in grateful memory of SFC Robert V. Derenda, a Ledbetter, KY, resident assigned to the First Brigade, 98th Division of the U.S. Army Reserve.

Sergeant Derenda was killed on August 5, 2005, when a civilian fuel truck collided with the humvee he was driving as the lead vehicle for a convoy mission in Rubiah, Iraq. He was 42 years old.

It could have been far worse if not for Robert's astute driving skills and rapid reaction. His quick maneuvering of the humvee just prior to impact saved his men in the back seat.

Sergeant Derenda was there to act because he volunteered to drive the lead vehicle, knowing the likely danger inherent in his choice. He stepped forward because most of his fellow soldiers had wives and children at home. This final heroic act defined who Robert was, how he lived, and how he served the country he loved.

For his valorous actions as a soldier, Sergeant Derenda was made an honorary Green Beret, and he received numerous awards and medals including the Purple Heart and the Silver Star.

Not only did the Army name a building after him in Fort Dix, NJ, but a street also bears his name in his hometown of Cheektowaga, a suburb of Buffalo, NY.

Robert graduated from the State University of New York at Buffalo with a degree in psychology. No doubt that degree, combined with his long history of military service, is what molded him into a superb drill sergeant. At Robert's funeral, MG Bruce E. Robinson called him a "natural" at whipping young men into fighting shape.

After graduation, Robert served on active duty with the Army for 6 years. He returned to his alma mater and earned a chemical engineering degree while serving in the Army Reserve.

It was his work as an engineer that brought him to Calvert City, KY, leading Robert to live in nearby Ledbetter and call the Bluegrass State home.

However, this outstanding leader was shaped by more than the work that he so enjoyed. A cross-country runner in high school, Robert would return to his parents' home in New York each Thanksgiving to run in the annual Turkey Trot. When he wasn't running, you might see Robert on his Harley-Davidson motorcycle, cruising around town.

Robert was also a deeply religious man. A fellow soldier described him as a "good Catholic boy," and his priest, the Reverend Theodore C. Rog, said simply that when it came to Robert's faith, "He lived it."

Robert also cherished his relationship with his two nephews, Nicholas and Thomas Kibby. Although his sister, Caroline Kibby, raised her family in a town near Pittsburgh, Robert remained close. He left his entire estate to Caroline, but told her that should anything happen to him, it was all to go to her boys.

His devotion to them, however, went deeper than any material wealth that he could offer. Robert told Caroline that the reason he wanted to go to Iraq with the Army was to make the world a safer place for Nicholas and Thomas. He understood the dangers that lurked in the world, and wanted his nephews never to know such evil.

Robert's beloved family members include his father, Valerian, his mother, Loretta, his sister, Caroline Kibby, his brother-in-law, Scott Kibby, and his two nephews, Nicholas and Thomas Kibby. I ask the entire Senate to keep them in your thoughts and prayers. I know they will be in mine.

No plaque or street name can heal the tragic loss of the Derenda family after their beloved son, brother, and uncle has been taken from them.

But there are two boys growing up near Pittsburgh right now who will always remember the example their uncle set for them.

And a lifetime of family, friends, and fellow soldiers will be inspired by SFC Robert V. Derenda's noble act of sacrifice. Such examples are worth far more than any bronze plaque could ever be.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

Landrieu amendment No. 1004, to require the Food and Drug Administration to permit the sale of baby turtles as pets so long as the seller uses proven methods to effectively treat salmonella.

Stabenow amendment No. 1011, to insert provisions related to citizens petitions.

Brown (for Brownback/Brown) amendment No. 985, to establish a priority drug review process to encourage treatments of tropical diseases.

Vitter amendment No. 983, to require counterfeit-resistant technologies for prescription drugs.

Inhofe amendment No. 988, to protect children and their parents from being coerced into administering a controlled substance in order to attend school.

Gregg/Coleman amendment No. 993, to provide for the regulation of Internet pharmacies.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, we continue the discussion today on S. 1082. I am joined by Senator ENZI as a cosponsor of that bill, with Senator KENNEDY. We are considering several amendments this morning that are designed to and will increase access to lifesaving prescription drugs. I wish for a moment to talk about a couple of those amendments.

One is the Stabenow/Thune amendment No. 1011, cosponsored by Senator LOTT of Mississippi and by me, which will stop drug companies from intentionally jamming up the Food and Drug Administration approval process for generic drugs, exploiting the citizen petition process to block price competition in the marketplace.

Free market economies rely on price competition. When brand-name drug companies block price competition, they are not only cheating generic drug manufacturers, they are cheating consumers, businesses, and tax-funded health care programs. None of us can afford that.

The Congressional Budget Office estimates the Stabenow amendment will save taxpayers hundreds of millions of dollars over the next 10 years. Those are just the savings that accrue to tax-funded health programs. There will also be significant savings to consumers and employer-sponsored health plans.

This amendment preserves the rights, as we should, of citizens to petition their government. But it stops the gaming of the patent system by the name-brand drug companies which have very effectively stymied price competition. I think unanimously in this body we support the whole idea of price competition.

The savings of this bill will go to seniors and others who have seen large out-of-pocket expenses in their purchase of prescription drugs. The savings will go to businesses helping us globally compete better than we might otherwise. The savings will go to taxpayers, through a variety of different Government programs that help people buy their prescription drugs. So every Member's support is crucial on the Stabenow-Thune amendment.

I want to highlight an amendment that has been offered by my colleague Senator BROWNBACK and myself. According to the World Health Organization, more than 1 billion people—nearly one in every six people worldwide—are affected by at least one neglected tropical disease. In addition, neglected tropical diseases claim roughly 500,000 lives each year.

However, less than 1 percent of the 1,400 drugs registered between 1975 and 1999—over a 25-year-period—fewer than 1 percent of the 1,400 drugs registered treated such diseases.

This disparity is clearly due to the lack of financial incentive for pharmaceutical companies to bring neglected tropical disease treatments to market because these diseases disproportionately affect low-income countries, with the poorest of the poor in those countries needing those medicines, most of them in Africa.

Creating incentives for companies to invest in treatments for these diseases is not only in our country's national interest, but it is consistent with our longstanding tradition of caring for those who are less fortunate around the world. In other words, it is consistent with American values.

Senator BROWNBACK's and my amendment would award a priority review voucher to any company that brings a neglected tropical disease treatment to market. Priority review is an existing FDA process by which drugs are reviewed in 6 months, as opposed to the average review time of 18 months, significantly speeding the process.

The priority review voucher would be transferrable and could be applied to any drug in a company's pipeline. This amendment will help to bring about research and new drugs treating these tropical diseases and speed the process of getting them to market.

This voucher, which would be worth hundreds of millions of dollars for a company with a new blockbuster drug, would also benefit consumers. That is because it would give consumers earlier access to a new prescription drug. Most importantly, creating incentives for pharmaceutical companies to develop and to manufacture neglected and tropical disease treatments will save lives.

I commend Senator BROWNBACK for his work on behalf of impoverished populations who desperately need our attention. He is offering Members of this body an opportunity to simultaneously save lives in developing nations, give U.S. consumers access to new medicines more quickly, and engage the drug industry in a win-win proposition.

It is a rare opportunity. I urge Members on both sides of the aisle to support the Brownback-Brown amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Cochran amendment requires a certification by the Secretary of Health and Human Services which we know from previous experience now cannot or will not be made by the Secretary of Health and Human Services.

Therefore, I was going to ask the Senator from Wyoming a couple of questions, if at some point he might come back so I can engage him in a colloquy.

The point of the Cochran amendment is that it will now nullify the entire amendment that was offered by myself, Senator SNOWE, and 33 other Senators who had cosponsored the amendment. I wanted to point out that in the amendment, it not only allowed for reimportation of prescription drugs—FDA-approved prescription drugs from other countries whose chain of custody was identical or virtually identical to ours so that the American people would have access to lower priced, FDA-approved prescription drugs—but we also included in that amendment, which would now be nullified because the Secretary of HHS will not be able to certify, counterfeit-resistant technologies.

Now, I believe those counterfeit-resistant technologies are as applicable to our existing drug supply domestically as they are to any potential imports that would be brought into this country.

I want to read just a couple of comments about this. Then I would like, if the Senator from Wyoming would be willing, to entertain some questions or at least engage in a colloquy on this subject. I would like to discuss with him the provisions in the bill that would be nullified by Senator COCHRAN's amendment because the Secretary could not certify, and so all of the amendments that we offered would be nullified. The provisions dealing with counterfeit-resistant technologies, it seems to me, probably should proceed because all of us are concerned about the issue of counterfeit drugs, whether it is through reimportation or counterfeit drugs in the existing drug supply.

All of the discussions about counterfeit drugs that have been had on the floor of the Senate have nothing to do with reimportation; it has to do with the existing circumstances. So the counterfeit-resistant technologies, that portion of the amendment—which will also now be nullified—I think should be restored. I have offered a second-degree amendment to do that, simply to restore for the current drug supply in this country the safety provisions that would exist with respect to the counterfeit-resistant technologies.

Let me read it for a moment. The provisions in the amendment were, the packaging of any prescription drugs would incorporate, one, a standardized numerical identifier unique to each package of such drug applied at the point of manufacturing and repackaging, in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing; and, two, overt optically variable, counterfeit-resistant technologies that are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners, similar to that used by the Bureau of Engraving and Printing to secure U.S. currency, that are manufactured and distributed in a highly secure, tightly controlled environment.

But the point is, I held up a twenty-dollar bill yesterday on the floor of the Senate and said: This has designed into it—the architecture of this counterfeit-resistant bill has designed into it a lot of protections in order to prevent counterfeiting of the twenty-dollar bill.

We are all concerned about the counterfeiting of prescription drugs, so we have put a provision in the amendment that we had offered, something called counterfeit-resistant technology. My point is, it seems to me we should at least make that apply to the domestic drug supply, even if we have already made a decision we are going to nullify the opportunity for reimportation.

We will come back to that decision later. The Senate will debate that again and vote on that again. But for now, at least, it seems to me we should not lose the provisions of that amendment dealing with counterfeit-resistant technologies.

Might I ask the Senator from Wyoming, the ranking member on the committee, his feeling about adding that provision that would, I think, substantially safeguard the domestic drug supply?

Mr. ENZI. Mr. President, I appreciate the question. I appreciate the effort that has gone into adding ways the drug supply can be more safe in the United States. Of course, we are interested in that. The primary focus of the bill was to make sure the U.S. drug supply was as safe as possible.

There were a number of amendments, one of which was withdrawn last night, that dealt with Internet sales. That could have been Internet sales in the United States as well as Internet sales outside of the United States. The reason it was withdrawn is the sponsor of it did not want it to get polarized into a debate as to whether that would undo what you have been working on. It was not. It was to add some more safety and security.

Senator KENNEDY and I have been working on this FDA bill for over 2½ years now. We also have been working on some things that deal with pedigree and licensure in the United States as well as outside of the United States. We did not put that in. We didn't want it to be something, again, that would polarize people and maybe distract from being able to do it at a very logical time.

So most of our effort right now is to make sure we do not enter into some budget points of order, that we are able to accomplish the bill and get it to conference where additional changes will be made.

Our committee works maybe differently from others; I am not sure. I know it works differently from the Banking Committee that I also serve on. It has been one of the most contentious committees in the Senate. But over the last 2½ years we have changed that perspective a bit and really accomplished a lot.

One of the biggest changes we have had is the way that we do a bill. Before we tried to stuff it at every possible opportunity; that meant in committee as well. You will notice this bill had only 1 day of markup. That is phenomenal for that committee. Three days a week is not unusual for the committee. We got it out of there in 1 week, which helped us to understand the concerns of the people on the committee.

We promised to work on that when it went to the Senate floor. We have worked on it after it came to the floor. More amendments have been put in. We have worked with people. Senator DURBIN had one on food safety. We worked with him and got that in; anything that does not appear to polarize, does not appear to add budget points of order, and things that have been considered before, we are trying to work into this bill. New concepts, we would like to talk about them a little bit more, explore them a little bit more, but we want everything to be as safe as possible. That is what we are working for.

There are some huge costs that may potentially be involved in what you are talking about there. If the costs add to the costs of drugs, then someone has to pay it. Then, perhaps, we will be making less access to drugs. We do not want that, and I know you don't want that. Your focus has been on getting lower cost drugs to everyone.

It is the same with the amendment that Senator STABENOW has. We have worked on that for days. It is a concept that we have been working on before and held some hearings on. I think we have arrived at some compromises to put that in. We are trying to wind up with some bipartisan things that we can do to get it to conference where more can be done. And some of these issues we have revisited.

We are one of the busy committees on the Hill. We are holding a hearing as we speak. I had to leave that to come over to the floor to do just exactly this.

I appreciate the Senator's efforts and ideas and creativity. I hope he will work with us.

Mr. DORGAN. I thank the Senator from Wyoming for his response. It is true the bill on the floor of the Senate is a bill dealing with drug safety. But I think it is also the case that a lot of the discussion on the floor of the Senate has been about counterfeiting and about the potential danger counterfeiting would pose with respect to reimportation, and also the danger counterfeiting poses with respect to the existing drug supply.

If that is the case, it seems illogical to me not to include pedigrees and serial numbers and RFID technology and the latest counterfeit technology in this bill. What we had done with 33 of us cosponsoring the reimportation bill is, we understood with respect to reimportation you need to be sure it is safe before you proceed.

So we drafted a section on that, consulting with all of the experts. We spent a lot of time on it. We have worked on it for a couple of years now. That section, it seems to me, would vastly improve the underlying bill. Maybe it is not a consensus. I understand the pharmaceutical industry does not want to do pedigree and serial numbers, and so on, the way we have described it. But it seems to me it certainly should be the case that we add as much as we can to this bill—not load it down but add as much as we can on the issue of protecting against counterfeit drugs, whether it is through reimportation or the domestic drug supply.

I guess I do not quite understand—I don't believe there is a budget point of order. I don't believe we are talking about any dramatic new costs. In any event, I would expect we should not have a tradeoff of a less safe drug supply versus the cost of the drug. I think all of us want the same thing. I believe Senator KENNEDY and Senator ENZI would both want the safest possible drug supply we could have.

Again, I come back to this notion of, we spend a lot of time worrying about how to detect a counterfeit twenty-dollar bill, and we have engineered substantial safety precautions. Why should we not do the same with respect to this bottle of Lipitor, if I might have consent to show it again.

This is produced in Ireland. It contains a 20-milligram tablet of Lipitor to lower cholesterol. Why would we not want something on this bottle from the manufacturer that gives us the opportunity to understand the pedigree, the serial number, and so on? There are some markings on it, but we can do much better. That is the purpose of my offering a second-degree amendment, to preserve the counterfeiting and safety standard a bipartisan group of us has created. I would be happy to yield for a response if the Senator wishes.

Mr. ENZI. Mr. President, I would like to respond.

I like his example of the twenty-dollar bill or any other denomination. This has nothing to do with the pharmaceutical companies. This is a discussion Senator KENNEDY and I have had ongoing for a long time, and we brought in some technical people to figure out how we can provide that security in a number of different ways. The way that differs from the twenty-dollar bill is that for everybody who handles—not everybody, most people—twenty-dollar bills on a regular basis, the same design stays in play for a long time. But with the pill bottle, maybe the first pill bottle one gets will be the only pill bottle. Having the knowledge of what exactly to look for on there is not something we teach in school or in pharmacies or anywhere else. It has to be something that people can tell whether it truly is. That is what adds to the cost when it comes to pharmaceuticals. We are looking at inventors who are coming up with different ways all the time to make things secure, not just medicines. We haven't found the answer yet.

Mr. DORGAN. Might I ask the question, are you moving in your committee toward requiring a pedigree and serial numbers? Is that where you are going to move in committee to have consensus? That is what I understand.

Mr. ENZI. Mr. President, that is correct. We have been working on a pedigree and licensure amendment—it is actually structured as a separate bill—in anticipation of trying to add to this when we can find a solution that we feel comfortable with, and we haven't gotten there yet. I think we are close, but we haven't gotten there yet. It has been a joint effort with Senator KENNEDY and I and both our staffs.

Mr. DORGAN. Mr. President, if I may further, this is the first I understand that there is an issue with the anticounterfeit measures we have put in our reimportation bill. We have the counterfeit-resistant technologies that we have put in the bill. I guess if I hear the Senator from Wyoming correctly, he is not comfortable with those at this point. I had thought the issue was generally the philosophy of reimportation and pricing. Then I think we have a deeper chasm than I expected. I thought there was generally consensus that the technology that now exists, whether it is RFID or lots of new things that are available, the technology that exists should be used with respect to the latest available technology to resist counterfeiting. I thought there was perhaps a consensus on that. Maybe I was wrong. If there is a disagreement about whether we should have standardized identifiers, then I suppose there should be some hearings on that. I had thought we were beyond that point.

That was the purpose of my offering a second-degree amendment. I did not expect it would be controversial to apply, whether it is to the domestic drug supply or the potential reimportation at some future point, the counterfeit-resistant technologies that already exist to be made available if we simply require it.

Mr. ENZI. Mr. President, another technicality that we work on on this and a principle we have established that works well for the committee is we try not to be ultraspecific on what we are doing so that we are picking winners and losers. That is a difficulty we had with the amendment the Senator proposed as well. Not that it can't be worked with and come up with something that fits the criteria of the principle. One of the difficulties of debating things on the floor as a new amendment and unamendable is that usually there are other ideas, some principles, other ways of working with it that are very difficult to do from the floor standpoint.

That is why we start with the markup and some of the other things and keep working with them. I think you have to admit this has been pretty progressive in trying to get something done. There hasn't been the effort to stall things out. There has been a lot of opportunities to do that, but we have been trying to keep things going and hope to get something finished up on this bill so it can get to conference.

Mr. DORGAN. Mr. President, I certainly don't intend to stall this bill. This legislation is going to pass. I indicated yesterday I wanted to see what was in the managers' package. Several of the proposed amendments, even at that point when I saw the package, were still under some reform or some change. Having reviewed it now, I can tell my colleagues I have no difficulty with the baby turtle provision, the pet baby turtle provision. I considered that at great length last night. I stayed awake considering it. But I decided to support the baby turtle provision and the tanning bed provision, for that matter, along with ginseng. I understand these are things that are being adjusted in the managers' package.

I have looked through it. I don't have a problem with the specifics of the managers' package. My issue today was to come to talk about the counterfeit-resistant technologies that will be available to fight the issue of counterfeit drugs. The reason I felt it important to do that, most of the discussion to defeat the Dorgan-Snowe amendment and to impose the Cochran amendment was because of the discussion on the floor, what if we get counterfeit drugs under this proposal. So the discussion was all about not the counterfeit drugs that have come in under the proposal but the counterfeit drugs that have already come in under existing circumstances. My thought is, if counterfeiting is a big problem, then the underlying bill dealing with drug safety should have the strongest possible provisions relating to counterfeit-resistant technologies. That is regrettably not the case.

I will end up voting for this bill when we get to final passage because it is a step forward. But it is not out there where it ought to be with respect to counterfeit-resistant technologies. I understand part of the reason is the pharmaceutical industry is not supportive of moving as far as we should move. At any rate, I appreciate the Senator responding to me. Frankly, it is fine on the floor to have a discussion. I don't think all discussion ought to be somewhere in committee. We ought to have pretty interesting discussions on the floor about what is in a bill and what is not, what we ought to add that would improve it. But I appreciate the Senator from Wyoming responding to me. As I indicated, I have a second-degree amendment along with a couple of others.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Ohio.

Mr. BROWN. Mr. President, Senator DORGAN is offering an important compromise. He is saying we should at least preserve the drug safety provisions in his reimportation amendment. These provisions are the result of significant discussion with public safety experts, and I believe the Senate should support the Dorgan amendment. Whether we agree on the issue of reimportation—and there is clearly a split in this body—we do agree on the importance of safety in our domestic supply. There have clearly been attempts to counterfeit inside the domestic supply. The Dorgan amendment brings us to a place that can help us answer those questions. I think the opponents to reimportation are wrong, but I understand they raise issues of drug safety. Those same issues of counterfeiting are present in our domestic supply, as Senator DORGAN said, under the law, under the situation we are in today.

It sort of begs the larger question of drug safety overall. One of the worst ways we compromise drug safety is by limiting access to affordable prescription drugs. That limitation of access is because of the high cost of prescription drugs. Too many of us know of situations where people have said to me, in Zanesville and Lima and Toledo and Cleveland: I had to cut a prescription in half so they last twice as long or I took the pills every other day. Until we can find ways, which this bill takes some steps in that direction with the citizen petition process and other things, of getting lower cost prescription drugs into people's hands when their doctors prescribe them, the reimportation issue was one way we could have done that better. I am hopeful we can work with Senator DORGAN on some of these issues to bring us to the point that we are satisfied that the domestic supply for prescription drugs is as safe as it can be.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Ohio for his comments. But I wish to give a little bit more of an answer to the Senator from North Dakota, who has invested a lot of time and effort over the years in a variety of these issues that deal with the safety of our drug supply. I have to tell him, we got his second-degree amendment. Anything we have had has been a very cursory look. We are willing to sit down. We hope his staff will sit down with my staff and take a look at it and see what can be done.

Mr. DORGAN. Might I point out, the second-degree amendment is language taken out of the Dorgan-Snowe bill that we filed months and months ago. It is identical language with respect to counterfeit-resistant technology. It is not new language.

Mr. ENZI. Mr. President, I am hoping that since we did not have a chance on drug importation—and I wish to make the point that that is importation, not reimportation—we didn't have a chance to sit down and work on that and work through it and see what changes could be made, it would only be logical that for a portion of that, we probably ought to sit down and look at it. We are never sure on a second-degree amendment whether it is exactly the same, but we didn't have the opportunity to work on it with the Senator. I think all the staffs that have been working on this have been working in a bipartisan way to come up with a solution. We will take a look at that specifically and see what can be done with it.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I have an amendment which I filed last week with Senator BINGAMAN on conflict-of-interest issues before the advisory committees of the Food and Drug Administration. I understand there may be an objection—I hope there is not—to setting aside the pending amendment and calling this one up for consideration. I don't want to catch anyone off guard with my request. I hope the Senator from Wyoming will note what I am about to request. If it is not consistent with his current wishes, I am asking unanimous consent that the pending amendment be set aside and that we move to amendment No. 1034 which I have filed at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, there are several other people in that same position of wanting to call up amendments. We are trying to come up with a logical order, so I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I thank the Senator. I wouldn't take it personally. The issue I am raising here needs to be dispelled.

What is the Food and Drug Administration? It is a relatively small Federal agency with a huge responsibility. We spend about $1.7 billion a year on the Food and Drug Administration in a huge Federal budget. This tiny agency is responsible for the safety of about 25 percent of all that we purchase as

Americans. They have responsibility when it comes to drugs, devices, biologics, food, veterinary medicines, all sorts of things, equipment. This small agency has a huge responsibility. We give them more and more things to do, and we trust the integrity of the Food and Drug Administration. We believe the Food and Drug Administration giving its approval means something. We can trust it. They have reached a decision that something we are about to buy is safe and effective. For most Americans, that is the seal of approval.

How do they reach that level of integrity? They set up advisory committees. These are the wisest men and women they can find who take a close look at each one of the things they review and inspect to determine whether they truly are safe and effective. It is kind of a jury. The jury may be 10, 20, 30 different people who sit and make a decision.

These decisions are critically important. I don't think I overstate it when I say these decisions are life-and-death decisions. They will decide that a certain pill which a pharmaceutical company says will help you with your heart condition, in fact, is safe to take and is effective, it will do what it is supposed to do. If they make a bad decision and the pill is not safe, a person's health can be jeopardized. So truly these are life-and-death decisions the advisory committees make at the Food and Drug Administration. In addition, these are very important economic decisions. Giving the seal of approval for a new drug means for that drug company the potential of making millions, if not billions, of dollars. So the stakes are high. Each time the advisory committee makes a decision, they know lives are on the line, and they also know a thumbs-up and a decision of approval can mean the stock of this company is going to rise, their profits will rise, they will make more money for shareholders, and they will have more money for research. It is a big undertaking.

So it is not unfair for us to ask: Who are the people who sit on these advisory committees? Who are the people who are the jurors who try to impartially look at these issues and decide what is best for the American people?

Well, it turns out we have had some problems—some significant problems—in the past. One would think it would be obvious to us that we don't want to appoint people to sit on the juries, on the advisory committees, who have a conflict of interest. What about someone who is on the payroll of the pharmaceutical company that wants a drug approved; would you want that person sitting on the advisory committee? What about someone who has earned $50,000 coincidentally speaking to this company's annual retreat in some Caribbean island; would you want that person on the advisory committee? What about someone who is on the payroll receiving money from a company that can stand to make millions of dollars if the decision goes the right way? The natural human reaction is: Well, shouldn't those people sit somewhere else? They shouldn't really be in the room if we are talking about their employer, if we are talking about someone who has paid them money. They shouldn't be part of this, should they? We want people sitting in that room who don't have any conflict of interest or any vested interest in the decision. We want people who are truly objective, dispassionate, and truthful. I think most Americans would agree. That is pretty obvious.

Well, it turns out that over time the Food and Drug Administration got a little bit lax, a little bit sloppy. Back 7 or 8 years ago, USA Today published a dramatic expose about these advisory committees. They came to the conclusion that the experts sitting on these advisory committees who were supposed to be independent many times had a direct financial interest in the decision they were about to make. How often did it occur? In 92 percent of the advisory committee meetings—this goes back 7 or 8 years now, but in 92 percent of the meetings, at least one member sitting in that room deliberating had a financial conflict of interest. At more than half of the meetings, half or more of the members of the committee had a conflict of interest. What difference does it make? Does it make any difference if the person deciding the fate of a product that means profit or loss for a major corporation is on the payroll of that corporation? I think it does. It turns out it was a problem then, which the Food and Drug Administration started to address but, unfortunately, has not addressed effectively.

Last week, a study by the New England Journal of Medicine, widely recognized and respected, examined the pharmaceutical industry's financial ties to doctors. Here is what they found:

> More than one-third of doctors report being reimbursed by the drug industry for the cost of attending professional meetings and continuing medical education; and almost 30 percent said they had been paid for consulting, giving lectures, or signing up patients for clinical trials.

So when it comes to doctors in general, it turns out that a third of them have a conflict of interest. So any patient walking into a doctor's office and the doctor says: You know, I think you should take XYZ drug, you would like to believe that doctor made that decision because they think that is the best drug for you or a member of your family. It is worrisome that in some instances, these doctors have a conflict of interest.

The New England Journal of Medicine also went on to say, in the words of a prominent Harvard expert, Jerry Avorn, the "penetration of commerce into the province of science" causes great concern. It is the same issue here when it comes to these advisory committees.

Now, the argument that comes back from the FDA and from the pharmaceutical industry is there just aren't enough smart people out there. We have to turn our employees and people we have on the payroll and people we have paid money to into these advisory committees because there aren't enough good people out there to sit on these advisory committees.

Well, I think the New York Times made a good observation when it comes to that. Here is what they said:

> Unless the Food and Drug Administration makes a more aggressive effort to find unbiased experts or medical researchers to start severing their ties with industry, a whiff of bias may taint the verdicts of many advisory panels.

Here is what they have found over and over again: These conflicts of interest can cause a problem.

Let's be very specific. In February of 2005, an FDA advisory committee considering the painkillers Vioxx, Bextra, and Celebrex, whether they should be sold to the public. There were 10 scientists sitting on that advisory committee who had conflicts of interest. They had some financial connection with the companies that made the products they were judging. Had the votes of those 10 scientists been excluded because of their conflicts of interest, the panel would have favored withdrawing Bextra from the market and blocking the return of Vioxx. Instead, with the 10 conflicted scientists and experts, they voted that the drugs return to the market. These drugs were very dangerous. People were having heart problems and other medical difficulties. They should never have been brought back to the market.

What impact did the presence of these people with conflicts of interest have on the deliberations? It could not have been positive. It could not have been objective. They came to this with some financial interest, at least in the companies that were affected by the decision.

Here is what my amendment does. The amendment says the Food and Drug Administration would be limited to only one waiver per advisory committee meeting.

Mr. President, I understand under a previous consent order that we are moving at 12:15 to the consideration of a judge who will be voted on in 20 minutes, Judge Kapala of Illinois. I would like to have the time start on that. I ask unanimous consent to close my remarks on my amendment, say a few words about Judge Kapala, and then the remaining 10 minutes for Senator SPECTER to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will be very brief because I see Senator SPECTER is on the floor.

So what I am trying to do is make sure we only have one waiver per meeting, one person sitting on that advisory committee per meeting who might have a conflict of interest.

We go on to say that any person with a financial interest could provide information to an Advisory Committee but can't be participating in or voting on the final decision. I think that only makes sense.

The third thing we say is that the Food and Drug Administration has to actively promote more objective scientific experts without conflicts of interest.

I don't think this is a radical proposal. Don't we want peace of mind at the end of the day that the advisory committee has made a decision based on science and medicine and what is good for America as opposed to the bottom-line profit-and-loss statement of the pharmaceutical company?

There is a lot of discussion on this floor about the safety of drugs and the products that the FDA considers. I hope this amendment, which is critical to the integrity of the FDA, is approved by my colleagues on a bipartisan basis. I hope to offer this amendment tomorrow after we have gone through this rough procedural patch.

EXECUTIVE SESSION

NOMINATION OF FREDERICK J. KAPALA TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the hour of 11:50 a.m. having arrived, the Senate will proceed to executive session for consideration of Executive Calendar No. 84, which the clerk will report.

The legislative clerk read the nomination of Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, let me say a few words about Judge Kapala. Frederick Kapala has the full support of Senator OBAMA and myself to be a Federal district court judge in the Northern District of Illinois. Judge Kapala has served with distinction as a State court judge in Illinois for the past quarter century, and he has earned a great reputation. It is a very positive thing to say that 99 percent of the attorneys surveyed in Winnebago County, Illinois gave Judge Kapala a positive recommendation for his temperament, integrity, and management skills. He had a unanimous rating of "well qualified" by the American Bar Association, the highest rating a nominee can receive. He has been judged by many to be an excellent candidate for the Federal bench.

I have met with him personally. I have met his family. I like this man. I think he will serve our judiciary well. I hope when we vote on this in a few minutes he will receive an overwhelming vote of support.

Mr. President, I yield the floor.

Mr. OBAMA. Mr. President, I support the nomination of Judge Frederick J. Kapala to serve as a judge on the United States District Court for the Northern District of Illinois. Judge Kapala's career exemplifies a strong commitment to public service. He currently serves as an appellate judge on the Second District Appellate Court in Illinois, a position he has held since 2001. Prior to his service on the Second District Appellate Court, Judge Kapala was a circuit court judge for the 17th Judicial Circuit for Winnebago and Boone Counties for 7 years. Prior to that service, Judge Kapala was an Associate Circuit Court Judge for the same circuit for 12 years.

After graduating from the University of Illinois College of Law in 1976, Judge Kapala became an assistant State's attorney in Winnebago County. He made a brief foray into private practice, joining the law firm of Pedderson, Menzimer, Conde, Stoner, and Killoren in Rockford from 1977 to 1982.

Judge Kapala is a magna cum laude graduate of Marquette University. He proudly served his country in the U.S. Army on both Active and Reserve duty from 1970 to 1980.

Judge Kapala has dedicated his life and career to the public good. Whether it was his military service or his judicial service to the good people of Rockford and the counties of Winnebago and Boone, Judge Kapala has served with compassion and distinction.

I am pleased to join the Senate in confirming him to the United States District Court for the Northern District of Illinois.

The PRESIDING OFFICER. The senior Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I agree with the Senator from Illinois who has spoken in support of the nomination of Judge Frederick J. Kapala to be a U.S. district court judge for the Northern District of Illinois. He has an outstanding academic record—graduating magma cum laude from Marquette University in 1972, where he was Phi Beta Kappa. He obtained his law degree from the University of Illinois, where he was a moot court board member.

He has a professional career which is diversified and with extensive judicial experience. From 1970 to 1980, Judge Kapala served our country in the United States Army, on both active and reserve duty. He obtained the rank of Captain before his honorable discharge. Upon graduation from law school, he was assistant State's attorney—that is the prosecuting attorney in Illinois—for 1 year. He then practiced law for 5 years. He has been an associate circuit court judge from 1982 to 1994 and a circuit court judge for 7 years, until 2001. Since 2001, he has been an appellate court justice for the State of Illinois. He has extensive community activities. He was rated by the American Bar Association as unanimously "well qualified."

Mr. President, I ask unanimous consent that at the conclusion of my remarks, a summary of Judge Kapala's curriculum vitae be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. My sense from prior confirmation proceedings and votes in the Senate is that Judge Kapala will receive a strong vote, probably unanimous.

IMMIGRATION REFORM

In the remaining time, I will discuss what we are doing on the immigration bill because there have been so many inquiries.

We all know the history of the immigration legislation from the 109th Congress. The Judiciary Committee reported out a bill. It came to the floor of the Senate, with many amendments, and it was passed with substantial bipartisan support. The House of Representatives had a very different configuration on the bill. They were concerned only with the border security, contrasted with the Senate bill, which was a comprehensive bill.

We have had numerous meetings in an effort to structure a consensus bill in the course of the last many weeks. For many weeks, we met on Tuesday, Wednesday, and Thursday from 4 o'clock to 6 o'clock, with as many as a dozen Republican Senators present, with the Secretary of Homeland Security and the Secretary of Commerce present. We have had substantial White House involvement reflecting the President's statement that he wants a comprehensive immigration reform bill. We have spent many hours on extended meetings with Democrats. There were half a dozen Democrats attending these meetings and a rather unique process illustrated last week where we met for 2½ hours with a dozen Senators being present. It is pretty hard to keep a dozen Senators sitting in one room at one time going over a great many ideas. We have come to an agreement on what we have called a "grand bargain," which is the outline of an immigration bill.

There is no doubt that we need to protect our borders and we have legislated for fencing. We want to provide fencing to protect the major metropolitan areas, and we can't have a fence for the entire length of the border. We have proposed and are prepared to enact legislation which would provide for 6,000 additional Border Patrol agents to bring the number to 12,000. We are proposing very strong employer sanctions. We do not want employment in the United States to be a magnet for illegal immigration, and it is now technically possible to have foolproof identification. It can be costly and we are still working through the details, but there is no doubt we want to secure the border and stop illegal immigration as the first item.

We are talking about triggers so that we don't move ahead to dealing with the 11 million undocumented immigrants or dealing with a temporary worker program until we have solved the problem of securing the border and providing for identification so that there is a basis for using tough sanctions on the employers. But you can't do that unless they have a fair opportunity to know who is legal and who is illegal.

We are rejecting the idea of amnesty for the 11 million undocumented immigrants. They are going to have to earn being on the citizenship path at the end. It will be required that they pay taxes, have community roots, have a substantial period of employment, and that they learn English. We are going to do our best to deport those who have criminal records. There is a real security risk with some of the undocumented immigrants who have criminal records and where they do commit crimes. It is a practical impossibility to deport 11 million undocumented immigrants.

We are trying to structure a temporary worker program which is temporary, coming only for the purpose of filling needs and then returning to their in native countries. We are looking at a system so that if there are U.S. citizens, people in this country who can take the jobs, they will have the first choice.

The majority leader has stated publicly his intention to proceed under rule XIV and file a bill this week—perhaps tomorrow, and it will be listed for floor debate next Monday. There is a lot of concern among Republicans about proceeding in that way with concern that the bill that was reported out of committee does not have widespread support and the bill that passed the Senate does not have widespread support. And that there is a disinclination how it will go. Nobody knows for sure, but there is a disinclination to support a motion to proceed, raising the possibility that there may be a filibuster there.

There is a concern in many quarters that we need more time. We have been proceeding diligently with very extended meetings. I have to confess there has been a fair amount of wheel spinning, but that we are not ready to proceed next Monday on the 14th to take up the bill the last 2 weeks before Memorial Day, as the leader has scheduled. I can understand the majority leader's concern about moving ahead and holding our feet to the fire to try to produce a bill but we are still working on it. Staff worked over the weekend. There was a meeting at the White House on Sunday. I had an extended discussion yesterday with Senator KENNEDY. Senator KENNEDY met with one of the Secretaries, and we are working at top speed.

It will certainly be preferable if we can come up with a bill that would not have to have S. 2611, which passed the Senate last year or the chairman's mark or the bill that came out of Judiciary. I have been asked about this every time I step into the corridor, so I thought it would be useful to give this brief summary, without impacting on Senator LEAHY's time. I will note that some Democratic time on the judicial nomination was taken up by Senator DURBIN earlier.

I yield the floor.

EXHIBIT 1

FREDERICK JOSEPH KAPALA, NORTHERN DISTRICT OF ILLINOIS

Judge Frederick Joseph Kapala was first nominated on December 6, 2006. He was renominated on January 9, 2007. A hearing was held on his nomination on March 13, 2007, and he was unanimously reported out of the Judiciary Committee on April 25, 2007.

Judge Kapala has truly outstanding academic and professional qualifications.

He received his B.A. magma cum laude, in 1972 from Marquette University where he was elected to Phi Beta Kappa and Pi Gamma Mu (social science honors). He received his J.D. from the University of Illinois College of Law in 1976. During law school, he participated in Moot Court and served as a member of the Moot Court Board.

From 1970 to 1980, Judge Kapala served our country in the United States Army, on both active and reserve duty. He obtained the rank of Captain before his honorable discharge.

After graduation from law school, Judge Kapala served for one year as an Assistant State's Attorney in the County of Winnebago, Illinois before joining the law firm of Pedderson, Menzimer, Conde, Stoner and Killoren in 1977. He practiced both litigation and transactional law with that firm until 1982.

Between 1981 and 1982, he also served part time as a Special Assistant Attorney General in the Illinois Attorney General's Office, prosecuting consumer fraud cases.

As a practitioner, Judge Kapala tried over 100 cases to verdict.

In 1982, Judge Kapala was first appointed to the state court bench as an Associate Circuit Court Judge for the 17th Judicial Circuit, a state trial court. While serving in this office, he was presiding judge of the juvenile court in Winnebago County from 1989 until 1991.

In 1994, Judge Kapala was first elected a full Circuit Court Judge in the same circuit, and since then, he has been re-elected twice. During his tenure in this capacity, Judge Kapala was appointed as the presiding judge of the criminal court division in Winnebago County from 1995 until 2001. In 2001, he was assigned to serve as a Judge of the Appellate Court of Illinois, Second District.

The ABA unanimously rated Mr. Kapala as "Well Qualified."

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. The Senator from Vermont is recognized for 6 minutes.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1327 and S. 1328 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, we are making significant progress today with another confirmation of a lifetime appointment to the Federal bench. I am sure Frederick J. Kapala will be confirmed for the District Court for the Northern District of Illinois. His nomination is supported by the home State Senators. I thank Senator DURBIN for chairing the hearing on this nomination.

Judge Kapala serves as a state appellate judge on the Second District Appellate Court in Illinois. He has almost 20 years of experience as a state trial court judge. Before coming to the bench, he worked for the Rockford, Illinois law firm of Pedderson, Menzimer, Conde, Stoner and Killoren, and he worked as an Assistant State's Attorney in Winnebago County. Prior to his legal career, he served 10 years in the U.S. Army.

This will be the 17th judicial confirmation this year. The calendar just turned to the month of May, it is spring, and we have already confirmed as many judges as were confirmed during the entire 1996 session, when President Clinton's nominees were being reviewed by the Republican-controlled Senate majority. We have done as much in May in a Democrat-controlled Senate as the Republican-controlled Senate did in a whole year for President Clinton. That was a session when not a single circuit court nominee was confirmed. Of course, we have already confirmed two circuit court nominees in the early months of this session.

I mention this because it is somewhat frustrating to hear the gross misstatements made by some of the Republican leaders, such as Vice President CHENEY, Mr. Rove, and others, who speak for the President on the pace of judicial nominees. Not only is this the 17th judicial confirmation this year, it is also the 117th judicial confirmation in the approximately 2 years I have served as Judiciary chairman over the past 6 years. That exceeds by more than a dozen the confirmations Senator HATCH presided over during the 2 years he was Judiciary chairman. It also exceeds by more than a dozen the district court nominees confirmed during the two years he was Judiciary Chairman.

With the confirmation of Judge Hardiman to the Third Circuit earlier this year, the total circuit court confirmations achieved during my chairmanships, which have not yet extended over the 24 months of Senator HATCH's chairmanship, also exceed those achieved during his. I only mention this because if you listen to what comes down to being total mistruths by the Vice President or others, you would think we blocked the President's judges.

Actually, we have done far better for President Bush—far better than when a Republican majority was here and pocket filibustered 61 of President Clinton's nominees. It is a little known, and obviously unappreciated, fact that during the more than 6 years of the Bush Presidency, more circuit judges, more district judges, and more total judges have been confirmed while I served as Judiciary Committee Chairman than during the tenures of either of the two Republican Chairman working with Republican Senate majorities did.

The Administrative Office of the U.S. Courts lists 48 judicial vacancies. Yet, the President has sent only 25 nominations for these vacancies. Twenty-three of these vacancies—almost half—have no nominee. Of the 16 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for six of them.

Despite the harping and the criticism, the Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends nominees that he knows are unacceptable to home state Senators, it is not a formula for success.

I congratulate Judge Kapala, and his family, on his confirmation today.

Mr. LEAHY. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. No.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut, (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), the Senator from New Hampshire (Mr. SUNUNU), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 153 Ex.]

YEAS—91

Akaka
Alexander
Allard
Baucus
Bayh
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—9

Bennett
Biden
Dodd
Feinstein
Johnson
Kennedy
McCain
Sununu
Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

PRESCRIPTION DRUG USER FEE AMENDMENTS ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1329 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New York is recognized.

IRAQ

Mr. SCHUMER. Mr. President, this week we in Congress are continuing to work toward a solution in Iraq that both supports our troops and changes our mission away from policing a civil war to more narrowly focusing on what should be our first and foremost goal—fighting terrorism, counterterrorism, to make sure al-Qaida cannot set up a camp and strike at us.

I rise today because we are beginning. We have said all along that this is going to be a long battle. Because we do not have 61 votes in the Senate, because the President has the veto power and we certainly do not have 68 votes to override a veto in the Senate, we are going to have to continue to bring up resolution and amendment after resolution and amendment until we persuade our colleagues on the other side of the aisle to do what the American people want, to do what the American people asked for in November of 2006; that is, dramatically change the course in Iraq, the mission—greatly reduce the number of troops so we can keep some troops there who can fight terrorism, but that will be many fewer. Most will be out of harm's way.

We are getting good signs. First, 6 months ago President Bush said he wouldn't accept any benchmarks or any limitation. Now the word from the White House seems to be that they will accept some types of benchmarks or other types of language that would not just be a simple funding the troops without our other goal, changing the mission. But second and more significant, what I and my colleague from Washington—and I believe my colleague from Illinois will be speaking about—are seeing is our Republican colleagues begin to set their own timetables, their own deadlines. This weekend, House minority leader JOHN BOEHNER signaled that, as this debate wears on, the President will continue to lose support among the members of his own party.

> By the time we get to September or October, members are going to want to know how well this is working and, if it isn't, what is plan B?

That sure seems similar to what we are trying to do, although we want to do it now.

Mr. BOEHNER's comments are echoed by a number of other Republicans who are hearing back in their States and districts that we must change the mission in Iraq. There are many comments.

TRENT LOTT:

> I do think this fall we have to see some significant changes on the ground in Baghdad and other surrounding areas.

There are many more. One of those is JIM WALSH, from my home State of

New York. Today, the New York Times reports that Mr. WALSH is replying to his constituents that he could soon be prepared to reassess our policy and begin withdrawing our troops.

Republican Congressman RAY LAHOOD is indicating he expects Republican members will grow increasingly "nervous" about the President's strategy.

Asked about the President's demand for a funding bill with no benchmarks, no conditions, and no reports, says Senator COLLINS, who just spoke here:

> Many of us on both sides of the aisle don't see that as viable.

We are going to try to come up with a very strong resolution that both supports our troops and changes the mission. But we know we are making progress because our Republican colleagues themselves have been setting timetables, benchmarks, and other types of goals—limitations that are not terribly dissimilar from ours.

We will continue this battle, this struggle to require the President to change course in Iraq. We eagerly await our Republican colleagues joining us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from New York. I know my colleague from Illinois, Senator DURBIN, will be here shortly as well to talk about a critical juncture at which we are now in terms of the war in Iraq.

Last week, both the House and Senate sent a very strongly worded bill to the President of the United States supporting our troops, saying we are there for them when they need us, but we also said it is time for a change of course in Iraq, that we can no longer leave our troops in the middle of a civil war. It is disappointing to all of us that the President chose to veto that bill and sent it back to us. But I think it is very important for us to set the context of where we are now as we look at what we are going to send back to the President.

These are the facts. There is increased violence in Baghdad as we speak. There is increased violence outside Baghdad today. In fact, over 100 American soldiers died last month alone, and at least 27 more American troops have been killed this month. In my home State of Washington, we got the sad news yesterday morning that six of our Fort Lewis soldiers were killed over the weekend. These are families—husbands, children, grandchildren—who will be impacted forever and who will not forget.

Months ago, the President said to the American people that he was going to change his course by having a surge of American troops—25,000, 30,000, 40,000 new troops. They are now on the ground in Iraq. What we are seeing is increased violence inside and outside of Baghdad, more American soldiers losing their lives. And what are we looking at? An Iraqi Government that has not changed, has not stood up to the mark to care for their own country and make the tough decisions they need to make. The bill we sent to the President was designed to give him the tools to turn to Iraq and say: You need to take on your own battles and make these tough decisions. It is time for Iraqis to stand up. Four years after removing Saddam from Iraq, the Iraqis have still not made the political compromises necessary to bring peace to their own country. In fact, they are on pretty shaky ground today, even as we speak, as we hear of factions that may pull out.

Most important, what is happening here in our country? Mr. President, 64 percent of Americans and 65 percent of independents support setting a timetable for redeployment.

That is the ground we are now on, as the President vetoed that very important piece of legislation which funded our troops. We had funding for our veterans as they came home and important, critical funding for Katrina and other important causes.

Despite all the facts I just laid out—the increased violence, the soldiers being killed, the Iraqis not standing up for their own Government—we have seen Republicans on the other side of this aisle stubbornly stand with President Bush and refuse to set a timetable for our troops to come home, refuse to set a timeline to force Iraqis to take responsibility for their own future, and refuse to set a timetable to let Iraqis know we are not going to be there endlessly, month after month, year after year, for decades.

Mr. President, what is heartening to me today, after the President's veto, is we now are hearing from many of our Republican colleagues that they, too, believe we cannot continue to send a message that we will continue to be there forever.

Senator SCHUMER was just here on the Senate floor and spoke of some of our Republican colleagues who have been speaking out. House Minority Leader BOEHNER said:

> Over the course of the next 3 to 4 months, we'll have some idea how well the plan is working. Early signs are indicating there is clearly some success on a number of fronts. But, by the time we get to September or October, Members are going to want to know how well this is working, and if it isn't, what's Plan B.

We are now hearing, thankfully, our Republican colleagues set forth time tables of their own. I think it is important we listen to what they are saying because despite the fact they said no time tables in the bill, we are hearing them say there is a timeline; that this country cannot continue to send our troops to Iraq without Iraqis standing up.

Importantly, as well, we are hearing our Republican colleagues talk about benchmarks. We know benchmarks without consequences are pointless. But unlike the President, our Republican colleagues are starting to realize this and are breaking with the White House.

Senator SUSAN COLLINS said:

> Obviously, the President would prefer a straight funding bill with no benchmarks, no conditions, no reports . . . Many of us, on both sides of the aisle, don't see that as viable.

I hear that as very promising language from our colleagues on the other side. We are hearing from many others—Senator VOINOVICH, who spoke out this weekend. We are hearing from House minority whip ROY BLUNT, who says he "can support binding benchmarks on the Iraqi Government tied to a 'consequences package,' so long as it would not put restrictions on the military."

Mr. President, we support our troops. The bill we sent to the President last week supports our troops. Our troops have done everything we have asked them to do and more, and they have done it courageously. It is time now for us to give them the tools they need so the Iraqis will stand up and take control of their own government.

We can no longer simply say: We will stand down when you stand up to the Iraqi people. I hope our Republican colleagues will join with us in standing up as well, now, to send a strong message to the Iraqi people that it is time for our troops to get the support they need and to know that they will be brought home in a timely manner.

It is encouraging to hear the comments we are hearing. I hope they are met by the courage of our colleagues on the other side to stand with us, find some language we can agree on, and send the supplemental to the President. I hope that is what we can do over the next several days. I encourage our colleagues to work with us to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ SUPPLEMENTAL

Mr. DURBIN. Mr. President, for a long time in Washington, if you talked about a deadline or a timetable, the response from the President, from the administration, even from the Republican side of the aisle, was the same. When you talked about a specific end to this war, they argued: It endangers our troops.

I did not agree with that premise. In fact, I believed this was the only way to convince the Iraqis we were not going to stay forever. If they think the very best military in the world, the American military forces, will stay there indefinitely, there is no incentive for them to make the right decisions, the hard decisions to govern their own country.

Well, time has passed at great cost to our Nation. As of this morning, we have lost 3,361 of our best and brightest soldiers—3,361. The month of April was the deadliest month this year in Iraq: 104 American soldiers lost their lives. I think we all understand now that as each day passes, more American soldiers are in danger and, sadly, more will give their lives. So to wait for a month, two or three or four, is, sadly, to extend that period of time of danger.

Now we find from Republican leaders a new approach. No longer are they rejecting the idea of deadlines or timetables. In fact, they are starting to speak in more specific terms.

This is a quote from the Republican leader of the House, JOHN BOEHNER, who said:

> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B?

That, to me, sounds like a deadline of September or October.

Then, of course, our colleague from Mississippi, Senator LOTT, said:

> I do think this fall we have to see some significant changes on the ground, in Baghdad and other surrounding areas.

I think it is an indication that our colleagues on the other side of the aisle are hearing the same thing we hear when we go home: First, an immense pride in our men and women in uniform, pride as well in their families who have stood by them through this long struggle; an understanding of the sacrifices that are being made by our soldiers as well as those who love them so very much but, secondly, an understanding that this is a failed policy that the President is pursuing in Iraq.

This is the fifth year of this war. This war has lasted longer than World War II. It is now only exceeded in cost by the cost of World War II in today's dollars. It is an extremely expensive undertaking, first, in human life, with over 3,000 Americans dying, and then with thousands coming home injured, some very seriously injured, with traumatic brain injury and amputations.

Senator MURRAY of Washington has been a leader when it comes to the care for our returning soldiers and veterans. We know our system is breaking down and falling behind, increasing the sense of urgency I feel and many feel in Illinois, as I see them on the streets of Chicago and Springfield and all around my State. They understand this is a heavy cost we are paying.

When our friends on the Republican side of the aisle say all we need is maybe 4 or 5 more months, I hope they understand that time they are asking for is time that will have a heavy price. They want us to buy some time for political purposes but at a heavy price.

We think, and I hope they will come to understand, we need to tell the Iraqis now they have the responsibility to govern and lead. If they fail, then American troops are not going to stay there indefinitely. Some worry when American troops leave, there may be an unstable situation in Iraq. That is entirely possible. That can happen if we leave in 10 months, 10 years, or 15 years.

They have to understand the responsibility of the future of Iraq lies in the hands of the Iraqis. We cannot put that burden on American soldiers and their families any longer. I am heartened by these statements from the Republican side that finally they understand we cannot stay there forever, that the policy of this administration has not succeeded, that we owe it to soldiers and their families to treat them humanely, to let them know they will be coming home to a hero's welcome soon.

Our colleagues, Senator JIM WEBB and CARL LEVIN, as well as JACK REED, have spoken out about the readiness of our troops, too. I worry about that. As the President has extended this war, far beyond what anyone ever dreamed of, those who voted for that authorization of force, as he has extended this war, have put pressure on our soldiers beyond anything we could have imagined.

We have extended the tours of duty for National Guard members to the longest period of time since World War II. We now know many of our soldiers are asked to stay on an additional 3 months after they have served 12. We know when they come home, they do not receive the rest they were promised, the time with their family. They are quickly reactivated and sent into battle.

This has to have an impact on morale. It certainly has a negative impact on their families. So I believe as we talk about how this war is to be waged and what the next stage will be, regardless of what our plan may be, it has to include readiness and a commitment to these troops. I think it is important that we say to the President: Don't send a single soldier into harm's way or into combat unless they have had the time to rest, unless they have been retrained and equipped, unless they are prepared to go to battle with all of the forces they need to come home safely.

Shortchanging our soldiers is not a strategy that we should follow in Iraq. Let's come up with a plan to start bringing these troops home. We sent one to the President last week. He, in a press conference, told the American people he was going to reject it. We haven't heard anything back from him since then. But, in the meantime, many members of his own party have decided it is time for them to finally speak up. We welcome them. We need them. We need them particularly on this supplemental bill.

Mr. President, if a handful of Republican Senators will now cross the aisle and join us, we can have a positive impact on changing this failed policy in Iraq. We can finally stand as one in a bipartisan way and say there is a better way; that the Iraqis cannot take long vacations while the members of their parliament relax as our soldiers risk their lives. We have to tell the Iraqis we are not going to stay indefinitely.

When leaders such as Mr. BOEHNER of Ohio speak of plan B, just remember what the B stands for. The B stands for bring our soldiers home. That is what we need to start doing in an orderly, sensible way as soon as possible.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Madam President, I want to take a few moments this afternoon to follow up on my remarks of last evening about concerns I have involving the immigration process that is ongoing in the Senate and what Senator REID, the Democratic leader, has indicated he plans to do.

I absolutely believe a framework exists for us to develop comprehensive immigration reform that can be worthy of the American people, to create a lawful system of immigration that will work. It will be difficult in a number of areas, but we can do that. A framework is being discussed, I know, because I have seen the PowerPoint presentations and some of the other discussions about it. A framework exists that could lead to effective immigration reform. There is no doubt that this Nation needs comprehensive immigration reform. The whole system is broken. Nothing about it works. The legal system is an embarrassment to us as a nation and a source of frustration to the American people. They rightly are concerned about it, and politicians don't seem to be. That is why we have had a problem for so long, and frustration and anger gets built up. People sometimes call in to radio stations and say things they shouldn't say that are unkind. A lot of it is a direct response to a failure of the Congress and the executive branch to do what is required to create a lawful system of immigration.

For Heaven's sake, don't we all agree with that concept, a lawful system of immigration?

What interests should it serve? It should serve the national interest, the American interest. I asked Secretary Chertoff of Homeland Security and Secretary Gutierrez of Commerce at a hearing of the Judiciary Committee not long ago, what should a lawful system of immigration do? Should it not serve the national interest? They said: Yes, sir.

Professor Borjas, a Cuban refugee, at Harvard has written a book on immigration. He said: If you tell me what interest you wish to serve, I can help you draft an immigration policy that will work. For example, if you say it should be the national interest, I can help you achieve that. If you want to serve the interest of poor people around the world, I can help achieve that. He basically said in his book "Heaven's Door," we could serve poor people around the world by just letting them all in. That would be in their interest. We know that. In 2000, we had 11 million people apply for 50,000 lottery slots. The names are drawn out of a hat randomly. Only 50,000 are drawn out a year. We had 11 million apply for those slots.

We have to look at the basics. More people want to come to this country than we can accept, and those whom we accept should be based on what is in our interest. How much more simple can it be than that? I submit that is a moral and legitimate basis.

We always have a humanitarian component to immigration. I would not reduce that. About 16 percent of those who come, thereabouts, are for humanitarian reasons. I think we will always want to have that available for people who are persecuted or otherwise need humanitarian relief. Fundamentally, the rest of our program ought to serve the national interest.

This is what has happened. There are supposedly bipartisan discussions going on—and I know they are going on—to try to take the framework that has been agreed on by the President, Cabinet members, and some Members and to flesh that out and develop an immigration policy. That hasn't reached fruition. I understand some of the leaders on the Democratic side have walked away. They are not prepared to follow through on the overall agenda item for a given area, this framework. When you start writing down the words that will actually effectuate what you promise to do, then people start backing off.

I have said a number of times on the floor that we have a great deal of interest in immigration reform, except that we need a lawful system which will work. If it is a system that will actually work, we find immediately people start objecting.

Senator REID has said these negotiators—I sometimes want to call them masters of the universe; I don't know who selected them—are meeting here and they are deciding the fate of American immigration. I want to say, well, let's see what they produce. I have told my constituents I hope they will discuss it, and maybe some agreement can be reached, one I could support. But I promised my constituents—and every Senator ought to make this commitment—that I am going to read that bill. Just because people have great sounding words, if you don't read the words carefully and what they will actually mean in the effort to enforce immigration law, then you don't know what you are going to get. You are going to end up as we did in 1986, with a program that was an utter failure. The one we had last year would never have worked. It would have been a disastrous failure. It had no chance of being successful or ever achieving the ideas it purported.

Senator REID apparently is unhappy. He has the power, as the Democratic leader, to call up any piece of legislation he wants to call up. He has said: I am not happy with the speed of this. He has said he is going to call up, under the power of the majority leader under rule XIV, last year's bill, and that this will be on the floor. Then he will want the negotiators to continue to negotiate, and maybe they will figure out what would be better. Then he might substitute this newly negotiated bill that hasn't been written yet—nobody has seen a word of it—and then we will vote. That will make everybody happy.

Let me say this, with all sincerity: The American people know immigration is a big issue. It is an important issue; it really is. It says a lot about the nature of this country. Are we going to be a country that the world knows has laws that are never enforced, that our immigration policies make a mockery of the law, as they do today? Will we continue to see people all over the world get the idea in their heads—correct today, basically—that if they can just get into America, sooner or later we will make them citizens and give them everything, even if they came illegally? Is that the kind of message we want to send?

Senator REID has said he is going to bring up last year's bill. He also indicated that after last year's bill is introduced and maybe a compromise would be reached. Maybe they would substitute this compromise as a new bill which we have never seen before, nor the words in it.

Let me tell my colleagues, an immigration bill is not an itty-bitty thing. An immigration bill consists of a lot of pages. A group of us, about 15 of us, wrote to the majority leader and asked that we have 7 days—I thought that was way too short—to read the bill. Isn't that pathetic? The immigration bill last year was 700-plus pages. Seven hundred pages. This never before seen compromise version may be longer. At least last year's bill came out of the Judiciary Committee, and we had a chance to argue over it in there, although the train ran right through the Judiciary Committee and it ran through—basically through the floor of the Senate. But we began to read it before it was over, and I remember making a speech down here, several speeches, pointing out 17 loopholes in that bill, fatal flaws in the legislation. But anyway, it passed, but the House refused to even consider it.

Based on what was in the New York Times and Rollcall or The Hill or one of the publications, the plan would then presumably be for Senator REID to bring up last year's bill, which is unthinkable, in my view. It was fatally flawed. We will stay on that bill for some time, and then perhaps they will plop on it a substitute and take out all or parts of last year's bill and substitute an entirely new bill, 600, 700 or 800 pages, and then we will vote on it. That will be good for the masters of the universe, you see, because when you do that, there would not be time for the American people or for Lou Dobbs or Rush Limbaugh to find out what is in it and to tell the American people what is in it so they can get mad about it. That is basically what it is about. They want to slide it through with the least possible time to discuss it. I think that is irresponsible. It is wrong.

We should spend plenty of time on this legislation. We should go to the American people with honesty and integrity and tell them: Some of the things you want to do, Mr. and Mrs. America, we can't do. We are not going to be able to make immigration come out exactly like you would want it or exactly like I would want it. We are going to have to reach a compromise, but we understand we have a commitment to you, and that commitment is to create a system that will work in the future.

But I am worried about it because from what I am hearing, the system seems to be moving in a way that is going to create an opportunity to vote on a completely unseen immigration bill—nobody has read it except a little group—and move it through this Senate. Now, remember, the bill that passed last year was a bad piece of legislation, but it did pass this Senate. People thought it would die in the House, and sure enough, it did die in the House and it was never considered. They wouldn't even look at it. But I am not sure that is going to happen this time.

So we may have this plan in the works, and it will work something akin to this: Well, we spend 2 or 3 days talking about immigration, burning time and filibustering, filing cloture on a motion to proceed, and we get on the bill for a day or two and then all of a sudden a new bill comes on and in a day or two, it is passed. Hardly anybody knows what is in it or has had a chance to read it. Then it goes to the House of Representatives, where the Democratic majority now has a 15 seat, 16 seat or so majority over there; some of the Republicans would clearly be in favor of whatever passed out of the Senate. They don't have any way to delay votes over there, so the bill could be brought up and passed, the same bill, without any amendment. That could happen. Then it goes to the President and he signs it and then we will find out 2, 3 or 4 years from now whether it works.

I don't think it is going to work. I am worried about it. I am worried about it. I am worried there is not a commitment among the executive branch to enforce the immigration laws.

Anybody who would like to be elected President—the new executive branch leader has a commitment to ensuring a lawful system of immigration. That is all the American people want. They are not saying they don't want any immigrants in America.

So I am saying this because I am concerned this is where we are headed. I think it is unhealthy for the Senate. If we do that, we would have failed in an august responsibility. This is the body that is supposed to let the passions cool, where Senators look over important issues, think them through, and then make a decision on them. Also, the delay and the slowdown that goes on in the Senate is helpful so the American people can be advised on what their representatives are actually doing. So I am worried about it, and Senator REID's strategy is frightening to me.

So let me repeat: I believe the framework that has been mentioned for the drafting of a comprehensive immigration reform bill actually has the potential to be successful. But based on my experience in the 10 years I have been in the Senate and the debate we have seen on immigration, I am inclined to believe they will have positive-sounding words on the headlines in big print, but the real language will not effectuate the promises they make or the goals they set. We could end up with no progress whatsoever. We could end up with amnesty and no enforcement in the future.

That is what happened in 1986. If you remember, in 1986, they said there are probably a million people in the country illegally. The system was not working. We had to do something, so we should grant amnesty to the people who came illegally, contrary to law, and then we would develop a new system in the future so that this would be the amnesty to end all amnesties. There would be no more amnesties. Well, 3 million people showed up to take advantage of it rather than 1 million people, and in the 20-plus years—21 years—since, we now have found in our country an estimated 12 million to 20 million people here illegally. So now we want to, I guess, give amnesty again on a promise that we will have a system that will work in the future. But the American people, you see, are cynical about it. They are not comfortable with us anymore on this subject, and frankly they are right to be cynical. Because there are a lot of special interests out there who are asking for what is in their interests but not what is in the national interests. It is time for us to consider what is in the national interests and do the right thing on immigration. I firmly believe we will do a better job of writing a bill that will work, a bill that will serve our national interests, that will create a lawful immigration system, if the American people know what is going on, because that is what they want.

The American people have been consistently right on this issue. Their instincts have been right consistently. Oh, there are some nutty folks out here who are mean spirited, there is no doubt about that, but they represent a very small number. The basic feeling of the American people is sound on immigration and has been. It is the Congress and the executive branches that have failed them for 50 years. We don't have to continue to fail the American people. We have a responsibility to make it work, and I am hopeful that in the discussions for the first time with Secretary Chertoff and Secretary Gutierrez helping behind the scenes to develop some plans that would actually work, we might even get this thing done. There is some possibility. I wouldn't have believed it, but now I am beginning to think it is possible.

But if at the last minute the special interest groups who seem to have dominated last year get their way, we would not be able to pass the bill we can be proud of. We would not pass a bill that will work, and we will be back in 10 years, 15 years, 20 years from now, dealing with another crisis.

So I will not go on anymore about it. I will mention what the framework, as I understood it, contained, that these PowerPoint presentations that were shown around and got leaked to the press, it has real improvement in border enforcement. We need that. That is essential. If you are serious about immigration, you want border enforcement. It set up as a goal a very effective job workplace enforcement, something that could actually work, using biometric identifying cards, helping the businesses and telling them exactly what they need to do so they can't be prosecuted or sued for doing something wrong. They are told exactly what to do and what will work. We can make the workplace cease to be the magnet for illegal jobs. That is very important, and it can be done. We need to deal compassionately and realistically with the people who are here illegally, but I don't believe that someone who broke the law in our country should be given every single benefit that we give to those who come lawfully. We will have to wrestle with that, and nobody is going to be happy, I am sure, with the way that comes out. That is the way it is with any big piece of legislation.

We need a genuine temporary seasonal worker program that is separate and apart from the program that would allow people to come into the country on a citizenship track. On the basic entry, citizenship entry into the United States, we need to be far more similar to Canada, which has a merit-based, skill-based system that evaluates applicants on what they bring to Canada: Do you speak English? Do you have an education? Do you have skills that Canada needs? It is a skill-based point system. It is objective and fair, and it serves the Canadian interests, and they are very happy with it. So is Australia, so is New Zealand, and I think the United Kingdom is also moving forward in this direction. A merit-based point system can actually be a framework for success. I understand that is being discussed. We do not need to promote such a framework, and then vote on a bill that doesn't create the merit-based point system when you read the fine print. That would be a failure.

So those are my concerns, and I will object with every ability I have, I will utilize every tool I have to ensure that whatever bill hits this floor, that Senators and the American people have time to evaluate it and an opportunity to know what is in it. But there are ways that this time and opportunity can be denied if the leadership is determined and can get the support. We could deny the American people that right, and it would be wrong to do so.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TORNADO IN GREENSBURG, KANSAS

Mr. BROWNBACK. Madam President, I just returned from Greensburg, KS, yesterday, where we had a horrific tornado hit late Friday evening. I want to share with my colleagues some of the damage assessments, some of the pictures of what has taken place, and some of the needs we have for this community. It is a community I have been to a number of times while serving in different positions in Kansas. It is a wonderful community, full of community spirit, with people who have been there for a number of years. They have a celebration around a hand-dug well that is kind of an unusual event. It is the world's largest hand-dug well. You can go to the bottom of it, and I have done that.

Greensburg is a community with a lot of spirit in the middle of the State and in the middle of our country. Now it is experiencing this tremendous devastation. The tornado covered 40 miles in 90 minutes. It was first spotted at 8:24 p.m. last Friday 3 miles south of Sitka, KS, in Clark County.

The tornado tracked through six counties: Comanche, Kiowa, Edwards, Stafford, Pratt, and Barton. At 9:45 p.m., the tornado demolished Greensburg before wrapping north and dissipating before 10 p.m. Fortunately, the National Weather Service and a weather man out of Dodge City spotted it and warned the community, and the community had about a 20-minute warning that a tornado was coming and that it was a big one.

When Greensburg was struck, the tornado's wind forces exceeded 205 miles per hour, falling into the highest category on the Enhanced Fujita Scale, EF–5. The size of the tornado was 1.7 miles in diameter, which, if you know anything about tornadoes, is enormous. Twelve people have died as a result of this storm cell. They found another two individuals yesterday.

When a tornado hits—and you will see pictures here—often the houses will blow up in the process because of the air pressure outside of the house that is much reduced from the air pressure in the house, and there will be a blowing up of the house, or the wind comes in and hits it. It can be destroyed by the wind.

Thirteen people are still in the hospital, with four of them in critical condition today. There was some good news on Sunday. We found a person still alive underneath the rubble.

Ninety percent of the town has been destroyed, from Greensburg to the Northeast, which was hit by multiple tornadoes that were spawned by the same supercell thunderstorm. It is an older community. More than 50 percent of the population is 45 years of age or older, and 25 percent of the population is 65 years of age or older. Primarily, the economic drivers of the community are farming and oil and gas production.

We will need substantial assistance. I want to show pictures from the wreckage I toured yesterday. I am pleased to note that the President is coming tomorrow. I was there yesterday with the Governor and several members of the congressional delegation. Senator ROBERTS was there on Saturday. It is devastating to see.

Here you see a structure left standing there, which is a grain elevator. That is really the only structure left standing in the town. The courthouse is standing, but its roof has been ripped off. It is amazing people can actually survive something like this. Most people have storm shelters or basements they can go into, and they did with the warning, and some called other people in the community. All of these trees were denuded in the area, and the whole place was ripped and torn into shreds in the county and in this particular community.

This is one of the main structures in the downtown area of Greensburg. All of the brick around it is damaged.

They were able to keep the Greensburg sign still posted in this picture. These were taken when the storm system was still in the area. There was a tornado the next day within a mile of Greensburg, from the same supercell system. It dumped 10, 12 inches of rain in northeast Kansas.

You can still see ominous-looking clouds in this photo. It was very dicey over the entire weekend.

This was one of the more stable houses that remains standing in the area. I went into a house that was somewhat like this, which was built almost 100 years ago. I talked with the owner. They were going to celebrate the 100-year anniversary for the house, which was built in 1908. He said, "We didn't quite make it." The house is going to be demolished now. It will not survive.

This is a view of some of the damage to vehicles. This is a blank landscape in the backdrop. I wanted to give some views of what has taken place in the community. It has been completely and utterly destroyed.

I would like to note that FEMA has been questioned by me and by a number of my colleagues. Prior to Katrina, it had done a lot of good work that people had respected and appreciated. They felt there was a good group on the job. But then Katrina happened and you looked and said: Where is the FEMA that I knew that would go in and respond in these situations? We are watching carefully to see how FEMA responds to our situation, to our devastation.

I am pleased to state—and I talked with a number of individuals in the community—they are meeting the needs. The needs of the community are being met. They are there on the grounds, being aggressive in dealing with it. The people appreciate they are there. We are going to watch and make sure all of their needs are met.

I will ask my colleagues for assistance as well. This is a small, older community. It lacks much in the way of resources. We need help in this particular situation. We are going to be pushing—Senator ROBERTS and I—for 100-percent coverage on public assistance and on matters such as debris removal and repair and rebuilding public facilities: city hall, fire stations, hospitals, water/wastewater, city powerplant, and gas and diesel generators. The community lacks the resources to meet these needs. We will look to remove the 25-percent local match for FEMA funds. The entire town and their economy was destroyed. There is no way Greensburg can come up with the match of funds that is necessary in this community.

I also want to try something innovative. This is a community in the High Plains. The New Homestead Act is a bill that Senator DORGAN from North Dakota and I have been pushing for some time. I have been a lead cosponsor. As I said, it is a bill called the New Homestead Act. We have had many communities drained in the High Plains, particularly in the Midwest, because of a consolidation in agriculture primarily, but also other features, to where we have had out-migration in huge areas. This is a county that has experienced a lot of out-migration. I would like to see us use Kiowa County—Greensburg is the county seat—as a pilot project for the New Homestead Act.

The biggest concern, once we complete cleanup, is getting the people and their businesses back up and going. Here is a chance for us, given the level of public commitment in place and the desire to rebuild this community, to try this New Homestead Act that can work as a magnet to attract people back into these communities that have had difficulty transitioning from an agricultural economy to something else. This bill is to encourage people to move to rural areas that have depopulated. This bill will help repay college tuition loans for people who move back into the community, help folks buy their first home and set up individual homestead accounts to help people save for the future. Also, this bill will help pump capital to Main Street America through a rural venture capital fund.

I think these are things we can look at and say let's try this here and let's see it work. Let's see what we can model off of to help many places in the High Plains that have experienced this depopulation. We will be pushing also for an enhanced USDA rural development package.

There has been a controversy coming up that I think is unfortunate. That has been the question about whether there has been enough equipment from the National Guard—the Kansas National Guard, on the ground in Greensburg to take care of this atrocity, this disaster, or has too much been diverted to the war on terrorism and in Iraq. Yesterday, I asked specifically the Kansas adjutant general—the head of the Kansas National Guard: Do you have enough equipment on the ground to take care of Greensburg? He said: Yes, we have enough equipment.

I made the point: If you don't, we are going to push Fort Riley and other places to come up with this equipment.

He said: No, we have enough equipment.

Unfortunately, this has grown into a bit of a controversy as to whether there is sufficient equipment or if too much has been diverted to Iraq. The specific statement by Kansas' head of the National Guard—the adjutant general—says there is sufficient equipment on the ground to meet this need. I think it is important that be stated and that be clear because these needs are existing, but they are being met and the equipment is there.

I want to make sure that we can respond. I want to note, finally, to anybody who is interested, fortunately, because of the nature of the country and generous people in the United States, they want to help. They want to know what they can do for the people of Greensburg.

There are three places that I suggest they look to contribute: the American Red Cross, Salvation Army, and the United Way of the Plains in Wichita, KS. Those three groups are ones that are receiving and funneling funds into Greensburg. Being a small community, it didn't have these sorts of organizations there. But these groups do work. Cash donations are being accepted. There is no current need for donations in-kind, but I hope people will look back and come back in the future and consider that on in-kind items. Those groups would be helpful. The United Way of the Plains established a Greensburg disaster fund to which people can contribute. I hope people will consider contributing to those three entities.

We have a number of different groups that are stepping up, including Pizza Huts through Kansas, which are donating 20 percent of their profits on Thursday, May 10, to go to this United Way of the Plains—the Greensburg disaster fund. I hope other groups will also do that so Greensburg can rebuild and renew itself and grow into the future. These are tough times for this community, but it is a resilient community.

It impresses me when you see horrific disasters such as this, just a complete devastation, and you talk to the people and they want to rebuild and dig out and they want to go on. That is the resilience of the human spirit in the face of a horrendous disaster, loss of life and property, and a loss of almost an entire community. The people there were talking about how to rebuild. It is beautiful to see that.

We mourn their losses. The people of Greensburg and Kansas are thankful for all the prayers people have given for that community, in all of their tragedy and difficulty. They will be back and they will rebuild and they will go forward and raise the next generation of families in Greensburg and Kiowa County.

The country is going to help out, and I think the country will help in a powerful, positive way, and we will celebrate as Greensburg comes back.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. REID. Madam President, today is a somber day in Nevada. Last night, a helicopter crashed in Austin, NV, killing all five crew members on board. It is believed the flight was from Fallon Naval Air Station.

Also yesterday, Nevada lost another soldier in Iraq—25-year-old SGT Coby Schwab—to an improvised explosive device.

Our State and our Nation mourn the loss of all six servicemembers who served with honor and courage. Our hearts and our prayers are with the families.

No one wants success in Iraq more than we in the Senate. I can think of no greater tribute we can pay to those six servicemembers and the more than 3,300 others who have lost their lives in Iraq than to reach a responsible and successful end to the war which has cost so much in so many different ways.

The Washington Post this morning ran an article entitled "The Cost of War, Unnoticed." It tells us that the war in Iraq is about to become the most expensive conflict in United States history, after World War II. But unlike World War II, which was fought all over the world—in faraway Japan, Africa, all the islands in the South Seas, all over Europe—the Iraq conflict is taking place in a country the size of the State of California.

Also unlike past wars, President Bush is putting the costs squarely on the shoulders of our children and grandchildren by financing it entirely through borrowing and raising the national debt.

Robert Hormats, a former Republican administration official, says:

> They tried to do this on the cheap and without a candid conversation with the American people about the cost. But the irony is the great wartime leaders have seen it in the opposite way.

From the beginning, President Bush has called this war a great challenge of our time. Yet his actions don't match his rhetoric. He has expected sacrifice from our troops now, but has pushed the sacrifice of American taxpayers years and years into the future and long past his term in office.

In 18 months, there will be a new election—18 months—to select a President. All Americans will continue to bear the financial burden of this war in the future, long past a new President assuming office. But right now, we are seeing the toll it is taking on our security at home.

In the wake of the tragic tornadoes that ripped through Kansas this past weekend, our National Guard did the best job it could there, a fantastic job, and we are grateful for their work, of course, but the toll of the war in Iraq crippled the ability of our National Guard to do the dangerous and heroic jobs they are charged with doing.

According to the Governor of Kansas, Kathleen Sebelius:

> Fifty percent of our trucks are gone. Our front loaders are gone. We are missing humvees that move people. We can't borrow them from other States because their equipment is gone. It's a huge issue for States across the country to respond to a disaster like this.

We can't expect our first responders to keep America safe if they don't have the supplies and the equipment to get the job done.

Our men and women in uniform, both active and in the Guard and Reserve, are bearing the bulk of the burden of this war. But we all pay a price, whether in death and injury to troops, or whether tremendous financial burden not yet fully realized, or whether in the inability of the Kansas National Guard to rescue and recover more quickly. That is why it is crucial and well past time to change course toward a successful and responsible end to the war.

We continue to negotiate with the White House and our Republican colleagues in Congress. We continue to stand firm in our belief that the time for a new direction has come. Even some of our Republican colleagues who have long supported the President on the war now seem to agree it can no longer be open-ended.

Yesterday my colleague Senator LOTT said:

> This fall we have to see some significant changes on the ground.

Over the weekend, House Minority Leader BOEHNER said:

> By the time we get to September or October, members are going to want to know how well this is working, and if it isn't, what's Plan B.

Just yesterday, my colleague Republican Leader MCCONNELL echoed Leader BOEHNER's sentiments.

> I am glad to hear them move to our view, to set their own timeline. But we can't wait until fall. We have to have a responsible plan B right now.

Plan B gradually reduces combat operations and refocuses our troops on protecting America's security throughout the world.

Our plan B begins to bring troops and equipment home, where they can protect American lives in Kansas and across the country.

Our plan B begins to reduce the financial burden that this war is weighing on our shoulders and the shoulders of future generations.

And our plan B puts the pressure on the Iraqi Government that will ultimately lead them to take responsibility for their own future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there will be no more votes today. The managers are working to try to come up with a package that can be accepted. As I have indicated, the time on postcloture will run out sometime tonight about 10 or 11 o'clock. We hope it is not necessary to run the clock that long, but we are going to finish this bill in the morning, and we will see how many votes we have. We will try to be aware of people's schedules, but the Senate itself has a schedule we have to deal with. So we are going to do our best to finish this bill tomorrow and move on to other business.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1335 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

TRIBUTE TO SUSAN GORDON

Mr. ISAKSON. Mr. President, I will address the Senate as in morning business for a few minutes on two points of great personal privilege for me.

The first is, I read last week of the retirement of Susan Gordon, executive secretary and office manager of the Office of Legislative Counsel in the Georgia General Assembly. That might seem an odd thing for me to come to the Senate floor and talk about, but for me Susan is emblematic of all of the people who make us look good in this job of public service.

For 31 years, she served the people of Georgia and the Office of Legislative Counsel for the Georgia General Assembly. In my 17 years in that assembly, I can think of hundreds of times where Susan stayed late or went the extra mile to see to it that legislation was drafted, perfected, and got to the floor within the constraints of the general assembly. She never played Republicans over Democrats or Democrats over Republicans, and she loves the State of Georgia.

When I learned of Susan's retirement, it only seemed appropriate for me to memorialize on the Senate floor to her my appreciation for all she has done for me, and countless other legislators who have gone before me in Georgia would say precisely the same thing.

I say for all those others who work in our offices, in legislative counsel, and in the departments of government, the unsung heroes of this great thing we call democracy and public service, to all the "Susan Gordons," thank you very much.

In particular, I thank the Susan Gordon I know in Atlanta, GA. I memorialize my thanks and appreciation for her 31 great years of service to me and the people of Georgia.

BIRTH OF CECILIA GAY MITCHELL

Mr. President, on a second point of personal privilege, at 4:33 p.m. on Sunday afternoon, my daughter, Julie, gave birth to Cecilia Gay Mitchell, my seventh grandchild.

With Mother's Day coming up on Sunday, I was struck while on the plane flying here on Monday by the generations of people before us, what they have done and the importance of family and the importance of motherhood.

You see, Gay is a family name on my wife's side: My wife's great-grandmother Gay Deam, my wife's mother Gay Davison, my wife Dianne Gay, my daughter Julie Gay, and now Cecilia Gay—a fifth generation of Gays, all ladies, all but one a mother, all close and treasured by me.

I will never claim to be the equal of ROBERT BYRD in terms of his great Mother's Day speech, which I think we will all hear on Friday, but for me on the celebratory day where I celebrate the birth of a seventh grandchild and the fifth-generation Gay in our family and the Davison family and the Isakson family, I pay tribute to my daughter Julie, her husband Jay, and my expression of thanks to them on behalf of Dianne and me for the greatest present that could ever be given to a parent—that is the gift of a grandchild, especially a fifth-generation Gay.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, in the coming weeks the Senate will again consider legislation to reform our broken immigration system. The Presiding Officer has been personally and deeply involved in this issue since coming to the Senate. I thank him for his leadership.

I think we all understand the challenge is substantial. If we want to solve the problem, we need a comprehensive approach that is tough but fair. We should improve border security by increasing manpower and deploying new technology. We should enforce the law against employers who are hiring millions of undocumented workers. And we need a realistic, honest approach to the 12 million undocumented immigrants who live and work in our country illegally.

Most importantly, we must ensure that immigration reform legislation protects the American economy and American workers as well.

I am concerned about the H–1B visa program as it is currently structured. I am afraid it is being abused by foreign companies to deprive qualified Americans of good jobs.

To address this problem, Senator GRASSLEY and I have introduced S. 1035, the H–1B and L–1 Visa Fraud Abuse Prevention Act of 2007. This is a bipartisan bill. It would overhaul the H–1B and L–1 visa programs to protect American workers and crack down on unscrupulous employers.

The H–1B visa program was designed to allow employers to attract and hire high-skilled foreign workers with specialized knowledge. H–1B visas are probably best known for their use in technology to import computer engineers and programmers.

I can't tell you how many leaders in industry, including one this afternoon, come into my office and say: We absolutely need H–1B visas. We can't find enough people with specialized education for our businesses. If you won't allow us to bring these workers in from overseas, we are going to be facing the possibility of taking our production facilities overseas where they live.

It is a compelling argument. I understand it on its face. But let me explain some of the problems with the current system and why Senator GRASSLEY and I believe the system needs to be changed.

Supporters claim the goal of the H-1B program is to help the American economy by allowing U.S. companies to hire needed foreign workers. The reality is that H–1B visas are being used to facilitate the outsourcing of American jobs to other countries. It seems counterintuitive that a visa that allows people to come into the United States could lead to jobs being outsourced overseas, but when you hear my illustrations, you will understand the conclusion.

A recent expose in the International Herald Tribune disclosed that 8 of the top 10 H–1B visa applicants last year were outsourcing firms with major operations in one country—India. So in many cases it wasn't the American high tech company using the H–1B visa that was given this opportunity but, rather, a firm, more likely in India than any other country, that was given the authority to use H–1B visas to send workers into the United States. The Herald Tribune concluded:

> As Indian outsourcing companies have become the leading consumers of the [H–1B] visa, they have used to it further their primary mission, which is to gain the expertise necessary to take on critical tasks performed by companies in the United States and perform them in India at a fraction of the cost.

According to this report, the Indian Government has been lobbying hard for the United States Government to increase the number of H–1B visas. Kamal Nath, the Indian Commerce Minister, was very blunt when he said recently that the H–1B visa "has become the outsourcing visa." He concluded:

> If at one point you had X amount of outsourcing and now you have a much higher quantum of outsourcing, you need that many more visas.

That is a very candid statement by this commerce minister in India. It should give us pause as we think about this program, what it was designed to do and what it is actually doing.

In other words, the Indian Government wants more H–1B visas so Indian companies can outsource more American jobs to India.

Let me be clear. India is a valuable American partner in commerce, diplomacy, and many other endeavors. Indians who have come to the United States have made immeasurable contributions to the benefit of our country in so many ways. I trust them as great friends. But some in India today understand that we have a weakness in our visa system and are using it for their own economic advantage.

It is not surprising the Indian Government is advocating on behalf of Indian companies. The American Government should advocate on behalf of American companies. I don't criticize the Indian Government for doing that. But we should expect the same from our Government for our workers. We need to stand up to make sure American workers don't lose their jobs to outsourcing because of H–1B visas.

H–1B supporters claim we need more H–1B visas to stop American jobs from being outsourced. That was the logic behind H–1B visas. It appears the opposite is true. Under the current system, more H–1B visas will mean more outsourcing.

Let me give an example. Indian outsourcing company Wipro was No. 2 on the list of top applicants for H–1B visas in the year 2006. Wipro has more than 4,000 employees in the United States, and approximately 2,500 of them are here on H–1B visas. It is pretty clear that when it comes to Wipro's American operation, the majority of the workers are here on H–1B visas. Every year Wipro brings 1,000 new temporary workers here from India, while they send another 1,000 U.S. trained workers back to India. This is essentially an outsourcing factory.

Here is what the Herald Tribune concluded:

> Rather than building a thriving community of experts and innovators in the United States, the Indian firms seek to funnel work—and expertise—away from the country.

It is hard to believe, but it is perfectly legal to use the H–1B visa program for outsourcing. A foreign outsourcing company with a U.S. office can use H–1B visas to import workers from their home country, train the workers in the United States, and then outsource them back to their home country to populate businesses competing with the United States. They are not required to make any efforts to recruit American workers for these jobs. In fact, they can explicitly discriminate against American workers who apply for the same jobs by recruiting and hiring only workers from their home country.

Here is what the Labor Department says about the current law:

> H–1B workers may be hired even when a qualified U.S. worker wants the job, and a U.S. worker can be displaced from the job in favor of a foreign worker.

Is that what we had in mind with H–1B visas? That certainly wasn't the way it was explained to me. In fact, under current law, only employers who employ H–1B visa holders as a large percentage of their U.S. workforce are required to attempt to recruit American workers before bringing in foreign workers.

Senator GRASSLEY and I have taken a look at this system. We both reject the notion that what is wrong with the H–1B program is that we need more visas. We have to look at the system that generates these visas and the way they are used. The legislation we have introduced would overhaul the H–1B program, protecting American workers first, and stopping H–1Bs from being exploited as outsourcing visas.

Here are the highlights. First and foremost, we would require all employers who want to hire an H–1B worker to attempt to hire an American worker first. Employers would also be prohibited from using H–1B visas to displace American workers. You can't fire an American and turn around and appeal to our Government for an H–1B visa to bring someone in from overseas to replace that worker.

This is an important principle. We have to make it clear that companies doing business in the United States have to give first priority to American workers.

Our bill would require that before an employer may hire an H–1B worker, the employer must first advertise the job opening to American workers for 30 days on the Department of Labor Web site.

Some companies that abuse the H–1B visa program are so brazen, they say "no Americans need apply" in their job advertisements. Hundreds of such ads have been posted on line. They say things such as "H–1B visa holders only" or "we require candidates for H–1B from India."

Is that what we have in mind, to create this perverse discrimination against American workers? That isn't the way it was explained to me. Our H–1B reform bill would prohibit this blatant discriminatory practice.

There is another serious problem with the H–1B visa program. Federal oversight is virtually nonexistent. Under current law there are many roadblocks to effective Government enforcement. For example, the Department of Labor does not have the authority to open an investigation of an employer suspected of abusing the H–1B program unless the Department receives a formal complaint, even if the employer's application is clearly fraudulent. Even if there is a complaint, the Labor Secretary—and this is something that is almost unique in our law—must personally authorize the opening of an investigation.

These restrictions in the law are aggravated by lax Government enforcement. According to the Department of Homeland Security's own Inspector General, Homeland Security has violated the law by approving thousands of H–1B applications in excess of the annual cap of 65,000. The Government Accountability Office found that the Labor Department approves over 99.5 percent of H–1B petitions it receives, including those that on their face clearly violate the law.

There is virtually no Government oversight of potential abuse in this system. The Labor Department's inspector general has concluded that the H–1B program is "highly susceptible to fraud." Remember, this program was designed to help the American economy, to help create jobs and prosperity in our country. Our Government is not even watching it closely to make sure that fraud isn't being perpetrated.

The bill Senator GRASSLEY and I are proposing would give the Government more authority to conduct employer investigations and streamline the investigative process. Currently, the Labor Department is only authorized to review applications for "completeness and obvious inaccuracies." Our bill would give the Labor Department more authority to review employers' H–1B applications for "clear indicators of fraud or misrepresentation of material fact."

Our bill would authorize the Labor Department to conduct random audits of any company that uses the H-1B program and require the Department of Labor to conduct annual audits of companies that employ large numbers of H-1B workers. We would also increase the penalties for companies that violate H-1B visa rules and authorize the hiring of 200 additional Government investigators to oversee and enforce the H-1B program.

Last month, the government began accepting H-1B visa petitions for Fiscal Year 2008. In the first 24 hours, the government received 150,000 petitions for 65,000 slots, supposedly for the whole year. Based on last year's statistics, it is likely that the top petitioners for visas were companies from India. They understand the system. They understand how to make this profitable. But this is not the way it has been described to most Members of Congress. It certainly isn't consistent with our intent.

There is another program I wish to mention, the L-1 visa. The L-1 visa allows companies to transfer certain employees from foreign facilities to the United States for up to 7 years.

Experts have concluded that some employers use the L-1 program to evade restrictions on the H-1B program, because the L-1 program doesn't have an annual cap and doesn't include even minimal protections for American workers. As a result, efforts to reform the H-1B program are unlikely to succeed if the L-1 program is not overhauled at the same time.

The bill Senator GRASSLEY and I have prepared would reform the L-1 program. We would establish for the first time whistleblower protections for those who call attention to employer abuses of L-1 programs, and for the first time we would authorize the Government to investigate and audit L-1 employers suspected of violating the law.

Before we are persuaded to increase the number of H-1B visas, we have to reform the program to protect American workers first and to stop H-1Bs from being used as outsourcing visas that send jobs and business away from America. That is what our bill would do, and that is what Senator GRASSLEY and I will be pushing for as the Senate considers comprehensive immigration reform legislation.

I know this immigration debate is contentious, controversial, and some think it is politically dangerous, but it is long overdue. The current immigration system in America has failed us.

We now have upwards of 800,000 undocumented immigrants who come across the borders each year. That has to change. We have to reach a point where we have control of our borders. Some of the measures that have been suggested during the course of the debate I think are extreme. We don't have to move in that direction.

I recently met with Senators from Mexico who were visiting the Capital last week and encouraged them to join with us in a joint effort between the United States and Mexico to police the border, to try to make sure there is less exploitation of people who are coming across for jobs or for moving drugs or contraband—whatever the reason may be. I think more cooperation would go a long way between our two countries.

We also need to be sensitive and cognizant of the burden facing many employers in this country. If someone presents themselves, in downstate Illinois in a meat-packing plant, with a name and a Social Security number and a local address, what is the responsibility of the employer today? It certainly isn't to launch a full-scale investigation. If the papers presented to that employer appear to be legal on their face, most employers will hire the person. They may learn later on that the documents were fraudulent.

How can we change that system? I think we need to move toward some form of identification that is reliable so the person carrying the card who is here in a legal and temporary employment status can prove their identity to the employer, so that the system is able to police itself more.

We also need to deal with the reality of 12 million undocumented people currently here. I know all about these folks because almost 90 percent of our casework in our Senate office deals with immigration. I have met many of them and their families. We need to find a fair way to hold them accountable, to make certain that over a period of time they can earn their way into legal status. They have to have a job and no criminal record; they have to pay a fine, pay their taxes, learn English, whatever it takes, to make sure that over a period of time, it is clear they have every intention to be a citizen of this country, and a good one. In that way, they can earn their way, over many years, into a position of citizenship or permanent legal status.

This country is great because of the immigrants who came here. My mother was one of them. I am very proud of that fact and happy to serve in a State that would elect me and in a State that has so many immigrants who can tell the same story I have to tell.

I think the immigrant spirit is something that has made America a unique country. I think of people who, in their foreign lands, get up one day and say: We are not going to take it anymore. We are coming to America. We have a better chance. That is the kind of get-up-and-go we like to see that has made this a much better country.

I think we can capture that spirit in real, comprehensive immigration reform and avoid abuses such as those I have just described with the H-1B program and at the end of the day have a program and a law supported by both political parties that will really move us forward as a Nation.

Mr. DURBIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTOMOBILE SENSOR DEVICE

Mr. NELSON of Florida. Mr. President, in the month of April, 16 children in this country have been backed over and killed by an automobile backing out of the driveway. Each of us can visualize what I am saying right now because we have a car in the garage or in our home driveway, we walk around to make sure there are no obstructions and then get into our car, and we really don't know that a small child may, in fact, have gotten in the way.

Last year, over 200 children in this country—in the United States alone—over 200 children were killed by these kinds of accidents. Last month, of the 16 who were killed nationwide, 3 of them were in Florida. I have had come to me moms and dads who have agonized and who have gone through the grieving of losing a child. A couple from Boca Raton, FL, who have spurred a national effort, came to me. Their child was only 5 feet in front of the mom, and out backs a car as they are walking down the sidewalk and it was too late; that child is gone.

It is so easily fixable with our technology. If you rent an Avis rent-a-car and it is a high-end car, it already has a built-in device that has a sensor in the back. Higher end automobiles such as the Lexus have a television screen with a little camera mounted in the rear. The sensor emits a beep, and the frequency of the beep increases as you get closer and closer to an object. It is estimated that such a device may cost in the range of $50.

So the question is, Are we going to encourage the automobile manufacturers to include this to stop these kinds of needless deaths? Increasingly, the Members of the Senate are going to hear from moms and dads who have gone through the grief of losing a child that could have been prevented. So it is my hope we will get some action.

I now bring to the attention of the Senate that it is my understanding this is getting ready to be put on the consent calendar in the House of Representatives, and it is my understanding we would consider this under unanimous consent here in the Senate, and we could then save some children's lives; otherwise, their parents will grieve forever.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE

Mr. BROWN. Mr. President, our trade policy is fundamentally flawed. Years of wrongheaded trade pacts have sent millions of jobs overseas and have devastated far too many of our communities and have opened our Nation to new and serious homeland security concerns.

When we open our borders to trade, as we should, we open them to national security threats. Congress must assure the American people that we have done everything within our power to protect their safety, health, and welfare while promoting trade.

It is estimated that less than 10 percent of foreign cargo is inspected before entering our country—only 10 percent.

We must both ensure our ports are operating securely and with clear lines of accountability—unlike the deal to transfer ownership of six U.S. ports to a State-owned company controlled by the United Arab Emirates that this administration approved about a year ago.

The decision to allow a UAE-controlled company had significant national security implications, including warnings that the UAE was a financial and travel outlet for known terrorists. It took leaders of both political parties, here and in the House of Representatives, to call attention to this enormous blunder.

Something else may be happening. This administration has recently signed a free-trade deal with South Korea and will soon ask this Congress to approve it under fast track, or trade promotion authority. One of the major goals South Korea sought in these negotiations was securing special treatment for products made in the Kaesong Industrial Complex, located in North Korea.

In Kaesong, South Korea, companies employ more than 11,000 North Korean workers. South Korea intends to expand the complex over the next few years and will employ close to 70,000—70,000—North Koreans by the end of this year, according to a Congressional Research Service report. U.S. negotiators had vehemently opposed including the Kaesong complex in the trade deal. But then, in a rush to sign a deal, our trade negotiators backed off—as they too often do when it comes to representing our national interests—and allowed room for future negotiations on the Kaesong complex.

This is a dangerous precedent, and it opens this agreement to a series of national security questions:

How much income, for example, does this Kaesong complex currently provide the North Korean Government? How much income can we anticipate it providing North Korea under its expansion plans? How are these North Korean workers treated? Under a fair trade agreement, would our government's actions be no different than the repressive North Korean Government?

Free-trade agreements, as currently written, live well beyond political administrations. We can't predict the future decisions and intentions of the South Korean Government, nor any other trading partners. As national security concerns continue to accompany efforts to promote trade, Congress must take proactive steps to ensure our homeland security needs are secured every bit as much as our economic well-being.

Last week, Senator DORGAN of North Dakota and I introduced the Trade-Related American National Security Enhancement and Accountability—TRANSEA—Act. This act requires the Office of U.S. Trade Representative, in collaboration with the Department of State, the Department of Justice, the Department of Homeland Security, and the Department of Agriculture to submit a report to Congress detailing the national security considerations of proposed trade agreements prior to commencing negotiations and the trade agreement again after concluding the trade negotiations.

The bill also requires future trade agreements negotiated by the administration to include a national security waiver that allows the President to suspend any terms of the agreement should it be required in the interests of United States national security.

Lastly, as a final safeguard, the legislation creates a new Congressional Executive Commission on Trade Security, which requires the appointment of Commissioners by both political parties in both Chambers of this Congress. The Commissioners will be charged with annually certifying that the terms of the free-trade agreement do not pose a threat to U.S. national security interests.

Should the Commission find that compliance with the agreement would pose a threat, the President would be obligated to exercise his or her waiver to the extent necessary to ensure the safety and security of the United States.

In a post-9/11 world, U.S. economic policy can no longer be simply viewed in a vacuum of bottom lines and profit margins. Homeland Security Secretary Michael Chertoff said in 2006:

> We have to balance the paramount urgency of security against the fact that we still want to have a robust global trading system.

It is the responsibility of our Government to ensure that while opening markets for our exporters—again, as we should—our first priority remains the safety and the security of the American people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I, first, thank Senator ENZI, the distinguished Senator from Wyoming, for his terrific work, both as the ranking member of the Health, Education, Labor and Pension Committee, but more precisely today and yesterday for the work he has done on this legislation in working out agreements on a set of very complicated issues.

His staff has been terrific in explaining some of the more archaic parts of this legislation, and I am very appreciative. I know Senator KENNEDY is very appreciative, and I know Members on both sides of the aisle are as well. So I thank him for his leadership and his reasonableness in helping us to move forward in a particularly important way on this very important bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that it be in order for the Senate to consider, en bloc, the following list of amendments that has been cleared by both managers; that the amendments, as modified, if modified, be considered and agreed to, the motions to reconsider be laid upon the table:

Amendments Nos. 985, 1011, 1009, 1026, 987, 1006, 1005, 1004, 1041, 1019, 1053, 1050, 1049, 1047 and 1056; and that amendments Nos. 983 and 988 be withdrawn; that a colloquy between Senators GREGG and KENNEDY be entered into the CONGRESSIONAL RECORD and then amendment No. 993 be withdrawn; further that any statements relating to amendments in this agreement be inserted in the RECORD; that when the Senate resumes consideration of S. 1082 tomorrow, Wednesday, May 9, the only amendments remaining in order be the following:

Grassley amendment No. 1039, a Grassley amendment No. 998, and a Durbin amendment No. 1034; that at the close of morning business, the Senate resume S. 1082, and there be a total of 60 minutes of debate remaining, to run concurrently on the bill and remaining amendments; with 10 minutes under the control of Senator GRASSLEY or his designee; 5 minutes under the control of Senator DURBIN or his designee; and the remaining time equally divided and controlled between the chairman and ranking member or their designees: that upon the use or yielding back of that time, there be 2 minutes of debate equally divided and controlled prior to a vote in relation to the Grassley amendment No. 1039; that upon disposition of that amendment, there be 2 minutes of debate prior to a vote in relation to the Grassley amendment No. 998; that upon disposition of that amendment, there be 2 minutes of debate prior to a vote in relation to the Durbin amendment No. 1034; that upon disposition of that amendment, the committee substitute, as modified and amended, be agreed to, and the motion to reconsider be laid upon the table; the bill be read for a third time; the Senate proceed to vote on passage of the bill; with the above occurring without further intervening action or debate; that upon passage the motion to reconsider be laid upon the table, and the title amendment, which is at the desk, be agreed to and the motion to reconsider be laid upon the table; further, that the cloture motion on the bill be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 985, AS MODIFIED

At the appropriate place, insert the following:

SEC. . PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

"SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

"(a) DEFINITIONS.—In this section:

"(1) AIDS.—The term 'AIDS' means the acquired immune deficiency syndrome.

"(2) AIDS DRUG.—The term 'AIDS drug' means a drug indicated for treating HIV.

"(3) HIV.—The term 'HIV' means the human immunodeficiency virus, the pathogen that causes AIDS.

"(4) NEGLECTED OR TROPICAL DISEASE.—The term 'neglected or tropical disease' means—

"(A) HIV, malaria, tuberculosis, and related diseases; or

"(B) any other infectious disease that disproportionately affects poor and marginalized populations, including those diseases targeted by the Special Programme for Research and Training in Tropical Diseases cosponsored by the United Nations Development Program, UNICEF, the World Bank, and the World Health Organization.

"(5) PRIORITY REVIEW.—The term 'priority review', with respect to a new drug application described in paragraph (6), means review and action by the Secretary on such application not later than 180 days after receipt by the Secretary of such application, pursuant to the Manual of Policies and Procedures of the Food and Drug Administration.

"(6) PRIORITY REVIEW VOUCHER.—The term 'priority review voucher' means a voucher issued by the Secretary to the sponsor of a tropical disease product that entitles such sponsor, or a person described under subsection (b)(2), to priority review of a new drug application submitted under section 505(b)(1) after the date of approval of the tropical disease product.

"(7) TROPICAL DISEASE PRODUCT.—The term 'tropical disease product' means a product that—

"(A) is a new drug, antibiotic drug, biological product, vaccine, device, diagnostic, or other tool for treatment of a neglected or tropical disease; and

"(B) is approved by the Secretary for use in the treatment of a neglected or tropical disease.

"(b) PRIORITY REVIEW VOUCHER.—

"(1) IN GENERAL.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product upon approval by the Secretary of such tropical disease product.

"(2) TRANSFERABILITY.—The sponsor of a tropical disease product that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a new drug for which an application under section 505(b)(1) will be submitted after the date of the approval of the tropical disease product.

"(3) LIMITATION.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product was approved by the Secretary prior to the date of enactment of this section.

"(c) PRIORITY REVIEW USER FEE.—

"(1) IN GENERAL.—The Secretary shall establish a user fee program under which a sponsor of a drug that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

"(2) FEE AMOUNT.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the anticipated costs to the Secretary of implementing this section.

"(3) ANNUAL FEE SETTING.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

"(4) PAYMENT.—

"(A) IN GENERAL.—The fee required by this subsection shall be due upon the filing of the new drug application under section 505(b)(1) for which the voucher is used.

"(B) COMPLETE APPLICATION.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection is not included in such application.

"(5) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

"(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.".

AMENDMENT NO. 1011, AS MODIFIED

At the appropriate place, insert the following:

SEC. . CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

"(s) CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.—

"(1) IN GENERAL.—

"(A) NO DELAY OF CONSIDERATION OR APPROVAL.—

"(i) IN GENERAL.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

"(ii) NO DELAY OF CONSIDERATION OR APPROVAL.—Except as provided in clause (iii), the receipt and consideration of a petition described in clause (i) shall not delay consideration or approval of an application submitted under subsection (b)(2) or (j).

"(iii) NO DELAY OF APPROVAL WITHOUT DETERMINATION.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 25 business days after the submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

"(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(2) TIMING OF FINAL AGENCY ACTION ON PETITIONS.—

"(A) IN GENERAL.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

"(B) DETERMINATION OF DELAY.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

"(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

"(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

"(3) VERIFICATIONS.—

"(A) PETITIONS FOR REVIEW.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about   . I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: ______________. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

"(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents; and (b) the information upon which I have based the action requested herein first became known to me on or about ________________. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: _________. I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

"(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

"(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

"(B) the number of petitions that were submitted during such period;

"(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

"(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

"(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

"(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

"(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request for an action described in paragraph (1)(A)(i) to the Secretary, without regard to whether the request is characterized as a petition.".

AMENDMENT NO. 1009, AS MODIFIED

At the end of title II, insert the following:

Subtitle —Antibiotic Access and Innovation

SEC. 2 . INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

"(s) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

"(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

"(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

"(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

"(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

"(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

"(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

"(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

"(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

"(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

"(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

"(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

"(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

"(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

"(3) LIMITATIONS.—

"(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

"(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of enactment of this subsection.

"(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).".

(b) TRANSITION RULE.—With respect to a patent issued on or before the date of enactment of this Act, any patent information required to be filed with the Secretary under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a drug to which subsection (s)(1) of such section 505 (as added by this section) applies shall be filed with such Secretary not later than 60 days after the date of enactment of this Act.

SEC. 2___. ANTIBIOTICS AS ORPHAN PRODUCTS.

(a) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting and, if appropriate, issue guidance, regarding which serious and life-threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under subsection (a) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(b) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated—

"(1) such sums as already have been appropriated for fiscal year 2007; and

"(2) $35,000,000 for each of fiscal years 2008 through 2012.".

SEC. 2___. IDENTIFICATION OF CLINICALLY SUSCEPTIBLE CONCENTRATIONS OF ANTIMICROBIALS.

(a) DEFINITION.—In this section, the term "clinically susceptible concentrations" means specific values which characterize bacteria as clinically susceptible, intermediate, or resistant to the drug (or drugs) tested.

(b) IDENTIFICATION.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), through the Commissioner of Food and Drugs, shall identify and periodically update clinically susceptible concentrations.

(c) Public Availability.—The Secretary, through the Commissioner of Food and Drugs, shall make such clinically susceptible concentrations publicly available within 30 days of the date of identification and any update under this section.

(d) Effect.—Nothing in this section shall be construed to restrict, in any manner, the prescribing of antibiotics by physicians, or to limit the practice of medicine, including for diseases such as Lyme and tick-borne diseases.

SEC. 2 . EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S. C. 355), as amended by this subtitle, is amended by adding at the end the following:

"(t) Certain Drugs Containing Single Enantiomers.—

"(1) In general.—For purposes of subsections (c)(3)(E)(ii) and (j)(5)(F)(ii), if an application is submitted under subsection (b) for a non-racemic drug containing as an active ingredient a single enantiomer that is contained in a racemic drug approved in another application under subsection (b), the applicant may, in the application for such non-racemic drug, elect to have the single enantiomer not be considered the same active ingredient as that contained in the approved racemic drug, if—

"(A)(i) the single enantiomer has not been previously approved except in the approved racemic drug; and

"(ii) the application submitted under subsection (b) for such non-racemic drug—

"(I) includes full reports of new clinical investigations (other than bioavailability studies)—

"(aa) necessary for the approval of the application under subsections (c) and (d); and

"(bb) conducted or sponsored by the applicant; and

"(II) does not rely on any investigations that are part of an application submitted under subsection (b) for approval of the approved racemic drug; and

"(B) the application submitted under subsection (b) for such non-racemic drug is not submitted for approval of a condition of use—

"(i) in a therapeutic category in which the approved racemic drug has been approved; or

"(ii) for which any other enantiomer of the racemic drug has been approved.

"(2) Limitation.—

"(A) No approval in certain therapeutic categories.—Until the date that is 10 years after the date of approval of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph, the Secretary shall not approve such non-racemic drug for any condition of use in the therapeutic category in which the racemic drug has been approved.

"(B) Labeling.—If applicable, the labeling of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph shall include a statement that the non-racemic drug is not approved, and has not been shown to be safe and effective, for any condition of use of the racemic drug.

"(3) Definition.—

"(A) In general.—For purposes of this subsection, the term 'therapeutic category' means a therapeutic category identified in the list developed by the United States Pharmacopeia pursuant to section 1860D–4(b)(3)(C)(ii) of the Social Security Act and as in effect on the date of enactment of this subsection.

"(B) Publication by secretary.—The Secretary shall publish the list described in subparagraph (A) and may amend such list by regulation.

"(4) Availability.—The election referred to in paragraph (1) may be made only in an application that is submitted to the Secretary after the date of enactment of this subsection and before October 1, 2012.".

SEC. 2 . REPORT.

Not later than January 1, 2012, the Comptroller General of the United States shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that examines whether and how this subtitle has—

(1) encouraged the development of new antibiotics and other drugs; and

(2) prevented or delayed timely generic drug entry into the market.

AMENDMENT NO. 1026, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. PUBLICATION OF ANNUAL REPORTS.

(a) In General.—The Commissioner on Food and Drugs shall annually submit to Congress and publish on the Internet website of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003" as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study based on a comparison with equivalent products manufactured, distributed, or sold in the U.S. (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003";

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) Initial Reports.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) Memorandum of Understanding.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, the Department of Commerce, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

AMENDMENT NO. 987, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. HEAD START ACT AMENDMENT IMPOSING PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by adding at the end the following:

"SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

"(a) In General.—A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

"(b) Definition.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

"(2) requires incision or is otherwise invasive, or involves exposure of private body parts.".

"(c) Rule of construction.—Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

AMENDMENT NO. 1006, AS MODIFIED

Strike section 505(o)(6)(C)(i) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and insert the following:

"(i) health care providers who prescribe the drug have particular training or experience, or are specially certified (which training or certification with respect to the drug shall be available to any willing provider from a frontier area in a widely available training or certification method (including an on-line course or via mail) as approved by the Secretary at minimal cost to the provider);".

Add at the end of section 505(o)(6)(F) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, the following: "The Secretary shall promulgate regulations for how a physician may provide the drug under the mechanisms of section 561.".

AMENDMENT NO. 1005, AS MODIFIED

At the appropriate place, insert the following:

SEC. . SAFETY OF FOOD ADDITIVES.

Not later than 90 days after the date of enactment of this Act, the Food and Drug Administration shall issue a report on the question of whether substances used to preserve the appearance of fresh meat may create any health risks, or mislead consumers.

AMENDMENT NO. 1004, AS MODIFIED

At the end of the bill, add the following:

TITLE ___—DOMESTIC PET TURTLE MARKET ACCESS

SEC. . SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Market Access Act of 2007".

SEC. . FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the

United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that also carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regimen that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. . SALE OF BABY TURTLES.

Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, wholesaler, or commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which such farmer is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependant upon using the Siebeling method, or other such proven non-antibiotic method, to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon it outside, as the turtle may become an invasive species to the local community, but should instead return them to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

SEC. ___. FDA REVIEW OF STATE PROTECTIONS.

The Commissioner of Food and Drugs may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines that the actual implementation of State health protections described in this title are insufficient to protect consumers against infectious diseases acquired from such turtle at the time of sale.

AMENDMENT NO. 1041, AS MODIFIED

At the appropriate place, insert the following:

SEC. . IMPROVING GENETIC TEST SAFETY AND QUALITY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study to assess the overall safety and quality of genetic tests and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetic Testing and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

AMENDMENT NO. 1019

(Purpose: To express the sense of the Senate concerning orphan disease treatment in children)

At the appropriate place, insert the following:

SEC. . ORPHAN DISEASE TREATMENT IN CHILDREN.

(a) FINDING.—The Senate finds that parents of children suffering from rare genetic diseases known as orphan diseases face multiple obstacles in obtaining safe and effective treatment for their children due mainly to the fact that many Food and Drug Administration-approved drugs used in the treatment of orphan diseases in children may not be approved for pediatric indications.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Food and Drug Administration should enter into a contract with the Institute of Medicine for the conduct of a study concerning measures that may be taken to improve the likelihood that Food and Drug Administration-approved drugs that are safe and effective in treating children with orphan diseases are made available and affordable for pediatric indications.

AMENDMENT NO. 1053

(Purpose: To modify provisions related to pediatric testing and medical products)

On page 226, line 4, strike "later" and insert "if the determination made under subsection (d)(3) is made less".

On page 228, line 3, strike "later" and insert "if the determination made under subsection (d)(3) is made less".

On page 233, line 12, insert ", such as expertise in child and adolescent psychiatry," after "expertise".

On page 233, line 15, strike "including" and insert "which may include".

On page 233, between lines 18 and 19, insert the following:

"(C) ACTION BY COMMITTEE.—The committee established under this paragraph may perform a function under this section using appropriate members of the committee under subparagraph (B) and need not convene all members of the committee under subparagraph (B) in order to perform a function under this section.

"(D) DOCUMENTATION OF COMMITTEE ACTION.—The committee established under this paragraph shall document for each function under paragraphs (2) and (3), which members of the committee participated in such function.

On page 234, line 1, strike "determine" and insert "make a recommendation to the Secretary".

On page 235, line 2, strike "and".

On page 235, line 6, strike ".";" and insert "; and"

On page 235, between lines 6 and 7, insert the following:

"(H) the number of times the committee established under paragraph (1) made a recommendation to the Secretary under paragraph (3), the number of times the Secretary did not follow such a recommendation to accept reports under subsection (d)(3), and the number of times the Secretary did not follow such a recommendation to reject such reports under section (d)(3).

"(5) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505B(f)(1).";

On page 260, lines 17 through 19, strike "of a letter, or a written request under section 505A that was declined by the sponsor or holder" and insert "of a written request under section 505A that was declined by the sponsor or holder, or a letter referencing such declined written request,".

On page 261, line 3, strike "appropriate" and insert "appropriate, for the labeled indication or indications,".

On page 263, line 14, insert ", such as expertise in child and adolescent psychiatry," after "expertise"

On page 263, between lines 19 and 20, insert the following and redesignate the remaining paragraphs accordingly:

"(2) ACTION BY THE COMMITTEE.—The committee established under paragraph (1) may perform a function under this section using appropriate members of the committee under paragraph (1) and need not convene all members of the committee under paragraph (1) in order to perform a function under this section.

"(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee established under this paragraph shall document for each function under paragraph (4) or (5), which members of the committee participated in such function.

On page 265, between lines 18 and 19, insert the following:

"(7) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505A(f)(1).

On page 289, line 16, strike "**SURVEILLANCES**" and insert "**POSTMARKET SURVEILLANCE**".

On page 289, line 17, strike "SURVEILLANCES" and insert "SURVEILLANCE".

On page 290, strike lines 9 through 12 and insert the following:

"(iii) that is intended to be—

"(I) implanted in the human body for more than 1 year; or

"(II) a life-sustaining or life-supporting device used outside a device user facility.

On page 290, line 15, strike "of an" and all that follows through "section 510(k) only for" on line 19, and insert "or clearance of".

AMENDMENT NO. 1050

(Purpose: To provide for color certification reports)

At the end of the bill, add the following:

SEC. ___. COLOR CERTIFICATION REPORTS.

Section 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e) is amended by adding at the end the following:

"(g) COLOR CERTIFICATION REPORTS.—Not later than—

"(1) 90 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a performance report for such fiscal year on the number of batches of color additives approved, the average turn around time for approval, and quantifiable goals for improving laboratory efficiencies; and

"(2) 120 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a financial report for such fiscal year that includes all fees and expenses of the color certification program, the balance remaining in the fund at the end of the fiscal year, and anticipated costs during the next fiscal year for equipment needs and laboratory improvements of such program.".

AMENDMENT NO. 1049, AS MODIFIED

Beginning on page 104, strike line 23 and all that follows through line 14 on page 105 and insert the following:

"(II) the amount equal to one-fifth of the excess amount in item (bb), provided that—

"(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

"(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008.' ".

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON IMPORTATION FROM A FOREIGN FOOD FACILITY THAT DENIES ACCESS TO FOOD INSPECTORS.

Notwithstanding any other provision of law, no food product may be imported into the United States that is the product of a foreign facility registered under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) that refuses to permit United States inspectors, upon request, to inspect such facility or that unduly delays access to United States inspectors.

At the appropriate place, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES.

Notwithstanding any other provision of this Act, the requirement that the Secretary of Health and Human Services certify that the implementation of the title of this Act relating to the Importation of Prescription Drugs will pose no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer shall not apply to the requirement that the Secretary require that the packaging of any prescription drug incorporates—

(1) not later than 18 months after the date of enactment of this Act, a standardized numerical identifier (which, to the extent practicable, shall be harmonized with international consensus standards for such an identifier) unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(2) not later than 24 months after the date of enactment of this Act for the 50 prescription drugs with the highest dollar volume of sales in the United States, based on the calendar year that ends of December 31, 2007, and, not later than 30 months after the date of enactment of this Act for all other prescription drugs—

(A) overt optically variable counterfeit-resistant technologies that—

(i) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(ii) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(iii) are manufactured and distributed in a highly secure, tightly controlled environment; and

(iv) incorporate additional layers of non-visible convert security features up to and including forensic capability; or

(B) technologies that have a function of security comparable to that described in subparagraph (A), as determined by the Secretary.

At the appropriate place, insert the following:

SEC. ___. ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary of Health and Human Services to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") is authorized to, by regulation, enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the specifics of the aquaculture and seafood inspection program;

(2) describes the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products; and

(3) provides for an assessment of the risks associated with particular contaminants and banned substances.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs regarding the importation of aquaculture and seafood.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CERTAIN PATENT INFRINGEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Innovation in developing life-saving prescription drugs saves millions of lives around the world each year.

(2) The responsible protection of intellectual property is vital to the continued development of new and life-saving drugs and future growth of the United States economy.

(3) In order to maintain the global competitiveness of the United States, the United States Trade Representative's Office of Intellectual Property and Innovation develops and implements trade policy in support of vital American innovations, including innovation in the pharmaceutical and medical technology industries.

(4) The United States Trade Representative also provides trade policy leadership and expertise across the full range of interagency initiatives to enhance protection and enforcement of intellectual property rights.

(5) Strong and fair intellectual property protection, including patent, copyright, trademark, and data protection plays an integral role in fostering economic growth and development and ensuring patient access to the most effective medicines around the world.

(6) There are concerns that certain countries have engaged in unfair price manipulation and abuse of compulsory licensing. Americans bear the majority of research and development costs for the world, which could undermine the value of existing United States pharmaceutical patents and could impede access to important therapies.

(7) There is a growing global threat of counterfeit medicines and increased need for the United States Trade Representative and other United States agencies to use available trade policy measures to strengthen laws and enforcement abroad to prevent harm to United States patients and patients around the world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Trade Representative should use all the tools at the disposal of the Trade Representative to address violations and other concerns with intellectual property, including through—

(A) bilateral engagement with United States trading partners;

(B) transparency and balance of the annual "Special 301" review and reviews of compliance with the intellectual property requirements of countries with respect to which the United States grants trade preferences;

(C) negotiation of responsible and fair intellectual property provisions as part of bilateral and regional trade agreements; and

(D) multilateral engagement through the World Trade Organization (WTO); and

(2) the United States Trade Representative should develop and submit to Congress a strategic plan to address the problem of

countries that infringe upon American pharmaceutical intellectual property rights and the problem of countries that engage in price manipulation.

At the appropriate place, insert the following:

SEC. ___. CONSULTATION REGARDING GENETICALLY ENGINEERED SEAFOOD PRODUCTS.

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to produce a report on any environmental risks associated with genetically engineered seafood products, including the impact on wild fish stocks.

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE MARKETING OF CERTAIN CRUSTACEANS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Commerce, shall submit to the Health, Education, Labor, and Pensions Committee and the Committee on Commerce, Science, and Transportation of the Senate, a report on the differences between taxonomy of species of lobster in the subfamily *Nephropinae*, and species of langostino, specifically from the infraorder *Caridea* or *Anomura*. This report shall also describe the differences in consumer perception of such species, including such factors as taste, quality, and value of the species.

AMENDMENT NO. 1047

(Purpose: To modify provisions relating to direct-to-consumer advertisements)

Strike subparagraphs (E) and (F) of section 505(o)(5) of the Federal Food, Drug, and Cosmetic Act, as added by this Act, and insert the following:

"(E) SPECIFIC DISCLOSURES.—

"(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and disclosure of a serious risk would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

"(iv) REQUIRED SAFETY SURVEILLANCE.—If the approved risk evaluation and mitigation strategy for a drug requires the specific disclosure under clause (ii), the Secretary shall—

"(I) consider identifying and assessing all serious risks of using the drug to be a priority safety question under subsection (k)(3)(B);

"(II) not less frequently than every 3 months, evaluate the reports under subsection (k)(1) and the routine active surveillance as available under subsection (k)(3) with respect to such priority drug safety question to determine whether serious risks that might occur among patients expected to be treated with the drug have been adequately identified and assessed;

"(III) remove such specific disclosure requirement as an element of such strategy if such serious risks have been adequately identified and assessed; and

"(IV) consider whether a specific disclosure under clause (i) should be required.

On page 101, strike lines 7 through 9.

At the end of the bill, add the following:

SEC. ___. CIVIL PENALTIES; DIRECT-TO-CONSUMER ADVERTISEMENT.

(a) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(g)(1) Any applicant (as such term is used in section 505(o)) who disseminates a direct-to-consumer advertisement for a prescription drug that is false or misleading and a violation of section 502(n) shall be liable to the United States for a civil penalty in an amount not to exceed $150,000 for the first such violation in any 3-year period, and not to exceed $300,000 for each subsequent violation committed after the applicant has been penalized under this paragraph any time in the preceding 3-year period. For the purposes of this paragraph, repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered as 1 violation.

"(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the applicant to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the applicant to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

"(3) Upon the request of the applicant to be assessed a civil penalty, the Secretary, in determining the amount of a civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

"(A) Whether the applicant submitted the advertisement or a similar advertisement for review under section 736A.

"(B) Whether the applicant submitted the advertisement for prereview if required under section 505(o)(5)(D).

"(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the applicant disseminated the advertisement before the end of the 45-day comment period.

"(D) Whether the applicant failed to incorporate any comments made by the Secretary with regard to the advertisement or a similar advertisement into the advertisement prior to its dissemination.

"(E) Whether the applicant ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

"(F) Whether the applicant had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

"(G) Whether the violations were material.

"(H) Whether the applicant who created the advertisement acted in good faith.

"(I) Whether the applicant who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

"(J) The scope and extent of any voluntary, subsequent remedial action by the applicant.

"(K) Such other matters, as justice may require.

"(4)(A) Subject to subparagraph (B), no applicant shall be required to pay a civil penalty under paragraph (1) if the applicant submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary.

"(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the applicant of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

"(5) The Secretary may compromise, modify, remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owned by the United States to the applicant charged.

"(6) Any applicant who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such applicant resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

"(7) If any applicant fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment becomes final, and if such applicant does not file a petition for judicial review of the order in accordance with paragraph (6); or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(b) DIRECT-TO-CONSUMER ADVERTISEMENT.—

(1) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by inserting after the first sentence the following: "In the case of an advertisement for a prescription drug presented directly to consumers in television or radio format that states the name of the drug and its conditions of use, the major statement relating to side effects, contraindications, and effectiveness referred to in the previous sentence shall be stated in a clear and conspicuous (neutral) manner.".

(2) REGULATIONS TO DETERMINE NEUTRAL MANNER.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major

statement, relating to side effects, contraindications, and effectiveness of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by paragraph (1)) is presented in the manner required under such section.

AMENDMENT NO. 1056

(Purpose: To require the FDA to conduct consumer testing to determine the appropriateness of the labeling requirements for indoor tanning devices)

At the appropriate place, insert the following:

SEC. ___. REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING LABELING INFORMATION ON THE RELATIONSHIP BETWEEN THE USE OF INDOOR TANNING DEVICES AND DEVELOPMENT OF SKIN CANCER OR OTHER SKIN DAMAGE.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall determine—

(1) whether the labeling requirements for indoor tanning devices, including the positioning requirements, provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the eyes and skin, including skin cancer; and

(2)(A) whether modifying the warning label required on tanning beds to read, "Ultraviolet radiation can cause skin cancer", or any other additional warning, would communicate the risks of indoor tanning more effectively; or

(B) whether there is no warning that would be capable of adequately communicating such risks.

(b) CONSUMER TESTING.—In making the determinations under subsection (a), the Secretary shall conduct appropriate consumer testing, using the best available methods for determining consumer understanding of label warnings.

(c) PUBLIC HEARINGS; PUBLIC COMMENT.—The Secretary shall hold public hearings and solicit comments from the public in making the determinations under subsection (a).

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that provides the determinations under subsection (a). In addition, the Secretary shall include in the report the measures being implemented by the Secretary to significantly reduce the risks associated with indoor tanning devices.

AMENDMENTS NOS. 1039, 998, AND 1034, EN BLOC

Mr. BROWN. I now call up amendments Nos. 1039, 998 and 1034, en bloc, and ask that once they are reported by number they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for Mr. GRASSLEY and for Mr. DURBIN, proposes amendments Nos. 1039, 998, 1034, en bloc.

The amendments are as follows:

AMENDMENT NO. 1039

(Purpose: To clarify the authority of the Office of Surveillance and Epidemiology with respect to postmarket drug safety pursuant to recommendations by the Institute of Medicine).

At the end of subtitle E of title II, insert the following:

SEC. 2 . AUTHORITY OF THE OFFICE OF SURVEILLANCE AND EPIDEMIOLOGY.

With respect to all actions of the Food and Drug Administration related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, the Office of Surveillance and Epidemiology (or successor office) of such Administration and the Office of New Drugs (or successor office) of such Administration shall make decisions jointly. In the event of a disagreement with respect to an action related to postmarketing drug safety, including labeling changes, postapproval studies, and restrictions on distribution or use of drugs with serious risks, between such 2 offices, the Commissioner of Food and Drugs shall make the decision with respect to such action.

AMENDMENT NO. 998

(Purpose: To provide for the application of stronger civil penalties for violations of approved risk evaluation and mitigation strategies)

At the appropriate place in section 505(o) of the Federal, Food, Drug, and Cosmetic, as added by section 202, insert the following:

"(9) CIVIL MONETARY PENALTY.—Notwithstanding any other provision of this Act, an applicant (as such term is defined for purposes of this section) that knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under this subsection shall be subject to a civil money penalty of $250,000 for the first 30-day period that the applicant is in noncompliance, and such amount shall double for every 30-day period thereafter that the requirement is not complied with, not to exceed $2,000,000.".

AMENDMENT NO. 1034

(Purpose: To reduce financial conflict of interest in FDA Advisory Panels)

In title II, strike subtitle D and insert the following:

Subtitle D—Conflicts of Interest

SEC. 241. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

"SEC. 712. CONFLICTS OF INTEREST.

"(a) DEFINITIONS.—For purposes of this section:

"(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

"(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

"(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

"(1) RECRUITMENT.—

"(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary, through the Office of Women's Health, the Office of Orphan Product Development, the Office of Pediatric Therapeutics, and other offices within the Food and Drug Administration with relevant expertise, shall develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

"(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

"(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

"(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

"(iii) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

"(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

"(3) PARTICIPATION OF GUEST EXPERT WITH FINANCIAL INTEREST.—Notwithstanding any other provision of this section, an individual with a financial interest with respect to any matter considered by an advisory committee may be allowed to participate in a meeting of an advisory committee as a guest expert if the Secretary determines that the individual has particular expertise required for the meeting. An individual participating as a guest expert may provide information and expert opinion, but shall not participate in the discussion or voting by the members of the advisory committee.

"(c) GRANTING AND DISCLOSURE OF WAIVERS.—

"(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

"(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

"(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

"(4) LIMITATIONS.—

"(A) ONE WAIVER PER COMMITTEE MEETING.—Notwithstanding any other provision of this section, with respect to each advisory committee, the Secretary shall not grant more than 1 waiver under paragraph (3) per committee meeting.

"(B) SCIENTIFIC WORK.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

"(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

"(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

"(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

"(ii) the reasons of the Secretary for such determination, certification, or waiver.

"(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

"(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

The PRESIDING OFFICER. The amendments are set aside.

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I congratulate everybody on reaching the point we just reached with the unanimous consent agreement that was done. I thank the Senator from Ohio for his tremendous work on the committee and then on the floor, and on working through some of these amendments.

I particularly thank Senator KENNEDY for his efforts. He is having a spectacular day. I am sure actually he is probably on a plane again now. He represented the United States at the unification treaty signing in Ireland today. He left as soon as we finished voting last night, traveled through the night, attended that ceremony, and will travel virtually through the night tonight to get back again so he will be here for tomorrow morning's votes.

That is just the kind of tireless dedication that he puts in on international issues, as well as the issues that come before our committee. I am very impressed with the stamina he has and the capability he has to do all these things.

This has been a long road and it has had a few lumps in it, but there has been cooperation on both sides. The staff people who have worked on this have gone into excruciating detail on every amendment to make sure it would do what people said it would do and that it would work, both in a United States context and in an international context.

I think we have progressed to a point where we can do three votes and then final passage tomorrow and have this on the way to having the Food and Drug Administration reformed so they have more tools in the toolbox and can get the job done that we have always been expecting, and have more confidence that our food and drug supply in the United States will be safe.

Everybody has been tremendously cooperative. We look forward to finishing in the morning.

I yield the floor.

Mr. KOHL. Mr. President, I rise to elaborate on a food safety amendment that has been accepted on both sides.

Under current law, the FDA's most decisive legal recourse for dealing with suspect food imports is to stop them at our boarder. My amendment strengthens the FDA's hand by providing explicit authority under section 415 of the Federal Food, Drug and Cosmetics Act, to proactively deny entry of all food products from questionable suppliers if they fail to cooperate and allow timely inspection of their facilities.

Events of recent weeks have made clear that the FDA's ability to inspect foreign food is inadequate. In the case of melamine tainted wheat gluten from China, FDA inspectors were forced to wait more than 2 weeks before the Chinese Government would grant them access. Two weeks is unacceptable. There is simply no excuse for such delays if you want to ship food into this country. FDA must be able to respond quickly to identify threats and protect public health and safety.

My amendment provides a succinct and direct legal basis for the FDA to seek access and inspect foreign food facilities on demand. If a foreign exporter to the United States delays access for FDA inspectors unnecessarily, the FDA can stop all food imports from that firm immediately thereby denying them access to our markets. If an exporter does not want to let the FDA inspect its firm—on FDA's schedule—that exporter can't ship to this country. It is that simple. For the vast majority of firms and countries, this is not a problem. But for those times it is needed, it will be an important tool.

This amendment will not fix all of the problems that are out there. This Congress needs to do some thorough oversight and develop a comprehensive plan to improve food safety and security. I intend to participate in that process and will exercise my prerogatives as chairman of the Agriculture Appropriations Subcommittee to see that the FDA follows through.

Again, I appreciate the help of Senators KENNEDY and ENZI and their talented staff in getting this amendment included in this bill. They have been very helpful, and I look forward to providing them any assistance they need in order to keep this in conference.

AMENDMENT NO. 993

Mr. GREGG. Mr. President, last week, the FDA just sent out a warning to American consumers regarding purchasing medications from certain

Internet sites because the FDA cannot verify that the drugs purchased over those sites are going to be safe or that they won't be counterfeit. We need to give the FDA the authority and the resources to address the issue of unsafe Internet pharmacies and the Gregg Internet pharmacy amendment does just that. It creates a comprehensive framework to assure consumers that they can shop with confidence, knowing that the drugs they purchase online will be safe and effective. Hopefully, we will address this important and timely drug safety issue, if not now, at least before this bill completes the whole process and comes back from the conference committee

Mr. KENNEDY. I thank the Senator from New Hampshire for his interest and work on this important issue. Ensuring that people have access to safe and effective medications when purchasing prescription drugs online is an important part of our efforts in the area of drug safety. The Dorgan legislation in this bill includes some provisions on the issue of Internet pharmacies, but I am willing to work with my colleague and our colleagues in the Senate to enhance these provisions to address the important issues he has raised over the course of this debate.

Mr. ENZI. I would also like to take the opportunity to express my support for the need to address the issue of unsafe Internet pharmacies. We have worked very hard in other portions of this bill to ensure the safety of prescription drugs on the market, and as this bill advances, I look forward to working with you both to enhance the provisions in this bill relating to the safety of Internet pharmacies.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN RECOGNITION OF TOM CLEWELL

Mr. REID. Mr. President, I rise today to recognize the contributions of Tom Clewell to Sparks, NV. After serving the city of Sparks for more than 36 years, Tom retired from his 3-year post as fire chief on May 4, 2007.

Tom is a native Nevadan, attending school in Reno and raising a family in Sparks. He joined the Sparks Fire Department as a temporary firefighter in April 1971, and eventually climbed the ranks to become the city's 10th fire chief in its history. He served in many roles throughout his time with the Sparks Fire Department including operator, captain, battalion chief, and division chief.

Throughout his 36 years, Tom led the fire department through many changes in Sparks. For example, Tom reorganized the department creating four division chiefs. Tom also encouraged greater training of firefighters in Sparks. He also managed the rapid growth surrounding Sparks and introduced fire prevention measures as housing developments began heading toward the foothills.

Upon his retirement, the city manager of Sparks said, "Tom has been one of the greatest leaders I have ever been associated with." That quote speaks volumes about Tom's leadership. I have known Tom for many years. His professional accomplishments are numerous, but I think Tom would likely describe his family as his greatest honor. He is the proud father to Angela and Lindsey. He shares in this joy with his wife Francine.

I am privileged to have the opportunity to honor Tom Clewell before the United States Senate today. I am certain that in his retirement Tom will continue to serve the citizens of Sparks with the dedication he has shown over the past 36 years and I wish him well on his future endeavors.

GENOCIDE ACCOUNTABILITY ACT

Mr. DURBIN. Mr. President, S. 888, the Genocide Accountability Act, is the first legislation produced by the Senate Judiciary Committee's new Subcommittee on Human Rights and the Law, which I chair. It is bipartisan legislation that I introduced with Senator TOM COBURN, ranking member of the Human Rights and the Law Subcommittee, Senator PATRICK LEAHY, chairman of the Judiciary Committee, and Senator JOHN CORNYN.

The Genocide Accountability Act would close a legal loophole that prevents the U.S. Justice Department from prosecuting individuals who have committed genocide. Under current law, genocide is only a crime if it is committed within the United States or by a U.S. national outside the United States. The Genocide Accountability Act would amend 18 U.S.C. 1091, the Genocide Convention Implementation Act, to allow prosecution of non-U.S. nationals who are brought into or found in the United States for genocide committed outside the United States.

I recently received a letter from David Scheffer, U.S. Ambassador at Large for War Crimes from 1997 to 2001, which makes clear the impact that the Genocide Accountability Act could have. Ambassador Scheffer's letter explains that the loophole in our genocide law hindered the U.S. Government's efforts to secure the apprehension and prosecution of former Cambodian dictator Pol Pot, one of the worst war criminals of the 20th century. If the Genocide Accountability Act had been law when Pol Pot was alive and at large, maybe the United States would have been able to bring him to justice.

The Genocide Accountability Act recently passed the Senate unanimously. I am hopeful that in short order the House of Representatives will pass it and the President will sign it into law.

The United States should have the ability to bring to justice individuals who commit genocide, regardless of where their crime takes place and regardless of whether they are a U.S. national. The Genocide Accountability Act would end this immunity gap in U.S. law.

Mr. President, I ask unanimous consent to have Ambassador Scheffer's letter to which I referred printed in the RECORD.

There being no objection, the letter was to be printed in the RECORD as follows:

CENTER FOR INTERNATIONAL
HUMAN RIGHTS,
April 6, 2007.

Re lost opportunities to achieve international justice.

Senator RICHARD DURBIN,
Chairman, Subcommittee on Human Rights and the Law, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: you have asked me to recount how limitations in U.S. federal law during the 1990's prevented the Clinton Administration, in which I served as U.S. Ambassador at Large for War Crimes Issues (1997–2001), from ensuring the speedy apprehension and prosecution of the former Cambodian leader, Pol Pot, on charges of genocide, crimes against humanity, or war crimes ("atrocity crimes") prior to his death in March 1998. Because such limitations in U.S. law remain, particularly with respect to the crime of genocide, it may be useful for Members of Congress to consider how historically devastating was this lost opportunity to achieve some measure of justice for the deaths of an estimated 1.7 million Cambodians under Pol Pot's rule from 1975 to 1979.

In June 1997 the then two co-prime ministers of Cambodia, Hun Sen and Norodom Ranariddh, sent a letter to the Secretary-General of the United Nations seeking assistance to establish an international criminal tribunal that would render justice to the senior Khmer Rouge leaders, none of whom had been prosecuted with the sole exception of a highly dubious in absentia trial of Pol Pot and his foreign minister, Ieng Sary, in a Cambodia in 1979 shortly after the fall of the Khmer Rouge regime. The jointly-signed letter in June 1997 opened two pathways of action by the Clinton Administration: the first continues to this day, namely how to investigate and prosecute surviving senior Khmer Rouge leaders and bring them to justice before a credible court of proper jurisdiction; the second interrelated issue dealt with effective measures to apprehend and hold suspects in custody until they could be brought to trial.

Since no international criminal tribunal existed in 1997 that was specially designed to investigate and prosecute senior Khmer Rouge leaders and because the judicial and political situations within Cambodia did not favor domestic prosecution at that time, we began in late June 1997 to examine options for prosecution of Pol Pot and his leadership colleagues before a yet-to-be-created international tribunal or before either U.S. federal courts or foreign domestic courts. We were receiving signals that Pol Pot, who had been in hiding since his fall from power in 1979, might be located and in a position either to be captured or to surrender in a manner that would facilitate his transfer to a court of competent jurisdiction.

Among all the options we examined at the time, the most desirable was the establishment of an international criminal tribunal by authorization of the U.N. Security Council acting under U.N. Charter Chapter VII enforcement authority. This was the means by which the International Criminal Tribunals for the Former Yugoslavia and Rwanda were created. I pursued that option until the summer of 1999, when various factors made it unrealistic and required a change of strategy that ultimately resulted in the creation of a hybrid domestic court in Cambodia called the Extraordinary Chambers in the Courts of Cambodia. But because, beginning in mid-1997, we began to experience episodes where the prospects of capturing Pol Pot (and later one of his top officials, Ta Mok), were quite high, I needed to find a jurisdiction (U.S. or foreign) which would receive Pol Pot and hold him until the international criminal tribunal could be created and then he could be transferred to the jurisdiction of that tribunal. If we chose or were compelled (by virtue of no foreign country accepting Pol Pot) to transfer Pol Pot to U.S. territory, we had to be prepared to prosecute him before a U.S. court in the event the U.N. Security Council failed to create an international criminal tribunal with jurisdiction to prosecute senior Khmer Rouge leaders.

But Pol Pot was not a natural candidate for a genocide prosecution before any U.S. court. Under 18 U.S.C. §1091(d) (1999), only an American citizen who is charged with committing genocide anywhere in the world or anyone (including an alien) who commits genocide in the United States can be prosecuted. This seemed incredulous to me at the time, given the prima facie case against Pol Pot for atrocity crimes, including genocide, and this rare opportunity to capture and bring him to justice. Instead of stepping forward immediately and making U.S. courts available to prosecute this notorious individual, I had to wade into a thicket of diplomacy to try to find a willing government somewhere who would accept Pol Pot (if captured) and either detain him until an international criminal tribunal was created or prosecute him in its own courts.

Nonetheless, efforts were made by the Justice Department (beginning in late June 1977) to explore options under U.S. law for a possible prosecution of Pol Pot if he were captured and brought to U.S. territory. Initially, attention focused on whether any U.S. official personnel were victims of the atrocity crimes of the Pol Pot regime. The roster of federal agencies from which personnel could be identified for this purpose was set forth in 18 U.S.C. §1114. The Central Intelligence Agency was not listed in that roster of agencies. U.S. courts would have had jurisdiction over a crime committed (in this situation, in Cambodia) against U.S. personnel from one of the designated agencies in Section 1114. However, no such individual could be identified by the Justice Department. Therefore, we lost our best opportunity for jurisdiction for the reason that, according to the Justice Department research, no U.S. government personnel (at least from the agencies identified in Section 1114) lost their lives under the Pol Pot regime. There were American citizens who died in Cambodia during the relevant period (1975–1979) of Pol Pot's rule, but they did not qualify under U.S. law at the time as triggering federal jurisdiction.

There was a second rational for prosecution of Pol Pot which arose in March 1998 when we were very close to achieving apprehension of Pol Pot and flying him out of Cambodia or Thailand to U.S. territory. Justice Department officials put forward a theory called the ex post facto limitation analysis. It was a high risk gamble in federal court that rested, essentially, as I recall, on applying the customary law principles codified in the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to the events that transpired in Cambodia in the late 1970's, and joining those principles with the President's broad authority under the foreign affairs powers of the U.S. Constitution. One must remember that the Genocide Convention Implementation Act of 1988 (the Proxmire Act) was not adopted until 1988 and thus acts of genocide committed during the late 1970's would not have qualified in any event for U.S. prosecution even if the standard grounds for personal or territorial jurisdiction under the law were satisfied. The Justice Department officials warned that there was no assurance whatsoever that a federal court would be persuaded by the ex post facto limitation analysis and if the judicial effort failed, then Pol Pot might walk away free from U.S. detention and onto U.S. territory. Ultimately, by September 1998, the Attorney General signaled her unwillingness to attempt prosecution if Pol Pot were brought to U.S. territory for any period other than a very temporary stay (see below).

Of comparable concern to my Justice colleagues in 1997, 1998, and 1999 when either Pol Pot or Ta Mok or other senior Khmer Rouge leaders were within our sights for apprehension or surrender in Cambodia, was how to defeat a habeas corpus petition by any one of them if they were detained on U.S. territory or held by U.S. authorities on foreign territory. That concern meant that Justice needed to be confident there was enough evidence on the detainee to make a prima facie case against him or at least provide sufficient documentation to the court to ensure that the habeas petition would be defeated. Although this concern was relevant for Pol Pot, it became extremely significant with respect to other senior Khmer Rouge leaders (such as Khieu Samphan, Ieng Sary, Ta Mok, Nuon Chea, and others) for whom the evidence had not yet been collected to a degree and in a manner that satisfied the Justice officials.

In response to this concern, the Justice Department deployed lawyers to Yale University in New Haven, where documents from the Pol Pot era were being stored, and ultimately to the Documentation Center for Cambodia in Phnom Penh, to examine documents that might implicate senior Khmer Rouge leaders. I seem to recall that those research efforts left the lawyers still concerned about whether a federal court would dismiss a habeas challenge from any one of the senior Khmer Rouge leaders.

These were critical arguments to factor into the overall strategy. Justice officials advised that they would not want to hold Pol Pot or his colleagues on U.S. territory for more than about ten days if there was no likelihood of bringing them to trial before a federal court. They also could not rationalize any perpetual detention that would unquestionably survive a habeas challenge. If we were not prepared to prosecute the senior Khmer Rouge leaders in federal court, including under the high-risk strategy of ex post facto limitation analysis, then any detention on U.S. territory must be exceptionally temporary (no more than ten days), thus essentially serving as a way-station to a confirmed onward destination (namely, a foreign national court or an international criminal tribunal).

These significant concerns, prompted by the absence of a genocide law that had jurisdiction over Pol Pot and senior Khmer Rouge leaders and by concerns over habeas corpus challenges in the federal courts, pointed us to a detention strategy that stood a much better chance of defeating, if not avoiding, a habeas challenge and ultimately using a jursdiction (national or international) willing to prosecute these individuals.

When the net was closing in on Pol Pot in March 1998, we arranged with Palau that it serve as a likely destination for Pol Pot, who would be flown there by U.S. aircraft with the permission of the Government of Palau and the Government of Cambodia. U.S. Marshalls would guard Pol Pot until a suitable jurisdiction could be found for his trial (and we knew that might take some time). After Pol Pot's sudden and untimely (not to mention mysterious) death in Cambodia in late March 1998, we focused on using Palau as a detention site for any other senior Khmer Rouge leaders who could be apprehended and, with the permission of the Government of Cambodia, transported out of Cambodia (or Thailand if anyone of them had crossed the border during a chase) to Palau to await a final destination for trial. But the dynamics of custody evolved following Pol Pot's death. Arrangements for potential detention on Palau were finalized and by August and September 1998, the internal argument prevailed that any custody on Palau should be joint custody by Cambodian and American guards, undertaken at the request of the Cambodian Government, and preferably (though it was not essential) achieved even at the request of the detainee. At that point, we knew that most potential detainees (senior Khmer Rouge leaders) did not wish to be incarcerated in Cambodia. Indeed, we knew that shortly before his death Pol Pot had reportedly told journalist Nate Thayer that he was prepared to go to the United States to face justice. We also knew by September 1998 that Ta Mok was not willing to surrender for a trial in Cambodia, but we wondered whether that was a signal that he might agree to stand trial outside of Cambodia.

The joint custody arrangement on Palau, especially if it could be supplemented by the request of the detainee himself, could greatly strengthen the Justice Department's case in the event of a habeas corpus challenge to federal court by anyone of the detainees that might be held in Palau. Even though Palau was by then an independent nation, its former U.S. territorial status and the fact of U.S. custody on Palau raised enough concerns that the shield of joint Cambodian-American custody, the request of the Government of Cambodia, and the approval of the Government of Palau all combined to reassure us of the viability of a Palau detention site. One indeed was created; U.S. Marshalls were deployed in anticipation of arrivals of captured senior Khmer Rouge leaders; and even the U.S. Ambassador to the Philippines, who included Palau in his portfolio, at one point stood ready at the site to receive the suspects. I need to emphasize, however, that Palau was seen strictly as a relatively temporary detention site until a proper and willing national jurisdiction could be found or, with the possibility of an international criminal tribunal, created for purposes of investigating and prosecuting these individuals. But we had no expectation of it taking more than several months to find suitable jurisdiction (particularly given the high-profile reality of Pol Pot finally in custody and our hope that having him in custody would spur Security Council interest in finding a means to prosecute him).

As it turned out, not a single senior Khmer Rouge leader was ever captured with the assistance of U.S. authorities. The cooperation of the Cambodian Government for detention of suspects at Palau collapsed by early 1999. The plan would have been activated if our efforts to capture Pol Pot had not been scuttled by his sudden death in late March 1998. Our vigorous efforts to capture Ta Mok (or secure his surrender) during the rest of 1998 and into early 1999 finally were overtaken when he was captured by Cambodian forces and detained in Phnom Penh. Other senior Khmer Rouge leaders surrendered under arrangements that kept them out of prison in Cambodia, with the exception of Kang Kek Ieu (alias Comrade Duch), the chief of the notorious Tuol Sleng prison, who remains imprisoned to this day by Cambodian authorities in Phnom Penh. So the habeas corpus concerns never were tested even under the remote circumstances that would have been presented with a joint custody arrangement in Palau.

The other story in this saga concerns my efforts to find the alternative jurisdiction before which Pol Pot and his colleagues could be held until transferred to a newly established international criminal tribunal or prosecuted for genocide and other atrocity crimes. In all of these efforts, which I will describe briefly, the fact that the United States was incapable of prosecuting the crime of genocide against Pol Pot and the senior Khmer Rouge leaders was diplomatically crippling. It forced me to concede that the United States had not stepped up to the plate itself with some reasonable application of universal jurisdiction for genocide. How could I credibly persuade other governments to stretch their domestic law to prosecute Pol Pot et al. when the United States was not prepared to do so (and had as much if not more reason to try to do so in the case of Cambodia than, say, Sweden, Denmark, Norway, or Spain). If the United States had had the legal tools wit which to prosecute Pol Pot, but was hampered for some political or logistical reason, at least then I could have argued with credibility that a foreign government also has the responsibility to step forward and bring this man to justice. So I was dealt a very weak hand.

I pursued two tracks of diplomatic strategy to find a jurisdiction willing and able to prosecute Pol Pot and the senior Khmer Rouge leaders. Both tracks were launched immediately in June 1997 when the first opportunity arose to apprehend Pol Pot. The first track was to approach countries either with some capability in their domestic criminal codes to exercise a form of universal jurisdiction over genocide and/or crimes against humanity or (we thought) might be willing to find an innovative way to prosecute Pol Pot. These countries at first included Canada and Denmark and later, in April 1998, expanded to include Germany, Spain, Norway, Sweden, Australia, and Israel. Each one of them declined the opportunity I presented to receive Pol Pot for trial in the event the United States Government arranged for his capture and then transport to such country. Each one also declined the opportunity to hold Pol Pot temporarily until a suitable national court or international criminal tribunal could be found or created for the purpose of prosecuting Pol Pot and other senior Khmer Rouge leaders.

The second track of diplomatic strategy was to persuade U.N. Security Council members to join us in approving the establishment of an international criminal tribunal to investigate and prosecute the senior Khmer Rouge leaders (including Pol Pot while he was still alive). This proposal went through various stages of evolution, and included plans for sharing certain functions, such as the prosecutor and the appeals chamber, with the International Criminal Tribunal for the Former Yugoslavia (ICTY). In late April and early May of 1998 I worked closely with the U.S. Mission to the United Nations to formally present a draft resolution, with a draft statute for the tribunal appended, to other Security Council members for their consideration. Concerns by other members arose as to germaneness for the Council (i.e., whether there still existed a threat to international peace and security in Cambodia that would trigger Security Council jurisdiction), whether the ICTY's jurisdiction (or perhaps that of the International Criminal Tribunal for Rwanda) should be expanded, whether the Government of Cambodia would formally request such a tribunal (which one permanent member considered essential), and how the cost would be borne. China and Russia, in particular, balked at the proposal and refused to indicate any support whatsoever. Tribunal fatigue on the Security Council also took hold to slow down the Cambodia option. Another key factor was the advent of the permanent International Criminal Court and concerns that an initiative on Cambodia would shift attention and resources away from that key priority for many of the Security Council members (permanent and non-permanent).

Without any leverage to threaten U.S. prosecution in the absence of an international criminal tribunal, I could only press the merits of the issue as hard as possible, knowing that achieving international justice for the atrocity crimes of the Pol Pot regime was not a high priority for most other governments. Indeed, for some it may have been viewed as a threat to their own national interests. I would have benefited, however, if at key junctures in the negotiations over an international criminal tribunal I could have asked whether our colleagues on the Security Council would be more comfortable with a U.S. federal court examining the evidence or would they find more palatable a tribunal of international composition investigating Pol Pot's deeds. I never had the opportunity to offer that choice in my talks.

By August 1999 I had exhausted my final efforts to achieve a Security Council international criminal tribunal with both the Government of Cambodia and with other Security Council members. At that point the Clinton Administration shifted its focus to creating a hybrid court in Cambodia and intensive efforts led by late 2000 to what became the Extraordinary Chambers in the Courts of Cambodia, approved initially by the Cambodian National Assembly in early 2001. But by August 1999 the prospect of looking to the United States as a plausible jurisdiction for prosecution of genocide in Cambodia already had become a distant memory.

In conclusion, I would stress that the inability of U.S. courts to prosecute Pol Pot and the senior Khmer Rouge leaders contributed to significant delays in bringing these individuals to justice, delays that reverberate to this day as the Extraordinary Chambers in the Courts of Cambodia struggle to overcome one obstacle after another before proceeding to indictments and trials. Several key suspects died before they could be brought to trial, including Pol Pot, Ke Pauk, and Ta Mok. Their fates—dead before justice could be rendered—did not necessarily have to become the historical record. We could have moved much faster and more decisively in 1997 and 1998 to secure their custody, ensure proper medical care, and bring them before a court of either national or international jurisdiction if the reality of U.S. jurisdiction for at least the crime of genocide had existed. If we seek to influence others to prosecute the crime of genocide, and if we aspire to arming our diplomats with the arguments they need to influence other governments to accept their responsibilities for international justice, we must be able to demonstrate that our courts have, within reasonable parameters, the jurisdiction to prosecute the crime of genocide. Even if such jurisdiction may rest upon the discretion of, say, the Attorney General under certain extreme circumstances, we must be able to use it for the worthy purpose of credible justice.

During the final negotiations for the Rome Statute of the International Criminal Court in July 1998, I presented the U.S. position that with respect to the crime of genocide, the International Criminal Court should exercise universal jurisdiction. That U.S. position in the negotiations was partly influenced by our unfortunate experience with Pol Pot months earlier.

I would hope that given all of this experience-stretching back to the Holocaust and even earlier, and given the logic that must apply to ending the crime of genocide, U.S. law at long last could reflect the illegality of genocide committed by anyone anywhere in the world and the ability of our courts to prosecute the perpetrators of genocide, including when they are non-citizens who stand on U.S. soil.

Respectfully,

DAVID SCHEFFER,

Mayer, Brown, Rowe & Maw/Robert A. Helman Professor of Law, Director, Center for International Human Rights, Northwestern University School of Law.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BRIAN BOTELLO

Mr. GRASSLEY. Mr. President, it is with sadness that I pay tribute today to a young man from Iowa who gave his life in service to his country. PFC Brian A. Botello was killed on April 29, 2007, while serving in Iraq as part of the 3rd Squadron, 61st Cavalry Regiment, 2nd Infantry Division. My prayers go out to his mother Karyn, in Alta, IA, and his father Tony in Michigan. They can be proud of their son's honorable service and the tremendous sacrifice he made for his country. All Americans owe a debt of gratitude to Brian Botello. His memory will live on along those other patriots who have laid down their lives for the cause of freedom.

I know that Brian's loss will be felt particularly deeply in the small town of Alta where he grew up. I know that flags have been flown at half mast and everyone from his neighbors to classmates from high school to members of his church are sharing stories and grieving as they remember Brian. I hope that they are able to take comfort in the fact that Brian Botello died honorably as an American patriot and he is now in a better place.

GOOD FRIDAY AGREEMENT

Mrs. CLINTON. Mr. President, today marks a historic moment for Northern Ireland and for countless people in Ireland, Great Britain, the United States, and around the world who have prayed and hoped and worked for lasting peace.

Today, the devolved Government of Northern Ireland stands up to govern peacefully and democratically. The commitment of everyone involved, their constructive negotiations, their sacrifice, and their faith led us to this day of a new government and renewed hope.

I am proud of the role my husband and I were able to play in helping to bring about peace in Northern Ireland and to help make today possible.

Of course, some doubted that lasting peace could be possible. So many had lived through decades of violence, hate, and ill will; so many had buried loved ones. So many were resigned to what had felt, for them, inevitable: their children and their children's children would suffer the same fate. Their children were destined to grow up, go to school, and start their own families in the shadow of history and hostility. In recent months and years hope was fading. But not for the people of Northern Ireland who have endured great hardships who said to their leaders, "It is time for peace."

I remember in my visits to Northern Ireland meeting with women and men, leaders and citizens, who shared the same longing for peace, the same hopes for their children, and the same desire for a better future. It was this spirit that triumphed, that rose above the bad blood, that helped a people overcome a difficult legacy, to escape that shadow. It was this spirit that led to the signing of the Good Friday Agreement in 1998. It is this spirit that we honor on a historic day.

I remember when Bill, Chelsea, and I traveled to Ireland in 1996. It was an important trip for lasting peace, and it was a memorable trip for me personally—among the most special in my time in the White House. In Ireland, I met the Nobel prizewinning poet Seamus Heaney. His words would become the theme for our visit and for this moment in Irish history.

History says, Don't hope
On this side of the grave,
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up
And hope and history rhyme.

For mothers and fathers, husbands and wives, and sons and daughters of Northern Ireland, history said to them "don't hope." But they hoped.

When we traveled through Ireland in 1996, I spent time with women working for peace. I was struck by so many who had suffered but did not suffer without hope; women who lost husbands and sons and loved ones but did not lose faith.

I will always carry the memory of 65-year-old Joyce McCartan, a remarkable woman who founded the Women's Information Drop-in Center in 1987 after her 17-year-old son was shot dead by Protestant gunman. She had lost more than a dozen family members to violence. Joyce and other women had set up the center as a safe house, a place for women of both religions to convene and talk over their needs and fears. I remember Joyce saying, "It takes women to bring men to their senses."

I met with Joyce and several women sitting around a table who described over tea how worried they were when their sons and husbands left the house and relieved when they arrived safely home. When I left our meeting, Joyce gave me a teapot to remember them by. Joyce died before having the chance to see the Good Friday Agreement and before this historic day. But when I spoke at the first memorial lecture in her honor in 1997 in Belfast, I brought with me that teapot. I put the teapot on the podium and spoke of the courage of Irish women like Joyce who, at kitchen tables and over pots of tea, helped chart a path to peace. She helped make lasting peace possible; she helped write the song in which hope and history could rhyme. I still fill with emotion whenever I see that teapot or think about her.

I hope we can continue to draw inspiration from these stories of courage. There are countless people like Joyce whose names we will never know who helped make this day possible.

I also want to commend the political parties. Many people have suffered deep losses and the healing process will continue far into the future. I praise everyone involved, especially Prime Minister Blair and Taoiseach Bertie Ahern, who stayed strong when it seemed hope was fading. I know that the Catholic and Protestant leaders who have been working to see this day become reality are grateful for a bright and prosperous Northern Ireland.

During my last visit to Northern Ireland and Ireland I had the pleasure of seeing familiar faces and to visit with party leaders who I know all wanted a new day and a new beginning. And I commend political leaders like Gerry Adams of Sinn Fein, the Reverend Ian Paisley of the DUP, and all the others past and present who have worked hard.

I also want to remember the efforts of people like Senator George Mitchell, John Hume, David Trimble, Martin McGuinness, David Ervine Seamus Mallon and Mo Mowlam; people involved so deeply in the negotiations leading up to the 1998 agreement. The sacrifices and compromises made back then formed the basis of today's devolved government.

So many worked so hard and sacrificed so much over the past years and I think we must acknowledge everyone for their work and their endurance in traveling the long and difficult road to reach today's milestone.

I want to commend my colleagues here in the Senate and across the Rotunda in the House, people like Senators TED KENNEDY, CHRIS DODD, and PATRICK LEAHY; Congressmen RICHIE NEAL, JOE CROWLEY, JIM WALSH, PETER KING, BRIAN HIGGINS. I want to commend everyone who labored to show the support of the American people and the Congress. Thank you for your leadership.

I have been proud to work among civic and business leaders on a variety of cross-border, cross-community efforts designed to spread the prosperity that is possible when people work together. I am grateful for the business leaders who have been strong partners in furthering the peace process and for the contributions they make to society in spurring job growth, economic investment, and trade throughout Ireland and beyond.

What has happened—and what is happening—in Northern Ireland should serve as a model for peace and reconciliation in our world and I believe people will look back upon these times and realize how truly great the accomplishment is for humanity.

I also want to recognize the Irish and Scots-Irish Americans who helped make the United States what it is today. Not only does today mark a victory for the people of Northern Ireland, today also marks the 62nd anniversary of Victory in Europe, which helped usher in peace and prosperity across Europe and the world.

The movement toward lasting peace in Northern Ireland is a model for how we, as a nation, can engage the rest of the world. But the progress we are commemorating today represents a larger note of hope: peace is possible.

I want to honor the leaders who now assume great responsibility to govern, heal and lead Northern Ireland into a new era. America must always stand with those working on behalf of Northern Ireland, and all people working and longing for a brighter, peaceful, more hopeful future.

HONORING FORMER SENATOR ROBERT STAFFORD

Mr. HATCH. Mr. President, I wish to speak today in remembrance of former Senator Robert Stafford, who passed away this past December and for whom we will be having a memorial service this evening.

I personally remember Bob as a moderate voice in the Senate, never putting partisan politics above his principled ideals. He and I served together on the Senate Committee of Labor and Human Resources in the early 1980s, beginning when I was a relatively young first-term Senator chairing the committee and Bob was beginning his third decade of congressional service. I often found Bob's advice and counsel to be helpful in handling many of the issues which came before the committee.

I, personally, remember what a profound influence Bob had on the Labor and Human Resources Committee while I was chairman. As a young chairman and a relatively new Member of the Senate, I was sometimes frustrated with the way Bob and Senator Lowell Weicker often voted with the Democrats on almost every issue. This disparity of views within my committee forced me to work even harder to forge worthwhile and well-thought-out bipartisan compromises in order to move important legislation. This proved to be an enormous challenge but one that shaped my career and made me a better legislator. There is no question that challenges and beliefs of Bob and Lowell made me the legislator I am today.

Bob was born in 1913 in Rutland, VT. As a product of the Rutland public schools, he attended Middlebury College and received his first degree in 1935. He graduated from Boston University Law School in 1938 and immediately began what would be a long and distinguished career in public service.

Immediately after graduating from law school, Bob served as a Rutland County prosecuting attorney. In 1942, he left the prosecutor's office to serve our country in World War II. Enlisting in the Navy as a lieutenant commander, he served in active duty for the duration of the war.

Bob returned home to Rutland, VT, in 1947 and became a Vermont state's attorney. He served in that capacity for 4 years before volunteering to serve in our Nation's military in another foreign conflict, this time in Korea. Bob once again served honorably in the Navy from 1951 to 1953.

Returning home again in 1953, Robert began his career in Vermont State politics. I think both Senators LEAHY and SANDERS would agree that Bob was iconic figure in Vermont's political history.

Bob worked in the Vermont Attorney General's Office from 1953 to 1957, serving those last 2 years as Vermont's attorney general. In 1957, he was elected Lieutenant Governor, and in 1959, he was elected to be the State's Governor.

After rising quickly to the top of Vermont state politics, he was elected to Vermont's only seat in the House of Representatives in 1960 and, after being elected to five successive terms, he resigned his seat in 1971 to accept appointment to the Senate, temporarily filling the vacancy left by the death of Senator Winston L. Prouty.

Though he began his Senate tenure as a temporary replacement, Bob would, in many ways, become a permanent part of this institution. He won a special election in 1972 to serve out the remainder of Senator Prouty's term, and he would remain Vermont's Senator for 17 more years, retiring on his own terms in 1989.

As an educated man himself, he was always a champion of higher education. In fact, our Nation's most prominent student loan program was renamed after Bob during his last term in office.

He also played an important role in modernizing Federal disaster relief. In 1988, President Reagan signed into law the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which created the system in place today by which a Presidential disaster declaration of an emergency triggers financial and physical assistance through the Federal Emergency Management Agency, FEMA. Obviously, Bob was instrumental in passing this landmark legislation.

During his time in Congress, Bob and I worked together to reform parts of the Federal entitlement system and to trim the fat from costly Federal programs. Although he and I would often disagree, I always enjoyed hearing his persuasive arguments to articulate his commitment. Even if you didn't agree with Bob's politics, you had to respect the thoughtful and genuine effort he put in to formulating his opinions and arguing his positions. I appreciated Bob very much for his convictions and his passion.

Mr. President, in Bob, our Nation has lost an elder statesman and a principled leader. His leadership and tireless public service are examples for all of us who have aspired to serve this great Nation. I am grateful for this evening's opportunity to remember his service and to reflect on his example.

LEARNING FROM KATRINA

Mr. LAUTENBERG. Mr. President, once we were able to see beyond the death, destruction, and suffering that Hurricane Katrina wrought, we saw that America is unprepared for a megacatastrophe. We learned that lesson at the expense of those in the gulf states.

Nevertheless, our vulnerability is not limited to Louisiana, Mississippi, and Texas, or to our Southern Atlantic States.

Fifty-seven percent of Americans live in areas prone to earthquakes, hurricanes, or other massive disasters. We know about the quakes that have rocked California, Oregon, and Alaska. But the largest earthquake to strike the continental U.S. was centered in New Madrid, MO, in 1811. It rattled a swath of land that spanned from Mississippi to Michigan, from Pennsylvania to Nebraska.

Twenty States, including Hawaii, and States that share a shoreline with the Atlantic Ocean and Gulf of Mexico, face the threat of hurricanes or severe storms every year.

New Jersey experienced the second most severe storm in its history just last month. These downpours forced nearly 5,000 New Jerseyans to evacuate their homes and led to the deaths of at least three.

Increasing numbers of people make those areas of vulnerability their homes every day. Eight out of the eleven most costly U.S. natural catastrophes have occurred since 2001.

The failures of Katrina—from neglected levies to negligent leadership—must be acknowledged and addressed now, before the next catastrophe strikes. We have a moral obligation to learn from that experience.

America needs an integrated program that unifies State and Federal policies to prepare and protect American families from the devastation of natural catastrophes.

There are steps we can and must take—and we must take them today.

We must prevent unnecessary loss of life and property by encouraging State and local governments to enact sensible building codes and land use policies that recognize the exposure to natural catastrophes.

We must support first responders with the equipment, training, and personnel needed to save lives and reduce property damage.

We must educate consumers and provide them the tools they need to prepare for catastrophes and protect their families and homes from harm.

We must establish a rigorous process of continuous improvement by learning from past mistakes and assessing recovery efforts after every disaster to identify ways to continually improve our ability to recover from catastrophes.

My Senate colleagues, the warnings before Hurricane Katrina were shamefully ignored and unheeded, the response was slow and erratic, and this Nation paid an enormous price.

We have been warned. We must learn from the lessons of Katrina and exhibit the leadership America needs to be prepared and protected from catastrophes to come.

PRESIDENT ÁLVARO URIBE

Mr. DOMENICI. Mr. President, I would like to speak for a moment today about a recent Washington Post editorial and President Álvaro Uribe of Colombia.

I noted with interest the Washington Post Sunday editorial concerning criticism President Uribe has received lately. I believe the Washington Post made some good points and asked the right questions. Like, why do some Americans heap criticism on a man who is one of our few allies in a region dominated by the likes of Hugo Chavez and Fidel Castro and who has dedicated himself to ending the violence in his country and bringing justice to Columbia?

I agree with the Washington Post, that perhaps we should be more discerning in who we criticize and treat those who would be friends to the United Sates with a little more deference.

Additionally, I ask unanimous consent that an editorial concerning President Uribe from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 6, 2007]

ASSAULT ON AN ALLY: WHY ARE DEMOCRATS SO "DEEPLY TROUBLED" BY COLOMBIA'S ÁLVARO URIBE?

Colombian President Álvaro Uribe may be the most popular democratic leader in the world. Last week, as he visited Washington, a poll showed his approval rating at 80.4 percent—extraordinary for a politician who has been in office nearly five years. Colombians can easily explain this: Since his first election in 2002, Mr. Uribe has rescued their country from near-failed-state status, doubling the size of the army and extending the government's control to large areas that for decades were ruled by guerrillas and drug traffickers. The murder rate has dropped by nearly half and kidnappings by 75 percent. For the first time thugs guilty of massacres and other human rights crimes are being brought to justice, and the political system is being purged of their allies. With more secure conditions for investment, the free-market economy is booming.

In a region where populist demagogues are on the offensive, Mr. Uribe stands out as a defender of liberal democracy, not to mention a staunch ally of the United States. So it was remarkable to see the treatment that the Colombian president received in Washington. After a meeting with the Democratic congressional leadership, Mr. Uribe was publicly scolded by House Majority leader Nancy Pelosi (D-Calif.), whose statement made no mention of the "friendship" she recently offered Syrian dictator Bashar al-Assad. Human Rights Watch, which has joined the Democratic campaign against Mr. Uribe, claimed that "today Colombia presents the worst human rights and humanitarian crisis in the Western hemisphere"—never mind Venezuela or Cuba or Haiti. Former vice president Al Gore, who has advocated direct U.S. negotiations with the regimes of Kim Jong Il and Mahmoud Ahmadinejad, recently canceled a meeting with Mr. Uribe because, Mr. Gore said, he found the Colombian's record "deeply troubling."

What could explain this backlash? Democrats claim to be concerned—far more so than Colombians, apparently—with "revelations" that the influence of right-wing paramilitary groups extended deep into the military and Congress. In fact this has been well-known for years; what's new is that investigations by Colombia's Supreme Court and attorney general have resulted in the jailing and prosecution of politicians and security officials. Many of those implicated come from Mr. Uribe's Conservative Party, and his former intelligence chief is under investigation. But the president himself has not been charged with wrongdoing. On the contrary: His initiative to demobilize 30,000 right-wing paramilitary fighters last year paved the way for the current investigations, which he and his government have supported and funded.

In fact, most of those who attack Mr. Uribe for the "parapolitics" affair have opposed him all along, and for very different reasons. Some, like Sen. Patrick J. Leahy (D-Vt.), reflexively resist U.S. military aid to Latin America. Colombia has received more than $5 billion in economic and military aid from the Clinton and Bush administrations to fight drug traffickers and the guerrillas, and it hopes to receive $3.9 billion more in the next six years. Some, like Rep. Sander M. Levin (D-Mich.), are eager to torpedo Colombia's pending free-trade agreement with the United States. Now that the Bush administration has conceded almost everything that House Democrats asked for in order to pass pending trade deals, protectionist hard-liners have sized on the supposed human rights "crisis" as a pretext to blackball Colombia.

Perhaps Mr. Uribe is being punished by Democrats, too, because he has remained an ally of George W. Bush even as his neighbor, Venezuela's Hugo Chavez, portrays the U.S. president as "the devil." Whatever the reasons, the Democratic campaign is badly misguided. If the Democrats succeed in wounding Mr. Uribe or thwarting his attempt to consolidate a democracy that builds its economy through free trade, the United States may have to live without any Latin American allies.

2007 NATIONAL TEACHER DAY

Mr. DOMENICI. Mr. President, today I recognize May 8, 2007 as National Teacher Day.

Teachers play a vital role in our society. They are a driving force in the course this great Nation takes. The molding of young minds is a daunting task. Yet teachers willingly accept the challenge with open arms. Being a former math teacher, I know the great challenges teachers face every day. Teachers often have thankless jobs, getting little appreciation for the myriad of tasks they do on a daily basis. They tie shoes, wipe noses, dab tears, and provide comfort all without asking for anything in return. Teachers are disciplinarians, educators, and friends. Their job is truly invaluable and priceless. Teachers give each student a toolbox full of essential tools to use, training them for many of life's situations that might come their way. These tools give students the confidence to face each day prepared for living.

Historian Henry Adams said, "A teacher affects eternity; he can never tell where his influence stops." I couldn't agree more. Educators all over the country teach and train America's next generation. Students are given direction and guidance for their futures from their teachers. Teachers can be very influential in the lives of their students, and thus influence generations of people to come.

Let me take this opportunity to recognize Ms. Tamara Tiong for her recent nomination for the National Teacher of the Year Award. Ms. Tiong is a special education teacher at Dulce Elementary School in Dulce, NM, and has taught for 8 years. She is a shining example of what all teachers strive to be: challenging, encouraging, and compassionate. I thank Ms. Tiong today for her great service and wish her many more years of teaching and training America's youth.

Join me today in saying thank you to our teachers for all they do. They deserve our thanks and support. Thank you, teachers, for every life you have touched and every life you will touch in the future.

VOTE EXPLANATION

Mr. OBAMA. Mr. President, yesterday, the Senate took two rollcall votes. The first vote was on Senator COCHRAN's second degree amendment, S.A. 1010, to Senator DORGAN's prescription drug importation amendment, S.A. 990. The Cochran amendment passed the Senate by a 49 to 40 vote. The second vote was on the motion to invoke cloture on the committee substitute amendment to the Prescription Drug User Fee Amendment Act of 2007, S. 1082, which was agreed to by an 82 to 8 vote.

Although I was unable to be present for these two votes, I would like to state for the record how I would have voted. I would have opposed Senator COCHRAN's amendment which requires the Secretary of HHS to certify that drug importation would not pose any safety risk to consumers. As a matter of practice, the Secretary is not able to certify that any drug from any facility, here in the United States or abroad, would not pose a safety risk. As such, this amendment effectively would block the implementation of Senator DORGAN's amendment.

The fact that the Cochran amendment passed is unfortunate. It is unconscionable that Americans are paying on average twice as much for life-saving drugs as citizens of other countries, and our State and Federal health programs are struggling to bear these costs.

Finally, my HELP Committee colleagues have spent months negotiating and drafting the Prescription Drug User Fee Amendment Act, which contains a number of critical reauthorizing and drug safety provisions. I would have voted in favor of cloture on this bill and look forward to its passage later this week.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I wish to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 22, 2002, in San Francisco, CA, Jack Broughton and his female companion, Jean Earl, beat two women outside a gay poetry event. Police reported that Earl began kicking and punching people while shouting anti-gay epithets at the event's participants. After being kicked out, Broughton and Earl beat a 34-year-old woman outside. Broughton then punched the first victim's partner, who joined in the scuffle. The first victim suffered minor injuries, for which she was treated at a hospital.

According to reports, the victim's were attacked solely because of their sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO PRUDENTIAL AWARD MASSACHUSETTS HONOREES

• Mr. KERRY. Mr. President, today it is my pleasure to congratulate and honor two young Massachusetts students who have achieved national recognition for exemplary volunteer service in their communities. Alyssa Bickoff of Brookline and David Poritz of Amherst have been named State honorees in the 2007 Prudential Spirit of Community. awards program. One high school student and one middle school student from each State are honored annually.

Alyssa Bickoff, an eighth-grader at Solomon Schechter Day School in Newton, is being honored for her efforts in raising nearly $25,000 to help find a cure for ALS, or Lou Gehrig's disease. Alyssa's father lost a best friend to the neuromuscular disease, which motivated her commitment to help raise money to fund the research necessary to find a cure. Alyssa raised this money by selling specially inscribed wristbands and participating in fundraising walks. The money that Alyssa raised has been used not only to fund research, but has also purchased wheelchairs and mobility items for patients. Alyssa's story is a true example of hope for a brighter America.

David Poritz, a senior at Amherst Regional High School, is recognized for founding a nonprofit organization dedicated to helping communities adversely affected by oil contamination in the Amazon River basin of Ecuador. David researched cases involving oil contamination in Ecuador. He spent a month learning to speak Spanish fluently, and then organized a drive throughout New England collecting 12,500 pairs of shoes for children in Ecuador. Since then, David's organization, Esperanza International, Inc., has raised money to furnish educational materials to impoverished schools, and provide medical supplies and support to local clinics. He has guided groups of students and teachers to the Ecuadorian jungle, spoken with Ecuadorian cancer patients, and served as a liaison for doctors and other medical specialists visiting the area. David believes in the importance of reaching out and helping those in need. His attitude and dedication to help the people of Ecuador is highly commendable and inspiring to other young Americans.

In light of numerous statistics that indicate that Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contributions both of these young people have made. People of all ages need to think about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like David and Alyssa are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 11 years, the program has become the Nation's largest youth recognition effort based solely on community service, and has honored more than 75,000 young volunteers at the local, State and national level.

Both Alyssa Bickoff and David Poritz should be extremely proud to have been singled out from the thousands of dedicated volunteers who participated in this year's program. As part of their recognition, they will come to Washington in early May, along with 100 other 2007 Spirit of Community honorees from across the country, for several days of special events, including visits to their Senators' offices on Capitol Hill.

I applaud both of them for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I also would like to salute other young people in my State who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service. They are: Matthew Chase of Dover-Sherborn High School in Dover, Kelsey Chisholm of Lynnfield High School in Lynnfield, Cieu Lan Dong of Cambridge, Elizabeth Handel of Needham High School in Needham, Gregg Katz of Nipmuc Regional High School in Upton, and Courtney Mota, Dighton-Rehoboth Regional High School of Rehoboth.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.•

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 30. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project.

H.R. 407. An act to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes.

H.R. 487. An act to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes.

H.R. 1025. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

H.R 1080. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

H.R. 1114. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

H.R. 1140. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

H.R. 1642. An act to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a sober living facility for veterans only, and for other purposes.

H.R. 1737. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 124. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

At 5:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with an amendment, in which it requests the concurrence of the Senate:

S. Con. Res. 21. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

The message further announced that the House insists upon its amendment to the concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that Mr. SPRATT, Ms. DELAURO, Mr. EDWARDS, Mr. RYAN of Wisconsin, and Mr. BARRETT of South Carolina be the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 30. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Energy and Natural Resources.

H.R. 407. An act to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 487. An act to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project, and for other purposes; to the Committee on Indian Affairs.

H.R. 1140. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1642. An act to direct the Secretary of Veterans Affairs to ensure that, to the extent possible, an enhanced-use lease for a homeless housing project at the Department of Veterans Affairs facility known as the Sepulveda Ambulatory Care Center, located in North Hills, California, shall provide that such housing project shall be maintained as a soberliving facility for veterans only, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1737. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1312. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1080. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

H.R. 1114. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1819. A communication from the General Counsel, Department of Defense, transmitting, the report of (3) legislative proposals relative to the National Defense Authorization Bill for fiscal year 2008; to the Committee on Armed Services.

EC–1820. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the specific amounts of staff years of technical effort to be allocated for each defense Federally Funded Research and Development Center during fiscal year 2008; to the Committee on Armed Services.

EC–1821. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function standard competition of the Communications-Information Support Flight at Patrick Air Force Base, Florida; to the Committee on Armed Services.

EC–1822. A communication from the Counsel for Legislation and Regulations, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Certification and Funding of State and Local Fair Housing Enforcement Agencies" ((RIN2529–AA90)(Docket No. FR–4748–F–02)) received on May 7, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1823. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, –800 and –900 Series Airplanes; and Model 757–200 and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–070)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–104)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Columbia Aircraft Manufacturing Models LC40–550FG, LC41–550FG, and LC42–550FG Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–025)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–001)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 200 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–029)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell Flight Management Systems Served by Honeywell NZ–2000 Navigation Computers Approved Under Technical Standard Order

TSO–C115a, and IC–800 Integrated Avionics Computers Approved Under TSOs C9c, C52a, and C115a; as Installed on Various Transport Category Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–027)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP Model Galaxy Airplanes and Model Gulfstream 200 Airplanes" ((RIN2120–AA64)(Docket No. 2007–NM–030)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Beech Models 45, A45, and D45 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–33)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Turbofan Engines" ((RIN2120–AA64)(Docket No. 2000–NE–42)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Harzell Propeller Inc. Model HC–E4A–3()/E10950() Propellers" ((RIN2120–AA64)(Docket No. 2007–NE–11)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Alliance, NE" ((RIN2120–AA66)(Docket No. 06–ACE–15)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1834. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes of Controlling Agency for Restricted Area R–6601; Fort A.P. Hill, VA" ((RIN2120–AA66)(Docket No. 06–ASO–17)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1835. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of High Altitude Reporting Point; AK" ((RIN2120–AA66)(Docket No. 07–AAL–2)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1836. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Covington, GA" ((RIN2120–AA66)(Docket No. 06–ASO–14)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1837. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Mekoryuk, AK" ((RIN 2120–AA66)(Docket No. 06–AAL–37)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1838. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Northway, AK" ((RIN2120–AA66)(Docket No. 06–AAL–39)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1839. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Gulkana, AK" ((RIN2120–AA66)(Docket No. 06–AAL–38)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Saratoga, WY" ((RIN2120–AA66)(Docket No. 06–ANM–1)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Adak, Atka, Cold Bay, King Cove, Nelson Lagoon, Saint George Island, Sand Point, Shemya, St. Paul Island, and Unalaska, AK" ((RIN2120–AA66)(Docket No. 06–AAL–34)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Nucla, CO" ((RIN2120–AA66)(Docket No. 06–NM–3)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Gillette, WY" ((RIN2120–AA66)(Docket No. 05–ANM–3)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Luke Air Force Base, AZ" ((RIN2120–AA66)(Docket No. 06–AWP–19)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Peru, IL" ((RIN2120–AA66)(Docket No. 07–AGL–1)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Experimental Permit for Suborbital Reusable Launch Vehicles" ((RIN2120–AI56)(Docket No. FAA–2006–24197)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes to the Definition of Certain Light-Sport Aircraft" ((RIN2120–AI97)(Docket No. FAA–2007–27160)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–58)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1849. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes; and Model A310 Airplanes; Equipped with General Electric CF6–80A3 or CF6–80C2 Engines" ((RIN2120–AA64)(Docket No. 2005–NM–009)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1850. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–80)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1851. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–208)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1852. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–153)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1853. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350B3, AS350BA, AS350C, AS350D, and AS350D1 Helicopters" ((RIN2120–AA64)(Docket No. 2006–SW–02)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1854. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–102, –103, and –106 Airplanes and Model DHC–8–200 and DHC–8–300 Series Airplanes" ((RIN2120–AA64)(Docket

No. 2006–NM–161)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1855. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–128)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1856. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(Docket No. 2004–NM–23)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1857. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rolls-Royce Deutschland Ltd. and Co . KG Dart 528, 529, 532, 535, 542, and 552 Series Turboprop Engines" ((RIN2120–AA64)(Docket No. 2006–NE–16)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1858. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B16 Airplanes and Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–230)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1859. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–90)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1860. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–191)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1861. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–098)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1862. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–202)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1863. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 and A340 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–193)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1864. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–214)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1865. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–001)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1866. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211–524 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2002–NE–40)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1867. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 58 and G58 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–58)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1868. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa 'PZL–Bielsko' Model SZD–50–3 'Puchacz' Gliders" ((RIN2120–AA64)(Docket No. 2006–CE–082–AD)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–59)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1870. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series, and BN–2A–MkIII Trislander Series" ((RIN2120–AA64)(Docket No. 2006–CE–72)) received on May 7, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1871. A communication from the Executive Director, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Annual Update of Filing Fees" (Docket No. RM07–12–000) received on May 7, 2007; to the Committee on Energy and Natural Resources.

EC–1872. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on the budgeting of the Breckenridge, Minnesota Local Flood Reduction Project; to the Committee on Environment and Public Works.

EC–1873. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–1874. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the certification of Kazakhstan's commitment to the courses of action described in the Cooperative Threat Reduction Act of 1993; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAPO (for himself and Mr. Craig):

S. 1325. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe the use of earnings and proceeds thereof; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1326. A bill to amend title 38, United States Code, to improve and enhance compensation and pension, health care, housing, burial, and other benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. Brownback, Mrs. Feinstein, Mr. Hagel, Mr. Inouye, Mr. Roberts, Mr. Brown, Mr. Voinovich, Mr. Nelson of Nebraska, Mrs. Boxer, and Mr. Akaka):

S. 1327. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1328. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. Snowe):

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 1330. A bill to amend the Social Security Act to provide for wage insurance for dislocated workers; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Kennedy, Mr. Levin, Mr. Menendez, Ms. Mikulski, Mrs. Clinton, Mr. Durbin, Mrs. Boxer, Mr. Lautenberg, Mr. Schumer, and Mr. Dodd):

S. 1331. A bill to regulate .50 BMG caliber sniper rifles; to the Committee on the Judiciary.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. DODD, and Mr. ENZI)):

S. 1332. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 1333. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

By Mr. DODD (for himself, Mr. VOINOVICH, Mr. CONRAD, Mr. KERRY, Mr. BYRD, and Mr. BROWN):

S. 1334. A bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INHOFE (for himself and Mr. ENZI):

S. 1335. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. BAYH):

S. 1336. A bill to provide for an assessment of the achievement by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI):

S. 1337. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mrs. MURRAY, Mr. ISAKSON, Mr. KOHL, Mr. COLEMAN, Mr. CASEY, Mr. CORNYN, Mr. MENENDEZ, Mr. BURR, Mrs. LINCOLN, Mr. GRAHAM, Mr. HARKIN, and Mr. CARDIN):

S. 1338. A bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DURBIN, and Mr. KERRY)):

S. 1339. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROCKEFELLER:

S. Res. 191. A resolution establishing a national goal for the universal deployment of next-generation broadband networks to access the Internet and for other uses by 2015, and calling upon Congress and the President to develop a strategy, enact legislation, and adopt policies to accomplish this objective; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 268

At the request of Ms. CANTWELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 268, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 309

At the request of Mr. SANDERS, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 384

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 384, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 456

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 479

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 579

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 654

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 654, a bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes.

S. 667

At the request of Mr. BOND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 721

At the request of Mr. ENZI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 753

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 753, a bill to enhance scientific research and competitiveness through the Experimental Program to Stimulate Competitive Research, and for other purposes.

S. 777

At the request of Mr. CRAIG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 847

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 847, a bill to extend the period of time during which a veteran's multiple sclerosis is to be considered to have been incurred in, or aggravated by, military service during a period of war.

S. 848

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 848, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 953

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 953, a bill to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 969

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 994

At the request of Mr. TESTER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1042

At the request of Mr. ENZI, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate and less costly.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1083

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1083, a bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes.

S. 1139

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1139, a bill to establish the National Landscape Conservation System.

S. 1149

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1149, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections.

S. 1212

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1212, a bill to amend title XVIII of the Social Security Act to permit direct payment under the Medicare program for clinical social worker services provided to residents of skilled nursing facilities.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1256

At the request of Mr. KERRY, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S. 1256, a bill to amend the Small Business Act to reauthorize loan programs under that Act, and for other purposes.

S. 1261

At the request of Mrs. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1261, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1283

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1283, a bill to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

S. CON. RES. 29

At the request of Mr. NELSON of Florida, the name of the Senator from Indiana (Mr. LUGAR), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 134

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 134, a resolution designating September 2007 as "Adopt a School Library Month".

S. RES. 171

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

S. RES. 185

At the request of Mr. SALAZAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 185, a resolution supporting the ideals and values of the Olympic Movement.

AMENDMENT NO. 985

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 985 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1009

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. BURR), the Senator from Ohio (Mr. BROWN), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 1009 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1034

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 1034 proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

AMENDMENT NO. 1059

At the request of Mr. SESSIONS, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 1059 intended to be proposed to S. 1082, a bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1325. A bill to amend the Act of July 3, 1890, to provide for the granting to a State of a parcel of land for use as an agricultural college and to proscribe the use of earnings and proceeds thereof; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today, with my colleague from Idaho, Senator CRAIG, I rise to introduce a bill to amend the Idaho Admissions Act of July 3, 1890 to permit Idaho to administer Morrill Act lands and the proceeds there from in accordance with contemporary investment standards.

The State of Idaho has been working to update its management of endowed assets received as part statehood from the Federal Government to ensure the maximum long-term financial return to the beneficiaries. Key to endowment reform is the implementation of contemporary investment principles that require asset diversification to reduce the risk of loss and that permit a trustee to deduct reasonable costs of administration of the assets normally incurred by a prudent fiduciary. Of the Federal grants to Idaho as part of statehood, only the Morrill Act limits investments in bonds of the United States or Idaho and precludes deducting reasonable administrative expenses incurred by the trustee. This bill would allow the State of Idaho to administer the Morrill Act assets under the same fiduciary standards now applicable to all of Idaho's other federally granted endowments.

Additionally, a broad group of state, Federal, and private interests, including the University of Idaho College of Agricultural and Life Sciences, the State of Idaho, United Dairymen of Idaho and Allied Industry, College of Southern Idaho, the Idaho Cattle Association, Idaho Wool Growers, the Idaho National Laboratory, and Federal agencies have joined together in developing plans for the Idaho Center for Livestock and Environmental Studies to serve as a premier center for research and education in dairy and beef science. The important mission of the center is "To enhance the quality of life for the citizens of Idaho, the Pacific Northwest, and the Nation by furthering the educational and scientific mission of the University of Idaho and its public/private partners, by providing a state-of-the-art animal research facility capable of large-scale research that provides sound scientific results and educational opportunities intended to: protect our air, land and water, improve the welfare and productivity of our livestock, encourage the efficient use of energy and capital, and enhance workforce and economic development."

The University of Idaho, as a partner in the project and beneficiary of the Morrill Act endowment, is well positioned to utilize endowment assets to both continue to carryout the educational purposes and maintain the underlying real estate endowment while contributing to the project. However, modernization of the management of endowed assets needs to occur in order for such a worthy project to move forward.

That is why the legislation Senator CRAIG and I are introducing today will provide more flexibility while allowing for the allocation of management expenses in the same fashion as other State endowments, expand investment authority to match other State endowments, and provide for the use of the earnings from management of the sale of endowed lands to be used for the acquisition, construction, and improvements for the operation of research farms for teaching and research purposes.

I ask that my colleagues act on this measure in a timely manner.

By Mr. SANDERS:

S. 1326. A bill to amend title 38, United States Code, to improve and enhance compensation and pension, health care, housing, burial, and other benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SANDERS. Mr. President, today I am introducing the Comprehensive Veterans Benefits Improvements Act of 2007.

The purpose of this bill is to address many of the long-standing benefit and other policy issues that are a priority to the national veteran service organizations and millions of their members all across our country. The legislation tracks many of the recommendations made in the Independent Budget, IB, for fiscal year 2008. The IB, as it is known, is "the collaborative effort of a united veteran and health advocacy community that presents policy and budget recommendations on programs administered by the Department of Veterans Affairs and the Department of Labor." It is a guide for how this country should treat its veterans. It is written jointly by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars and supported by over 50 other prominent organizations. I am very happy to have consulted extensively with the Independent Budget authors to craft this legislation.

For too many years veterans' needs have been sent to the back of the line in Congress behind tax cuts for the rich and corporate welfare for multinational corporations. This legislation is one step forward in correcting the shortcomings of the way our current system treats veterans. Instead of turning a blind eye to our veterans' needs as has happened often in recent years, this bill begins to say "thank you" with real action.

The Comprehensive Veterans Benefits Improvements Act makes more than 25 separate changes to veterans' programs ranging from disability payments, to insurance premiums, to grants for disabled veterans to adapt their cars to make them easier to use.

We also try to make progress on long standing injustices in the VA and DoD benefit and retirement systems that veterans and their families have fought to correct for years. Among them are:

Category 8 Veterans: In January of 2003 the VA announced that it would no longer allow Category 8 veterans to enroll into the VA health care system. The Administration justified this move on the grounds that these are "higher income" veterans. The truth, however, is that these veterans can make as little as $27,000 a year. VA estimates that more than 1.5 million category 8 veterans will have been denied enrollment in the VA health care system by fiscal year 2008. This legislation repeals that ban.

Concurrent Receipt: As the Military Officers Association of America explains, the Concurrent Receipt or Disabled Veterans' Tax issue exists because of a "19th century law that required a dollar-for-dollar offset of military retired pay for disability compensation received from the VA . . . Retired pay is earned for a career of uniformed service and VA disability compensation is recompense for pain, suffering and lost future earning power due to service-connected disabilities." For that reason veterans should receive both payments and not have one offset the other. This legislation would allow veterans to receive both compensation/pension benefits and retired or retirement pay.

Dependency and Indemnity Compensation-Survivor Benefit Plan Offset: Under current law, the survivors of veterans who die as a result of service-connected causes are entitled to compensation known as dependency and indemnity compensation, DIC. In addition, military retirees can have money deducted from their pay to purchase a survivors annuity. This is called the Survivor Benefit Plan, SBP. However, if the military retirees dies from service-connected causes his or her survivors will receive a SBP payment offset dollar for dollar by the amount of the DIC payment they receive. Like the offset between military retiree pay and VA disability payments, this SBP/DIC offset unfairly denies beneficiaries the full amount of 2 programs that are meant to compensate for different loses. This legislation repeals the offset between dependency and indemnity compensation and the Survivor Benefit Plan.

Veterans' Claims: We also take a new approach to improving the system for rating claims by creating an agency dedicated to electronically sharing clinical information between the VA and the DoD.

For too long these issues have been ignored by the Congress. It is time for that attitude to change.

This legislation also amends other benefit programs important to veterans.

Over time, Congress and the Department of Veterans Affairs have added many benefits and assistance programs for our Nation's veterans and their families. As with many programs, the benefits did not meet all the needs of our veterans and others also have not been updated in many years rendering many of their benefits much less useful. For example, the IB notes the low level of grants the VA gives severely disabled veterans for adapting their cars:

> In 1946 the $1,600 allowance represented 85 percent of average retail cost and a sufficient amount to pay the full cost of automobiles in the 'low-price field.' By contrast, in 1997 the allowance was $5,500, and the average retail cost of new automobiles, according to the National Automobile Dealers Association, was $21,750. Currently, the $11,000 automobile allowance represents only about 39 percent of the average cost of a new automobile, which is $28,105.

This legislation increases this car grant amount to $22,484 and adjusts this amount automatically each year using an average retail car cost index established by the Secretary.

This is not the only example of a veterans' benefit being chipped away by inflation. When we look at assistance family members get for burying a loved one we find that the current benefits have not kept up with inflation. As a result, the current benefit of $300 only pays for a small fraction of the costs of a burial. The legislation I am introducing today increases the plot allowance from $300 to $745 and expands the eligibility for the plot allowance for all veterans who would be eligible for burial in a national cemetery, not just those who served during wartime. This section also contains a provision to adjust these payments annually.

This legislation contains many other similar corrections and updates, bringing benefits into the 21st Century so that these programs are meaningful again.

These are not controversial proposals. These changes are the least we can do to show our appreciation for those who sacrifice for their country.

This legislation is attempting to strengthen the current VA system so that it can fully provide for those veterans already in the system and those thousands more returning from Iraq and Afghanistan and all over the world that will soon come to the VA for care.

This is just the beginning; one part of a larger effort to honor our veterans and their service. We here in Congress have so much more to do to care for our veterans such as improving mental health care for veterans, Traumatic Brain Injury treatment, Post Traumatic Stress Disorder treatment, transition assistance, polytrauma care, caring for homeless veterans, and eliminating the waiting lines and claims backlogs at the VA. As a parent of a fallen soldier told our Committee, these veterans have survived the war, now "[w]e've got to help them survive the peace."

We have much work to do in the Veterans Affairs Committee and I look forward to working under the leadership of Chairman AKAKA and the other colleagues on our Committee and in the Senate to make sure that meaningful and substantial veterans' legislation is passed this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Veterans Benefits Improvements Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE MATTERS
Sec. 101. Enrollment of category 8 veterans in patient enrollment system.
Sec. 102. Health care for veterans who are catastrophically disabled.
Sec. 103. Repeal prior care requirement for eligibility for reimbursement for emergency treatment.
Sec. 104. Pilot program on lung cancer screening for veterans.
TITLE II—COMPENSATION AND PENSION MATTERS
Sec. 201. Repeal of prohibition on concurrent receipt of compensation or pension and retired or retirement pay.
Sec. 202. Increase in certain rates of disability compensation.
Sec. 203. Provisions relating to service-connected hearing loss.
Sec. 204. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.
Sec. 205. Increase in rate of dependency and indemnity compensation for surviving spouses of members of the Armed Forces who die on active duty.
Sec. 206. Reestablishment of age 55 as age of remarrying for retention of certain veterans survivor benefits for surviving spouses.
Sec. 207. Commencement of period of payment of compensation for temporary total service-connected disability attributable to hospitalization or treatment.
Sec. 208. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.
TITLE III—INSURANCE MATTERS
Sec. 301. Reduction in premiums under Service-Disabled Veterans Insurance program.
TITLE IV—BURIAL AND MEMORIAL MATTERS
Sec. 401. Plot allowances.
Sec. 402. Funeral and burial expenses.
Sec. 403. Authorization of appropriations for State cemetery grants program for fiscal year 2008.
TITLE V—HOUSING MATTERS
Sec. 501. Grants for specially adapted housing for veterans.
Sec. 502. Veterans' mortgage life insurance.
Sec. 503. Selected Reserves serving at least 1 year eligible for housing loans.
Sec. 504. Housing loan fees adjusted to rates in effect before passage of Veterans Benefits Act of 2003.
TITLE VI—BENEFITS ADMINISTRATION
Sec. 601. Judicial review.
Sec. 602. Elimination of rounding down of certain cost-of-living adjustments.
Sec. 603. Clinical Information Data Exchange Bureau.
Sec. 604. Study and report on reforms to strengthen and accelerate the evaluation and processing of disability claims by the Departments of Veterans Affairs and Defense.
TITLE VII—OTHER BENEFITS MATTERS
Sec. 701. Automobile assistance allowance.
Sec. 702. Refund of individual contributions for educational assistance made by individuals prevented from pursuing educational programs due to nature of discharge.
Sec. 703. Comptroller General report on provision of assisted living benefits for veterans.

TITLE I—HEALTH CARE MATTERS

SEC. 101. ENROLLMENT OF CATEGORY 8 VETERANS IN PATIENT ENROLLMENT SYSTEM.

(a) ENROLLMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall permit each veteran described in paragraph (8) of section 1705(a) of title 38, United States Code, who presents for enrollment in the system of annual patient enrollment required by such section to enroll in such system for purposes of the receipt of care and services as specified in such section.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

SEC. 102. HEALTH CARE FOR VETERANS WHO ARE CATASTROPHICALLY DISABLED.

(a) REPORT ON NUMBER OF VETERANS WRONGFULLY MISCLASSIFIED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report setting forth the number of veterans who were catastrophically disabled who were wrongfully misclassified as not being catastrophically disabled by reason and for the purposes of the administration of the amendments made by title I of the Veterans' Health Care Eligibility Reform Act of 1996 (Public Law 104–262).

(b) RECLASSIFICATION OF VETERANS WRONGFULLY MISCLASSIFIED.—The Secretary shall reclassify as catastrophically disabled each veteran who was catastrophically disabled but was misclassified as not being catastrophically disabled by reason and for the purposes of the administration of the amendments made by title I of the Veterans' Health Care Eligibility Reform Act of 1996. Each veteran shall, upon such reclassification, be entitled to such benefits under the laws administered by the Secretary as any other veteran who is catastrophically disabled, including priority of eligibility of enrollment as a so-called "category 4 veteran" under the patient enrollment system of the Department of Veterans Affairs under section 1705 of title 38, United States Code.

(c) PROHIBITION ON COLLECTION OF COPAYMENTS AND OTHER FEES FOR HOSPITAL OR NURSING HOME CARE.—Section 1710 of title 38, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) Notwithstanding any other provision of this section, a veteran who is catastrophically disabled shall not be required to make any payment otherwise required under subsection (f) or (g) for the receipt of hospital care or nursing home care under this section.".

(d) EFFECTIVE DATE.—Subsection (b) and the amendments made by subsection (c) shall take effect on October 1, 2007.

SEC. 103. REPEAL PRIOR CARE REQUIREMENT FOR ELIGIBILITY FOR REIMBURSEMENT FOR EMERGENCY TREATMENT.

(a) REPEAL.—Section 1725(b)(2) of title 38, United States Code, is amended by striking "if—" and all that follows and inserting "if the veteran is enrolled in the system of patient enrollment established under section 1705(a) of this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 104. PILOT PROGRAM ON LUNG CANCER SCREENING FOR VETERANS.

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program that provides for screening for lung cancer of veterans with a high risk of lung cancer.

(b) ELEMENTS.—

(1) IN GENERAL.—The pilot program under subsection (a) shall include such programs and activities as the Secretary considers appropriate to permit the Secretary to make a comprehensive assessment of the feasibility and advisability of various approaches for expanding the program within the Department of Veterans Affairs in order to conduct screenings of veterans for lung cancer on a wider scale.

(2) CONSULTATION.—The Secretary shall carry out the pilot program in consultation with the International Early Lung Cancer Action Program and such other public and private entities as the Secretary considers appropriate for purposes of the pilot program.

(c) REPORT.—Not later than 2 years after the commencement of the pilot program under subsection (a), the Secretary shall submit to Congress a report on the pilot program. The report shall include—

(1) a description of the programs and activities under the pilot program;

(2) the comprehensive assessment of the Secretary described in subsection (b)(1);

(3) recommendations, if any, for legislation necessary to implement on a wider basis a screening program for lung cancer of veterans; and

(4) such other matters as the Secretary considers appropriate in light of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2008, $3,000,000 to carry out this section.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

TITLE II—COMPENSATION AND PENSION MATTERS

SEC. 201. REPEAL OF PROHIBITION ON CONCURRENT RECEIPT OF COMPENSATION OR PENSION AND RETIRED OR RETIREMENT PAY.

(a) REPEAL.—

(1) IN GENERAL.—Section 5304(a) of title 38, United States Code, is amended to read as follows:

"(a)(1)(A) If an election is in effect under section 1413a of title 10, United States Code, with respect to any person, no pension or compensation under this title shall be made concurrently to the person based on the person's own service or concurrently to the person based on the service of any other person. This subparagraph shall not apply to the extent the person waives any applicable retired or retirement pay under subparagraph (B).

"(B) A person to whom subparagraph (A) applies who is receiving any applicable retired or retirement pay may file with the department paying such pay a waiver of so much of such pay as is equal to the amount of the pension or compensation to which subparagraph (A) otherwise applies. To prevent duplication of payment, the department with which any such waiver is filed shall notify the Secretary of the receipt of such waiver, the amount waived, and the effective date of the reduction in pay.

"(2) The annual amount of any applicable retired or retirement pay shall be counted as annual income for purposes of chapter 15 of this title.

"(3) In this subsection, the term 'applicable retired or retirement pay' means retired or retirement pay paid under a provision of law providing retired or retirement pay to persons in the Armed Forces or to commissioned officers of the National Oceanic and Atmospheric Administration or of the Public Health Service.".

(2) Clerical amendments.—

(A) The heading for section 5304 of such title is amended by striking "**Prohibition against**" and inserting "**Provisions relating to**".

(B) The item relating to section 5304 in the table of sections at the beginning of chapter 53 of such title is amended by striking "Prohibition against" and inserting "Provisions relating to".

(b) Conforming Repeals.—

(1) In general.—Section 5305 of title 38, United States Code, and section 1414 of title 10, United States Code, are each repealed.

(2) Clerical amendments.—

(A) The table of sections at the beginning of chapter 53 of title 38, United States Code, is amended by striking the item relating to section 5305.

(B) The table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by striking the item relating to section 1414.

(c) Conforming Amendments to Combat-Related Special Compensation.—

(1) Compensation only available to existing claimants.—Section 1413a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) Section Only To Apply to Retirees in Payment Status on October 1, 2007.—No payment under this section shall be made to an eligible combat-related disabled uniform services retiree for any month beginning after September 30, 2007, unless the retiree has an election in effect under this section for all months during the period beginning on October 1, 2007, and ending on the last day of the month to which the payment relates.".

(2) Clerical amendments.—

(A) Subsection (f) of such section is amended to read as follows:

"(f) Revocation of Election.—The Secretary concerned shall provide for an annual period (referred to as an 'open season') during which a person with an election in effect under subsection (a) shall have the right to revoke such election. Any such election shall be made under regulations prescribed by the Secretary concerned and, once made, shall be irrevocable. Such regulations shall provide for the form and manner for making such an election and shall provide for the date as of when such an election shall become effective. In the case of the Secretary of a military department, such regulations shall be subject to approval by the Secretary of Defense.".

(B) Subsection (b)(2) of such section is amended by striking "sections 5304 and 5305 of title 38" and inserting "section 5304(a)(1) of title 38".

(d) Other Conforming Amendments.—

(1) Section 5111(b) of title 38, United States Code is amended to read as follows:

"(b) During the period between the effective date of an award or increased award as provided under section 5110 of this title or other provision of law and the commencement of the period of payment based on such award as provided under subsection (a) of this section, an individual entitled to receive monetary benefits shall be deemed to be in receipt of such benefits for the purpose of all laws administered by the Secretary.".

(2) Sections 1463(a)(1), 1465(c)(1)(A), 1465(c)(1)(B), and 1466(b)(1)(D) of title 10, United States Code, are each amended by striking "or 1414".

(3) Subparagraphs (A) and (B) of section 1465(c)(4) of title 10, United States Code, are each amended by striking "sections 1413a and 1414" and inserting "section 1413a".

(e) Effective Date.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments of compensation or pension and retired or retirement pay made on or after that date. No benefits are payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 202. INCREASE IN CERTAIN RATES OF DISABILITY COMPENSATION.

(a) Fifty Percent Increase in Certain Rates.—Subsection (k) of section 1114 of title 38, United States Code, is amended—

(1) by striking "$3,075" and inserting "$4,613";

(2) by striking "$89" both places it appears and inserting "$134"; and

(3) by striking "$4,313" and inserting "$6,470".

(b) Twenty Percent Increase in Certain Other Rates.—Such section is further amended—

(1) in subsection (l), by striking "$3,075" and inserting "$3,690";

(2) in subsection (m), by striking "$3,392" and inserting "$4,070";

(3) in subsection (n), by striking "$3,860" and inserting "$4,632";

(4) in subsection (o), by striking "$4,313" and inserting "$5,176";

(5) in subsection (p), by striking "$4,313" each place it appears and inserting "$5,176";

(6) in subsection (r)—

(A) in paragraph (1), by striking "$1,851" and inserting "$2,221"; and

(B) in paragraph (2) by striking "$2,757" and inserting "$3,308"; and

(7) in subsection (s), by striking "$2,766" and inserting "$3,319".

(c) Effective Date.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act, and shall apply with respect to monthly amounts of disability compensation payable on or after that day.

SEC. 203. PROVISIONS RELATING TO SERVICE-CONNECTED HEARING LOSS.

(a) Minimum Rating of Disability for Hearing Loss Requiring a Hearing Aid.—Section 1155 of title 38, United States Code, is amended by adding at the end the following new sentence: "The minimum rating of disability under the schedule adopted under this section for a veteran for a disability consisting of hearing loss for which the wearing of a hearing aid or hearing aids is medically indicated shall be a rating of 10 percent.".

(b) Presumption That Hearing Loss Is Service Connected.—Section 1112 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d) For purposes of section 1110 of this title, and subject to section 1113 of this title, if tinnitus or hearing loss typically related to noise exposure or acoustic trauma becomes manifest in a veteran who, during military service, performed duties typically involving high levels of noise exposure, the tinnitus or hearing loss shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of the disease during the period of service.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007. No benefit is payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 204. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) Repeal.—

(1) In general.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Conforming amendments.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (**k**).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking "does not apply—" and all that follows and inserting "does not apply in the case of a deduction made through administrative error."; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking ", 1450(**k**)(2),".

(b) Prohibition on Retroactive Benefits.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) Prohibition on Recoupment of Certain Amounts Previously Refunded to SBP Recipients.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) Repeal of Authority for Optional Annuity for Dependent Children.—Section 1448(d)(2) of such title is amended—

(1) by striking "Dependent children.—" and all that follows through "In the case of a member described in paragraph (1)," and inserting "Dependent children.—In the case of a member described in paragraph (1),"; and

(2) by striking subparagraph (B).

(e) Restoration of Eligibility for Previously Eligible Spouses.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 205. INCREASE IN RATE OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY.

(a) INCREASE IN RATE.—Section 1311(a) of title 38, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

"(4) The rate under paragraph (1) shall be increased by $228 in the case of the death of a member of the Armed Forces on active duty."; and

(3) in paragraph (4), as redesignated by paragraph (1) of this subsection, by striking "(1) and (2)" and inserting "(1), (2), and (3)".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to dependency and indemnity compensation payable for months beginning on or after that date.

SEC. 206. REESTABLISHMENT OF AGE 55 AS AGE OF REMARRYING FOR RETENTION OF CERTAIN VETERANS SURVIVOR BENEFITS FOR SURVIVING SPOUSES.

(a) REESTABLISHMENT.—Section 103(d)(2)(B) of title 38, United States Code, is amended—

(1) in the first sentence, by striking "age 57" and inserting "age 55"; and

(2) by striking the second sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007. No benefit is payable by reason of the amendments made by this section for any period before October 1, 2007.

SEC. 207. COMMENCEMENT OF PERIOD OF PAYMENT OF COMPENSATION FOR TEMPORARY TOTAL SERVICE-CONNECTED DISABILITY ATTRIBUTABLE TO HOSPITALIZATION OR TREATMENT.

(a) COMMENCEMENT OF PERIOD OF PAYMENT.—Section 5111(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(3) In the case of a temporary increase in compensation for hospitalization or treatment for a service-connected disability rated as total by reason of such hospitalization or treatment, the period of payment shall commence on the date of admission for such hospitalization or date of treatment, surgery, or other activity necessitating such treatment, as applicable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007. No benefit is payable by reason of the amendment made by subsection (a) for any period before October 1, 2007.

SEC. 208. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional veterans affairs committees a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in maintaining such surviving spouses and dependents at a standard of living above the poverty level.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in paragraph (1), including a statement of the rates of such compensation so payable;

(B) an assessment of the adequacy of such payments in maintaining such surviving spouses and dependents at a standard of living above the poverty level; and

(C) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in maintaining such surviving spouses and dependents at a standard of living above the poverty level.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term "congressional veterans affairs committees" means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

TITLE III—INSURANCE MATTERS

SEC. 301. REDUCTION IN PREMIUMS UNDER SERVICE-DISABLED VETERANS INSURANCE PROGRAM.

(a) IN GENERAL.—Section 1922(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by striking the fourth sentence and all that follows and inserting the following:

"(2) Insurance granted under this section shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance, except that—

"(A) the amount of such insurance shall be $50,000, or such lesser amount, evenly divisible by $10,000, as the insured may specify;

"(B) the premium rates for such insurance—

"(i) for premiums for months beginning before the effective date of this paragraph under section 301(c) of date of the enactment of the Comprehensive Veterans Benefits Improvements Act of 2007 shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ percent per year; and

"(ii) for premiums for months beginning on or after that effective date shall be based upon the 2001 Commissioners Standard Ordinary Table of Mortality and interest at the rate of 4½ percent per year;

"(C) all cash, loan, paid-up, and extended values—

"(i) for a policy issued under this section before the effective date described in subparagraph (B)(i) shall be based upon the Commissioners 1941 Standard Ordinary Table of Mortality and interest at the rate of 2¼ percent per year; and

"(ii) for a policy issued under this section on or after that effective date shall be based upon the 2001 Commissioners Standard Ordinary Table of Mortality and interest at the rate of 4½ percent per year;

"(D) all settlements on policies involving annuities shall be calculated on the basis of the Annuity Table for 1949, and interest at the rate of 2¼ percent per year;

"(E) insurance granted under this section shall be on a nonparticipating basis;

"(F) all premiums and other collections for insurance under this section shall be credited directly to a revolving fund in the Treasury of the United States; and

"(G) any payments on such insurance shall be made directly from such fund.

"(3) Appropriations to the fund referred to in subparagraphs (F) and (G) of paragraph (2) are hereby authorized.

"(4) As to insurance issued under this section, waiver of premiums pursuant to section 602(n) of the National Service Life Insurance Act of 1940 and section 1912 of this title shall not be denied on the ground that the service-connected disability became total before the effective date of such insurance.".

(b) COORDINATION WITH OVERALL LIMIT.—Section 1903 of such title is amended by adding at the end the following new sentence: "The limitations of this section shall not apply to insurance granted under section 1922 of this title, except that other insurance to which this section applies shall be taken into account in determining whether the limitations of subsections (a)(2)(A) and (b) of section 1922 of this title are met with respect to insurance granted under section 1922 of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

TITLE IV—BURIAL AND MEMORIAL MATTERS

SEC. 401. PLOT ALLOWANCES.

(a) INCREASE IN PLOT ALLOWANCE.—Section 2303 of title 38, United States Code, is amended by striking "$300" each place it appears and inserting "$745 (as adjusted from time to time under subsection (c))".

(b) EXPANSION OF ELIGIBILITY.—Subsection (b)(2) of such section is amended by striking "such veteran is eligible" and all that follows through ", and".

(c) ANNUAL COST-OF-LIVING ADJUSTMENT.—Such section is further amended by adding at the end the following new subsection:

"(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in each maximum amount of the plot allowance payable under this section equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

(2) NO COLA ADJUSTMENT FOR FISCAL YEAR 2008.—The percentage increase required by subsection (c) of section 2303 of title 38, United States Code (as added by subsection (c) of this section), for fiscal year 2008 shall not be made.

SEC. 402. FUNERAL AND BURIAL EXPENSES.

(a) IN GENERAL.—Section 2302 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "$300" in the matter following paragraph (2) and inserting "$1,270 (as adjusted from time to time under subsection (c))"; and

(2) by adding at the end the following new subsection:

"(c) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the maximum amount of benefits payable under subsection (a) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(b) Deaths From Service-Connected Disability.—Section 2307 of such title is amended—

(1) by inserting "(a) Funeral and Burial Expenses.—" before "In any case";

(2) in paragraph (1) of subsection (a), as designated by paragraph (1) of this subsection, by striking "$2,000" and inserting "$4,100 (as adjusted from time to time under subsection (b))"; and

(3) by adding at the end the following new subsection:

"(b) Cost-of-Living Adjustment.—With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount of benefits payable under subsection (a)(1) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths occurring on or after that date.

(2) No COLA adjustment for fiscal year 2008.—The percentage increase required by subsection (c) of section 2302 of title 38, United States Code (as added by subsection (a) of this section), and the percentage increase required by subsection (b) of section 2307 of title 38, United States Code (as added by subsection (b) of this section), for fiscal year 2008 shall not be made.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS FOR STATE CEMETERY GRANTS PROGRAM FOR FISCAL YEAR 2008.

There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2008, $37,000,000 for aid to States for the establishment, expansion, and improvement of veterans' cemeteries under section 2408 of title 38, United States Code.

TITLE V—HOUSING MATTERS

SEC. 501. GRANTS FOR SPECIALLY ADAPTED HOUSING FOR VETERANS.

(a) Increase in Grant Amounts.—

(1) Acquisition of housing.—Subsection (d)(1) of section 2102 of title 38, United States Code, is amended by striking "$50,000" and inserting "$60,000 (as adjusted from time to time under subsection (f))".

(2) Adaptations to housing.—Subsections (b)(2) and (d)(2) of such section are each amended by striking "$10,000" and inserting "$12,000 (as adjusted from time to time under subsection (f))".

(b) Additional Grant for Acquisition of Subsequent Housing Unit.—Such section is further amended—

(1) in subsection (c), by inserting "or (e)" after "subsection (a)"; and

(2) by adding at the end the following new subsection:

"(e)(1) In addition to the assistance otherwise provided under subsection (d)(1), the assistance authorized by section 2101(a) of this title shall also include assistance for a veteran for the acquisition by the veteran of a housing unit to replace the housing unit for which assistance was provided under subsection (d)(1).

"(2) The amount of assistance under this subsection may not exceed the maximum amount of assistance available under subsection (d)(1).

"(3) Assistance shall be afforded under this subsection through a plan set forth in subsection (a), at the option of the veteran concerned.".

(c) Annual Cost-of-Living Adjustment.—Such section is further amended by adding at the end the following new subsection:

"(f)(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the amounts in effect under subsections (b)(2), (d)(1), and (d)(2) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 502. VETERANS' MORTGAGE LIFE INSURANCE.

(a) Increase in Amount of Insurance.—Section 2106(b) of title 38, United States Code, is amended by striking "$90,000" and inserting "$150,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the later of—

(1) October 1, 2007; or

(2) the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 503. SELECTED RESERVES SERVING AT LEAST 1 YEAR ELIGIBLE FOR HOUSING LOANS.

(a) Reduction in Period of Service Requirement for Selected Reserves.—Section 3701(b)(5)(A) of title 38, United States Code, is amended by striking "6 years" each place it appears and inserting "1 year".

(b) Effective Date.—The amendment made by this section shall take effect on October 1, 2007.

SEC. 504. HOUSING LOAN FEES ADJUSTED TO RATES IN EFFECT BEFORE PASSAGE OF VETERANS BENEFITS ACT OF 2003.

(a) In General.—Paragraph (2) of section 3729(b) of title 38, United States Code, is amended to read as follows:

"(2) The loan fee table referred to in paragraph (1) is as follows:

"LOAN FEE TABLE

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2007, and before October 1, 2011).	2.00	2.75	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011).	1.25	2.00	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2007 and before October 1, 2011).	3.00	3.00	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2011).	1.25	2.00	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2007, and before October 1, 2011).	1.50	2.25	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2011).	0.75	1.50	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2007, and before October 1, 2011).	1.25	2.00	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2011).	0.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan).	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan).	1.25	1.25	NA

"LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25.".

(b) Effective Date.—The amendment made by this section shall apply to loans closed after September 30, 2007.

TITLE VI—BENEFITS ADMINISTRATION

SEC. 601. JUDICIAL REVIEW.

(a) Review by United States Court of Appeals for Federal Circuit of Adoption or Revision of Schedule of Disability Ratings.—Section 502 of title 38, United States Code, is amended—

(1) by inserting "(a) Judicial Review.—" before "An action";

(2) in subsection (a), as designated by paragraph (1) of this subsection, by striking "(other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title)": and

(3) by adding at the end the following new subsection:

"(b) Standard of Review of Actions Relating to Schedule of Ratings for Disabilities.—In reviewing pursuant to this section an action of the Secretary relating to the adoption or revision of the schedule of ratings for disabilities under section 1155 of this title, the Court may set aside such action only if the Court finds such action to be arbitrary, capricious, or otherwise not in accordance with law.".

(b) Review by Court of Appeals for Veterans Claims of Adverse Findings of Material Facts.—Section 7261(a)(4) of such title is amended by striking "is clearly erroneous" and inserting "is not reasonably supported by a preponderance of the evidence".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act. The amendment made by subsection (b) shall apply with respect to all cases pending for decision before the United States Court of Appeals for Veterans Claims other than a case in which a final decision has been entered before the date of the enactment of this Act.

SEC. 602. ELIMINATION OF ROUNDING DOWN OF CERTAIN COST-OF-LIVING ADJUSTMENTS.

(a) Disability Compensation.—Section 1104(a) of title 38, United States Code, is amended by striking ",with all" and all that follows up to the period at the end.

(b) Dependency Compensation.—Section 1303(a) of such title is amended by striking ",with all" and all that follows up to the period at the end.

SEC. 603. CLINICAL INFORMATION DATA EXCHANGE BUREAU.

(a) Establishment of Bureau.—The Secretaries of Veterans Affairs and Department of Defense shall jointly establish the DoD/VA Clinical Information Data Exchange Bureau (in this section referred to as "the Bureau").

(b) Information System.—

(1) In general.—The Bureau shall establish and maintain an information system that facilitates the clinical exchange of computable data within and between the health systems of the Department of Veterans Affairs and the Department of Defense.

(2) Elements.—In establishing the information system described in paragraph (1), the Bureau shall meet the following requirements:

(A) Software requirements.—The system shall utilize computer software—

(i) the source code of which is open source and available in the public domain,

(ii) that is nonproprietary, and

(iii) that ensures that the electronic medical records in the health systems of the Department of Veterans Affairs and the Department of Defense are able to understand all major clinical vocabularies.

(B) Patient privacy.—The system shall comply with all appropriate rules, regulations, and procedures to safeguard patient privacy and to ensure data security.

(C) Mapping of health information.—The Bureau shall ensure that personal health information available in electronic form outside of the system will be able to be electronically mapped into the system.

(D) Maintenance.—The Bureau shall permanently maintain the system, including ensuring that any changes in any major clinical vocabulary are reflected in a timely manner in the electronic medical records in the health systems of the Department of Veterans Affairs and the Department of Defense.

(c) Cost of System.—

(1) In general.—The cost of the information system established under this section, and the annual costs of maintaining the system, shall be borne equally by the Department of Veterans Affairs and the Department of Defense.

(2) Fees.—The Secretaries of Veterans Affairs and Defense may charge vendor user fees in order to facilitate the use of discrete clinical vocabularies within the system.

SEC. 604. STUDY AND REPORT ON REFORMS TO STRENGTHEN AND ACCELERATE THE EVALUATION AND PROCESSING OF DISABILITY CLAIMS BY THE DEPARTMENTS OF VETERANS AFFAIRS AND DEFENSE.

(a) Study.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly conduct a study of the disability ratings systems of the Departments of Veterans Affairs and Defense, including an analysis of—

(1) the interoperability of both systems, and

(2) the feasibility and advisability of automating the Veterans Administration Schedule for Rating Disabilities (VASRD) to improve the time for processing, and the accuracy of, disability ratings.

(b) Report.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the Secretaries shall submit to the relevant committees of Congress a joint report on the study conducted under subsection (a).

(2) Elements.—Such report shall include specific legislative proposals, including the amount of funding, which the Secretaries find necessary to—

(A) ensure that the disability ratings systems of both the Department of Veterans Affairs and the Department of Defense are interoperable and that information contained in both systems can readily be transmitted to and from each of the departments, and

(B) automate the Veterans Administration Schedule for Rating Disabilities (VASRD), including—

(i) an analysis of the necessary computer software and other technology, and

(ii) a schedule for the completion of the automation.

(c) Relevant Committees of Congress.—In this section, the term "relevant committees of Congress" means—

(1) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate, and

(2) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

TITLE VII—OTHER BENEFITS MATTERS

SEC. 701. AUTOMOBILE ASSISTANCE ALLOWANCE.

(a) Increase in Amount of Allowance.—Subsection (a) of section 3902 of title 38, United States Code, is amended by striking "$11,000" and inserting "$22,484 (as adjusted from time to time under subsection (e))".

(b) Annual Adjustment.—Such section is further amended by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the dollar amount in effect under subsection (a) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

"(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 702. REFUND OF INDIVIDUAL CONTRIBUTIONS FOR EDUCATIONAL ASSISTANCE MADE BY INDIVIDUALS PREVENTED FROM PURSUING EDUCATIONAL PROGRAMS DUE TO NATURE OF DISCHARGE.

(a) In General.—Section 3034 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In the case of any eligible individual who has been prevented from pursuing a program of education under this chapter because the individual has not met the nature of discharge requirement of this chapter, the Secretary of Defense shall, upon application of the individual, refund to the individual the amount determined under paragraph (3) if the Secretary of Defense determines that the nature of the discharge was due to minor infractions or deficiencies.

"(2) Paragraph (1) shall not apply to an individual if the discharge was a dishonorable discharge.

"(3) The amount determined under this paragraph with respect to any individual is the excess (if any) of—

"(A) the sum of the amounts described in section 3017(b)(1) of this title with respect to the individual, over

"(B) the sum of the amounts described in section 3017(b)(2) of this title with respect to the individual.

"(4) The Secretary of Defense shall make the payments under this subsection from the funds into which the amounts described in section 3017(b)(1) of this title were deposited.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after September 30, 2007.

SEC. 703. COMPTROLLER GENERAL REPORT ON PROVISION OF ASSISTED LIVING BENEFITS FOR VETERANS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional veterans affairs committees a report on the feasability and advisability of the provision through the Department of Veterans Affairs of assisted living benefits for veterans who otherwise qualify for nursing home care through the Department in lieu of the provision through the Department of nursing home care for such veterans.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of various current proposals for the provision through the Department of assisted living benefits for veterans as described in paragraph (1);

(B) an estimate of the costs of the various proposals described under subparagraph (A), and an estimate of any cost savings anticipated to be achieved through the carrying out of such proposals;

(C) an assessment of feasability and advisability of the provision through the Department of assisted living benefits for veterans as described in paragraph (1), including an identification of the proposal, if any, described in that paragraph, that would result in the most cost-effective provision through the Department of assisted living benefits for veterans; and

(D) such recommendations as the Comptroller General considers appropriate regarding the provision through the Department of assisted living benefits for veterans.

(b) CONGRESSIONAL VETERANS AFFAIRS COMMITTEES DEFINED.—In this section, the term "congressional veterans affairs committees" means—

(1) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

By Mr. LEAHY (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. HAGEL, Mr. INOUYE, Mr. ROBERTS, Mr. BROWN, Mr. VOINOVICH, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. AKAKA):

S. 1327. A bill to create and extend certain temporary district court judgeships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing bipartisan legislation to address the needs of the Federal Judiciary, our coequal branch of Government. This bill would respond to a discrete situation in five States regarding the need for temporary judgeships. In order to adequately address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges assigned to fill these vacancies, are, in fact, appointed for life, as are all Federal judges. They are temporary in the sense that when these judgeships expire, the next vacancy in the jurisdiction is not filled and the extra judgeship expires.

Last Congress two of these needed temporary judgeships were allowed to expire. One was in Nebraska and the other in California. That was unfortunate in my view since they continue to have high caseloads. This legislation would restore those judgeships by reauthorizing those temporary judgeships to restore the status quo in those two busy districts.

In addition, three districts have temporary judgeships that are close to expiration. Caseloads in Ohio, Hawaii, and Kansas remain at a high level. I support acting to ensure their continuation until we have had the opportunity to conduct a comprehensive review of the judgeship needs throughout the Federal system. I hope to undertake that review next year.

This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs.

This measure is supported by the Judicial Conference of the United States and every Senator representing the five States. I thank Senators FEINSTEIN and BROWNBACK, who also serve on the Judiciary Committee, for their work on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";

(2) in the third sentence (relating to the district of Kansas), by striking "16 years" and inserting "26 years";

(3) in the fifth sentence (relating to the northern district of Ohio), by striking "15 years" and inserting "25 years"; and

(4) by inserting "The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence.

Mrs. FEINSTEIN. Mr. President, I am proud to be a cosponsor of Chairman LEAHY's bill, S. 1327, which will reestablish temporary judgeships where needed in the district courts and extend other temporary judgeships that are about to expire. The bill will reestablish a 10-year temporary judgeship in the Eastern District of California, where it is sorely needed.

The Eastern District has had a temporary judgeship before, but it expired in the fall of 2004. Even before the temporary judgeship expired, the caseload in the district was already the second highest in the Nation: 787 filings per judge, which was almost 50 percent more than the national average.

Since that time, the situation in the Eastern District has grown even more dire. Average caseloads across the Nation have declined, but in the Eastern District they have increased by 18 percent.

The Eastern District of California now has the highest caseload in the country: 927 filings per judge. That is twice as many cases as the national average.

It is no exaggeration to say that the judges of the Eastern District are in desperate need of relief. They have continued to serve with distinction in the face of the crushing caseloads. Mr. President, two of the court's senior judges still carry full caseloads after taking senior status. Two other senior judges are also continuing to hear cases in the district. There is another reason why it is imperative for the Senate to act now and adopt this bill. In just a few months, there will be a vacancy in the Eastern District when Chief Judge David Levi leaves the bench after 17 years of distinguished service.

It is my hope that Chief Judge Levi's seat can be filled as quickly as possible with a well qualified nominee. But, as a practical matter, it is unlikely that the confirmation process for a new judge will be complete when Chief Judge Levi leaves office.

This will leave the Eastern District with still fewer judges to handle its highest-in-the-Nation caseload. The district will need even more help to ensure that cases continue to be handled with the care, attention, and promptness that are essential to the fair administration of justice.

I view this bill as an important first step toward getting California all of the judges it needs. According to the 2007 recommendations of the Judicial Conference, California needs a total of 12 new judges, more judges than are needed in any other State in the Nation. Four of those judges are needed in the Eastern District alone. By adding a temporary judgeship in the district, this bill will help fill the gap until the Senate acts to carry out the Judicial Conference's recommendations.

I thank Chairman LEAHY for taking this important first step toward ensuring that the Federal courts in California have all the judges they need.

Mr. INOUYE. Mr. President, I rise today to support this bill addressing the need to extend a number of our temporary judgeships.

My colleagues and I share a common interest in ensuring that the American public is provided with the most efficient court system possible. However, across the nation many of our judicial resources are strained due to our growing population and an increase in the number of caseloads per judge. Hawaii is no exception, and this bill addresses our need to maintain our current number of judgeships. This bill offers a much needed relief to our over-worked courts.

Thank you for allowing me this opportunity to share with you my thoughts as to the importance of this legislation.

By Mr. LEAHY:

S. 1328. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to reintroduce the Uniting American Families Act. This legislation would allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners under our family-based immigration system. I hope that the Senate will demonstrate our Nation's commitment to equality under the law by passing this measure.

I am pleased to act today in concert with Congressman NADLER, who is introducing this same measure in the House of Representatives. Congressman NADLER has been a steady advocate for these changes, and I commend his efforts to promote fundamental fairness for Americans whose loved ones are foreign citizens.

Under current law, foreign same-sex partners of Americans are unable to benefit from the family-based immigration system, which accounts for the majority of green cards awarded annually. As a result, gay Americans in this situation face the difficult choice of living apart from their partner, or leaving the U.S. to reside together.

This bill provides parity while also retaining strong prohibitions against fraud. To qualify as a permanent partner, potential beneficiaries must be at least 18 years old and in an exclusive, committed relationship with an adult U.S. citizen or legal permanent resident, where both parties intend a lifelong union. The couple must prove that their union is not cognizable as a marriage under the Immigration and Nationality Act. Penalties for fraud would be the same as in any other marriage-based case: up to 5 years in prison and $250,000 in fines for the petitioner, and possible deportation for the alien partner.

Like many people across the country, Vermonters involved in permanent partnerships with foreign nationals often feel abandoned by immigration laws and restrictions. This bill would allow them, and other gay and lesbian Americans, to become more fully integrated into our society. Promoting family unity has long been a critical aim of Federal immigration policy, and we should honor that purpose by providing all Americans regardless of their sexual orientation the opportunity to be with their loved ones.

The idea that immigration benefits should extend to same-sex couples is not new. Many nations recognize that their respective immigration laws should respect family unity, regardless of sexual orientation. Indeed, 16 of our closest allies—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom all acknowledge same-sex couples for immigration purposes.

Our immigration laws treat gays and lesbians in committed relationships as second-class citizens. This injustice should be addressed not only on behalf of those individuals but also to promote more broadly a fair and consistent policy for America. I hope that the Senate will act to demonstrate our Nation's commitment to equality under the law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Uniting American Families Act of 2007".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
Sec. 2. Definitions of permanent partner and permanent partnership.
Sec. 3. Worldwide level of immigration.
Sec. 4. Numerical limitations on individual foreign states.
Sec. 5. Allocation of immigrant visas.
Sec. 6. Procedure for granting immigrant status.
Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
Sec. 8. Asylum.
Sec. 9. Adjustment of status of refugees.
Sec. 10. Inadmissible aliens.
Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
Sec. 14. Deportable aliens.
Sec. 15. Removal proceedings.
Sec. 16. Cancellation of removal; adjustment of status.
Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the constitution.
Sec. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
Sec. 21. Application to Cuban Adjustment Act.

SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting "or permanent partnership" after "marriage"; and

(2) by adding at the end the following:

"(52) The term 'permanent partner' means an individual 18 years of age or older who—

"(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

"(B) is financially interdependent with that other individual;

"(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

"(D) is unable to contract with that other individual a marriage cognizable under this Act; and

"(E) is not a first, second, or third degree blood relation of that other individual.

"(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.".

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by "spouse" each place it appears and inserting "spouse or permanent partner";

(2) by striking "spouses" and inserting "spouse, permanent partner,";

(3) by inserting “(or, in the case of a permanent partnership, whose permanent partnership was not terminated)” after “was not legally separated from the citizen”; and

(4) by striking “remarries.” and inserting “remarries or enters a permanent partnership with another person.”.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) Per Country Levels.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting “, PERMANENT PARTNERS,” after “SPOUSES”;

(2) in the heading of subparagraph (A), by inserting “, PERMANENT PARTNERS,” after “Spouses”; and

(3) in the heading of subparagraph (C), by striking “AND DAUGHTERS” inserting “WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS”.

(b) Rules for Chargeability.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking “his spouse” and inserting “his or her spouse or permanent partner”;

(2) by striking “such spouse” each place it appears and inserting “such spouse or permanent partner”; and

(3) by inserting “or permanent partners” after “husband and wife”.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Family Members of Permanent Resident Aliens.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

“(2) Spouses, permanent partners, unmarried sons without permanent partners, and unmarried daughters without permanent partners of permanent resident aliens.—”;

(2) in subparagraph (A), by inserting “, permanent partners,” after “spouses”; and

(3) in subparagraph (B), by striking “or unmarried daughters” and inserting “without permanent partners or the unmarried daughters without permanent partners”.

(b) Preference Allocation for Sons and Daughters of Citizens.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

“(2) Married sons and daughters of citizens and sons and daughters with permanent partners of citizens.—”; and

(2) by inserting “, or sons or daughters with permanent partners,” after “daughters”.

(c) Employment Creation.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting “permanent partner,” after “spouse,”.

(d) Treatment of Family Members.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting “or permanent partner” after “section 101(b)(1)”; and

(2) by inserting “, permanent partner,” after “the spouse”.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) Classification Petitions.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting “or permanent partner” after “spouse”;

(B) in clause (iii)—

(i) by inserting “or permanent partner” after “spouse” each place it appears; and

(ii) in subclause (I), by inserting “or permanent partnership” after “marriage” each place it appears;

(C) in clause (v)(I), by inserting “permanent partner,” after “is the spouse,”;

(D) in clause (vi)—

(i) by inserting “or termination of the permanent partnership” after “divorce”; and

(ii) by inserting “, permanent partner,” after “spouse”; and

(2) in subparagraph (B)—

(A) by inserting “or permanent partner” after “spouse” each place it appears;

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting “or permanent partnership” after “marriage”;

(ii) in subclause (I)(bb), by inserting “or permanent partnership” after “marriage” the first place it appears; and

(iii) in subclause (II)(aa), by inserting “(or the termination of the permanent partnership)” after “termination of the marriage”.

(b) Immigration Fraud Prevention.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting “or permanent partner” after “spouse” each place it appears; and

(2) by inserting “or permanent partnership” after “marriage” each place it appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting “, permanent partner,” after “spouse” each place it appears; and

(B) by inserting “, permanent partner's,” after “spouse's”; and

(2) in paragraph (4), by inserting “, permanent partner,” after “spouse”.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting “, PERMANENT PARTNER,” after “SPOUSE”; and

(2) in subparagraph (A), by inserting “, permanent partner,” after “spouse”.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting “, permanent partner,” after “spouse”.

SEC. 10. INADMISSIBLE ALIENS.

(a) Classes of Aliens Ineligible for Visas or Admission.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting “permanent partner,” after “spouse,”;

(2) in paragraph (4)(C)(i)(I), by inserting “, permanent partner,” after “spouse”;

(3) in paragraph (6)(E)(ii), by inserting “permanent partner,” after “spouse,”; and

(4) in paragraph (9)(B)(v), by inserting “, permanent partner,” after “spouse”.

(b) Waivers.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting “permanent partner,” after “spouse,”; and

(2) in paragraph (12), by inserting “, permanent partner,” after “spouse”.

(c) Waivers of Inadmissibility on Health-Related Grounds.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting “, permanent partner,” after “spouse”.

(d) Waivers of Inadmissibility on Criminal and Related Grounds.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting “permanent partner,” after “spouse,”.

(e) Waiver of Inadmissibility for Misrepresentation.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting “permanent partner,” after “spouse,”.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting “or permanent partner” after “spouse”; and

(2) in paragraph (2), by inserting “or permanent partnership” after “marriage” each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) Section Heading.—

(1) In general.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking “AND SONS” and inserting “, PERMANENT PARTNERS, SONS, ” after

(2) Clerical amendment.—The table of contents is amended by amending the item relating to section 216 to read as follows:

“Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters”.

(b) In General.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting “or permanent partner” after “spouse”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “or permanent partner” after “spouse”;

(B) in subparagraph (B), by inserting “permanent partner,” after “spouse,”; and

(C) in subparagraph (C), by inserting “permanent partner,” after “spouse,”.

(c) Termination of Status if Finding That Qualifying Marriage Improper.—Section 216(b) of such Act (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting “or Permanent Partnership” after “Marriage”; and

(2) in paragraph (1)(A)—

(A) by inserting “or permanent partnership” after “marriage”; and

(B) in clause (ii)—

(i) by inserting “or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,” after “terminated,”; and

(ii) by inserting “or permanent partner” after “spouse”.

(d) Requirements of Timely Petition and Interview for Removal of Condition.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting “or permanent partner” after “spouse” each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting “or permanent partnership” after “marriage” each place it appears.

(e) Contents of Petition.—Section 216(d)(1) of such Act (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting “OR PERMANENT PARTNERSHIP” after “MARRIAGE”;

(B) in clause (i)—

(i) by inserting “or permanent partnership” after “marriage”;

(ii) in subclause (I), by inserting before the comma at the end “, or is a permanent partnership recognized under this Act”;

(iii) in subclause (II)—

(I) by inserting “or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,” after “terminated,”; and

(II) by inserting “or permanent partner” after “spouse”;

(C) in clause (ii), by inserting “or permanent partner” after “spouse”; and

(2) in subparagraph (B)(i)—

(A) by inserting “or permanent partnership” after “marriage”; and

(B) by inserting “or permanent partner” after “spouse”.

(f) Definitions.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting "or permanent partner" after "spouse" each place it appears; and

(B) by inserting "or permanent partnership" after "marriage" each place it appears;

(2) in paragraph (2), by inserting "or permanent partnership" after "marriage";

(3) in paragraph (3), by inserting "or permanent partnership" after "marriage"; and

(4) in paragraph (4)—

(A) by inserting "or permanent partner" after "spouse" each place it appears; and

(B) by inserting "or permanent partnership" after "marriage".

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting ", PERMANENT PARTNERS," after "SPOUSES"; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting "or permanent partner" after "spouse" each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) is amended by inserting "or permanent partner" after "spouse" in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting "or permanent partner" after "spouse".

(d) DEFINITIONS.—Section 216A(f)(2) is amended by inserting "or permanent partner" after "spouse" each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

"Sec. 216. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children".

SEC. 14. DEPORTABLE ALIENS.

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting "or permanent partners" after "spouses" each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting "or permanent partner" after "spouse";

(3) by inserting after subparagraph (E) the following:

"(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

"(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years prior to such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

"(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant."; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting "or permanent partner" after "spouse" each place it appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting "PERMANENT PARTNERS," after "SPOUSES,"; and

(2) in subsection (e)(1), by inserting "permanent partner," after "spouse,".

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting "or permanent partner" after "spouse"; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ", PERMANENT PARTNER," after "SPOUSE"; and

(B) in subparagraph (A), by inserting ", permanent partner," after "spouse" each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting "or permanent partnership" after "marriage".

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting "or permanent partnership" after "marriage"; and

(2) by adding at the end the following:

"(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

"(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

"(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

"(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

"(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).".

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting ", permanent partner," after "spouse".

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

"(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.".

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting ", permanent partner," after "spouse".

SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting ", permanent partners," after "spouses";

(2) in subsection (a), by inserting ", permanent partner," after "spouse"; and

(3) in each of subsections (b) and (c)—

(A) in the subsection headings, by inserting ", PERMANENT PARTNERS," after "SPOUSES"; and

(B) by inserting ", permanent partner," after "spouse" each place it appears.

SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting ", permanent partner," after "spouse" the first 2 places it appears; and

(2) in the last sentence, by inserting ", permanent partners," after "spouses".

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking "or spouse" and inserting ", spouse, or permanent partner".

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1329. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. COLLINS. Mr. President, I don't know if the Presiding Officer has ever visited Acadia National Park along the coast of Maine. It is an extraordinary place, a place of special beauty. I rise today to introduce the Acadia National Park Improvement Act Of 2007, with the senior Senator from Maine, Ms. SNOWE, as my cosponsor.

This legislation would take important steps to ensure the long-term health of one of America's most beloved national parks. It would increase the land acquisition ceiling at Acadia by $10 million, facilitate an off-site intermodal transportation center for the Island Explorer bus system, and extend the Acadia National Park Advisory Commission.

In drafting this legislation, I have worked very closely with park officials and also with Friends of Acadia, a nonprofit community organization that works hard to support the park.

A little background might be helpful. In 1986, Congress enacted legislation designating the boundary of Acadia National Park. Many private lands were, however, contained within the permanent authorized boundary. Congress authorized the park to spend a little over $9 million to acquire those lands from willing sellers.

While all of that money has now been spent, rising land prices have prevented the money from going as far as Congress originally intended. There are now more than 100 private tracts left within the official park boundary. Nearly 20 of these tracts are currently available from willing sellers, but the park simply no longer has the funds to purchase them. Our legislation would authorize an additional $10 million to help acquire these lands. I wish to emphasize that the lands already fall within the authorized boundary of the park, so we are not talking about enlarging the boundary of the park but, rather, filling in the holes at Acadia.

Our legislation would also facilitate the development of an intermodal transportation center as part of the Island Explorer bus system. The Island Explorer has been extremely successful over its first 7 years. These low-emission, propane-powered vehicles have carried more than 1.5 million riders since 1999. In doing so, they have removed hundreds of thousands of vehicles from the park and significantly reduced pollution. Unfortunately, the system lacks a central parking and bus boarding area. As a result, day-use visitors do not have ready access to the Island Explorer.

My legislation would further facilitate the Department of Interior's assistance in planning, construction, and operation of an intermodal transportation center in Trenton, ME. Mr. President, $7 million for this center was included in the 2005 highway bill at the request of Senator SNOWE and myself. This will include parking for day uses of the park center, a visitor orientation facility highlighting park and regional points of interest, a bus boarding area, and a bus maintenance garage. This center, which will be built in partnership with the Federal Highway Administration, the U.S. Department of Transportation, the Maine Department of Transportation, and other partners, will reduce traffic congestion, preserve park resources, enhance the visitor experience, and ensure a vibrant tourist economy.

Finally, our legislation would extend the 16-member Acadia National Park Advisory Commission for an additional 20-year period. This Commission was created by the Congress back in 1986, and, regrettably, it expired last year. The Commission consists of three Federal representatives, three State representatives, four representatives from local towns, three from the adjacent mainland communities, and three from the adjacent offshore islands. These representatives serving on this Commission have provided invaluable advice related to the management and the development of the park. The superintendent has found it to be very valuable. The Commission has proven its worth many times over, and it deserves to be extended for an additional 20 years. In fact, it probably should just be made permanent.

Acadia National Park is a true gem of the Maine coastline. The park is one of Maine's most popular tourist destinations, with more than 2 million visitors each year. While unsurpassed in beauty, the park's ecosystem is very fragile. Unless we are careful, we risk substantial harm to the very place that Mainers and, indeed, all Americans hold so dear. In 9 years, Acadia will be 100 years old. Age has brought both increasing popularity and greater pressures on this national treasure. By providing an additional $10 million to protect sensitive lands already within the boundary of the park, by expanding the highly successful Island Explorer transportation system, and by extending the Acadia National Park Advisory Commission, this legislation will help to make the park stronger and healthier than ever on the occasion of its centennial anniversary.

I yield the floor.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. CLINTON, Mr. DURBIN, Mrs. BOXER, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. DODD):

S. 1331. A bill to regulate .50 BMG caliber sniper rifles; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to join with Senators KENNEDY, LEVIN, MENENDEZ, MIKULSKI, CLINTON, DURBIN, BOXER and LAUTENBERG in introducing the Long-Range Sniper Rifle Safety Act of 2007, which would regulate a single type of firearm, 50 BMG caliber sniper rifles.

Mr. President, 50 BMG caliber sniper rifles are among the most dangerous firearms in the world. These sniper rifles are capable of bringing down airplanes and helicopters that are taking off or landing, and they can pierce light armored personnel vehicles. They have extraordinary range, up to a mile with accuracy, with a maximum distance of up to 4 miles. Under President Clinton, the State Department suspended all export of these weapons for civilian use in foreign countries. The Bush administration initially changed this rule to allow such sales, but after 9/11 it decided to reinstate this ban.

Yet here in the United States, our laws continue to classify these weapons as "long guns", subject to the least government regulation of any firearms. Current Federal law makes no distinction between a .22 caliber target rifle, a .30-06 caliber hunting weapon, and this large-caliber .50 BMG combat weapon. In some States, youngsters who are 14 years old can get .50 BMG caliber sniper rifles, with no limitation on secondhand sales. In fact, anyone who can own a rifle can buy a .50 BMG caliber sniper rifle. No permits. No licenses. No wait.

That is why I am introducing this legislation today, just as I have introduced similar legislation in the last 3 sessions of Congress. The bill would:

Add these uniquely powerful sniper rifles to the list of firearms classified as "destructive devices", which would mean they must be registered when purchased or sold;

require the same registration for any "copycat" sniper rifles that might be developed in the future with destructive power that is equivalent to the .50 BMG caliber sniper rifle; and

allow people who already possess .50 BMG caliber sniper weapons up to 7 years to register their existing firearms, by implementing a registration process similar to what was used when "street sweeper" and other firearms were reclassified as "destructive devices" in 1994.

This bill would not ban any firearms, including .50 BMG caliber sniper rifles. Instead, it would change the law by treating .50 BMG caliber sniper rifles in the same way we now treat "street sweeper" shotguns, silencers, and any rifle with a dimension larger than .50 caliber. It would regulate these weapons, making it harder for terrorists and others to buy these combat weapons for illegitimate use.

This is not your classic hunting rifle. These weapons weigh up to 28 pounds, and have a price tag of between $2,200 and $6,750. And they fire the most powerful commonly available cartridges, the massive BMG, Browning Machine Gun, bullet, which has a diameter of ½ inch and a length of 3-6 inches.

These rounds are almost as big as my hand. The Congressional Research Service says that a .50 BMG caliber cartridge weighs four and a half times more, and has five times more propellant, than the cartridges used in similar midsize rifles, like the .308 Winchester.

This is a weapon designed to kill people efficiently, and destroy machinery, at a great distance. And the distances are frankly astonishing. In fact, this weapon was able to kill a person from a greater distance than any other sniper rifle with a world-record confirmed distance of 2,430 meters, a mile and a half away.

These weapons are "accurate" up to 2,000 yards, a distance that means it will strike a standard target within this range more than a mile away. To illustrate what this means, a shooter standing on Alcatraz Island off of San Francisco could sight and kill a person at Pier 39.

And the gun has a maximum range of up to 7,500 yards, meaning that while accuracy cannot be guaranteed, the round can strike a target at this distance. Imagine 75 football fields lined up end to end, a distance of over 4 miles. This means a shooter at the Sausalito marina could send bullets crashing into the San Francisco marina.

In short, these are military combat-style weapons. The .50 BMG cartridge has been used by our forces in machine guns since World War I, and our military has utilized .50 BMG caliber sniper rifles in the gulf war, and now in Afghanistan and Iraq. They can shoot through almost anything, a bunker, bulletproof glass, a 3½ inch thick manhole cover, a 600-pound safe.

But as the GAO noted in 1999, many of these guns also wind up in the hands of domestic and international terrorists, religious cults, international and domestic drug traffickers, and violent criminals.

In 1998, Federal law enforcement apprehended three men belonging to a radical Michigan militia group. The three were charged with plotting to bomb Federal office buildings, destroy highways and utilities. They were also charged with plotting to assassinate a Governor, and other high-ranking political and judicial officers. A .50-caliber sniper rifle was found in their possession along with a cache of weapons that included three illegal machine guns.

One doomsday cult headquartered in Montana purchased 10 of these guns and stockpiled them in an underground bunker, along with thousands of rounds of ammunition and other guns.

At least one .50-caliber gun was recovered by Mexican authorities after a shoot-out with an international drug cartel in that country. The gun was originally purchased in Wyoming.

Since the GAO report, it was also revealed in a federal trial in Manhattan that al-Qaida received .50-caliber sniper rifles, rifles manufactured right here in the United States. Essam al Ridi, an al-Qaida associate, testified that he acquired 25 Barrett .50-caliber sniper rifles and shipped them to al-Qaida members in Afghanistan.

What sort of damage could these weapons do in the wrong hands? The U.S. Air Force conducted a study, and determined that planes parked on a fully protected U.S. airbase would be as vulnerable as "ducks on a pond" against a sniper with a .50-caliber weapon, because the weapons can shoot from beyond most airbase perimeters.

The RAND Corporation confirmed this, releasing a report which identified 11 potential terrorist scenarios at Los Angeles International Airport. In one scenario, "a sniper, using a .50 caliber rifle, fires at parked and taxiing aircraft." The report concludes: "we were unable to identify any truly satisfactory solutions" for such an attack.

One need not even search for reports, the weapon's manufacturers admit it. One Barrett .50 caliber brochure says:

> [A] round of ammunition purchased for less than ten U.S. dollars can be used to destroy or disable a modern jet aircraft. The compressor sections of jet engines or the transmissions of helicopters are likely targets for the weapon, making it capable of destroying multimillion dollar aircraft with a single hit delivered to a vital area.

And it is not just aircraft. A terrorist using this rifle could punch holes in pressurized chemical tanks, igniting combustible materials or leaking hazardous gases. Or penetrate armored vehicles used by law enforcement, or protective limousines, like those used here in Washington.

No wonder a broad coalition of law enforcement officers and groups, detailing the threat that these weapons pose to our first responders, said:

> The fact that these weapons have a range of more than four miles and can take down commercial airliners is reason enough to keep these weapons off our streets. It is of special concern to the law enforcement community that these weapons of war are capable of penetrating our special operations vehicles, tactical equipment and helicopters.

This gun is so powerful that one dealer told undercover Government Accountability Office investigators:

> You'd better buy one soon. It's only a matter of time before someone lets go a round on a range that travels so far, it hits a school bus full of kids. The government will definitely ban .50-calibers. This gun is just too powerful.

In fact, many ranges used for target practice do not even have enough safety features to accommodate these guns.

Special ammunition for these guns is also readily available in stores and on the Internet. This is perfectly legal. Moreover, "armor-piercing incendiary" ammunition, which explodes on impact, can be purchased online, as demonstrated in a "60 Minutes" news report. Several ammunition dealers were willing to sell armor-piercing ammunition to an undercover GAO investigator, even after the investigator said he wanted the ammunition to pierce an armored limousine or maybe to shoot down a helicopter.

The bottom line is that the .50 BMG caliber sniper rifle is a national security threat requiring action by Congress. It makes no sense for us to spend billions of dollars on homeland security while we allow terrorists and criminals to get weapons that can serve as tools for terrorism.

The legislation that I am introducing has been carefully tailored, and refines my earlier bills. In fact, it is narrower than my earlier bills, in that it regulates only .50 "BMG" caliber sniper rifles, not all .50 caliber rifles.

There is no doubt that the .50 BMG caliber is the most powerful commonly available cartridge not considered a destructive device under the National Firearms Act. It is in a class by itself. And that's why this bill puts .50 BMG caliber sniper rifles into the class of firearms called destructive devices. Because that is where they belong.

Congress would not be alone in treating the .50 BMG caliber sniper rifle as the unique weapon of destruction that it is. My home State of California has regulated .50 BMG caliber sniper rifles since 2004, in a law signed by Governor Arnold Schwarzenegger. The bill I introduce would adopt a similar registration system nationwide.

In fact, Congress itself has previously recognized the unique destructive properties of this weapon. Ever since 2000, our DOD Appropriations bills have contained a special restriction on the Department of Defense's ability to sell surplus armor-piercing ammunition for .50 caliber weapons to civilians through its demilitarization program.

This is a weapon that should not be openly available to terrorists and criminals, but should be responsibly controlled through carefully crafted regulation. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long-Range Sniper Rifle Safety Act of 2007".

SEC. 2. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.

(a) IN GENERAL.—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking "any type of weapon" and inserting the following: "any—

"(i) type of weapon"; and

(2) by striking "and" at the end and inserting the following: "or

"(ii) .50 BMG caliber sniper rifle; and".

(b) DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(36) The term '.50 BMG caliber sniper rifle' means—

"(A) a rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

"(B) a copy or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.".

SEC. 3. COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.

(a) IN GENERAL.—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(1) by striking "and (3)" and inserting "(3) any .50 BMG caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4)"; and

(2) by striking "(1) and (2)" and inserting "(1), (2), or (3)".

(b) MODIFICATION TO DEFINITION OF RIFLE.—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting "or from a bipod or other support" after "shoulder".

SEC. 4. IMPLEMENTATION.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BMG caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this Act) under this Act and the amendments made by this Act, including the use of a notice and registration process similar to that used when the USAS-12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94-1 (ATF Q.B. 1994-1, 22); ATF Ruling 94-2 (ATF Q.B. 1994-1, 24); and ATF Ruling 2001-1 (66 Fed. Reg. 9748)). The Attorney General shall ensure that under the regulations issued under this section, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. DODD, and Mr. ENZI)):

S. 1332. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues Senator DODD, Senator DOMENICI and Senator ENSIGN in introducing the Mental Health in Schools Act of 2007 to assist the Nation's public schools in providing better access to mental health services for their students.

The need for these services has never been greater. The tragic events at Columbine, Nickel Mines, and Virginia Tech underscore the fact that when left untreated, childhood mental disorders can lead to academic failure, family conflicts, substance abuse, violence, and suicide.

Comprehensive school mental health program should be designed for all students. They should obviously include both identification and referral of specific individuals for treatment, but they should also include programs and services that promote positive mental health and prevent mental health problems for a broader population of students.

Strong mental health, similar to strong physical health, makes it possible for children to develop socially, emotionally, and intellectually. We know that mental illnesses often appear for the first time during childhood and adolescence. One in five children has a diagnosable mental disorder, yet three-quarters of children and youth who need mental health services do not receive them. With proper care and treatment, approximately 80 percent of people with mental illness experience a significant reduction of symptoms and a better quality of life.

Our schools are important settings for recognizing and addressing children's mental disorders. In fact schools often function as the de facto mental health system for children and adolescents. Especially in rural areas, schools are likely to provide the only mental health services available, for children.

Effective school mental health programs reflect the cooperation and commitment of families, students, educators, and other community partners.

However, of the 95,000 public schools in the United States, only half report having formal partnerships with community mental health providers to deliver mental health services.

The services and support provided through these partnerships should be family-centered and community-centered, and should also be culturally and linguistically appropriate.

The goal of the Mental Health in Schools Act is to assist local communities in developing comprehensive school mental health programs that provide a continuum of services for students.

I urge the Senate to join us in supporting schools and communities in expanding their mental health programs to make them more comprehensive, so that our school children across the nation can receive the proper support and services they need in order to thrive in our society and become productive citizens.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health in Schools Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Approximately 1 in 5 children have a diagnosable mental disorder.

(2) Approximately 1 in 10 children have a serious emotional or behavioral disorder that is severe enough to cause substantial impairment in functioning at home, at school, or in the community. It is estimated that about 75 percent of children with emotional and behavioral disorders do not receive specialty mental health services.

(3) Only half of schools across the United States report having formal partnerships with community mental health providers to deliver mental health services.

(4) If a school is going to respond to the mental health needs of its students, it must have access to resources that provide family-centered, culturally and linguistically appropriate supports and services.

(5) Effective school mental health programs reflect the collaboration and commitment of families, students, educators, and other community partners.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) revise, increase funding for, and expand the scope of the Safe Schools-Healthy Students program in order to provide access to more comprehensive school-based mental health services and supports; and

(2) provide for in-service training to all school personnel in—

(A) the techniques and supports needed to identify early children with, or at risk of, mental illness;

(B) the use of referral mechanisms that effectively link such children to treatment intervention services; and

(C) strategies that promote a school-wide positive environment.

SEC. 4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) TECHNICAL AMENDMENTS.—The second part G (relating to services provided through religious organizations) of title V of the Public Health Service Act (42 U.S.C. 290kk et seq.) is amended—

(1) by redesignating such part as part J; and

(2) by redesignating sections 581 through 584 as sections 596 through 596C, respectively.

(b) PURPOSE AND AUTHORITY.—Subsection (a) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary, in collaboration with the Secretary of Education and in consultation with the Attorney General, shall, directly or through grants, contracts or cooperative agreements awarded to public entities and local education agencies, assist local communities and schools in applying a public health approach to mental health services both in schools and in the community. Such approach should provide comprehensive services and supports, be linguistically and culturally appropriate, and incorporate strategies of positive behavioral interventions and supports. A comprehensive school mental health program funded under this section shall assist children in dealing with violence.".

(c) ACTIVITIES.—Section 581(b) of the Public Health Service Act (42 U.S.C. 290hh(b)) is amended—

(1) in paragraph (1), by striking "implement programs" and inserting "implement a comprehensive culturally and linguistically appropriate school mental health program that incorporates positive behavioral interventions and supports";

(2) in paragraph (3), by inserting "child and adolescent mental health issues and" after "address"; and

(3) by striking paragraph (4) and inserting the following:

"(4) facilitate community partnerships among families, students, law enforcement agencies, education systems, mental health and substance abuse service systems, family-based mental health service systems, welfare agencies, healthcare service systems, and other community-based systems;".

(d) REQUIREMENTS.—Subsection (c) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(c)) is amended to read as follows:

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under subsection (a) an entity shall—

"(A) be a partnership between a local education agency and at least one community program or agency that is involved in mental health; and

"(B) submit an application, that is endorsed by all members of the partnership, that makes the assurances described in paragraph (2).

"(2) REQUIRED ASSURANCES.—An application under paragraph (1) shall assure the following:

"(A) That the applicant will ensure that, in carrying out activities under this section, the local educational agency involved will enter into a memorandum of understanding—

"(i) with, at a minimum, public or private mental health entities, healthcare entities, law enforcement or juvenile justice entities, child welfare agencies, family-based mental health entities, families and family organizations, and other community-based entities; and

"(ii) that clearly states—

"(I) the responsibilities of each partner with respect to the activities to be carried out;

"(II) how each such partner will be accountable for carrying out such responsibilities; and

"(III) the amount of non-Federal funding or in-kind contributions that each such partner will contribute in order to sustain the program.

"(B) That the comprehensive school-based mental health program carried out under this section support the flexible use of funds to address—

"(i) the promotion of the social, emotional, and behavioral health of all students in an environment that is conducive to learning;

"(ii) the reduction in the likelihood of at risk students developing social, emotional, or behavioral health problems;

"(iii) the treatment or referral for treatment of students with existing social, emotional, or behavioral health problems;

"(iv) the early identification of social, emotional, or behavioral problems and the provision of early intervention services; and

"(v) the development and implementation of programs to assist children in dealing with violence.

"(C) That the comprehensive mental health program carried out under this section will provide for culturally and linguistically appropriate in-service training of all school personnel, including ancillary staff and volunteers, in—

"(i) the techniques and support needed to identify early children with, or at risk of, mental illness;

"(ii) the use of referral mechanisms that effectively link such children to treatment intervention services; and

"(iii) strategies that promote a schoolwide positive environment, and includes an ongoing training component.

"(D) That the comprehensive school-based mental health programs carried out under this section will demonstrate the measures to be taken to sustain the program after funding under this section terminates.

"(E) That the local education agency partnership involved is supported by the State educational and mental health system to ensure that the sustainability of the programs is established after funding under this section terminates.

"(F) That the comprehensive school-based mental health program carried out under this section is based on evidence-based practices.

"(G) That the comprehensive school-based mental health program carried out under this section is coordinated with early intervening activities carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(H) That the comprehensive school-based mental health program carried out under this section is culturally and linguistically appropriate.".

(e) DURATION.—Section 581(e) of the Public Health Service Act (42 U.S.C. 290hh(e)) is amended—

(1) by striking "may not exceed" and inserting "shall be"; and

(2) by adding at the end the following: "An entity may only receive one award under this section, except that an entity that is providing services and supports on a regional basis may receive additional funding after the expiration of the preceding grant period.".

(f) EVALUATION.—Subsection (f) of section 581 of the Public Health Service Act (42 U.S.C. 290kk(f)) is amended to read as follows:

"(f) EVALUATION AND MEASURES OF OUTCOMES.—

"(1) DEVELOPMENT OF PROCESS.—The Administrator shall develop a process for evaluating activities carried out under this section. Such process shall include—

"(A) the development of guidelines for the submission of program data by such recipients;

"(B) the development of measures of outcomes (in accordance with paragraph (2)) to be applied by such recipients in evaluating programs carried out under this section; and

"(C) the submission of annual reports by such recipients concerning the effectiveness of programs carried out under this section.

"(2) MEASURES OF OUTCOMES.—

"(A) IN GENERAL.—The Administrator shall develop measures of outcomes to be applied by recipients of assistance under this section, and the Administrator, in evaluating the effectiveness of programs carried out under this section. Such measures shall include student and family measures as provided for in subparagraph (B) and local educational measures as provided for under subparagraph (C).

"(B) STUDENT AND FAMILY MEASURES OF OUTCOMES.—The measures of outcomes developed under paragraph (1)(B) relating to students and families shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

"(i) whether the program resulted in an increase in social and emotional competency;

"(ii) whether the program resulted in an increase in academic competency;

"(iii) whether the program resulted in a reduction in disruptive and aggressive behaviors;

"(iv) whether the program resulted in improved family functioning;

"(v) whether the program resulted in a reduction in substance abuse;

"(vi) whether the program resulted in a reduction in suspensions, truancy, expulsions and violence;

"(vii) whether the program resulted in increased graduation rates; and

"(viii) whether the program resulted in improved access to care for mental health disorders.

"(C) LOCAL EDUCATIONAL OUTCOMES.—The outcome measures developed under paragraph (1)(B) relating to local educational systems shall, with respect to activities carried out under a program under this section, at a minimum include provisions to evaluate—

"(i) the effectiveness of comprehensive school mental health programs established under this section;

"(ii) the effectiveness of formal partnership linkages among child and family serving institutions, community support systems, and the educational system;

"(iii) the progress made in sustaining the program once funding under the grant has expired; and

"(iv) the effectiveness of training and professional development programs for all school personnel that incorporate indicators that measure cultural and linguistic competencies under the program in a manner that incorporates appropriate cultural and linguistic training.

"(3) SUBMISSION OF ANNUAL DATA.—An entity that receives a grant, contract, or cooperative agreement under this section shall annually submit to the Administrator a report that include data to evaluate the success of the program carried out by the entity based on whether such program is achieving the purposes of the program. Such reports shall utilize the measures of outcomes under paragraph (2) in a reasonable manner to demonstrate the progress of the program in achieving such purposes.

"(4) EVALUATION BY ADMINISTRATOR.—Based on the data submitted under paragraph (3), the Administrator shall annually submit to Congress a report concerning the results and effectiveness of the programs carried out with assistance received under this section.".

(g) AUTHORIZATION OF APPROPRIATIONS AND AMOUNT OF GRANTS.—Subsection (h) of section 581 of the Public Health Service Act (42 U.S.C. 290hh(h)) is amended to read as follows:

"(h) AMOUNT OF GRANTS AND AUTHORIZATION OF APPROPRIATIONS.—

"(1) AMOUNT OF GRANTS.—A grant under this section shall be in an amount that is not more than $1,000,000 for each of grant years 2008 through 2012. The Secretary shall determine the amount of each such grant based on the population of children between the ages of 0 to 21 of the area to be served under the grant.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for each of fiscal years 2008 through 2012.".

(h) CONFORMING AMENDMENTS.—Part G of title V of the Public Health Service Act (42 U.S.C. 290hh et seq.), as amended by this section, is further amended—

(1) by striking the part heading and inserting the following:

"PART VII—SCHOOL-BASED MENTAL HEALTH"; and

(2) in section 581, by striking the section heading and inserting the following:

"SEC. 581. SCHOOL-BASED MENTAL HEALTH AND CHILDREN AND VIOLENCE.".

Mr. DOMENICI. Mr. President, I rise today with my colleagues Senator KENNEDY and Senator DODD to introduce the Mental Health in Schools Act of 2007. This bill amends the Safe Schools Healthy Students Act to reauthorize projects relating to children and violence and also expands the program to help provide access to school-based mental health programs.

The mental health of our children is as important as their overall physical health. As a Nation, we have repeatedly seen tragic stories related to children whose mental health needs were not met. Recent studies indicate approximately 1 in 5 children have a diagnosable mental disorder and one in ten children have a serious emotional or behavioral disorder that is severe enough to cause substantial impairment in functioning at home, at school, or in the community.

The Mental Health in Schools Act of 2007 provides funding to local education agencies, LEAs, in partnership with their communities to develop and implement mental health service programs in schools. The funding will also be used to provide for in-service training to all school personnel in the techniques and supports related to mental health. It is our belief that these programs have the potential to not only improve access to care for mental health disorders but also to help increase academic competency and improved family functioning.

Investing in effective mental health treatment can mean the difference between a child's success and failure in school and in society. The most effective mental health care must be tailored to the child's and family's needs, and must be accessible and available when and where they need it. Children and their families' needs often cross multiple systems. Communities need sustainable tools to link or integrate those systems to meet those needs.

We must recognize that children do not have to remain neglected when it comes to their mental health. The future of children's mental health care is very promising. Programs promoting mental health work, and when they do, the resilience of a child can grow while diminishing the challenging behaviors associated with mental health problems and emotional disturbances. It is important to recognize that as a Nation and as a society, we have come a long way in understanding mental illness and its impact on children and adolescents. Research has made extraordinary leaps forward, giving us a better understanding of the disorders and the evidence-based treatments, services and supports that build resilience and facilitate recovery for children and adolescents.

We have seen over and over again that not offering effective mental health care has many ramifications, not the least of which is violence, substance abuse and poor academic performance. Much more is required of us as a Nation to secure the whole health and well-being of our future, our children and youth. Now is the time to begin a national debate on mental health care and its importance to our children. I think the bill we are introducing here is a great start and I look forward to working with my colleagues to pass this important legislation.

By Mr. KERRY:

S. 1333. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Strengthen the Earned Income Tax Credit Act of 2007. Congressman PASCRELL is introducing the companion measure in the House. Since 1975, the EITC has been an innovative tax credit which helps low-income working families. President Reagan referred to the EITC as "the best antipoverty, the best pro-family, the best job creation measure to come out of Congress." According to the Center on Budget and Policy Priorities, the EITC lifts more children out of poverty than any other government program.

It is time for us to reexamine the EITC and determine where we can strengthen it. It should not have taken Hurricane Katrina to show what Census data has proven— some Americans are not benefiting from our economic recovery. The poverty rate for 2005 was 12.6 percent, basically the same as the rate for 2004. In 2005, there were 37 million men, women and children living in poverty. One-quarter of all jobs in the United States do not pay enough to support a family of four above the poverty level.

Hurricane Katrina affected many individuals who were already faced with difficult economic situations. Mississippi, Louisiana, and Alabama are the first, second, and eighth poorest States in the Nation respectively. The income of the typical household in these three States is well below the national average. In the hardest hit counties, 18.6 percent of the population is poor, compared with a national average of 12.5 percent.

Time after time, the Republican controlled Congress passed tax cuts which are skewed towards those with the most. In 2003, some of the 2001 cuts were phased-in at a faster rate and this did not include adjustments to the EITC. The Urban Institute, Brookings Institution's Tax Policy Center, reports that households with incomes of more than $1 million a year, the richest three-tenths of the population, receive an average tax cut of $118,000. These individuals do not have to worry about how they will have to pay for a roof over their heads or enough food for their families. We should not be focused on extending tax cuts which help those who do not have to worry about living pay check to pay check.

We need to help the low-income workers who struggle day after day trying to make ends meet. They have been left behind in the economic policies of the last 6 years. We need to begin a discussion on how to help those that have been left behind. The EITC is the perfect place to start.

The Strengthen the Earned Income Tax Credit Act of 2007 strengthens the EITC by making the following four changes: reducing the marriage penalty; increasing the credit for families with three or more children; expanding credit amount for individuals with no children; and permanently extending the provision which allows members of the armed forces to include combat pay as income for EITC computations. By making these changes, more individuals and families would benefit from the EITC.

First, the legislation increases marriage penalty relief and makes it permanent. In the way that the EITC is currently structured, many single individuals that marry find themselves faced with a reduction in their EITC. The tax code should not penalize individuals who marry.

Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. This legislation would create a new credit amount based on three or more children. Under current law, the maximum EITC for an individual with two or more children is $4,716 and under this legislation, the amount would increase to $5,306 for an individual with three or more children. The poverty level for an adult living with three children is $20,516. In total, 37 percent of all children live in families with at least three children and more than half of poor children live in such families. Under current law, an adult living with three children who is eligible for the maximum EITC with income equivalent to the phase-out income level would still have income below the poverty level. Under this legislation, an individual with three children and who is eligible for the full credit amount would be lifted above the poverty level by the amount of the credit.

Increasing the credit amount would make more families eligible for the EITC. Currently, an individual with three children and income at and above $37,783 would not benefit from the credit. Under this legislation, an individual with children and income under $40,582 would benefit from the EITC.

Third, this legislation would increase the credit amount for childless workers. The EITC was designed to help childless workers offset their payroll tax liability. The credit phase-in was set to equal the employee share of the payroll tax, 7.65 percent. However, in reality, the employee bears the burden of both the employee and employer portion of the payroll tax.

Under current law, an individual without children and income just above the poverty level would owe more than $800 in Federal income and payroll taxes in 2007, even with the EITC. This calculation is based on just the employee's share of the payroll tax. If you include the employer's share this individual would owe more than $1,600 in taxes. The decline in the labor force of single men has been troubling. Boosting the EITC for childless workers could be part of solution for increasing work among this group. Increasing the EITC for families has increased labor rates for single mothers and hopefully, it can do the same for this group.

This legislation doubles the credit rate for individual taxpayer and married taxpayers without children. The credit rate and phase-out rate of 7.65 percent is doubled to 15.3 percent. For 2007, the maximum credit amount for an individual would increase from $428 to $855. The doubling of the phase-out results in taxpayers in the same income range being eligible for the credit.

Fourth, the Working Families Tax Relief Act of 2004 included a provision which would allow combat pay to be treated as earned income for purposes of computing the child credit. This provision expires at the end of the year. This legislation makes this provision permanent. There is no reason why a member of the armed services should lose their EITC when they are mobilized and serving their country.

This legislation will help those who most need our help. It will put more money in their pay check. We need to invest in our families and help individuals who want to make a living by working. We are all aware of our fiscal situation and we should legislate in a responsible manner. It is a time for shared sacrifice. We cannot keep adding to the deficit, but we cannot leave the poor behind.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthen the Earned Income Tax Credit Act of 2007".

SEC. 2. STRENGTHEN THE EARNED INCOME TAX CREDIT.

(a) REDUCTION IN MARRIAGE PENALTY.—

(1) IN GENERAL.—Section 32(b)(2)(B) of the Internal Revenue Code of 1986 (relating to joint returns) is amended—

(A) by striking ", 2006, and 2007" in clause (ii) and inserting "and 2006", and

(B) by striking clause (iii) and inserting the following new clauses:

"(iii) $3,500 in the case of taxable years beginning in 2007,

"(iv) $4,000 in the case of taxable years beginning in 2008,

"(v) $4,500 in the case of taxable years beginning in 2009, and

"(vi) $5,000 in the case of taxable years beginning after 2009.".

(2) INFLATION ADJUSTMENT.—Section 32(j)(1)(B)(ii) of such Code is amended—

(A) by striking "$3,000 amount in subsection (b)(2)(B)(iii)" and inserting "$5,000 amount in subsection (b)(2)(B)(vi)", and

(B) by striking "2007" and inserting "2009".

(3) PROVISIONS NOT SUBJECT TO SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions of such Act) shall not apply to section 303(a) of such Act.

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—The table contained in section 32(b)(1)(A) of such Code (relating to percentages) is amended—

(1) by striking "2 or more qualifying children" in the second row and inserting "2 qualifying children", and

(2) by inserting after the second row the following new item:

3 or more qualifying children.	45	21.06.

(c) CREDIT INCREASE AND REDUCTION IN PHASEOUT FOR INDIVIDUALS WITH NO CHILDREN.—The table contained in section 32(b)(1)(A) of such Code is amended—

(1) by striking "7.65" in the second column of the third row and inserting "15.3", and

(2) by striking "7.65" in the third column of the third row and inserting "15.3".

(d) PERMANENT EXTENSION OF SPECIAL RULE TREATING COMBAT PAY AS EARNED INCOME.—

(1) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) of such Code (relating to earned income) is amended to read as follows:

"(iv) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(2) PROVISION NOT SUBJECT TO SUNSET.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. DODD (for himself, Mr. VOINOVICH, Mr. CONRAD, Mr. KERRY, Mr. BYRD, and Mr. BROWN):

S. 1334. A bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will restore the rights of veterans and their families to receive an official grave marker from the Department of Veterans' Affairs in acknowledgement of their service to this Nation. I am pleased to be joined by Senators KERRY, VOINOVICH, CONRAD, BYRD, and BROWN as original cosponsors. This legislation addresses a serious, and easily remedied, inequity that exists for veterans who passed away during the period between November 1, 1990, and September 11, 2001.

There is an inscription in Colleville-sur-Mer, France, at Omaha Beach, commemorating those Americans who perished in the World War II battle there, that reads:

> This embattled shore, this portal of freedom, is forever hallowed by the ideas, the valor and sacrifice of our fellow countrymen.
>
> Their graves are the permanent and visible symbols of their heroic devotion and their sacrifice in the common cause of humanity.
>
> These endured all and gave all that justice among nations might prevail and that mankind might enjoy freedom and inherit peace.

Monuments like this, or like the many spectacular memorials right here in Washington, DC, serve as a reminder of the service, dedication, and sacrifice of our Nation's veterans. They are a tribute not to the suffering and darkness of war, but to the tremendous courage of those who served so that, as the inscription says, "mankind might enjoy freedom and inherit peace." And in a small way, the markers placed at veterans' gravesites serve as a similar reminder for the friends and family members who visit a loved one's grave.

Until 1990, the family of a deceased American veteran could receive reimbursement for a VA headstone, a VA marker, or a private headstone. However, I regret to say, in the name of cutting costs, measures were taken to prevent the VA from providing markers to those families that had purchased gravestones out of their own pockets.

In my view, this constitutes a serious injustice; one that we must correct. It is shocking to me that veterans who passed during those 11 years are denied an official grave marker, and yet that is the effect of current law.

We owe it to these brave men and women to honor their service to this country. We have seen too many instances in which our veterans have not been accorded the respect they deserve. The accounts that have surfaced about the deplorable conditions at Walter Reed Army Medical Center and the consistent underfunding of the Veterans Health Administration shine an unpleasant spotlight on the ways in which we have fallen far short of our obligations to our Nation's veterans. And now, how can we deny veterans the simple honor of recognizing their service with a graveside marker?

This body first endorsed a provision restoring the right of every veteran to receive a grave marker as early as June 7, 2000, as part of the fiscal year 2001 Defense Authorization bill. This body approved this language again on December 8, 2001. But it was not until December 6, 2002, that legislation was signed into law as part of the Veterans Improvement Act, allowing VA markers to be provided to deceased veterans retroactively. Unfortunately, however, when the bill went to a conference with the House of Representatives, this benefit was inexplicably applied retroactively only to September 11, 2001, rather than to November 1, 1990, the date at which the new VA regulation came into effect.

In my view, to arbitrarily deny veterans who passed away during that 11-year period is unconscionable. Their service to our Nation was no less dedicated than the service of those who passed away before and after that period. It is an insult to their memories and to the families and friends who loved them.

This legislation is quite simple. It merely allows all veterans who have passed away since 1990 to be provided with official VA grave markers and it repeals the expiration of the VA's authority to provide these grave markers. The VA is supportive of this legislation, which I believe will ensure that all of our Nation's veterans are accorded the respect they are due for their sacrifices. In a report submitted to Congress on February 10, 2006, the VA endorsed both provisions of this legislation, recommending that the grave marker authority be made permanent and retroactive to 1990.

Moreover, this bill is inexpensive. The Congressional Budget Office estimated the cost of this bill to be just $1 million over 5 years and $2 million over 10 years. Who can argue that this is too high a price to pay to honor our fallen heroes?

We are approaching the 9th anniversary of the passing of Mr. Agostino Guzzo, a Connecticut resident who bravely served in the U.S. Armed Forces in the Philippines during World War II. His family interred his body in a mausoleum at the Cedar Hill Cemetery in Hartford, CT. The family was not aware of the VA's restrictions on grave markers at the time, and was told by the VA that there was no way to receive official recognition.

Agostino's son, Mr. Thomas Guzzo, brought the matter to my attention, and we were able to pass legislation granting Agostino the memorial he deserves. But too many families are still denied such markers. This legislation honors the memory of Agostino Guzzo and all of the veterans who have served their country in war and in peace. Thomas Guzzo's commitment to this issue has not ended. The commitment of this Congress should continue, as well.

I hope my colleagues will support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.

(a) REPEAL OF EXPIRATION OF AUTHORITY.—Subsection (d) of section 2306 of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) RETROACTIVE EFFECTIVE DATE.—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107–103; 115 Stat. 995; 38 U.S.C. 2306 note), the amendments made to section 2306(d) of title 38, United States Code, by such section 502 and the amendments made by section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461), other than the amendment made by subsection (e) of such section 402, shall take effect as of November 1, 1990, and shall apply with respect to the graves of individuals dying on or after that date.

By Mr. INHOFE (for himself and Mr. ENZI):

S. 1335. A bill to amend title 4, United States Code, for declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. INHOFE. Mr. President, last year I said that this Nation of immigrants requires an official language. An overwhelming majority of the Senate agreed with me on my amendment to that effect on the immigration bill. I am convinced that official English will command another majority should it receive a rollcall vote in this session. That is why today I am introducing S. 1335 to make English the official language of our Nation.

The English language has played a critical role in establishing the unity of this Nation from its beginning. As I have said before, a common means of communication has created one giant market for goods and labor in our Nation, from Maine to California. A resident of Tulsa can seek work in New Hampshire, Oregon, or Georgia without having to learn a second language. A company based in Oklahoma City can readily sell its products from Portland, ME, to Los Angeles.

In Europe, by contrast, a resident of Berlin cannot look for work in Paris or Warsaw without surmounting considerable language barriers. A German company cannot usually sell its product in Madrid, again, in part, because of language barriers. The European Union is an effort to create a U.S.-like common market in Western Europe. Among other things, Europeans are spending billions of euros to try to replicate what we in America have enjoyed for free these past 230 years.

Recognizing that English is necessary for successful business and a growing economy, the Santa Ana Chamber of Commerce recently announced that it is spearheading a multimillion dollar campaign to help about 50,000 of its residents to learn the language. I regret to report that we have spent the last few decades giving away this priceless linguistic unity.

Clinton Executive Order No. 13166 demands that all recipients of Federal funds function in any language anyone speaks at any time, burdening taxpayers with extraneous costs of an enabling policy while providing incentives for immigrants to circumvent learning English and, regretfully, hurt their chances at effective assimilation.

My constituents agree that foreign language ballots deserve no place in an American election. My bill will eliminate these foreign language voting materials and multilingual voting mandates imposed on Oklahoma and other States. Only citizens are allowed to vote in our Nation, and one of the requirements to become a good citizen is to show an understanding of English. Money to provide foreign language ballots would be better spent on such constructive activities as simply teaching people how to speak English.

Not only does my bill repeal foreign language ballots, it is aimed at the entire forest of mandatory multilingualism. My legislation basically recognizes the practical reality of the role of English as our official language and states explicitly that English is our official language and provides English a status in law it has not held before. Making English the official language will clarify that there is no entitlement to receive Federal documents and services in languages other than English and will end the practice of providing translation entitlements at taxpayer expense.

My bill declares that any rights of a person, as well as services or materials in languages other than English, must be authorized or provided by law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to government service and materials in languages other than English. While my bill will end federally mandated and funded foreign language entitlement, it certainly still allows for Democratic and Republican activists to offer palm cards and sample ballots in any language they wish—from Cherokee to Chinese—on election day and for individuals to bring along their own translaters to any Federal Government office.

It is important to note that my bill only affects the language spoken by the Government, not the language choices of people speaking among themselves.

Official English is popular even among Hispanics. As I have cited before on the floor of the Senate, in 2006, a Zogby poll found 84 percent of Americans, including 71 percent of Hispanics, believe that English should be the national language of government operations. According to a 2002 Kaiser Family Foundation survey, a poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeed in the United States.

Allow me to conclude by remembering the founder of the official English movement, U.S. Senator S.I. Hayakawa. The son of Asian immigrants, S.I. Hayakawa became a professor of English, a college president, and, in 1976, a U.S. Senator. Senator Hayakawa became the leader of the official English effort in this Chamber when he introduced an official English bill on April 27, 1981. Senator Hayakawa used to say "bilingualism for the individual is fine but not for a country." While I never served with Senator Hayakawa, I would like to honor his efforts and continue his important work by offering the S.I. Hayakawa Official English Act of 2007, which is S. 1335.

Let me say, it seems so ridiculous that as we travel around the world, there are some 51 countries that have English as their official language, and yet the United States doesn't. I was recently in Ghana, West Africa. They have English as their official language. We don't have it in the United States.

Zambia, Uganda, and Zimbabwe have English as their official language but not the United States. This is something that should be a no-brainer. Of the 80-some percent of the people polled, up to 91 percent want English as the official language, and yet, for some unknown reason, people seem to be catering to some maybe small, radical group that doesn't want it. I think it is time for the majority of the American people to realize this could very well be the reality.

Let me also say, when I had this amendment on the floor before, there were all kinds of objections that came down that didn't have any credibility at all. One of them that came down said: Well, you have all these flags of the various States that have foreign languages; you would have to do away with State flags. This has nothing to do with that. One came down that said: You would no longer be able to use Spanish on the floor of the Senate. It has nothing to do with that. They said: You would be drowning Hispanics. I said: Explain that to me. They said: Well, we have "no swimming" signs in the Potomac where the currents are very strong, so people would go in there and they would drown. This is how desperate people are to find something objectionable about something that 90 percent of the people in America want.

So we are very serious about this. We are going to carry on the works of the good Senator from California and hopefully respond to 90 percent of Americans who want English as an official language.

By Ms. SNOWE (for herself and Mr. BAYH):

S. 1336. A bill to provide for an assessment of the achievement by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, I rise to speak to the monumental and consequential matter regarding the future course of the United States and our courageous men and women in uniform in Iraq.

Today, we are at a profoundly challenging moment in time, and at a critical crossroads with respect to our direction in this war. That sense of urgency was compounded by my recent trip to Iraq this past weekend where I had the privilege of meeting with some of America's bravest and finest serving in Baghdad, including Mainers. I came away believing more firmly than ever that the Iraq Government must understand that our commitment is not infinite, and that Americans are losing patience with the failure of the leadership to end the sectarian violence and move toward national reconciliation.

My visit further underscored the fact that there is not a military solution to the problem, and in the final analysis, the situation requires demonstrable action by the Iraq Government on true political reform and reconciliation. My firsthand experience reinforced that political will and diplomatic initiatives must form the core of our success, and that our goal must be to bring about reconciliation as soon as possible so that all of America's soldiers including those from Maine can return home to their families and loved ones.

None of us arrive at this question lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. And indisputably, myriad, deeply-held beliefs and arguments were expressed on those pivotal matters, some in concert, some complementary, some in conflict. Yet, without question, all were rooted in mutual concern for, and love of, our great Nation. And there was, and should not be today, no question about our support for our brave and extraordinary troops.

It is therefore with the utmost respect for our troops that Senator EVAN BAYH and I today introduce a bill which allows them the ability to complete the mission they have selflessly undertaken, while assuring them that their valor shall not be unconditionally expended upon an Iraqi Government which fails to respond in kind.

Before proceeding any further, let me pause to express my deep appreciation and immense gratitude to Senator BAYH for his tremendous leadership and indispensable contribution in forging this welcomed, bipartisan measure. If there ever were a time for us to fashion a way forward, together, it is surely now, and because of Senator BAYH and his tireless efforts we have a measure that represents a significant step in the right direction. I thank him and his staff for bringing this fresh approach to fruition today.

The Snowe-Bayh Iraq bill requires that government to actually achieve previously agreed political and security benchmarks while the Baghdad Security Plan, commonly referred to as the "surge," is in effect, or face the redeployment of those U.S. troops dedicated to that plan.

Specifically, this legislation would require that, 120 days after enactment, a point in time at which our military commanders have stated that they should know whether the surge will succeed, the commander of Multi-National Forces, Iraq would report to Congress as to whether the Iraqi Government has met each of six political and security-related benchmarks which it has already agreed to meet by that time. These six benchmarks are: Iraqi assumption of control of its military; enactment and implementation of a militia law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq; completion of the constitutional review and a referendum held on special amendments to the Iraqi Constitution that ensure equitable participation in the Government of Iraq without regard to religious sect or ethnicity; completion of a provincial election law and commencement and specific preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity; enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

The Iraqi Government must know that any opportunity gained from our increased troop levels in Baghdad is a window that we will soon close if it fails to take urgent action and show tangible results in tandem. If, at the end of 120 days, the commander of Multi-National Forces, Iraq reports the Iraqi Government has not met the benchmarks, then the commander should plan for the phased redeployment of the troops we provided for the Baghdad Security Plan, period.

That is why, under the Snowe-Bayh measure, after 120 days, should the commander report that the Iraqi Government has failed to meet any of the benchmarks listed, he will then be required to present a plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan and to provide plans detailing the transition of the mission of the U.S. forces remaining in Iraq to one of logistical support, training, force protection, and targeted counterterrorism operations, for examples, those functions set forth in the Iraq Study Group Report, with the objective of successfully accomplishing this change in mission within 6 months of the date of his testimony before Congress. The commander must further indicate the number of troops needed to successfully complete the changed mission and the estimated duration of that mission. As General Petraeus stated in March,

> I have an obligation to the young men and women in uniform out here, that if I think it's not going to happen, to tell them that it's not going to happen, and there needs to be a change.

My colleagues may recall that I opposed the surge because I did not, and still do not, believe that additional troops are a substitute for political will and capacity. General Petraeus said last month that a political resolution is crucial because that is what will determine in the long run the success of this effort. I could not agree more. The fact is, America and the world require more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation, we must see actual results. The Iraqi Government must find the will to ensure that it represents and protects the rights of every Iraqi.

After our 4-year commitment, Iraq's Government should not doubt that we must observe more than incremental steps toward political reconciliation, we require demonstrable changes. While limited progress has been mad on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a sheaf of laws and not just a single measure that must pass to ensure that all Iraqis have a share and stake in their government. Chief among these are constitutional amendments which will permit Iraqis of all ethnicities and confessions to be represented at the local level of government. Yet, so far, the review committee has yet to even finish drafts of these critical amendments.

I believe we were all encouraged by the recent ambassadorial meetings in Baghdad and last week's ministerial conference called at the Iraqi Government's request. These diplomatic talks are vital to securing Iraq's border, reversing the flow of refugees, and stemming the foreign interference which exacerbates sectarian divisions. But we also look for the Iraqi Government's leadership in dismantling the militias and strengthening the National Army so that it is truly a national institution that can provide the security so desperately desired by all Iraqis in every province.

We are now 3½ months into the surge, and our troops have made gains in reducing the still horrific levels of violence on Baghdad through their heroic efforts. Yet it is deeply concerning to me that, mirroring the slowness with which the Iraqi Government has moved on political reforms, their sacrifice remains by and largely unmatched by their Iraqi counterparts.

Last month, Leon Panetta, a member of the Iraq Study Group, wrote the following in a New York Times Op-ED, ". . . every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, 'if the Iraqi Government does not make political progress on reforms, all the troops in the world will not provide security.' He went on to enumerate the progress or, more to the point, the lack of progress toward the agreed upon benchmarks and concluded that 'unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.'"

In fact, over the past few months, many have come to the realization that political action by the Iraqi Government is a paramount precursor to national reconciliation and stability and, without it, the Baghdad Security Plan is only a temporary, tactical fix for one specific location. And while we are hearing about incremental successes, I agree with Thomas Friedman who said recently in an interview, "there's only one metric for the surge working, and that is whether we're seeing a negotiation among Iraqis to share power, to stabilize the political situation in Iraq, which only they can do . . . telling me that the violence is down 10 percent or 8 percent here or 12 percent there, I don't really think that's the metric at all."

To this day, the public looks to the United States Senate to temper the passions of politics and to bridge divides. And if ever there were a moment when Americans are imploring us to live up to the moniker of "world's greatest deliberative body," that moment is upon us.

If I had a son or daughter or other family member serving in Iraq, I would want at least the assurance that someone was speaking up to tell the Iraqi Government, and frankly our government as well, that at my family's sacrifice must be matched by action and sacrifice on the part of the Iraqi Government. I would want to know that the most profound of all issues was fully debated by those who are elected to provide leadership. For those of us who seek success in Iraq, and believe that a strategy predicated on political and diplomatic solutions, not merely increased troop levels, presents the strongest opportunity to reach that goal, let us coalesce around this bill, which will allow us to speak as one voice, strong, together, and united in service to a purpose we believe to be right.

By Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI):

S. 1337. A bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program; to the Committee on Finance.

Mr. KERRY. Mr. President, it is my great hope that Congress will move this year to see that the successful, bipartisan State Children's Health Insurance Program is allowed the opportunity to fulfill its promise to the low-income children of this country. For 10 years it has provided, along with Medicaid, the type of meaningful and affordable health insurance coverage that should be ensured to each and every American. Yet there is much work to be done, and the reauthorization of S-CHIP gives us the opportunity to expand these successful programs to as many of the 9 million uninsured children in the country today, starting with the 6 million that are already eligible for public programs but not yet enrolled.

But we must keep in mind that while expanding coverage to the uninsured is our top priority, it is equally important to ensure that the types of benefits offered to our Nation's children are quality services that are there for them when they need them. When it comes to mental health coverage, that unfortunately is not the case today. Therefore, I am introducing today, along with Senators SMITH, KENNEDY, and DOMENICI, the Children's Mental Health Parity Act which provides for equal coverage of mental health care for all children enrolled in the State Children's Health Insurance Plan, SCHIP.

Mental illness is a critical problem for the young people in this country today. The numbers are startling: Mental disorders affect about one in five American children and up to 9 percent of kids experience serious emotional disturbances that severely impact their functioning. And low-income children, those the S-CHIP program is designed to cover, have the highest rates of mental health problems.

Yet the sad reality is that an estimated two-thirds of all young people struggling with mental health disorders do not receive the care they need. We are failing our children when it comes to the treatment of mental health disorders and the consequences could not be more severe. Without early and effective intervention, affected children are less likely to do well in school and more likely to have compromised employment and earnings opportunities. Moreover, untreated mental illness may also increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Unfortunately, many States' S-CHIP programs are not providing the type of mental health care coverage that our most vulnerable children deserve. Many States impose discriminatory limits on mental health care coverage that do not apply to medical and surgical care. These can include caps on coverage of inpatient days and outpatient visits, as well as cost and testing restrictions that impair the ability of our physicians to make the best judgments for our kids.

The Children's Mental Health Parity Act would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes States to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for States to use in developing their SCHIP plans.

The mental health community is gathered in Washington today to mark National Children's Mental Health Awareness Day and many of the leading advocacy groups have endorsed the Children's Mental Health Parity Act, including Mental Health America, the American Academy of Child & Adolescent Psychiatry, the Bazelon Center for Mental Health Law, Fight Crime: Invest in Kids, The National Association for Children's Behavioral Health, the National Association of Psychiatric Health Systems, and the National Council for Community Behavioral Health care.

America's kids who are covered through SCHIP should be guaranteed that the mental health benefits they receive are just as comprehensive as those for medical and surgical care. It is no less important to care for our kids' mental health, and this unfair and unwise disparity should no longer be acceptable. As we debate many important features of the S-CHIP program during reauthorization, I look forward to working with Members on both sides of the aisle to see that this important, bipartisan measure receives the support that it deserves.

I ask for unanimous consent that the text of the bill bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Mental Health Parity Act".

SEC. 2. PARITY FOR MENTAL HEALTH SERVICES IN SCHIP.

(a) ASSURANCE OF PARITY.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

"(5) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 of such Act (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (6) of subsection (c)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2007.

NATIONAL COUNCIL FOR COMMUNITY
BEHAVIORAL HEALTHCARE,
May 8, 2007.

Hon. GORDON H. SMITH,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: On behalf of the National Council for Community Behavioral Healthcare, I am writing to congratulate you for the introduction of the Children's Mental Health Parity Act, which will require a nondiscriminatory mental health benefit in the State Children's Health Insurance (SCHIP) Program. The National Council strongly supports your bill because it directly reflects the service needs of the 2 million children with mental and emotional disorders that our members serve every year.

The seminal document Mental Health: A Report of the Surgeon General estimates that approximately one in five children and adolescents experience the signs and symptoms of mental disorders during the course of a year. Furthermore, widespread conditions such as major clinical depression and anxiety disorders are particularly prevalent in low-income populations of children who are more likely to be enrolled in the SCHIP Program. In many instances, these conditions manifest themselves as physical complaints greatly complicating the clinical management of both medical/surgical conditions as well as mental disorders.

With many states limiting outpatient mental health benefits to 20 visits and inpatient hospital services to 30 days or less, youngsters with more serious mental illnesses will not receive the mental health care they need. Indeed, these arbitrary limits make neither clinical nor fiscal sense. When children reach their SCHIP mental health policy limits, National Council members are often charged with qualifying these same kids for Medicaid coverage. During the Medicaid eligibility determination process, their clinical condition may deteriorate leading to expensive placements in psychiatric hospitals or residential treatment facilities.

The Children's Mental Health Parity Act ends this discriminatory treatment once and for all, while providing additional mental health benefits for the kids who need them most. Please count on the National Council to fight for this important bill throughout the SCHIP reauthorization process.

Sincerely,

LINDA ROSENBERG,
Executive Director.

MENTAL HEALTH AMERICA,
Alexandria, Virginia, May 7, 2007.

Hon. JOHN F. KERRY,
Hon. EDWARD M. KENNEDY,
Hon. GORDON SMITH,
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH, KENNEDY, AND DOMENICI: I commend you for your leadership in introducing the "Children's Mental Health Parity Act" to require equitable coverage of mental health services in the State Children's Health Insurance Program (SCHIP). As you know, providing access to needed mental health care is a key component of ensuring that SCHIP covers the full array of services needed for healthy childhood development.

As the Nation's oldest and largest advocacy organization dedicated to addressing all aspects of mental health and mental illness, we at Mental Health America greatly value the importance of prevention and early identification of mental illness. Thus, improving access to mental health care for children and youth is one of our primary objectives, particularly since some of the most serious mental illnesses often first arise in adolescence.

Many children need extensive mental health services in order to progress socially and emotionally and to successfully complete their education. Mental disorders affect about one in five American children and five to nine percent experience serious emotional disturbances that severely impair their functioning. Moreover, low-income children enrolled in Medicaid and SCHIP have the highest rates of mental health problems.

Unfortunately, over two-thirds of children struggling with mental health disorders do not receive mental health care. Without early and effective identification and interventions, childhood mental disorders can lead to a downward spiral of school failure, poor employment opportunities, and poverty in adulthood. Untreated mental illness may also increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Discriminatory limits on mental health care are a primary cause of this widespread lack of access to necessary mental health services. And sadly, many state SCHIP plans impose these restrictive limits on mental health care, including caps on coverage of inpatient days and outpatient visits. These limits are not based on the medical needs of children enrolled in SCHIP or on practitioners' best practice guidelines. They are far too restrictive for ensuring access to adequate care for children with mental disorders. In fact, research has shown that children with complex mental health needs have access to full coverage for needed services in not more than 40 percent of states due to the limited benefit package in their state's SCHIP plan.

Thus, we greatly appreciate your introduction of the "Children's Mental Health Parity Act" that would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for states to use in developing their SCHIP plans.

We look forward to working with you to ensure enactment of this important legislation.

Sincerely,

DAVID L. SHERN, Ph.D.,
President and CEO.

AMERICAN ACADEMY OF CHILD
AND ADOLESCENT PSYCHIATRY
Washington, DC, May 3, 2007.

Hon. Senator GORDON SMITH,
Russell Senate Office Building,
Washington, DC.
Hon. Senator JOHN KERRY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS SMITH AND KERRY: on behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), we would like to express our support for the "The Children's Mental Health Parity Act."

The American Academy of Child and Adolescent Psychiatry (AACAP) is a medical membership association established by child and adolescent psychiatrists in 1953. Now over 7,600 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 7–12 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders.

Mental health is integral to the health and well-being of all children. Children coping with emotional and mental disorders must be identified, diagnosed, and treated to avoid the loss of critical developmental years that can never be recaptured. Currently, under the State Children's Health Insurance Program (SCHIP) mental health coverage is left up to the states. This act will amend Title XXI of the Social Security Act to provide for equal mental health coverage under SCRIP and allow for millions of children to receive the preventive care they need to live healthy productive lives.

We appreciate your leadership on this important issue. Please contact Kristin Kroeger Ptakowski, Director of Government Affairs, at 202.966.7300, x. 108, if you have any questions concerning children's mental health issues.

Sincerely,

THOMAS ANDERS, M.D.,
President.

NATIONAL ASSOCIATION FOR
CHILDREN'S BEHAVIORAL HEALTH,
Washington, DC, May 6, 2007.

Senator JOHN KERRY,
Senate Russell,
Washington, DC.

DEAR SENATOR KERRY: On behalf of the National Association for Children's Behavioral Health, we want to thank you for your leadership in introducing the Children's Mental Health Parity Act. Allowing persistent discriminatory coverage in mental health benefits in any health insurance policies is an indignity which no longer can be tolerated. Correcting this injustice in the State Children's Health Insurance Program, recognizing the particular and multiple needs of low income and disabled children, is an appropriate beginning.

The reauthorization of this program offers a critical opportunity to rectify discriminatory limits on mental health care that exist in SCHIP plans across the nation. Children in SCHIP plans deserve comprehensive coverage for their mental health needs. Not only does existing law not require parity for mental health services in benchmark plans, it allows for discriminatory lower actuarial values in benchmark equivalent plans. This outrage must be corrected. Your bill takes the courageous steps necessary to correct these injustices. We stand ready to assist you any way to assure swift passage.

The National Association for Children's Behavioral Health (NACBH) is a nonprofit trade association representing multi-service treatment and social service agencies. Members provide a wide array of behavioral health and related services to children, youth and families. Services provided by NACBH members include assessment, crisis intervention, residential treatment, group homes, family-based treatment homes, foster care, independent living, family services, alternative educational services and programs, in-home respite, outpatient counseling and a plethora of community outreach programs and resources. Providers serve clients from the mental health, social service, juvenile justice, welfare, and educational systems. Serving over 50,000 clients annually, NACBH members are firmly rooted in their local communities. They provide a link to the full array of services designed to restore the child and family to as normal, involved and functioning a life as possible.

NACBH's mission is to promote the availability and delivery of appropriate and relevant services to children and youth, with or at risk of, serious emotional or behavioral disturbances and their families. We thank you for your commitment to children and youth, with or at risk of emotional disturbances, and their families and look forward to working with you to pass this critically important bill.

JOY MIDMAN,
Executive Director.

FIGHT CRIME:
INVEST IN KIDS,
Washington, DC, May 8, 2007.

DEAR SENATOR KERRY: The 3,000 police chiefs, sheriffs, district attorneys and violence survivors of Fight Crime: Invest in Kids know from the front lines—and the research—that targeted investments in children are critical to our nation's public safety. The State Children's Health Insurance Program (SCHIP) can provide coverage for many effective interventions that are proven to help treat kids with behavioral or emotional problems—preventing later violence and saving taxpayers money. However, to maximize its crime reduction impact, current law regarding mental health coverage must be strengthened to ensure that mental health benefits are equivalent in scope to benefits for other physician and health services. We are pleased that you, along with Senators Smith, Kennedy and Domenici, are working to amend the State Children's Health Insurance Program to provide mental health parity.

SCHIP coverage can help provide evidenced-based, intensive individual and family therapy programs for troubled youth such as Multi-Systemic Therapy (MST). A study of MST followed juvenile offenders until they were, on average, 29-years-old. Individuals who had not received MST were 62 percent more likely to have been arrested for an offense, and more than twice as likely to have been arrested for a violent offense. Unfortunately, a number of states limit the amount or duration of mental health services coverage so that, in many states, effective delinquency intervention treatments like MST could not be covered.

Mental health benefits under SCHIP should be strengthened to ensure that mental health benefits are equivalent in scope to benefits for other physician and health services. The Children's Mental Health Parity Act would amend SCHIP to ensure that states' children's health plans include no financial requirements and treatment limitations for mental health care that are more restrictive than those of other medical benefits of the plan.

We look forward to working with you to ensure that a strong SCHIP reauthorization bill, which incorporates these mental health parity provisions, moves to enactment. This will help kids get off to a good start and make our communities safer.

Sincerely,

DAVID S. KASS,
President.
MIRIAM A. ROLLIN,
Vice President.

NATIONAL ASSOCIATION OF
PSYCHIATRIC HEALTH SYSTEMS,
Washington, DC, May 7, 2007.

Hon. JOHN F. KERRY,
Hon. GORDON SMITH,
Hon. EDWARD M. KENNEDY,
Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH, KENNEDY, AND DOMENICI: On behalf of the more than 600 members of the National Association of Psychiatric Health Systems (NAPHS) and the individuals and families that our members serve, we want to thank you for your leadership in introducing the "Children's Mental Health Parity Act" to require equitable coverage of mental health services in the State Children's Health Insurance Program (SCHIP).

Low-income children enrolled in Medicaid and SCHIP have the highest rates of mental health problems. Unfortunately, over two-thirds of children struggling with mental health disorders do not receive mental health care. Untreated mental illness may increase a child's risk of coming into contact with the juvenile justice system, and children with mental disorders are at a much higher risk for suicide.

Discriminatory limits on mental health care are a primary cause of this widespread lack of access to necessary mental health services. And sadly, many state SCHIP plans impose these restrictive limits on mental health care, including caps on coverage of inpatient days and outpatient visits. These limits are far too restrictive for ensuring access to adequate care for children with mental disorders. In fact, research has shown that children with complex mental health needs have access to full coverage for needed services in not more than 40 percent of states due to the limited benefit package in their state's SCHIP plan.

Thus, we greatly appreciate your introduction of the "Children's Mental Health Parity Act" that would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. Your bill would also eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for states to use in developing their SCHIP plans.

Again, thank you for all you have done to improve the lives of millions of children with psychiatric disorders. We enthusiastically support your bill and look forward to continuing to work with you to pass this very important legislation.

Sincerely,

MARK COVALL,
Executive Director.

JUDGE DAVID L. BAZELON CENTER
FOR MENTAL HEALTH LAW,
May 7, 2007.

Hon. JOHN KERRY,
Hon. GORDON SMITH
Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC.

DEAR SENATORS KERRY, SMITH AND DOMENICI: On behalf of the Judge David L. Bazelon Center for Mental Health Law—the national leading legal-advocacy organization representing children and adults with mental disabilities—I would like to offer our strong support for the Children's Mental Health Parity Act. We fully share your goal of eliminating discriminatory limits placed on mental health services within the State Children's Health Insurance Program (SCHIP).

As you well know, many states have imposed discriminatory and restrictive limits on mental health services that would not be permissible in Medicaid, including caps on both inpatient and outpatient care, annual cost restrictions, and limits on diagnostic services. As a result, many enrolled children do not receive essential mental health care as an important component of the range of services needed by children for healthy development. Without access to needed mental health care, children are placed at risk for a host of adverse outcomes, including school failure, contact with juvenile justice and even suicide.

It is vital that SCHIP plans provide mental health coverage that is equivalent to the coverage provided for general health care. The goal of SCHIP—to provide children with the health insurance coverage they need—must be realized for all eligible children. We look forward to working with you to ensure enactment of this important legislation.

Sincerely,

ROBERT BERNSTEIN,
Executive Director.

Mr. SMITH. Mr. President, I rise today with my colleagues Senator KERRY, Senator DOMENICI and Senator KENNEDY to introduce a The Children's Mental Health Parity Act that will have tremendous impact on millions of low-income children who are living with a mental illness. This bill will ensure mental health parity exists in the State Children's Health Insurance Program, SCHIP, which provides health care to our Nation's low-income children.

Mental illness affects about one in 5 American children, yet an estimated ⅔ of all young people with mental health problems are not getting the help they need. Moreover, children in Medicaid and SCHIP have the highest rates of mental health problems. Despite the prevalence of mental illness among our Nation's children, a large majority of children struggling with these difficulties do not receive mental health care. Without early and effective identification and interventions, childhood mental illnesses can lead to school failure, poor employment opportunities and poverty in adulthood. We also ow that suicide is the sixth leading cause of death among 5 to 15 year olds and the third leading cause of death for 15 to 24 year olds. Moreover, in 1999, more teenagers and young adults died as a result of suicide than cancer, heart disease, HIV/AIDS, birth defects, stroke and chronic lung disease combined. Currently, between 500,000 and one million young people attempt suicide each year.

A parent with a son who struggled with a mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. That is why ensuring access to care is so vitally important. Yet, our Nation's health care program dedicated to delivering care to children is falling behind. Many States have imposed restrictive limits on mental health services that would not be permissible in Medicaid, including caps on both inpatient and outpatient care, annual cost restrictions, and limits on diagnostic services. These limits are not based on the medical needs of beneficiaries or best practice guidelines and result in coverage that is wholly inadequate for a child with a mental illness.

This is why the introduction of this legislation is so critical. The Children's Mental Health Parity Act would prohibit discriminatory limits on mental health care in SCHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. The bill also would eliminate a harmful provision in current law that authorizes states to lower the amount of mental health coverage they provide to children in SCHIP down to 75 percent of the coverage provided in the benchmark plans listed in the statute as models for States to use in developing their SCHIP plans.

My home State of Oregon had the wisdom and foresight to see that mental health parity was necessary. The Oregon Health Plan, through which SCHIP kids are covered, offers parity with physical health services and a very comprehensive mental health benefit package, A 2004 report by the Governor of Oregon's Mental Health Taskforce found that in any given year, 75,000 children under the age of 18 are in need of mental health services. It also listed as one of the major problems facing the Oregon mental health system is the fact that mental health parity was not, at that time, in effect. That is no longer the case and I look forward to seeing significant improvements in the mental health system in Oregon as a result of the hard work done there.

Although we are fortunate to have mental health parity in Oregon, there are millions children across the Nation that are in critical need of similar care. That is why the introduction of this Federal legislation is so important, and I urge my colleagues on both sides of the aisle to support this bill and work towards its swift passage.

By Mr. ROCKEFELLER (for himself, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mrs. MURRAY, Mr. ISAKSON, Mr. KOHL, Mr. COLEMAN, Mr. CASEY, Mr. CORNYN, Mr. MENENDEZ, Mr. BURR, Mrs. LINCOLN, Mr. GRAHAM, Mr. HARKIN, and Mr. CARDIN):

S. 1338. A bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today with my friend and colleague from Oregon, Senator GORDON SMITH, to reintroduce the Access to Medicare Imaging Act. This legislation would place a 2-year moratorium on the imaging cuts enacted as part of the Deficit Reduction Act, DRA, of 2005, pending the outcome of a comprehensive Government Accountability Office, GAO, study on imaging utilization and payment within the Medicare Program.

Each year, millions of Medicare patients receive medical imaging services, including X-rays, CT-scans, MRIs, and PET scans, just to name a few. Imaging technologies are a critical component of early diagnosis and treatment for many life-threatening conditions, like cancer and heart disease. Medical imaging equipment allows providers to rapidly exchange images across the internet, facilitating greater and timelier physician consultation and improving the quality of care received by patients.

For individuals living in rural or medically underserved areas, such as many parts of West Virginia, imaging technology is particularly important. In West Virginia, access to imaging equipment is a very big deal. Without these technologies, many individuals would be denied much needed treatment and invaluable peace of mind. Sadly, provisions included as part of the DRA leave some of our most vulnerable citizens at risk by jeopardizing their access to these imaging services.

Consider, if you will, the Center for Advanced Imaging at West Virginia University. This state-of-the-art facility offers the rare integration of clinical imaging with medical research and development. Imaging services are provided for patients throughout the State of West Virginia and bordering rural regions in Ohio, Maryland, Kentucky, Virginia, and Pennsylvania. Because of imaging technology, trained medical staff at West Virginia University can take a digital image and, within minutes, send a precise copy to a major medical facility in Seattle, WA. There, it can be read by a specialist, who can then return a written report by email. A few years back this was still science fiction, but now it happens every hour, of every day, across the country.

As incredible as these services may seem, and as important as they are to the practice of effective clinical medicine, there is a perception that imaging services also come with an increased cost. Over the past few years, the use of imaging services by Medicare beneficiaries has increased significantly. In fact, MedPAC reported in March 2005 that imaging grew at twice the rate of all other physician fee schedule services between 1999 and 2003. During that time, MRI and CT procedures increased by 15 to 20 percent per year on their own.

In addition to rising costs, MedPAC further reinforced ongoing concerns about potential overuse of imaging services and the sudden increase of outpatient-based imaging in primary care settings. Citing a lack of training and implementation of imaging guidelines, MedPAC called upon Congress to direct the Secretary of Health and Human Services to define and execute such standards.

Given the MedPAC report, imaging reimbursement became an easy budget target during the reconciliation debate in 2005. On January 1, 2007, as directed by the DRA, payments for medical imaging services delivered in a physician's office or imaging center were capped at a rate not to exceed the rate paid to a hospital's outpatient department. In some instances, this has resulted in a 30–50 percent reduction from previous Medicare imaging reimbursement rates and has created questions as to the long-term availability of these vital services for Medicare recipients.

I believe the $8 billion in imaging cuts were prematurely added to the Deficit Reduction Act in order to meet a budget target and were not based on sound public policy. These cuts represent almost a third of the total savings included in the Deficit Reduction Act, yet they were never debated by Congress. Physicians need imaging technology to ensure the best possible health outcomes for their patients, and they deserve to be fairly compensated for providing their patients access to this revolutionary technology.

The legislation that I am proposing today along with Senators Smith, Kennedy, Collins, Murray, Isakson, Kohl, Coleman, Casey, Cornyn, Menendez, Burr, Lincoln, Graham and Harkin would declare a 2-year moratorium on the imaging cuts included in the DRA so that both the Government Accountability Office and Congress can better assess what payment or policy reforms are necessary to maximize the effectiveness of the imaging technology available to Medicare recipients. The insight garnered from a comprehensive GAO study will be invaluable to Congress. In the meantime, however, we cannot stand by and allow our elderly and disabled to suffer so that we can meet an arbitrary budget target. I urge my colleagues to join with us in supporting this timely legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Medicare Imaging Act of 2007".

SEC. 2. TWO-YEAR MORATORIUM ON CERTAIN MEDICARE PHYSICIAN PAYMENT REDUCTIONS FOR IMAGING SERVICES.

(a) Moratorium.—No payment adjustment shall be made under subsections (b)(4)(A) or (c)(2)(B)(v)(II) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4) during the 2-year period beginning on the date of the enactment of this Act.

(b) GAO Study and Report on Imaging Services Furnished Under the Medicare Program.—

(1) Study.—The Comptroller General of the United States shall conduct a comprehensive study on imaging services furnished under the Medicare program.

(2) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress and the Secretary of Health and Human Services a report on the findings and conclusions of the study conducted under paragraph (1) together with recommendations for such legislation and administrative actions as the Comptroller General considers appropriate.

By Mr. REID (for Mr. Kennedy (for himself, Mr. Durbin, and Mr. Kerry)):

S. 1339. A bill to amend the Elementary and Secondary Education Act of 1965, the Higher Education Act of 1965, and the Internal Revenue Code of 1986 to improve recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, of all the challenges we face today, one of the most important is creating greater opportunities for the Nation's children to learn and succeed in life. If America is to remain competitive in the global economy, if all Americans are to have access to the American dream, we must ensure that all our children receive a good education.

A good education begins with a good teacher. One of the most significant steps we can take to improve the Nation's schools is to do more to support the recruitment, training, and retention of high quality teachers.

We owe a great debt to America's teachers. Day in and day out, in thousands of schools across the country, they struggle to give our children the knowledge and skills they need to succeed. Our teachers are at the forefront of the constant effort to improve public education. It is their vision, energy, hard work, and dedication that will make all the difference in successfully meeting this challenge.

As Shirley Hufstedler, the Nation's first Secretary of Education, said:

> "The role of the teacher remains the highest calling of a free people. To the teacher, America entrusts her most precious resource, her children; and asks that they be prepared, in all their glorious diversity, to face the rigors of individual participation in a democratic society."

All children need and deserve teachers who can help them succeed. We in Congress must do all in our power to help them do so.

We took a major step toward this goal when Congress passed the No Child Left Behind Act, which recognized that all students deserve first-rate teachers to help them reach their potential in school. The law established a goal to guarantee a highly qualified teacher in every classroom by the end of 2006. Few states have reached that ambitious target, and much more remains to be done to achieve success.

Extensive research shows that teacher quality is the most important educational factor affecting student achievement. One recent study showed that having a highly qualified teacher can improve student academic growth by as much as one full year. Another showed that students taught by highly qualified teachers for 3 consecutive years significantly outperformed their peers on academic assessments. A comparison of low-performing and high-performing elementary schools with similar student populations found that differences in teacher qualifications accounted for 90 percent of the difference in performance in reading and math. There's strong evidence that a good teacher can make all the difference in closing achievement gaps for the neediest students in our public schools.

Investing in teacher quality is cost effective and fiscally responsible. A recent study involving 1,000 school districts found that additional dollars invested in more highly qualified teachers resulted in greater improvements in student achievement than any other use of school resources.

Unfortunately, research also shows that high quality teachers are the most inequitably distributed educational resource in the Nation. The most at-risk students are too often taught by the least prepared, least experienced, and least qualified teachers. Students in high poverty schools are twice as likely to be taught by teachers with less than 3 years of experience. Such teachers are less likely to receive the resources and support they need to succeed. Often they leave the profession and further destabilize already struggling schools. By contrast, children of the affluent and the privileged are much more likely to be taught by highly prepared and qualified, expert teachers with broad knowledge and experience in the subjects they teach.

To enable more teachers to receive the assistance they need to improve their instruction, ensure that every child receives a high quality education, and level the playing field for America's students, Congress must act on a comprehensive plan to build and sustain a strong teacher workforce.

That is why today I am introducing the Teacher Excellence for All Children Act of 2007, the TEACH Act. Its purpose is to assist the States and districts in better recruiting, training, retaining and supporting our teachers. Our distinguished colleague in the House, Congressman GEORGE MILLER, is introducing companion legislation, and I commend him for his leadership on this issue.

The TEACH Act addresses four specific challenges head on:

It increases the supply of outstanding teachers and provides incentives to attract them to high-need schools;

It ensures all children have teachers with expertise in the subjects they teach;

It improves teaching by identifying and rewarding the best teaching practices and by expanding professional development opportunities; and

It helps schools retain teachers and principals by providing the support they need to succeed.

Enrollment in public schools has reached an all-time high of 53 million students, and is expected to keep increasing over the next decade. To educate this expanding population, additional high quality teachers are urgently needed.

Many schools today face a crisis in recruiting and retaining highly-skilled teachers, particularly in the Nation's poorest communities. We now have approximately 3 million public school teachers across the country. Mr. President, 2 million new teachers will be needed in the next 10 years to serve the growing student population. Yet we are not even retaining the teachers we have today. A third of all teachers leave during their first 3 years. Almost half leave during the first 5 years. Over 200,000 teachers leave the profession each year—6 percent of the teaching workforce.

The shortage of highly qualified teachers is especially acute in the fields most essential to America's future competitiveness, and particularly affects low-income students. A third of all math classes in high-poverty high schools are taught by teachers who don't have a degree in math, compared to just 18 percent of such classes in low-poverty schools. Over half of all science classes in such schools are taught by teachers without a degree in their field, compared to just 22 percent of such classes in low-poverty schools. Meanwhile, students in other nations are surpassing American students in math and science achievement.

Too often, teachers also lack the training and support needed to do well in the classroom. They are paid on average almost $8,000 a year less than graduates in other fields, and the gap widens to more than $23,000 after 15 years of teaching. Mr. President, 37 percent of teachers cite low salaries as a main factor for leaving the classroom before retirement.

The TEACH Act will do more to recruit and retain highly qualified teachers, particularly in schools and subjects where they are needed most. The bill provides financial incentives to encourage talented individuals to pursue and remain in this essential profession, and it offers higher salaries, tax breaks, and greater loan forgiveness.

To attract motivated and talented individuals to teaching, the bill provides up-front tuition assistance, $4,000 a year, to high-performing undergraduate students who agree to commit to teach for 4 years in high-need areas and in subjects such as math, science, and special education. It also creates a competitive grant program for colleges and universities to recruit teachers among students majoring in math, science, or foreign language.

The TEACH Act will also help deliver access to the best teachers for the neediest students to help them succeed, and will help keep these teachers where they are most needed. In high-poverty schools, teacher turnover is 33 percent higher than in other schools. Clearly, we must do a better job of attracting better teachers to the neediest classrooms and do more to reward their efforts, so that they stay in the classroom. To encourage expert teachers to teach where they are needed, the bill provides funding to school districts to reward teachers who transfer to schools with the greatest challenges, and provides incentives for teachers working in math, science, and special education.

The bill establishes a framework to develop and use the systems needed at the State and local levels to improve teaching and to recognize exceptional teaching in the classroom. It encourages the development of data systems to provide teachers with additional data to inform and improve classroom instruction. It also encourages the development of model teacher advancement programs that recognize and reward different roles, responsibilities, knowledge, and positive results with competitive compensation initiatives.

Too often, teachers lack the training they need before reaching the classroom. On the job, they have few sources of support to meet the challenges they face in the classroom, and few opportunities for ongoing professional development to expand their skills. The bill responds to the needs of teachers in their early years in the classroom by creating new and innovative models that use proven strategies to support beginning teachers. New teachers will have access to mentoring, opportunities for cooperative planning with their peers, and a special transition year to ease into the pressures of entering the classroom. Veteran teachers will have an opportunity to improve their skills through peer mentoring and review. Other support includes professional development delivered through teaching centers to improve training and working conditions for teachers.

Since good leadership is also essential for schools, the bill provides important incentives and support for principals by improving recruitment and training for them as well.

This legislation was developed with input from a broad and diverse group of educational professionals and experts, including the Alliance for Excellent Education, the American Federation of Teachers, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Education Trust, the National Commission on Teaching and America's Future, the National Council on Teacher Quality, the National Council of La Raza, the National Education Association, New Leaders for New Schools, the New Teacher Center, Operation Public Education, the Teacher Advancement Program Foundation, Teach for America and the Teaching Commission. I thank them all for their help and their work on behalf of our nation's children.

The TEACH Act is good for America's children; it's good for America's economy; and it's good for America's future. It is an essential part of our ongoing effort to ensure that "No Child Left Behind" becomes a reality and not just a slogan.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teacher Excellence for All Children Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—RECRUITING TALENTED NEW TEACHERS

Sec. 101. Amendments to the Higher Education Act of 1965.
Sec. 102. Expanding teacher loan forgiveness.

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

Sec. 201. Grants to local educational agencies to provide premium pay to teachers in high-need schools.

TITLE III—IMPROVING TEACHER PREPARATION

Sec. 301. Amendment to the Elementary and Secondary Education Act of 1965.
Sec. 302. Amendment to the Higher Education Act of 1965: Teacher Quality Enhancement Grants.
Sec. 303. Enforcing NCLB's teacher equity provision.

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

Sec. 401. 21st Century Data, Tools, and Assessments.

Sec. 402. Collecting national data on distribution of teachers.

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

Sec. 501. Amendment to the Elementary and Secondary Education Act of 1965.

Sec. 502. Exclusion from gross income of compensation of teachers and principals in certain high-need schools or teaching high-need subjects.

Sec. 503. Above-the-line deduction for certain expenses of elementary and secondary school teachers increased and made permanent.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Conforming amendments.

SEC. 3. FINDINGS.

Congress finds the following:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers and principals do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of "out-of-field teaching" are especially high in high-poverty schools.

(4) Seventy percent of mathematics classes in high-poverty middle schools are assigned to teachers without even a minor in mathematics or a related field.

(5) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(6) Fourth graders who are poor score dramatically lower on the National Assessment of Educational Progress (NAEP) than their counterparts who are not poor. Over 85 percent of fourth graders who are poor failed to attain NAEP proficiency standards in 2003.

(7) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(8) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(9) Although nearly half (42 percent) of all teachers hold a master's degree, fewer than 1 in 4 secondary teachers have a master's degree in the subject they teach.

(10) Young people with high SAT and ACT scores are much less likely to choose teaching as a career. Those teachers who have higher SAT or ACT scores are twice as likely to leave the profession after only a few years.

(11) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

TITLE I—RECRUITING TALENTED NEW TEACHERS

SEC. 101. AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965.

(a) TEACH GRANTS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—TEACH GRANTS

"SEC. 231. PURPOSES.

"The purposes of this part are—

"(1) to improve student academic achievement;

"(2) to help recruit and prepare teachers to meet the national demand for a highly qualified teacher in every classroom; and

"(3) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

"SEC. 232. PROGRAM ESTABLISHED.

"(a) PROGRAM AUTHORITY.—

"(1) PAYMENTS REQUIRED.—For each of the fiscal years 2008 through 2015, the Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 233, and qualifies under subsection (a)(2) of such section, a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at an institution of higher education.

"(2) REFERENCE.—Grants made under this part shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'.

"(b) PAYMENT METHODOLOGY.—

"(1) PREPAYMENT.—Not less than 85 percent of such sums shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register, with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

"(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which the students are eligible, in cases where the eligible institution elects not to participate in the disbursement system required under paragraph (1).

"(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this part shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this part. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

"(c) REDUCTIONS IN AMOUNT.—

"(1) PART TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the TEACH Grant for which that student is eligible shall be reduced in proportion to the degree to which that student is not so attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purpose of this part, computed in accordance with this part. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482.

"(2) NO EXCEEDING COST.—No TEACH Grant for a student under this part shall exceed the cost of attendance (as defined in section 472) at the institution at which such student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until the TEACH Grant does not exceed the cost of attendance at such institution.

"(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

"(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive TEACH Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that—

"(A) any period during which the student is enrolled in a noncredit or remedial course of study, subject to paragraph (3), shall not be counted for the purpose of this paragraph; and

"(B) the total amount that a student may receive under this part for undergraduate study shall not exceed $16,000.

"(2) GRADUATE STUDENTS.—The period during which a graduate student may receive TEACH Grants shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this part for graduate study shall not exceed $8,000.

"(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study that are noncredit or remedial in nature (including courses in English language acquisition) that are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 233. ELIGIBILITY AND APPLICATIONS FOR GRANTS.

"(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

"(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for TEACH Grants under this part. Each student desiring a TEACH Grant for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this part.

"(2) DEMONSTRATION OF ELIGIBILITY.—Each such application shall contain such information as is necessary to demonstrate that—

"(A) if the applicant is an enrolled student—

"(i) the student is an eligible student for purposes of section 484 (other than subsection (r) of such section);

"(ii) the student—

"(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

"(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least 1 of the batteries in an undergraduate or graduate school admissions test; and

"(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

"(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

"(i) the applicant is a teacher, or a retiree from another occupation, with expertise in a field in which there is a shortage of teachers, such as mathematics, science, special education, English language acquisition, or another high-need subject; or

"(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

"(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

"(1) the applicant will—

"(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this part;

"(B) teach—

"(i) in a school described in section 465(a)(2)(A); and

"(ii) in the field of mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or in another field documented as high-need by the Federal Government, State government, or local educational agency and submitted to the Secretary;

"(C) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

"(D) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965 or, in the case of a special education teacher, as defined in section 602 of the Individuals with Disabilities Education Act; and

"(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of such TEACH Grants will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

"(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a TEACH Grant fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of such Grants provided to such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment in accordance with terms and conditions specified by the Secretary in regulations promulgated to carry out this part.".

(b) RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS.—Title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

"PART D—RECRUITING TEACHERS WITH MATHEMATICS, SCIENCE, OR LANGUAGE MAJORS

"SEC. 241. PROGRAM AUTHORIZED.

"(a) GRANTS AUTHORIZED.—From the amounts appropriated under section 242, the Secretary shall award competitive grants to institutions of higher education to improve the availability and recruitment of teachers from among students majoring in mathematics, science, foreign languages, special education, or teaching the English language to English language learners. In making such grants, the Secretary shall give priority to programs that focus on preparing teachers in subjects in which there is a shortage of highly qualified teachers and that prepare students to teach in high-need schools.

"(b) APPLICATION.—Any institution of higher education desiring to obtain a grant under this part shall submit to the Secretary an application at such time, in such form, and containing such information and assurances as the Secretary may require, which shall—

"(1) include reporting on baseline production of teachers with expertise in mathematics, science, a foreign language, or teaching English language learners; and

"(2) establish a goal and timeline for increasing the number of such teachers who are prepared by the institution.

"(c) USE OF FUNDS.—Funds made available by a grant under this part—

"(1) shall be used to create new recruitment incentives to teaching for students from other majors, with an emphasis on high-need subjects such as mathematics, science, foreign languages, and teaching the English language to English language learners;

"(2) may be used to upgrade curricula in order to provide all students studying to become teachers with high-quality instructional strategies for teaching reading and teaching the English language to English language learners, and for modifying instruction to teach students with special needs;

"(3) may be used to integrate school of education faculty with other arts and science faculty in mathematics, science, foreign languages, and teaching the English language to English language learners, through steps such as—

"(A) dual appointments for faculty between schools of education and schools of arts and science; and

"(B) integrating coursework with clinical experience; and

"(4) may be used to develop strategic plans between schools of education and local educational agencies to better prepare teachers for high-need schools, including the creation of professional development partnerships for training new teachers in state-of-the-art practice.

"SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

(c) PART A AUTHORIZATION.—Section 210 of the Higher Education Act of 1965 (20 U.S.C. 1030) is amended—

(1) by striking "$300,000,000 for fiscal year 1999" and inserting "$400,000,000 for fiscal year 2008"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

SEC. 102. EXPANDING TEACHER LOAN FORGIVENESS.

(a) INCREASED AMOUNT; APPLICABILITY OF EXPANDED PROGRAM TO READING SPECIALIST.—Sections 428J(c)(3) and 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)(3), 1087j(c)(3)) are each amended—

(1) by striking "$17,500" and inserting "$20,000";

(2) by striking "and" at the end of subparagraph (A)(ii);

(3) by striking the period at the end of subparagraph (B)(iii) and inserting "; and"; and

(4) by adding at the end the following:

"(C) an elementary school or secondary school teacher who primarily teaches reading and who—

"(i) has obtained a separate reading instruction credential from the State in which the teacher is employed; and

"(ii) is certified by the chief administrative officer of the public or nonprofit private elementary school or secondary school in which the borrower is employed to teach reading—

"(I) as being proficient in teaching the essential components of reading instruction, as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

"(II) as having such credential.".

(b) ANNUAL INCREMENTS INSTEAD OF END OF SERVICE LUMP SUMS.—

(1) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078-10(c)) is amended by adding at the end the following:

"(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan forgiveness under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

"(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

"(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

"(C) after the fifth year of such service, 30 percent of such total amount.".

(2) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following:

"(4) ANNUAL INCREMENTS.—Notwithstanding paragraph (1), in the case of an individual qualifying for loan cancellation under paragraph (3), the Secretary shall, in lieu of waiting to assume an obligation only upon completion of 5 complete years of service, assume the obligation to repay—

"(A) after each of the first and second years of service by an individual in a position qualifying under paragraph (3), 15 percent of the total amount of principal and interest of the loans described in paragraph (1) to such individual that are outstanding immediately preceding such first year of such service;

"(B) after each of the third and fourth years of such service, 20 percent of such total amount; and

"(C) after the fifth year of such service, 30 percent of such total amount.".

TITLE II—CLOSING THE TEACHER DISTRIBUTION GAP

SEC. 201. GRANTS TO LOCAL EDUCATIONAL AGENCIES TO PROVIDE PREMIUM PAY TO TEACHERS IN HIGH-NEED SCHOOLS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"PART E—TEACHER EXCELLENCE FOR ALL CHILDREN

"SEC. 2500. DEFINITIONS.

"In this part:

"(1) The term 'high-need local educational agency' means a local educational agency—

"(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

"(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

"(2) The term 'value-added longitudinal data system' means a longitudinal data system for determining value-added student achievement gains.

"(3) The term 'value-added student achievement gains' means student achievement gains determined by means of a system that—

"(A) is sufficiently sophisticated and valid—

"(i) to deal with the problem of students with incomplete records;

"(ii) to enable estimates to be precise and to use all the data for all students in multiple years, regardless of sparseness, in order to avoid measurement error in test scores (such as by using multivariate, longitudinal analyses); and

"(iii) to protect against inappropriate testing practices or improprieties in test administration;

"(B) includes a way to acknowledge the existence of influences on student growth, such as pull-out programs for support beyond the standard delivery of instruction, so that affected teachers do not receive an unfair advantage; and

"(C) has the capacity to assign various proportions of student growth to multiple teachers when the classroom reality, such as team teaching and departmentalized instruction, makes such type of instruction an issue.

"Subpart 1—Distribution

"SEC. 2501. PREMIUM PAY; LOAN REPAYMENT.

"(a) GRANTS.—The Secretary shall make grants to local educational agencies to provide higher salaries to exemplary, highly qualified principals and exemplary, highly qualified teachers with at least 3 years of experience, including teachers certified by the National Board for Professional Teaching Standards, if the principal or teacher agrees to serve full-time for a period of 4 consecutive school years at a public high-need elementary school or a public high-need secondary school.

"(b) USE OF FUNDS.—A local educational agency that receives a grant under this section may use funds made available through the grant—

"(1) to provide to exemplary, highly qualified principals up to $15,000 as an annual bonus for each of 4 consecutive school years if the principal commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; and

"(2) to provide to exemplary, highly qualified teachers—

"(A) up to $10,000 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period in a public high-need elementary school or a public high-need secondary school; or

"(B) up to $12,500 as an annual bonus for each of 4 consecutive school years if the teacher commits to work full-time for such period teaching a subject for which there is a documented shortage of teachers in a public high-need elementary school or a public high-need secondary school.

"(c) TIMING OF PAYMENT.—A local educational agency providing an annual bonus to a principal or teacher under subsection (b) shall pay the bonus on completion of the service requirement by the principal or teacher for the applicable year.

"(d) GRANT PERIOD.—The Secretary shall make grants under this section in yearly installments for a total period of 4 years.

"(e) OBSERVATION, FEEDBACK, AND EVALUATION.—The Secretary may make a grant to a local educational agency under this section only if the State in which the agency is located or the agency has in place or proposes a plan, developed on a collaborative basis with the local teacher organization, to develop a system in which principals and, if available, master teachers rate teachers as exemplary. Such a system shall be—

"(1) based on strong learning gains for students;

"(2) based on classroom observation and feedback at least 4 times annually;

"(3) conducted by multiple sources, including master teachers and principals; and

"(4) evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance.

"(f) APPLICATION REQUIREMENTS.—To seek a grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary reasonably requires. At a minimum, the application shall include the following:

"(1) A description of the agency's proposed new teacher hiring timeline, including interim goals for any phase-in period.

"(2) An assurance that the agency will—

"(A) pay matching funds for the program carried out with the grant, which matching funds may be derived from funds received under other provisions of this title;

"(B) commit to making the program sustainable over time;

"(C) create incentives to bring a critical mass of exemplary, highly qualified teachers to each school whose teachers will receive assistance under this section;

"(D) improve the school's working conditions through activities that may include—

"(i) reducing class size;

"(ii) ensuring the availability of classroom materials, textbooks, and other supplies;

"(iii) improving or modernizing facilities; and

"(iv) upgrading safety; and

"(E) accelerate the timeline for hiring new teachers in order to minimize the withdrawal of high-quality teacher applicants and secure the best new teacher talent for the local educational agency's hardest-to-staff schools.

"(3) An assurance that, in identifying exemplary teachers, the system described in subsection (e) will take into consideration—

"(A) the growth of the teacher's students on any tests required by the State educational agency;

"(B) value-added student achievement gains if such teacher is in a State that uses a value-added longitudinal data system;

"(C) National Board for Professional Teaching Standards certification; and

"(D) evidence of teaching skill documented in performance-based assessments.

"(g) HIRING HIGHLY QUALIFIED TEACHERS EARLY AND IN A TIMELY MANNER.—

"(1) IN GENERAL.—In addition to the requirements of subsection (f), an application under such subsection shall include a description of the steps the local educational agency will take to enable all or a subset of the agency's schools to hire new highly qualified teachers early and in a timely manner, including—

"(A) requiring a clear and early notification date for retiring teachers that is no later than March 15 each year;

"(B) providing schools with their staffing allocations for a school year no later than April of the preceding school year;

"(C) enabling schools to consider external candidates at the same time as internal candidates for available positions;

"(D) moving up the teacher transfer period to April and not requiring schools to hire transferring or 'excessed' teachers from other schools without selection and consent; and

"(E) establishing and implementing a new principal accountability framework to ensure that principals with increased hiring authority are improving teacher quality.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(h) PRIORITY.—In providing higher salaries to principals and teachers under this section, a local educational agency shall give priority to principals and teachers at schools identified under section 1116 for school improvement, corrective action, or restructuring.

"(i) DEFINITIONS.—In this section:

"(1) The term 'high-need' means, with respect to an elementary school or a secondary school, a school that serves an eligible school attendance area in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, or in which not less than 65 percent of the children enrolled are from such families.

"(2) The term 'documented shortage of teachers'—

"(A) means a shortage of teachers documented in the needs assessment submitted under section 2122 by the local educational agency involved or some other official demonstration of shortage by the local educational agency; and

"(B) may include such a shortage in mathematics, science, a foreign language, special education, bilingual education, or reading.

"(3) The term 'exemplary, highly qualified principal' means a principal who—

"(A) demonstrates a belief that every student can achieve at high levels;

"(B) demonstrates an ability to drive substantial gains in academic achievement for all students while closing the achievement gap for those farthest from meeting standards;

"(C) uses data to drive instructional improvement;

"(D) provides ongoing support and development for teachers; and

"(E) builds a positive school community, treating every student with respect and reinforcing high expectations for all.

"(4) The term 'exemplary, highly qualified teacher' means a highly qualified teacher who is rated as exemplary pursuant to a system described in subsection (e).

"(j) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $2,200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"SEC. 2502. CAREER LADDERS FOR TEACHERS PROGRAM.

"(a) Grants.—The Secretary may make grants to local educational agencies to establish and implement a Career Ladders for Teachers Program in which the agency—

"(1) augments the salary of teachers in high-need elementary schools and high-need secondary schools to correspond to the increasing responsibilities and leadership roles assumed by the teachers as they take on new professional roles (such as serving on school leadership teams, serving as instructional coaches, and serving in hybrid roles), including by—

"(A) providing not more than $10,000 as an annual augmentation to master teachers (including teachers serving as master teachers as part of a state-of-the-art teacher induction program under section 2511); and

"(B) providing not more than $5,000 as an annual augmentation to mentor teachers (including teachers serving as mentor teachers as part of a state-of-the-art teacher induction program under section 2511);

"(2) provides not more than $4,000 as an annual bonus to all career teachers, master teachers, and mentor teachers in high-need elementary schools and high-need secondary schools based on a combination of—

"(A) at least 3 classroom evaluations over the course of the year that shall—

"(i) be conducted by multiple evaluators, including master teachers and the principal;

"(ii) be based on classroom observation at least 3 times annually; and

"(iii) be evaluated against research-validated benchmarks that use planning, instructional, and learning environment standards to measure teacher performance; and

"(B) the performance of the teacher's students as determined by—

"(i) student growth on any test that is required by the State educational agency or local educational agency and is administered to the teacher's students; or

"(ii) in States or local educational agencies with value-added longitudinal data systems, whole-school value-added student achievement gains and classroom-level value-added student achievement gains; or

"(3) provides not more than $4,000 as an annual bonus to principals in elementary schools and secondary schools based on the performance of the school's students, taking into consideration whole-school value-added student achievement gains in States that have value-added longitudinal data systems and in which information on whole-school value-added student achievement gains is available.

"(b) Eligibility Requirement.—A local educational agency may not use any funds under this section to establish or implement a Career Ladders for Teachers Program unless—

"(1) the percentage of teachers required by prevailing union rules votes affirmatively to adopt the program; or

"(2) in States that do not recognize collective bargaining between local educational agencies and teacher organizations, at least 75 percent of the teachers in the local educational agency vote affirmatively to adopt the program.

"(c) Definitions.—In this section:

"(1) The term 'career teacher' means a teacher who has a baccalaureate degree and full credentials or alternative certification including a passing level on elementary or secondary subject matter assessments and professional knowledge assessments.

"(2) The term 'mentor teacher' means a teacher who—

"(A) has a baccalaureate degree and full credentials or alternative certification including a passing level on any applicable elementary or secondary subject matter assessments and professional knowledge assessments;

"(B) has a portfolio and a classroom demonstration showing instructional excellence;

"(C) has an ability, as demonstrated by student data, to increase student achievement through utilizing specific instructional strategies;

"(D) has a minimum of 3 years of teaching experience;

"(E) is recommended by the principal and other current master and mentor teachers;

"(F) is an excellent instructor and communicator with an understanding of how to facilitate growth in the teachers the teacher is mentoring; and

"(G) performs well as a mentor in established induction and peer review and mentoring programs.

"(3) The term 'master teacher' means a teacher who—

"(A) holds a master's degree in the relevant academic discipline;

"(B) has a minimum of 5 years of successful teaching experience, as measured by performance evaluations, a portfolio of work, or National Board for Professional Teaching Standards certification;

"(C) demonstrates expertise in content, curriculum development, student learning, test analysis, mentoring, and professional development, as demonstrated by an advanced degree, advanced training, career experience, or National Board for Professional Teaching Standards certification;

"(D) presents student data that illustrates the teacher's ability to increase student achievement through utilizing specific instructional interventions;

"(E) has instructional expertise demonstrated through model teaching, team teaching, video presentations, student achievement gains, or National Board for Professional Teaching Standards certification;

"(F) may hold a valid National Board for Professional Teaching Standards certificate, may have passed another rigorous standard, or may have been selected as a school, district, or State teacher of the year; and

"(G) is currently participating, or has previously participated, in a professional development program that supports classroom teachers as mentors.

"(4) The term 'high-need', with respect to an elementary school or a secondary school, has the meaning given to that term in section 2501(i).

"(d) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $200,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE III—IMPROVING TEACHER PREPARATION

SEC. 301. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by title II of this Act, is amended by adding at the end the following:

"Subpart 2—Preparation

"SEC. 2511. ESTABLISHING STATE-OF-THE-ART TEACHER INDUCTION PROGRAMS.

"(a) Grants.—The Secretary may make grants to States and eligible local educational agencies for the purpose of developing state-of-the-art teacher induction programs.

"(b) Eligible Local Educational Agency.—In this section, the term 'eligible local educational agency' means—

"(1) a high-need local educational agency; or

"(2) a partnership between a high-need local educational agency and an institution of higher education, a teacher organization, or any other nonprofit education organization.

"(c) Use of Funds.—A State or an eligible local educational agency that receives a grant under subsection (a) shall use the funds made available through the grant to develop a state-of the-art teacher induction program that—

"(1) provides new teachers a minimum of 3 years of extensive, high-quality, comprehensive induction into the field of teaching; and

"(2) includes—

"(A) structured mentoring for new teachers from highly qualified master or mentor teachers who are certified, have teaching experience similar to the grade level or subject assignment of the new teacher, and are trained to mentor new teachers;

"(B) at least 90 minutes each week of common meeting time for a new teacher to discuss student work and teaching under the director of a master or mentor teacher;

"(C) regular classroom observation in the new teacher's classroom;

"(D) observation by the new teacher of the mentor teacher's classroom;

"(E) intensive professional development activities for new teachers that result in improved teaching leading to student achievement, including lesson demonstration by master and mentor teachers in the classroom, observation, and feedback;

"(F) training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency;

"(G) observation of teachers and feedback at least 4 times each school year by multiple evaluators, including master teachers and the principals, using research-validated benchmarks of teaching skills and standards that are developed with input from teachers;

"(H) paid release time for the mentor teacher for mentoring, or salary supplements under section 2502, for mentoring new teachers at a ratio of one full-time mentor to every 12 new teachers;

"(I) a transition year to the classroom that includes a reduced workload for beginning teachers; and

"(J) a standards-based assessment of every beginning teacher to determine whether the teacher should move forward in the teaching profession, which assessment may include examination of practice and a measure of gains in student learning.

"(d) Additional Requirement.—The Secretary shall commission an independent evaluation of state-of-the-art teacher induction programs supported under this section in order to compare the design and outcome of various models of induction programs.

“(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $300,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“SEC. 2512. PEER MENTORING AND REVIEW PROGRAMS.

“(a) GRANTS.—The Secretary shall make grants to local educational agencies for peer mentoring and review programs.

“(b) USE OF FUNDS.—A local educational agency that receives a grant under this section shall use the funds made available through the grant to establish and implement a peer mentoring and review program. Such a program shall be established through collective bargaining agreements or, in States that do not recognize collective bargaining between local educational agencies and teacher organizations, through joint agreements between the local educational agency and affected teacher organizations.

“(c) APPLICATION.—To seek a grant under this section, a local educational agency shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall require each such application to include the following:

“(1) Data from the applicant on recruitment and retention prior to implementing the induction program.

“(2) Measurable goals for increasing retention after the induction program is implemented.

“(3) Measures that will be used to determine whether teacher effectiveness is improved through participation in the induction program.

“(4) A plan for evaluating and reporting progress toward meeting the applicant's goals.

“(d) PROGRESS REPORTS.—The Secretary shall require each grantee under this section to submit progress reports on an annual basis.

“(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“SEC. 2513. ESTABLISHING STATE-OF-THE-ART PRINCIPAL TRAINING AND INDUCTION PROGRAMS AND PERFORMANCE-BASED PRINCIPAL CERTIFICATION.

“(a) GRANTS.—The Secretary may make grants to not more than 10 States to develop, implement, and evaluate pilot programs for performance-based certification and training of exemplary, highly qualified principals who can drive gains in academic achievement for all children.

“(b) PROGRAM REQUIREMENTS.—A pilot program developed under this section—

“(1) shall pilot the development, implementation, and evaluation of a statewide performance-based system for certifying principals;

“(2) shall pilot and demonstrate the effectiveness of statewide performance-based certification through support for innovative performance-based programs on a smaller scale;

“(3) shall provide for certification of principals by institutions with strong track records, such as a local educational agency, nonprofit organization, or business school, that is approved by the State for purposes of such certification and has formalized partnerships with in-State local educational agencies;

“(4) may be used to develop, sustain, and expand model programs for recruiting and training aspiring and new principals in both instructional leadership and general management skills;

“(5) shall include evaluation of the results of the pilot program and other in-State programs of principal preparation (which evaluation may include value-added assessment scores of all children in a school and should emphasize the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the program) to inform the design of certification of individuals to become school leaders in the State; and

“(6) shall make possible interim certification for up to 2 years for aspiring principals participating in the pilot program who—

“(A) have not yet attained full certification;

“(B) are serving as assistant principals or principal residents, or in positions of similar responsibility; and

“(C) have met clearly defined criteria for entry into the program that are approved by the applicable local educational agency.

“(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to States that will use the grants for 1 or more high-need local educational agencies and schools.

“(d) TERMS OF GRANT.—A grant under this section—

“(1) shall be for not more than 5 years; and

“(2) shall be performance-based, permitting the Secretary to discontinue funding based on failure of the State to meet the benchmarks identified by the State.

“(e) USE OF EVALUATION RESULTS.—A State receiving a grant under this section shall use the evaluation results of the pilot program conducted pursuant to the grant and similar evaluations of other in-State programs of principal preparation (especially the correlation of academic achievement gains in schools led by participating principals and the characteristics and skills demonstrated by those individuals when applying to and participating in the pilot program) to inform the design of the certification of individuals to become school leaders in the State.

“(f) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘exemplary, highly qualified principal’ has the meaning given to that term in section 2501.

“(2) The term ‘performance-based certification system’ means a certification system that—

“(A) is based on a clearly defined set of standards for skills and knowledge needed by new principals;

“(B) is not based on the numbers of hours enrolled in particular courses;

“(C) certifies participating individuals to become school leaders primarily based on—

“(i) their demonstration of those skills through a formal assessment aligned to these standards; and

“(ii) academic achievement results in a school leadership role such as a residency or an assistant principalship; and

“(D) awards certification to individuals who successfully complete programs at institutions that include local educational agencies, nonprofit organizations, and business schools approved by the State for purposes of such certification and have formalized partnerships with in-State local educational agencies.

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“SEC. 2514. STUDY ON DEVELOPING A PORTABLE PERFORMANCE-BASED TEACHER ASSESSMENT.

“(a) STUDY.—

“(1) IN GENERAL.—The Secretary shall enter into an arrangement with an objective evaluation firm to conduct a study to assess the validity of any test used for teacher certification or licensure by multiple States, taking into account the passing scores adopted by multiple States. The study shall determine the following:

“(A) The extent to which tests of content knowledge represent subject mastery at the baccalaureate level.

“(B) Whether tests of pedagogy reflect the latest research on teaching and learning.

“(C) The relationship, if any, between teachers' scores on licensure and certification examinations and other measures of teacher effectiveness, including learning gains achieved by the teachers' students.

“(2) REPORT.—The Secretary shall submit a report to the Congress on the results of the study conducted under this subsection.

“(b) GRANT TO CREATE A MODEL PERFORMANCE-BASED ASSESSMENT.—

“(1) GRANT.—The Secretary may make 1 grant to an eligible partnership to create a model performance-based assessment of teaching skills that reliably evaluates teaching skills in practice and can be used to facilitate the portability of teacher credentials and licensing from one State to another.

“(2) CONSIDERATION OF STUDY.—In creating a model performance-based assessment of teaching skills, the recipient of a grant under this section shall take into consideration the results of the study conducted under subsection (a).

“(3) ELIGIBLE PARTNERSHIP.—In this section, the term ‘eligible partnership’ means a partnership of—

“(A) an independent professional organization; and

“(B) an organization that represents administrators of State educational agencies.”.

SEC. 302. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965: TEACHER QUALITY ENHANCEMENT GRANTS.

Part A of title II of the Higher Education Act of 1965 is amended by striking sections 206 through 209 (20 U.S.C. 1026–1029) and inserting the following:

“SEC. 206. ACCOUNTABILITY AND EVALUATION.

“(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made substantial progress in meeting the following goals:

“(1) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Increasing the percentage of highly qualified teachers in the State as required by section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319).

“(2) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students, which may be measured through the use of value-added assessments, as defined by the eligible State.

“(3) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher.

"(4) INITIAL CERTIFICATION OR LICENSURE.—Increasing success in the pass rate for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative routes to certification and licensure.

"(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of highly qualified teachers in poor urban and rural areas.

"(6) INCREASING OPPORTUNITIES FOR RESEARCH-BASED PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves the academic content knowledge of teachers in the subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

"(B) promotes strong teaching skills.

"(7) TECHNOLOGY INTEGRATION.—Increasing the number of teachers prepared effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and parental involvement decisionmaking for the purpose of increasing student academic achievement.

"(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership applying for a grant under section 203 shall establish, and include in the application submitted under section 203(c), an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) increased student achievement for all students, as measured by the partnership;

"(2) increased teacher retention in the first 3 years of a teacher's career;

"(3) increased success in the pass rate for initial State certification or licensure of teachers;

"(4) increased percentage of highly qualified teachers; and

"(5) increasing the number of teachers trained effectively to integrate technology into curricula and instruction and who use technology to collect, manage, and analyze data to improve teaching, learning, and decisionmaking for the purpose of improving student academic achievement.

"(c) REVOCATION OF GRANT.—

"(1) REPORT.—Each eligible State or eligible partnership receiving a grant under section 202 or 203 shall report annually on the progress of the eligible State or eligible partnership toward meeting the purposes of this part and the goals, objectives, and measures described in subsections (a) and (b).

"(2) REVOCATION.—

"(A) ELIGIBLE STATES AND ELIGIBLE APPLICANTS.—If the Secretary determines that an eligible State or eligible applicant is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

"(B) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

"(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report annually the Secretary's findings regarding the activities to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives. The Secretary shall broadly disseminate successful practices developed by eligible States and eligible partnerships under this part, and shall broadly disseminate information regarding such practices that were found to be ineffective.

"SEC. 207. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

"(a) STATE REPORT CARD ON THE QUALITY OF TEACHER AND PRINCIPAL PREPARATION.—Each State that receives funds under this Act shall provide to the Secretary annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional certification or licensure programs and for alternative certification or licensure programs, which shall include at least the following:

"(1) A description of the teacher and principal certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(2) The standards and criteria that prospective teachers and principals must meet in order to attain initial teacher and principal certification or licensure and to be certified or licensed to teach particular subjects or in particular grades within the State.

"(3) A demonstration of the extent to which the assessments and requirements described in paragraph (1) are aligned with the State's standards and assessments for students.

"(4) The percentage of students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program and who have taken and passed each of the assessments used by the State for teacher certification and licensure, and the passing score on each assessment that determines whether a candidate has passed that assessment.

"(5) For students who have completed the clinical coursework for a teacher preparation program at an institution of higher education or alternative certification program, and who have taken and passed each of the assessments used by the State for teacher certification and licensure, each such institution's and each such program's average raw score, ranked by teacher preparation program, which shall be made available widely and publicly.

"(6) A description of each State's alternative routes to teacher certification, if any, and the number and percentage of teachers certified through each alternative certification route who pass State teacher certification or licensure assessments.

"(7) For each State, a description of proposed criteria for assessing the performance of teacher and principal preparation programs in the State, including indicators of teacher and principal candidate skills, placement, and retention rates (to the extent feasible), and academic content knowledge and evidence of gains in student academic achievement.

"(8) For each teacher preparation program in the State, the number of students in the program, the number of minority students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised practice teaching.

"(9) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

"(A) level (elementary or secondary);

"(B) academic major;

"(C) subject or subjects for which the student has been prepared to teach; and

"(D) teacher candidates who speak a language other than English and have been trained specifically to teach English-language learners.

"(10) The State shall refer to the data generated for paragraphs (8) and (9) to report on the extent to which teacher preparation programs are helping to address shortages of qualified teachers, by level, subject, and specialty, in the State's public schools, especially in poor urban and rural areas as required by section 206(a)(5).

"(b) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in paragraphs (1) through (10) of subsection (a). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

"(2) REPORT TO CONGRESS.—The Secretary shall report to Congress—

"(A) a comparison of States' efforts to improve teaching quality; and

"(B) regarding the national mean and median scores on any standardized test that is used in more than 1 State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(c) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"(d) INSTITUTION AND PROGRAM REPORT CARDS ON QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—Each institution of higher education or alternative certification program that conducts a teacher preparation program that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional certification or licensure programs and for alternative certification or licensure programs, the following information, disaggregated by major racial and ethnic groups:

"(A) PASS RATE.—(i) For the most recent year for which the information is available, the pass rate of each student who has completed the clinical coursework for the teacher preparation program on the teacher certification or licensure assessments of the State in which the institution is located, but only for those students who took those assessments within 3 years of receiving a degree from the institution or completing the program.

"(ii) A comparison of the institution or program's pass rate for students who have completed the clinical coursework for the teacher preparation program with the average pass rate for institutions and programs in the State.

"(iii) In the case of programs with fewer than 10 students who have completed the clinical coursework for a teacher preparation program taking any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information with respect to an average pass rate on State certification or licensure assessments taken over a 3-year period.

"(B) PROGRAM INFORMATION.—The number of students in the program, the average number of hours of supervised practice teaching required for those in the program, and the number of full-time equivalent faculty and students in supervised practice teaching.

"(C) STATEMENT.—In States that require approval or accreditation of teacher education programs, a statement of whether the institution's program is so approved or accredited, and by whom.

"(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 208(a).

"(2) REQUIREMENT.—The information described in paragraph (1) shall be reported through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates, including materials sent by electronic means.

"(3) FINES.—In addition to the actions authorized in section 487(c), the Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

"(e) DATA QUALITY.—Either—

"(1) the Governor of the State; or

"(2) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification and preparation activity, such individual, entity, or agency;

shall attest annually, in writing, as to the reliability, validity, integrity, and accuracy of the data submitted pursuant to this section.

"SEC. 208. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation within institutions of higher education. Such State shall provide the Secretary an annual list of such low-performing institutions that includes an identification of those institutions at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based upon information collected pursuant to this part. Such assessment shall be described in the report under section 207(a). A State receiving Federal funds under this title shall develop plans to close or reconstitute underperforming programs of teacher preparation within institutions of higher education.

"(b) TERMINATION OF ELIGIBILITY.—Any institution of higher education that offers a program of teacher preparation in which the State has withdrawn the State's approval or terminated the State's financial support due to the low performance of the institution's teacher preparation program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department of Education; and

"(2) shall not be permitted to accept or enroll any student who receives aid under title IV of this Act in the institution's teacher preparation program.

"SEC. 209. GENERAL PROVISIONS.

"In complying with sections 207 and 208, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.".

SEC. 303. ENFORCING NCLB'S TEACHER EQUITY PROVISION.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

"SEC. 9537. ASSURANCE OF REASONABLE PROGRESS TOWARD EQUITABLE ACCESS TO TEACHER QUALITY.

"(a) IN GENERAL.—The Secretary may not provide any assistance to a State under this Act unless, in the State's application for such assistance, the State—

"(1) provides the plan required by section 1111(b)(8)(C) and at least one public report pursuant to that section;

"(2) clearly articulates the measures the State is using to determine whether poor and minority students are being taught disproportionately by inexperienced, unqualified, or out-of-field teachers;

"(3) includes an evaluation of the success of the State's plan required by section 1111(b)(8)(C) in addressing any such disparities;

"(4) with respect to any such disparities, proposes modifications to such plan; and

"(5) includes a description of the State's activities to monitor the compliance of local educational agencies in the State with section 1112(c)(1)(L).

"(b) EFFECTIVE DATE.—This section applies with respect to any assistance under this Act for which an application is submitted after the date of the enactment of this section.".

TITLE IV—EQUIPPING TEACHERS, SCHOOLS, LOCAL EDUCATIONAL AGENCIES, AND STATES WITH THE 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS THEY NEED

SEC. 401. 21ST CENTURY DATA, TOOLS, AND ASSESSMENTS.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II and III of this Act, is amended by adding at the end the following:

"Subpart 3—21st Century Data, Tools, and Assessments

"SEC. 2521. DEVELOPING VALUE-ADDED DATA SYSTEMS.

"(a) TEACHER AND PRINCIPAL EVALUATION.—

"(1) GRANTS.—The Secretary shall make grants to States to develop and implement statewide data systems to collect and analyze data on the effectiveness of elementary school and secondary school teachers and principals, based on value-added student achievement gains, for the purposes of—

"(A) determining the distribution of effective teachers and principals in schools across the State;

"(B) developing measures for helping teachers and principals to improve their instruction; and

"(C) evaluating the effectiveness of teacher and principal preparation programs.

"(2) DATA REQUIREMENTS.—At a minimum, a statewide data system under this section shall—

"(A) track student course-taking patterns and teacher characteristics, such as certification status and performance on licensure exams; and

"(B) allow for the analysis of gains in achievement made by individual students over time, including gains demonstrated through student academic assessments under section 1111 and tests required by the State for course completion.

"(3) STANDARDS.—The Secretary shall develop standards for the collection of data with grant funds under this section to ensure that such data are statistically valid and reliable.

"(4) APPLICATION.—To seek a grant under this section, a State shall submit an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, each such application shall demonstrate to the Secretary's satisfaction that the assessments used by the State to collect and analyze data for purposes of this subsection—

"(A) are aligned to State standards;

"(B) have the capacity to assess the highest- and lowest-performing students; and

"(C) are statistically valid and reliable.

"(b) TEACHER TRAINING.—The Secretary may make grants to institutions of higher education, local educational agencies, nonprofit organizations, and teacher organizations to develop and implement innovative programs to provide preservice and in-service training to elementary and secondary schools on—

"(1) understanding increasingly sophisticated student achievement data, especially data derived from value-added longitudinal data systems; and

"(2) using such data to improve classroom instruction.

"(c) STUDY.—The Secretary shall enter into an agreement with the National Academy of Sciences—

"(1) to evaluate the quality of data on the effectiveness of elementary school and secondary school teachers, based on value-added student achievement gains; and

"(2) to compare a range of models for collecting and analyzing such data.

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $200,000,000 for the period of fiscal years 2008 and 2009 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 402. COLLECTING NATIONAL DATA ON DISTRIBUTION OF TEACHERS.

Section 155 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9545) is amended by adding at the end the following:

"(d) SCHOOLS AND STAFFING SURVEY.—Not later than the end of fiscal year 2008, and every 3 years thereafter, the Statistics Commissioner shall publish the results of the Schools and Staffing Survey (or any successor survey).".

TITLE V—RETENTION: KEEPING OUR BEST TEACHERS IN THE CLASSROOM

SEC. 501. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title II of the Elementary and Secondary Education Act of 1965, as added by titles II, III, and IV of this Act, is amended by adding at the end the following:

"Subpart 4—Retention and Working Conditions

"SEC. 2531. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

"(a) Grants.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

"(b) Special Consideration.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

"(1) a high-need local educational agency; or

"(2) a consortium that includes at least one high-need local educational agency.

"(c) Duration.—Each grant under this section shall be for a period of 3 years.

"(d) Required Activities.—A teacher center receiving assistance under this section shall carry out each of the following activities:

"(1) Providing high-quality professional development to teachers to assist them in improving their knowledge, skills, and teaching practices in order to help students to improve their achievement and meet State academic content standards.

"(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

"(3) Providing training and support for new teachers.

"(e) Permissible Activities.—A teacher center may use assistance under this section for any of the following:

"(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

"(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

"(3) Providing support to mentors working with new teachers.

"(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

"(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

"(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

"(7) Creating libraries of professional materials and educational technology.

"(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

"(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

"(10) Assisting paraprofessionals to meet the requirements of section 1119.

"(11) Developing curricula.

"(12) Incorporating additional on-line professional development resources for participants.

"(13) Providing funding for individual- or group-initiated classroom projects.

"(14) Developing partnerships with businesses and community-based organizations.

"(15) Establishing a teacher center site.

"(f) Teacher Center Policy Board.—

"(1) In general.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

"(2) Membership.—

"(A) Teacher representatives.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

"(B) Other representatives.—The members of a teacher center policy board—

"(i) shall include at least two members who are representative of, or designated by, the school board of the local educational agency to be served by the teacher center;

"(ii) shall include at least one member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

"(iii) may include paraprofessionals.

"(g) Application.—

"(1) In general.—To seek a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Assurance of compliance.—An application under paragraph (1) shall include an assurance that the applicant will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

"(3) Teacher center policy board.—An application under paragraph (1) shall include the following:

"(A) An assurance that—

"(i) the applicant has established a teacher center policy board;

"(ii) the board participated fully in the preparation of the application; and

"(iii) the board approved the application as submitted.

"(B) A description of the membership of the board and the method of its selection.

"(h) Definitions.—In this section:

"(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

"(2) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

"(i) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 502. EXCLUSION FROM GROSS INCOME OF COMPENSATION OF TEACHERS AND PRINCIPALS IN CERTAIN HIGH-NEED SCHOOLS OR TEACHING HIGH-NEED SUBJECTS.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139A the following new section:

"SEC. 139B. COMPENSATION OF CERTAIN TEACHERS AND PRINCIPALS.

"(a) Teachers and Principals in High-Need Schools.—

"(1) In general.—In the case of an individual employed as a teacher or principal in a high-need school during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

"(2) High-need school.—For purposes of this subsection, the term 'high-need school' means any public elementary school or public secondary school eligible for assistance under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314).

"(b) Teachers of High-Need Subjects.—

"(1) In general.—In the case of an individual employed as a teacher of high-need subjects during the taxable year, gross income does not include so much remuneration for such employment (which would but for this paragraph be includible in gross income) as does not exceed $15,000.

"(2) Teacher of high-need subjects.—For purposes of this subsection, the term 'teacher of high-need subjects' means any teacher in a public elementary or secondary school who—

"(A)(i) teaches primarily 1 or more high-need subjects in 1 or more grades 9 through 12, or

"(ii) teaches 1 or more high-need subjects in 1 or more grades kindergarten through 8,

"(B) received a baccalaureate or similar degree from an eligible educational institution (as defined in section 25A(f)(2)) with a major in a high-need subject, and

"(C) is highly qualified (as defined in section 9101(23) of the Elementary and Secondary Education Act of 1965).

"(3) High-need subjects.—For purposes of this subsection, the term 'high-need subject' means mathematics, science, engineering, technology, special education, teaching English language learners, or any other subject identified as a high-need subject by the Secretary of Education for purposes of this section.

"(c) Limitation on Total Remuneration Taken Into Account.—In the case of any individual whose employment is described in subsections (a)(1) and (b)(1), the total amount of remuneration which may be taken into account with respect to such employment under this section for the taxable year shall not exceed $25,000.".

(b) Clerical Amendment.—The table of section of such part is amended by inserting after the item relating to section 139A the following new item:

"Sec. 139B. Compensation of certain teachers and principals".

(c) Effective Date.—The amendments made by this section shall apply to remuneration received in taxable years beginning after the date of the enactment of this Act.

SEC. 503. ABOVE-THE-LINE DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS INCREASED AND MADE PERMANENT.

(a) In General.—Subparagraph (D) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended by striking "In the case of" and all that follows through "$250" and inserting "The deductions allowed by section 162 which consist of expenses, not in excess of $500".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CONFORMING AMENDMENTS.

The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) by inserting after the items relating to part D of title II of such Act the following new items:

"PART E—Teacher Excellence for All Children

"Sec. 2500. Definitions.

"SUBPART 1—DISTRIBUTION

"Sec. 2501. Premium pay; loan repayment.
"Sec. 2502. Career ladders for teachers programs.

"SUBPART 2—PREPARATION

"Sec. 2511. Establishing state-of-the-art teacher induction programs.
"Sec. 2512. Peer mentoring and review programs.
"Sec. 2513. Establishing state-of-the-art principal training and induction programs and performance-based principal certification.
"Sec. 2514. Study on developing a portable performance-based teacher assessment.

"SUBPART 3—21ST CENTURY DATA, TOOLS, AND ASSESSMENTS

"Sec. 2521. Developing value-added data systems.

"SUBPART 4—RETENTION AND WORKING CONDITIONS

"Sec. 2531. Improving professional development opportunities."; and

(2) by inserting after the items relating to subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 the following new item:

"Sec. 9537. Assurance of reasonable progress toward equitable access to teacher quality.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 191—ESTABLISHING A NATIONAL GOAL FOR THE UNIVERSAL DEPLOYMENT OF NEXT-GENERATION BROADBAND NETWORKS TO ACCESS THE INTERNET AND FOR OTHER USES BY 2015, AND CALLING UPON CONGRESS AND THE PRESIDENT TO DEVELOP A STRATEGY, ENACT LEGISLATION, AND ADOPT POLICIES TO ACCOMPLISH THIS OBJECTIVE

Mr. ROCKEFELLER submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 191

Whereas approximately half of households in the United States subscribe to high-speed data service over current-generation broadband networks, and the number of households subscribing to high-speed data service is growing by more than 20 percent annually;

Whereas households in the United States have used these networks to access over the Internet and via direct connections an increasingly broad array of critical information, services, and applications;

Whereas the information, services, and applications households in the United States access through these networks serve important policy priorities of the United States, such as improving health care and education, enhancing access to domestic and international markets, and reducing energy consumption and greenhouse gases;

Whereas, because new information, services, and applications require increasing amounts of bandwidth, and that trend is expected to accelerate dramatically, current-generation broadband networks, with their limited bandwidth capabilities, are proving insufficient to meet the electronic access needs of households in the United States;

Whereas next-generation broadband networks, with transmission speeds of 100 megabits per second, bidirectionally, have the capabilities to provide access to important bandwidth-intensive information, services, and applications being developed and can readily increase these capabilities for future developments;

Whereas, recognizing that next-generation broadband networks are essential to the achievement of social objectives, economic competitiveness, and global leadership, other countries have adopted national objectives and strategies to deploy next-generation broadband networks and are already accelerating the construction of such critical infrastructure to households;

Whereas next-generation broadband networks in the United States pass through only approximately 5 percent of households today;

Whereas, at the current pace, next-generation broadband networks will not be universally available in the United States for more than 20 years, and, as a result—

(1) households in the United States will not have access to critical information, services, and applications;

(2) entrepreneurs and businesses in the United States will be constrained in developing new products and services that are accessed over the Internet and broadband networks; and

(3) the overall welfare and economy of the United States will suffer substantially; and

Whereas key leaders and organizations in the private sector have called recently for the immediate development of a national next-generation broadband network policy and strategy: Now, therefore, be it

Resolved, That the Senate—

(1) establishes a national next-generation broadband network goal to bring, by 2015, universal and affordable access to networks with the capability of transmitting data at 100 megabits per second, bidirectionally, so that households, businesses, and government offices in the United States can access the Internet and, via direct connections, access other households, businesses, and government offices; and

(2) directs the relevant congressional committees to work with the President—

(A) to develop a strategy to achieve the national next-generation broadband network goal; and

(B) to begin, by the end of 2007, to enact specific legislation and adopt policies to implement this strategy.

Mr. ROCKEFELLER. Mr. President, I rise today to discuss an important policy matter facing our Nation. Many of us in this body have for years called for a national broadband policy. Today, I am formally proposing the establishment of that national policy. I will propose that we take two steps: establish a goal, and develop a strategy to meet the goal.

Although broadband services are expanding and more consumers are subscribing to broadband, our Nation is falling behind the rest of the world in the deployment next generation broadband infrastructure. Broadband as we know it will be obsolete and we must begin to examine how the United States can remain a leader in communications technology. As a nation, we must have a thoughtful national policy to make sure all Americans have the communications infrastructure that they need to learn and compete in a global environment.

A national broadband policy is critical to the future of our country. Having a very robust broadband network available to all Americans would provide a tremendous social and economic benefit. The latest phrase in the broadband lexicon is "exaflood." It refers to the flood of new, high bandwidth applications that are now available to those with a fast connection. The number of broadband applications now available is almost unimaginable.

In the last year, social networking Web sites, such as YouTube and MySpace, have become integral parts of our society. But, expanded connectivity would allow doctors to diagnose remotely medical conditions, music students to study with an instructor hundreds of miles away, and scientists to monitor ocean floor vents from their offices on shore. This is the real potential of broadband to transform our lives.

Those who have a fast enough pipe to use those applications will enjoy a huge benefit, both social and economic. As we all recognize, creating next generation broadband networks is crucial to our international competitiveness. It is not news that the United States is lagging many other nations in terms of penetration of current-generation broadband, for example, cable modems and digital subscriber lines. Perhaps more worrisome is that we are also falling behind in terms of next-generation broadband technology.

In Japan, tens of millions of people have access to a direct fiber connection, and 100 megabit connections are commonplace. Korea has been the leader in DSL for years, and now it also is extending fiber all the way to the home. The same is happening in Europe—100 megabit connections are becoming routine in these countries, and it is crucial that the United States not fall behind again. We must have a policy that ensures the deployment of a strong broadband network for all Americans.

The first step in going somewhere is to know where you are going, and the same is true in public policy. We need a goal. And the goal should be an ambitious, yet achievable one. The second step is to decide how to achieve that goal. We need a roadmap. And, we need it now. By the end of 2007, we should establish a national goal and pass a series of policy actions designed to achieve our national goal. There will likely be multiple parts to the plan, and we will likely need to modify those parts over time. But if we do not have a plan, we cannot expect to accomplish our goal.

So today I am introducing a resolution calling for two things: A national goal of 10 megabits per second universally available in the United States by the end of 2010, and 100 megabits by the end of 2015. As I said. that is ambitious, but achievable. A number of different wireline and wireless technologies are today capable of delivering five megabits or more, and their efficacy is constantly increasing. Ten megabits by 2010 is achievable. And by 2015 we can do much better and achieve true next generation speeds.

If we do our work, by 2015 we can become a true "100 Megabit Nation." Today, speeds of 30 megabits or higher are available to millions of Americans due to the healthy competition developing between telephone companies and cable television companies, complemented by many forward-thinking real estate developers and municipalities. These entities are beginning to offer "triple play" services, voice, video and data, requiring them to deploy new technologies delivering very fast speeds. Having general availability of 100 megabits is achievable by 2015 if we push the technology envelope. We can do it, and we should resolve today to do so.

The second part of my resolution says that by the end of this year, 2007, we will develop a strategy for achieving our national goal. I will suggest policy actions for inclusion in that strategy, and many of you will as well. I think we should have tax incentives to push the private sector beyond their current deployment plans, we should offer low-interest loans for the same purpose, we should reform the Universal Service Fund to encourage broadband deployment, we should free municipalities to deploy as they see fit, we should ensure the wise use of wireless spectrum, and the list goes on. There will be new proposals to deal with new challenges and new opportunities. We should develop the first U.S. national broadband policy by the end of 2007, and we should revisit it every year thereafter to modify it as necessary. That is what my resolution calls for.

I invite my colleagues to join me in this call for a national broadband goal and strategy. We have talked about it for years. Now it is time to take action. We owe this to our constituents and the country. We must act to provide them with the benefits that a powerful broadband network can bring, and we must begin today.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1061. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table.

SA 1062. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1063. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, supra; which was ordered to lie on the table.

SA 1064. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1059 submitted by Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) and intended to be proposed to the bill S. 1082, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1061. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. COUNTRY OF ORIGIN LABELING ON PRESCRIPTION DRUGS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue regulations to require that the labeling, including retail packaging, of each prescription drug include the name of the country in which such prescription drug was manufactured.

(b) DEFINITION.—In this section, the term "labeling" has the meaning given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m)).

SA 1062. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. CERTIFICATION OF SAFETY FOR NEW PRESCRIPTION DRUGS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall certify, prior to the approval for marketing of any new prescription drug under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), that the approval of such drug poses no additional risk to the public's health and safety.

SA 1063. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. ___. COUNTERFEIT-RESISTANT TECHNOLOGIES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, the requirement that the Secretary of Health and Human Services certify that the implementation of the title of this Act relating to the Importation of Prescription Drugs will pose no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer shall not apply to the requirement that the Secretary, not later than 18 months after the date of enactment of this Act, require that the packaging of any prescription drug incorporates—

(1) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(2)(A) overt optically variable counterfeit-resistant technologies that—

(i) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(ii) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(iii) are manufactured and distributed in a highly secure, tightly controlled environment; and

(iv) incorporate additional layers of non-visible convert security features up to and including forensic capability, as described in subsection (b); or

(B) technologies that have a function of security comparable to that described in subparagraph (A), as determined by the Secretary.

(b) STANDARDS FOR PACKAGING.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this section, the manufacturers of such drugs shall incorporate the technologies described in subsection (a) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SA 1064. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 1059 submitted by Mr. SESSIONS (for himself, Mrs. LINCOLN, Mr. COCHRAN, Mr. PRYOR, Mr. LOTT, and Mr. SHELBY) and intended to be proposed to the bill S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, strike line 4 and all that follows through line 7 on page 2, and redesignate the remaining subsections accordingly.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 10, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, May 15, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the short-term energy outlook for the summer of 2007 for oil and gasoline.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-7571 or Rachel Paternack at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a business meeting during the session of the Senate on Tuesday, May 8, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this meeting will be to consider and approve S. 357, the Ten-in-Ten Fuel Economy Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Finance will meet on Tuesday, May 8, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Medicare Prescription Drug Benefit: Review and Oversight."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the Substance Abuse and Mental Health Services Administration during the session of the Senate on Tuesday, May 8, 2007 at 10 a.m. in room 628 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Will REAL ID Actually Make Us Safer? An Examination of Privacy and Civil Liberties Concerns" for Tuesday, May 8, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Allen Gilbert, Executive Director, The American Civil Liberties Union of Vermont, Montpelier, VT; Jim Harper, Director, Information Policy Studies, CATO Institute, Washington, DC; Dr. James Carafano, Assistant Director, Kathryn and Shelby Cullom Davis Institute for International Studies, Senior Research Fellow, Douglas and Sarah Allison Center for Foreign Policy Studies, Heritage Foundation, Washington, DC; Bruce Schneier, Founder and Chief Technology Officer, BT Counterpane, Minneapolis, MN; and Janice Kephart, President, 9/11 Security Solutions, LLC, Alexandria, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 8, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BROWN. I ask unanimous consent that not withstanding the provisions of rule XXII, when the Senate completes its action on S. 1082, it proceed to executive session to consider Calendar No. 104, Debra Ann Livingston to be U.S. circuit judge; that there be 3 hours for debate equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; that upon the use or yielding back of time the Senate, without any intervening action, vote on the nomination; that the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, pursuant to Public Law 106-554, appoints the Senator from Louisiana, Mr. VITTER, to the Board of Directors of the Vietnam Education Foundation.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 124, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 124), authorizing the use of the Capitol grounds on May 15, 2007, for the Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid on the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 124) was agreed to.

ORDERS FOR WEDNESDAY, MAY 9, 2007

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, May 9; that on Wednesday, following the prayer and pledge, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business of 60 minutes with Senators permitted to speak therein for up to 10 minutes each, with the first half controlled by the Republicans and the final portion controlled by the majority; that at the close of morning business, the Senate resume consideration of S. 1082, as provided for under the previous order; provided further that the cloture vote on the motion to proceed to H.R. 1495 not occur before Thursday, May 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:34 p.m., adjourned until Wednesday, May 9, 2007, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, May 8, 2007:

THE JUDICIARY

FREDERICK J. KAPALA, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

EXTENSIONS OF REMARKS

EXPRESSING CONCERN OVER THE FDA'S PROPOSAL TO CLOSE TESTING LABORATORIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. LANTOS. Madam Speaker, I rise today to express my grave concern over what I understand to be the Federal Drug Administration's proposal to close down as many as nine regional testing laboratories.

This decision, apparently made in the fall of 2006, has been steadily attracting resistance as more people are made aware of it. It appears that the FDA's Office of Regulatory Affairs (ORA), which, among other activities, oversees the labs, plans to close between seven and nine laboratories—more than half of the current facilities, leaving only four to six labs up and running.

Madam Speaker, this nation has a spectacular technological reputation. I am proud of the work performed by the good men and women of the FDA. Everyone can understand the importance of quickly and efficiently testing dangerous materials, which is but one of the responsibilities of these laboratories. But I would like to emphasize that regional laboratories are even more important today, when an E. coli outbreak in California needs immediate attention and not days of delay because substances must be shipped across the country to a lab in New York. Recent outbreaks of tainted spinach, with immediate testing in California, proved this urgent point.

Madam Speaker, it is imperative that we carefully and cautiously analyze this plan to consolidate our testing labs into a handful of regional centers. President Colleen M. Kelley of the National Treasury Employees Union (NTEU), which represents more than 5,200 FDA employees, has expressed her concern that FDA employees are not being properly considered in this radical transition plan to close labs this spring. The targeted laboratories are located in Philadelphia; Denver; Detroit; Alameda, California; Lenexa, Kansas; San Juan, Puerto Rico; and Winchester, Massachusetts. My understanding of the plan is that these operations, along with an estimated 250 employees, would be moved to five multipurpose "mega-labs" geared to handle all types of FDA testing. Common sense tells us that our testing response will be altered greatly with fewer laboratories. Common sense also tells us that many loyal Federal employees will be facing drastic changes, including termination.

Sen. TED KENNEDY (D–MA) and Rep. JOHN DINGELL (D–MI) have raised concerns about these FDA lab closure plans. They have received limited response to their questions. This is unconscionable, given that we all work for the same team.

Madam Speaker, in this time of heightened concern about a wide variety of levels of safety in our nation, it seems particularly troubling to be downsizing our FDA laboratories simply for budgetary concerns. I would be gratified to learn whether or not alternatives to these lab closures have been properly explored.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. CROWLEY. Madam Speaker, on Monday, May 7, 2007 I was absent for three rollcall votes. If I had been here, I would have voted: "Yes" on rollcall No. 302, "yes" on rollcall No. 303, "yes" on rollcall No. 304.

IN RECOGNITION OF NATIONAL TEACHER DAY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I am proud to rise today in honor of our nation's teachers, who every day, are inspiring people—of all ages—to dream, learn and achieve. Today, on National Teacher Day, it is important that we pause to thank educators everywhere for their service to our communities and our country. We entrust teachers with the development of our children—they are responsible for our ability to build a better future.

National Teacher Day should be an opportunity to think about the debt we owe our nation's teachers. Madam Speaker, We thank teachers for showing children the satisfaction and fulfillment of achieving their goals. We thank them for proving that learning can be fun. We thank them for contributing to the moral development of students. We thank them for guiding our children through every new challenge. But most of all, we thank teachers for dedicating their lives to inspiring and leading the next generation of Americans.

Madam Speaker, I am passionate about education because it has always been such an important part of my life. As a former educator and the brother of a schoolteacher I know how important teaching is and how rewarding it can be. I was honored to serve as an associate professor at the United States Military Academy at West Point where I was able to teach the next generation of military leaders. Just recently I saw a former student, who is now an officer in Iraq. Seeing the way he has grown as person and succeeded as a professional is truly gratifying.

All of us had teachers that changed our lives. Outside of our families, teachers are responsible for who we are and how we view the world. And the job can be tough, it can be tiring and it can be thankless. Madam Speaker, that is why it is so important for all of us to take time to show our appreciation, not just today, but anytime we remember a lesson learned and overcome a challenge. I will take time today to think about the teachers who helped shape my life and I encourage my colleagues to do the same.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to the death of my grandmother.

On Wednesday evening and Thursday May 2 and 3, 2007, I was granted an official leave of absence and thus missed rollcall votes 284 through 301. Had I been present, I would have voted "nay" on rollcall votes 288, 293, 296, 297, and 299 and "yea" on rollcall votes 284, 285, 286, 287, 289, 290, 291, 292, 294, 295, 298, 300, and 301.

In addition, on May 7th I missed rollcall votes 302, 303, and 304 because of flooding in my district. My services were being utilized in the district helping fill sandbags to prevent any further flooding. I would have voted "nay" on rollcall vote 302 and "yea" on rollcall vote 303 and 304.

IT IS TIME TO CLOSE THE GUANTANAMO BAY DETENTION FACILITY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Ms. HARMAN. Madam Speaker, the September 11th terrorist attacks posed a defining challenge for the United States. Our Nation was savagely attacked; our peace and prosperity threatened. A swift and decisive response was necessary.

Many of us offered to work with the Administration to come up with a legal framework to guide that response. One that offered the flexibility needed to meet the challenges posed by al Qaida and 21st century terrorism, but also respected human rights and the rule of law.

Unfortunately, the Administration went its own way and failed to establish a widely accepted legal foundation for its actions. We are all now paying the price.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nowhere are the problems created by the White House's myopic approach more apparent than at the detention facility at Guantanamo Bay, Cuba.

I have visited Gitmo three times.

Each time, I asked hard questions about how the men detained there were being treated, how long they would be held there, and what efforts were being made to ensure that the innocent were released. By the third visit, it became very clear that I was getting the runaround.

The truth was that the Administration was adrift in what I call the "fog of law." Guantanamo was built on a legal fiction. The Administration claimed the authority to detain any person it deemed appropriate, to deny that person the protections of U.S. and international law, and to do so indefinitely—so long as that person was held outside U.S. soil.

The claim was extraordinary, and the Administration seemed unconcerned that it was without sound legal parameters to guide its actions.

At Gitmo, the Administration effectively discarded the procedures that we have used for centuries—in civilian and military tribunals alike—to separate the innocent from the guilty and ensure fair punishment for those that deserve it.

Hundreds of men were detained at Guantanamo for years, without access to an independent court in which to argue their innocence, without access to the evidence against them, and without protection of the Geneva Conventions.

These are rights that the United States has long pressed developing countries to adopt, arguing that they are fundamental to any just legal system.

It should be no surprise that the Administration's ad hoc procedures appear to have resulted in the improper detention of many individuals whose only crime was being in the wrong place at the wrong time, or having the wrong name.

The Supreme Court brought the curtain down on the Guantanamo legal fiction in its Hamdan decision.

And now it is time for the Congress to act.

Madam Speaker, the United States is engaged in a long struggle against al Qaida and other jihadist terror organizations. These groups are successfully exploiting the antipathy that many in the Arab world—and, increasingly, not just the Arab world—feel toward the West, and toward America in particular.

In order to erode al Qaida's appeal and dry up its recruiting base, we have to win the battle for the hearts and minds of the next generation of would-be terrorists.

Guantanamo has become a liability. The real and perceived injustices occurring there have given our enemies an easy example of our failures and alleged ill intent. The prison is so widely viewed as illegitimate, so plainly inconsistent with America's proud legal traditions; it has become a stinging symbol of our tarnished standing abroad.

Defense Secretary Gates has admitted as much, arguing the facility should be closed because its "taint" would render any trials held there illegitimate in the eyes of the world.

I agree with Secretary Gates. It is time to shut the prison down.

That is why I am proud to introduce, together with my friend and member of the Armed Services Committee Mr. ABERCROMBIE, legislation to require the closing of the detention facility at Guantanamo Bay. Senator FEINSTEIN has introduced a similar bill in the Senate.

The bill requires the President to close the facility within one year of enactment, and gives him a range of choices for dealing with the detainees. These options include transfer to a detainee's country of origin (so long as that country provides certain assurances regarding treatment of the detainee); transfer to a facility in the United States to be tried before military or civilian authorities (like the first 1993 World Trade Center bombers and John Walker Lindh); transfer to a qualified international tribunal; or, if appropriate, outright release.

Make no mistake: this legislation is not about setting terrorists free. Many of those held at Gitmo are the worst of the worst—hard-core haters who cannot be rehabilitated. This legislation is about being true to America's most fundamental values and legal norms.

Closing Guantanamo alone will not heal American's moral black eye. But it is a necessary first step.

TRIBUTE TO JOSEPH PETERSEN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. CROWLEY. Madam Speaker, I rise today to pay tribute to the life and accomplishments of a great American and one of my constituents, the late Joseph Petersen of the Bronx, New York. I wish to recognize Mr. Petersen for the lifetime he spent in the service of his country as a Tuskegee Airman and I thank his loved ones for the sacrifices they made as well on behalf of this nation.

Mr. Petersen passed in December 2006 at the age of 97. Though he died too soon to see his unit awarded the Congressional Medal of Honor, the highest decoration of bravery that Congress can bestow, his life and spirit exemplify the heroism upon which the award was founded. Mr. Petersen and his unit fought gallantly and throughout four years of war they lost almost none of the bombers charged under their protection. Mr. Petersen was a soldier in combat in the truest form, striving against both enemy planes and domestic racism, and the courageous example he set will remain an everlasting inspiration to us all.

Madam Speaker, I join with my colleagues in saluting and honoring the memory of Joseph Petersen and in mourning his passing.

HONORING NEWTOWN HADASSAH

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to congratulate the Newtown, Pennsylvania Chapter of Hadassah on its 20th anniversary. The Newtown Hadassah should be commended for its remarkable efforts as both a women's organization and an advocate for the Jewish community.

Hadassah was founded in 1926 by Henrietta Szold and has since grown immensely in membership. With chapters in all fifty states and Puerto Rico and with more than 300,000 members in the women's Zionist organization, Hadassah has bridged the divides among religions, creeds, races, and political beliefs through its presence in more than thirty countries worldwide.

Its primary focuses are in five areas: health, Jewish growth and community, partnerships with Israel, social action and advocacy, and life skills. Through these different areas Hadassah shows its allegiance to the improvement of society, by all and for all.

The Newtown, Pennsylvania Chapter of Hadassah, founded in 1987, celebrates this year their 20th anniversary. It has more than 500 members and these women work to educate themselves and the community about Judaism and Israel. They help others to understand their connections to history and to life in the United States. The members are active in local Jewish and secular communities and reflect the national and international efforts of the greater Hadassah organization.

Madam Speaker, the Newtown Hadassah has spent the last 20 years showing their devotion to our community, enriching our society and strengthening our values. Today, they are working to usher in a new era of Hadassah's growing membership. It is with great pride that I honor and thank the Newtown Chapter of Hadassah for their tireless work in the past and urge them to continue their great work in the future.

RECOGNIZING CHRISTINA PORRELLO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. GRAVES. Madam Speaker, I proudly rise to recognize an outstanding individual, Christina Porrello of Kansas City, Missouri, who received a Bachelor of Arts in Psychology and Art, a double major, from William Jewell College, on May 5, 2007.

The commencement ceremony was held at the Mabee Center for Physical education shortly after the graduating class observed the campus tradition of the last walk around the quad at approximately 1:45 p.m.

Christina has been very active in pursing her degree, while also participating in many Delta Zeta sorority activities. Christina intends to teach art or special education classes. Also, I want to acknowledge the support of her parents, Joe and Sandie Porrello, and her siblings Andrea, Connie Jo and Joe Jr.

Madam Speaker, I proudly ask you to join me in congratulating Christina Porrello on her achievement and wish her the best of luck in her future endeavors. It is an honor to represent her in the United States Congress.

RECOGNIZING VANDEN HIGH SCHOOL'S STATE CHAMPION ACADEMIC DECATHALON TEAM

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mrs. TAUSCHER. Madam Speaker, I rise today to recognize Vanden High School's Academic Decathlon Team for wining the Division II State Academic Decathlon Title.

Over 500 schools from 42 counties in the state participate in the California Academic Decathlon, which promotes education and teamwork.

The championship team from the Travis Unified School District in Solano County was led by Head Coach David Kenyon and included Team Members Erin Campos, Aleena Syed, Abdul Hassan, Nicolai McCrary, Elise Campos, Julieanne Cunningham, David Crowell, Adrian Bullock, and Tanya Campos.

Not only did the Vanden High School's Academic Decathlon Team win the State Title, becoming the first Solano County School to achieve such a feat; they broke the Division II scoring record by amassing a grand total of 45,372 points. The Team also won the State Super Quiz Title.

Prior to competing statewide, Vanden High School's Academic Decathlon Team won the first ever North Bay Regional Competition and also won the regional Super Quiz Title.

The theme for the statewide competition was climatology and China. The students were required to answer questions relating to math, art, music, and history.

The Vanden High School Academic Decathlon Team and coach put in numerous hours, including their lunch periods, to prepare for the regional and statewide competitions. This speaks volumes of their dedication to learn and work as a team.

While several of the members will be graduating and moving on to college, they should take pride in the solid foundation they help build and the standard they set.

Again, I would like to congratulate the Vanden High School Academic Decathlon Team for their monumental achievements and for bringing the State Academic Decathlon Title to Solano County. They represented their school and community extremely well. Go Vikings!

TAIWAN'S WHO MEMBERSHIP

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. CULBERSON. Madam Speaker, the government of Taiwan recently submitted a membership application to the World Health Organization. Since the objective of the WHO is "the attainment by all peoples of the highest possible level of health," Taiwan's 23 million people must be considered. For years now, Taiwan has had no representation in the World Health Organization, which is a gross injustice due to Taiwan's health needs and Taiwan's potential contribution to the global health network.

I support Taiwan's bid for membership and urge my colleagues to openly voice their support for Taiwan. At a minimum, Taiwan should be granted observer status at the World Health Assembly this May.

Though Taiwan is now applying to the World Health Organization under the name of "Taiwan," it does not mean there is any change to Taiwan's national status. Taiwan continues to be the same country as before and its Constitution has not changed. The use of the name "Taiwan" represents a fresh start for the people of Taiwan and is commonly used around the world. Applying for WHO membership under the new name is consistent with Taiwan's past campaign for observer status in the World Health Assembly.

Madam Speaker, I urge my colleagues to lend their support to Taiwan's WHO application. No country should belittle Taiwan's sincere intent to be included in the global health network. Taiwan's bid to become a WHO member is too important to be sidetracked by political disagreements because disease knows no boundaries. It is time for China to drop its objections to Taiwan's bid and welcome the 23 million Taiwanese people to the World Health Organization. Taiwan has much to contribute to the health system in China and to all the countries in the world. Taiwan looks forward to fulfilling its obligations as a responsible global citizen and working with international health institutions through medical cooperation and emergency humanitarian work.

A TRIBUTE TO OPRAH WINFREY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. LANTOS. Madam Speaker, I heartily join in congratulating Oprah Winfrey, who has been named the recipient of the Humanitarian Award from the Elie Wiesel Foundation for Humanity, a venerable institution that combats indifference, intolerance and injustice through international dialogue and youth-focused programs.

Oprah Winfrey is such a visible figure in popular culture that her first name alone is iconic. The recognition she has earned through her talk show, acting, writing and various media enterprises has made her one of America's most recognizable people. And to her everlasting credit, she has put this visibility to good use in support of worthy causes.

A high-profile public figure who dedicates herself to helping the less-fortunate, Oprah sets an example for those of us in the public eye. She provides an inspiring model of the pursuit of meaning, hope, and fulfillment to millions. And as someone who has chosen children as the main focus of her philanthropy and her public service, she sets an example for all adults: Children are the bedrock foundation of our society, our chance for a more peaceful and healthy society, but because they are the least able to help themselves, they need and deserve our greatest efforts. As a grandfather of 17 wonderful grandchildren, I believe the message Oprah sends about kids is the most profound of all.

Motivated by this desire to help children in need, she founded The Oprah Winfrey Foundation in 1987. Since then, the foundation has made grants to organizations that support women and children around the world, providing education, training, and access to crucial resources. I laud Oprah's decision to focus the foundation internationally, not just in the United States. With our resources and our technology, we have a solemn responsibility to lift up the destitute in the rest of the world.

And The Oprah Winfrey Foundation demonstrates that private U.S. interests can combine with both governments and non-governmental organizations to foster that goal. I am particularly impressed that Oprah has also used an inspirational partnership model in raising money. Oprah's Angel Network leverages her audiences as potential donors, with all the money they give going to NGOs that build schools, youth centers, and homes around the world. Her devotion to schoolgirls in South Africa is simply amazing. She has given so much money and time to the construction of the Oprah Winfrey Leadership Academy for Girls to ensure that it will succeed, that those girls will succeed, and that South African society will improve from their education.

On a personal level, I am touched and grateful that Oprah has partnered with Elie Wiesel never to let us forget the Holocaust, the most horrible and harrowing moment in history and one to which Elie and I were witnesses. It speaks to Oprah's singular empathy that someone whose focus is often on modern-day trauma and travesty can so adeptly shine a light on the past. Simply the act of choosing Wiesel's classic "Night" for her book club spoke volumes. But her televised visit to Auschwitz with Wiesel last year made it real for everyone.

Indeed, Oprah has that uncanny and unparalleled ability to not just bring human experience in front of our eyes, but to make us feel it. And her desire and commitment to translating into public service the human capacity to feel for others is deserving of the deepest honor.

HONORING FAIRFAX COUNTY VIRGINIA POLICE DETECTIVE VICKY ANNE OWEN ARMEL AND MASTER POLICE OFFICER MICHAEL E. GARBARINO

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I am honored to recognize two police officers from nearby Fairfax County, Virginia who served their community with great honor and distinction. Today marks the first anniversary of when Detective Vicky Anne Owen Armel and Master Police Officer Michael E. Garbarino were shot in the line of duty during a shooting incident at the Sully District Police Station in Chantilly, Virginia.

Detective Armel was killed while engaging and exchanging gunfire with the shooter. Master Police Officer Garbarino succumbed on May 17, 2006 to injuries sustained when the shooter opened fire on him in the Station's parking lot. Despite being shot 5 times, Master Police Officer Garbarino managed to get on the police radio to notify and warn fellow officers. The 2 line-of-duty slayings were the first in the 66-year history of the 1,364-member Fairfax County Police Department.

Detective Vicky Armel, badge 2806, spent 17 years as a dedicated law enforcement officer', 8 years with the Fairfax County Sheriff's Office, and the last nine with the Fairfax County Police Department. Detective Armel is remembered for many things, including her devotion to family, faith, and an upbeat and positive attitude.

Master Police Officer Michael Garbarino, badge 1417, spent 23 years as a dedicated law enforcement officer with the Fairfax County Police Department. MPO Garbarino, also known as "Gabby," was admired and respected by those who knew and worked with him. He is remembered for his devotion to family, faith, willingness to lend a helping hand, and his sense of humor.

Both are missed every day by family, friends, fellow officers, and citizens of the community. Both are remembered as mentors and role models. The courage, honor and valor exemplified by Detective Armel and MPO Garbarino serve as a reminder for us to remember, celebrate and thank police officers and first responders for their dedication and service to the community and our Nation.

SUPPORTING TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. LINCOLN DIAZ-BALART of Florida. I rise today in support of Taiwan's inclusion in the World Health Organization (WHO).

Taiwan has one of the most developed health care systems in the world and has a strong, proven record on controlling infectious diseases. It was the first Asian State to eliminate polio and has successfully eradicated smallpox, rabies and malaria.

Because our world is increasingly interconnected, exclusion of Taiwan from the international community is neither logical nor appropriate. Every year, travelers make over forty million international trips through Taiwan. With the rapid spread of diseases, one vulnerable site constitutes a vulnerability for us all; one weak link in the international health front puts at risk all our efforts.

Madam Speaker, the WHO has excluded Taiwan because Communist China claims that its health care system will protect Taiwan. Past experience has convinced me that this is not the case. When an earthquake struck Taiwan in 1999, Communist China refused to allow assistance teams to fly through its airspace. This unreasonable restriction cost these assistance teams hours of flying time and may have cost lives. During the SARS outbreak in 2003, Communist China took days to report the Taiwan cases, which also cost lives.

For these and other reasons I rise in full support of Taiwan's application to be included in the World Health Organization.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. FORTENBERRY. Madam Speaker, on Monday, May 7, 2007, I was unavoidably detained and thus I missed roll call votes Nos. 302, 303, and 304. Had I been present, I would have voted "aye" on all three votes.

TRIBUTE TO GAY CHIONSINI

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to honor Gay Chionsini, a unique and caring friend that I personally had the pleasure of working with in the Greater Beaumont Chamber of Commerce. Gay enjoyed a wonderful career with the Chamber and after nearly three decades of outstanding service decided to retire on April 30, 2007. Gay ended her career much the same way she started, as the face of the organization to all of its members and the community at-large. Like many others who have contributed to our community-based organizations and chambers all over Texas, Gay built strong relationships and a wealth of goodwill in and outside of the Beaumont business community. Gay's hard work, wisdom and dedication were critical in the day to day operation of the chamber and the achievement of its future goals.

Gay has had a distinguished 28 year career working for the Greater Beaumont Chamber of Commerce and during that time served as the membership sales director, projects manager, office manager, executive secretary to the president, assistant to the director of public affairs, and secretary to the director of transportation. Gay and I had the pleasure of working together in the 1980's and I can tell you from first hand experience Gay was the consummate team player and I can not think of a better ambassador to the Beaumont community than Gay Chionsini.

It is with deep respect and admiration that I commend Gay Chionsini for her 28 years of service to the Beaumont area, and wish her and her family the very best in retirement.

TRIBUTE TO THE CENTER FOR WORK EDUCATION AND EMPLOYMENT ON THE 25TH ANNIVERSARY OF ITS FOUNDING

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the Center for Work Education and Employment on the 25th anniversary of its founding.

This Denver-based Center has helped thousands of severely disadvantaged adults prepare for, maintain, and retain employment.

For 25 years, the Center's volunteers and employees have provided a full-time job readiness program, evening computer classes, and preparation for General Education Development tests for residents of the Denver area living below the poverty line. For those who need more than job training, the Center for Work Education and Employment provides instruction in life skills, builds relationships with potential employers, and helps participants deal with personal issues and obstacles.

Their continued 25-year commitment to the community is an inspiration. The Center helps thousands to turn their life around by breaking free of public assistance and becoming independent productive citizens. This work is vital to the Denver area and is a model for caring citizens giving back to their community.

I applaud, and am grateful for, the work and dedication of the Center for Work Education and Employment on the 25th anniversary of their founding. They have enriched the Denver community and changed the lives of thousands and I look forward to another 25 years.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Ms. CARSON. Madam Speaker, on Monday, May 7, 2007 I was unable to vote on rollcall votes Nos. 302, 303 and 304. Had I been present I would have voted "yes" on each of the three rollcall votes.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, May 7, 2007, I was unable to cast my votes on H.R. 407, H.R. 1025, and H. Res. 371.

Had I been present for rollcall No. 302 on the motion to suspend the rules and pass H.R. 407, the Columbia-Pacific National Heritage Area Study Act, I would have voted "aye."

Had I been present for rollcall No. 303 on the motion to suspend the rules and pass H.R. 1025, the Lower Republican River Basin Study Act, I would have voted "aye."

Had I been present for rollcall No. 304 on the motion to suspend the rules and pass H. Res. 371, In observance of National Physical Education and Sports Week, I would have voted "aye."

CELEBRATING NATIONAL NURSES WEEK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. BURGESS. Madam Speaker, I rise today to observe National Nurses Week, an annual recognition of the critical role played by registered nurses in meeting the nation's health care needs.

The origin of this event can be traced to 1953, when Dorothy Sutherland of the U.S. Department of Health, Education, and Welfare proposed the proclamation of a "Nurse Day." The following year, nurses were celebrated during the 100th anniversary of Florence Nightingale's mission to the Crimea.

National Nurses Week now begins each year on the 6th of May, which is National Nurses Day. During the week, we also celebrate National Student Nurses Day, on May 8th, and School Nurses Day, on May 9th. The week concludes on the birthday of Florence Nightingale, which is celebrated around the world as International Nurses Day.

National Nurses Week is one of the Nation's largest health care events. Activities include banquets, educational seminars, and other community-wide events. These events draw awareness to the importance of registered nurses in our nation's healthcare system. These nurses compose the largest group of healthcare workers in the United States.

Today, I would like to recognize our nation's 2.4 million registered nurses for their passion to the health profession and their commitment to quality healthcare. I support the goals of National Nurses Week, and am proud to represent many of our nation's fine nurses in the 26th District of Texas.

HONORING RABBI MICHAEL AND ELAINE STRASBERG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. ACKERMAN. Madam Speaker, I rise today to honor the lifelong achievements of Rabbi Michael and Elaine Strasberg, of Flushing, New York. The Rabbi and Elaine will be the Guests of Honor at the Seudas Shabbos of Congregation Ohr Moshe in Hillcrest, New York, on May 12, 2007, where they will be honored for their lifelong community service. They will celebrate this joyous occasion surrounded by family and friends.

The Strasbergs have been leaders in their community for more than three decades. Rabbi Michael led the Israel Center of Hillcrest Manor for 30 memorable years, during which he performed the B'nai Mitzvah services for my own children. More recently, he joined Congregation Ohr Moshe, which will be honoring the couple at a gala dinner on May 12.

The Rabbi Strasberg now works at Sinai Chapels as Director of Pastoral Counseling. In this setting, he provides comfort and strength to families who are going through the trying and painful time of the loss of a loved one. The Rabbi also educates the community with his moving shiurim or lectures on the substance and meaning of the Torah. Michael and Elaine actively participate in community events and organizations on behalf of Sinai Chapels, and work to preserve halacha (Jewish law) and Jewish tradition.

Elaine Strasberg is well-known for her superb cooking and enthusiastic leadership of Israeli dance classes for the women in the community. Elaine is also frequently at the top of my mind, as the creator of crocheted yarmulke, which I wear most often.

The Strasbergs have always been great supporters of Israel and active in many causes to this end. The Strasbergs take great pride and joy in their family, especially their children and grandchildren. They have five children; daughters Chaya, who is married to Dani; Zahavi, Malka, Rehana, and son Amichai, who is married to Adina. They have four grandchildren and are eagerly anticipating the arrival of the fifth.

Madam Speaker, I want to commend Rabbi Michael and Elaine Strasberg for their years of dedicated commitment to the Flushing and Jamaica communities and their residents. The Strasberg's integrity, selflessness, and good example have made a compelling difference in the lives of those they have touched. I ask my colleagues in the House of Representatives to please join me now in honoring Rabbi Michael and Mrs. Elaine Strasberg.

TRIBUTE TO 1ST LT. KEVIN GASPERS AND STAFF SGT. KENNETH LOCKER

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. SMITH of Washington. Madam Speaker, it is with great sadness that I rise today to offer my condolences to the families of 1st Lt. Kevin Gaspers, of Hastings, and Burwell native Staff Sgt. Kenneth Locker, who were laid to rest last week with honor. They lost their lives, along with 7 other soldiers of the Army's 82nd Airborne Division, in a terrorist attack in Iraq.

These young men represented some of the best qualities of Nebraskans, and our State mourns their loss.

Locker has been described as compassionate, caring, thoughtful, and generous. Before he died, he told his father he was fighting in Iraq for the children, that they might have a safer world to live in. His sacrifice for that idea should be inspiring for us all.

Gaspers also had a reputation of generosity, sincerity, and dedication. He touched so many lives during his time with us, and the outpouring of support from the community has been nothing short of inspiring.

These young men led lives rich in meaning, and it is tragic to see those lives cut short. They were sons, friends, and role models. They were filled with kindness, selflessness, and humor. My heart and thoughts go out to their families during this difficult period.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. COLE of Oklahoma. Madam Speaker, I was inadvertently detained for rollcall No. 278, Mr. SESTAK's amendment to H.R. 1429. Had I been present, I would have voted "yes."

TRIBUTE TO NEW JERSEY PEACE ACTION

HON. BILL PASCRELL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. PASCRELL. Madam Speaker; I would like to call your attention to the work of an outstanding organization, New Jersey Peace Action, which will celebrate 50 years of activism in New Jersey at an anniversary reception on Sunday, May 6, 2007.

It is only fitting that New Jersey Peace Action be honored in this, the permanent record of the greatest democracy ever known, for the very purpose of this organization is to help educate and engage New Jersey residents in the community and political activism. Their work helps Americans become informed and active in the democratic process.

New Jersey Peace Action began as NJ SANE in 1957. That year the New York Times ran the headline "We are facing a danger unlike any danger that has ever existed before," calling for an end to nuclear testing and asking Americans to redirect our energies, rediscover our moral strength and redefine our purpose. The National Committee for a SANE Nuclear Policy was formed, and its New Jersey signers became the base of NJ SANE. The following year, NJ SANE selected Dorothy Eldridge as chairperson. NJ local committees echoed National SANE campaign to end nuclear testing by exposing facts about radiation, and assumed a role as watchdog on an international crisis that threatened nuclear war.

By 1960, NJ SANE had gained wide support. At four rallies they sponsored about "Ending All Nuclear Theats—Our Best Chance for Peace," with Dr. Linus Pauling, they drew crowds of between 600 and 1000 people. In the next decade, the growth continued. Over 5,000 marchers took part in a 110-mile walk from McGuire Air Force Base to the UN to call for a permanent test-ban agreement with the USSR. NJ SANE campaigned to expose the true nature of nuclear war and end civil defense drills in schools. They worked to support President Kennedy's efforts toward a test-ban treaty, and when it was signed, continued opposition to drills in schools. Soon came the 1970s and efforts were turned to the crisis in

Vietnam, and the group opened its first real office. Members marched on Washington, raised money for war-injured children in Vietnam, and began draft counseling in addition to other efforts. In 1975, NJ SANE successfully campaigned against President Ford's request for $522 million for the Indochina War. Soon Operation Transfer, a campaign to change national priorities, took off and NJ SANE supported two new coalitions, SEA Alliance and NJ Mobilization for Survival.

As we entered the 1980s new issues emerged and NJ SANE remained on the front lines for peace. SANE responded to Iran and Afghanistan with a call to reason, emphasizing the development of safe renewable energy sources as alternatives to oil dependency. Nuclear freeze efforts strengthened, and the group became involved in issues concerning Central America. In 1986, SANE merged with the Nuclear Weapons Freeze locally and nationally. As we entered the 1990s, more issues arose and S/F was there to face them. There were rallies against the Gulf War, focus turned to economic issues, and the first concert for peace was held. In 1992, NJ SANE/Freeze became NJ Peace Action for a Sane World. In 1997 Virginia Ahearn and Bob Bender became Co-Directors, and Virginia continued on to be Director.

Soon NJ Peace Action entered the new millennium, with a new Director, Madelyn Hoffman. Right after September 11, 2001, NJ Peace Action began holding vigils, more than 100 of them, in 12 different locations in support of addressing the attacks through international law rather than military action. The focus soon became opposition to the Iraq War. NJPA participated in the largest anti-war demonstrations since the Vietnam years. Memorials were held for the dead in Iraq, and a Peace Education Workshop was held for families.

Although some of the causes have changed throughout the years, a surprising number are still left to work for. The members of NJPA today are still working to eliminate nuclear weapons, and protect civil rights. They promote peaceful conflict resolution at all levels, and educate others in their communities by reaching out to them at community events, working closely with other groups to protest war and work for peace.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of groups like New Jersey Peace Action.

Madam Speaker, I ask that you join our colleagues, the members of the New Jersey Peace Action, all those who have been informed and motivated by their work, and me in recognizing the outstanding contributions of this group to not only New Jersey but our entire Nation.

CONGRATULATING AMBER ROSE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. TANCREDO. Madam Speaker, I would like to congratulate Ms. Amber Rose, an outstanding young woman from Elizabeth, Colorado. Ms. Rose, a student at Elizabeth High School was recently named a recipient of the 12th Annual Prudential Spirit of Community Award as a State recipient. The award honors this young woman as one of the top two youth volunteers in Colorado for 2007.

Created in 1995 in partnership with the National Association of Secondary School Principals, Prudential Financial's Spirit of Community Award program has become America's largest youth recognition program based solely on volunteerism. It is designed to emphasize the importance of service and encourages young Americans to give back to their communities.

Nominated by her high school, Amber founded a nonprofit organization that distributed more than $30,000 worth of art supplied to disadvantaged children around the world. As a State Honoree, Amber will receive a $1,000 award, an engraved silver medallion and a trip to Washington, DC, from May 5 to 8 for the program's national recognition events. During this trip she will be considered to become 1 of 10 National Honorees.

Ms. Rose should be commended for her commitment and selflessness. I wish her all the best in her future endeavors.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 246, on H.R. 1434, to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building," I was attending a memorial service for the students and parents of the 18th Congressional District of Pennsylvania affected by the Virginia Tech shootings. I am also a cosponsor of H.R. 1434.

Had I been present, I would have voted "yea."

HONORING REVEREND ANTONIO VALDIVIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary life and work of Reverend Antonio Valdivia, Pastor of St. Louis Bertrand Parish in Oakland, California. Known affectionately to his parishioners, and throughout his community, simply as Father Tony, he has served as a priest in the Catholic Church for over 44 years. Today, the St. Louis Bertrand Parish and the Oakland community come together to thank him for his leadership and service on the occasion of his retirement.

The son of first-generation immigrants from Jalisco, Mexico, Father Tony was born in Oakland. Growing up in West Oakland, he attended St. Joseph Parish, which later merged with St. Andrew Parish and is now part of the Catholic Parish of Christ the Light. During his childhood, Father Tony spent every Sunday at the parish church, attending morning Mass and then returning in the evening for Benediction. One day a priest picked him to be an altar server, and this began his journey into the religious vocation.

Father Tony attended elementary school at Old St. Mary's Parish and was taught by the Holy Names Sisters. Later he studied at St. Patrick's Seminary and University in Menlo Park where he was one of the few Hispanic seminarians on campus, and the only student from West Oakland. He enjoyed his experience in the seminary, particularly his studies in English literature and philosophy.

Father Tony was especially drawn to studies that presented a model of Church as being present in the life of the people. While in school he worked to put those teachings into practice, guiding people as they struggled through the changes in the liturgy, the birth of parish councils, and the development of lay leadership. He also walked with them through the pain of the civil rights era, the Vietnam War, the advent of widespread drug use, the emergence of the HIV/AIDS epidemic, and the continuing and often tumultuous dialogue over the issue of immigration.

During his 44 years as a priest, Father Valdivia served as pastor of five parishes: St. Anthony in Oakland, St. Leonard (now Our Lady of Guadalupe) in Fremont, St. Cornelius in Richmond, St. Catherine in Martinez, and at St. Louis Bertrand since 2003. In addition to serving as vicar of the diocesan Hispanic community, he also served as an associate pastor, as well as a member of the diocesan Pastoral Leadership Placement Board.

Father Tony holds a master's degree in counseling and has used those skills to counsel at-risk youth at public schools throughout the Bay Area. He also put that training to use as a missionary in the Archdiocese of San Salvador from 1991–93, serving as an advocate for peace and justice in a community that was being ravaged by civil war.

I have known Father Tony for many years, and it has always been a pleasure to work with him in the service of my constituents. He is an unwavering advocate for human rights, labor rights, immigration reform, peace and social justice. His commitment to his parishioners and to the people of Oakland has had a positive impact on countless lives. Today I join the St. Louis Bertrand Parish, along with our entire community, in thanking and saluting Reverend Antonio Valdivia for his profound contributions to California's 9th Congressional District, our country and our world.

NORTHERN IRELAND PARLIAMENT

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today is an historic day for the people of Northern Ireland. A day that has been years in the making and which heralds a new era of peace. Today in Belfast, parliament opened with the swearing in of Unionist and Sinn Fein members side-by-side.

I congratulate Ian Paisley and Martin McGuinness on their new roles as first minister and deputy first minister of the assembly. Today is proof that despite decades of violence, two previously bitter enemies can sit down and work through their differences peacefully through representative government.

Nine years ago, the Good Friday Agreement envisioned this day. The work to cement that achievement has been difficult but it has been accomplished through negotiation and compromise.

Certainly, today is not the end of disagreement, but it is the beginning of settling things politically and not militarily. Today is possible because both sides have recognized that violence is not productive, that killing benefits neither side. The children of Northern Ireland can now grow up in a country where hate is not a virtue.

What the people of Northern Ireland have accomplished today is an example for areas around the world suffering with internal conflict. A people who were once at war with one another have freely elected leaders who will work to solve problems peacefully.

Again, I congratulate the people of Northern Ireland on this historic occasion. It is a day to remember and in which they should take pride.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 247, to designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida as the "Sergeant Dennis O. Flannigan Lecanto Post Office Building," I was attending a memorial service for the students and faculty of the 18th Congressional District of Pennsylvania affected by the Virginia Tech shootings.

Had I been present, I would have voted "yea."

HONORING SAINT JOHN MISSIONARY BAPTIST CHURCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Ms. LEE. Madam Speaker, I rise today to honor Saint John Missionary Baptist Church, one of the oldest and most highly regarded churches in Oakland, California. Today, the Oakland community comes together to celebrate Saint John's 60 years of ministry and invaluable service to the community.

Saint John Missionary Baptist Church was founded by the late Dr. Carl J. Anderson on July 7, 1947. For 54 years, Dr. Anderson led an extensive outreach effort to thousands of sick, disadvantaged and imprisoned persons. His love for God and humanity impacted the lives of many from Washington, DC, to the West Coast and Alaska as he led his membership in feeding and clothing those in need, and assisting in the employment of thousands.

During the Vietnam War, church members even received testimony from soldiers stationed abroad whose loved ones has sent them tapes of Dr. Anderson's famous Gospel Call Hour radio broadcast. They expressed gratitude for the encouragement they gotten from those broadcasts, during which Dr. Anderson and the members of the Saint John Missionary Baptist Church would pray for anyone requesting prayer, regardless of race, ethnicity or creed.

On September 1, 2000, Dr. Anderson was called home after his many years of service and ministry. Today Saint John Missionary Baptist Church continues this proud tradition of under the spirited and inspired leadership of Reverend Gregory B. Payton.

Saint John Missionary Baptist Church continues to play a leading role in initiating and expanding a wide range of charitable and community-building activities. In addition to ministering and counseling countless members of the congregation, the church regularly hosts a variety of community gospel events and seeks to promote the development and education of our young people.

On July 7, 2007, Saint John Missionary Baptist Church will celebrate its 60th anniversary in Oakland, California. I would like to mark this occasion by commending the church for the exceptional service it has provided to the community not only in its capacity as an institution of faith and worship, but also as a leader in working to provide invaluable social and charitable services to the people of Oakland. By remaining committed to the areas of leadership and service throughout its 60 years of ministry, the Saint John Missionary Baptist Church has contributed enormously not only to the Oakland community, but also to our shared goal of world peace.

TRIBUTE TO THE NATIONAL PEACE COUNCIL OF SRI LANKA AND ITS EXECUTIVE DIRECTOR, JEHAN PERERA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to the National Peace Council of Sri Lanka and to a man who, were he not a brave and determined patriot, might be my constituent. Jehan Perera came to Massachusetts as a student and graduated magna cum laude from Harvard College in 1982. After winning a traveling fellowship, he returned and earned a J.D. from the Harvard Law School in 1987. He could have chosen to remain in the United States, practice law, and become an exemplary citizen here. Instead, he chose to work for peace in his native country. The son of a distinguished Sinhalese family, he learned Tamil and devoted himself to national reconciliation. He serves as the Executive Director of the National Peace Council and from that forum he has, for almost two decades, urged moderation and restraint, mutual respect and understanding. Jehan Perera is a fearless but thoughtful and nuanced critic of intransigence from any quarter. He has never ceased to call for magnanimous policies that respect both democratic decision-making and minority rights, and, of course, individual human rights. He has been active worldwide in encouraging representatives of civil society to work to resolve communal tensions. He rejoiced in a ceasefire negotiated in 2002 between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). I share his profound sorrow that the hopes it inspired have not been fully realized.

In April of this year, Jehan Perera was honored in a ceremony at the Rajiv Gandhi Foundation in New Delhi addressed by Dr. Manmohan Singh, Prime Minister of India. Dr. Perera had been chosen by the Inter Faith Harmony Foundation of India to receive its 2006 National Award for Peace, Tolerance & Harmony. A few days later, as friends gathered in Colombo to congratulate him, Jehan Perera received a death threat, the first addressed to him personally.

I honor and admire his fortitude. Active citizenship always demands some sacrifice, loss of privacy and leisure; hours and days spent in negotiations; the willingness, on occasion, to differ with our friends or to make common cause with old adversaries. In some places and at some times, politics, even the politics of peace and reconciliation, demands more than that. It calls for unflinching courage in the face of those who would threaten murder to kill even the hope of peace. I call upon all peace loving men and women to keep Jehan Perera in their thoughts and in their prayers.

PERSONAL EXPLANATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 245, on H. Res. 179, Expressing Support for a National Foster Parents Day, I was attending a memorial service for students and faculty of the 18th Congressional District of Pennsylvania affected by the Virginia Tech shootings. Had I been present, I would have voted "yea."

HONORING THE 400TH ANNIVERSARY OF JAMESTOWN

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. CANTOR. Madam Speaker, the 105 settlers who landed at Jamestown in the spring of 1607 had little idea of the hardships they would soon face in the New World—life in the wilderness was racked by disease and famine. Nor was this band particularly equipped for life under such unforgiving conditions. Captain John Smith dubbed half of them "gentlemen."

But with just the right blend of faith, ingenuity and luck, the settlers of Jamestown survived, planting the seeds for the American Democratic experiment. Indeed, the inspiration for the current U.S. Congress comes from July 1619, when the New World's first representative body convened in the Jamestown church. There, they established "one equal and uniform government" over all Virginia. It brings me great honor today to recognize the sacrifices of these first brave Virginian settlers.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, during rollcall vote No. 299 on May 3, 2007, I was unavoidably detained in my congressional district. Had I been present, I would have voted "aye."

CONGRATULATING MORGAN McDONALD

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. TANCREDO. Madam Speaker, I would like to congratulate Ms. Morgan McDonald, an outstanding young woman from Aurora, Colorado. Ms. McDonald, a student at Prairie Middle School was recently named a recipient of the 12th Annual Prudential Spirit of Community Award as a state recipient. The award honors this young woman as one of the top two youth volunteers in Colorado for 2007.

Created in 1995 in partnership with the National Association of Secondary School Principals, Prudential Financial's Spirit of Community Award program has become America's largest youth recognition program based solely on volunteerism. It is designed to emphasize the importance of service and encourages young Americans to give back to their communities.

Nominated by her middle school, Morgan helps lead a school group that works to build leadership skills and improve the scholastic achievement of African-American students. Morgan will receive a $1,000 award, an engraved silver medallion and a trip to Washington, DC from May 5th to 8th for the program's national recognition events. During this trip she will be considered to become one of ten National Honorees.

Ms. McDonald should be commended for her commitment and selflessness. I wish her all the best in her future endeavors.

CONGRATULATIONS TO BISHOP KEITH JENKINS ON HIS EPISCOPACY CONSECRATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. ELLISON. Madam Speaker, I rise today to congratulate my constituent, Bishop Keith Jenkins, on his recent ascent to the episcopacy of the Open Door Evangelistic World Ministries in Minneapolis, Minnesota.

PROCLAMATION FROM THE INTERNATIONAL FELLOWSHIP OF REFORMED EPISCOPAL CHURCHES

> Grace and Peace be unto you from God our Father and from the Lord Jesus Christ,
>
> Hallelujah!
>
> It is with great felicity that we proclaim the imminent consecration of the very Reverend Keith Jenkins to the episcopacy in the church of our Lord and Savior Jesus Christ, on the twenty first day of October, Anno Domini, two thousand and six, at The Elim International Fellowship, The Protestant Cathedral in Brooklyn, New York.
>
> The aforementioned consecration will commence at ten o'clock forenoon, at 20 Madison Street, Brooklyn, NY 11238.
>
> May the blessings of the strength of Israel be upon you, our good brother Keith; and the love of the resurrected one sustain and preserve you. May your steps be guided by the everlasting spirit and your speech be seasoned with salt that you may know how to give an answer to every man concerning the hope that lieth within you.
>
> Signed, His Eminence The Most Reverend Wilbert Sterling McKinley, Archbishop Primate His Eminence, The Most Reverend Trevor Dominic Bentley, Archbishop Exarch.

INTRODUCTION OF THE TEACHER EXCELLENCE FOR ALL CHILDREN ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I am pleased today to introduce an important piece of legislation, the Teacher Excellence for All Children Act: the next step our country needs to take to ensure that every child, in every classroom, is taught by an excellent teacher.

First and foremost, I want to thank our teachers for their dedication and commitment to taking on the overwhelming demands of their profession. We ask them to perform miracles every day in our underfunded and overcrowded system. And we owe it to them and to their students to provide more than rhetoric about our commitment to encouraging talented people to enter the field and stay there.

Let me also thank the organizations, and their members, who go to work every day with the commitment to help our schools and our students succeed. They are a great constituency for this legislation, and I appreciate all of their input into this bill. Thank you to the Alliance for Excellent Education, the American Federation of Teachers, the Associations of Community Organizations for Reform Now, the Business Roundtable, the Center for American Progress Action Fund, the Children's Defense Fund, the Citizens' Commission on Civil Rights, the Council of Urban Boards of Education, the Education Trust, the Mexican American Legal Defense and Educational Fund, the National Commission on Teaching and America's Future, the National Council of La Raza, National Council of Teachers of English, the National Council on Teacher Quality, the National Education Association, the National Institute for Excellence in Teaching, New Leaders for New Schools, the New Teacher Center at DC–Santa Cruz, Operation Public Education, Teach for America, and The Teaching Commission.

We all remember the difference that outstanding teachers have made in our lives, but we also know that students who most need the best teachers are least likely to get them. There are many reasons why people decline to enter the teaching profession or decide not to remain there including reasons such as low pay, lack of meaningful professional development, lack of respect, inappropriate working conditions, or little opportunity for advancement.

By failing to address this problem, Congress is shortchanging our children and costing taxpayers an estimated $2.2 billion annually to replace teachers who have left the profession. We need to act immediately to ensure that we have an adequate supply of exemplary teachers for the next generation of students.

My 43 colleagues who are original cosponsors and I are prepared to respond to this challenge facing American education with an innovative approach that matches the seriousness of the challenge with the "The TEACH Act of 2007"—the next step our country needs to take to ensure that every teacher, in every classroom, teaching every child, has the supports they need to help their students succeed.

The single most important factor in determining a child's success in school is the quality of his or her teacher. We all remember a teacher—or even several teachers—who made us proud of ourselves for what we accomplished and helped us face our future with hope and confidence. Imagine if every one of our teachers over the years had given us that same strength.

The TEACH Act will accomplish four critical goals:

Increase the supply of outstanding teachers.

Ensure all children have teachers with expertise in the subjects they teach.

Identify and reward our best teachers.

Keep the best teachers and principals in our schools.

This bill is a major legislative initiative that will attract our most talented teachers to our nation's classrooms where they are needed the most—and encourage them to stay there.

Over the next decade, we will need to hire more than two million new teachers to serve in our public schools. Yet today, we have no national plan for attracting outstanding students into the teaching profession, or keeping them there.

My bill addresses this need by helping school districts to pay more competitive salaries and by offering up-front tuition assistance to talented undergraduates committed to a career in education, to established teachers working in fields like math and science, where the teacher shortage is most acute, and to retirees with math and science expertise who would like to join the ranks of our nation's teachers.

The TEACH Act also offers up to $20,000 in loan forgiveness to highly qualified teachers who are working in high priority communities.

We know that too many teachers do not receive adequate preparation or training for their jobs to improve during the first years on the job. As a result, over half of new teachers leave the profession within five years.

The TEACH Act helps new teachers transition into the classroom and build their skills through state-of-the-art induction programs that include proven strategies such as structured mentoring, common lesson-planning, and intensive professional development. This bill also helps veteran teachers improve their skills through peer mentoring and review programs.

My bill also addresses the problem that poor children are far less likely to be taught by expert teachers. Nearly three-quarters of math classes in high-poverty middle schools are taught by teachers who lack a major—or even a minor—in math. The TEACH Act provides higher pay for outstanding teachers and principals who transfer into the hardest-to-staff schools where they can help the children who need them most. Making sure these children are taught by a well-trained teacher is crucial.

The TEACH Act also helps create true career ladders that allow teachers to advance in the profession as they gain new knowledge and skills. The bill would augment the salaries of teachers who seek out opportunities to advance their own professional development and to mentor colleagues who are new to the profession.

We also know that nothing is more important in attracting—and keeping—outstanding teachers than outstanding principals. My bill raises standards and improves recruitment and training for new principals.

Teaching is not just another job. Teaching is a career that must be satisfying itself, that must attract the best people, and that must instruct our children to succeed in an increasingly competitive world.

We can have a dynamic and exciting future for America's schools and their students. We have the national resources. Now, we must make the commitment.

We must dedicate the necessary resources, demand the necessary results, and stay with it to the end to make sure that every child in America has a teacher we can all be proud of and that every teacher in America can say they are proud of us too for the support we give them.

I would also like to acknowledge three reports that were particularly useful. The Teaching Commission's report, Teaching at Risk: A Call to Action; the Center for American Progress report, Ensuring a High Quality Education for Every Child by Building a Stronger Teaching Force, and the National Academy of Education report A Good Teacher in Every Classroom: Preparing the Highly Qualified Teachers Our Children Deserve. All three reports were extremely instrumental, particularly in identifying practices that are working well and need to be taken to scale.

The TEACH Act will take us where research and experience say we need to go: stronger teachers, stronger principals, and stronger schools. I look forward to achieving the vision of a better school system for all of our children.

RECOGNIZING THE LIFE OF VAL McCOMIE, FORMER AMBASSADOR OF BARBADOS AND FORMER ASSISTANT SECRETARY GENERAL OF THE ORGANISATION OF AMERICAN STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize and honor the life of my friend, Val McComie, who after a distinguished career and a lifetime of service, passed away on May 4, 2007, and to enter into the RECORD his obituary.

Ambassador McComie dedicated his life to public service. He served as a secondary teacher, and then embarked upon a career in diplomacy that saw him reach and contribute at the very highest levels. He began at the entry level of the Barbados Diplomatic Service, then rose quickly through the ranks to become his nation's ambassador to Venezuela from 1974 to 1976, and Assistant Secretary General of the Organisation of American States from 1980 to 1990. His dedication to public service is noteworthy. I'm particularly proud of his interest in human rights and environmental issues. His legacy within the inter-American community will live on.

I will keep his wife, Elia Garcia McComie and daughter Gail McComie in my thoughts and prayers.

OBITUARY—VAL McCOMIE, FORMER ASSISTANT SECRETARY GENERAL OF THE ORGANISATION OF AMERICAN STATES

Val McComie, 87, a former ambassador of Barbados to the United States and Assistant Secretary General of the Organisation of American States, died May 4 after a lengthy illness at the Washington Home hospice in Washington, DC.

Ambassador McComie was born in Trinidad and received his secondary education in Trinidad and Barbados. He attended the University of London, graduating in Modern Languages. He completed post-graduate studies at the University of Bordeaux and the University of California, Los Angeles.

Val McComie taught at secondary schools in Barbados, Arizona, and Ghana, and then joined the Barbados diplomatic service after the country became independent in 1966. He was appointed as ambassador to the United States and permanent representative to the OAS in 1968. He was instrumental in negotiating Barbados' entry into the OAS and the Inter-American Development bank. He subsequently served as ambassador to Venezuela from 1974 to 1976.

Ambassador McComie was elected as Assistant Secretary General of the OAS in 1979, and served with distinction for two successive terms from 1980 to 1990. He retired in 1990.

He was well known in inter-American circles for his outstanding and successful efforts at creating greater links of understanding and practical cooperation between the Latin American countries and the countries of the English-speaking Caribbean. He also encouraged the promotion of human rights and environmental concerns in the hemisphere.

His first wife, Margery Clarke McComie, died in 1956.

Survivors include his wife of 32 years, Elia Garcia McComie of Washington; a daughter from his first marriage, Gail McComie of Fort Lauderdale, FL, and two sisters.

A THANK-YOU TO OUR NATION'S TEACHERS ON NATIONAL TEACHER DAY

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today in recognition of National Teacher Day and in strong support of our Nation's teachers.

As the daughter of a teacher and now the mother of a teacher, I know firsthand the importance of quality education for all children and understand the dedication of these committed professionals to our children. Teachers are the driving force behind our Nation's responsibility to provide a high quality education to every child. I know from personal experience that education can be the key to a better life.

I commend our Nation's teachers and their dedication to our youth. Teachers are on the front lines of our education system, working tirelessly to ensure that our children have the skills to reach their maximum potential.

I want to give just one example of an extraordinary teacher from my district—the Fourth District of Wisconsin. Ms. Andrea Payan of Morgandale Elementary School in Milwaukee was recently awarded the nationally-recognized Milken Educator Award.

Ms. Payan has motivated and inspired her students, her colleagues, and her community. Not only has Ms. Payan dedicated herself to her students, but she also serves as a mentor to new teachers, providing support and advice to those who have chosen this challenging and rewarding profession.

On this day of National Teacher Appreciation, I encourage my colleagues to not just "talk the talk," but to "walk the walk" and strengthen our investment in public education.

I thank and congratulate Ms. Payan, as well as the thousands of teachers in my district who may not have been nationally recognized, but who share that same commitment and dedication. I encourage everyone to remember and thank a teacher who has made a difference in their life.

PERSONAL EXPLANATION

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. SHULER. Madam Speaker, on Monday, May 7, I was unable to vote on rollcall votes Nos. 302, 303, or 304 due to a family obligation. Had I been present I would have voted "yes" on each vote.

POWER SHARING IN NORTHERN IRELAND

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 2007

Mr. PALLONE. Madam Speaker, I come to the floor this evening to discuss the historic power-sharing agreement in Northern Ireland as leaders today were finally sworn in to the Northern Ireland Assembly outside of Belfast.

The people of Northern Ireland are long past ready for the assembly to meet and take the final steps towards lasting peace, prosperity and devolved government. It is important for the members of the assembly—particularly party leaders Martin McGuinness and Ian Paisley—to not dwell in the past but rather get to work on building a strong economy and providing for the people of Northern Ireland.

We must remember the 3,500 people that died and thousands more that were injured during the Troubles over the last 30 years. But now is a time of peace and a time for the people of Northern Ireland to look forward.

Taoiseach (tay-shuck) Bertie Ahern and British Prime Minister Tony Blair are to be commended for their lasting commitment to permanent peace and justice in the North of Ireland. It is my hope that the next Prime Minister of Great Britain will share Mr. Blair's passion and perseverance for lasting peace in Northern Ireland.

The progress made in Northern Ireland is absolutely remarkable considering the violent past it has had. I would like to commend Sinn Fein leader Gerry Adams for taking the steps necessary towards completely disbanding the IRA and supporting the policing institutions so that an agreement could be made.

I would also like to thank Ian Paisley for finally saying "yes" and sitting at the table with Gerry Adams. Both sides made difficult concessions during this process but the concessions are worthwhile to bring an end to the tragic violence.

It is now time for the two sides to fully work together to improve schools, roads, hospitals and the economy so that the people of Northern Ireland can have the representation they deserve.

Madam Speaker, this truly is a historic day for Northern Ireland as it steps into a future of peace and diplomacy and steps out of a past filled with violence and unease.

SENATE—*Wednesday, May 9, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, before whose Eyes the ages pass, who knows our changing thoughts, help us to remember that You guide the planets and our times are in Your hands. Open our ears to hear Your voice as the heavens declare Your glory and the flowers speak of Your majesty. As You whisper in the wind, teach us to number our days and to seize the seasons You have given us to serve.

Strengthen our lawmakers for today's work. Give them priorities that honor You, patience to persevere, and humility to build new bridges of cooperation. Empower them, Lord, to do to others what they want done to themselves. Impart to them also the wisdom to live with gratitude to You, the author and finisher of our faith. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 9, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, there will be 60 minutes for morning business, with the Republicans controlling the first half, and the Democrats controlling the second half.

Following morning business, the Senate will resume consideration of the FDA legislation. Last night, due to the hard work of Senator ENZI and the staffs of Senators KENNEDY and ENZI, they were able to come to an agreement to complete action on this legislation today. I compliment the hard work of the many individuals who worked to accomplish this, especially Senator BROWN who, in the absence of the chairman, was here throughout the day to assist in moving the process along. In addition, I would like to single out Senator ENZI, who has worked so hard on this legislation in the committee and, of course, with it being on the floor. He has worked very well with Senator KENNEDY in the entire process of getting this legislation through the committee to the floor and now toward completion.

Through the hard work of these I have mentioned, we have only three amendments that are in order to the bill, and we have 60 minutes of debate time. Votes on the remaining amendments and passage of the bill will occur around 11:30 this morning.

Following final action on the FDA bill, the Senate will consider, for up to 3 hours, the nomination of Debra Ann Livingston to be a circuit court judge. Upon the use or yielding back of that time, then a vote on confirmation will occur.

Once the judge has been confirmed, I have every belief that the Senate will begin and complete the process of going to conference on the budget resolution. I have spoken to Senator CONRAD earlier this morning. He and Senator JUDD GREGG get along extremely well, and they will work out the time on the number of motions to instruct and how many motions to instruct the minority will require. So Members should be prepared to work into the evening on this most important item.

Finally, the cloture vote on the motion to proceed to the water resources legislation will not occur before tomorrow morning. Today will be a busy day, with votes occurring throughout the day, so Members should plan accordingly.

ORDER OF PROCEDURE

Mr. REID. Mr. President, on the FDA legislation, it is my understanding there will be three votes, and then final passage.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, the votes occur all at one time?

The ACTING PRESIDENT pro tempore. There is 2 minutes between each vote.

Mr. REID. Mr. President, I ask unanimous consent that be the case, and I also ask consent that there be 10-minute votes after the first vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered as to each request.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, for up to 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republicans, and the second half of the time under the control of the majority.

The Senator from Missouri.

IRAQ

Mr. BOND. Mr. President, I am pleased to report to my colleagues on a trip, an Intelligence Committee trip, that I led to Iraq this past weekend, with Senators SNOWE and CHAMBLISS and Congressman ISSA. We found some very amazing things. We visited Tikrit, Baghdad, Ramadi, Balad. We talked to the commanding officers, sat down and talked with our troops, our soldiers, marines, and airmen.

In Ramadi—which only a month or so ago had been a denied area, an area so hostile that heavily armed U.S. units could not even successfully go in. It was extremely dangerous. On Sunday, as a result of changes that have happened in Ramadi in the last several weeks, the four of us Members of Congress, with the general in charge of the area, General Gaskin, and a driver, and two marines with M-16s, went down to downtown Baghdad. We had no phalanx of troops around us, no helicopters flying overhead. We got out and walked in downtown Baghdad at "Firecracker Corner," so named, as one might guess, because of the tremendous number of rounds that perpetually were going off in that area.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It was quiet at the time. We went from there into the former Anbar college, which has become the security force headquarters for the area. That building is manned by Iraqi police units, Iraqi army units, and U.S. marines. They were living together, conducting missions together, and apparently they have been extremely successful because Ramadi has changed significantly.

In the last 3 months, attacks in Ramadi have decreased by some 74 percent. I have a chart in the Chamber. You probably cannot see it too well. But the first part shows weekly attacks going from a high of 127, in February, down to 24 in the week of April 20 to 26.

Indirect fire attacks went from 129 per week down to about 10. Improvised explosive device attacks—this is per month—went from over 320 last July, down to, in March, 67 per month; and in April to 28 per month.

Now, what is going on here? Well, it is quite simply that the surge and clear-and-hold counterinsurgency strategy is beginning to work. The mistake we made previously is we would go in and take out al-Qaida and leave. Well, al-Qaida would come right back. And anybody who had cooperated with the coalition forces would be subjected to death or other severe penalties.

Now, with significant new numbers of Iraqi police and army, backed up by the U.S. military, we are able to go in and clear and hold. That is why the marines, the Iraqi police, and army are stationed in downtown Baghdad. This is becoming—it is not yet a denied zone for al-Qaida.

Now, one of the most important and amazing things that has happened is the tribal sheiks, the Sunnis in that area—if you have been following the Al Anbar progress, the Sunni sheiks run that country. They have concluded—having dealt with al-Qaida, and having had their family members killed, businesses disrupted—they have decided that the coalition forces—American, Australian, British—in cooperation with the Iraqi Army and police are far better hopes for security.

By our making a commitment to go in there, they have made a commitment as well. Now they are volunteering large numbers of men to serve in the Iraqi police and the Iraqi Army.

In just a couple weeks, 1,200 Iraqi young men signed up for the army. There are now over 10,000 Iraqi policemen. They are being trained, and they are taking over the area.

As you look at the entire scope of Ramadi, there are 23 tribal areas. Last year, in one or two of the tribal areas, the sheiks were working with us. Now all 23 have joined with us to fight al-Qaida. There are no uncooperative tribes left. They are joining the military and the police force to help keep the area clear.

In downtown Ramadi, the U.S. military has gone in and been able to repair and help reopen the largest, most important mosque in Ramadi, the mosque that is central for the Sunnis in Al Anbar. It had been closed since the start of the war. Now, this past Friday, hundreds of Iraqis were able to attend services. The U.S. military has supplied and set up mosque speakers in Ramadi to broadcast security messages in addition to messages from the local Imams.

This is just one example we saw. In Baghdad, we learned the clear-and-hold strategy is working. Areas which had been highly dangerous, with a high number of attacks daily, now, because of the presence of the joint security forces—Iraqi, U.S., and coalition forces—have seen the incidents decline by more than two-thirds.

What does this mean? Well, it means al-Qaida is being significantly degraded. Significant numbers of al-Qaida have been killed and detained, and others have been forced out of Baghdad and Al Anbar. Our coalition forces, with the help of the Iraqi military, are, I understand, doing a very good job tracking them down and eliminating them.

Now, this is not conclusive. This is only the first results of the surge and the effective counterinsurgency strategy. It was recommended by the Baker-Hamilton commission last year, and it is being implemented by General Petraeus, who is an expert on counterinsurgency.

I would say that Marine General Gaskin, who is running Al Anbar, is doing a magnificent job. I was impressed with what we heard from General Odierno and General McCrystal and others who are working to make sure they complete their job.

We also met with the most influential leader of the Shia in Iraq, Ayatollah Abdul Aziz al-Hakim. He is the influential leader of the Supreme Council for Islamic Revolution in Iraq. We talked with him about the need for the Iraqis to find political solutions and to bring together a unity government of Sunnis, Kurds, and Shias to ensure the safety and stability of their country so they would have an opportunity to go back to normal lives and prosper. We have given them that opportunity, and they need to take that opportunity. We need to do a better job of telling people the difference, and our military is doing that. But at the same time, when we met with our troops, they kept asking us why we aren't getting the money. They know they are doing the job, and they asked us a question which is rather difficult to answer: You sent us over here to do a military mission. We are accomplishing that mission. Why are we not getting the money we need? Where are the Mine Resistant Ambush Protection vehicles that can reduce injuries and deaths so significantly? There was no answer, other than it has been delayed.

Let me conclude by saying we are making great progress, and we cannot afford to tell our troops we are not going to support them by sending in a bifurcated budget, funding a month at a time, a month at a time, because they have a several months' long game plan. When they hear people say that the war is lost, they say: We are risking our lives every day, because the war is not lost. What are people in Congress thinking? We cannot tell the Iraqis and our troops that we are going to cut out of here in a couple of months because we will lose the cooperation of the tribal sheiks and the others who are helping us against al-Qaida if they think we are about ready to leave and leave them at the mercy of al-Qaida, which will come back in if we leave prior to establishing strength in the Iraqi security forces that will enable them to prevent al-Qaida from taking over their country.

Make no mistake about it, that is the goal of al-Qaida. Our intelligence community unanimously says it. Ayman al-Zawahiri has said it, Osama bin Laden has said it. If we don't believe them, at least we ought to believe our intelligence community.

We must pass this supplemental for the full rest of the year without timelines and provide the troops the support and the weapons systems they need.

I thank the Chair, and I yield the floor.

Mr. CORNYN. Mr. President, may I inquire how much time is remaining in morning business on this side?

The ACTING PRESIDENT pro tempore. There is 18½ minutes.

Mr. CORNYN. I thank the Chair. I will take 9 minutes of that and then Senator THOMAS will take the remainder.

RISING GAS PRICES

Mr. CORNYN. Mr. President, yesterday I came to the floor with the Senator from Arizona and the senior Senator from Texas to talk about rising gas prices. The sticker shock at the pump is something all Americans are noticing. We can talk in esoteric sorts of ways about national energy policy, but when people drive up and have to fill up their tank to be able to drive their kids to school or be able to drive to work, that is when they begin to understand the consequences of Congress's failure to act in a number of respects.

Last year about this time, our friends on the other side of the aisle held a press conference over on Massachusetts Avenue and were decrying the lack of action on the part of the then majority of Congress to bring down gasoline prices, but since that time, the average retail price of gasoline has gone up by 13 cents. I saw in today's day book for the Associated Press that the new majority, the Democratic majority is now going to have another press conference over at the same gas station talking about high gas prices.

I would suggest the responsibilities of being in the majority are to act, not just to hold press conferences. I think our friends haven't quite recognized the fact that they are in charge now. They have a responsibility to act instead of using the same old shop-worn tactics of holding a press conference and launching new investigations.

In fact, the Federal Trade Commission and the Department of Justice have held extensive investigations already and basically concluded the problem is we don't have adequate supply, and we don't have adequate refinery capacity to keep up with the demand. As I noted yesterday, Congress can pass a lot of laws. We could even repeal some laws, but we can't repeal the laws of supply and demand. We know that in a booming world economy, where there is competition in India and China, countries with more than a billion people each, as the economies of other countries become more developed, they are going to demand more and more of the same limited supply of oil, and that is why we have seen the price of oil and gasoline go up. Rather than hold press conferences, my hope is our colleagues on the other side of the aisle, the new majority who is in charge, would work with us to pass legislation which would actually have an impact and bring down gasoline prices, bring down oil prices, and enhance our national security at the same time.

It is no secret to any of us that most—or not most but a lot of the oil that we import comes from troubled regions of the world. It comes from Hugo Chavez and Venezuela, it comes from the Middle East, and I don't need to say more about that and how much that supply is threatened at times by the bellicose actions of countries such as Iran, a rising, they hope, nuclear power. I hope they do not acquire nuclear capacity because they are a State sponsor of international terrorism. But my point is we need to develop more of our domestic resources. We need to look for alternative forms of energy that are clean. We need to continue our scientific research into things such as clean coal-burning technology. We have about 300 years' supply of coal in this country, and we all know that coal can burn dirty, but the fact is that by using the technological advantages that we have in this country, we can conduct the kind of research that will allow us to use this coal in a way that does not pollute and does not endanger the environment. The fact is we simply can't turn a blind eye to any source of energy and remain competitive in the world economy. But the fact is also that we are simply not going to solve these problems by holding press conferences, as our colleagues are going to do, apparently, this afternoon, I think at 2:30 or 3:30. I can't remember when. They did that last year when they were in the minority. They have not quite yet, I guess, accepted the fact that on November 7 they won the election and they are now responsible. It means more than holding press conferences; it means action.

I tell my colleagues the Republicans are willing, ready, and able to work with them to try to solve the energy crisis, the gasoline price crisis in this country. It is not going to be easy, but for sure, none of us can do it in a partisan way. The only way we are going to be able to do it is by working together in the best interests of the American people. I think the American people are more than a little tired of some of the hollow rhetoric when people talk about problems, but when you are in a position to actually do something about it, that nothing gets done.

As our leader on this side of the aisle, Senator MCCONNELL, has noted, divided Government actually provides an opportunity for us to take on some of these big problems, some of these big challenges that are harder to tackle when there is a single party in charge, but it takes a spirit of cooperation. It takes a desire to actually work together to try to solve these problems the best we can. The energy problem is just one of them. I would say the spiraling debt being accumulated by growth and entitlement programs is another one of them.

I am very disappointed that this new budget that is going to come to the floor later this week does nothing about passing the buck on entitlement spending. As a matter of fact, it imposes additional debt and burden on our children and grandchildren when we have the responsibility to pay our own bills, not use Social Security to pay for the general debt, which we are doing now, and other bookkeeping tactics that if we were in the private sector would probably mean that somebody would end up in jail. But the Federal Government plays those sorts of budget gimmicks, and they need to end.

So let me end by saying that this is an opportunity for us to work together but not if we are going to have press conferences and do nothing, talk tough but fail to use the tools that are available to us in Congress as representatives of our respective States to work together in a bipartisan way to try to solve them. I think that is what the American people want. That is why I came to the Senate. I wanted to do something. I wanted to actually make a difference. I think all of us feel roughly the same way, but somehow we have fallen into these bad habits of partisanship and avoiding the solutions that are readily at hand.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I wish to join my friend from Texas in talking about the interest in energy. I don't think there is anything, frankly, when we look at it, that impacts our future and our jobs and our families anymore than energy and its availability. Think about it for a moment, what we actually use, each of us, every day. We drove here in our cars: energy; the lights up here: energy; air-conditioning or heat: energy; then, of course, in the whole economy. So I wanted to talk about some of it in the context of high gas prices and, of course, Americans are experiencing that right now.

I am on the Energy Committee, and we have passed good energy policy in the last couple years. We have already begun to see some of the benefits of that passage, there is no question about that, but there is much more that can be done. Unfortunately, we have gone along a good deal of the time this year and haven't done much about it, so we need to accomplish some things. The high price of gas, of course, touches all of us, but it is particularly important in a State such as mine, where people have to travel so far for school or work or other obligations.

Yesterday, the Energy Committee, of which I am a member, scheduled a hearing on short-term energy outlook for oil and gas. This hearing will be held next week, but that is not enough. Having hearings is not enough, as having press conferences is not enough. We need to move forward.

What is the answer to high gas prices? Of course, the simple economics of it is supply: Supply and demand. One option is to drive less, of course, and we can do some of this. We can have more efficient cars and those kinds of things. But we must drive to work. We must drive. We have to have energy. So there are some things we can do. But the other issue, and the one we can deal with, is increasing supply. My friend from Texas makes a good point. We get so wrapped up in bills and amendments sometimes, but we have to ask ourselves: What can we add? What can we regulate? What needs to be repealed? We cannot repeal the law of supply and demand. That is where the impact is on the price. That economic fact must inform this debate. We certainly can consume our energy in more efficient ways, and we should do that. I support those efforts. I am glad to be a cosponsor of a bill, S. 992, that does that. But we also have to pass alternative fuels, and I am for that. But I think we have to be honest on alternative fuels as to what kind of an impact that is going to have in a relatively short time. I am all for these kinds of things, whether it is wind or Sun or whatever, but it is years down the road before it will be able to do the kinds of volume that is necessary for energy.

So I think my real point is that in the meantime, as we look for alternatives, as we look for various things, there are things we can do now, and that is what we need to do to deal with our needs in the interim while these other things are being decided.

So I am hopeful the majority will bring legislation to the floor that allows us to provide Americans with secure, affordable, and responsible sources of energy. I am convinced that unless we move forward, the majority is not moving in this direction, and I think we must.

Last week, we marked up a biofuels bill in the Energy Committee. The bill focused on ethanol from corn and feed stuffs, and that is a good thing.

However, these fuels raise the cost of corn. They raise the cost of livestock feed and, subsequently, meat and other groceries. They cannot be transported in our existing system. You cannot put ethanol into pipelines and move it. The advanced technologies are not commercialized anywhere yet in the world.

Along with Senator BUNNING, I offered an amendment to add coal-to-liquids, and coal-to-liquids don't suffer from the same shortcomings as ethanol. It will have no impact on the affordability of food. It can be delivered through existing pipelines.

Coal is available as one of our most abundant resources, as a matter of fact. It is the most plentiful supply of fossil fuels we have in this country. Coal has the potential to be converted to liquids and fluids and to electricity on the spot. These are the things which need to be done.

We spent most of 2 hours talking about this amendment, and it received a great deal of support. However, when it came down to it, it was a party-line vote of 12 to 11, and it was defeated. So I will bring it to the floor when the Energy bill comes.

I think we need to look at the short-term impact. Here is one—conversion of coal to liquids—that can work. We are doing some of it now to a small degree. In Wyoming, we are developing a refinery that will take coal and turn it into diesel fuel. Interestingly enough, we had support from a number of agencies or organizations that you would not necessarily imagine in that, including the AFL–CIO building construction trades, AFL–CIO Industrial Union Council, Air Transportation Association. All these people know how important it is to have energy and to have it available. There is a list of about 15 groups of this kind that are supportive. They are not oil supporters necessarily; they are businesspeople who know that to meet our needs, we have to have energy.

Let me read from the letter they wrote:

> In this century, America cannot be secure unless its energy supplies are secure. Fostering greater reliance on domestic energy is a national security imperative. The Nation's abundant and affordable coal reserves, matched with the proven technology, can put America on the path to energy independence by dramatically reducing our growing dependence on imported oil and reducing our burgeoning trade deficit. Domestic production of coal-to-liquids fuels will see billions of dollars invested in new investments made in the United States and create thousands of new jobs.

That is not the end of the letter, but that is the message from groups that are not directly involved in energy but know the impacts of the shortage of energy. I could not agree more with the role these folks see in the future.

Senator BUNNING and I have been asked to refrain from offering our amendment, but we did not wait. We believe strongly in the purpose of the Energy Committee to develop the best possible approach we can in dealing with the energy problem and dealing with it not only in the long-term but in the shorter term until we reach the longer term goals that may be there. So we didn't achieve our goal there. That is why we want to move forward with this and see if we can't get coal-to-liquids in our energy policy and get some incentives to move forward. I want to work in a bipartisan way to address the current concerns our Members have. I hope we have the opportunity to revisit this issue.

Americans are suffering from high fuel prices. We should do everything we can to remedy that situation. We have to do more than just talk about it; we need to make a move to take our largest fossil fuel resource and make it available for domestic production.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY INDEPENDENCE

Ms. CANTWELL. Madam President, I come to the floor this morning with a lot of enthusiasm for the progress we are making in various committees toward an energy policy we can discuss on the Senate floor which will eventually lead us to greater energy independence. I am very excited about this prospect; especially since I participated in the 2005 energy legislation, which was passed with great bipartisan support. We worked together to enact this groundbreaking energy bill in 2005, which greatly benefitted my State by giving tax credits to alternative energy technologies—wind and solar—and aided in the further development and broadened use of biodiesel and including the construction of a 100 million-gallon biodiesel facility in Washington State.

There were many great things about the 2005 Energy bill but the fact that stood out to me the most was that it was a bipartisan effort. I do wish that there had been a much more aggressive effort on energy independence then, but I think today we are on the cusp of achieving this important goal.

Senator REID has been very specific since the beginning of this legislative year that he wants energy independence to be a key priority. In fact, there are six different committees that are working on energy legislation today: the Agriculture, Nutrition, and Forestry Committee, the Finance Committee, the Commerce, Science, and Transportation Committee, the Environment and Public Works Committee, the Homeland Security and Governmental Affairs Committee, and the Energy and Natural Resources Committee. All of these committees are working hard on legislation, and more importantly, they are working on legislation in a bipartisan fashion. In fact, two of these committees have reported out significant energy legislation, working across the aisle ensure that we are getting the best ideas onto the Senate floor and continuing to discuss those ideas on which we have not yet been able to reach consensus.

Yesterday was undoubtedly a historic day because it marked the first time in 20 years, that we have been able to, in a very bipartisan way, put a CAFE bill on the Senate floor—which I hope we will be discussing soon—that actually increases the fuel efficiency standards of automobiles and hopefully lowers our consumption of foreign oil. If we can move from the current miles-per-gallon standard of 25 miles today to 35 miles in a 10-year period, this would unquestionably be a great accomplishment.

Attached to this legislation is also very important consumer protection legislation that provides the Federal Trade Commission the tools it needs to protect consumers against price gouging. With our current statutes, the FTC has the ability to investigate certain cases on the basis of antitrust laws, which are based on whether we think oil companies are colluding to set prices. What we really have to question is whether the companies may be conducting activities that actually take supply offline and thereby decrease the supply, leading to shortages at the pump. Therefore we need to give the FTC the authority it needs through

THE PAPER AND INK USED IN THE ORIGINAL
PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

this legislation and make sure consumers are protected.

This legislation, as part of a package, was passed unanimously out of the Commerce, Science, and Transportation Committee yesterday. It was the result of a bipartisan effort, led by the work of the chairman, Senator INOUYE, and the ranking member, Senator STEVENS. Unfortunately certain provision did not make it into the final version of this bill, however I firmly believe that it is a historic and important piece of bipartisan legislation that will come to the Senate floor for all of us to discuss.

Just recently, the Energy and Natural Resources Committee passed another very positive landmark legislation which relates to setting a higher mandate on biofuels. In the last Energy bill we were able to pass, we stipulated that we should have a goal of producing 7½ billion gallons of biofuel a year by 2012. Both the President and the Congress are trying to achieve a higher goal. In this legislation, that sets the goal that by 2022, we would actually have a mandate of having 36 billion gallons of alternative fuel produced in this country. I firmly believe that this is a realistic goal and an achievable mandate for us, and that it will aid in starting mass-production of alternative fuels in this country.

In addition, that legislation had money for what we call a biofuels infrastructure—how we do actually get this product out to the consumer and to the corridors of transportation so the public does not have to worry about where they can fill up their cars. Thanks in part to this legislation we will have the infrastructure to do that.

In the Commerce Committee, we also produced legislation focusing on flex-fuel cars so that, by 2015, 80 percent of the cars being driven on our roads will be flex-fueled. These are vehicles that could either use gasoline or an alternative fuel.

We have also passed legislation now for studying plug-in hybrids and making sure the plug-in hybrid research continues to move ahead.

In the Energy bill, we also included language about carbon sequestration, making sure we move ahead so carbon sequestration becomes a reality. Again, this is an important issue and it is a very important bill to my colleagues in various parts of the country in which we have an ample supply of coal. I commend Senators DOMENICI and BINGAMAN for working so closely together. That legislation also was passed in a bipartisan effort. It is a great compliment to those two distinguished Senators who worked so closely on the last Energy bill to yet produce another Energy bill.

We are in a position to make a very positive impact on what I think is one of the biggest challenges we face, getting off our overdependence on foreign oil and providing sources of cleaner energy. We are well poised to take up that debate here on the Senate floor with this landmark bipartisan legislation out of two different committees.

We will have a lot of work to do across the aisle. We still have great opportunities to see legislation out of those other four committees I mentioned that will contribute to this energy package. But we should embrace the opportunity the President laid out in his State of the Union Address when he said that he wanted to make sure we had a higher fuel efficiency standard and that we also set a higher renewable fuel standard, and that is exactly what we are doing now.

I personally think we should also set a renewable standard for the amount of electricity we use from our electricity grid to further reduce our dependence on fossil fuel. These are topics that will be debated. I am sure later in the year we will have an important debate about climate change. But for now we are making great progress. I hope my colleagues will focus on the fact that this energy bill gives us another opportunity to work together here on the Senate floor and put real energy solutions before the American public.

Right now, with gas prices reaching $4, Americans want to know we are going to have an aggressive policy, not only giving them consumer protections but better planning for the future so our economy can benefit from alternative sources of fuel.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1082, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1082) to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes.

Pending:

Brown (for Grassley) amendment No. 1039, to clarify the authority of the Office of Surveillance and Epidemiology with respect to postmarket drug safety pursuant to recommendations by the Institute of Medicine.

Brown (for Grassley) amendment No. 998, to provide for the application of stronger civil penalties for violations of approved risk evaluation and mitigation strategies.

Brown (for Durbin/Bingaman) amendment No. 1034, to reduce financial conflict of interest in FDA Advisory Panels.

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes for debate currently on the bill and remaining amendments, with 10 minutes under the control of the Senator from Iowa, Mr. GRASSLEY or his designee, 5 minutes under the control of the Senator from Illinois, Mr. DURBIN or his designee, and the remaining time equally divided between the chairman and ranking member or their designees.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I yield myself 6 minutes of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, we will see later this morning the successful conclusion of this legislation. We have some important matters to consider, which we will do in a very short period of time. But as we are coming into the closing time for this amendment, I think it is appropriate that we review very quickly what this legislation does and what it does not do.

I am a strong believer in this legislation, which has strong bipartisan support. I am enormously grateful to Senator ENZI and Members on our side of the aisle as well as those on the other side for all of their help and assistance in getting us to the point where we are ready to take final action on something that makes a major difference to families in America. We ensure the safety of our prescription drug system and also are making very important progress in the safety of our food supply.

This is, in an important way, breakthrough legislation. I will review quickly what this does and then come back to the amendments that are before the Senate and how we think the Senate should dispose of them; why this legislation is urgent, why it is extremely important, and why the American people deserve the best.

Very quickly, again, there is strong emphasis on safer food and safer medicines for families in this country. We spelled out at the earlier part of our presentations the effective systems we have supported to make sure we are going to have the safest prescription drug program in the world, using different kinds of modern technologies and also modern surveillance systems for monitoring postmarketing safety. This will ensure in the future we are going to have the safest prescription drug program in the world. We will have safer medicines.

We will also have safer food for families and pets. I think all Americans have been alarmed, as they should have been, by what has been reported in the news in the last few weeks. Many families have lost their pets because the agency lacked the authorities provided in this bill.

We will have earlier warnings on drug safety problems using extremely elaborate systems of postmarketing surveillance. These systems will use both public and private centers to collect information that the FDA will use to find early warnings of possible harm. In these cases, the agency will be able to take expeditious action. That has never been done before.

We are going to have better medicines for children. We are enormously appreciative of the excellent work that has been done by Senator DODD and Senator CLINTON. This was done in a bipartisan way with Senator DeWine, who is not here. We all realize that children are not little people; children are children, and therefore their bodies react differently to various kinds of prescription drugs. This legislation provides mechanisms to get information on safe and effective use of medications in children as well as to promote studies of drugs in pediatric populations. In the past few years, we have made enormous progress and we believe this legislation will help to an even greater extent.

We are going to have more transparency and stronger science at the FDA because of the wonderful work done by Senator MIKULSKI. She and others worked to assure that we have greater awareness by the public of what is happening at the agency.

There is greater focus and attention on making sure the agency is going to have the best in terms of the new sciences. We are in the life science century at the present time. This has been impressed on the country with the extraordinary convention on biosciences that took place in Boston in the last few days. There I listened and read about the potential the life sciences have, not only in terms of energy and agriculture but also in terms of medicines. The United States is absolutely poised to continue to be the world leader in these fields, with all of its implications of healthier families here and around the world.

We need to make sure we are going to have the best kind of science at the FDA. We do that in the way we have given greater authority over the development of the science function at FDA. We also provided a rather unique foundation that will be able to use public and private funding. This foundation will seek out the best and the newest modalities to help speed the review of various prescription drugs. That is going to be enormously important because time means cost. If we are able to resolve these issues more quickly the costs will be more understandable and reasonable to consumers and we will get them faster.

Briefly to comment on some of the amendments, we have taken a position in our proposal that both the safety and efficacy of particular prescription drugs is a function that ought to be considered in tandem. I know there are those who think we ought to separate those functions. We can imagine a circumstance, for example, where the side reaction of a particular drug is that individuals lose all of their hair and they become nauseated. Clearly I am describing the impact of methotrexate. That can happen to an individual on many anticancer drugs. You wouldn't prescribe that for athlete's foot because the side effects are so dramatic, but you would approve that for another kind of regime to try to treat cancer.

We also have items on civil penalties for the first time. There is a question of what those civil penalties should be. I want them to be higher, but I am mindful as well that this is the first time we are going to have those civil penalties. We are going to be working on those matters with the House. I basically think they should be a little higher, but I listened to my colleague on this issue and we are going to try to make sure we get something that is going to be fair and can do the job.

I am also mindful of the concern we have in terms of the potential of conflicts of interest. I will reserve my time to be able to deal with this issue.

This is a very important issue. We want to make sure, on the one hand, as we have these breakthroughs in science, that we are going to have the best experts participating in these review groups. We also have to be sensitive to the issues of conflicts of interests. I know the Senator from Illinois has a proposal on this.

I will reserve the rest of my time to be able to discuss that later.

ELEMENTS TO ASSURE SAFE USE

Ms. MURKOWSKI. Madam President I rise to engage in a colloquy with the Senator from Wyoming and ranking member of the Senate Health, Education, Labor, and Pensions Committee, Senator ENZI.

First, I would like to thank the chairman and the ranking member of the HELP Committee for their efforts to address the issue of access to health care in frontier areas. Much of Alaska is a frontier area and it is not an easy task to access health care in general, let alone find a specialist to obtain needed medications.

Toward that end, I am pleased that the bill before us today recognizes the problem of access and provides a willing provider in a frontier area with the ability to receive the training and certification necessary to prescribe a drug that has potential serious risks. For clarification purposes, I would like to ask the Senator from Wyoming if it is the intent of Congress that section 202 of S. 1082, the FDA Revitalization Act, allows all physician and nonphysician health care providers in frontier areas to be able to receive "training or certification" so that the provider can prescribe or dispense a particular drug without the need for an additional degree or medical specialty?

Mr. ENZI. Yes. This is the intent.

Ms. MURKOWSKI. And under the provisions of section 202, would the willing health care provider be able to receive this training or certification through remote learning methods so that a provider would not need to travel vast distances in order to get the requisite training?

Mr. ENZI. Yes. The language in the bill recognizes that travel in frontier areas, particularly in remote places such as Alaska, can be time-consuming and expensive, so it specifically notes that the training or certification should be available in a widely available training or certification method, such as an online course or through the mail. This is intended to reduce the amount of travel and expense a willing provider in a frontier area must undertake in order to be able to prescribe or dispense needed medicines to their

Ms. MURKOWSKI. I thank the Senator. And since the provider would not be required to obtain an additional degree or medical specialty, and the training or certification would hopefully be through an online course or through the mail, is there any indication of how long such training would take for the provider to be deemed sufficiently trained to prescribe a specific drug?

Mr. ENZI. While I cannot give the Senator a guaranteed time frame, I would point out that the training and certification is specifically for the drug the provider is seeking to prescribe or dispense—not for a range of drugs. Thus, the time frame should not be a lengthy one, particularly if the training can be conducted online.

Ms. MURKOWSKI. Now, I understand that many physicians around the country are invited to attend conferences or training seminars in order to be certified to prescribe certain drugs. Given the low volume of the high risk drugs we are talking about that are likely to be dispensed in frontier areas, how can we ensure that a willing provider will be able to access this training? What is the incentive for a drug manufacturer or the FDA to include frontier area among the areas where training and certification would be available?

Mr. ENZI. I thank the Senator for that question. The language in the bill specifically says that the training or certification shall be available to any willing provider from a frontier area. Shall be available—not may be available, but shall. It is the intent of Congress in this section to direct the FDA to guarantee that a willing provider will have access to the training and certification needed to prescribe a particular drug. And again, the language that encourages the availability of an online course or course through the mail is one way to provide for that training or certification at minimal cost.

Ms. MURKOWSKI. I thank the Senator for that clarification. I bring this colloquy to the Senate floor today because I want to ensure that every American has access to prescription drugs regardless of whether they live in a large urban city like New York, or a frontier community like Bethel, AK. I believe that with the modifications that have been made to this bill, we will be able to achieve that.

Mr. FEINGOLD. Madam President, I am pleased to support S. 1082, the Food and Drug Administration Revitalization Act of 2007. This much-needed legislation improves our country's prescription drug and medical device safety, and responds to problems that Congress is long overdue in addressing. This legislation strengthens the Food and Drug Administration, a body that has been continually underfunded and weakened by political and corporate interests. While I would like to see an even stronger bill passed, this legislation drastically improves our current policies that regulate the FDA.

My constituents in Wisconsin largely trust that their food, medications, and medical devices are safe. I generally trust that they are as well. We all depend on the FDA to ensure that our lives are not jeopardized by faulty products or contaminated food. However, recently a steady stream of dangerous drugs, food, and devices have made their way into Americans' homes. Vioxx, antidepressant drugs for children, salmonella poisoning in food, pet food contaminations—these are just a few of the most publicized instances that have harmed and even killed people in our country.

Numerous investigations have been conducted in order to better understand why these events have occurred. The conclusions to these studies have found that we need a better FDA. We need to provide the agency with the legal authority necessary to ensure our safety, and we need to provide the FDA with the necessary funding to do its job. It is clear that the agency's authority has been watered down over the years as a result of corporate influence, and our citizens have suffered the consequences. This bill takes important steps to put safety over profit margins, and it has been long awaited.

I commend the immense bipartisan effort that has been put into crafting this legislation. This is not an easy topic to tackle. It is a complex topic rife with political infighting, but today we have legislation that both parties and even many companies are fine with. Granted, the bill may be too far-reaching for some, and for others like me, it doesn't necessarily go far enough, but this is something that will pass that is a vast improvement from current law.

I was glad to support Senator DURBIN's amendment to improve the FDA's oversight and ability to respond to contaminated pet food. Like the bill as a whole, I think we need to do more to ensure that the ingredients used in both pet and human food are free from contamination, but this amendment was an important step in the right direction. The amendment strengthens the standards for pet food processing and ingredients and at the same time improves the FDA's ability to react to a problem through better detection, an adulterated food registry, and improved communication with the public. I hope this will be a platform for improving Federal oversight of the human food supply, which has been shown many times over the last year to be at risk.

In my home State of Wisconsin, the outbreak of E.coli last summer, later linked to bagged spinach, killed an elderly woman and sickened at least fifty others. The spinach was traced back to four fields on four ranches in California. The FDA itself admits that "There has been a long history of E. coli O157:H7 outbreaks involving leafy greens from the central California region", and yet mostly depends on the industry to self-regulate. In fact, on the FDA Web site about this particular outbreak, it says, "[the] FDA and the State of California expect the industry to develop a comprehensive plan which is designed to minimize the risk of another outbreak." I am concerned that all too often the FDA is allowing the food industry to dictate the rules and whether to implement food safety protections. This bill is a step in the right direction, but more steps are likely needed and I look forward to working with my colleagues on these.

Along these lines, I was glad to offer an amendment and have it accepted in the bill that would require the FDA to resume annual reports on the level of pesticide residues in domestic and imported food and agricultural products. Moreover, my amendment requires the FDA to make the report more useful for Congress and the public. Specifically the amendment requires the FDA to work with other agencies to include similar data collected by other government agencies, conduct more advanced statistical analysis, report on efforts to prevent smuggling through mislabeling one product as another, and target future testing on products or countries, in the case of exports, that show relatively more prohibited pesticides. The recent headlines about contaminated Chinese wheat gluten clearly show a need to get a better handle on food safety. So it clearly wasn't the time for the FDA to end reporting on pesticide residues and this amendment follows the larger theme of the bill in improving our food safety oversight.

While this pesticide residue amendment is important to improve consumers' confidence in the food they eat, it also can be important for U.S. farmers. For example, Wisconsin's ginseng growers have suffered a double insult over the past few years—facing unfair competition from imported ginseng that was treated with chemicals illegal in the U.S. and then often having that ginseng misbranded as the superior quality Wisconsin ginseng. My amendment and the improved pesticide residue data and ability to focus on certain products should help FDA identify and seize unsafe products such as contaminated ginseng imports.

On another note, I am disappointed that the bill does not actually allow importing lower cost prescription drugs. While the Dorgan-Snowe amendment was accepted in the bill, it was modified and effectively nullified by the Cochran amendment, which I strongly opposed

A competitive marketplace for prescription drugs will help in containing the skyrocketing costs of prescription drugs. Over the past 4 years, I have worked in a bipartisan fashion to allow the safe importation of prescription drugs from abroad. I am a proud cosponsor of the Pharmaceutical Market Access and Drug Safety Act, which the provisions in the Dorgan-Snowe amendment were based on. This legislation would have allowed the importation of FDA-approved drugs from countries with FDA-comparable regulations, such as Canada. This legislation will finally allow the importation of safe and affordable prescriptions drugs to the United States.

As I travel around Wisconsin listening to people's concerns, the high cost of health care continues to be at the top of the list, and this includes prescription drugs. The strong bipartisan support for reimportation makes clear that Americans of all political backgrounds want the Federal Government to support consumers, rather than the interests of drug companies, and make safe and affordable prescription drugs available to those who need them. The failure to include strong reimportation legislation in this bill is unfortunate, but we are getting closer to enacting reimportation with each vote. I fully expect this to pass in the near future, and I urge my colleagues to join me in supporting efforts to legalize reimportation. As I stated earlier, I will support the final FDA Revitalization Act, but I am disappointed that strong reimportation language is not included.

Mr. COBURN. Madam President, I appreciate the attention to drug safety on the part of Senators KENNEDY and ENZI. The drug safety problems our nation experienced surrounding Vioxx and the SSRIs demanded that we take a serious look at the FDA.

I appreciate the hundreds and hundreds of staff hours that have gone into working on this legislation both before and after the HELP Committee markup.

When the Health, Education, Labor, and Pensions Committee marked up this legislation, I strongly opposed it. I appreciate the willingness of Senators KENNEDY and ENZI to listen to my concerns and take action to address them.

Many of the changes I requested are included in the final product that we vote on today.

This bill has come a very long ways since its consideration in the HELP Committee. Instead of requiring a risk evaluation and mitigation strategy, REMS, for every drug, a REMS may only be requested when there is a scientific reason for one. In giving new regulatory authority to the FDA, we must be extremely cautious that we do not hurt access to new and innovative prescription drugs.

I appreciate that the concept, introduced by Senators GREGG, BURR, and myself, to establish a surveillance system for adverse prescription drug events has been included in this legislation. This will now allow cooperation with academic institutions that have the expertise to evaluate the signals from that surveillance system and ensure that both patients and doctors have the information they need to make decisions about the risks and benefits of medical drugs.

As a practicing physician, I know that it is impossible to ever completely eliminate drug risks. The right approach is to provide accurate risk information and preserve the doctor-patient relationship. I appreciate the progress made in the bill towards this end.

I appreciate the willingness of Senators KENNEDY and ENZI to work with me on preserving the doctor-patient relationship. The FDA's job is to approve drugs as safe and effective—not to dictate which doctors can prescribe which drugs to which patients. Medicine is not just a science; it is also an art.

This legislation will ensure that patients have access to potentially lifesaving drugs that might not otherwise be approved because of known adverse events caused by the drug. This legislation establishes that the agency will not limit or restrict distribution or use unless a drug has been shown to actually cause an adverse event.

I also appreciate the efforts of my colleague Senator ROBERTS in preserving the right to commercial free speech, as intended by the Constitution, in direct-to-consumer, DTC, advertising. While I am not a big fan of DTC, I am a big fan of the Constitution. I am pleased that a compromise was reached to remove the ban on DTC from this bill and instead ensure that drug companies are held accountable if their advertisements are false or misleading.

I appreciate the willingness of Senators KENNEDY and ENZI to accept an amendment that will provide a date certain for a safety evaluation of the drug RU-486.

The two user fee agreements for prescription drugs and medical devices, PDUFA and MDUFMA, have been negotiated between industry representatives and the FDA. The industry indicates what it will pay for faster drug approvals and the FDA commits to achievable performance goals.

I appreciate the work of FDA Commissioner Dr. Andrew von Eschenbach in crafting fair and reasonable proposals for both prescription drug and medical device companies. It is critical that we focus on public health and safety, and also hold the FDA accountable for improved agency performance goals. Maintaining timely and efficient patient access to lifesaving and life-enhancing medical drugs and devices is a win for the industry, doctors, and patients. I look forward to seeing how the new performance goals in both the PDUFA and MDUFMA agreements will both help keep the pipeline of innovation moving forward and improve communication and understanding between agency staff and manufacturers.

I can vote in favor of this legislation today because of the enormous progress made. However, there are some workability issues with both the Best Pharmaceuticals for Children Act and the Pediatric Research Improvement Act. These issues need to be resolved so that the FDA has the authority to do its job quickly and effectively.

The Best Pharmaceuticals for Children Act, BPCA, has generated more clinical information for the pediatric population than any other legislative or regulatory effort to date. I am concerned about this reauthorization of the Best Pharmaceuticals for Children Act because chips away at incentives that have been getting real results for kids.

I am also concerned that part of the bill, pediatric medical devices, would authorize $30 million in demonstration grants for improving the availability of pediatric devices. While this has a worthy goal, more accountability is needed for this program to ensure that such grants are used for helping save the lives of children. Additionally, the bill's sponsors failed to do their homework in examining existing Federal programs. The fact is, the National Institutes of Health already has a program for this purpose. In order to preserve a heritage for our grandchildren, Congress needs to do the hard work of taking an inventory of existing programs before we authorize new ones.

Again, I appreciate the enormous amount of work that has gone into improving this legislation. It is critical that in addressing drug safety that we do not harm access to new and lifesaving medical technologies.

Mr. DODD. Madam President, I rise to support passage of the committee substitute to S. 1082, the Food and Drug Administration Revitalization Act, FDARA. This legislation contains tremendous advances for children and their families through the reauthorization of the Best Pharmaceuticals for Children Act, BPCA, and the Pediatric Medical Device Safety and Improvement Act, which I authored, as well as the reauthorization of the Pediatric Research Equity Act, PREA, which was introduced by my colleague, Senator CLINTON.

I congratulate Chairman KENNEDY and Ranking Member ENZI for their efforts in putting this complex bill together and thank them both for working with me to ensure these vital programs for children can thrive well into the future.

We have had good debate on this legislation. I want to thank my friend from Colorado, Senator ALLARD, for the floor debate we had on BPCA. I want to assure him and those that voted for his amendment that this bill is about increasing pediatric clinical trials and improving our knowledge about products being used in children where previously we have had no information. BPCA is and has always been about striking an appropriate balance between the cost to consumers and benefits to children.

Ten years ago when Senator Mike DeWine and I undertook this effort, only 11 drugs on the market that were being used in children had actually been tested and studied for their use. Prior to the enactment of BPCA 10 years ago, pediatricians were essentially flying blind because they lacked information regarding the safety and effectiveness of drugs they were prescribing for children. But it was children who suffered the most from taking drugs where so little was known about their effects.

What we have learned over the past 10 years of experience is that children have been exposed to ineffective drugs, ineffective dosing, overdosing, or side effects from drugs that were previously unknown. In 10 years, nearly 800 studies involving more than 45,000 children in clinical trials have been completed. Useful new pediatric information is now part of product labeling for more than 119 drugs. In sum, there has been a twentyfold increase in the number of drugs studied in infants, children, and adolescents as a result of BPCA since its enactment.

Children with a wide range of diseases such as HIV/AIDS, cancer, allergies, asthma, neurological and psychiatric disorders, and obesity can now lead healthier, more productive lives as a result of new information about the safety and efficacy of drugs they use to treat and manage their diseases where previously there was none.

This successful program for children will expire on September 30 unless we act to reauthorize it.

The reauthorization of BPCA contained within S. 1082, makes several important improvements to this program which I have spent many months developing. It is my belief that these improvements will help ensure that this program continues to thrive well into the future. I strongly support the 5-year authorization of this program so that we can closely monitor how the program is working and make improvements as they are needed in the future.

S. 1082 will increase the amount and quality of pediatric information by streamlining BPCA and PREA at the Food and Drug Administration, FDA, and ensuring that labeling changes as a result of BPCA are communicated to physicians. S. 1082 will improve transparency and accountability by making market exclusivity determinations and written requests for pediatric studies public within 30 days of exclusivity being awarded. It also will improve the accuracy and speed of labeling changes by requiring such changes to be made within the FDA's timeline and ensuring that labeling reflects the results of the BPCA study that was conducted.

S. 1082 will ensure that BPCA continues to yield more and better drug studies in children, while addressing the minority of cases where the incentive of 6 months additional market exclusivity has far exceeded the "carrot" it was intended to provide to drug sponsors. It improves market certainty by not allowing pediatric exclusivity to be granted within nine months of the end of the drug's patent and increases data about the use and applicability of BPCA through reports conducted by the Institute of Medicine, IOM, and the Government Accountability Office to review the program and assess the impact of the changes made within the legislation.

BPCA has shown us that it is unsafe to simply treat children as smaller versions of adults. Children face a similar inequity with respect to medical devices. Far too few medical devices are specifically designed for children's small and growing bodies. Experts say that the development of children's medical devices lags 5 to 10 years behind that of adults. That is largely due to the limited size of the market for pediatric devices.

When a medical device suitable for a child is needed to save that child's life but it does not exist, doctors are often forced to "jury-rig" adult versions of the device or, in some cases, perform a riskier surgery on the child. Ventilator masks, for instance, are far too large to fit over a baby's mouth. Often, the only alternative is to run an invasive tube down the baby's throat.

Because of what we witnessed over the past ten years with the market incentives provided under BPCA, I introduced an initiative called the Pediatric Medical Device Safety and Improvement Act to create similar incentives for device manufacturers. This legislation also streamlines the approval process for cutting-edge technology and establishes grants for matchmaking between inventors and manufacturers and the Federal Government.

Balancing incentives with safety, the legislation closely mirrors recommendations made by the IOM in its 2005 report on pediatric medical device safety to improve the serious flaws in the current postmarket safety surveillance of these devices. Specifically, the IOM called for and the legislation allows the FDA to require postmarket studies as a condition of clearance or approval for certain categories of devices and it gives the FDA the ability to require studies longer than 3 years with respect to a device that is to have significant use in pediatric populations if such studies would be necessary to address longer term pediatric questions, such as the impact on growth and development.

Some in the medical device industry continue to offer proposals to chip away at the authorities in the legislation intended to ensure the FDA can request manufacturers to conduct postmarket safety surveillances and ensure devices used in children are safe. I am disheartened by anyone who would attempt to deprive children and physicians of information that pertains to device safety and I will strongly oppose attempts to weaken the postmarket safety standards contained within the legislation as the bill heads to conference.

The faster we can get new, safe pediatric devices to market, the fewer parents have to stake their children's lives on improvisation and guesswork.

I have previously mentioned the broad-ranging support for these important initiatives for children but it is worth restating that the level of support from pediatricians, patient advocacy organizations, drug and device companies, and many others indicates that this important legislation will greatly benefit children and their families.

I want to thank the tremendous work of the staff on this bill. They have devoted countless hours and many weekends to working on this legislation. Specifically, I want to thank David Bowen and David Dorsey with Senator KENNEDY and Shana Christrup, Keith Flanagan and Amy Muhlberg with Senator ENZI who worked so closely with my office on the pediatrics initiatives in title IV of this legislation. I also want to thank Kate Leone with Senator HARRY REID whose terrific leadership helped guide this legislation to passage.

I also want to acknowledge the leadership of the American Academy of Pediatrics and the Elizabeth Glaser Pediatric AIDS Foundation whose staff, Mark Del Monte, Jeanne Ireland and Elaine Vining, have provided tremendous technical assistance on the pediatrics initiatives in S. 1082.

Before I close I want to address the other provision in this legislation which reauthorizes vital user fee programs at the FDA for drugs and devices and addresses the important issue of drug safety at the FDA, an agency that regulates 25 percent of the products consumed by Americans. In recent years, we have witnessed a public crisis of confidence in the FDA's ability to ensure that the drugs taken by millions of Americans are safe and effective once they are on the market. My colleagues and I on the Health, Education, Labor and Pensions, HELP, Committee heard testimony about the internal crisis within the scientific community at the FDA about inappropriate influences on decisionmaking.

I was deeply troubled by the recent Union of Concerned Scientists study showing that of nearly 1,000 FDA scientists questioned, 420 reported that they knew of cases in which the Department of Health and Human Services or FDA political appointees have inappropriately injected themselves into FDA determinations or actions. The same study also found that 378 FDA scientists disagreed or strongly disagreed that the FDA is acting effectively to protect public health. With Vioxx, antidepressants in children, and now Ketek, the FDA has repeatedly been accused of suppressing internal safety concerns and ignoring repeated warnings of safety concerns from the FDA's own scientists.

We need to restore the public trust in this vital agency, rid it of undue influences that benefit a political, rather than a public health, agenda, and, above all, we need to adequately fund the FDA through the appropriations process so that the agency is less reliant on user fees collected from private industry. Congress must act swiftly to give the FDA more resources. That, I believe, is how we maintain the FDA as the world's gold standard in drug and device safety.

Senator GRASSLEY and I authored one of the first drug safety and clinical trials bills in the Senate in the wake of the Vioxx scandal that would have given FDA's office of postmarket drug surveillance the independence, stature and funding to take action when a safety problem arises. We reintroduced the bill this congress with several colleagues on the HELP Committee including Senators MIKULSKI and BINGAMAN and I thank them for their support. While I do not agree with some of my colleagues who have argued that this authority would create a bigger bureaucracy at the FDA, our experience showed us that the support to move such a proposal simply wasn't there.

However, I believe that my colleagues and I were able to make significant improvements to S. 1082 with respect to drug safety. I believe those improvements will strengthen science at the FDA, improve transparency of decisionmaking so that dissenting views can be heard, and improve safety of drugs once they are on the market.

The drug safety and clinical trials components of S. 1082 are by no means perfect. In fact, I have serious concerns about what I view as inadequate enforcement authority in the bill and am particularly concerned about whether the bill will prevent companies from withholding information about clinical trials which were negative or were trials that companies abandoned because initial results were negative. As demonstrated by Ketek, I am also concerned about whether this bill does enough to capture clinical trials conducted overseas. I hope we can improve on these provisions when this bill goes to conference with the House.

Today the Senate voted on an important issue dealing with conflicts of interest on FDA advisory committees. As demonstrated by the FDA advisory committee considering Vioxx, it is clear that the FDA's policy with respect to financial conflicts of interest wasn't working. The FDA has made modifications to its policy and the underlying legislation makes several additional improvements. I believe the amendment offered by Senators DURBIN and BINGAMAN would have made great improvements to the recruitment of qualified advisory committee members. The amendment would have required the FDA to conduct aggressive outreach to professional medical and scientific societies to help with recruitment for advisory committees, especially ones with the greatest number of vacancies. Those are important policy goals and ones that I fully support.

However, I voted against the amendment because I was concerned about the impact a hard and fast limit of one waiver per committee meeting would have on timely access to drugs and new drug information. Specifically, the Pediatric Advisory Committee, a standing FDA advisory committee which relies on experts with specific expertise in pediatric issues, is an important component of the Best Pharmaceuticals for Children Act program. I was concerned that setting an arbitrary limit on the number of waivers per committee meeting would further complicate an already small pool of qualified individuals in fields such as pediatrics.

I am disappointed that an agreement on the amendment was not reached between the bill managers and sponsors of the amendment so that the Senate bill could contain the important provisions dealing with recruitment and outreach. It is my hope that we can find a way to address these issues in the conference with the House.

Taken as a whole, the underlying legislation is vital to our nation's children as well as consumers needing timely access to safe and effective drugs. Therefore, it is essential that the House act quickly so that we can send a conference report to the President in the coming months. I urge the House to pass all of the major provisions contained in S. 1082. I support this legislation and look forward to continuing to work with my colleagues on both sides of the aisle and in both Chambers so that we can send this legislation to the President for his signature.

Mr. KENNEDY. Madam President, I would like to take some time to talk about some issues that I haven't spent a great deal of time describing to the Senate about S. 1082, the Food and Drug Administration Revitalization Act.

First, I thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me and with many members of the committee on the important issue of direct-to-consumer, or DTC, advertising.

We have worked together to accomplish our common goal—a constitutionally sound, effective, workable way to see that DTC ads provide accurate information to patients about the drugs they are taking.

Some have advocated a ban on such advertising altogether, but Senator ENZI and I rejected that approach since it failed to meet the constitutional test. Instead, we included a more measured provision in our legislation that allows FDA to impose a moratorium in extraordinary circumstances where needed to protect public health.

During our committee's consideration of this issue, Senator ROBERTS brought up his concerns that even this limited provision fell afoul of recent Supreme Court decisions on free speech. Senator HARKIN raised his strong interest in seeing that these DTC ads include strong, effective safety information that is clearly and prominently presented to consumers in a way that does not gloss over important information. Senator ENZI and I committed to work with Senator ROBERTS to see that any provision on DTC met the constitutional threshold, and we agreed to work with Senator HARKIN to make certain that it provided strong safety information to consumers. The result of our discussions is an amendment that our two colleagues offered. It is a true bipartisan compromise, worked out by two Senators committed to making real progress on an important issue, and I am pleased to support the amendment.

Instead of the moratorium included in our original bill, the Roberts-Harkin amendment puts in place strong safety disclosures for DTC ads, coupled with effective enforcement. Under current law, safety disclosures can be an afterthought—a rushed disclaimer read by an announcer at the conclusion of a TV ad while distracting images help gloss over the important information provided. Our proposal requires safety announcements to be presented in a manner that is clear and conspicuous without distracting imagery.

We also give FDA the authority to require safety disclosures in DTC ads if the risk profile of the drug requires them. Senator ROBERTS had a concern that this authority not be used indiscriminately, so we have made clear that the required disclosure must pertain to a specific identified risk.

We have made important improvements in FDA's ability to enforce the requirement to provide clear and accurate information to consumers.

For advertisements, as in so many other areas, FDA's enforcement tools are now limited. Although FDA does have the capacity under current law to remove a drug from the market for misleading ads, that authority is not often used and rightly so, since it punishes patients for the transgressions of the manufacturers. Since removing a drug from the market is an empty threat, FDA is often left with little option but to make polite requests to companies to change their ads. Under the Roberts-Harkin amendment, FDA will have the ability to levy fines of up to $150,000 for false or misleading ads.

It is unacceptable for patients to be put at risk by inaccurate ads. The Roberts-Harkin amendment makes certain that FDA will have the ability to see that this does not occur, in a way that is clearly consistent with the Constitution.

The amendment is a victory for bipartisan common sense on a difficult issue.

I would also like to address the affect of title II of this bill. Generally speaking, title II grants the FDA new authority to conduct postapproval safety surveillance activity in order to improve drug safety.

In enacting title II, we do not intend to alter existing State law duties imposed on the holder of an approved drug application to obtain and disclose information regarding drug safety hazards either before or after the drug receives FDA approval or labeling. Nor are we expressing a belief that the regulatory scheme embodied in the bill is comprehensive enough to preempt the field or every aspect of State law. FDA's approved label has always been understood to be the minimum requirement necessary for approval. In providing the FDA with new tools and enhanced authority to determine drug safety, we do not intend to convert this minimum requirement into a maximum.

As the Institute of Medicine and others have found, the FDA's past performance has been inadequate. While we fully expect substantial improvement as a result of the enactment of this bill, we cannot and do not expect the FDA or this new process to identify every drug-specific safety concern before a drug manufacturer becomes aware or should have become aware of such concerns. Nor are the bill's requirements that holders disclose certain safety information to the Government intended to substitute for the disclosure requirements that may be required under State law.

I would also like to focus on another aspect of our legislation, the Reagan-Udall Foundation.

During the discussions that led to consideration of this bill, we heard time and again that there was a major need for better research tools to aid FDA in evaluating the safety of drugs and help researchers move through the long process of developing drugs more effectively. Every day that a new medicine is needlessly delayed is another day that a patient does not receive a treatment that could well mean the difference between health and continued illness. If new research tools and better ways to evaluate the safety and effectiveness of drugs could be developed, patients will benefit from quicker drug development. If current procedures can be made more effective, then the cost of developing new drugs will drop.

One area where scientists can make real progress is developing new cell lines and new genetic techniques for testing drugs that reduce the need for costly forms of testing.

The Reagan-Udall Foundation sets up a way to develop these new tools—not so they can help just one researcher or one company, but so they can help the entire research enterprise. New ways to test drugs for effectiveness and safety will bring new advances to patients quicker and more smoothly. Through the Reagan-Udall Foundation, they will be available to the FDA and to the entire research enterprise. This new foundation is not many pages in a long bill, but it is an important component to help get needed medicines to patients as quickly as safety will allow.

I also wish to mention another critical aspect of our legislation—its registry of clinical trials.

This provision serves two essential purposes. First, it allows patients who want to enroll in those trials an accessible and central Internet site to find out which trials are being conducted and whether they might be eligible.

This provision builds on an existing provision of law to create a clinical trials site, but report after report has shown that the requirement to list trials has not been complied with. Our legislation puts more force in the requirement to list trials so that patients will benefit.

Listing trials is important for patient access—but reporting results is critical for safety. Our legislation requires that the results of trials be reported. No longer will companies be able to hide the outcome of a trial that did not turn out the way they hoped.

Examples of this kind of abuse are shocking. The manufacturer of the antidepressant drug Paxil conducted five clinical trials of the drug in adolescents and children, yet published only one study whose mixed results it deemed positive. The company sat on two major studies for up to 4 years, although the results of one were divulged by a whistleblower and all of the studies were submitted to the FDA when the company sought approval for new uses of Paxil. At that time it became apparent that Paxil was no more effective than a placebo in treating adolescent depression.

Under the bill, these kinds of abuses will not be permitted, since clinical trials will have to be reported—no matter what the result.

Senator ENZI, Senator DODD and many others in the committee worked hard to get this provision right. We require immediate listing of all publicly available data and require a negotiated rulemaking, backed by the full authority of statute to develop the precise requirements for other results information to be included.

I would like to thank my colleagues for considering these comments as they relate to S. 1082, and I urge my colleagues to support the bill.

Mr. COBURN. Madam President, as we debate the important issue of drug safety, I want to address the safety of one drug in particular: RU–486 or mifepristone. This drug was approved in 2000 under a special pathway, subpart H drug approval that is reserved for drugs that treat severe or life-threatening illnesses. Subpart H approvals generally require a special "restricted distribution" approval process. Unfortunately some drugs, RU–486 for example, approved under subpart H have caused serious adverse health events in women.

Every drug approved under Subpart H is listed on the Food and Drug Administration's Web site. The vast majority of drugs listed combat HIV or specific types of cancer. One governs the use of thalidomide in treating leprosy. These drugs are supposed to relate to the treatment of life-threatening illnesses.

One example of a subpart H approval makes a mockery of the regulatory process by an expedited approval of two extremely risky drugs for abortions. Pregnancy is not an illness and certainly not one that is life-threatening in the first 7 weeks, unless it is a tubal or ectopic pregnancy in which case RU–486 abortions are absolutely contraindicated.

RU–486 was inappropriately approved in 2000. RU–486 was approved using special "subpart H" regulations to address problems for "certain new drug products that have been studied for their safety and effectiveness in treating serious or life-threatening illnesses . . ." and under restricted distribution conditions due to serious hazards presented by the drug; for example, severe hemorrhage and ectopic pregnancies. This was an inappropriate approval of RU–486 as pregnancy is not normally a life-threatening condition. Today many health care providers do not follow the limited distribution requirements of RU–486's approval.

RU–486 has put women's lives at risk. To date there have been six North American deaths related to the use of the RU–486 abortion regimen: Five Americans and one Canadian have died from septic shock stemming from infection by the anaerobic bacteria Clostridium sordellii. Five other international deaths have been related to RU–486.

RU–486 causes serious safety issues. More than 1,000 adverse event reports—232 hospitalizations, 116 blood transfusions, and 88 cases of infection—have been submitted regarding RU–486 and are significant because they confirm that large numbers of mifepristone patients require surgical intervention for infection, hemorrhage, complications from ectopic pregnancy, and incomplete abortions. While lives have been lost from the use of RU–486, not a single case has been documented where RU–486 has been used to save a woman's life.

RU–486 is not always effective and when it is not the consequences are dire. I recently learned of a woman who was given RU–486 after she had a seizure. Her physicians assumed that the seizure was life-threatening to the baby she was carrying and gave her RU–486 for a therapeutic abortion.

RU–486 was not effective in her case and the woman carried the baby to term. When the baby was born at a low birth weight, it also suffered from failure to thrive. That baby has had three subsequent brain surgeries due to hydrocephalus. The baby also suffers from idiopathic lymphocytocholitis—an inflammatory disease of the colon, which is extremely rare in children. It is clear that RU–486 not only is unsafe in women, but it is also not completely effective. And when it is not effective, the results are devastating.

I appreciate the desire to effect safer drugs through this bill. Senator KENNEDY and Senator ENZI have done a great deal of work in designing the REMS scheme for certain drugs to ensure that they can be safely and effectively used.

Under the risk evaluation and mitigation system, REMS, provisions of this drug safety bill, a drug that has previously been approved under subpart H is deemed to have a REMS. Every REMS is subject to a periodic review. Therefore, RU–486 is deemed to have a REMS and is subject to periodic review.

I am pleased that the amendment offered by Senator DEMINT was accepted by the full Senate. Senator DEMINT's amendment sets a "date certain" REMS assessment for RU–486 to properly evaluate its drug safety risks in women. Women in this country deserve to know the safety risks associated with RU–486.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois.

AMENDMENT NO. 1034

Mr. DURBIN. Madam President, I have an amendment pending and scheduled for a vote this morning on the conflict of interest provision. I believe I have 5 minutes to speak to it.

The PRESIDING OFFICER. The Senator does have 5 minutes.

Mr. DURBIN. I ask the chairman and ranking member if this a convenient time to raise the issue?

Thank you very much.

Yesterday I proposed this amendment with Senator BINGAMAN. The Food and Drug Administration Advisory Committees make important decisions, life-and-death decisions. They decide whether the drugs and medical devices which are going to be used in America are safe and effective. In other words, if a person in America has a prescription from a doctor and takes this drug, is it going to be good for their health, or bad?

This is a critical situation. If they make the wrong decision, if the advisory committee turns a dangerous drug loose on the market, it can have terrible consequences, so these committees literally have life-and-death decisions in their hands on approving drugs, on deciding what the warning labels say, deciding what you have to say in advertising. There might be a danger in these drugs. These advisory committees are the juries of scientific experts who have to make these calls. That is one of the most important decisions of our Government.

They are not just life-and-death decisions, they are decisions involving millions and millions of dollars. Drug companies spend a fortune over a long period of time trying to bring a drug to market. They would hope this will be a drug very popular and profitable for them and their shareholders. That is a natural inclination of a business. So the advisory committee not only decides the safety and efficacy of the product, it makes a decision which has a direct impact worth millions of dollars to the drug companies involved.

Do you know what we found out? We found out over the last 10 years many people sitting on these advisory committees, those who are actually sitting on the so-called juries and deciding the fate of these drugs, have a conflict of interest. Some of them were already receiving, from the companies that make the drugs, tens of thousands of dollars in consulting fees and speaking fees. It turns out they are on the payroll, some of them, of the very companies on which they are being asked to stand in judgment. That is a conflict of interest which people cannot accept and I cannot accept.

The Food and Drug Administration argues that there are so few experts that we have to sometimes turn to those who have a conflict of interest; there is no place else to go. So occasionally we have to put a waiver in and allow someone to sit on an advisory committee panel who frankly has a financial interest in the company they are making a decision about.

That worries me. Because if you are going to have truly objective jurisdictions, that are right for the consumers of America, that approve drugs or disapprove them on the merits, not because of some inclination or prejudice which you might bring to the table, you don't need these conflicts of interest.

So basically what Senator BINGAMAN and I have said is: Let's strengthen the conflict-of-interest provisions on advisory committees. Let's make certain that there is confidence in the process. We know what happened with Vioxx. There were 10 people sitting on the advisory committee who had a financial conflict of interest. Had they been removed from the deliberation, the panel would not have recommended they go back on the market, endangering the health of thousands of Americans.

How can you ever justify that kind of conflict of interest? Our language tightens it. What we are trying to do is to make sure the Food and Drug Administration, with this amendment, limits the number of waivers to one per each advisory committee meeting, allows advisory committees to receive information from guest experts who have a financial conflict but prevents those experts from participating in the deliberations.

They can come in and express their point of view and then leave the room before the deliberation and the vote take place. And also strengthen the provisions to increase the outreach for new experts. The Food and Drug Administration has to do a better job of cultivating this new cadre of trustworthy experts who can serve on these advisory committees.

We have 125 medical schools in this country, 90 schools of pharmacy, 40 schools of public health. If the FDA is more aggressive in filling the slots on the advisory committees, we can remove this shadow of doubt which is over this process.

Now, some will argue: Well, the FDA has come forward with draft guidance to improve this. This is draft guidance. They are suggestions. This is law. This tells them they will have to follow the law to avoid these conflicts of interest. This is not an idea that Senator BINGAMAN and I bring to the table without support.

I ask unanimous consent, Madam President, to have printed in the RECORD with my remarks letters from the Consumers Union, the Union of Concerned Scientists, and a broader letter from 11 different organization that support this amendment, that would reduce and eliminate the conflicts of interest when it comes to approving new drugs and medical devices. What is at stake is the integrity of the Food and Drug Administration, the integrity of the process, and making certain we can say, with a straight face to American consumers, the products that are coming to the market, the life-and-death decisions that are being made that bring them to the market are being made by people who do not have a financial conflict of interest with these devices. I urge my colleagues to support the Durbin-Bingaman amendment.

I ask unanimous consent these letters be printed in the RECORD after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMERS UNION,
May 8, 2007.

DEAR SENATOR, Consumers Union, the nonprofit, independent publisher of Consumer Reports, urges you to support the Durbin-Bingaman amendment to S. 1082, the Food and Drug Administration Revitalization Act. This amendment will help ensure that FDA advisory committees responsible for assessing a drug's safety are not inappropriately influenced by scientists or others with financial ties to the affected drug company.

A recent national survey by Consumer Reports National Research Center found that Americans are extremely concerned about the pharmaceutical industry's influence on the drug safety process, as well as financial conflicts on FDA advisory boards.

Sixty percent of those surveyed disapproved of allowing doctors and scientists with a conflicting financial interest to participate on advisory boards. And 84 percent of consumers agree that drug companies have too much influence over the government officials who regulate them.

This amendment would make it more difficult for the FDA to issue financial conflicts of interest waivers to the scientific experts who serve on its advisory committees. The Durbin-Bingaman amendment would: limit the number of waivers to one per advisory committee meeting; establish a specific process to allow experts with a financial conflict to present information to an advisory committee, while not permitting them to deliberate or vote with the committee; and enhance the FDA's outreach activities for identifying non-conflicted experts to participate in advisory committees.

The integrity of the FDA advisory process is vital to ensuring that decisions by federal policymakers benefit the public, and not the agendas of any special interest.

Please support the Durbin-Bingaman amendment to S. 1082. If you have any questions, please contact Bill Vaughan.

Sincerely,

BILL VAUGHAN,
Senior Policy Analyst.

MAY 8, 2007.

DEAR SENATOR: The Union of Concerned Scientists strongly urges you to support the Durbin-Bingaman amendment to the FDA Revitalization Act, S. 1082. This amendment will help ensure that the Food and Drug Agency's assessment of the safety and efficacy of drugs is not inappropriately influenced by scientists with ties to the drug companies affected by an FDA approval decision.

This amendment would make it more difficult for the FDA to issue financial conflicts of interest waivers to the scientific experts who serve on its 30-plus advisory committees.

Conflicts of interest can have serious consequences for drug safety. For example, ten of the 32 scientists on the February 2005 advisory committee that considered the safety of Cox-2 inhibitors, including Vioxx, had ties to the drug companies that made the products. The scientists voted to permit the companies to continue marketing the drugs, even though Vioxx had already been withdrawn from the market and had been implicated in tens of thousands of deaths.

The Durbin-Bingaman amendment would: limit the number of waivers to one per advisory committee meeting; establish a specific process to allow experts with a financial conflict to present information to an advisory committee, while not permitting them to deliberate or vote with the committee; and enhance the FDA's outreach activities for identifying non-conflicted experts to participate in advisory committees.

The integrity of science is vital to ensuring that decisions by federal policymakers benefit the public, and not the agendas of any special interest. We at the Union of Concerned Scientists are working to ensure that federal scientists, and those who advise federal agencies, are free to do their work without interference. This amendment will be a constructive step in addressing the pervasive problem of political interference in government science.

For all these reasons, we believe that the Durbin-Bingaman amendment merits your support. Please call our Washington Representative Celia Wexler if you'd like more information on either S. 1082 or the amendment.

Sincerely,

DR. FRANCESCA GRIFO,
Director, Scientific Integrity Program,
Union of Concerned Scientists.

APRIL 30, 2007.

Senator JEFF BINGAMAN,
Washington, DC.

DEAR SENATOR BINGAMAN: We, the undersigned organizations, give our wholehearted support to the amendment to S. 1082 that you plan to offer next week that would limit the number of conflict of interest waivers allowed on Food and Drug Administration advisory committees. This amendment would end the vast majority of conflicts of interest while insuring that the FDA has access to the best advice that this nation has to offer.

The amendment would: require the FDA to engage in greater efforts to find experts without conflicts of interest to serve on its advisory committees; limit the number of waivers that can be granted to one per committee per year; and authorize the FDA to hire experts who have conflicts of interest to make presentations and answer questions at an advisory committee meeting if the FDA believes their expertise is crucial. However, these experts will not be allowed to vote or otherwise participate in the discussions leading up to committee vote.

The FDA advisory committee process has been severely compromised in recent years. According to the agency's most recent report, one in four experts advising the FDA received waivers because they have financial ties to companies with a stake in the outcome of advisory committee meetings. At the February 2005 meeting which voted to allow continued marketing of Vioxx and Bextra, nearly a third of the advisers had ties to Cox-2 manufacturers and had their votes not been counted, the vote would have been reversed.

The status quo is undermining the public's faith in the ability of the FDA to protect it from unsafe or ineffective drugs. We believe passing this amendment will help rebuild the public's confidence in the integrity of the scientific process at the FDA. Please circulate this letter among your colleagues and encourage them to vote yes on the Bingaman amendment.

Sincerely,

Center for Medical Consumers, Center for Science in the Public Interest, Consumers Union, Government Accountability Project, National Research Center for Women & Families, National Women's Health Network, Reproductive Health Technologies Project, Title II Community AIDS National Network, Union of Concerned Scientists, U.S. PIRG, Woody Matters.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I wish to thank the Senator from Massachusetts, Mr. KENNEDY, for the statement he made a little bit earlier but mostly for the 2½ years' worth of effort he and I have put into this bill. It has been a very cooperative process between he and I and between the Members on both sides of the aisle on the committee.

There have been a lot of points raised about food and drug safety, particularly drug safety. It has been a cooperative process, as I mentioned. We have had a lot of questions. We have had some disagreements. But what that has resulted in is going back and getting more information and finding a way that we can come up with a solution that will provide more assurance to Americans that their drugs will be safe.

I also wish to thank the people at the Food and Drug Administration for their participation in this lengthy process and providing answers. It has been a long road for this bill. I do strongly urge my colleagues to vote "yes" on final passage and endorse the most comprehensive drug safety overhaul in more than a decade.

Completion of this bill marks yet another significant step in the process, but there is more work to be done. The House needs to pass their version of the legislation, and then the two bodies need to work out differences in the conference committee. My hope and expectation is that the House will act in a reasonable manner and soon because this is widely considered to be must-pass legislation.

This key FDA package includes four reauthorizations that must be done this year, along with the essential new authorities for the FDA to be able to react in a timely way to safety problems that arise after a drug has been brought to the market.

I would like to take a couple minutes to recap for my colleagues the path this legislation has taken thus far. The Senate Committee on Health, Education, Labor, and Pensions conducted a top-to-bottom review of the FDA's drug safety and approval processes over 2 years ago. We did that at the same time the Finance Committee was doing a review of the FDA's safety approval processes.

We used this information plus information from other Senators to do this bill. The bill is a culmination of that review and our continued evaluation and analysis of the FDA. The changes made in the drug safety components of this legislation are critical to restoring peace of mind to Americans who want to be assured the drugs they purchase to treat illnesses and chronic medical conditions can be relied upon and trusted.

Given the limitations we identified during our review of the FDA, I felt strongly it was necessary to correct those problems and ensure that the FDA has the right tools in the toolbox to address drug safety after the drug is on the market. That is why this bill creates the Risk Evaluation and Mitigation Strategy or REMS. The REMS give the FDA the full toolbox of options for dealing with potential safety problems, even if they are discovered after the drug is first marketed.

Our goal is to get the drugs to the market quicker and to discover problems faster and get them corrected. With this new toolbox, the FDA has the ability to identify side effects after the drug is marketed through active surveillance. FDA has the authority to request a separate study or clinical trial to learn more about a particular potential safety problem.

FDA can also obtain timely label changes for the first time under this Risk Evaluation and Mitigation Strategy System. Through the REMS process, the bill also makes several key improvements to how patients get their information through advertising and labeling.

I wish to thank my colleague, Senator ROBERTS, for his tireless efforts to provide an appropriate balance for direct-to-consumer advertising. It was not an easy task to reconcile some very different opinions. I am so pleased we were able to reach a resolution on this issue that we can all support.

I also thank my colleagues, Senator HARKIN and Senator KENNEDY, for their hard work on this issue. Senator ROBERTS had planned to vote for S. 1082 but cannot be here today because he is in Kansas showing the President the damage from the tornadoes. I wish him all the best in helping his State recover from that tragedy.

The FDA currently has very little authority to require labeling changes after a drug is brought to market. We have included provisions that ensure discussions between FDA and a drug manufacturer regarding the labeling changes come to a close quickly and effectively, rather than relying on FDA's nuclear option, which is pulling the drug completely off the market.

This legislation gives FDA the tools needed to get drugs to the market quickly and efficiently and to respond to potential problems the same way, especially when lives are on the line and people need new drugs and therapies.

FDA currently has no mechanism from active, routine surveillance of potential safety problems. It cannot easily detect safety problems after a drug has been put on the market. This legislation fixes that challenge and ensures that FDA has the right tools to address drug safety after the drug is on the market.

The legislation allows for routine, active safe monitoring using large linked databases, what I call health IT for drug safety. I wish to thank Senator GREGG for being the champion of this provision and ensuring that we crafted this provision properly.

Not every drug will need a REMS. However, every drug will need a very active FDA, an FDA with all the necessary tools to identify and quickly manage additional risks.

Title IV of the bill before us contains a number of critical provisions to improve children's health. Up to 75 percent of drugs used by kids have not been tested in kids. Without information from pediatric studies, kids are often overdosed, underdosed or receive ineffective treatment. They may suffer needlessly or even die. The Best Pharmaceuticals for Children Act makes drugs safer for kids by creating incentives to perform pediatric drug studies. The incentives have produced astonishing results. In the 7 years before BPCA incentives, a total of 11 pediatric studies were performed; 7 years, 11 studies.

In the 10 years since incentives were authorized, at least 132 studies have been completed and more are underway. As a grandfather, I am very happy that the law is in place. If my grandson Trey is sick, I want the drugs he needs to have been tested for kids. All of us want that for our children and grandchildren.

The bill also reauthorizes a companion study, the Pediatric Research Improvement Act, which enables FDA to require a pediatric study if it is not done under the incentive program or through the National Institutes of Health. These two laws work together as a carrot and a stick. I strongly support their reauthorization and continuing to keep them together.

Now, so far I have only talked about drugs for kids. The bill will also make medical devices safer for kids. Devices designed for adults might not fit in kids. A scaled-down device might fit at first, but a child can grow out of it, so doctors have to jury-rig adult devices, improvise or use more invasive treatments. In addition, the market for kids' devices is small, and the development costs are very high, so few kids' devices get made.

The bill before us creates new incentives to grow the market for kid's medical devices. I am hopeful these new incentives will be as helpful as the kids' drug incentive. I would like to thank Senator ALEXANDER, Senator ALLARD, Senator BOND, Senator DODD, Senator CLINTON, and others for their leadership on behalf of kids.

A number of other FDA issues were also addressed during debate of this legislation. The legislation was improved when the Senate adopted a food safety amendment by a vote of 94 to 0. This amendment adds additional food safety provisions to better protect our pet food supply and track when food is adulterated. My colleagues and I also reached consensus that the issue of follow-on biologics will be addressed in the Help Committee early this summer.

As my colleagues know, I have some concerns with the Dorgan amendment on drug importation that was adopted last week. I supported the Cochran safety amendment that was also adopted. I did not support the Dorgan approach to foreign drug importation because I do not believe it adequately ensures the safety of the prescription drug supply.

I was pleased to work with my colleague, Senator DORGAN, to add some very significant anticounterfeiting language to the bill in the managers' amendment. But a lot of work still remains. I support the process moving forward, and I will continue to work with my colleagues and Senator DORGAN and Senator SNOWE to improve this language during the conference process.

Finally, I would like to thank Senator HATCH for his work on the antibiotics and other Hatch-Waxman issues and the follow-on biologics. Senator HATCH was responsible for the first FDA Revitalization Act in 1990, before I was even elected a Member of the Senate. I would like to thank him for helping me to bring that full circle and for the mentoring he has done as a former chairman of the committee.

I will have a lot more thank-yous to deliver after the votes, but right now we have a bit of business left to conduct.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, how much time remains?

The PRESIDING OFFICER. The managers have 14 minutes.

Mr. KENNEDY. Madam President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 4 minutes.

Mr. KENNEDY. Madam President, I commend my colleague from Illinois and my colleague from New Mexico for their amendment on the conflicts of interest and for working with us to address these issues in appropriations bills during the past year.

Their amendment includes many thoughtful proposals I support: including the right to call for the FDA to improve its outreach to experts who have no conflicts of interest and their right to call for greater transparency in the process of waivers.

But where I disagree with my friend from Illinois and New Mexico is that there should be an inflexible cap on the number of waivers for conflicts of interests an advisory committee can grant, no matter what the expertise of the scientists involved.

The amendment would impose a one-size-fits all, one waiver per conflict, per committee, relegating any additional members with conflicts to a secondary guest status on the committee.

The FDA has recently issued a policy not to grant a waiver for a financial interest that exceeds $50,000 and will allow those who receive a waiver for a lesser conflict to serve only as members who can participate in committee discussions but not vote.

The hallmark of this proposal is the flexibility it gives to ensure the committees will have the adequate expertise. If one or more experts with financial conflicts in excess of $50,000 have expertise that is essential to a committee, the Commissioner can grant the needed waivers. This is expected to be rare, but it can happen if needed.

Under the Durbin amendment, by contrast, the FDA can grant only one waiver per meeting. There is no flexibility on this point.

The FDA is already experiencing difficulty in filling vacancies on advisory committees. The Durbin amendment, no matter how well-intentioned, would worsen the problems, making it harder to fill critical vacancies and slowing the process of reviewing new medicines.

Let's look at the problem FDA is facing now. The Antiviral Drugs Advisory Committee needs six experts with specialized knowledge in the fields of clinical pharmacology, internal medicine, infectious diseases, microbiology, virology, immunology, pediatrics, and other specialties. These experts are needed to review the safety and effectiveness of new medicines for pandemic flu, HIV/AIDS, and other serious infections. The Anesthesiology and Respiratory Therapy Devices Panel has nine vacancies. The Ophthalmology Panel is in need of nine experts. The Advisory Committee on Peripheral and Central Nervous System Drugs needs six members—on and on down the list, the story is the same, critical vacancies, missed opportunities, and missed expertise. I am not for conflicts of interest. I am against them. But they are a fact of life.

We need policies that reflect the current reality of research in the life sciences. We have increased transparency in this legislation so there will be wide understanding of exactly how decisions are made. This is the most important. In the time of life sciences, we are talking about cross-fertilization of different ideas. Visit the Institute of Medicine. They are talking about the life sciences and work that is taking place. Flip a molecule and it could be relevant to alternative fuels. Flip it again and it can be relevant to agriculture. Flip it again and it can be relevant to the health sciences. We need all of these disciplines working together. To take one particular requirement and exclude the possibility of getting the best in terms of future scientists, we need integrity in the FDA, integrity in decisionmaking, integrity when they grant waivers. The public ought to have the right to know. We have a balance in here. Hopefully, we will retain it.

I withhold the remainder of my time.

AMENDMENT NO. 1039

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I yield myself 5 minutes out of the 10 allotted to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I am going to speak about amendment No. 1039. I ask unanimous consent that Senators MIKULSKI, BROWN, SNOWE, and BINGAMAN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. This amendment is important because S. 1082 does not sufficiently address the underlying problems I have found existing at the Food and Drug Administration during my tenure as chairman of the Senate Finance Committee looking into the problems of the Food and Drug Administration, with the goal in mind that the Federal Government should only be paying for drugs that are safe. That problem is the lack of equality between the Office of New Drugs, which reviews drug applications and decides whether to approve a drug for marketing, and the Office of Surveillance and Epidemiology, the office which monitors and assesses the safety of drugs postmarketing.

Many times I quote the Institute of Medicine as justification for my amendment. They recognize this problem. The Institute of Medicine recognizes joint authority between these two offices for postapproval regulatory action related to safety. Even the Consumers Union supports this amendment.

Having equality between preapproval and postapproval offices at the FDA is fundamental to real reform. Concentrating on the entire life cycle of drugs is critical. After all, the vast majority of a drug's life cycle is spent postapproval. In essence, the bill before us promotes the status quo when it comes to the specific role played by the Office of Surveillance. That means the Office of Surveillance and Epidemiology will remain nothing more than a mere consultant to the Office of New Drugs. This is not acceptable.

Amendment 1039 gives the Office of Surveillance sign-off authority. They are experts in postmarketing safety. Even the Institute of Medicine recognized that through their recommendations. Let me be clear: This is not the amendment Senator DODD and I originally proposed. I still believe an independent postmarketing safety center would be best to solve the problem. But under the process, that is not going to happen. Through this amendment, at least joint postmarketing decisionmaking between the Office of Surveillance and the Office of New Drugs will allow the office with the postmarketing safety expertise to have a say in what drug safety action will be taken by the FDA.

The problem is not only the FDA having enough tools—this bill gives additional tools—it is about FDA managers disregarding concerns raised by its own scientists in the Office of Surveillance and not taking prompt action. This amendment makes common sense when you weigh the evidence I presented over the last 3 years about these problems at the FDA.

Opponents of this amendment say it is unnecessary because the bill includes a dispute resolution process with strict deadlines. But that process is for disputes between the FDA and the drug company, not internal disagreements between FDA offices.

Getting down to brass tacks, when the office that looks at postmarketing surveillance is under the thumb of the Office of New Drugs, and the Office of New Drugs says: This drug is safe, they aren't going to want to get egg on their faces by listening to the advice of the Office of Postmarketing Surveillance. If that had been the case, Dr. Graham, in the case of Vioxx, and Dr. Mosholder, in the case of antidepressant drugs, when kids were committing suicide, would have been listened to, but they weren't until they came as whistleblowers to the Congress.

We have to have it so that we have enough independent decisionmaking within the FDA to make sure these drugs are safe.

This amendment provides an approach with checks and balances between the office that approves a drug for marketing and the office that watches a drug once it is on the market.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Who yields time?

The Senator from Wyoming.

Mr. ENZI. Madam President, I yield myself such time as I need.

I rise in opposition to the amendment offered by my colleague from Iowa, Senator GRASSLEY, No. 1039, regarding the joint signing authority under the Office of New Drugs and the Office of Surveillance and Epidemiology. This amendment would add an unnecessary layer of bureaucracy into an agency that we have designed to be nimble and responsive in their process to deal with emerging drug safety issues.

Before the bill is passed, the option after market is to suggest changes or pull the drug off the market, kind of a nuclear option. The underlying bill has surveillance and techniques to notice problems quicker. That is why we will be able to get drugs on to the market faster. The underlying bill does have a dispute resolution process with firm and tight deadlines. There is both one with companies and with staff disputes. It requires by its very nature close collaboration between the two offices. This amendment only serves to separate what should be a together process and delay what should be a rapid process.

I urge my colleagues to oppose the amendment. The tools we have put in the toolbox will do what the Senator from Iowa wants to have done, which is quick response when there is a problem. I hope we don't add this extra layer of bureaucracy. We looked at this problem through a number of hearings and a number of concerns by members on the committee from both sides and came up with this third way for being able to do it that had not been polarized and that had some agreement. I hope people will stick with what is in the bill.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 998

Mr. GRASSLEY. Madam President, I yield myself such time as I consume on amendment No. 998. I ask unanimous consent that Senators DODD, SNOWE, and BINGAMAN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. This amendment provides for the application of stronger civil monetary penalties for violations of approved risk evaluation and mitigation strategies. Currently, the bill before us contains penalties, but those penalties won't mean much to large global corporations. In fact, the penalties amount to the cost of doing business. This amendment is intended, then, to give the Food and Drug Administration, the watchdog, some bite along with its bark.

There is opposition to having strong civil monetary penalties, but that does not make sense to this Senator. Even the Consumers Union supports this amendment. The reality is, drug companies provide lifesaving pharmaceuticals throughout the world. The pharmaceutical companies make miracles happen. Before a drug is approved, a drug company has an incentive to provide evidence of a drug's effectiveness to the Food and Drug Administration. Without it, they can't sell drugs in this country. However, once a drug is already being sold in the marketplace, drug companies have almost no incentive to look for and evaluate safety issues. The bottom line is, sometimes market forces guide businesses in a way that may be contrary to the public interest.

We have seen this happen many times. For the Food and Drug Administration's new authorities to be meaningful in this legislation, there must be stronger civil monetary penalties in the underlying bill; hence, my amendment. Fines are nothing more than the cost of doing business, and we can't change behavior. More importantly, we can't even deter bad behavior. If a company does what it is supposed to do, a drug company doesn't need to fear any penalties. It is that simple.

I ask Members of the Senate to support this amendment because it adds real teeth to the FDA's bite.

I thank Senators KENNEDY and ENZI for the tremendous efforts they went to in bringing this bill to the Senate floor. Again, I want to make this bill even better. They have already included several ideas Senator DODD and I have shared with them.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI. Madam President, I yield myself such time as I need.

I thank the Senator from Iowa, Mr. GRASSLEY, for his participation in this bill. It has been tremendous. I mentioned the hearings he held, as we were holding hearings, as there were some crises with food and drugs. The valuable information he shared with us, as well as amendments, as he has correctly stated, are already a part of the bill.

With respect to amendment No. 998, I also have to oppose this amendment regarding the level of civil monetary penalties that can be assessed for violations of the drug safety plan.

I appreciate Senator KENNEDY's earlier comments. The level of civil penalties in the underlying bill was carefully crafted to reflect existing FDA policies for other regulated products. This is the first time we have had civil penalties in this portion covering the area of food and drugs. It was no small feat to get a consensus position so that we could have civil penalties in the bill, and I think that is necessary.

There is a precedent for the levels that we have selected, the current levels. Medical devices has the same levels. I reiterate that has never before been available to the FDA as a tool on drug safety issues, but we are providing it as a tool. Furthermore, I believe the very threat of a civil penalty is sufficient to deter bad behavior. This is the name-and-shame principle. The fine may be affordable to the company, but the loss of reputation is not.

I urge my colleagues to oppose this amendment as well. This is not the end of the process. I suspect the House will have something to say on it, as I have mentioned to the Senator from Iowa before. There will be additional negotiations, I am certain, on civil penalties. I hope we will stick with the civil penalties that have a basis in the medical devices as some basis from which to negotiate and would hope that the Senate position will be the one that is in the bill. I ask people to oppose the amendment.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

I support the comments Senator ENZI has made about the fines. We are going to have to look at this in conference, and it is clear the House is going to raise the fines, it seems to me, as Senator ENZI pointed out. So we will have a chance to look at it in conference. I think that is probably the best way to do it.

Let me point out two other items—something I think most Americans have been concerned about in recent times. It was reported today that China has detained managers from two companies linked to contaminated foods. As a first step, we need to determine the extent of the contamination and see how far into the food supply this internal adulteration has gone.

Yesterday's report from the FDA that contaminated wheat flour from China was fed to fish raised for human consumption is another example of the need for a comprehensive examination of our food safety system. We also found out yesterday that what we thought was contaminated highly processed wheat gluten was actually unprocessed wheat flour spiked with melamine to make it appear to be higher quality.

A month ago, the FDA warned that certain types of pet food were suspected of being contaminated. Then, there were more kinds of pet food. Then it was hogs being fed the contaminated food, but those had been caught before human consumption. Then we found out that tens of millions of chickens eaten by people had been fed the tainted food. Yesterday, we were informed that fish raised for human consumption had been fed contaminated food.

The incremental expansion of this crisis raises serious concerns about the FDA's ability to rapidly identify the source of food-related problems and bring to bear the effective tools. We know the issue of food safety is divided into different kinds of committees, but it has to be of concern to American families.

We have included strong new protections to allow FDA to better ensure the safety of human and pet foods, but this is a first step. Senator ENZI and Senator DURBIN have joined with me and others and we are committed to taking a comprehensive look at the safety of our food supply and we are committed to taking the actions, with our colleagues, needed to ensure that the foods our families and pets eat are as safe as possible.

As part of the managers' package adopted last night, we included important new provisions to allow the FDA to oversee the safety of farm-raised fish. We owe this—this is a story in the paper today—to Senators LINCOLN and PRYOR and SESSIONS on this important proposal.

This morning's newspaper talks about doctors reaping millions for the use of anemia drugs. People are going to wonder what we are doing in this bill, if anything, on this issue. Well, this is not what the FDA does exactly. It is safety and efficacy. But there are different agencies in what they call health research and quality. AHRQ has responsibility for this. We will be in touch with them to examine this issue and provide better guidance and recommendations to doctors and patients.

The FDA does not practice medicine. But this kind of action has to be of concern because it reflects itself in increased costs to the American consumer, and it does raise health issues as well.

So this is illustrative of the range of different areas of concerns the American families have. We believe we have made very important and substantial progress in trying to address those questions.

Mr. President, at this time I will withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming.

AMENDMENT NO. 1034

Mr. ENZI. Mr. President, I have to make some comments in regard to the other amendment we will be voting on this morning, which I also hope people will oppose, and that is amendment No. 1034, offered by my colleague from Illinois, Senator DURBIN.

The FDA relies on 30 advisory committees to provide independent expert advice, which lends credibility to the product review process and informs consumers of trends and product development. Given the complex issues that are considered by the FDA, outside help is needed and beneficial, and it is advisory. The decisions are not made by the committees. They advise. But any scientist who is expert enough to merit interest by the FDA has almost certainly merited interest by other entities, such as granting agencies and companies involved in the field.

This amendment would seriously limit the FDA's ability to access the best experts in the field to assist the Agency with its decisionmaking process. It would restrict FDA to granting only one waiver per committee meeting.

How would the FDA decide who gets that one waiver? Who is more worthy, the toxicologist, the drug safety expert, the specialist in women's health? These are not easy answers.

The FDA, in March, released a guidance document outlining strict new limits on evaluating advisory personnel committee members for service. The comment period on this guidance has not even closed. It is premature to void that guidance before we even know whether and how it will work.

Let's take a step back and think about what might happen if we do not allow people who have worked with or for industry to be involved in an advisory committee meeting.

Louis Pasteur was a brilliant microbiologist who revolutionized human food and health safety. Every time you buy milk in the grocery store, you are benefiting from his contributions to society. But under the Durbin amendment, Pasteur would probably not have been able to serve on any advisory committee. You see, Pasteur's research was funded by the wine industry.

Now, do you want to prevent the FDA from benefiting from the advice of the best and the brightest they have to offer? We do want to move so there are not conflicts of interest. I think the guidelines that are out there, if finalized, will do that. The amendment almost gets into a position of not conflicts of interest but biases—much harder to determine. If we are going to do that, we will never be able to have anybody on any of the committees, particularly with the expertise we need.

So I ask we oppose that amendment as well.

I yield time to the Republican leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Wyoming.

I wish to take a moment to congratulate Senator ENZI on this wonderful, bipartisan effort he has been engaged in with our friend from Massachusetts, Senator KENNEDY. They have worked tirelessly for the past 3 weeks, through markup and floor consideration.

I also wish to commend Senator GREGG, who worked very hard with Senator ENZI to reach a bipartisan compromise on this important measure.

I particularly wish to note Senator ROBERTS was instrumental in working out the problems with direct-to-consumer advertising provisions. I know he would have liked to have been here today to support this bill, but he is out in Kansas with the President touring hurricane damage in his State.

Also, I wish to commend Senator COCHRAN. We appreciate his efforts to ensure that any proposal to bring drugs in from other countries must be certified by the Secretary of Health and Human Services as safe for the American people.

So again, I thank the Senator from Wyoming for his extraordinary accomplishment in moving this important, bipartisan legislation forward.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think we are about—I see my friend from Iowa on his feet so I will withhold. I will make a very brief comment at the very end, so I withhold.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. I only have 2½ minutes.

AMENDMENT NO. 1039

On the very important amendment about making sure there is adequate cooperation and dialog between the Office of New Drugs and the Office of Postmarket Surveillance, I wish to make clear this amendment is not, as some have characterized it, about process. It seems to me this is the ultimate of insurance to do the right thing to protect the American people on the safety of drugs. It is based on so many examples I found over the last 3 years, where there was not the respect for the Office of Postmarketing Surveillance there ought to be from the Office of New Drugs.

A lot of safety issues would not have gotten out if we had not had a lot of red-blooded, patriotic whistleblowers who would come to Congress, such as Dr. Graham, for instance, in the case of Vioxx, such as Dr. Mosholder, in the case of antidepressant drugs for children who were committing suicide. This ended up with Vioxx coming off the market. This ended up with blackbox safety measures in the case of the antidepressants.

The Institute of Medicine has recognized the importance of these two groups within the FDA working very closely together on making a determination on postmarketing surveillance. That is what my amendment does. It makes sure this process works the way the Institute of Medicine indicated it should.

So as you consider voting on this amendment, I ask my colleagues—himself or herself—one basic question before voting: Since the Institute of Medicine recommends equality between the preapproval process—in other words, before a drug is marketed—and the postapproval process at the FDA, why not vote for this amendment and improve postmarketing safety for the American people?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in a few minutes, we will be prepared to vote. I yield myself 3 or 4 minutes.

I will include in the RECORD, at the conclusion of this debate, the names of the staff on our committee who have done superb work. It has been extraordinary and on both sides of the aisle. We are enormously appreciative and grateful.

I am also personally appreciative of the work of my friend and colleague, the Senator from Ohio, Mr. BROWN, who was here yesterday and filled in. I had the opportunity to travel to Ireland, where they signed and put in place, after 400 years of struggle, the democratic institutions over there, in a very moving ceremony, which President Bush had supported—a very special day.

This legislation is a reflection of 2½ years of hearings under the leadership of Senator ENZI, when he was chair of the committee, and myself. It incorporates the Institute of Medicine's recommendations, by and large, after they had months and months of hearings. The American people ought to understand the legislation, which reflects bipartisan support in the Senate, is a reflection of the best judgments we could have as a result of months and years of working on this issue and of the membership on it. We are enormously grateful.

This legislation is going to make the prescription drugs our families take safer and our food safer. That is very important. It is going to ensure that the Agency has resources to do follow-on reviews to continue its important function to be the world leader, the gold standard, for safety for our people and the example for the rest of the world. So this is very important legislation.

We are reminded every day of the additional kinds of challenges we are facing in terms of safety for our families. We are very aware of it. Senator ENZI and I and the members of our committee are going to continue our study, our review, and continue our activity to ensure we are going to have the best in terms of a safe and secure food supply, pharmaceutical supply, and take advantage of this life science century so every American is going to have the best and, hopefully, at the most reasonable price, so they can have healthier and stronger families.

Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I have a number of people I need to thank for their efforts on this bill, and I will do that following the vote so that we don't hold up the vote.

There has been tremendous cooperation, effort, knowledge, and capability that has been involved, not just of the Senators but also of the staffs. The staffs on both sides of the aisle have spent countless hours on this, even on weekends. In fact, I know of one day on one weekend they worked about 20 hours together to pull this thing together and get some of the final issues worked out. But they worked the entire weekend for at least the last three weekends. They will look forward to a little time to rest, and we will probably give them a day. That is because we have so many things happening in the committee, and Senator KENNEDY and I are determined to get a lot of that done to help the American people with their health and with their education and in the area of workplace safety and training and pensions.

But on this bill, I hope people will join us in supporting it. Of course I hope they will join us in maintaining a balance to take it to conference committee and to defeat the three amendments that are before us this morning.

I yield back the remainder of my time.

AMENDMENT NO. 1039

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided prior to a vote in relation to amendment No. 1039.

Who yields time?

Mr. GRASSLEY. Mr. President, I will speak in favor of 1039. I have 30 seconds, did you say, or 1 minute?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. GRASSLEY. Mr. President, one of the issues that has been very much a shortcoming within the FDA besides lack of respect for the scientific process, but it is involved in the issue of this amendment as well, is whether scientists in the FDA who have the responsibility of postmarketing surveillance get the respect they ought to from the Office of New Drugs that previously had approved the drug. We have found in the case of Vioxx, in the case of antidepressants for children, and in a lot of other areas as well that this has just not been the case.

My amendment will follow the Institute of Medicine recommendation and make sure there is adequate time and consideration given to postmarketing surveillance, the same as there is to the approval of the drug in the first place. So I ask for approval of this amendment. It is backed by the Institute of Medicine.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I oppose the amendment. I appreciate the thought that went into it, and I know that before we did this bill and put into place some of the processes we have in the toolbox for postapproval—which, nevertheless, existed before for the FDA—this amendment would have been necessary. But in light of the toolbox we provide and the dispute resolution we have, it would add an unnecessary layer of bureaucracy.

We have designed the bill to be a nimble and responsive process to deal with emerging drug safety issues. We want drugs on the market faster, we want to know about anything that goes wrong faster, and we think that is built into it. We do have a dispute resolution in the bill with tight guidelines that will result in rapid approvals. We don't need the additional process.

The amendment separates what should be together and delays what should be rapid. So I urge my colleagues to oppose the amendment.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

Mr. KENNEDY. Mr. President, parliamentary inquiry: Could we ask unanimous consent that we have the yeas and nays on the other two amendments? I ask unanimous consent that it be in order now for the yeas and nays on the other two amendments and then on final passage.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. Is there a sufficient second on the remaining amendments? There appears to be a sufficient second. The yeas and nays are ordered on the remaining amendments as well.

The question is on agreeing to amendment No. 1039.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 47, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—46

Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Corker
Dodd
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Hutchison
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Menendez
Mikulski
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Akaka
Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Inhofe
Inouye
Isakson
Kennedy
Kerry
Kyl
Lott
Martinez
McCaskill
McConnell
Murkowski
Murray
Nelson (NE)
Salazar
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NOT VOTING—7

Bayh
Brownback
Crapo
Johnson
McCain
Roberts
Vitter

The amendment (No. 1039) was rejected.

Mr. ENZI. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 998

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes for debate equally divided prior to a vote in relation to amendment No. 998.

The Senator from Iowa.

Mr. GRASSLEY. I have 1 minute?

The PRESIDING OFFICER. One minute.

Mr. GRASSLEY. Mr. President, the issue is the level of civil and monetary penalties. If the fines are nothing more than the cost of doing business, you can't change behavior and you can't deter bad behavior. My feeling is the levels in this underlying bill are not high enough to get the attention of the drug companies. After all, if a company does what it is supposed to do, a drug company doesn't need to fear any penalties. It is that simple.

I ask my colleagues to support my amendment so it has real teeth.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I have to oppose this amendment in keeping with having a balance in the bill that we have agreed on. This is the first time civil monetary penalties have been assessed for violations of the drug safety plan. That is what is in our bill. We do have civil penalties in the bill. The civil penalties are the same as the medical devices. That is how we decided at what level to do it.

We added civil penalties, and there will be more work done on this issue probably as we get to conference. I want to establish the fact that civil penalties are in the bill. I want to arrive at the level that the civil penalties are assessed with more consideration and with debate with the House. This amendment could burden small businesses and create problems there.

Civil penalties are part of the bill we put together with a compromise. I ask that my colleagues vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 998. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 30, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—64

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Corker
Cornyn
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Harkin
Hutchison
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Sununu
Tester
Thune
Warner
Webb
Whitehouse
Wyden

NAYS—30

Alexander
Allard
Bayh
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Craig
DeMint
Dole
Domenici
Enzi
Gregg
Hagel
Hatch
Inhofe
Inouye
Isakson
Kennedy
Kerry
Kyl
McConnell
Murkowski
Shelby
Stevens
Thomas
Voinovich

NOT VOTING—6

Brownback
Crapo
Johnson
McCain
Roberts
Vitter

The amendment (No. 998) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1034

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 1034.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, 2 years ago, an advisory committee of the FDA sat down to judge painkiller drugs and whether they were safe to sell to America. They made the recommendation that selling Vioxx to America was safe. Ten of the members of that advisory committee had a financial conflict of interest when they made the decision. Had those 10 members with the conflict not been there, the panel would not have recommended keeping those drugs on the market.

This amendment Senator BINGAMAN and I offer will take the conflict of interest out of the advisory committees. We will allow one waiver for someone with a conflict of interest, and we will say that others who participate as guest experts have to leave the room before any deliberation or vote.

We will hear from the other side that the Food and Drug Administration has an idea of how they are going to change this rule at some future time. This is not an idea we are proposing, it is a law—a law to protect the integrity of the advisory committees and the drugs and medical devices which are sold across America.

I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, the FDA has a new policy, a new procedure out there.

Basically, what the Durbin amendment says is, one size fits all. That concept has been rejected by the Europeans, rejected by the Canadians, and basically rejected by the Institute of Medicine. In this life science century, researchers who are looking at cancer drugs may be examining 15 different components. Are we going to say that if a conflict exists with one of those components that they meet the Durbin amendment standard. This would exclude some of the most knowledgeable people in this country from participating in the review of breakthrough drugs.

The FDA says they have adopted transparency. Everyone in the Senate is going to know who sits on the advisory committees. There is a financial limitation of $50,000 at the FDA now. Everyone is going to know the existence of any conflicts. It is a new day out there. We have now have transparency, but virtually everyone who understands that we are in the life science century says we have to have the best scientific minds at the table, and so the Institute of Medicine said: Don't go with a one-size-fits-all, which the Durbin amendment does.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 1034. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 47, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Cantwell
Cardin
Carper
Casey
Clinton
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Grassley
Harkin
Inouye
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Allard
Bennett
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
DeMint
Dodd
Dole
Domenici
Ensign
Enzi
Graham
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Rockefeller
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NOT VOTING—6

Brownback
Crapo
Johnson
McCain
Roberts
Vitter

The amendment (No. 1034) was rejected.

The PRESIDING OFFICER. Under the previous order, the committee substitute amendment, as modified and amended, is agreed to, the motion to reconsider is considered made and laid upon the table, and the cloture motion on the bill is withdrawn.

Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as modified and amended, pass?

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—93

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—1

Sanders

NOT VOTING—6

Brownback
Crapo
Johnson
McCain
Roberts
Vitter

The bill (S. 1082) as modified and amended, was passed, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Drug Administration Revitalization Act".

TITLE I—PRESCRIPTION DRUG USER FEES

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the "Prescription Drug User Fee Amendments of 2007".

(b) REFERENCES IN TITLE.—Except as otherwise specified, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 102. DRUG FEES.

Section 735 (21 U.S.C. 379g) is amended—

(1) by striking the section designation and all that follows through "For purposes of this subchapter:" and inserting the following:

"SEC. 735. DRUG FEES.

"(a) PURPOSE.—It is the purpose of this part that the fees authorized under this part be dedicated toward expediting the drug development process, the process for the review of human drug applications, and postmarket drug safety, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

"(b) REPORTS.—

"(1) PERFORMANCE REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all human drug applications and supplements in the cohort.

"(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

"(c) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(d) DEFINITIONS.—For purposes of this part:";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "505(b)(1)," and inserting "505(b), or";

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraph (C) as subparagraph (B); and

(iv) in the matter following subparagraph (B), as so redesignated, by striking "subparagraph (C)" and inserting "subparagraph (B)";

(B) in paragraph (3)(C), by—

(i) striking "the list" and inserting "the list (not including the discontinued section of such list)"; and

(ii) striking "a list" and inserting "a list (not including the discontinued section of such a list)";

(C) in paragraph (4), by inserting before the period at the end the following: "(such as capsules, tablets, and lyophilized products before reconstitution)";

(D) by amending paragraph (6)(F) to read as follows:

"(F) In the case of drugs approved under human drug applications or supplements, postmarket safety activities, including—

"(i) collecting, developing, and reviewing safety information on approved drugs (including adverse event reports);

"(ii) developing and using improved adverse event data collection systems (including information technology systems); and

"(iii) developing and using improved analytical tools to assess potential safety problems (including by accessing external data bases).";

(E) in paragraph (8)—

(i) by striking "April of the preceding fiscal year" and inserting "October of the preceding fiscal year"; and

(ii) by striking "April 1997" and inserting "October 1996";

(F) by redesignating paragraph (9) as paragraph (10); and

(G) by inserting after paragraph (8) the following:

"(9) The term 'person' includes an affiliate of such person.".

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "2003" and inserting "2008";

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) in the heading, by inserting "OR WITHDRAWN BEFORE FILING" after "REFUND OF FEE IF APPLICATION REFUSED FOR FILING"; and

(ii) by inserting before the period at the end the following: "or withdrawn without a waiver before filing";

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (D) the following:

"(E) Fee for application previously refused for filing or withdrawn before filing.—An application or supplement that has been refused for filing or that was withdrawn before filing, if filed under protest or resubmitted, shall be subject to the fee under subparagraph (A) (unless an exception under subparagraph (C) or (F) applies or the fee is waived or reduced under subsection (d)), without regard to previous payment of such a fee and the refund of 75 percent of that fee under subparagraph (D)."; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) Special rules for compounded positron emission tomography drugs.—

"(i) In general.—Except as provided in clause (ii), each person who is named as the applicant in an approved human drug application for a compounded positron emission tomography drug shall be subject under subparagraph (A) to one-fifth of an annual establishment fee with respect to each such establishment identified in the application as producing compounded positron emission tomography drugs under the approved application.

"(ii) Exception from annual establishment fee.—Each person who is named as the applicant in an application described in clause (i) shall not be assessed an annual establishment fee for a fiscal year if the person certifies to the Secretary, at a time specified by the Secretary and using procedures specified by the Secretary, that—

"(I) the person is a not-for-profit medical center that has only 1 establishment for the production of compounded positron emission tomography drugs; and

"(II) at least 95 percent of the total number of doses of each compounded positron emission tomography drug produced by such establishment during such fiscal year will be used within the medical center.".

(b) Fee Revenue Amounts.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

"(b) Fee Revenue Amounts.—Except as provided in subsections (c), (d), (f), and (g), fees under subsection (a) shall be established to generate the following revenue amounts, in each fiscal year beginning with fiscal year 2008 and continuing through fiscal year 2012: $392,783,000, plus an adjustment for workload on $354,893,000 of this amount. Such adjustment shall be made in accordance with the workload adjustment provisions in effect for fiscal year 2007, except that instead of commercial investigational new drug applications submitted to the Secretary, all commercial investigational new drug applications with a submission during the previous 12-month period shall be used in the determination. One-third of the revenue amount shall be derived from application fees, one-third from establishment fees, and one-third from product fees.".

(c) Adjustments to Fees.—

(1) Inflation adjustment.—Section 736(c)(1) (21 U.S.C. 379h(c)(1)) is amended—

(A) in the matter preceding subparagraph (A) by striking "The revenues established in subsection (b)" and inserting "Beginning with fiscal year 2009, the revenues established in subsection (b)";

(B) in subparagraph (A) by striking "or" at the end;

(C) in subparagraph (B) by striking the period at the end and inserting ", or,";

(D) by inserting after subparagraph (B) the following:

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions, for the first 5 fiscal years of the previous 6 fiscal years."; and

(E) in the matter following subparagraph (C) (as added by this paragraph), by striking "fiscal year 2003" and inserting "fiscal year 2008".

(2) Workload adjustment.—Section 736(c)(2) (21 U.S.C. 379h(c)(2)) is amended—

(A) in the matter preceding subparagraph (A,) by striking "2004" and inserting "2009";

(B) in the first sentence of subparagraph (A)—

(i) by striking ", commercial investigational new drug applications" and inserting "(adjusted for changes in review activities)"; and

(ii) by inserting before the period at the end ", and the change in the number of commercial investigational new drug applications with a submission during the previous 12-month period (adjusted for changes in review activities)";

(C) in subparagraph (B), by adding at the end the following new sentence: "Further, any adjustment for changes in review activities made in setting fees and fee revenue amounts for fiscal year 2009 may not result in the total workload adjustment being more than 2 percentage points higher than it would be absent the adjustment for changes in review activities."; and

(D) by adding at the end the following:

"(C) The Secretary shall contract with an independent accounting firm to study the adjustment for changes in review activities applied in setting fees for fiscal year 2009 and to make recommendations, if warranted, on future changes in the methodology for calculating the adjustment for changes in review activity. After review of the recommendations by the independent accounting firm, the Secretary shall make appropriate changes to the workload adjustment methodology in setting fees for fiscal years 2010 through 2012. If the study is not conducted, no adjustment for changes in review activities shall be made after fiscal year 2009.".

(3) Rent and rent-related cost adjustment.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following:

"(3) Rent and rent-related cost adjustment.—Beginning with fiscal year 2010, the Secretary shall, before making the adjustments under paragraphs (1) and (2), reduce the fee amounts established in subsection (b), if actual costs paid for rent and rent-related expenses are less than $11,721,000. The reductions made under this paragraph, if any, shall not exceed the amounts by which costs fell below $11,721,000, and shall not exceed $11,721,000 in any fiscal year.".

(4) Final year adjustment.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) in paragraph (4), as redesignated by this subsection—

(i) by striking "2007" each place it appears and inserting "2012"; and

(ii) by striking "2008" and inserting "2013"; and

(B) in paragraph (5), as redesignated by this subsection, by striking "2002" and inserting "2007".

(d) Fee Waiver or Reduction.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by—

(A) inserting "to a person who is named as the applicant" after "The Secretary shall grant";

(B) inserting "to that person" after "a waiver from or a reduction of one or more fees assessed"; and

(C) striking "finds" and inserting "determines";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) Evaluation.—For the purpose of determining whether to grant a waiver or reduction of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant and any affiliate of the applicant."; and

(4) in paragraph (4), as redesignated by this subsection, in subparagraph (A), by inserting before the period at the end ", and that does not have a drug product that has been approved under a human drug application and introduced or delivered for introduction into interstate commerce".

(e) Crediting and Availability of Fees.—

(1) Authorization of appropriations.—Section 736(g)(3) (21 U.S.C. 379h(g)(3)) is amended to read as follows:

"(3) Authorization of appropriations.—There are authorized to be appropriated for fees under this section such sums as are authorized to be assessed and collected under this section in each of fiscal years 2008 through 2012.".

(2) Offset.—Section 736(g)(4) (21 U.S.C. 379h(g)(4)) is amended to read as follows:

"(4) Offset.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, plus the amount estimated to be collected for fiscal year 2011, exceeds the amount of fees specified in aggregate in appropriation Acts for such fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

(f) Conforming Amendments.—

(1) Section 736(a) (21 U.S.C. 379h(a)), as amended by this section, is amended—

(A) in paragraph (1)(A), by striking "subsection (c)(4)" each place it appears and inserting "subsection (c)(5)";

(B) in paragraph (2), by striking "subsection (c)(4)" and inserting "subsection (c)(5)"; and

(C) in paragraph (3), by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

(2) Section 736A(h)(3), as added by section 104 of this title, is amended by striking "735(3)" and inserting "735(d)(3)".

SEC. 104. AUTHORITY TO ASSESS AND USE PRESCRIPTION DRUG ADVERTISING FEES.

Chapter VII, subchapter C, part 2 (21 U.S.C. 379g et seq.) is amended by adding after section 736 the following new section:

"SEC. 736A. PROGRAM TO ASSESS AND USE FEES FOR THE ADVISORY REVIEW OF PRESCRIPTION DRUG ADVERTISING.

"(a) Types of Direct-to-Consumer Television Advertisement Review Fees.—Beginning with fiscal year 2008, the Secretary shall assess and collect fees in accordance with this section as follows:

"(1) ADVISORY REVIEW FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each person that on or after October 1, 2007, submits a proposed direct-to-consumer television advertisement for advisory review by the Secretary prior to its initial public dissemination shall be subject to a fee established under subsection (c)(3).

"(B) EXCEPTION FOR REQUIRED SUBMISSIONS.—A direct-to-consumer television advertisement that is required to be submitted to the Secretary prior to initial public dissemination shall not be assessed a fee unless the sponsor designates it as a submission for advisory review.

"(C) PAYMENT.—The fee required by subparagraph (A) shall be due not later than October 1 of the fiscal year in which the direct-to-consumer television advertisement shall be submitted to the Secretary for advisory review.

"(D) MODIFICATION OF ADVISORY REVIEW FEE.—

"(i) LATE PAYMENT.—If, on or before November 1 of the fiscal year in which the fees are due, a person has not paid all fees that were due and payable for advisory reviews identified in response to the Federal Register notice described in subsection (c)(3)(A), the fees shall be regarded as late. Such fees shall be due and payable 20 days before any direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review. Notwithstanding any other provision of this section, such fees shall be due and payable for each of those advisory reviews in the amount of 150 percent of the advisory review fee established for that fiscal year pursuant to subsection (c)(3).

"(ii) LATE NOTICE OF SUBMISSION.—If any person submits any direct-to-consumer television advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (c)(3)(A), that person must pay a fee for each of those advisory reviews in the amount of 150 percent of the advisory review fee established for that fiscal year pursuant to subsection (c)(3). Fees under this subparagraph shall be due 20 days before the direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review.

"(E) LIMITS.—

"(i) IN GENERAL.—The payment of a fee under this paragraph for a fiscal year entitles the person that pays the fee to acceptance for advisory review by the Secretary of 1 direct-to-consumer television advertisement and acceptance of 1 resubmission for advisory review of the same advertisement. The advertisement shall be submitted for review in the fiscal year for which the fee was assessed, except that a person may carry over no more than 1 paid advisory review submission to the next fiscal year. Resubmissions may be submitted without regard to the fiscal year of the initial advisory review submission.

"(ii) NO REFUND.—Except as provided by subsection (f), fees paid under this paragraph shall not be refunded.

"(iii) NO WAIVER, EXEMPTION, OR REDUCTION.—The Secretary shall not grant a waiver, exemption, or reduction of any fees due or payable under this section.

"(iv) NON-TRANSFERABILITY.—The right to an advisory review is not transferable, except to a successor in interest.

"(2) OPERATING RESERVE FEE.—

"(A) IN GENERAL.—Each person that, on or after October 1, 2007, is assessed an advisory review fee under paragraph (1) shall be subject to an operating reserve fee established under subsection (d)(2) only in the first fiscal year in which an advisory review fee is assessed.

"(B) PAYMENT.—Except as provided in subparagraph (C), the fee required by subparagraph (A) shall be due not later than October 1 of the first fiscal year in which the person is required to pay an advisory review fee under paragraph (1).

"(C) LATE NOTICE OF SUBMISSION.—If, in the first fiscal year of a person's participation in the Program, that person submits any direct-to-consumer television advertisements for advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (c)(3)(A), that person must pay an operating reserve fee for each of those advisory reviews equal to the advisory review fee for each submission established under paragraph (1)(D)(ii). Fees required by this subparagraph shall be in addition to the fees required under subparagraph (B), if any. Fees under this subparagraph shall be due 20 days before any direct-to-consumer television advertisement is submitted by such person to the Secretary for advisory review.

"(b) ADVISORY REVIEW FEE REVENUE AMOUNTS.—Fees under subsection (a)(1) shall be established to generate revenue amounts of $6,250,000 for each of fiscal years 2008 through 2012, as adjusted pursuant to subsection (c).

"(c) ADJUSTMENTS.—

"(1) INFLATION ADJUSTMENT.—Beginning with fiscal year 2009, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

"(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

"(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

"(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions, for the first 5 fiscal years of the previous 6 fiscal years.

The adjustment made each fiscal year by this paragraph shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2008 under this subsection.

"(2) WORKLOAD ADJUSTMENT.—

"(A) IN GENERAL.—Beginning with fiscal year 2009, after the fee revenues established in subsection (b) of this section are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary with respect to the submission of proposed direct-to-consumer television advertisements for advisory review prior to initial broadcast.

"(B) DETERMINATION OF WORKLOAD ADJUSTMENT.—

"(i) IN GENERAL.—The workload adjustment under this paragraph for a fiscal year shall be determined by the Secretary—

"(I) based upon the number of direct-to-consumer television advertisements identified pursuant to paragraph (3)(A) for that fiscal year, excluding allowable previously paid carry over submissions; and

"(II) by multiplying the number of such advertisements projected for that fiscal year that exceeds 150 by $27,600 (adjusted each year beginning with fiscal year 2009 for inflation in accordance with paragraph (1)).

"(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register, as part of the notice described in paragraph (1), the fee revenues and fees resulting from the adjustment made under this paragraph and the supporting methodologies.

"(C) LIMITATION.—Under no circumstances shall the adjustment made under this paragraph result in fee revenues for a fiscal year that are less than the fee revenues established for the prior fiscal year.

"(3) ANNUAL FEE SETTING.—

"(A) NUMBER OF ADVERTISEMENTS.—The Secretary shall, 120 days before the start of each fiscal year, publish a notice in the Federal Register requesting any person to notify the Secretary within 30 days of the number of direct-to-consumer television advertisements the person intends to submit for advisory review by the Secretary in the next fiscal year. Notification to the Secretary of the number of advertisements a person intends to submit for advisory review prior to initial broadcast shall be a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions on or before October 1 of the fiscal year in which the advertisement is intended to be submitted. A person shall at the same time also notify the Secretary if such person intends to use a paid submission from the previous fiscal year under subsection (a)(1)(E)(i). If such person does not so notify the Secretary, all submissions for advisory review shall be subject to advisory review fees.

"(B) ANNUAL FEE.—The Secretary shall, 60 days before the start of each fiscal year, establish, for the next fiscal year, the direct-to-consumer television advertisement advisory review fee under subsection (a)(1), based on the revenue amounts established under subsection (b), the adjustments provided under this subsection and the number of direct-to-consumer television advertisements identified pursuant to subparagraph (A), excluding allowable previously paid carry over submissions. The annual advisory review fee shall be established by dividing the fee revenue for a fiscal year (as adjusted pursuant to this subsection) by the number of direct-to-consumer television advertisements identified pursuant to subparagraph (A), excluding allowable previously paid carry over submissions.

"(C) FISCAL YEAR 2008 FEE LIMIT.—Notwithstanding subsection (b), the fee established under subparagraph (B) for fiscal year 2008 may not be more than $83,000 per submission for advisory review.

"(D) ANNUAL FEE LIMIT.—Notwithstanding subsection (b), the fee established under subparagraph (B) for a fiscal year after fiscal year 2008 may not be more than 50 percent more than the fee established for the prior fiscal year.

"(E) LIMIT.—The total amount of fees obligated for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the advisory review of prescription drug advertising.

"(d) OPERATING RESERVES.—

"(1) IN GENERAL.—The Secretary shall establish in the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation a Direct-to-Consumer Advisory Review Operating Reserve, of at least $6,250,000 in fiscal year 2008, to continue the Program in the event the fees collected in any subsequent fiscal year pursuant to subsection (c)(3) do not generate the fee revenue amount established for that fiscal year.

“(2) FEE SETTING.—The Secretary shall establish the operating reserve fee under subsection (a)(2)(A) for each person required to pay the fee by multiplying the number of direct-to-consumer television advertisements identified by that person pursuant to subsection (c)(3)(A) by the advisory review fee established pursuant to subsection (c)(3) for that fiscal year. In no case shall the operating reserve fee assessed be less than the operating reserve fee assessed if the person had first participated in the Program in fiscal year 2008.

“(3) USE OF OPERATING RESERVE.—The Secretary may use funds from the reserves under this subsection only to the extent necessary in any fiscal year to make up the difference between the fee revenue amount established for that fiscal year under subsection (b) and the amount of fees collected for that fiscal year pursuant to subsection (a), or to pay costs of ending the Program if it is terminated pursuant to subsection (f) or if it is not reauthorized after fiscal year 2012.

“(4) REFUND OF OPERATING RESERVES.—Within 120 days of the end of fiscal year 2012, or if the Program is terminated pursuant to subsection (f), the Secretary, after setting aside sufficient operating reserve amounts to terminate the Program, shall refund all amounts remaining in the operating reserve on a pro rata basis to each person that paid an operating reserve fee assessment. In no event shall the refund to any person exceed the total amount of operating reserve fees paid by such person pursuant to subsection (a)(2).

“(e) EFFECT OF FAILURE TO PAY FEES.—Notwithstanding any other law or regulation of the Secretary, a submission for advisory review of a direct-to-consumer television advertisement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person under this section have been paid.

“(f) EFFECT OF INADEQUATE FUNDING OF PROGRAM.—

“(1) FIRST FISCAL YEAR.—If on November 1, 2007, or 120 days after enactment of the Prescription Drug User Fee Amendments of 2007, whichever is later, the Secretary has received less than $11,250,000 in advisory review fees and operating reserve fees combined, the Program shall be terminated and all collected fees shall be refunded.

“(2) SUBSEQUENT FISCAL YEARS.—Beginning in fiscal year 2009, if, on November 1 of a fiscal year, the combination of the operating reserves, annual fee revenues from that fiscal year, and unobligated fee revenues from prior fiscal years is less than $9,000,000, adjusted for inflation (in accordance with subsection (c)(1)), the Program shall be terminated, and the Secretary shall notify all participants, retain any money from the unused advisory review fees and the operating reserves needed to terminate the Program, and refund the remainder of the unused fees and operating reserves. To the extent required to terminate the Program, the Secretary shall first use unobligated advisory review fee revenues from prior fiscal years, then the operating reserves, and then unused advisory review fees from the relevant fiscal year.

“(g) CREDITING AND AVAILABILITY OF FEES.—

“(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the advisory review of prescription drug advertising.

“(2) COLLECTIONS AND APPROPRIATION ACTS.—The fees authorized by this section—

“(A) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

“(B) shall be available for obligation only if appropriated budget authority continues to support at least the total combined number of full-time equivalent employees in the Food and Drug Administration, Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, and the Center for Biologics Evaluation and Research, Advertising and Promotional Labeling Branch supported in fiscal year 2007.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section not less than $6,250,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012, as adjusted to reflect adjustments in the total fee revenues made under this section, plus amounts collected for the reserve fund under subsection (d).

“(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

“(h) DEFINITIONS.—For purposes of this section:

“(1) The term ‘advisory review’ means reviewing and providing advisory comments regarding compliance of a proposed advertisement with the requirements of this Act prior to its initial public dissemination.

“(2) The term ‘carry over submission’ means a submission for an advisory review for which a fee was paid in a fiscal year that is submitted for review in the following fiscal year.

“(3) The term ‘direct-to-consumer television advertisement’ means an advertisement for a prescription drug product as defined in section 735(3) intended to be displayed on any television channel for less than 2 minutes.

“(4) The term ‘person’ includes an individual, a partnership, a corporation, and an association, and any affiliate thereof or successor in interest.

“(5) The term ‘process for the advisory review of prescription drug advertising’ means the activities necessary to review and provide advisory comments on proposed direct-to-consumer television advertisements prior to public dissemination and, to the extent the Secretary has additional staff resources available under the Program that are not necessary for the advisory review of direct-to-consumer television advertisements, the activities necessary to review and provide advisory comments on other proposed advertisements and promotional material prior to public dissemination.

“(6) The term ‘Program’ means the Program to assess, collect, and use fees for the advisory review of prescription drug advertising established by this section.

“(7) The term ‘resources allocated for the process for the advisory review of prescription drug advertising’ means the expenses incurred in connection with the process for the advisory review of prescription drug advertising for—

“(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees, and to contracts with such contractors;

“(B) management of information, and the acquisition, maintenance, and repair of computer resources;

“(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies;

“(D) collection of fees under this section and accounting for resources allocated for the advisory review of prescription drug advertising; and

“(E) terminating the Program under subsection (f)(2), if necessary.

“(8) The term ‘resubmission’ means a subsequent submission for advisory review of a direct-to-consumer television advertisement that has been revised in response to the Secretary's comments on an original submission. A resubmission may not introduce significant new concepts or creative themes into the television advertisement.

“(9) The term ‘submission for advisory review’ means an original submission of a direct-to-consumer television advertisement for which the sponsor voluntarily requests advisory comments before the advertisement is publicly disseminated.

“SEC. 736B. SUNSET.

“This part shall cease to be effective on October 1, 2012, except that subsection (b) of section 736 with respect to reports shall cease to be effective on January 31, 2013.”.

SEC. 105. SAVINGS CLAUSE.

Notwithstanding section 509 of the Prescription Drug User Fee Amendments of 2002 (21 U.S.C. 379g note), and notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 106. TECHNICAL AMENDMENT.

Section 739 (21 U.S.C. 379j–11) is amended in the matter preceding paragraph (1), by striking “subchapter” and inserting “part”.

SEC. 107. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect October 1, 2007.

(b) EXCEPTION.—The amendment made by section 104 of this title shall take effect on the date of enactment of this title.

TITLE II—DRUG SAFETY

SEC. 200. SHORT TITLE.

This title may be cited as the "Enhancing Drug Safety and Innovation Act of 2007".

Subtitle A—Risk Evaluation and Mitigation Strategies

SEC. 201. ROUTINE ACTIVE SURVEILLANCE AND ASSESSMENT.

(a) IN GENERAL.—Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(3) ROUTINE ACTIVE SURVEILLANCE AND ASSESSMENT.—

"(A) DEVELOPMENT OF THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—The Secretary shall, not later than 2 years after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, act in collaboration with academic institutions and private entities to—

"(i) establish minimum standards for collection and transmission of postmarketing data elements from electronic health data systems; and

"(ii) establish, through partnerships, a validated and integrated postmarket risk identification and analysis system to integrate and analyze safety data from multiple sources, with the goals of including, in aggregate—

"(I) at least 25,000,000 patients by July 1, 2010; and

"(II) at least 100,000,000 patients by July 1, 2012.

"(B) DATA COLLECTION ACTIVITIES.—

"(i) IN GENERAL.—The Secretary shall, not later than 1 year after the establishment of the minimum standards and the identification and analysis system under subparagraph (A), establish and maintain an active surveillance infrastructure—

"(I) to collect and report data for pharmaceutical postmarket risk identification and analysis, in compliance with the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996; and

"(II) that includes, in addition to the collection and monitoring (in a standardized form) of data on all serious adverse drug experiences (as defined in subsection (o)(2)(C)) required to be submitted to the Secretary under paragraph (1), and those events voluntarily submitted from patients, providers, and drug, when appropriate, procedures to—

"(aa) provide for adverse event surveillance by collecting and monitoring Federal health-related electronic data (such as data from the Medicare program and the health systems of the Department of Veterans Affairs);

"(bb) provide for adverse event surveillance by collecting and monitoring private sector health-related electronic data (such as pharmaceutical purchase data and health insurance claims data);

"(cc) provide for adverse event surveillance by monitoring standardized electronic health records, as available;

"(dd) provide for adverse event surveillance by collecting and monitoring other information as the Secretary deems necessary to create a robust system to identify adverse events and potential drug safety signals;

"(ee) enable the program to identify certain trends and patterns with respect to data reported to the program;

"(ff) enable the program to provide regular reports to the Secretary concerning adverse event trends, adverse event patterns, incidence and prevalence of adverse events, laboratory data, and other information determined appropriate, which may include data on comparative national adverse event trends; and

"(gg) enable the program to export data in a form appropriate for further aggregation, statistical analysis, and reporting.

"(ii) TIMELINESS OF REPORTING.—The procedures developed under clause (i) shall ensure that such data are collected, monitored, and reported in a timely, routine, and automatic manner, taking into consideration the need for data completeness, coding, cleansing, and transmission.

"(iii) PRIVATE SECTOR RESOURCES.—To ensure the establishment of the active surveillance infrastructure by the date described under clause (i), the Secretary may, on a temporary or permanent basis, implement systems or products developed by private entities.

"(iv) COMPLEMENTARY APPROACHES.—To the extent the active surveillance infrastructure established under clause (i) is not sufficient to gather data and information relevant to priority drug safety questions, the Secretary shall develop, support, and participate in complementary approaches to gather and analyze such data and information, including—

"(I) approaches that are complementary with respect to assessing the safety of use of a drug in domestic populations not included in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children); and

"(II) existing approaches such as the Vaccine Adverse Event Reporting System and the Vaccine Safety Datalink or successor databases.

"(v) AUTHORITY FOR CONTRACTS.—The Secretary may enter into contracts with public and private entities to fulfill the requirements of this subparagraph.

"(C) RISK IDENTIFICATION AND ANALYSIS.—

"(i) PURPOSE.—To carry out this paragraph, the Secretary shall establish collaborations with other Government, academic, and private entities, including the Centers for Education and Research on Therapeutics under section 912 of the Public Health Service Act, to provide for the risk identification and analysis of the data collected under subparagraph (B) and data that is publicly available or is provided by the Secretary, in order to—

"(I) improve the quality and efficiency of postmarket drug safety risk-benefit analysis;

"(II) provide the Secretary with routine access to expertise to study advanced drug safety data; and

"(III) enhance the ability of the Secretary to make timely assessments based on drug safety data.

"(ii) PUBLIC PROCESS FOR PRIORITY QUESTIONS.—At least biannually, the Secretary shall seek recommendations from the Drug Safety and Risk Management Advisory Committee (or successor committee) and from other advisory committees, as appropriate, to the Food and Drug Administration on—

"(I) priority drug safety questions; and

"(II) mechanisms for answering such questions, including through—

"(aa) routine active surveillance under subparagraph (B); and

"(bb) when such surveillance is not sufficient, postmarket studies under subsection (o)(4)(B) and postapproval clinical trials under subsection (o)(4)(C).

"(iii) PROCEDURES FOR THE DEVELOPMENT OF DRUG SAFETY COLLABORATIONS.—

"(I) IN GENERAL.—Not later than 180 days after the date of the establishment of the active surveillance infrastructure under subparagraph (B), the Secretary shall establish and implement procedures under which the Secretary may routinely collaborate with a qualified entity to—

"(aa) clean, classify, or aggregate data collected under subparagraph (B) and data that is publicly available or is provided by the Secretary;

"(bb) allow for prompt investigation of priority drug safety questions, including—

"(AA) unresolved safety questions for drugs or classes of drugs; and

"(BB) for a newly-approved drug: safety signals from clinical trials used to approve the drug and other preapproval trials; rare, serious drug side effects; and the safety of use in domestic populations not included in the trials used to approve the drug (such as older people, people with comorbidities, pregnant women, or children);

"(cc) perform advanced research and analysis on identified drug safety risks;

"(dd) convene an expert advisory committee to oversee the establishment of standards for the ethical and scientific uses for, and communication of, postmarketing data collected under subparagraph (B), including advising on the development of effective research methods for the study of drug safety questions;

"(ee) focus postmarket studies under subsection (o)(4)(B) and postapproval clinical trials under subsection (o)(4)(C) more effectively on cases for which reports under paragraph (1) and other safety signal detection is not sufficient to resolve whether there is an elevated risk of a serious adverse event associated with the use of a drug; and

"(ff) carry out other activities as the Secretary deems necessary to carry out the purposes of this paragraph.

"(II) REQUEST FOR SPECIFIC METHODOLOGY.—The procedures described in subclause (I) shall permit the Secretary to request that a specific methodology be used by the qualified entity. The qualified entity shall work with the Secretary to finalize the methodology to be used.

"(iv) USE OF ANALYSES.—The Secretary shall provide the analyses described under this subparagraph, including the methods and results of such analyses, about a drug to the sponsor or sponsors of such drug.

"(v) QUALIFIED ENTITIES.—

"(I) IN GENERAL.—The Secretary shall enter into contracts with a sufficient number of qualified entities to develop and provide information to the Secretary in a timely manner.

"(II) QUALIFICATION.—The Secretary shall enter into a contract with an entity under subclause (I) only if the Secretary determines that the entity—

"(aa) has the research capability and expertise to conduct and complete the activities under this paragraph;

"(bb) has in place an information technology infrastructure to support adverse event surveillance data and operational standards to provide security for such data;

"(cc) has experience with, and expertise on, the development of drug safety and effectiveness research using electronic population data;

"(dd) has an understanding of drug development and risk/benefit balancing in a clinical setting; and

"(ee) has a significant business presence in the United States.

"(vi) CONTRACT REQUIREMENTS.—Each contract with a qualified entity shall contain the following requirements:

"(I) ENSURING PRIVACY.—The qualified entity shall provide assurances that the entity will not use the data provided by the Secretary in a manner that violates—

"(aa) the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996; or

"(bb) sections 552 or 552a of title 5, United States Code, with regard to the privacy of individually-identifiable beneficiary health information.

"(II) COMPONENT OF ANOTHER ORGANIZATION.—If a qualified entity is a component of another organization—

"(aa) the qualified entity shall maintain the data related to the activities carried out under this paragraph separate from the other components of the organization and establish appropriate security measures to maintain the confidentiality and privacy of such data; and

"(bb) the entity shall not make an unauthorized disclosure of such data to the other components of the organization in breach of such confidentiality and privacy requirement.

"(III) TERMINATION OR NONRENEWAL.—If a contract with a qualified entity under this subparagraph is terminated or not renewed, the following requirements shall apply:

"(aa) CONFIDENTIALITY AND PRIVACY PROTECTIONS.—The entity shall continue to comply with the confidentiality and privacy requirements under this paragraph with respect to all data disclosed to the entity.

"(bb) DISPOSITION OF DATA.—The entity shall return to the Secretary all data disclosed to the entity or, if returning the data is not practicable, destroy the data.

"(vii) COMPETITIVE PROCEDURES.—The Secretary shall use competitive procedures (as defined in section 4(5) of the Federal Procurement Policy Act) to enter into contracts under clause (v).

"(viii) REVIEW OF CONTRACT IN THE EVEN OF A MERGER OR ACQUISITION.—The Secretary shall review the contract with a qualified entity under this paragraph in the event of a merger or acquisition of the entity in order to ensure that the requirements under this subparagraph will continue to be met.

"(D) COORDINATION.—In carrying out this paragraph, the Secretary shall provide for appropriate communications to the public, scientific, public health, and medical communities, and other key stakeholders, and provide for the coordination of the activities of private entities, professional associations, or other entities that may have sources of surveillance data.".

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out activities under the amendment made by this section for which funds are made available under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), there are authorized to be appropriated to carry out the amendment made by this section, in addition to such funds, $25,000,000 for each of fiscal years 2008 through 2012.

SEC. 202. RISK EVALUATION AND MITIGATION STRATEGIES.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

"(o) RISK EVALUATION AND MITIGATION STRATEGY.—

"(1) IN GENERAL.—In the case of any drug subject to subsection (b) or to section 351 of the Public Health Service Act for which a risk evaluation and mitigation strategy is approved as provided for in this subsection, the applicant shall comply with the requirements of such strategy.

"(2) DEFINITIONS.—In this subsection:

"(A) ADVERSE DRUG EXPERIENCE.—The term 'adverse drug experience' means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including—

"(i) an adverse event occurring in the course of the use of the drug in professional practice;

"(ii) an adverse event occurring from an overdose of the drug, whether accidental or intentional;

"(iii) an adverse event occurring from abuse of the drug;

"(iv) an adverse event occurring from withdrawal of the drug; and

"(v) any failure of expected pharmacological action of the drug.

"(B) NEW SAFETY INFORMATION.—The term 'new safety information' with respect to a drug means information about—

"(i) a serious risk or an unexpected serious risk with use of the drug that the Secretary has become aware of since the later of—

"(I) the date of initial approval of the drug under this section or initial licensure of the drug under section 351 of the Public Health Service Act; or

"(II) if applicable, the last assessment of the approved risk evaluation and mitigation strategy for the drug; or

"(ii) the effectiveness of the approved risk evaluation and mitigation strategy for the drug obtained since the later of—

"(I) the approval of such strategy; or

"(II) the last assessment of such strategy.

"(C) SERIOUS ADVERSE DRUG EXPERIENCE.—The term 'serious adverse drug experience' is an adverse drug experience that—

"(i) results in—

"(I) death;

"(II) the placement of the patient at immediate risk of death from the adverse drug experience as it occurred (not including an adverse drug experience that might have caused death had it occurred in a more severe form);

"(III) inpatient hospitalization or prolongation of existing hospitalization;

"(IV) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions; or

"(V) a congenital anomaly or birth defect; or

"(ii) based on appropriate medical judgment, may jeopardize the patient and may require a medical or surgical intervention to prevent an outcome described under clause (i).

"(D) SERIOUS RISK.—The term 'serious risk' means a risk of a serious adverse drug experience.

"(E) SIGNAL OF A SERIOUS RISK.—The term 'signal of a serious risk' means information related to a serious adverse drug experience derived from—

"(i) a clinical trial;

"(ii) adverse event reports under subsection (k)(1);

"(iii) routine active surveillance under subsection (k)(3);

"(iv) a postapproval study, including a study under paragraph (4)(B); or

"(v) peer-reviewed biomedical literature.

"(F) UNEXPECTED SERIOUS RISK.—The term 'unexpected serious risk' means a serious adverse drug experience that—

"(i) is not listed in the labeling of a drug; or

"(ii) is symptomatically and pathophysiologically related to an adverse drug experience listed in the labeling of the drug, but differs from such adverse drug experience because of greater severity, specificity, or prevalence.

"(3) REQUIRED ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—If a risk evaluation and mitigation strategy for a drug is required, such strategy shall include—

"(A) the labeling for the drug for use by health care providers as approved under subsection (c);

"(B) a timetable for submission of assessments of the strategy, that—

"(i) for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act—

"(I) shall be no less frequently than 18 months and 3 years after the drug is initially approved and at a frequency specified in the strategy for subsequent years; and

"(II) may be eliminated after the first 3 years if the Secretary determines that serious risks of the drug have been adequately identified and assessed and are being adequately managed;

"(ii) for a drug other than a drug described under clause (i), shall occur at a frequency determined by the Secretary; and

"(iii) may be increased or reduced in frequency as necessary as provided for in paragraph (7)(B)(v)(VI).

"(4) ADDITIONAL POTENTIAL EVALUATION ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) RISK EVALUATION.—If a risk evaluation and mitigation strategy for a drug is required, such strategy may include 1 or more of the additional evaluation elements described in this paragraph, so long as the Secretary makes the determination required with respect to each additional included element.

"(B) POSTAPPROVAL STUDIES.—If the Secretary determines that the reports under subsection (k)(1) and routine active surveillance as available under subsection (k)(3) (including available complementary approaches under subsection (k)(3)(B)(iv)) will not be sufficient to—

"(i) assess a signal of a serious risk with use of a drug; or

"(ii) identify, based on a review of a demonstrated pattern of use of the drug, unexpected serious risks in a domestic population, including older people, people with comorbidities, pregnant women, or children,

the risk evaluation and mitigation strategy for the drug may require that the applicant conduct an appropriate postapproval study, such as a prospective or retrospective observational study, of the drug (which shall include a timeframe specified by the Secretary for completing the study and reporting the results to the Secretary).

"(C) POSTAPPROVAL CLINICAL TRIALS.—If the Secretary determines that the reports under subsection (k)(1), routine active surveillance as available under subsection (k)(3) (including available complementary approaches under subsection (k)(3)(B)(iv)), and a study or studies under subparagraph (B) will likely be inadequate to assess a signal of a serious risk with use of a drug, and there is no effective approved application for the drug under subsection (j) as of the date that the requirement is first imposed, the risk evaluation and mitigation strategy for the drug may require that the applicant conduct an appropriate postapproval clinical trial of the drug (which shall include a timeframe specified by the Secretary for completing the clinical trial and reporting the results to the Secretary) to be included in the clinical trial registry data bank provided for under subsections (i) and (j) of section 402 of the Public Health Service Act.

"(5) ADDITIONAL POTENTIAL COMMUNICATION ELEMENTS OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) RISK COMMUNICATION.—If a risk evaluation and mitigation strategy for a drug is required, such strategy may include 1 or more of the additional communication elements described in this paragraph, so long as the Secretary makes the determination required with respect to each additional included element.

"(B) MEDGUIDE; PATIENT PACKAGE INSERT.—The risk evaluation and mitigation strategy for a drug may require that the applicant develop for distribution to each patient when the drug is dispensed either or both of the following:

"(i) A Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations).

"(ii) A patient package insert, if the Secretary determines that such insert may help mitigate a serious risk listed in the labeling of the drug.

"(C) COMMUNICATION PLAN.—If the Secretary determines that a communication plan to health care providers may support implementation of an element of the risk evaluation and mitigation strategy for a drug, such as a labeling change, the strategy may require that the applicant conduct such a plan, which may include—

"(i) sending letters to health care providers;

"(ii) disseminating information about the elements of the strategy to encourage implementation by health care providers of components that apply to such health care providers, or to explain certain safety protocols (such as medical monitoring by periodic laboratory tests); or

"(iii) disseminating information to health care providers through professional societies about any serious risks of the drug and any protocol to assure safe use.

"(D) PREREVIEW.—

"(i) IN GENERAL.—If the Secretary determines that prereview of advertisements is necessary to ensure the inclusion of a true statement in such advertisements of information in brief summary relating to a serious risk listed in the labeling of a drug, or relating to a protocol to ensure the safe use described in the labeling of the drug, the risk evaluation and mitigation strategy for the drug may require that the applicant submit to the Secretary advertisements of the drug for prereview not later than 45 days before dissemination of the advertisement

"(ii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to be submitted under clause (i).

"(E) SPECIFIC DISCLOSURES.—

"(i) SERIOUS RISK; SAFETY PROTOCOL.—If the Secretary determines that advertisements lacking a specific disclosure about a serious risk listed in the labeling of a drug or about a protocol to ensure safe use described in the labeling of the drug would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(ii) DATE OF APPROVAL.—If the Secretary determines that advertisements lacking a specific disclosure of the date a drug was approved and disclosure of a serious risk would be false or misleading, the risk evaluation and mitigation strategy for the drug may require that the applicant include in advertisements of the drug such disclosure.

"(iii) SPECIFICATION OF ADVERTISEMENTS.—The Secretary may specify the advertisements required to include a specific disclosure under clause (i) or (ii).

"(iv) REQUIRED SAFETY SURVEILLANCE.—If the approved risk evaluation and mitigation strategy for a drug requires the specific disclosure under clause (ii), the Secretary shall—

"(I) consider identifying and assessing all serious risks of using the drug to be a priority safety question under subsection (k)(3)(B);

"(II) not less frequently than every 3 months, evaluate the reports under subsection (k)(1) and the routine active surveillance as available under subsection (k)(3) with respect to such priority drug safety question to determine whether serious risks that might occur among patients expected to be treated with the drug have been adequately identified and assessed;

"(III) remove such specific disclosure requirement as an element of such strategy if such serious risks have been adequately identified and assessed; and

"(IV) consider whether a specific disclosure under clause (i) should be required.

"(6) PROVIDING SAFE ACCESS FOR PATIENTS TO DRUGS WITH KNOWN SERIOUS RISKS THAT WOULD OTHERWISE BE UNAVAILABLE.—

"(A) ALLOWING SAFE ACCESS TO DRUGS WITH KNOWN SERIOUS RISKS.—The Secretary may require that the risk evaluation and mitigation strategy for a drug include such elements as are necessary to assure safe use of the drug, because of its inherent toxicity or potential harmfulness, if the Secretary determines that—

"(i) the drug, which has been shown to be effective, but is associated with a serious adverse drug experience, can be approved only if, or would be withdrawn unless, such elements are required as part of such strategy to mitigate a specific serious risk listed in the labeling of the drug; and

"(ii) for a drug initially approved without elements to assure safe use, other elements under paragraphs (3), (4), and (5) are not sufficient to mitigate such serious risk.

"(B) ASSURING ACCESS AND MINIMIZING BURDEN.—Such elements to assure safe use under subparagraph (A) shall—

"(i) be commensurate with the specific serious risk listed in the labeling of the drug;

"(ii) within 30 days of the date on which any element under subparagraph (A) is imposed, be posted publicly by the Secretary with an explanation of how such elements will mitigate the observed safety risk;

"(iii) considering such risk, not be unduly burdensome on patient access to the drug, considering in particular—

"(I) patients with serious or life-threatening diseases or conditions; and

"(II) patients who have difficulty accessing health care (such as patients in rural or medically underserved areas); and

"(iv) to the extent practicable, so as to minimize the burden on the health care delivery system—

"(I) conform with elements to assure safe use for other drugs with similar, serious risks; and

"(II) be designed to be compatible with established distribution, procurement, and dispensing systems for drugs.

"(C) ELEMENTS TO ASSURE SAFE USE.—The elements to assure safe use under subparagraph (A) shall include 1 or more goals to mitigate a specific serious risk listed in the labeling of the drug and, to mitigate such risk, may require that—

"(i) health care providers who prescribe the drug have particular training or experience, or are specially certified (which training or certification with respect to the drug shall be available to any willing provider from a frontier area in a widely available training or certification method (including an on-line course or via mail) as approved by the Secretary at minimal cost to the provider);

"(ii) pharmacies, practitioners, or health care settings that dispense the drug are specially certified (which certification shall be available to any willing provider from a frontier area);

"(iii) the drug be dispensed to patients only in certain health care settings, such as hospitals;

"(iv) the drug be dispensed to patients with evidence or other documentation of safe-use conditions, such as laboratory test results;

"(v) each patient using the drug be subject to certain monitoring; or

"(vi) each patient using the drug be enrolled in a registry.

"(D) IMPLEMENTATION SYSTEM.—The elements to assure safe use under subparagraph (A) that are described in clauses (ii), (iii), or (iv) of subparagraph (C) may include a system through which the applicant is able to take reasonable steps to—

"(i) monitor and evaluate implementation of such elements by health care providers, pharmacists, and other parties in the health care system who are responsible for implementing such elements; and

"(ii) work to improve implementation of such elements by such persons.

"(E) EVALUATION OF ELEMENTS TO ASSURE SAFE USE.—The Secretary, through the Drug Safety and Risk Management Advisory Committee (or successor committee) of the Food and Drug Administration, shall—

"(i) seek input from patients, physicians, pharmacists, and other health care providers about how elements to assure safe use under this paragraph for 1 or more drugs may be standardized so as not to be—

"(I) unduly burdensome on patient access to the drug; and

"(II) to the extent practicable, minimize the burden on the health care delivery system;

"(ii) at least annually, evaluate, for 1 or more drugs, the elements to assure safe use of such drug to assess whether the elements—

"(I) assure safe use of the drug;

"(II) are not unduly burdensome on patient access to the drug; and

"(III) to the extent practicable, minimize the burden on the health care delivery system; and

"(iii) considering such input and evaluations—

"(I) issue or modify agency guidance about how to implement the requirements of this paragraph; and

"(II) modify elements under this paragraph for 1 or more drugs as appropriate.

"(F) ADDITIONAL MECHANISMS TO ASSURE ACCESS.—The mechanisms under section 561 to provide for expanded access for patients with serious or life-threatening diseases or conditions may be used to provide access for patients with a serious or life-threatening disease or condition, the treatment of which is not an approved use for the drug, to a drug that is subject to elements to assure safe use under this paragraph. The Secretary shall promulgate regulations for how a physician may provide the drug under the mechanisms of section 561.

"(G) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this paragraph during the period described in section 319(a) of the Public

Health Service Act with respect to a qualified countermeasure described under section 319F-1(a)(2) of such Act, to which a requirement under this paragraph has been applied, if the Secretary has—

"(i) declared a public health emergency under such section 319; and

"(ii) determined that such waiver is required to mitigate the effects of, or reduce the severity of, such public health emergency.

"(7) SUBMISSION AND REVIEW OF RISK EVALUATION AND MITIGATION STRATEGY.—

"(A) PROPOSED RISK EVALUATION AND MITIGATION STRATEGY.—

"(i) VOLUNTARY PROPOSAL.—If there is a signal of a serious risk with a drug, an applicant may include a proposed risk evaluation and mitigation strategy for the drug in an application, including in a supplemental application, for the drug under subsection (b) or section 351 of the Public Health Service Act.

"(ii) REQUIRED PROPOSAL.—

"(I) DETERMINATION NECESSARY TO REQUIRE A PROPOSAL.—

"(aa) IN GENERAL.—The Secretary may require that the applicant for a drug submit a proposed risk evaluation and mitigation strategy for a drug if the Secretary (acting through the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug) determines that, based on a signal of a serious risk with the drug, a risk evaluation and mitigation strategy is necessary to assess such signal or mitigate such serious risk.

"(bb) NON-DELEGATION.—A determination under item (aa) for a drug shall be made by individuals at or above the level of individuals empowered to approve a drug (such as division directors within the Center for Drug Evaluation and Research).

"(II) CIRCUMSTANCES IN WHICH A PROPOSAL MAY BE REQUIRED.—The applicant shall submit a proposed risk evaluation and mitigation strategy for a drug—

"(aa) in response to a letter from the Secretary (acting through the office responsible for reviewing the drug and the office responsible for postapproval safety with respect to the drug) sent regarding an application, including a supplemental application, for the drug, if the Secretary determines that data or information in the application indicates that an element under paragraph (4), (5), or (6) should be included in a strategy for the drug;

"(bb) within a timeframe specified by the Secretary, not to be less than 45 days, when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that—

"(AA) the labeling of the drug should be changed; or

"(BB) an element under paragraph (4) or (5) should be included in a strategy for the drug; or

"(cc) within 90 days when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that an element under paragraph (6) should be included in a strategy for the drug.

"(iii) CONTENT OF LETTER.—A letter under clause (ii)(II)(aa) shall describe—

"(I) the data or information in the application that warrants the proposal of a risk evaluation and mitigation strategy for the drug; and

"(II) what elements under paragraphs (4), (5), or (6) should be included in a strategy for the drug.

"(iv) CONTENT OF ORDER.—An order under item (aa) or (bb) of clause (ii)(II) shall describe—

"(I) the new safety information with respect to the drug that warrants the proposal of a risk evaluation and mitigation strategy for the drug; and

"(II) whether and how the labeling of the drug should be changed and what elements under paragraphs (4), (5), or (6) should be included in a strategy for the drug.

"(v) CONTENT OF PROPOSAL.—A proposed risk evaluation and mitigation strategy—

"(I) shall include a timetable as described under paragraph (3)(B); and

"(II) may also include additional elements as provided for under paragraphs (4), (5), and (6).

"(B) ASSESSMENT AND MODIFICATION OF A RISK EVALUATION AND MITIGATION STRATEGY.—

"(i) VOLUNTARY ASSESSMENTS.—If a risk evaluation and mitigation strategy for a drug is required, the applicant may submit to the Secretary an assessment of, and propose a modification to, such approved strategy for the drug at any time.

"(ii) REQUIRED ASSESSMENTS.—If a risk evaluation and mitigation strategy for a drug is required, the applicant shall submit an assessment of, and may propose a modification to, such approved strategy for the drug—

"(I) when submitting an application, including a supplemental application, for a new indication under subsection (b) or section 351 of the Public Health Service Act;

"(II) when required by the strategy, as provided for in the timetable under paragraph (3)(B);

"(III) within a timeframe specified by the Secretary, not to be less than 45 days, when ordered by the Secretary (acting through the offices described in subparagraph (A)(ii)(I)), if the Secretary determines that new safety information indicates that an element under paragraph (3) or (4) should be modified or added to the strategy;

"(IV) within 90 days when ordered by the Secretary (acting through such offices), if the Secretary determines that new safety information indicates that an element under paragraph (6) should be modified or added to the strategy; or

"(V) within 15 days when ordered by the Secretary (acting through such offices), if the Secretary determines that there may be a cause for action by the Secretary under subsection (e).

"(iii) CONTENT OF ORDER.—An order under subclauses (III), (IV), or (V) of clause (ii) shall describe—

"(I) the new safety information with respect to the drug that warrants an assessment of the approved risk evaluation and mitigation strategy for the drug; and

"(II) whether and how such strategy should be modified because of such information.

"(iv) ASSESSMENT.—An assessment of the approved risk evaluation and mitigation strategy for a drug shall include—

"(I) a description of new safety information, if any, with respect to the drug;

"(II) whether and how to modify such strategy because of such information;

"(III) with respect to any postapproval study required under paragraph (4)(B) or otherwise undertaken by the applicant to investigate a safety issue, the status of such study, including whether any difficulties completing the study have been encountered;

"(IV) with respect to any postapproval clinical trial required under paragraph (4)(C) or otherwise undertaken by the applicant to investigate a safety issue, the status of such clinical trial, including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to requirements under subsections (i) and (j) of section 402 of the Public Health Service Act; and

"(V) with respect to any goal under paragraph (6) and considering input and evaluations, if applicable, under paragraph (6)(E), an assessment of how well the elements to assure safe use are meeting the goal of increasing safe access to drugs with known serious risks or whether the goal or such elements should be modified.

"(v) MODIFICATION.—A modification (whether an enhancement or a reduction) to the approved risk evaluation and mitigation strategy for a drug may include the addition or modification of any element under subparagraph (A) or (B) of paragraph (3) or the addition, modification, or removal of any element under paragraph (4), (5), or (6), such as—

"(I) a labeling change, including the addition of a boxed warning;

"(II) adding a postapproval study or clinical trial requirement;

"(III) modifying a postapproval study or clinical trial requirement (such as a change in trial design due to legitimate difficulties recruiting participants);

"(IV) adding, modifying, or removing an element on advertising under subparagraph (D), (E), or (F) of paragraph (5);

"(V) adding, modifying, or removing an element to assure safe use under paragraph (6); or

"(VI) modifying the timetable for assessments of the strategy under paragraph (3)(B), including to eliminate assessments.

"(C) REVIEW.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall promptly review the proposed risk evaluation and mitigation strategy for a drug submitted under subparagraph (A), or an assessment of the approved risk evaluation and mitigation strategy for a drug submitted under subparagraph (B).

"(D) DISCUSSION.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall initiate discussions of the proposed risk evaluation and mitigation strategy for a drug submitted under subparagraph (A), or of an assessment of the approved risk evaluation and mitigation strategy for a drug submitted under subparagraph (B), with the applicant to determine a strategy—

"(i) if the proposed strategy or assessment is submitted as part of an application (including a supplemental application) under subparagraph (A)(i), (A)(ii)(II)(aa), or (B)(ii)(I), by the target date for communication of feedback from the review team to the applicant regarding proposed labeling and postmarketing study commitments, as set forth in the letters described in section 735(a);

"(ii) if the proposed strategy is submitted under subparagraph (A)(ii)(II)(bb) or the assessment is submitted under subclause (II) or (III) of subparagraph (B)(ii), not later than 20 days after such submission;

"(iii) if the proposed strategy is submitted under subparagraph (A)(ii)(II)(cc) or the assessment is submitted under subparagraph (B)(i) or under subparagraph (B)(ii)(IV), not later than 30 days after such submission; or

"(iv) if the assessment is submitted under subparagraph (B)(ii)(V), not later than 10 days after such submission.

"(E) ACTION.—

"(i) IN GENERAL.—Unless the applicant requests the dispute resolution process as described under subparagraph (F) or (G), the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) shall approve and include the risk evaluation and mitigation strategy for a drug, or any modification to the strategy (including a timeframe for implementing such modification), with—

"(I) the action letter on the application, if a proposed strategy is submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) or an assessment of the strategy is submitted under subparagraph (B)(ii)(I); or

"(II) an order, which shall be made public, issued not later than 50 days after the date discussions of such proposed strategy or modification begin under subparagraph (D), if a proposed strategy is submitted under item (bb) or (cc) of subparagraph (A)(ii)(II) or an assessment of the strategy is submitted under subparagraph (B)(i) or under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii).

"(ii) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided under clause (i).

"(F) DISPUTE RESOLUTION AT INITIAL APPROVAL.—If a proposed risk evaluation and mitigation strategy is submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) in an application for initial approval of a drug and there is a dispute about the strategy, the applicant shall use the major dispute resolution procedures as set forth in the letters described in section 735(a).

"(G) DISPUTE RESOLUTION IN ALL OTHER CASES.—

"(i) REQUEST FOR REVIEW.—In any case other than a submission under subparagraph (A)(i) or (A)(ii)(II)(aa) in an application for initial approval of a drug if there is a dispute about the strategy, not earlier than 15 days, and not later than 35 days, after discussions under subparagraph (D) have begun, the applicant shall request in writing that the dispute be reviewed by the Drug Safety Oversight Board.

"(ii) SCHEDULING REVIEW.—If the applicant requests review under clause (i), the Secretary—

"(I)(aa) shall schedule the dispute for review at 1 of the next 2 regular meetings of the Drug Safety Oversight Board, whichever meeting date is more practicable; or

"(bb) may convene a special meeting of the Drug Safety Oversight Board to review the matter more promptly, including to meet an action deadline on an application (including a supplemental application);

"(II) shall give advance notice to the public through the Federal Register and on the Internet website of the Food and Drug Administration—

"(aa) that the drug is to be discussed by the Drug Safety Oversight Board; and

"(bb) of the date on which the Drug Safety Oversight Board shall discuss such drug; and

"(III) shall apply section 301(j), section 552 of title 5, and section 1905 of title 18, United States Code, to any request for information about such review.

"(iii) AGREEMENT AFTER DISCUSSION OR ADMINISTRATIVE APPEALS.—

"(I) FURTHER DISCUSSION OR ADMINISTRATIVE APPEALS.—A request for review under clause (i) shall not preclude—

"(aa) further discussions to reach agreement on the risk evaluation and mitigation strategy; or

"(bb) the use of administrative appeals within the Food and Drug Administration to reach agreement on the strategy, including the major dispute resolution procedures as set forth in the letters described in section 735(a).

"(II) AGREEMENT TERMINATES DISPUTE RESOLUTION.—At any time before a decision and order is issued under clause (vi), the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) and the applicant may reach an agreement on the risk evaluation and mitigation strategy through further discussion or administrative appeals, terminating the dispute resolution process, and the Secretary shall issue an action letter or order, as appropriate, that describes the strategy.

"(iv) MEETING OF THE BOARD.—At the meeting of the Drug Safety Oversight Board described in clause (ii), the Board shall—

"(I) hear from both parties; and

"(II) review the dispute.

"(v) RECOMMENDATION OF THE BOARD.—Not later than 5 days after such meeting of the Drug Safety Oversight Board, the Board shall provide a written recommendation on resolving the dispute to the Secretary.

"(vi) ACTION BY THE SECRETARY.—

"(I) ACTION LETTER.—With respect to a proposed risk evaluation and mitigation strategy submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) or to an assessment of the strategy submitted under subparagraph (B)(ii)(I), the Secretary shall issue an action letter that resolves the dispute not later than the later of—

"(aa) the action deadline for the action letter on the application; or

"(bb) 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(II) ORDER.—With respect to a proposed risk evaluation and mitigation strategy submitted under item (bb) or (cc) of subparagraph (A)(ii)(II) or an assessment of the risk evaluation and mitigation strategy under subparagraph (B)(i) or under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii), the Secretary shall issue an order, which (with the recommendation of the Drug Safety Oversight Board) shall be made public, that resolves the dispute not later than 7 days after receiving the recommendation of the Drug Safety Oversight Board.

"(vii) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided for under clause (vi).

"(viii) EFFECT ON ACTION DEADLINE.—With respect to the application or supplemental application in which a proposed risk evaluation and mitigation strategy is submitted under subparagraph (A)(i) or (A)(ii)(II)(aa) or in which an assessment of the strategy is submitted under subparagraph (B)(ii)(I), the Secretary shall be considered to have met the action deadline for the action letter on such application if the applicant requests the dispute resolution process described in this subparagraph and if the Secretary—

"(I) has initiated the discussions described under subparagraph (D) by the target date referred to in subparagraph (D)(i); and

"(II) has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under clauses (ii), (v), and (vi), respectively.

"(ix) DISQUALIFICATION.—No individual who is an employee of the Food and Drug Administration and who reviews a drug or who participated in an administrative appeal under clause (iii)(I) with respect to such drug may serve on the Drug Safety Oversight Board at a meeting under clause (iv) to review a dispute about the risk evaluation and mitigation strategy for such drug.

"(x) ADDITIONAL EXPERTISE.—The Drug Safety Oversight Board may add members with relevant expertise from the Food and Drug Administration, including the Office of Pediatrics, the Office of Women's Health, or the Office of Rare Diseases, or from other Federal public health or health care agencies, for a meeting under clause (iv) of the Drug Safety Oversight Board.

"(H) USE OF ADVISORY COMMITTEES.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may convene a meeting of 1 or more advisory committees of the Food and Drug Administration to—

"(i) review a concern about the safety of a drug or class of drugs, including before an assessment of the risk evaluation and mitigation strategy or strategies of such drug or drugs is required to be submitted under subclause (II), (III), (IV), or (V) of subparagraph (B)(ii);

"(ii) review the risk evaluation and mitigation strategy or strategies of a drug or group of drugs; or

"(iii) with the consent of the applicant, review a dispute under subparagraph (G).

"(I) PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—

"(i) IN GENERAL.—When a concern about a serious risk of a drug may be related to the pharmacological class of the drug, the Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may defer assessments of the approved risk evaluation and mitigation strategies for such drugs until the Secretary has—

"(I) convened, after appropriate public notice, 1 or more public meetings to consider possible responses to such concern; or

"(II) gathered additional information or data about such concern.

"(ii) PUBLIC MEETINGS.—Such public meetings may include—

"(I) 1 or more meetings of the applicants for such drugs;

"(II) 1 or more meetings of 1 or more advisory committees of the Food and Drug Administration, as provided for under subparagraph (H); or

"(III) 1 or more workshops of scientific experts and other stakeholders.

"(iii) ACTION.—After considering the discussions from any meetings under clause (ii), the Secretary may—

"(I) announce in the Federal Register a planned regulatory action, including a modification to each risk evaluation and mitigation strategy, for drugs in the pharmacological class;

"(II) seek public comment about such action; and

"(III) after seeking such comment, issue an order addressing such regulatory action.

"(J) INTERNATIONAL COORDINATION.—The Secretary (acting through the offices described in subparagraph (A)(ii)(I)) may coordinate the timetable for submission of assessments under paragraph (3)(B), a study under paragraph (4)(B), or a clinical trial under paragraph (4)(C), with efforts to identify and assess the serious risks of such drug by the marketing authorities of other countries whose drug approval and risk management processes the Secretary deems comparable to the drug approval and risk management processes of the United States.

"(K) EFFECT.—Use of the processes described in subparagraphs (I) and (J) shall not delay action on an application or a supplement to an application for a drug.

"(L) NO EFFECT ON LABELING CHANGES THAT DO NOT REQUIRE PREAPPROVAL.—In the case of a labeling change to which section 314.70 of title 21, Code of Federal Regulations (or any successor regulation), applies for which the submission of a supplemental application is not required or for which distribution of the drug involved may commence upon the receipt by the Secretary of a supplemental application for the change, the submission of an assessment of the approved risk evaluation and mitigation strategy for the drug under this subsection is not required.

"(8) DRUG SAFETY OVERSIGHT BOARD.—

"(A) IN GENERAL.—There is established a Drug Safety Oversight Board.

"(B) COMPOSITION; MEETINGS.—The Drug Safety Oversight Board shall—

"(i) be composed of scientists and health care practitioners appointed by the Secretary, each of whom is an employee of the Federal Government;

"(ii) include representatives from offices throughout the Food and Drug Administration (including the offices responsible for postapproval safety of drugs);

"(iii) include at least 1 representative each from the National Institutes of Health, the Department of Health and Human Services (other than the Food and Drug Administration), and the Veterans Health Administration; and

"(iv) meet at least monthly to provide oversight and advice to the Secretary on the management of important drug safety issues.

"(9) CIVIL MONETARY PENALTY.—Notwithstanding any other provision of this Act, an applicant (as such term is defined for purposes of this section) that knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under this subsection shall be subject to a civil money penalty of $250,000 for the first 30-day period that the applicant is in noncompliance, and such amount shall double for every 30-day period thereafter that the requirement is not complied with, not to exceed $2,000,000.".

SEC. 203. ENFORCEMENT.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

"(x) If it is a drug subject to an approved risk evaluation and mitigation strategy under section 505(o) and the applicant for such drug fails to—

"(1) make a labeling change required by such strategy after the Secretary has approved such strategy or completed review of, and acted on, an assessment of such strategy under paragraph (7) of such section; or

"(2) comply with a requirement of such strategy with respect to advertising as provided for under subparagraph (D), (E), or (F) of paragraph (5) of such section.".

(b) CIVIL PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(2) by inserting after paragraph (2) the following:

"(3) An applicant (as such term is used in section 505(o)) who knowingly fails to comply with a requirement of an approved risk evaluation and mitigation strategy under such section 505(o) shall be subject to a civil money penalty of not less than $15,000 and not more than $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding.";

(3) in paragraph (2)(C), by striking "paragraph (3)(A)" and inserting "paragraph (4)(A)";

(4) in paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" each place it appears and inserting "paragraph (1), (2), or (3)"; and

(5) in paragraph (6), as so redesignated, by striking "paragraph (4)" each place it appears and inserting "paragraph (5)".

SEC. 204. REGULATION OF DRUGS THAT ARE BIOLOGICAL PRODUCTS.

Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(2), by adding at the end the following:

"(D) RISK EVALUATION AND MITIGATION STRATEGY.—A person that submits an application for a license for a drug under this paragraph may submit to the Secretary as part of the application a proposed risk evaluation and mitigation strategy as described under section 505(o) of the Federal Food, Drug, and Cosmetic Act."; and

(2) in subsection (j), by inserting ", including the requirements under section 505(o) of such Act," after ", and Cosmetic Act".

SEC. 205. NO EFFECT ON WITHDRAWAL OR SUSPENSION OF APPROVAL.

Section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) is amended by adding at the end the following: "The Secretary may withdraw the approval of an application submitted under this section, or suspend the approval of such an application, as provided under this subsection, without first ordering the applicant to submit an assessment of the approved risk evaluation and mitigation strategy for the drug under subsection (o)(7)(B)(ii)(V).".

SEC. 206. DRUGS SUBJECT TO AN ABBREVIATED NEW DRUG APPLICATION.

Section 505(j)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)) is amended by adding at the end the following:

"(E) RISK EVALUATION AND MITIGATION STRATEGY REQUIREMENT.—

"(i) IN GENERAL.—A drug that is the subject of an abbreviated new drug application under this subsection shall be subject to only the following elements of the approved risk evaluation and mitigation strategy if required under subsection (o) for the applicable listed drug:

"(I) Labeling, as required under subsection (o)(3)(A) for the applicable listed drug.

"(II) A Medication Guide or patient package insert, if required under subsection (o)(5)(B) for the applicable listed drug.

"(III) Prereview of advertising, if required under subsection (o)(5)(D) for the applicable listed drug.

"(IV) Specific disclosures in advertising, if required under subsection (o)(5)(E) for the applicable listed drug.

"(V) Elements to assure safe use, if required under subsection (o)(6) for the applicable listed drug, except that such drug may use a different, comparable aspect of such elements as are necessary to assure safe use of such drug if—

"(aa) the corresponding aspect of the elements to assure safe use for the applicable listed drug is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection; and

"(bb) the applicant certifies that it has sought a license for use of such aspect of the elements to assure safe use for the applicable listed drug.

"(ii) ACTION BY SECRETARY.—For an applicable listed drug for which a drug is approved under this subsection, the Secretary—

"(I) shall undertake any communication plan to health care providers required under section (o)(5)(C) for the applicable listed drug;

"(II) shall conduct, or contract for, any postapproval study required under subsection (o)(4)(B) for the applicable listed drug;

"(III) shall inform the applicant for a drug approved under this subsection if the approved risk evaluation and mitigation strategy for the applicable listed drug is modified; and

"(IV) in order to minimize the burden on the health care delivery system of different elements to assure safe use for the drug approved under this subsection and the applicable listed drug, may seek to negotiate a voluntary agreement with the owner of the patent, method, or process for a license under which the applicant for such drug may use an aspect of the elements to assure safe use, if required under subsection (o)(6) for the applicable listed drug, that is claimed by a patent that has not expired or is a method or process that as a trade secret is entitled to protection.".

SEC. 207. RESOURCES.

(a) USER FEES.—Subparagraph (F) of section 735(d)(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(d)(6)), as amended by section 103, is amended—

(1) in clause (ii), by striking "systems); and" and inserting "systems);"

(2) in clause (iii), by striking "bases)." and inserting "bases); and"; and

(3) by adding at the end the following:

"(iv) reviewing, implementing, and ensuring compliance with risk evaluation and mitigation strategies.".

(b) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—Section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), as amended by section 103, is amended by—

(1) striking the subsection designation and all that follows through ".—Except" and inserting the following:

"(b) FEE REVENUE AMOUNTS.—

"(1) IN GENERAL.—Except"; and

(2) adding at the end the following:

"(2) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—

"(A) IN GENERAL.—Subject to subparagraph (C), in each of fiscal years 2008 through 2012, paragraph (1) shall be applied by substituting the amount determined under subparagraph (B) for '$392,783,000'.

"(B) AMOUNT DETERMINED.—For any fiscal year 2008 through 2012, the amount determined under this subparagraph is the sum of—

"(i) $392,783,000; plus

"(ii) the amount equal to—

"(I)(aa) for fiscal year 2008, $25,000,000;

"(bb) for fiscal year 2009, $35,000,000;

"(cc) for fiscal year 2010, $45,000,000;

"(dd) for fiscal year 2011, $55,000,000; and

"(ee) for fiscal year 2012, $65,000,000; minus

"(II) the amount equal to one-fifth of the excess amount in item (bb), provided that—

"(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

"(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any fiscal year 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008.'

"(C) Limitation.—This paragraph shall not apply for any fiscal year if the amount described under subparagraph (B)(ii) is less than 0.".

(c) Strategic Plan for Information Technology.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services (referred to in this title as the "Secretary") shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives, a strategic plan on information technology that includes—

(1) an assessment of the information technology infrastructure, including systems for data collection, access to data in external health care databases, data mining capabilities, personnel, and personnel training programs, needed by the Food and Drug Administration to—

(A) comply with the requirements of this subtitle (and the amendments made by this subtitle);

(B) achieve interoperability within and among the centers of the Food and Drug Administration and between the Food and Drug Administration and product application sponsors;

(C) utilize electronic health records;

(D) implement routine active surveillance under section 505(k)(3) (including complementary approaches under subsection (c) of such section) of the Federal Food, Drug, and Cosmetic Act, as added by section 201 of this Act; and

(E) communicate drug safety information to physicians and other health care providers;

(2) an assessment of the extent to which the current information technology assets of the Food and Drug Administration are sufficient to meet the needs assessments under paragraph (1);

(3) a plan for enhancing the information technology assets of the Food and Drug Administration toward meeting the needs assessments under paragraph (1); and

(4) an assessment of additional resources needed to so enhance the information technology assets of the Food and Drug Administration.

SEC. 208. SAFETY LABELING CHANGES.

(a) In General.—Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

"SEC. 506D. SAFETY LABELING CHANGES.

"(a) New Safety Information.—

"(1) Notification.—The holder of an approved application under section 505 of this Act or a license under section 351 of the Public Health Service Act (referred to in this section as a 'holder') shall promptly notify the Secretary if the holder becomes aware of new safety information that the holder believes should be included in the labeling of the drug. The Secretary shall promptly notify the holder if the Secretary becomes aware of new safety information that the Secretary believes should be included in the labeling of the drug.

"(2) Discussion regarding labeling changes.—Following notification pursuant to paragraph (1), the Secretary and holder shall initiate discussions of the new safety information in order to reach agreement on whether the labeling for the drug should be modified to reflect the new safety information and, if so, on the contents of such labeling changes.

"(3) Supplement.—If the Secretary determines that there is reasonable scientific evidence that an adverse event is associated with use of the drug, the Secretary may request the holder to submit a supplement to an application under section 505 of this Act or to a license under section 351 of the Public Health Service Act (referred to in this section as a 'supplement') proposing changes to the approved labeling to reflect the new safety information, including changes to boxed warnings, contraindications, warnings, precautions, or adverse reactions (referred to in this section as a 'safety labeling change'). If the Secretary determines that no safety labeling change is necessary or appropriate based upon the new safety information, the Secretary shall notify the holder of this determination in writing.

"(b) Labeling Supplements.—

"(1) In general.—The holder shall submit a supplement whenever the holder seeks, either at the holder's own initiative or at the request of the Secretary, to make a safety labeling change.

"(2) Nonaccelerated process.—Unless the accelerated labeling review process described in subsection (c) is initiated, any supplement proposing a safety labeling change shall be reviewed and acted upon by the Secretary not later than 30 days after the date the Secretary receives the supplement. Until the Secretary acts on such a supplement proposing a safety labeling change, the existing approved labeling shall remain in effect and be distributed by the holder without change.

"(3) New safety information.—Nothing in this section shall prohibit the Secretary from informing health care professionals or the public about new safety information prior to approval of a supplement proposing a safety labeling change.

"(c) Accelerated Labeling Review Process.—An accelerated labeling review process shall be available to resolve disagreements in a timely manner between the Secretary and a holder about the need for, or content of, a safety labeling change, as follows:

"(1) Request to initiate accelerated process.—The accelerated labeling review process shall be initiated upon the written request of either the Secretary or the holder. Such request may be made at any time after the notification described in subsection (a)(1), including during the Secretary's review of a supplement proposing a safety labeling change.

"(2) Scientific discussion and meetings.—

"(A) In general.—Following initiation of the accelerated labeling review process, the Secretary and holder shall immediately initiate discussions to review and assess the new safety information and to reach agreement on whether safety labeling changes are necessary and appropriate and, if so, the content of such safety labeling changes.

"(B) Time period.—The discussions under this paragraph shall not extend for more than 45 calendar days after the initiation of the accelerated labeling review process.

"(C) Dispute proceedings.—If the Secretary and holder do not reach an agreement regarding the safety labeling changes by not later than 25 calendar days after the initiation of the accelerated labeling review process, the dispute automatically shall be referred to the director of the drug evaluation office responsible for the drug under consideration, who shall be required to take an active role in such discussions.

"(3) Request for safety labeling change and failure to agree.—If the Secretary and holder fail to reach an agreement on appropriate safety labeling changes by not later than 45 calendar days after the initiation of the accelerated labeling review process—

"(A) on the next calendar day (other than a weekend or Federal holiday) after such period, the Secretary shall—

"(i) request in writing that the holder make any safety labeling change that the Secretary determines to be necessary and appropriate based upon the new safety information; or

"(ii) notify the holder in writing that the Secretary has determined that no safety labeling change is necessary or appropriate; and

"(B) if the Secretary fails to act within the specified time, or if the holder does not agree to make a safety labeling change requested by the Secretary or does not agree with the Secretary's determination that no labeling change is necessary or appropriate, the Secretary (on his own initiative or upon request by the holder) shall refer the matter for expedited review to the Drug Safety Oversight Board.

"(4) Action by the Drug Safety Oversight Board.—Not later than 45 days after receiving a referral under paragraph (3)(B), the Drug Safety Oversight Board shall—

"(A) review the new safety information;

"(B) review all written material submitted by the Secretary and the holder;

"(C) convene a meeting to hear oral presentations and arguments from the Secretary and holder; and

"(D) make a written recommendation to the Secretary—

"(i) concerning appropriate safety labeling changes, if any; or

"(ii) stating that no safety labeling changes are necessary or appropriate based upon the new safety information.

"(5) Consideration of recommendations.—

"(A) Action by the secretary.—The Secretary shall consider the recommendation of the Drug Safety Oversight Board made under paragraph (4)(D) and, not later than 20 days after receiving the recommendation—

"(i) issue an order requiring the holder to make any safety labeling change that the Secretary determines to be necessary and appropriate; or

"(ii) if the Secretary determines that no safety labeling change is necessary or appropriate, the Secretary shall notify the holder of this determination in writing.

"(B) Failure to act.—If the Secretary fails to act by not later than 20 days after receiving the recommendation of the Drug Safety Oversight Board, the written recommendation of the Drug Safety Oversight Board shall be considered the order of the Secretary under this paragraph.

"(C) Nondelegation.—The Secretary's authority under this paragraph shall not be redelegated to an individual below the level of the Director of the Center for Drug Evaluation and Research, or the Director of the Center for Biologics Evaluation and Research, of the Food and Drug Administration.

"(6) Misbranding.—If the holder, not later than 10 days after receiving an order under subparagraph (A) or (B) of paragraph (5), does not agree to make a safety labeling change ordered by the Secretary, the Secretary may deem the drug that is the subject of the request to be misbranded.

"(d) Rule of Construction.—Nothing in this section shall be construed to change the standards in existence on the date of enactment of this section for determining whether safety labeling changes are necessary or appropriate.".

(b) Conforming Amendment.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 et seq.), as amended by section 203, is further amended by adding at the end the following:

"(y) If it is a drug and the holder does not agree to make a safety labeling change ordered by the Secretary under section 506D(c) within 10 days after issuance of such an order.".

SEC. 209. POSTMARKET DRUG SAFETY INFORMATION FOR PATIENTS AND PROVIDERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 251, is amended by adding at the end the following:

"(r) Postmarket Drug Safety Information for Patients and Providers.—

"(1) Establishment.—Not later than 1 year after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, the Secretary shall improve the transparency of pharmaceutical data and allow patients and health care providers better access to pharmaceutical data by developing and maintaining an Internet website that—

"(A) provides comprehensive drug safety information for prescription drugs that are approved by the Secretary under this section or licensed under section 351 of the Public Health Service Act; and

"(B) improves communication of drug safety information to patients and providers.

"(2) Internet website.—The Secretary shall carry out paragraph (1) by—

"(A) developing and maintaining an accessible, consolidated Internet website with easily searchable drug safety information, including the information found on United States Government Internet websites, such as the United States National Library of Medicine's Daily Med and Medline Plus websites, in addition to other such websites maintained by the Secretary;

"(B) ensuring that the information provided on the Internet website is comprehensive and includes, when available and appropriate—

"(i) patient labeling and patient packaging inserts;

"(ii) a link to a list of each drug, whether approved under this section or licensed under such section 351, for which a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations), is required;

"(iii) a link to the clinical trial registry data bank provided for under subsections (i) and (j) of section 402 of the Public Health Service Act;

"(iv) the most recent safety information and alerts issued by the Food and Drug Administration for drugs approved by the Secretary under this section, such as product recalls, warning letters, and import alerts;

"(v) publicly available information about implemented RiskMAPs and risk evaluation and mitigation strategies under subsection (o);

"(vi) guidance documents and regulations related to drug safety; and

"(vii) other material determined appropriate by the Secretary;

"(C) including links to non-Food and Drug Administration Internet resources that provide access to relevant drug safety information, such as medical journals and studies;

"(D) providing access to summaries of the assessed and aggregated data collected from the active surveillance infrastructure under subsection (k)(3) to provide information of known and serious side-effects for drugs approved by the Secretary under this section or licensed under such section 351;

"(E) enabling patients, providers, and drug sponsors to submit adverse event reports through the Internet website;

"(F) providing educational materials for patients and providers about the appropriate means of disposing of expired, damaged, or unusable medications; and

"(G) supporting initiatives that the Secretary determines to be useful to fulfill the purposes of the Internet website.

"(3) Posting of drug labeling.—The Secretary shall post on the Internet website established under paragraph (1) the approved professional labeling and any required patient labeling of a drug approved under this section or licensed under such section 351 not later than 21 days after the date the drug is approved or licensed, including in a supplemental application with respect to a labeling change.

"(4) Private sector resources.—To ensure development of the Internet website by the date described in paragraph (1), the Secretary may, on a temporary or permanent basis, implement systems or products developed by private entities.

"(5) Authority for contracts.—The Secretary may enter into contracts with public and private entities to fulfill the requirements of this subsection.

"(6) Review.—The Advisory Committee on Risk Communication under section 566 shall, on a regular basis, perform a comprehensive review and evaluation of the types of risk communication information provided on the Internet website established under paragraph (1) and, through other means, shall identify, clarify, and define the purposes and types of information available to facilitate the efficient flow of information to patients and providers, and shall recommend ways for the Food and Drug Administration to work with outside entities to help facilitate the dispensing of risk communication information to patients and providers.".

SEC. 210. ACTION PACKAGE FOR APPROVAL.

Section 505(l) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(l)) is amended by—

(1) redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(2) striking "(l) Safety and" and inserting "(l)(1) Safety and"; and

(3) adding at the end the following:

"(2) Action Package for Approval.—

"(A) Action package.—The Secretary shall publish the action package for approval of an application under subsection (b) or section 351 of the Public Health Service Act on the Internet website of the Food and Drug Administration—

"(i) not later than 30 days after the date of approval of such application for a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act; and

"(ii) not later than 30 days after the third request for such action package for approval received under section 552 of title 5, United States Code, for any other drug.

"(B) Immediate publication of summary review.—Notwithstanding subparagraph (A), the Secretary shall publish, on the Internet website of the Food and Drug Administration, the materials described in subparagraph (C)(iv) not later than 48 hours after the date of approval of the drug, except where such materials require redaction by the Secretary.

"(C) Contents.—An action package for approval of an application under subparagraph (A) shall be dated and shall include the following:

"(i) Documents generated by the Food and Drug Administration related to review of the application.

"(ii) Documents pertaining to the format and content of the application generated during drug development.

"(iii) Labeling submitted by the applicant.

"(iv) A summary review that documents conclusions from all reviewing disciplines about the drug, noting any critical issues and disagreements with the applicant and how they were resolved, recommendation for action, and an explanation of any nonconcurrence with review conclusions.

"(v) If applicable, a separate review from a supervisor who does not concur with the summary review.

"(vi) Identification by name of each officer or employee of the Food and Drug Administration who—

"(I) participated in the decision to approve the application; and

"(II) consents to have his or her name included in the package.

"(D) Disagreements.—A scientific review of an application is considered the work of the reviewer and shall not be altered by management or the reviewer once final. Disagreements by team leaders, division directors, or office directors with any or all of the major conclusions of a reviewer shall be document in a separate review or in an addendum to the review.

"(E) Confidential information.—This paragraph does not authorize the disclosure of any trade secret or confidential commercial or financial information described in section 552(b)(4) of title 5, United States Code, unless the Secretary declares an emergency under section 319 of the Public Health Service Act and such disclosure is necessary to mitigate the effects of such emergency.".

SEC. 211. RISK COMMUNICATION.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

"SEC. 566. RISK COMMUNICATION.

"(a) Advisory Committee on Risk Communication.—

"(1) In general.—The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Risk Communication' (referred to in this section as the 'Committee').

"(2) Duties of committee.—The Committee shall advise the Commissioner on methods to effectively communicate risks associated with the products regulated by the Food and Drug Administration.

"(3) Members.—The Secretary shall ensure that the Committee is composed of experts on risk communication, experts on the risks described in subsection (b), and representatives of patient, consumer, and health professional organizations.

"(4) Permanence of committee.—Section 14 of the Federal Advisory Committee Act shall not apply to the Committee established under this subsection.

"(b) Partnerships for Risk Communication.—

"(1) In general.—The Secretary shall partner with professional medical societies, medical schools, academic medical centers, and other stakeholders to develop robust and multi-faceted systems for communication to health care providers about emerging postmarket drug risks.

"(2) PARTNERSHIPS.—The systems developed under paragraph (1) shall—

"(A) account for the diversity among physicians in terms of practice, affinity for technology, and focus; and

"(B) include the use of existing communication channels, including electronic communications, in place at the Food and Drug Administration.".

SEC. 212. REFERRAL TO ADVISORY COMMITTEE.

Section 505 of the Federal Food, Drug, and Cosmetic Act, as amended by section 202, is further amended by adding at the end the following:

"(p) REFERRAL TO ADVISORY COMMITTEE.—

"(1) IN GENERAL.—Prior to the approval of a drug no active ingredient (including any ester or salt of the active ingredient) of which has been approved in any other application under this section or section 351 of the Public Health Service Act, the Secretary shall refer such drug to a Food and Drug Administration advisory committee for review at a meeting of such advisory committee.

"(2) EXCEPTION.—Notwithstanding paragraph (1), an advisory committee review of a drug described under such paragraph may occur within 1 year after approval of such a drug if—

"(A) the clinical trial that formed the primary basis of the safety and efficacy determination was halted by a drug safety monitoring board or an Institutional Review Board before its scheduled completion due to early unanticipated therapeutic results; or

"(B) the Secretary determines that it would be beneficial to the public health.".

SEC. 213. RESPONSE TO THE INSTITUTE OF MEDICINE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Secretary shall issue a report responding to the 2006 report of the Institute of Medicine entitled "The Future of Drug Safety—Promoting and Protecting the Health of the Public".

(b) CONTENT OF REPORT.—The report issued by the Secretary under subsection (a) shall include—

(1) an update on the implementation by the Food and Drug Administration of its plan to respond to the Institute of Medicine report described under such subsection; and

(2) an assessment of how the Food and Drug Administration has implemented—

(A) the recommendations described in such Institute of Medicine report; and

(B) the requirement under paragraph (7) of section 505(o) of the Federal Food, Drug, and Cosmetic Act (as added by this title), that the appropriate office responsible for reviewing a drug and the office responsible for postapproval safety with respect to the drug act together to assess, implement, and ensure compliance with the requirements of such section 505(o).

SEC. 214. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this subtitle shall take effect 180 days after the date of enactment of this title.

(2) USER FEES.—The amendments made by subsections (a) through (c) of section 207 shall take effect on October 1, 2007.

(b) DRUGS DEEMED TO HAVE RISK EVALUATION AND MITIGATION STRATEGIES.—

(1) IN GENERAL.—A drug that was approved before the effective date of this subtitle shall be deemed to have an approved risk evaluation and mitigation strategy under section 505(o) of the Federal Food, Drug, and Cosmetic Act (as added by this subtitle) if there are in effect on the effective date of this subtitle restrictions on distribution or use—

(A) required under section 314.520 or section 601.42 of title 21, Code of Federal Regulations; or

(B) otherwise agreed to by the applicant and the Secretary for such drug.

(2) RISK EVALUATION AND MITIGATION STRATEGY.—The approved risk evaluation and mitigation strategy deemed in effect for a drug under paragraph (1) shall consist of the elements described in subparagraphs (A) and (B) of paragraph (3) of such section 505(o) and any other additional elements under paragraphs (4), (5), and (6) in effect for such drug on the effective date of this subtitle.

(3) NOTIFICATION.—Not later than 30 days after the effective date of this subtitle, the Secretary shall notify the applicant for each drug described in paragraph (1)—

(A) that such drug is deemed to have an approved risk evaluation and mitigation strategy pursuant to such paragraph; and

(B) of the date, which, unless a safety issue with the drug arises, shall be no earlier than 6 months after the applicant is so notified, by which the applicant shall submit to the Secretary an assessment of such approved strategy under paragraph (7)(B) of such section 505(o), except with respect to the drug Mifeprex (mifepristone), such assessment shall be submitted 6 months after the applicant is so notified.

(4) ENFORCEMENT ONLY AFTER ASSESSMENT AND REVIEW.—Neither the Secretary nor the Attorney General may seek to enforce a requirement of a risk evaluation and mitigation strategy deemed in effect under paragraph (1) before the Secretary has completed review of, and acted on, the first assessment of such strategy under such section 505(o).

(c) NO EFFECT ON VETERINARY MEDICINE.—This subtitle, and the amendments made by this subtitle, shall have no effect on the use of drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act by, or on the lawful written or oral order of, a licensed veterinarian within the context of a veterinarian-client-patient relationship, as provided for under section 512(a)(5) of such Act.

Subtitle B—Reagan-Udall Foundation for the Food and Drug Administration

SEC. 221. THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter I—Reagan-Udall Foundation for the Food and Drug Administration

"SEC. 770. ESTABLISHMENT AND FUNCTIONS OF THE FOUNDATION.

"(a) IN GENERAL.—A nonprofit corporation to be known as the Reagan-Udall Foundation for the Food and Drug Administration (referred to in this subchapter as the 'Foundation') shall be established in accordance with this section. The Foundation shall be headed by an Executive Director, appointed by the members of the Board of Directors under subsection (e). The Foundation shall not be an agency or instrumentality of the United States Government.

"(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation is to advance the mission of the Food and Drug Administration to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety.

"(c) DUTIES OF THE FOUNDATION.—The Foundation shall—

"(1) taking into consideration the Critical Path reports and priorities published by the Food and Drug Administration, identify unmet needs in the development, manufacture, and evaluation of the safety and effectiveness, including postapproval, of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics;

"(2) establish goals and priorities in order to meet the unmet needs identified in paragraph (1);

"(3) in consultation with the Secretary, identify existing and proposed Federal intramural and extramural research and development programs relating to the goals and priorities established under paragraph (2), coordinate Foundation activities with such programs, and minimize Foundation duplication of existing efforts;

"(4) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include the Food and Drug Administration, university consortia, public-private partnerships, institutions of higher education, entities described in section 501(c)(3) of the Internal Revenue Code (and exempt from tax under section 501(a) of such Code), and industry, to efficiently and effectively advance the goals and priorities established under paragraph (2);

"(5) recruit meeting participants and hold or sponsor (in whole or in part) meetings as appropriate to further the goals and priorities established under paragraph (2);

"(6) release and publish information and data and, to the extent practicable, license, distribute, and release material, reagents, and techniques to maximize, promote, and coordinate the availability of such material, reagents, and techniques for use by the Food and Drug Administration, nonprofit organizations, and academic and industrial researchers to further the goals and priorities established under paragraph (2);

"(7) ensure that—

"(A) action is taken as necessary to obtain patents for inventions developed by the Foundation or with funds from the Foundation;

"(B) action is taken as necessary to enable the licensing of inventions developed by the Foundation or with funds from the Foundation; and

"(C) executed licenses, memoranda of understanding, material transfer agreements, contracts, and other such instruments, promote, to the maximum extent practicable, the broadest conversion to commercial and noncommercial applications of licensed and patented inventions of the Foundation to further the goals and priorities established under paragraph (2);

"(8) provide objective clinical and scientific information to the Food and Drug Administration and, upon request, to other Federal agencies to assist in agency determinations of how to ensure that regulatory policy accommodates scientific advances and meets the agency's public health mission;

"(9) conduct annual assessments of the unmet needs identified in paragraph (1); and

"(10) carry out such other activities consistent with the purposes of the Foundation as the Board determines appropriate.

"(d) BOARD OF DIRECTORS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Foundation shall have a Board of Directors (referred to in this subchapter as the 'Board'), which shall be composed of ex officio and appointed members in accordance with this subsection. All appointed members of the Board shall be voting members.

“(B) EX OFFICIO MEMBERS.—The ex officio members of the Board shall be the following individuals or their designees:

“(i) The Commissioner.

“(ii) The Director of the National Institutes of Health.

“(iii) The Director of the Centers for Disease Control and Prevention.

“(iv) The Director of the Agency for Healthcare Research and Quality.

“(C) APPOINTED MEMBERS.—

“(i) IN GENERAL.—The ex officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 12 individuals, from a list of candidates to be provided by the National Academy of Sciences. Of such appointed members—

“(I) 4 shall be representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries;

“(II) 3 shall be representatives of academic research organizations;

“(III) 2 shall be representatives of Government agencies, including the Food and Drug Administration and the National Institutes of Health;

“(IV) 2 shall be representatives of patient or consumer advocacy organizations; and

“(V) 1 shall be a representative of health care providers.

“(ii) REQUIREMENT.—The ex officio members shall ensure the Board membership includes individuals with expertise in areas including the sciences of developing, manufacturing, and evaluating the safety and effectiveness of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics.

“(D) INITIAL MEETING.—

“(i) IN GENERAL.—Not later than 30 days after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007, the Secretary shall convene a meeting of the ex officio members of the Board to—

“(I) incorporate the Foundation; and

“(II) appoint the members of the Board in accordance with subparagraph (C).

“(ii) SERVICE OF EX OFFICIO MEMBERS.—Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

“(iii) CHAIR.—The ex officio members of the Board under subparagraph (B) shall designate an appointed member of the Board to serve as the Chair of the Board.

“(2) DUTIES OF BOARD.—The Board shall—

“(A) establish bylaws for the Foundation that—

“(i) are published in the Federal Register and available for public comment;

“(ii) establish policies for the selection of the officers, employees, agents, and contractors of the Foundation;

“(iii) establish policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

“(iv) establish policies that would subject all employees, fellows, and trainees of the Foundation to the conflict of interest standards under section 208 of title 18, United States Code;

“(v) establish licensing, distribution, and publication policies that support the widest and least restrictive use by the public of information and inventions developed by the Foundation or with Foundation funds to carry out the duties described in paragraphs (6) and (7) of subsection (c), and may include charging cost-based fees for published material produced by the Foundation;

“(vi) specify principles for the review of proposals and awarding of grants and contracts that include peer review and that are consistent with those of the Foundation for the National Institutes of Health, to the extent determined practicable and appropriate by the Board;

“(vii) specify a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation;

“(viii) establish policies for the execution of memoranda of understanding and cooperative agreements between the Foundation and other entities, including the Food and Drug Administration;

“(ix) establish policies for funding training fellowships, whether at the Foundation, academic or scientific institutions, or the Food and Drug Administration, for scientists, doctors, and other professionals who are not employees of regulated industry, to foster greater understanding of and expertise in new scientific tools, diagnostics, manufacturing techniques, and potential barriers to translating basic research into clinical and regulatory practice;

“(x) specify a process for annual Board review of the operations of the Foundation; and

“(xi) establish specific duties of the Executive Director;

“(B) prioritize and provide overall direction to the activities of the Foundation;

“(C) evaluate the performance of the Executive Director; and

“(D) carry out any other necessary activities regarding the functioning of the Foundation.

“(3) TERMS AND VACANCIES.—

“(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

“(B) VACANCY.—Any vacancy in the membership of the Board—

“(i) shall not affect the power of the remaining members to execute the duties of the Board; and

“(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

“(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

“(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

“(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

“(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

“(g) EXECUTIVE DIRECTOR.—

“(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

“(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

“(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

“(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

“(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

“(3) prescribe the manner in which—

“(A) real or personal property of the Foundation is acquired, held, and transferred;

“(B) general operations of the Foundation are to be conducted; and

“(C) the privileges granted to the Board by law are exercised and enjoyed;

“(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

“(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

“(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

“(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

“(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

“(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

“(10) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

“(11) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

“(12) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subchapter.

“(i) ACCEPTANCE OF FUNDS FROM OTHER SOURCES.—The Executive Director may solicit and accept on behalf of the Foundation, any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities, for the purposes of carrying out the duties of the Foundation.

“(j) SERVICE OF FEDERAL EMPLOYEES.—Federal Government employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its functions, so long as such employees do not direct or control Foundation activities.

“(k) DETAIL OF GOVERNMENT EMPLOYEES; FELLOWSHIPS.—

“(1) DETAIL FROM FEDERAL AGENCIES.—Federal Government employees may be detailed from Federal agencies with or without reimbursement to those agencies to the Foundation at any time, and such detail shall be without interruption or loss of civil service status or privilege. Each such employee shall abide by the statutory, regulatory, ethical, and procedural standards applicable to the employees of the agency from which such employee is detailed and those of the Foundation.

“(2) VOLUNTARY SERVICE; ACCEPTANCE OF FEDERAL EMPLOYEES.—

“(A) FOUNDATION.—The Executive Director of the Foundation may accept the services of employees detailed from Federal agencies with or without reimbursement to those agencies.

“(B) FOOD AND DRUG ADMINISTRATION.—The Commissioner may accept the uncompensated services of Foundation fellows or trainees. Such services shall be considered to be undertaking an activity under contract with the Secretary as described in section 708.

“(l) ANNUAL REPORTS.—

“(1) REPORTS TO FOUNDATION.—Any recipient of a grant, contract, fellowship, memorandum of understanding, or cooperative agreement from the Foundation under this section shall submit to the Foundation a report on an annual basis for the duration of such grant, contract, fellowship, memorandum of understanding, or cooperative agreement, that describes the activities carried out under such grant, contract, fellowship, memorandum of understanding, or cooperative agreement.

“(2) REPORT TO CONGRESS AND THE FDA.—Beginning with fiscal year 2009, the Executive Director shall submit to Congress and the Commissioner an annual report that—

“(A) describes the activities of the Foundation and the progress of the Foundation in furthering the goals and priorities established under subsection (c)(2), including the practical impact of the Foundation on regulated product development;

“(B) provides a specific accounting of the source and use of all funds used by the Foundation to carry out such activities; and

“(C) provides information on how the results of Foundation activities could be incorporated into the regulatory and product review activities of the Food and Drug Administration.

“(m) SEPARATION OF FUNDS.—The Executive Director shall ensure that the funds received from the Treasury are held in separate accounts from funds received from entities under subsection (i).

“(n) FUNDING.—From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than $500,000 and not more than $1,250,000, to the Foundation to carry out subsections (a), (b), and (d) through (m).”.

(b) OTHER FOUNDATION PROVISIONS.—Chapter VII (21 U.S.C. 371 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

“SEC. 771. LOCATION OF FOUNDATION.

“The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

“SEC. 772. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

“(a) IN GENERAL.—The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 770(l)(2).

“(b) REPORT TO CONGRESS.—Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 770(l)(2) and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

“(c) EXTRAMURAL GRANTS.—The provisions of this subchapter shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007.”.

(c) CONFORMING AMENDMENT.—Section 742(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379l(b)) is amended by adding at the end the following: “Any such fellowships and training programs under this section or under section 770(d)(2)(A)(ix) may include provision by such scientists and physicians of services on a voluntary and uncompensated basis, as the Secretary determines appropriate. Such scientists and physicians shall be subject to all legal and ethical requirements otherwise applicable to officers or employees of the Department of Health and Human Services.”.

SEC. 222. OFFICE OF THE CHIEF SCIENTIST.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 910. OFFICE OF THE CHIEF SCIENTIST.

“(a) ESTABLISHMENT; APPOINTMENT.—The Secretary shall establish within the Office of the Commissioner an office to be known as the Office of the Chief Scientist. The Secretary shall appoint a Chief Scientist to lead such Office.

“(b) DUTIES OF THE OFFICE.—The Office of the Chief Scientist shall—

“(1) oversee, coordinate, and ensure quality and regulatory focus of the intramural research programs of the Food and Drug Administration;

“(2) track and, to the extent necessary, coordinate intramural research awards made by each center of the Administration or science-based office within the Office of the Commissioner, and ensure that there is no duplication of research efforts supported by the Reagan-Udall Foundation for the Food and Drug Administration;

“(3) develop and advocate for a budget to support intramural research;

“(4) develop a peer review process by which intramural research can be evaluated; and

“(5) identify and solicit intramural research proposals from across the Food and Drug Administration through an advisory board composed of employees of the Administration that shall include—

“(A) representatives of each of the centers and the science-based offices within the Office of the Commissioner; and

“(B) experts on trial design, epidemiology, demographics, pharmacovigilance, basic science, and public health.”.

Subtitle C—Clinical Trials

SEC. 231. EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.

(a) IN GENERAL.—Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by—

(1) redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) inserting after subsection (i) the following:

“(j) EXPANDED CLINICAL TRIAL REGISTRY DATA BANK.—

“(1) DEFINITIONS; REQUIREMENT.—

“(A) DEFINITIONS.—In this subsection:

“(i) APPLICABLE DEVICE CLINICAL TRIAL.—The term ‘applicable device clinical trial’ means—

“(I) a prospective study of health outcomes comparing an intervention against a control in human subjects intended to support an application under section 515 or 520(m), or a report under section 510(k), of the Federal Food, Drug, and Cosmetic Act (other than a limited study to gather essential information used to refine the device or design a pivotal trial and that is not intended to determine safety and effectiveness of a device); and

“(II) a pediatric postmarket surveillance as required under section 522 of the Federal Food, Drug, and Cosmetic Act.

“(ii) APPLICABLE DRUG CLINICAL TRIAL.—

“(I) IN GENERAL.—The term ‘applicable drug clinical trial’ means a controlled clinical investigation, other than a phase I clinical investigation, of a product subject to section 505 of the Federal Food, Drug, and Cosmetic Act or to section 351 of this Act.

“(II) CLINICAL INVESTIGATION.—For purposes of subclause (I), the term ‘clinical investigation’ has the meaning given that term in section 312.3 of title 21, Code of Federal Regulations.

“(III) PHASE I.—The term ‘phase I’ has the meaning given that term in section 312.21 of title 21, Code of Federal Regulations.

“(iii) CLINICAL TRIAL INFORMATION.—The term ‘clinical trial information’ means those data elements that are necessary to complete an entry in the clinical trial registry data bank under paragraph (2).

“(iv) COMPLETION DATE.—The term ‘completion date’ means, with respect to an applicable drug clinical trial or an applicable device clinical trial, the date on which the last patient enrolled in the clinical trial has completed his or her last medical visit of the clinical trial, whether the clinical trial concluded according to the prespecified protocol plan or was terminated.

“(v) DEVICE.—The term ‘device’ means a device as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act.

“(vi) DRUG.—The term ‘drug’ means a drug as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act or a biological product as defined in section 351 of this Act.

“(vii) RESPONSIBLE PARTY.—The term ‘responsible party’, with respect to a clinical trial of a drug or device, means—

“(I) the sponsor of the clinical trial (as defined in section 50.3 of title 21, Code of Federal Regulations (or any successor regulations)) or the principal investigator of such clinical trial if so designated by such sponsor; or

“(II) if no sponsor exists, the grantee, contractor, or awardee for a trial funded by a Federal agency or the principal investigator of such clinical trial if so designated by such grantee, contractor, or awardee.

“(B) REQUIREMENT.—The Secretary shall develop a mechanism by which—

“(i) the responsible party for each applicable drug clinical trial and applicable device clinical trial shall submit the identity and contact information of such responsible party to the Secretary at the time of submission of clinical trial information under paragraph (2); and

“(ii) other Federal agencies may identify the responsible party for an applicable drug clinical trial or applicable device clinical trial.

“(2) EXPANSION OF CLINICAL TRIAL REGISTRY DATA BANK WITH RESPECT TO CLINICAL TRIAL INFORMATION.—

“(A) IN GENERAL.—

“(i) EXPANSION OF DATA BANK.—To enhance patient enrollment and provide a mechanism to track subsequent progress of clinical trials, the Secretary, acting through the Director of NIH, shall expand, in accordance with this subsection, the clinical trials registry of the data bank described under subsection (i)(3)(A) (referred to in this subsection as the 'registry data bank'). The Director of NIH shall ensure that the registry data bank is made publicly available through the Internet.

“(ii) CONTENT.—Not later than 18 months after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, and after notice and comment, the Secretary shall promulgate regulations to expand the registry data bank to require the submission to the registry data bank of clinical trial information for applicable drug clinical trials and applicable device clinical trials that—

“(I) conforms to the International Clinical Trials Registry Platform trial registration data set of the World Health Organization;

“(II) includes the city, State, and zip code for each clinical trial location, or a toll-free number through which such location information may be accessed;

“(III) if the drug is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act, specifies whether or not there is expanded access to the drug under section 561 of the Federal Food, Drug, and Cosmetic Act for those who do not qualify for enrollment in the clinical trial and how to obtain information about such access;

“(IV) requires the inclusion of such other data elements to the registry data bank as appropriate; and

“(V) becomes effective 90 days after issuance of the final rule.

“(B) FORMAT AND STRUCTURE.—

“(i) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the registry data bank by 1 or more of the following criteria:

“(I) The disease or condition being studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

“(II) The treatment being studied in the clinical trial.

“(III) The location of the clinical trial.

“(IV) The age group studied in the clinical trial, including pediatric subpopulations.

“(V) The study phase of the clinical trial.

“(VI) The source of support for the clinical trial, which may be the National Institutes of Health or other Federal agency, a private industry source, or a university or other organization.

“(VII) The recruitment status of the clinical trial.

“(VIII) The National Clinical Trial number or other study identification for the clinical trial.

“(ii) FORMAT.—The Director of the NIH shall ensure that the registry data bank is easily used by the public, and that entries are easily compared.

“(C) DATA SUBMISSION.—The responsible party for an applicable drug clinical trial shall submit to the Director of NIH for inclusion in the registry data bank the clinical trial information described in subparagraph (A)(ii).

“(D) TRUTHFUL CLINICAL TRIAL INFORMATION.—

“(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this paragraph shall not be false or misleading in any particular.

“(ii) EFFECT.—Clause (i) shall not have the effect of requiring clinical trial information with respect to an applicable drug clinical trial or an applicable device clinical trial to include information from any source other than such clinical trial involved.

“(E) CHANGES IN CLINICAL TRIAL STATUS.—

“(i) ENROLLMENT.—The responsible party for an applicable drug clinical trial or an applicable device clinical trial shall update the enrollment status not later than 30 days after the enrollment status of such clinical trial changes.

“(ii) COMPLETION.—The responsible party for an applicable drug clinical trial or applicable device clinical trial shall report to the Director of NIH that such clinical trial is complete not later than 30 days after the completion date of the clinical trial.

“(F) TIMING OF SUBMISSION.—The clinical trial information for an applicable drug clinical trial or an applicable device clinical trial required to be submitted under this paragraph shall be submitted not later than 21 days after the first patient is enrolled in such clinical trial.

“(G) POSTING OF DATA.—

“(i) APPLICABLE DRUG CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable drug clinical trial submitted in accordance with this paragraph is posted publicly within 30 days of such submission.

“(ii) APPLICABLE DEVICE CLINICAL TRIAL.—The Director of NIH shall ensure that clinical trial information for an applicable device clinical trial submitted in accordance with this paragraph is posted publicly within 30 days of clearance under section 510(k) of the Federal Food, Drug, and Cosmetic Act, or approval under section 515 or section 520(m) of such Act, as applicable.

“(H) VOLUNTARY SUBMISSIONS.—A responsible party for a clinical trial that is not an applicable drug clinical trial or an applicable device clinical trial may submit clinical trial information to the registry data bank in accordance with this subsection.

“(3) EXPANSION OF REGISTRY DATA BANK TO INCLUDE RESULTS OF CLINICAL TRIALS.—

“(A) LINKING REGISTRY DATA BANK TO EXISTING RESULTS.—

“(i) IN GENERAL.—Beginning not later than 90 days after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, for those clinical trials that form the primary basis of an efficacy claim or are conducted after the drug involved is approved or after the device involved is cleared or approved, the Secretary shall ensure that the registry data bank includes links to results information for such clinical trial—

“(I) not earlier than 30 days after the date of the approval of the drug involved or clearance or approval of the device involved; or

“(II) not later than 30 days after such information becomes publicly available, as applicable.

“(ii) REQUIRED INFORMATION.—

“(I) FDA INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

“(aa) If an advisory committee considered at a meeting an applicable drug clinical trial or an applicable device clinical trial, any posted Food and Drug Administration summary document regarding such applicable drug clinical trial or applicable clinical device trial.

“(bb) If an applicable drug clinical trial was conducted under section 505A or 505B of the Federal Food, Drug, and Cosmetic Act, a link to the posted Food and Drug Administration assessment of the results of such trial.

“(cc) Food and Drug Administration public health advisories regarding the drug or device that is the subject of the applicable drug clinical trial or applicable device clinical trial, respectively, if any.

“(dd) For an applicable drug clinical trial, the Food and Drug Administration action package for approval document required under section 505(l)(2) of the Food Drug and Cosmetic Act.

“(ee) For an applicable device clinical trial, in the case of a premarket application, the detailed summary of information respecting the safety and effectiveness of the device required under section 520(h)(1) of the Federal Food, Drug, and Cosmetic Act, or, in the case of a report under section 510(k) of such Act, the section 510(k) summary of the safety and effectiveness data required under section 807.95(d) of title 21, Code of Federal Regulations (or any successor regulations).

“(II) NIH INFORMATION.—The Secretary shall ensure that the registry data bank includes links to the following information:

“(aa) Medline citations to any publications regarding each applicable drug clinical trial and applicable device clinical trial.

“(bb) The entry for the drug that is the subject of an applicable drug clinical trial in the National Library of Medicine database of structured product labels, if available.

“(iii) RESULTS FOR EXISTING DATA BANK ENTRIES.—The Secretary may include the links described in clause (ii) for data bank entries for clinical trials submitted to the data bank prior to enactment of the Enhancing Drug Safety and Innovation Act of 2007, as available.

“(B) FEASIBILITY STUDY.—The Director of NIH shall—

“(i) conduct a study to determine the best, validated methods of making the results of clinical trials publicly available after the approval of the drug that is the subject of an applicable drug clinical trial; and

“(ii) not later than 18 months after initiating such study, submit to the Secretary any findings and recommendations of such study.

“(C) NEGOTIATED RULEMAKING.—

“(i) IN GENERAL.—The Secretary shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code, to determine, for applicable drug clinical trials—

“(I) how to ensure quality and validate methods of expanding the registry data bank to include clinical trial results information for trials not within the scope of this Act;

“(II) the clinical trials of which the results information is appropriate for adding to the expanded registry data bank; and

“(III) the appropriate timing of the posting of such results information.

“(ii) TIME REQUIREMENT.—The process described in paragraph (1) shall be conducted in a timely manner to ensure that—

“(I) any recommendation for a proposed rule—

“(aa) is provided to the Secretary not later than 21 months after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007; and

“(bb) includes an assessment of the benefits and costs of the recommendation; and

“(II) a final rule is promulgated not later than 30 months after the date of the enactment of the Enhancing Drug Safety and Innovation Act of 2007, taking into account the recommendations under subclause (I) and the results of the feasibility study conducted under subparagraph (B).

“(iii) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established by the Secretary pursuant to clause (i) shall include members representing—

“(I) the Food and Drug Administration;

“(II) the National Institutes of Health;

"(III) other Federal agencies as the Secretary determines appropriate;

"(IV) patient advocacy and health care provider groups;

"(V) the pharmaceutical industry;

"(VI) contract clinical research organizations;

"(VII) the International Committee of Medical Journal Editors; and

"(VIII) other interested parties, including experts in privacy protection, pediatrics, health information technology, health literacy, communication, clinical trial design and implementation, and health care ethics.

"(iv) CONTENT OF REGULATIONS.—The regulations promulgated pursuant to clause (i) shall establish—

"(I) procedures to determine which clinical trials results information data elements shall be included in the registry data bank, taking into account the needs of different populations of users of the registry data bank;

"(II) a standard format for the submission of clinical trials results to the registry data bank;

"(III) a standard procedure for the submission of clinical trial results information, including the timing of submission and the timing of posting of results information, to the registry data bank, taking into account the possible impacts on publication of manuscripts based on the clinical trial;

"(IV) a standard procedure for the verification of clinical trial results information, including ensuring that free text data elements are non-promotional; and

"(V) an implementation plan for the prompt inclusion of clinical trials results information in the registry data bank.

"(D) CONSIDERATION OF WORLD HEALTH ORGANIZATION DATA SET.—The Secretary shall consider the status of the consensus data elements set for reporting clinical trial results of the World Health Organization when promulgating the regulations under subparagraph (C).

"(E) TRUTHFUL CLINICAL TRIAL INFORMATION.—

"(i) IN GENERAL.—The clinical trial information submitted by a responsible party under this paragraph shall not be false or misleading in any particular.

"(ii) EFFECT.—Clause (i) shall not have the effect of requiring clinical trial information with respect to an applicable drug clinical trial or an applicable device clinical trial to include information from any source other than such clinical trial involved.

"(F) WAIVERS REGARDING CERTAIN CLINICAL TRIAL RESULTS.—The Secretary may waive any applicable requirements of this paragraph for an applicable drug clinical trial or an applicable device clinical trial, upon a written request from the responsible person, if the Secretary determines that extraordinary circumstances justify the waiver and that providing the waiver is in the public interest, consistent with the protection of public health, or in the interest of national security. Not later than 30 days after any part of a waiver is granted, the Secretary shall notify, in writing, the appropriate committees of Congress of the waiver and provide an explanation for why the waiver was granted.

"(4) COORDINATION AND COMPLIANCE.—

"(A) CLINICAL TRIALS SUPPORTED BY GRANTS FROM FEDERAL AGENCIES.—

"(i) IN GENERAL.—No Federal agency may release funds under a research grant to an awardee who has not complied with paragraph (2) for any applicable drug clinical trial or applicable device clinical trial for which such person is the responsible party.

"(ii) GRANTS FROM CERTAIN FEDERAL AGENCIES.—If an applicable drug clinical trial or applicable device clinical trial is funded in whole or in part by a grant from the Food and Drug Administration, National Institutes of Health, the Agency for Healthcare Research and Quality, or the Department of Veterans Affairs, any grant or progress report forms required under such grant shall include a certification that the responsible party has made all required submissions to the Director of NIH under paragraph (2).

"(iii) VERIFICATION BY FEDERAL AGENCIES.—The heads of the agencies referred to in clause (ii), as applicable, shall verify that the clinical trial information for each applicable drug clinical trial or applicable device clinical trial for which a grantee is the responsible party has been submitted under paragraph (2) before releasing any remaining funding for a grant or funding for a future grant to such grantee.

"(iv) NOTICE AND OPPORTUNITY TO REMEDY.—If the head of an agency referred to in clause (ii), as applicable, verifies that a grantee has not submitted clinical trial information as described in clause (iii), such agency head shall provide notice to such grantee of such non-compliance and allow such grantee 30 days to correct such non-compliance and submit the required clinical trial information.

"(v) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

"(I) consult with other agencies that conduct research involving human subjects in accordance with any section of part 46 of title 45, Code of Federal Regulations (or any successor regulations), to determine if any such research is an applicable drug clinical trial or an applicable device clinical trial under paragraph (1); and

"(II) develop with such agencies procedures comparable to those described in clauses (ii), (iii), and (iv) to ensure that clinical trial information for such applicable drug clinical trials and applicable device clinical trial is submitted under paragraph (2).

"(B) CERTIFICATION TO ACCOMPANY DRUG, BIOLOGICAL PRODUCT, AND DEVICE SUBMISSIONS.—At the time of submission of an application under section 505 of the Federal Food, Drug, and Cosmetic Act, section 515 of such Act, section 520(m) of such Act, or section 351 of this Act, or submission of a report under section 510(k) of such Act, such application or submission shall be accompanied by a certification that all applicable requirements of this subsection have been met. Where available, such certification shall include the appropriate National Clinical Trial control numbers.

"(C) VERIFICATION OF SUBMISSION PRIOR TO POSTING.—In the case of clinical trial information that is submitted under paragraph (2), but is not made publicly available pending regulatory approval or clearance, as applicable, the Director of NIH shall respond to inquiries from other Federal agencies and peer-reviewed scientific journals to confirm that such clinical trial information has been submitted but has not yet been posted.

"(5) LIMITATION ON DISCLOSURE OF CLINICAL TRIAL INFORMATION.—

"(A) IN GENERAL.—Nothing in this subsection (or under section 552 of title 5, United States Code) shall require the Secretary to publicly disclose, from any record or source other than the registry data bank expanded under this subsection, information described in subparagraph (B).

"(B) INFORMATION DESCRIBED.—Information described in this subparagraph is—

"(i) information submitted to the Director of NIH under this subsection, or information of the same general nature as (or integrally associated with) the information' so submitted; and

"(ii) not otherwise publicly available, including because it is protected from disclosure under section 552 of title 5, United States Code.

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

"(jj)(1) The failure to submit the certification required by section 402(j)(4)(B) of the Public Health Service Act, or knowingly submitting a false certification under such section.

"(2) The submission of clinical trial information under subsection (i) or (j) of section 402 of the Public Health Service Act that is promotional or false or misleading in any particular under paragraph (2) or (3) of such subsection (j).".

(2) CIVIL MONEY PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)), as amended by section 203, is further amended by—

(A) redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) inserting after paragraph (3) the following:

"(4) Any person who violates section 301(jj) shall be subject to a civil monetary penalty of not more than $10,000 for the first violation, and not more than $20,000 for each subsequent violation.";

(C) in paragraph (2)(C), by striking "paragraph (4)(A)" and inserting "paragraph (5)(A)";

(D) in paragraph (5), as so redesignated, by striking "paragraph (1), (2), or (3)" each place it appears and inserting "paragraph (1), (2), (3), or (4)"; and

(E) in paragraph (7), as so redesignated, by striking "paragraph (5)" each place it appears and inserting "paragraph (6)".

(3) NEW DRUGS AND DEVICES.—

(A) INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended in paragraph (4), by adding at the end the following: "The Secretary shall update such regulations to require inclusion in the informed consent form a statement that clinical trial information for such clinical investigation has been or will be submitted for inclusion in the registry data bank pursuant to subsections (i) and (j) of section 402 of the Public Health Service Act.".

(B) NEW DRUG APPLICATIONS.—Section 505(b) of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) is amended by adding at the end the following:

"(6) An application submitted under this subsection shall be accompanied by the certification required under section 402(j)(4)(B) of the Public Health Service Act. Such certification shall not be considered an element of such application.".

(C) DEVICE REPORTS UNDER SECTION 510(k).—Section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) is amended by adding at the end the following:

"A notification submitted under this subsection that contains clinical trial data for an applicable device clinical trial (as defined in section 402(j)(1) of the Public Health Service Act) shall be accompanied by the certification required under section 402(j)(4)(B) of such Act. Such certification shall not be considered an element of such notification.".

(D) DEVICE PREMARKET APPROVAL APPLICATION.—Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended—

(i) in subparagraph (F), by striking "; and" and inserting a semicolon;

(ii) by redesignating subparagraph (G) as subparagraph (H); and

(iii) by inserting after subparagraph (F) the following:

"(G) the certification required under section 402(j)(4)(B) of the Public Health Service Act (which shall not be considered an element of such application); and".

(E) HUMANITARIAN DEVICE EXEMPTION.—Section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended in the first sentence in the matter following subparagraph (C), by inserting at the end before the period "and such application shall include the certification required under section 402(j)(4)(B) of the Public Health Service Act (which shall not be considered an element of such application)".

(c) PREEMPTION.—

(1) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect any requirement for the registration of clinical trials or for the inclusion of information relating to the results of clinical trials in a database.

(2) RULE OF CONSTRUCTION.—The fact of submission of clinical trial information, if submitted in compliance with subsection (i) and (j) of section 402 of the Public Health Service Act (as amended by this section), that relates to a use of a drug or device not included in the official labeling of the approved drug or device shall not be construed by the Secretary or in any administrative or judicial proceeding, as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. The availability of clinical trial information through the data bank under such subsections (i) and (j), if submitted in compliance with such subsections, shall not be considered as labeling, adulteration, or misbranding of the drug or device under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(d) TRANSITION RULE; EFFECTIVE DATE OF FUNDING RESTRICTIONS.—

(1) TRANSITION RULE FOR CLINICAL TRIALS INITIATED PRIOR TO EXPANSION OF REGISTRY DATA BANK.—The responsible party (as defined in paragraph (1) of section 402(j) of the Public Health Service Act (as added by this section)) for an applicable drug clinical trial or applicable device clinical trial (as defined under such paragraph (1)) that is initiated after the date of enactment of this subtitle and before the effective date of the regulations promulgated under paragraph (2) of such section 402(j), shall submit required clinical trial information under such section not later than 120 days after such effective date.

(2) FUNDING RESTRICTIONS.—Subparagraph (A) of paragraph (4) of such section 402(j) shall take effect 210 days after the effective date of the regulations promulgated under paragraph (2) of such section 402(j).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Beginning 90 days after the date of enactment of this title, the responsible party for an applicable drug clinical trial or an applicable device clinical trial (as that term is defined in such section 402(j)) that is initiated after the date of enactment of this title and before the effective date of the regulations issued under subparagraph (A) of paragraph (2) of such subsection, shall submit clinical trial information under such paragraph (2).

(2) RULEMAKING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (c)(1) shall become effective on the date on which the regulation promulgated pursuant to section 402(j)(3)(C)(i) of the Public Health Service Act, as added by this section, becomes effective.

(B) EXCEPTION.—Subsection (c)(1) shall apply with respect to any clinical trial for which the registry data bank includes links to results information, as provided for under section 402(j)(3)(A) of such Act, as added by this section.

Subtitle D—Conflicts of Interest

SEC. 241. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

"SEC. 712. CONFLICTS OF INTEREST.

"(a) DEFINITIONS.—For purposes of this section:

"(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

"(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

"(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

"(1) RECRUITMENT.—

"(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary shall carry out informational and recruitment activities for purposes of recruiting individuals to serve as advisory committee members. The Secretary shall seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

"(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

"(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

"(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

"(iii) developing a method through which an entity receiving National Institutes of Health funding can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

"(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

"(c) GRANTING AND DISCLOSURE OF WAIVERS.—

"(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

"(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

"(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

"(4) LIMITATION.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

"(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

"(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

"(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

"(ii) the reasons of the Secretary for such determination, certification, or waiver.

"(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

"(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

"(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Inspector General of the Department of Health and Human Services, the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives, a report that describes—

"(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

"(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

"(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

"(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

"(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.".

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended by—

(1) striking paragraph (4); and

(2) redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

Subtitle E—Other Drug Safety Provisions

SEC. 251. DATABASE FOR AUTHORIZED GENERIC DRUGS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this title, is further amended by adding at the end the following:

"(q) DATABASE FOR AUTHORIZED GENERIC DRUGS.—

"(1) IN GENERAL.—

"(A) PUBLICATION.—The Commissioner shall—

"(i) not later than 9 months after the date of enactment of the Enhancing Drug Safety and Innovation Act of 2007, publish a complete list on the Internet website of the Food and Drug Administration of all authorized generic drugs (including drug trade name, brand company manufacturer, and the date the authorized generic drug entered the market); and

"(ii) update the list quarterly to include each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug during the preceding 3-month period.

"(B) NOTIFICATION.—The Commissioner shall notify relevant Federal agencies, including the Centers for Medicare & Medicaid Services and the Federal Trade Commission, any time the Commissioner updates the information described in subparagraph (A).

"(2) INCLUSION.—The Commissioner shall include in the list described in paragraph (1) each authorized generic drug included in an annual report submitted to the Secretary by the sponsor of a listed drug after January 1, 1999.

"(3) AUTHORIZED GENERIC DRUG.—In this section, the term 'authorized generic drug' means a listed drug (as that term is used in subsection (j)) that—

"(A) has been approved under subsection (c); and

"(B) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.".

SEC. 252. MEDICAL MARIJUANA.

The Secretary shall require that State-legalized medical marijuana be subject to the full regulatory requirements of the Food and Drug Administration, including a risk evaluation and mitigation strategy and all other requirements and penalties of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) regarding safe and effective reviews, approval, sale, marketing, and use of pharmaceuticals.

Subtitle F—Antibiotic Access and Innovation

SEC. 261. INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is further amended by adding at the end the following:

"(s) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

"(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

"(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

"(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

"(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

"(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

"(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

"(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

"(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

"(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

"(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

"(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

"(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

"(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

"(3) LIMITATIONS.—

"(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

"(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of enactment of this subsection.

"(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).".

(b) TRANSITION RULE.—With respect to a patent issued on or before the date of enactment of this Act, any patent information required to be filed with the Secretary under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a drug to which subsection (s)(1) of such section 505 (as added by this section) applies shall be filed with such Secretary not later than 60 days after the date of enactment of this Act.

SEC. 262. ANTIBIOTICS AS ORPHAN PRODUCTS.

(a) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting and, if appropriate, issue guidance, regarding which serious and life-threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under subsection (a) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(b) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated—

"(1) such sums as already have been appropriated for fiscal year 2007; and

"(2) $35,000,000 for each of fiscal years 2008 through 2012.".

SEC. 263. IDENTIFICATION OF CLINICALLY SUSCEPTIBLE CONCENTRATIONS OF ANTIMICROBIALS.

(a) DEFINITION.—In this section, the term "clinically susceptible concentrations" means specific values which characterize bacteria as clinically susceptible, intermediate, or resistant to the drug (or drugs) tested.

(b) IDENTIFICATION.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), through the Commissioner of Food and Drugs, shall identify and periodically update clinically susceptible concentrations.

(c) PUBLIC AVAILABILITY.—The Secretary, through the Commissioner of Food and Drugs, shall make such clinically susceptible concentrations publicly available within 30 days of the date of identification and any update under this section.

(d) EFFECT.—Nothing in this section shall be construed to restrict, in any manner, the prescribing of antibiotics by physicians, or to limit the practice of medicine, including for diseases such as Lyme and tick-borne diseases.

SEC. 264. EXCLUSIVITY OF CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S. C. 355), as amended by this subtitle, is amended by adding at the end the following:

"(t) CERTAIN DRUGS CONTAINING SINGLE ENANTIOMERS.—

"(1) IN GENERAL.—For purposes of subsections (c)(3)(E)(ii) and (j)(5)(F)(ii), if an application is submitted under subsection (b) for a non-racemic drug containing as an active ingredient a single enantiomer that is contained in a racemic drug approved in another application under subsection (b), the applicant may, in the application for such non-racemic drug, elect to have the single enantiomer not be considered the same active ingredient as that contained in the approved racemic drug, if—

"(A)(i) the single enantiomer has not been previously approved except in the approved racemic drug; and

"(ii) the application submitted under subsection (b) for such non-racemic drug—

"(I) includes full reports of new clinical investigations (other than bioavailability studies)—

"(aa) necessary for the approval of the application under subsections (c) and (d); and

"(bb) conducted or sponsored by the applicant; and

"(II) does not rely on any investigations that are part of an application submitted under subsection (b) for approval of the approved racemic drug; and

"(B) the application submitted under subsection (b) for such non-racemic drug is not submitted for approval of a condition of use—

"(i) in a therapeutic category in which the approved racemic drug has been approved; or

"(ii) for which any other enantiomer of the racemic drug has been approved.

"(2) LIMITATION.—

"(A) NO APPROVAL IN CERTAIN THERAPEUTIC CATEGORIES.—Until the date that is 10 years after the date of approval of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph, the Secretary shall not approve such non-racemic drug for any condition of use in the therapeutic category in which the racemic drug has been approved.

"(B) LABELING.—If applicable, the labeling of a non-racemic drug described in paragraph (1) and with respect to which the applicant has made the election provided for by such paragraph shall include a statement that the non-racemic drug is not approved, and has not been shown to be safe and effective, for any condition of use of the racemic drug.

"(3) DEFINITION.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'therapeutic category' means a therapeutic category identified in the list developed by the United States Pharmacopeia pursuant to section 1860D-4(b)(3)(C)(ii) of the Social Security Act and as in effect on the date of enactment of this subsection.

"(B) PUBLICATION BY SECRETARY.—The Secretary shall publish the list described in subparagraph (A) and may amend such list by regulation.

"(4) AVAILABILITY.—The election referred to in paragraph (1) may be made only in an application that is submitted to the Secretary after the date of enactment of this subsection and before October 1, 2012.".

SEC. 265. REPORT.

Not later than January 1, 2012, the Comptroller General of the United States shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives that examines whether and how this subtitle has—

(1) encouraged the development of new antibiotics and other drugs; and

(2) prevented or delayed timely generic drug entry into the market.

TITLE III—MEDICAL DEVICES

SEC. 300. REFERENCES.

Except as otherwise specified, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Subtitle A—Device User Fees

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Medical Device User Fee Amendments of 2007".

SEC. 302. DEVICE FEES.

Section 737 (21 U.S.C. 379i) is amended—

(1) by striking the section designation and all that follows through "For purposes of this subchapter" and inserting the following:

"SEC. 737. DEVICE FEES.

"(a) PURPOSE.—It is the purpose of this part that the fees authorized under this part be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of this part in the letters from the Secretary to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

"(b) REPORTS.—

"(1) PERFORMANCE REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in subsection (a) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals. The report for a fiscal year shall include information on all previous cohorts for which the Secretary has not given a complete response on all device premarket applications, supplements, and premarket notifications in the cohort.

"(2) FISCAL REPORT.—For fiscal years 2008 through 2012, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

"(3) PUBLIC AVAILABILITY.—The Secretary shall make the reports required under paragraphs (1) and (2) available to the public on the Internet website of the Food and Drug Administration.

"(c) REAUTHORIZATION.—

"(1) CONSULTATION.—In developing recommendations to present to Congress with respect to the goals, and plans for meeting the goals, for the process for the review of device applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

"(A) the Committee on Energy and Commerce of the House of Representatives;

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(C) scientific and academic experts;

"(D) health care professionals;

"(E) representatives of patient and consumer advocacy groups; and

"(F) the regulated industry.

"(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry, the Secretary shall—

"(A) present the recommendations developed under paragraph (1) to the Congressional committees specified in such paragraph;

"(B) publish such recommendations in the Federal Register;

"(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

"(D) hold a meeting at which the public may present its views on such recommendations; and

"(E) after consideration of such public views and comments, revise such recommendations as necessary.

"(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

"(d) DEFINITIONS.—For purposes of this part:";

(2) by redesignating paragraphs (5), (6), (7), and (8), as paragraphs (7), (8), (9), and (11), respectively;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "or an efficacy supplement," and inserting "an efficacy supplement, or a 30-day notice,"; and

(B) by adding at the end the following:

"(F) The term '30-day notice' means a supplement to an approved premarket application or premarket report under section 515 that is limited to a request to make modifications to manufacturing procedures or methods of manufacture affecting the safety and effectiveness of the device.";

(4) by inserting after paragraph (4) the following:

"(5) The term 'request for classification information' means a request made under section 513(g) for information respecting the class in which a device has been classified or the requirements applicable to a device.

"(6) The term 'annual fee for periodic reporting concerning a class III device' means the fee associated with reports imposed by a premarket application approval order (as described in section 814.82(a)(7) of title 21, Code of Federal Regulations), usually referred to as 'annual reports.'";

(5) in paragraph (9), as redesignated by paragraph (2)—

(A) by striking "April of" and inserting "October of"; and

(B) by striking "April 2002" and inserting "October 2001";

(6) by inserting after paragraph (9), as redesignated by paragraph (2), the following:

"(10) The term 'person' includes an affiliate of such person."; and

(7) by adding at the end the following:

"(12) The term 'establishment subject to a registration fee' means an establishment required to register with the Secretary under section 510 at which any of the following types of activities are conducted:

"(A) MANUFACTURER.—An establishment that makes by any means any article that is a device including an establishment that sterilizes or otherwise makes such article for or on behalf of a specification developer or any other person.

"(B) SINGLE-USE DEVICE REPROCESSOR.—An establishment that performs manufacturing operations on a single-use device that has previously been used on a patient.

"(C) SPECIFICATION DEVELOPER.—An establishment that develops specifications for a device that is distributed under the establishment's name but that performs no manufacturing, including establishments that, in addition to developing specifications, arrange for the manufacturing of devices labeled with another establishment's name by a contract manufacturer.

"(13) The term 'establishment registration fee' means a fee assessed under section 738(a)(3) for the registration of an establishment subject to a registration fee.

"(e) SUNSET.—This part shall cease to be effective on October 1, 2012, except that subsection (b) with respect to reports shall cease to be effective January 31, 2013.".

SEC. 303. AUTHORITY TO ASSESS AND USE DEVICE FEES.

Section 738 (21 U.S.C. 379j) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the header, by inserting ", AND ANNUAL FEE FOR PERIODIC REPORTING CONCERNING A CLASS III DEVICE" after "FEE";

(ii) in subparagraph (A)—

(I) in clause (iii), by inserting "75 percent of" after "a fee equal to";

(II) in clause (iv), by striking "21.5" and inserting "15";

(III) in clause (v), by striking "7.2" and inserting "7";

(IV) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(V) by inserting after clause (v) the following:

"(vi) For a 30-day notice, a fee equal to 1.6 percent of the fee that applies under clause (i).";

(VI) in clause (viii), as redesignated by subclause (IV)—

(aa) by striking "1.42" and inserting "1.84"; and

(bb) by striking ", subject to any adjustment under subsection (e)(2)(C)(ii)"; and

(VII) by adding at the end the following:

"(ix) For a request for classification information, a fee equal to 1.35 percent of the fee that applies under clause (i).

"(x) For periodic reporting concerning a class III device, the annual fee shall be equal to 3.5 percent of the fee that applies under clause (i).";

(iii) in subparagraph (C)—

(I) in the first sentence—

(aa) by striking "or"; and

(bb) by striking "except that" and all that follows through the period and inserting ", 30-day notice, request for classification information, or periodic report concerning a class III device."; and

(II) by striking the third sentence; and

(iv) in subparagraph (D)—

(I) in clause (iii), by striking the last two sentences; and

(II) by adding at the end the following:

"(iv) MODULAR APPLICATION WITHDRAWN BEFORE FIRST ACTION.—The Secretary shall refund 75 percent of the application fee paid for a modular application submitted under section 515(c)(4) that is withdrawn before a second module is submitted and before a first action on the first module. If the modular application is withdrawn after a second or subsequent module is submitted but before any first action, the Secretary may return a portion of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of the modules submitted.

"(v) SOLE DISCRETION TO REFUND.—The Secretary shall have sole discretion to refund a fee or portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable."; and

(B) by adding at the end the following:

"(3) ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each establishment subject to a registration fee shall be subject to a fee for each initial or annual registration beginning with its registration for fiscal year 2008.

"(B) EXCEPTION FOR FEDERAL OR STATE GOVERNMENT ESTABLISHMENT.—No fee shall be required under subparagraph (A) for an establishment operated by a Federal or State government entity unless a device manufactured by the establishment is to be distributed commercially.

"(C) PAYMENT.—The annual establishment registration fee shall be due once each fiscal year, upon the initial registration of the establishment or upon the annual registration under section 510.";

(2) by striking subsection (b) and inserting the following:

"(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), and (e), the fees under subsection (a) shall be based on the following fee amounts:

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Premarket Application	$185,000	$200,725	$217,787	$236,298	$256,384
Establishment Registration Fee	$1,706	$1,851	$2,008	$2,179	$2,364";

(3) in subsection (c)—

(A) in the heading, by striking "Annual Fee Setting.—" and inserting "ANNUAL FEE SETTING.—";

(B) in paragraph (1), by striking the second sentence;

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(D) by inserting after paragraph (1) the following:

"(2) ADJUSTMENT OF ANNUAL ESTABLISHMENT REGISTRATION FEE.—

"(A) IN GENERAL.—When setting the fees for fiscal year 2010, the Secretary may increase the establishment registration fee specified in subsection (b) only if the Secretary estimates that the number of establishments submitting fees for fiscal year 2009 is less than 12,250. The percent increase shall be the percent by which the estimate of establishments submitting fees in fiscal year 2009 is less than 12,750, but in no case shall the percent increase be more than 8.5 percent over the amount for such fee specified in subsection (b) for fiscal year 2010. If the Secretary makes any adjustment to the establishment registration fee for fiscal year 2010, then the establishment registration fee for fiscal years 2011 and 2012 under subsection (b) shall be adjusted as follows: the fee for fiscal year 2011 shall be equal to the adjusted fee for fiscal year 2010, increased by 8.5 percent, and the fee for fiscal year 2012 shall be equal to the adjusted fee for fiscal year 2011, increased by 8.5 percent.

"(B) PUBLICATION IN THE FEDERAL REGISTER.—The Secretary shall publish any determination with respect to any establishment registration fee adjustment made under subparagraph (A), and the rationale for such determination, in the Federal Register."; and

(E) in paragraph (4)(A), as so redesignated—

(i) by striking "For fiscal years 2006 and 2007, the" and inserting "The"; and

(ii) by striking "of fiscal year 2008" and inserting "of the next fiscal year";

(4) in subsection (d)—

(A) in paragraph (1), by striking ", partners, and parent firms";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", partners, and parent firms";

(ii) in subparagraph (B)—

(I) by striking "An applicant shall" and inserting the following:

"(i) IN GENERAL.—An applicant shall";

(II) by striking "The applicant shall support" and inserting the following:

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support";

(III) by striking ", partners, and parent firms" both places the term appears;

(IV) by striking "partners, or parent firms, the" and inserting "the";

(V) by striking ", partners, or parent firms, respectively"; and

(VI) by adding at the end the following:

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of the following:

"(I) A signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant meets the criteria for a small business.

"(II) A certification, in English, from the national taxing authority of the country in which it is headquartered. Such certification shall provide the applicant's gross receipts and sales for the most recent year, in both the local currency and in United States dollars, the exchange rate used in making this conversion to dollars, and the dates during which these receipts and sales were collected, and it shall bear the official seal of the national taxing authority.

"(III) Identical certifications shall be provided for each of the applicant's affiliates.

"(IV) A statement signed by the head of the applicant or its chief financial officer that it has submitted certifications for all of its affiliates, or that it had no affiliates, whichever is applicable."; and

(iii) in subparagraph (C)—

(I) by striking "reduced rate of" and inserting "reduced rate of—"; and

(II) by striking "38 percent" and all that follows through the period and inserting the following:

"(i) 25 percent of the fee established under such subsection for a premarket application, a premarket report, a supplement, or a periodic report concerning a class III device; and

"(ii) 50 percent of the fee established under such subsection for a 30-day notice or a request for classification information.";

(5) in subsection (e)—

(A) in paragraph (1), by striking "2004" and inserting "2008"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", partners, and parent firms";

(ii) by striking subparagraph (B) and inserting the following:

"(B) EVIDENCE OF QUALIFICATION.—

"(i) IN GENERAL.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for the lower fee rate.

"(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, and a copy of such returns of its affiliates, which show an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant, and each of such affiliates, shall certify that the information provided is a true and accurate copy of the actual tax forms they submitted to the Internal Revenue Service. If no tax forms are submitted for affiliates, the applicant shall certify that the applicant has no affiliates.

"(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of the following:

"(I) A signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant meets the criteria for a small business.

"(II) A certification, in English, from the national taxing authority of the country in which it is headquartered. Such certification shall provide the applicant's gross receipts and sales for the most recent year, in both the local currency and in United States dollars, and the exchange rate used in making such conversion to dollars, and the dates during which such receipts and sales were collected, and it shall bear the official seal of the national taxing authority.

"(III) Identical certifications shall be provided for each of the applicant's affiliates.

"(IV) A statement signed by the head of the applicant or its chief financial officer that it has submitted certifications for all of its affiliates, or that it had no affiliates, whichever is applicable."; and

(iii) by striking subparagraph (C) and inserting the following:

"(C) REDUCED FEES.—For fiscal year 2008 and each subsequent fiscal year, where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 50 percent of the fee that applies under subsection (a)(2)(A)(viii) and as established under subsection (c)(1).";

(6) by striking subsection (f) and inserting the following:

"(f) EFFECT OF FAILURE TO PAY FEES.—

"(1) IN GENERAL.—A premarket application, premarket report, supplement, or premarket notification submission, 30-day notice, request for classification information, or periodic report concerning a class III device submitted by a person subject to fees under paragraphs (2) and (3) of subsection (a) shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

"(2) REGISTRATION INFORMATION.—Registration information submitted by an establishment subject to a registration fee under subsection (a)(3) shall be considered incomplete and shall not be accepted by the Secretary until the registration fee owed for the establishment has been paid. Until the fee is paid and the registration is complete, the establishment shall be deemed to have failed to register in accordance with section 510.";

(7) in subsection (g)—

(A) by striking paragraph (1) and inserting the following:

"(1) PERFORMANCE GOALS; TERMINATION OF PROGRAM.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

"(A) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is more than 1 percent less than $205,720,000 multiplied by the adjustment factor applicable to such fiscal year; or

"(B) fees were not assessed under subsection (a) for the previous fiscal year."; and

(B) in paragraph (2), by striking "and premarket notification submissions, and" and inserting "premarket notification submissions, 30-day notices, requests for classification information, periodic reports concerning a class III device, and establishment registrations"; and

(8) in subsection (h), by striking paragraphs (3) and (4) and inserting the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

"(A) $48,431,000 for fiscal year 2008;

"(B) $52,547,000 for fiscal year 2009;

"(C) $57,014,000 for fiscal year 2010;

"(D) $61,860,000 for fiscal year 2011; and

"(E) $67,118,000 for fiscal year 2012.

"(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, added to the amount estimated to be collected for fiscal year 2011 (which estimate shall be based upon the amount of fees received by the Secretary through June 30, 2011), exceeds the amount of fees specified in aggregate in paragraph (3) for such 4 fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.".

SEC. 304. SAVINGS CLAUSE.

Notwithstanding section 107 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250), and notwithstanding the amendments made by this subtitle, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, as in effect on the day before the date of enactment of this subtitle, shall continue to be in effect with respect to premarket applications, premarket reports, premarket notification submissions, and supplements (as defined in such part as of such day) that on or after October 1, 2002, but before October 1, 2007, were accepted by the Food and Drug Administration for filing with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2008.

SEC. 305. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on October 1, 2007.

Subtitle B—Amendments Regarding Regulation of Medical Devices

SEC. 311. INSPECTIONS BY ACCREDITED PERSONS.

Section 704(g) (21 U.S.C. 374(g)) is amended—

(1) in paragraph (1), by striking "Not later than one year after the date of enactment of this subsection, the Secretary" and inserting "The Secretary";

(2) in paragraph (2), by—

(A) striking "Not later than 180 days after the date of enactment of this subsection, the" and inserting "The Secretary"; and

(B) striking the fifth sentence;

(3) in paragraph (3), by adding at the end the following:

"(F) Such person shall notify the Secretary of any withdrawal, suspension, restriction, or expiration of certificate of conformance with the quality systems standard referred to in paragraph (7) for any device establishment that such person inspects under this subsection not later than 30 days after such withdrawal, suspension, restriction, or expiration.

"(G) Such person may conduct audits to establish conformance with the quality systems standard referred to in paragraph (7).";

(4) by amending paragraph (6) to read as follows:

"(6)(A) Subject to subparagraphs (B) and (C), a device establishment is eligible for inspection by persons accredited under paragraph (2) if the following conditions are met:

"(i) The Secretary classified the results of the most recent inspection of the establishment as 'no action indicated' or 'voluntary action indicated'.

"(ii) With respect to inspections of the establishment to be conducted by an accredited person, the owner or operator of the establishment submits to the Secretary a notice that—

"(I) provides the date of the last inspection of the establishment by the Secretary and the classification of that inspection;

"(II) states the intention of the owner or operator to use an accredited person to conduct inspections of the establishment;

"(III) identifies the particular accredited person the owner or operator intends to select to conduct such inspections; and

"(IV) includes a certification that, with respect to the devices that are manufactured, prepared, propagated, compounded, or processed in the establishment—

"(aa) at least 1 of such devices is marketed in the United States; and

"(bb) at least 1 of such devices is marketed, or is intended to be marketed, in 1 or more foreign countries, 1 of which countries certifies, accredits, or otherwise recognizes the person accredited under paragraph (2) and identified under subclause (III) as a person authorized to conduct inspections of device establishments.

"(B)(i) Except with respect to the requirement of subparagraph (A)(i), a device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 30 days after receiving such notice, issues a response that—

"(I) denies clearance to participate as provided under subparagraph (C); or

"(II) makes a request under clause (ii).

"(ii) The Secretary may request from the owner or operator of a device establishment in response to the notice under subparagraph (A)(ii) with respect to the establishment, or from the particular accredited person identified in such notice—

"(I) compliance data for the establishment in accordance with clause (iii)(I); or

"(II) information concerning the relationship between the owner or operator of the establishment and the accredited person identified in such notice in accordance with clause (iii)(II).

The owner or operator of the establishment, or such accredited person, as the case may be, shall respond to such a request not later than 60 days after receiving such request.

"(iii)(I) The compliance data to be submitted by the owner or operation of a device establishment in response to a request under clause (ii)(I) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h) and with other applicable provisions of this Act. Such data shall include complete reports of inspectional findings regarding good manufacturing practice or other quality control audits that, during the preceding 2-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other compliance data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

"(II) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1).

"(iv) A device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 60 days after receiving the information requested under clause (ii), issues a response that denies clearance to participate as provided under subparagraph (C).

"(C)(i) The Secretary may deny clearance to a device establishment if the Secretary has evidence that the certification under subparagraph (A)(ii)(IV) is untrue and the Secretary provides to the owner or operator of the establishment a statement summarizing such evidence.

"(ii) The Secretary may deny clearance to a device establishment if the Secretary determines that the establishment has failed to demonstrate consistent compliance for purposes of subparagraph (B)(iii)(I) and the Secretary provides to the owner or operator of the establishment a statement of the reasons for such determination.

"(iii)(I) The Secretary may reject the selection of the accredited person identified in the notice under subparagraph (A)(ii) if the Secretary provides to the owner or operator of the establishment a statement of the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request, or that the Secretary has concerns regarding the relationship between the establishment and such accredited person.

"(II) If the Secretary rejects the selection of an accredited person by the owner or operator of a device establishment, the owner or operator may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii) of subparagraph (B), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A)(ii).

"(iv) In the case of a device establishment that is denied clearance under clause (i) or (ii) or with respect to which the selection of the accredited person is rejected under clause (iii), the Secretary shall designate a person to review the statement of reasons, or statement summarizing such evidence, as the case may be, of the Secretary under such clause if, during the 30-day period beginning on the date on which the owner or operator of the establishment receives such statement, the owner or operator requests the review. The review shall commence not later than 30 days after the owner or operator requests the review, unless the Secretary and the owner or operator otherwise agree.";

(5) in paragraph (7)—

(A) by amending subparagraph (A) to read as follows:

"(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report in a form and manner designated by the Secretary to conduct inspections, taking into consideration the goals of international harmonization of quality systems standards. Any official classification of the inspection shall be determined by the Secretary."; and

(B) by adding at the end the following:

"(F) For the purpose of setting risk-based inspectional priorities, the Secretary shall accept voluntary submissions of reports of audits assessing conformance with appropriate quality systems standards set by the International Organization for Standardization (ISO) and identified by the Secretary in public notice. If the owner or operator of an establishment elects to submit audit reports under this subparagraph, the owner or operator shall submit all such audit reports with respect to the establishment during the preceding 2-year periods."; and

(6) in paragraphs (10)(C)(iii), by striking "based" and inserting "base".

SEC. 312. EXTENSION OF AUTHORITY FOR THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523(c) (21 U.S.C. 360m(c)) is amended by striking "2007" and inserting "2012".

SEC. 313. REGISTRATION.

(a) Annual Registration of Producers of Drugs and Devices.—Section 510(b) (21 U.S.C. 359(b)) is amended—

(1) by redesignating the existing text as paragraph (1), and indenting and relocating it appropriately;

(2) in paragraph (1), as so redesignated, by striking "or a device or devices"; and

(3) by adding at the end the following new paragraph:

"(2) Between October 1 and December 31 of each year every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices shall register with the Secretary his name, places of business, and all such establishments.".

(b) Registration of Foreign Establishments.—Section 510(i)(1) (21 U.S.C. 359(i)(1)) is amended—

(1) by redesignating the existing text as subparagraph (A), and indenting and relocating it appropriately;

(2) in subparagraph (A), as so redesignated—

(A) by striking "processing of a drug or a device that is imported" and inserting "processing of a drug that is imported"; and

(B) by striking "or device" each place it appears; and

(3) by adding after such subparagraph (A) the following new subparagraph:

"(B) Between October 1 and December 31 of each year, any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary, register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such device in the United States that is known to the establishment, and the name of each person who imports or offers for import such device to the United States for purposes of importation.".

SEC. 314. FILING OF LISTS OF DRUGS AND DEVICES MANUFACTURED PREPARED, PROPAGATED AND COMPOUNDED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.

Section 510(j)(2) (21 U.S.C. 360(j)(2) is amended, in the matter preceding subparagraph (A), to read as follows:

"(2) Each person who registers with the Secretary under this section shall report to the Secretary (i) with regard to drugs, once during the month of June of each year and once during the month of December of each year, and (ii) with regard to devices, once each year between October 1 and December 31, the following information:".

SEC. 315. ELECTRONIC REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended to read as follows:

"(p)(1) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a drug, registrations under subsections (b), (c), (d), and (i) of this section (including the submission of updated information) shall be submitted to the Secretary by electronic means, upon a finding by the Secretary that the electronic receipt of such registrations is feasible, unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.

"(2) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, the registration and listing information required by this section shall be submitted to the Secretary by electronic means, unless the Secretary grants a waiver because electronic registration and listing is not reasonable for the person requesting such waiver.".

TITLE IV—PEDIATRIC MEDICAL PRODUCTS

Subtitle A—Best Pharmaceuticals for Children

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "Best Pharmaceuticals for Children Amendments of 2007".

SEC. 402. PEDIATRIC STUDIES OF DRUGS.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ", and, at the discretion of the Secretary, may include preclinical studies";

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) EXCEPTION.—The Secretary shall not extend a period referred to in paragraph (1)(A) or in paragraph (1)(B) if the determination made under subsection (d)(3) is made less than 9 months prior to the expiration of such period.";

(3) in subsection (c)—

(A) in paragraph (1)(A)(i), by striking "(D)" both places it appears and inserting "(E)";

(B) in paragraph (1)(A)(ii), by striking "(D)" and inserting "(E)";

(C) by striking "(1)(A)(i)" and inserting "(A)(i)(I)";

(D) by striking "(ii) the" and inserting "(II) the";

(E) by striking "(B) if the drug is designated" and inserting "(ii) if the drug is designated";

(F) by striking "(2)(A)" and inserting "(B)(i)";

(G) by striking "(i) a listed patent" and inserting "(I) a listed patent";

(H) by striking "(ii) a listed patent" and inserting "(II) a listed patent";

(I) by striking "(B) if the drug is the subject" and inserting "(ii) if the drug is the subject";

(J) by striking "If" and all that follows through "subsection (d)(3)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—"; and

(K) by adding at the end the following:

"(2) EXCEPTION.—The Secretary shall not extend a period referred to in paragraph (1)(A) or in paragraph (1)(B) if the determination made under subsection (d)(3) is made less than 9 months prior to the expiration of such period.";

(4) by striking subsection (d) and inserting the following:

"(d) CONDUCT OF PEDIATRIC STUDIES.—

"(1) REQUEST FOR STUDIES.—

"(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

"(B) SINGLE WRITTEN REQUEST.—A single written request—

"(i) may relate to more than 1 use of a drug; and

"(ii) may include uses that are both approved and unapproved.

"(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

"(A) REQUEST AND RESPONSE.—

"(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

"(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

"(II) indicating that the applicant or holder does not agree to the request and the reasons for declining the request.

"(ii) DISAGREE WITH REQUEST.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

"(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

"(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

"(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.";

(5) by striking subsections (e) and (f) and inserting the following:

"(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

"(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

"(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within 1 year of the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such 1 year period.

"(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

"(1) INTERNAL REVIEW.—

"(A) IN GENERAL.—The Secretary shall create an internal review committee to review all written requests issued and all reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, in accordance with paragraphs (2) and (3).

"(B) MEMBERS.—The committee under subparagraph (A) shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

"(i) Pediatrics.

"(ii) Biopharmacology.

"(iii) Statistics.

"(iv) Drugs and drug formulations.

"(v) Legal issues.

"(vi) Appropriate expertise, such as expertise in child and adolescent psychiatry, pertaining to the pediatric product under review.

"(vii) One or more experts from the Office of Pediatric Therapeutics, which may include an expert in pediatric ethics.

"(viii) Other individuals as designated by the Secretary.

"(C) ACTION BY COMMITTEE.—The committee established under this paragraph may perform a function under this section using appropriate members of the committee under subparagraph (B) and need not convene all members of the committee under subparagraph (B) in order to perform a function under this section.

"(D) DOCUMENTATION OF COMMITTEE ACTION.—The committee established under this paragraph shall document for each function under paragraphs (2) and (3), which members of the committee participated in such function.

"(2) REVIEW OF WRITTEN REQUESTS.—All written requests under this section shall be reviewed and approved by the committee established under paragraph (1) prior to being issued.

"(3) REVIEW OF PEDIATRIC STUDIES.—The committee established under paragraph (1) shall review all studies conducted pursuant to this section to make a recommendation to the Secretary whether to accept or reject such reports under subsection (d)(3).

"(4) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The committee established under paragraph (1) shall be responsible for tracking and making available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of studies conducted under this section;

"(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under this section;

"(C) the types of studies conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

"(E) the labeling changes made as a result of studies conducted under this section;

"(F) an annual summary of labeling changes made as a result of studies conducted under this section for distribution pursuant to subsection (k)(2);

"(G) information regarding reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007; and

"(H) the number of times the committee established under paragraph (1) made a recommendation to the Secretary under paragraph (3), the number of times the Secretary did not follow such a recommendation to accept reports under subsection (d)(3), and the number of times the Secretary did not follow such a recommendation to reject such reports under section (d)(3).

"(5) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505B(f)(1).";

(6) in subsection (g)—

(A) in paragraph (1)—

(i) by striking "(c)(1)(A)(ii)" and inserting "(c)(1)(A)(i)(II)"; and

(ii) by striking "(c)(2)" and inserting "(c)(1)(B)";

(B) in paragraph (2), by striking "(c)(1)(B)" and inserting "(c)(1)(A)(ii)";

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking "LIMITATIONS.—A drug" and inserting "LIMITATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (c)(2), a drug"; and

(E) by adding at the end the following:

"(2) EXCLUSIVITY ADJUSTMENT.—

"(A) ADJUSTMENT.—

"(i) IN GENERAL.—With respect to any drug, if the organization designated under subparagraph (B) notifies the Secretary that the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in any calendar year prior to the time the sponsor or holder agrees to the initial written request pursuant to subsection (d)(2), then each period of market exclusivity deemed or extended under subsection (b) or (c) shall be reduced by 3 months for such drug.

"(ii) DETERMINATION.—The determination under clause (i) of the combined annual gross sales shall be determined—

"(I) taking into account only those sales within the United States; and

"(II) taking into account only the sales of all drugs with the same active moiety of the sponsor or holder and its affiliates.

"(B) DESIGNATION.—The Secretary shall designate an organization other than the Food and Drug Administration to evaluate whether the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in a calendar year as described in subparagraph (A). Prior to designating such organization, the Secretary shall determine that such organization is independent and is qualified to evaluate the sales of pharmaceutical products. The Secretary shall re-evaluate the designation of such organization once every 3 years.

"(C) NOTIFICATION.—Once a year at a time designated by the Secretary, the organization designated under subparagraph (B) shall notify the Food and Drug Administration of all drugs with the same active moiety with combined annual gross sales that exceed $1,000,000,000 during the previous calendar year.";

(7) in subsection (i)—

(A) in the heading, by striking "SUPPLEMENTS" and inserting "CHANGES";

(B) in paragraph (1)—

(i) in the heading, by inserting "APPLICATIONS AND" after "PEDIATRIC";

(ii) by inserting "application or" after "Any";

(iii) by striking "change pursuant to a report on a pediatric study under" and inserting "change as a result of any pediatric study conducted pursuant to"; and

(iv) by inserting "application or" after "to be a priority"; and

(C) in paragraph (2)(A), by—

(i) striking "If the Commissioner" and inserting "If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Commissioner"; and

(ii) striking "an application with" and all that follows through "on appropriate" and inserting "the sponsor and the Commissioner have been unable to reach agreement on appropriate";

(8) by striking subsection (m);

(9) by redesignating subsections (j), (k), (l), and (n), as subsections (k), (m), (o), and (p), respectively;

(10) by inserting after subsection (i) the following:

"(j) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.";

(11) in subsection (k), as redesignated by paragraph (9)—

(A) in paragraph (1)—

(i) by striking "a summary of the medical and" and inserting "the medical, statistical, and"; and

(ii) by striking "for the supplement" and all that follows through the period and inserting "under subsection (b) or (c).";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary shall require that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.";

(12) by inserting after subsection (k), as redesignated by paragraph (9), the following:

"(l) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, during the 1-year period beginning on the date a labeling change is made pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this section in response to such reports.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.";

(13) by inserting after subsection (m), as redesignated by paragraph (9), the following:

"(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

"(1) IN GENERAL.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

"(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B. Prior to making such determination, the Secretary may take not more than 60 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate 1 or more of the pediatric studies of such drug referred to in the sentence preceding this paragraph and fund 1 or more of such studies in their entirety. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer such pediatric study or studies to the Foundation for the National Institutes of Health for the conduct of such study or studies.

"(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

"(2) PUBLIC NOTICE.—The Secretary shall give the public notice of—

"(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision; and

"(B) any referral under paragraph (1)(B) of a drug for inclusion on the list established under section 409I of the Public Health Service Act.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code."; and

(14) in subsection (p), as redesignated by paragraph (9)—

(A) striking "6-month period" and inserting "3-month or 6-month period";

(B) by striking "subsection (a)" and inserting "subsection (b)"; and

(C) by striking "2007" both places it appears and inserting "2012".

(b) EFFECTIVE DATE.—Except as otherwise provided in the amendments made by subsection (a), such amendments shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of enactment of this subtitle.

SEC. 403. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every 3 years.

"(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

"(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

"(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

"(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

"(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.";

(2) in subsection (c)—

(A) in the heading, by striking "CONTRACTS" and inserting "PROPOSED PEDIATRIC STUDY REQUESTS";

(B) by striking paragraphs (4) and (12);

(C) by redesignating paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4);

(D) by inserting before paragraph (2), as redesignated by subparagraph (C), the following:

"(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

"(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

"(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act;

"(B) there is no patent protection or market exclusivity protection for at least 1 form of the drug under the Federal Food, Drug, and Cosmetic Act; and

"(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.";

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by inserting "based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1)" after "issue a written request";

(ii) by striking "in the list described in subsection (a)(1)(A) (except clause (iv))" and inserting "under subsection (a)"; and

(iii) by inserting "and using appropriate formulations for each age group for which the study is requested" before the period at the end:

(F) in paragraph (3), as redesignated by subparagraph (C)—

(i) in the heading, by striking "CONTRACT";

(ii) by striking "paragraph (1)" and inserting "paragraph (2)";

(iii) by striking "or if a referral described in subsection (a)(1)(A)(iv) is made,";

(iv) by striking "for contract proposals" and inserting "for proposals"; and

(v) by inserting "in accordance with subsection (b)" before the period at the end;

(G) in paragraph (4), as redesignated by subparagraph (C)—

(i) by striking "contract"; and

(ii) by striking "paragraph (2)" and inserting "paragraph (3)";

(H) in paragraph (5)—

(i) by striking the heading and inserting "CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS"; and

(ii) by striking "A contract" and all that follows through "is submitted" and inserting "A contract, grant, or other funding may be awarded under this section only if a proposal is submitted";

(I) in paragraph (6)(A)—

(i) by striking "a contract awarded" and inserting "an award"; and

(ii) by inserting ", including a written request if issued" after "with the study"; and

(3) by inserting after subsection (c) the following:

"(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress."

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) In general.—There are authorized to be appropriated to carry out this section—

"(A) $200,000,000 for fiscal year 2008; and

"(B) such sums as are necessary for each of the 4 succeeding fiscal years.

"(2) Availability.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.".

SEC. 404. REPORTS AND STUDIES.

(a) GAO Report.—Not later than January 31, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of the amendments made by this subtitle and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this subtitle and the amendments made by this subtitle, and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)), has increased or decreased as a result of the amendments made by this subtitle;

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this subtitle, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (42 U.S.C. 284m) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

(b) IOM Study.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to section 505A of the Federal Food, Drug, and Cosmetic Act. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to such section in order to conduct such study. Such study shall—

(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c) of such section 505A;

(2) review and assess such representative pediatric studies conducted under such subsections (b) and (c) since 1997 and labeling changes made as a result of such studies; and

(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials.

SEC. 405. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) Investment in Tomorrow's Pediatric Researchers.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g–10(2)) is amended by adding before the period at the end the following: ", including pediatric pharmacological research".

(b) Pediatric Research Loan Repayment Program.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288–6(a)(1)) is amended by inserting "including pediatric pharmacological research," after "pediatric research,".

SEC. 406. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking "and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of the is Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)" and inserting "and studies for which the Secretary issues a certification under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(n)(1)(A))".

SEC. 407. CONTINUATION OF OPERATION OF COMMITTEE.

Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following:

"(d) Continuation of Operation of Committee.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.".

SEC. 408. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a and 355c) with respect to the treatment of pediatric cancers."; and

(B) by adding at the end the following:

"(3) Continuation of operation of subcommittee.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Subcommittee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007."; and

(2) in subsection (d), by striking "2003" and inserting "2009".

SEC. 409. EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.

(a) In General.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products", 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(b) Limitation.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(1) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(2) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(3) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

Subtitle B—Pediatric Research Improvement

SEC. 411. SHORT TITLE.

This subtitle may be cited as the "Pediatric Research Improvement Act".

SEC. 412. PEDIATRIC FORMULATIONS, EXTRAPOLATIONS, AND DEFERRALS.

Section 505B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)) is amended—

(1) in paragraph (4)(C), by adding at the end the following: "An applicant seeking either a partial or full waiver on this ground shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed, and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration";

(2) in paragraph (2)(B), by adding at the end the following:

"(iii) Information on extrapolation.—A brief documentation of the scientific data supporting the conclusion under clauses (i) and (ii) shall be included in any pertinent reviews for the application under section 505 or section 351 of the Public Health Service Act."; and

(3) by striking paragraph (3) and inserting the following:

"(3) Deferral.—

"(A) In general.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

"(i) the Secretary finds that—

"(I) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

"(II) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

"(III) there is another appropriate reason for deferral; and

"(ii) the applicant submits to the Secretary—

"(I) certification of the grounds for deferring the assessments;

"(II) a description of the planned or ongoing studies;

"(III) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time; and

"(IV) a timeline for the completion of such studies.

"(B) ANNUAL REVIEW.—

"(i) IN GENERAL.—On an annual basis following the approval of a deferral under subparagraph (A), the applicant shall submit to the Secretary the following information:

"(I) Information detailing the progress made in conducting pediatric studies.

"(II) If no progress has been made in conducting such studies, evidence and documentation that such studies will be conducted with due diligence and at the earliest possible time.

"(ii) PUBLIC AVAILABILITY.—The information submitted through the annual review under clause (i) shall promptly be made available to the public in an easily accessible manner, including through the website of the Food and Drug Administration.".

SEC. 413. IMPROVING AVAILABILITY OF PEDIATRIC DATA FOR ALREADY MARKETED PRODUCTS.

Section 505B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—After providing notice in the form of a written request under section 505A that was declined by the sponsor or holder, or a letter referencing such declined written request, and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the sponsor or holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act (42 U.S.C. 262) to submit by a specified date the assessments described in subsection (a)(2) and the written request, as appropriate, for the labeled indication or indications, if the Secretary finds that—

"(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

"(ii) adequate pediatric labeling could confer a benefit on pediatric patients;

"(B) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; or

"(C) the absence of adequate pediatric labeling could pose a risk to pediatric patients.";

(2) in paragraph (2)(C), by adding at the end the following: "An applicant seeking either a partial or full waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed, and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration."; and

(3) by striking paragraph (3) and inserting the following:

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.".

SEC. 414. SUNSET; REVIEW OF PEDIATRIC ASSESSMENTS; ADVERSE EVENT REPORTING; LABELING CHANGES; AND PEDIATRIC ASSESSMENTS.

Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) redesignating subsection (h) as subsection (j);

(2) in subsection (j), as so redesignated, by striking "505A(n)" and inserting "505A(p)";

(3) by redesignating subsection (f) as subsection (k);

(4) by redesignating subsection (g) as subsection (l); and

(5) by inserting after subsection (e) the following:

"(f) REVIEW OF PEDIATRIC ASSESSMENT REQUESTS, PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—

"(1) REVIEW.—The Secretary shall create an internal committee to review all pediatric assessment requests issued under this section, all pediatric assessments conducted under this section, and all deferral and waiver requests made pursuant to this section. Such internal committee shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

"(A) Pediatrics.

"(B) Biopharmacology.

"(C) Statistics.

"(D) Drugs and drug formulations.

"(E) Pediatric ethics.

"(F) Legal issues.

"(G) Appropriate expertise, such as expertise in child and adolescent psychiatry, pertaining to the pediatric product under review.

"(H) 1 or more experts from the Office of Pediatric Therapeutics.

"(I) Other individuals as designated by the Secretary.

"(2) ACTION BY THE COMMITTEE.—The committee established under paragraph (1) may perform a function under this section using appropriate members of the committee under paragraph (1) and need not convene all members of the committee under paragraph (1) in order to perform a function under this section.

"(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee established under this paragraph shall document for each function under paragraph (4) or (5), which members of the committee participated in such function.

"(4) REVIEW OF REQUESTS FOR PEDIATRIC ASSESSMENTS, DEFERRALS, AND WAIVERS.—All written requests for a pediatric assessment issued pursuant to this section and all requests for deferrals and waivers from the requirement to conduct a pediatric assessment under this section shall be reviewed and approved by the committee established under paragraph (1).

"(5) REVIEW OF ASSESSMENTS.—The committee established under paragraph (1) shall review all assessments conducted under this section to determine whether such assessments meet the requirements of this section.

"(6) TRACKING OF ASSESSMENTS AND LABELING CHANGES.—The committee established under paragraph (1) is responsible for tracking and making public in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

"(A) the number of assessments conducted under this section;

"(B) the specific drugs and drug uses assessed under this section;

"(C) the types of assessments conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

"(D) the total number of deferrals requested and granted under this section, and, if granted, the reasons for such deferrals, the timeline for completion, and the number completed and pending by the specified date, as outlined in subsection (a)(3);

"(E) the number of waivers requested and granted under this section, and, if granted, the reasons for the waivers;

"(F) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons any such formulations were not developed;

"(G) the labeling changes made as a result of assessments conducted under this section;

"(H) an annual summary of labeling changes made as a result of assessments conducted under this section for distribution pursuant to subsection (i)(2); and

"(I) an annual summary of the information submitted pursuant to subsection (a)(3)(B).

"(7) COMMITTEE.—The committee established under paragraph (1) is the committee established under section 505A(f)(1).

"(g) LABELING CHANGES.—

"(1) PRIORITY STATUS FOR PEDIATRIC SUPPLEMENT.—Any supplement to an application under section 505 and section 351 of the Public Health Service Act proposing a labeling change as a result of any pediatric assessments conducted pursuant to this section—

"(A) shall be considered a priority supplement; and

"(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

"(2) DISPUTE RESOLUTION.—

"(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If the Commissioner determines that a sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application or supplement, not later than 180 days after the date of the submission of the application or supplement—

"(i) the Commissioner shall request that the sponsor make any labeling change that the Commissioner determines to be appropriate; and

"(ii) if the sponsor does not agree to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

"(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

"(i) review the pediatric study reports; and

"(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

"(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application or supplement to make any labeling changes that the Commissioner determines to be appropriate.

"(D) MISBRANDING.—If the sponsor, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application or supplement to be misbranded.

"(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the

United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

"(3) OTHER LABELING CHANGES.—If the Secretary makes a determination that a pediatric assessment conducted under this section does or does not demonstrate that the drug that is the subject of such assessment is safe and effective, including whether such assessment results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the assessment and a statement of the Secretary's determination.

"(h) DISSEMINATION OF PEDIATRIC INFORMATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of submission of a pediatric assessment under this section, the Secretary shall make available to the public in an easily accessible manner the medical, statistical, and clinical pharmacology reviews of such pediatric assessments and shall post such assessments on the website of the Food and Drug Administration.

"(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—The Secretary shall require that the sponsors of the assessments that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(H) distribute such information to physicians and other health care providers.

"(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall alter or amend section 301(j) of this Act or section 552 of title 5, United States Code, or section 1905 of title 18, United States Code.

"(i) ADVERSE EVENT REPORTING.—

"(1) REPORTING IN YEAR 1.—During the 1-year period beginning on the date a labeling change is made pursuant to subsection (g), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics. In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to such report.

"(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics with all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such report.

"(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.".

SEC. 415. MEANINGFUL THERAPEUTIC BENEFIT.

Section 505B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended—

(1) by striking "estimates" and inserting "determines"; and

(2) by striking "would" and inserting "could".

SEC. 416. REPORTS.

(a) INSTITUTE OF MEDICINE STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this subtitle, the Secretary shall contract with the Institute of Medicine to conduct a study and report to Congress regarding the pediatric studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) since 1997.

(2) CONTENT OF STUDY.—The study under paragraph (1) shall review and assess—

(A) pediatric studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) since 1997 and labeling changes made as a result of such studies; and

(B) the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, number and type of pediatric adverse events, and ethical issues in pediatric clinical trials.

(3) REPRESENTATIVE SAMPLE.—The Institute of Medicine may devise an appropriate mechanism to review a representative sample of studies conducted pursuant to section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) from each review division within the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research in order to make the required assessment.

(b) GAO REPORT.—Not later than September 1, 2010, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of this provision and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of such section 505B, and possible reasons for the lack of testing; and

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established under such section 505B, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee.

SEC. 417. TECHNICAL CORRECTIONS.

Section 505B(a)(2)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c(a)(2)(B)(ii)) is amended by striking "one" and inserting "1".

Subtitle C—Pediatric Medical Devices

SEC. 421. SHORT TITLE.

This subtitle may be cited as the "Pediatric Medical Device Safety and Improvement Act of 2007".

SEC. 422. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

"SEC. 515A. PEDIATRIC USES OF DEVICES.

"(a) NEW DEVICES.—

"(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

"(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

"(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

"(B) the number of affected pediatric patients.

"(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

"(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

"(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

"(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

"(D) the review time for each device described in subparagraphs (A), (B), and (C).

"(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

"(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

"(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

"(c) PEDIATRIC SUBPOPULATION.—In this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).".

SEC. 423. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking "No" and inserting "Except as provided in paragraph (6), no";

(2) in paragraph (5)—

(A) by inserting ", if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met," after "public health"; and

(B) by adding at the end the following: "If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.";

(3) by striking paragraph (6) and inserting the following:

"(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

"(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

"(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

"(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

"(iv) The request for such exemption is submitted on or before October 1, 2012.

"(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

"(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

"(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

"(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

"(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

"(I) Neonates.

"(II) Infants.

"(III) Children.

"(IV) Adolescents."; and

(4) by adding at the end the following:

"(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109)). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.".

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 425, which shall include an evaluation of the number of pediatric medical devices—

(A) that have been or are being studied in children; and

(B) that have been submitted to the Food and Drug Administration for approval, clearance, or review under such section 520(m) (as amended by this Act) and any regulatory actions taken.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this subtitle, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 424. CONTACT POINT FOR AVAILABLE FUNDING.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (21), by striking "and" after the semicolon at the end;

(2) in paragraph (22), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (22) the following:

"(23) shall designate a contact point or office to help innovators and physicians identify sources of funding available for pediatric medical device development.".

SEC. 425. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this subtitle, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall facilitate the development, production, and distribution of pediatric medical devices by—

(1) encouraging innovation and connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentoring and managing pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connecting innovators and physicians to existing Federal and non-Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assessing the scientific and medical merit of proposed pediatric device projects; and

(5) providing assistance and advice as needed on business development, personnel training, prototype development, postmarket needs, and other activities consistent with the purposes of this section.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 424; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(3) EFFECTIVENESS AND OUTCOMES.—Each consortium that receives a grant or contract under this section shall annually report to the Secretary of Health and Human Services on—

(A) the effectiveness of activities conducted under subsection (c);

(B) the impact of activities conducted under subsection (c) on pediatric device development; and

(C) the status of pediatric device development that has been facilitated by the consortium.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 426. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) IN GENERAL.—

(1) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(2) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(A) IN GENERAL.—Not later than 270 days after the date of enactment of this subtitle, the Office of Pediatric Therapeutics, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(B) CONTENTS.—The plan under subparagraph (A) shall include—

(i) the current status of federally funded pediatric medical device research;

(ii) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(iii) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions; and"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 427. POSTMARKET SURVEILLANCE.

(a) POSTMARKET SURVEILLANCE.—Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 3601) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) POSTMARKET SURVEILLANCE.—

"(1) IN GENERAL.—

"(A) CONDUCT.—The Secretary may by order require a manufacturer to conduct postmarket surveillance for any device of the manufacturer that is a class II or class III device—

"(i) the failure of which would be reasonably likely to have serious adverse health consequences;

"(ii) that is expected to have significant use in pediatric populations; or

"(iii) that is intended to be—

"(I) implanted in the human body for more than 1 year; or

"(II) a life-sustaining or life-supporting device used outside a device user facility.

"(B) CONDITION.—The Secretary may order a postmarket surveillance under subparagraph (A) as a condition to approval or clearance of a device described in subparagraph (A)(ii).

"(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1) shall have no effect on authorities otherwise provided under the Act or regulations issued under this Act."; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER SURVEILLANCES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety of the device.".

TITLE V—OTHER PROVISIONS

SEC. 501. POLICY ON THE REVIEW AND CLEARANCE OF SCIENTIFIC ARTICLES PUBLISHED BY FDA EMPLOYEES.

Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.), as amended by section 241, is further amended by adding at the end the following:

"SEC. 713. POLICY ON THE REVIEW AND CLEARANCE OF SCIENTIFIC ARTICLES PUBLISHED BY FDA EMPLOYEES.

"(a) DEFINITION.—In this section, the term 'article' means a paper, poster, abstract, book, book chapter, or other published writing.

"(b) POLICIES.—The Secretary, through the Commissioner of Food and Drugs, shall establish and make publicly available clear written policies to implement this section and govern the timely submission, review, clearance, and disclaimer requirements for articles.

"(c) TIMING OF SUBMISSION FOR REVIEW.—If an officer or employee, including a Staff Fellow and a contractor who performs staff work, of the Food and Drug Administration is required by the policies established under subsection (b) to submit an article to the supervisor of such officer or employee, or to some other official of the Food and Drug Administration, for review and clearance before such officer or employee may seek to publish or present such an article at a conference, such officer or employee shall submit such article for such review and clearance not less than 30 days before submitting the article for publication or presentation.

"(d) TIMING FOR REVIEW AND CLEARANCE.—The supervisor or other reviewing official shall review such article and provide written clearance, or written clearance on the condition of specified changes being made, to such officer or employee not later than 30 days after such officer or employee submitted such article for review.

"(e) NON-TIMELY REVIEW.—If, 31 days after such submission under subsection (c), the supervisor or other reviewing official has not cleared or has not reviewed such article and provided written clearance, such officer or employee may consider such article not to have been cleared and may submit the article for publication or presentation with an appropriate disclaimer as specified in the policies established under subsection (b).".

SEC. 502. TECHNICAL AMENDMENTS.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 319C–2(j)(3)(B), by striking "section 319C–1(h)" and inserting "section 319C–1(i)";

(2) in section 402(b)(4), by inserting "minority and other" after "reducing";

(3) in section 403(a)(4)(C)(iv)(III), by inserting "and post doctoral training funded through investigator-initiated research grant awards" before the semicolon; and

(4) in section 403C(a)—

(A) in the matter preceding paragraph (1), by inserting "graduate students supported by NIH for" after "with respect to";

(B) in paragraph (1), by inserting "such" after "percentage of"; and

(C) in paragraph (2), by inserting "(not including any leaves of absence)" after "average time".

SEC. 503. SEVERABILITY CLAUSE.

If any provision of this Act, an amendment made this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

SEC. 504. SENSE OF THE SENATE WITH RESPECT TO FOLLOW-ON BIOLOGICS.

(a) FINDINGS.—The Senate finds the following:

(1) The Food and Drug Administration has stated that it requires legislative authority to review follow-on biologics.

(2) Business, consumer, and government purchasers require competition and choice to ensure more affordable prescription drug options.

(3) Well-constructed policies that balance the needs of innovation and affordability have broad bipartisan support.

(b) Sense of the Senate.—It is the sense of the Senate that legislation should be enacted to—

(1) provide the Food and Drug Administration with the authority and flexibility to approve biopharmaceuticals subject to an abbreviated approval pathway;

(2) ensure that patient safety remains paramount in the system;

(3) establish a regulatory pathway that is efficient, effective, and scientifically-grounded and that also includes measures to ensure timely resolution of patent disputes; and

(4) provide appropriate incentives to facilitate the research and development of innovative biopharmaceuticals.

SEC. 505. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

“SEC. 524. PRIORITY REVIEW TO ENCOURAGE TREATMENTS FOR TROPICAL DISEASES.

“(a) Definitions.—In this section:

“(1) AIDS.—The term ‘AIDS’ means the acquired immune deficiency syndrome.

“(2) AIDS drug.—The term ‘AIDS drug’ means a drug indicated for treating HIV.

“(3) HIV.—The term ‘HIV’ means the human immunodeficiency virus, the pathogen that causes AIDS.

“(4) Neglected or tropical disease.—The term ‘neglected or tropical disease’ means—

“(A) HIV, malaria, tuberculosis, and related diseases; or

“(B) any other infectious disease that disproportionately affects poor and marginalized populations, including those diseases targeted by the Special Programme for Research and Training in Tropical Diseases cosponsored by the United Nations Development Program, UNICEF, the World Bank, and the World Health Organization.

“(5) Priority review.—The term ‘priority review’, with respect to a new drug application described in paragraph (6), means review and action by the Secretary on such application not later than 180 days after receipt by the Secretary of such application, pursuant to the Manual of Policies and Procedures of the Food and Drug Administration.

“(6) Priority review voucher.—The term ‘priority review voucher’ means a voucher issued by the Secretary to the sponsor of a tropical disease product that entitles such sponsor, or a person described under subsection (b)(2), to priority review of a new drug application submitted under section 505(b)(1) after the date of approval of the tropical disease product.

“(7) Tropical disease product.—The term ‘tropical disease product’ means a product that—

“(A) is a new drug, antibiotic drug, biological product, vaccine, device, diagnostic, or other tool for treatment of a neglected or tropical disease; and

“(B) is approved by the Secretary for use in the treatment of a neglected or tropical disease.

“(b) Priority Review Voucher.—

“(1) In general.—The Secretary shall award a priority review voucher to the sponsor of a tropical disease product upon approval by the Secretary of such tropical disease product.

“(2) Transferability.—The sponsor of a tropical disease product that receives a priority review voucher under this section may transfer (including by sale) the entitlement to such voucher to a sponsor of a new drug for which an application under section 505(b)(1) will be submitted after the date of the approval of the tropical disease product.

“(3) Limitation.—A sponsor of a tropical disease product may not receive a priority review voucher under this section if the tropical disease product was approved by the Secretary prior to the date of enactment of this section.

“(c) Priority Review User Fee.—

“(1) In general.—The Secretary shall establish a user fee program under which a sponsor of a drug that is the subject of a priority review voucher shall pay to the Secretary a fee determined under paragraph (2). Such fee shall be in addition to any fee required to be submitted by the sponsor under chapter VII.

“(2) Fee amount.—The amount of the priority review user fee shall be determined each fiscal year by the Secretary and based on the anticipated costs to the Secretary of implementing this section.

“(3) Annual fee setting.—The Secretary shall establish, before the beginning of each fiscal year beginning after September 30, 2007, for that fiscal year, the amount of the priority review user fee.

“(4) Payment.—

“(A) In general.—The fee required by this subsection shall be due upon the filing of the new drug application under section 505(b)(1) for which the voucher is used.

“(B) Complete application.—An application described under subparagraph (A) for which the sponsor requests the use of a priority review voucher shall be considered incomplete if the fee required by this subsection is not included in such application.

“(5) Offsetting collections.—Fees collected pursuant to this subsection for any fiscal year—

“(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Food and Drug Administration; and

“(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.”.

SEC. 506. CITIZENS PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by this Act, is amended by adding at the end the following:

“(s) Citizen Petitions and Petitions for Stay of Agency Action.—

“(1) In general.—

“(A) No delay of consideration or approval.—

“(i) In general.—With respect to a pending application submitted under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, clauses (ii) and (iii) shall apply.

“(ii) No delay of consideration or approval.—Except as provided in clause (iii), the receipt and consideration of a petition described in clause (i) shall not delay consideration or approval of an application submitted under subsection (b)(2) or (j).

“(iii) No delay of approval without determination.—The Secretary shall not delay approval of an application submitted under subsection (b)(2) or (j) while a petition described in clause (i) is reviewed and considered unless the Secretary determines, not later than 25 business days after the submission of the petition, that a delay is necessary to protect the public health.

“(B) Determination of delay.—With respect to a determination by the Secretary under subparagraph (A)(iii) that a delay is necessary to protect the public health the following shall apply:

“(i) Not later than 5 days after making such determination, the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement shall include a summary of the petition and comments and supplements, the specific substantive issues that the petition raises which need to be considered prior to approving a pending application submitted under subsection (b)(2) or (j), and any clarifications and additional data that is needed by the Secretary to promptly review the petition.

“(ii) Not later than 10 days after making such determination, the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

“(2) Timing of final agency action on petitions.—

“(A) In general.—Notwithstanding a determination made by the Secretary under paragraph (1)(A)(iii), the Secretary shall take final agency action with respect to a petition not later than 180 days of submission of that petition unless the Secretary determines, prior to the date that is 180 days after the date of submission of the petition, that a delay is necessary to protect the public health.

“(B) Determination of delay.—With respect to a determination by the Secretary under subparagraph (A) that a delay is necessary to protect the public health the following shall apply:

“(i) Not later than 5 days after making the determination under subparagraph (A), the Secretary shall publish on the Internet website of the Food and Drug Administration a detailed statement providing the reasons underlying the determination. The detailed statement should include the state of the review of the petition, the specific outstanding issues that still need to be resolved, a proposed timeframe to resolve the issues, and any additional information that has been requested by the Secretary of the petitioner or needed by the Secretary in order to resolve the petition and not further delay an application filed under subsection (b)(2) or (j).

“(ii) Not later than 10 days after making the determination under subparagraph (A), the Secretary shall provide notice to the sponsor of the pending application submitted under subsection (b)(2) or (j) and provide an opportunity for a meeting with appropriate staff as determined by the Commissioner to discuss the determination.

“(3) Verifications.—

“(A) Petitions for review.—The Secretary shall not accept a petition for review unless it is signed and contains the following verification: ‘I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) information upon which I have based the action requested herein first became known to the party on whose behalf this petition is filed on or about . I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: . I verify under penalty of perjury that the foregoing is true and correct.', with the date of the filing of such petition and the signature of the petitioner inserted in the first and second blank space, respectively.

"(B) SUPPLEMENTAL INFORMATION.—The Secretary shall not accept for review any supplemental information or comments on a petition unless the party submitting such information or comments does so in written form and that the subject document is signed and contains the following verification: 'I certify that, to my best knowledge and belief: (a) I have not intentionally delayed submission of this document or its contents; and (b) the information upon which I have based the action requested herein first became known to me on or about .
I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to submit this information or its contents: . I verify under penalty of perjury that the foregoing is true and correct.', with the date of the submission of such document and the signature of the petitioner inserted in the first and second blank space, respectively.

"(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITION.—The Secretary shall annually submit to the Congress a report that specifies—

"(A) the number of applications under subsection (b)(2) and (j) that were approved during the preceding 1-year period;

"(B) the number of petitions that were submitted during such period;

"(C) the number of applications whose effective dates were delayed by petitions during such period and the number of days by which the applications were so delayed; and

"(D) the number of petitions that were filed under this subsection that were deemed by the Secretary under paragraph (1)(A)(iii) to require delaying an application under subsection (b)(2) or (j) and the number of days by which the applications were so delayed.

"(5) EXCEPTION.—This subsection does not apply to a petition that is made by the sponsor of the application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

"(6) REPORT BY INSPECTOR GENERAL.—The Office of Inspector General of the Department of Health and Human Services shall issue a report not later than 2 years after the date of enactment of this subsection evaluating evidence of the compliance of the Food and Drug Administration with the requirement that the consideration by the Secretary of petitions that do not raise public health concerns remain separate and apart from the review and approval of an application submitted under subsection (b)(2) or (j).

"(7) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request for an action described in paragraph (1)(A)(i) to the Secretary, without regard to whether the request is characterized as a petition.".

SEC. 507. PUBLICATION OF ANNUAL REPORTS.

(a) IN GENERAL.—The Commissioner on Food and Drugs shall annually submit to Congress and publish on the Internet website of the Food and Drug Administration, a report concerning the results of the Administration's pesticide residue monitoring program, that includes—

(1) information and analysis similar to that contained in the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003" as released in June of 2005;

(2) based on an analysis of previous samples, an identification of products or countries (for imports) that require special attention and additional study based on a comparison with equivalent products manufactured, distributed, or sold in the United States (including details on the plans for such additional studies), including in the initial report (and subsequent reports as determined necessary) the results and analysis of the Ginseng Dietary Supplements Special Survey as described on page 13 of the report entitled "Food and Drug Administration Pesticide Program Residue Monitoring 2003";

(3) information on the relative number of interstate and imported shipments of each tested commodity that were sampled, including recommendations on whether sampling is statistically significant, provides confidence intervals or other related statistical information, and whether the number of samples should be increased and the details of any plans to provide for such increase; and

(4) a description of whether certain commodities are being improperly imported as another commodity, including a description of additional steps that are being planned to prevent such smuggling.

(b) INITIAL REPORTS.—Annual reports under subsection (a) for fiscal years 2004 through 2006 may be combined into a single report, by not later than June 1, 2008, for purposes of publication under subsection (a). Thereafter such reports shall be completed by June 1 of each year for the data collected for the year that was 2-years prior to the year in which the report is published.

(c) MEMORANDUM OF UNDERSTANDING.—The Commissioner of Food and Drugs, the Administrator of the Food Safety and Inspection Service, the Department of Commerce, and the head of the Agricultural Marketing Service shall enter into a memorandum of understanding to permit inclusion of data in the reports under subsection (a) relating to testing carried out by the Food Safety and Inspection Service and the Agricultural Marketing Service on meat, poultry, eggs, and certain raw agricultural products, respectively.

SEC. 508. HEAD START ACT AMENDMENT IMPOSING PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by adding at the end the following:

"SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

"(a) IN GENERAL.—A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

"(b) DEFINITION.—The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

"(2) requires incision or is otherwise invasive, or involves exposure of private body parts.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.".

SEC. 509. SAFETY OF FOOD ADDITIVES.

Not later than 90 days after the date of enactment of this Act, the Food and Drug Administration shall issue a report on the question of whether substances used to preserve the appearance of fresh meat may create any health risks, or mislead consumers.

SEC. 510. IMPROVING GENETIC TEST SAFETY AND QUALITY.

Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study to assess the overall safety and quality of genetic tests and prepare a report that includes recommendations to improve Federal oversight and regulation of genetic tests. Such study shall take into consideration relevant reports by the Secretary's Advisory Committee on Genetic Testing and other groups and shall be completed not later than 1 year after the date on which the Secretary entered into such contract.

SEC. 511. ORPHAN DISEASE TREATMENT IN CHILDREN.

(a) FINDING.—The Senate finds that parents of children suffering from rare genetic diseases known as orphan diseases face multiple obstacles in obtaining safe and effective treatment for their children due mainly to the fact that many Food and Drug Administration-approved drugs used in the treatment of orphan diseases in children may not be approved for pediatric indications.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Food and Drug Administration should enter into a contract with the Institute of Medicine for the conduct of a study concerning measures that may be taken to improve the likelihood that Food and Drug Administration-approved drugs that are safe and effective in treating children with orphan diseases are made available and affordable for pediatric indications.

SEC. 512. COLOR CERTIFICATION REPORTS.

Section 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e) is amended by adding at the end the following:

"(g) COLOR CERTIFICATION REPORTS.—Not later than—

"(1) 90 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a performance report for such fiscal year on the number of batches of color additives approved, the average turn around time for approval, and quantifiable goals for improving laboratory efficiencies; and

"(2) 120 days after the close of a fiscal year in which color certification fees are collected, the Secretary shall submit to Congress a financial report for such fiscal year that includes all fees and expenses of the color certification program, the balance remaining in the fund at the end of the fiscal year, and anticipated costs during the next fiscal year for equipment needs and laboratory improvements of such program.".

SEC. 513. PROHIBITION ON IMPORTATION FROM A FOREIGN FOOD FACILITY THAT DENIES ACCESS TO FOOD INSPECTORS.

Notwithstanding any other provision of law, no food product may be imported into the United States that is the product of a foreign facility registered under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) that refuses to permit United States inspectors, upon request, to inspect such facility or that unduly delays access to United States inspectors.

SEC. 514. COUNTERFEIT-RESISTANT TECHNOLOGIES.

Notwithstanding any other provision of this Act, the requirement that the Secretary of Health and Human Services certify that the implementation of the title of this Act relating to the Importation of Prescription Drugs will pose no additional risk to the public's health and safety and will result in a significant reduction in the cost of covered products to the American consumer shall not apply to the requirement that the Secretary require that the packaging of any prescription drug incorporates—

(1) not later than 18 months after the date of enactment of this Act, a standardized numerical identifier (which, to the extent practicable, shall be harmonized with international consensus standards for such an identifier) unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(2) not later than 24 months after the date of enactment of this Act for the 50 prescription drugs with the highest dollar volume of sales in the United States, based on the calendar year that ends of December 31, 2007, and, not later than 30 months after the date of enactment of this Act for all other prescription drugs—

(A) overt optically variable counterfeit-resistant technologies that—

(i) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(ii) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(iii) are manufactured and distributed in a highly secure, tightly controlled environment; and

(iv) incorporate additional layers of non-visible convert security features up to and including forensic capability; or

(B) technologies that have a function of security comparable to that described in subparagraph (A), as determined by the Secretary.

SEC. 515. ENHANCED AQUACULTURE AND SEAFOOD INSPECTION.

(a) FINDINGS.—Congress finds the following:

(1) In 2007, there has been an overwhelming increase in the volume of aquaculture and seafood that has been found to contain substances that are not approved for use in food in the United States.

(2) As of May 2007, inspection programs are not able to satisfactorily accomplish the goals of ensuring the food safety of the United States.

(3) To protect the health and safety of consumers in the United States, the ability of the Secretary of Health and Human Services to perform inspection functions must be enhanced.

(b) HEIGHTENED INSPECTIONS.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") is authorized to, by regulation, enhance, as necessary, the inspection regime of the Food and Drug Administration for aquaculture and seafood, consistent with obligations of the United States under international agreements and United States law.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes the specifics of the aquaculture and seafood inspection program;

(2) describes the feasibility of developing a traceability system for all catfish and seafood products, both domestic and imported, for the purpose of identifying the processing plant of origin of such products; and

(3) provides for an assessment of the risks associated with particular contaminants and banned substances.

(d) PARTNERSHIPS WITH STATES.—Upon the request by any State, the Secretary may enter into partnership agreements, as soon as practicable after the request is made, to implement inspection programs regarding the importation of aquaculture and seafood.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 516. SENSE OF THE SENATE REGARDING CERTAIN PATENT INFRINGEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Innovation in developing life-saving prescription drugs saves millions of lives around the world each year.

(2) The responsible protection of intellectual property is vital to the continued development of new and life-saving drugs and future growth of the United States economy.

(3) In order to maintain the global competitiveness of the United States, the United States Trade Representative's Office of Intellectual Property and Innovation develops and implements trade policy in support of vital American innovations, including innovation in the pharmaceutical and medical technology industries.

(4) The United States Trade Representative also provides trade policy leadership and expertise across the full range of interagency initiatives to enhance protection and enforcement of intellectual property rights.

(5) Strong and fair intellectual property protection, including patent, copyright, trademark, and data protection plays an integral role in fostering economic growth and development and ensuring patient access to the most effective medicines around the world.

(6) There are concerns that certain countries have engaged in unfair price manipulation and abuse of compulsory licensing. Americans bear the majority of research and development costs for the world, which could undermine the value of existing United States pharmaceutical patents and could impede access to important therapies.

(7) There is a growing global threat of counterfeit medicines and increased need for the United States Trade Representative and other United States agencies to use available trade policy measures to strengthen laws and enforcement abroad to prevent harm to United States patients and patients around the world.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Trade Representative should use all the tools at the disposal of the Trade Representative to address violations and other concerns with intellectual property, including through—

(A) bilateral engagement with United States trading partners;

(B) transparency and balance of the annual "Special 301" review and reviews of compliance with the intellectual property requirements of countries with respect to which the United States grants trade preferences;

(C) negotiation of responsible and fair intellectual property provisions as part of bilateral and regional trade agreements; and

(D) multilateral engagement through the World Trade Organization (WTO); and

(2) the United States Trade Representative should develop and submit to Congress a strategic plan to address the problem of countries that infringe upon American pharmaceutical intellectual property rights and the problem of countries that engage in price manipulation.

SEC. 517. CONSULTATION REGARDING GENETICALLY ENGINEERED SEAFOOD PRODUCTS.

The Commissioner of Food and Drugs shall consult with the Assistant Administrator of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to produce a report on any environmental risks associated with genetically engineered seafood products, including the impact on wild fish stocks.

SEC. 518. REPORT ON THE MARKETING OF CERTAIN CRUSTACEANS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Commerce, shall submit to the Health, Education, Labor, and Pensions Committee and the Committee on Commerce, Science, and Transportation of the Senate, a report on the differences between taxonomy of species of lobster in the subfamily Nephropinae, and species of langostino, specifically from the infraorder Caridea or Anomura. This report shall also describe the differences in consumer perception of such species, including such factors as taste, quality, and value of the species.

SEC. 519. CIVIL PENALTIES; DIRECT-TO-CONSUMER ADVERTISEMENT.

(a) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

"(g)(1) Any applicant (as such term is used in section 505(o)) who disseminates a direct-to-consumer advertisement for a prescription drug that is false or misleading and a violation of section 502(n) shall be liable to the United States for a civil penalty in an amount not to exceed $150,000 for the first such violation in any 3-year period, and not to exceed $300,000 for each subsequent violation committed after the applicant has been penalized under this paragraph any time in the preceding 3-year period. For the purposes of this paragraph, repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered as 1 violation.

"(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the applicant to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the applicant to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

"(3) Upon the request of the applicant to be assessed a civil penalty, the Secretary, in determining the amount of a civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

"(A) Whether the applicant submitted the advertisement or a similar advertisement for review under section 736A.

"(B) Whether the applicant submitted the advertisement for prereview if required under section 505(o)(5)(D).

"(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the applicant disseminated the advertisement before the end of the 45-day comment period.

"(D) Whether the applicant failed to incorporate any comments made by the Secretary with regard to the advertisement or a similar advertisement into the advertisement prior to its dissemination.

"(E) Whether the applicant ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

"(F) Whether the applicant had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

"(G) Whether the violations were material.

"(H) Whether the applicant who created the advertisement acted in good faith.

"(I) Whether the applicant who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

"(J) The scope and extent of any voluntary, subsequent remedial action by the applicant.

"(K) Such other matters, as justice may require.

"(4)(A) Subject to subparagraph (B), no applicant shall be required to pay a civil penalty under paragraph (1) if the applicant submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary.

"(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the applicant of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

"(5) The Secretary may compromise, modify, remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owned by the United States to the applicant charged.

"(6) Any applicant who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such applicant resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

"(7) If any applicant fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment becomes final, and if such applicant does not file a petition for judicial review of the order in accordance with paragraph (6); or

"(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(b) Direct-to-Consumer Advertisement.—

(1) In general.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by inserting after the first sentence the following: "In the case of an advertisement for a prescription drug presented directly to consumers in television or radio format that states the name of the drug and its conditions of use, the major statement relating to side effects, contraindications, and effectiveness referred to in the previous sentence shall be stated in a clear and conspicuous (neutral) manner.".

(2) Regulations to determine neutral manner.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement, relating to side effects, contraindications, and effectiveness of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by paragraph (1)) is presented in the manner required under such section.

SEC. 520. REPORT BY THE FOOD AND DRUG ADMINISTRATION REGARDING LABELING INFORMATION ON THE RELATIONSHIP BETWEEN THE USE OF INDOOR TANNING DEVICES AND DEVELOPMENT OF SKIN CANCER OR OTHER SKIN DAMAGE.

(a) In General.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Commissioner of Food and Drugs, shall determine—

(1) whether the labeling requirements for indoor tanning devices, including the positioning requirements, provide sufficient information to consumers regarding the risks that the use of such devices pose for the development of irreversible damage to the eyes and skin, including skin cancer; and

(2)(A) whether modifying the warning label required on tanning beds to read, "Ultraviolet radiation can cause skin cancer", or any other additional warning, would communicate the risks of indoor tanning more effectively; or

(B) whether there is no warning that would be capable of adequately communicating such risks.

(b) Consumer Testing.—In making the determinations under subsection (a), the Secretary shall conduct appropriate consumer testing, using the best available methods for determining consumer understanding of label warnings.

(c) Public Hearings; Public Comment.—The Secretary shall hold public hearings and solicit comments from the public in making the determinations under subsection (a).

(d) Report.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that provides the determinations under subsection (a). In addition, the Secretary shall include in the report the measures being implemented by the Secretary to significantly reduce the risks associated with indoor tanning devices.

TITLE VI—FOOD SAFETY

SEC. 601. FINDINGS.

(a) Findings.—Congress finds that—

(1) the safety and integrity of the United States food supply is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation's economy;

(2) illnesses and deaths of individuals and companion animals caused by contaminated food—

(A) have contributed to a loss of public confidence in food safety; and

(B) have caused significant economic losses to manufacturers and producers not responsible for contaminated food items;

(3) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination; and

(B) an increasing volume of imported food from a wide variety of countries; and

(C) a shortage of adequate resources for monitoring and inspection;

(4) the United States is increasing the amount of food that it imports such that—

(A) from 2003 to the present, the value of food imports has increased from $45,600,000,000 to $64,000,000,000; and

(B) imported food accounts for 13 percent of the average Americans diet including 31 percent of fruits, juices, and nuts, 9.5 percent of red meat and 78.6 percent of fish and shellfish; and

(5) the number of full time equivalent Food and Drug Administration employees conducting inspections has decreased from 2003 to 2007.

SEC. 602. ENSURING THE SAFETY OF PET FOOD.

(a) Processing and Ingredient Standards.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this title as the "Secretary"), in consultation with the Association of American Feed Control Officials, and other relevant stakeholder groups, including veterinary medical associations, animal health organizations, and pet food manufacturers, shall by regulation establish—

(1) processing and ingredient standards with respect to pet food, animal waste, and ingredient definitions; and

(2) updated standards for the labeling of pet food that includes nutritional information and ingredient information.

(b) Early Warning Surveillance Systems and Notification During Pet Food Recalls.—Not later than 180 days after the date of enactment of this Act, the Secretary shall by regulation establish an early warning and surveillance system to identify adulteration of the pet food supply and outbreaks of illness associated with pet food. In establishing such system, the Secretary shall—

(1) use surveillance and monitoring mechanisms similar to, or in coordination with, those mechanisms used by the Centers for Disease Control and Prevention to monitor human health, such as the Foodborne Diseases Active Surveillance Network (FoodNet) and PulseNet;

(2) consult with relevant professional associations and private sector veterinary hospitals; and

(3) work with the Health Alert Network and other notification networks to inform veterinarians and relevant stakeholders during any recall of pet food.

SEC. 603. ENSURING EFFICIENT AND EFFECTIVE COMMUNICATIONS DURING A RECALL.

The Secretary shall, during an ongoing recall of human or pet food—

(1) work with companies, relevant professional associations, and other organizations to collect and aggregate information pertaining to the recall;

(2) use existing networks of communication including electronic forms of information dissemination to enhance the quality and speed of communication with the public; and

(3) post information regarding recalled products on the Internet website of the Food and Drug Administration in a consolidated, searchable form that is easily accessed and understood by the public.

SEC. 604. STATE AND FEDERAL COOPERATION.

(a) IN GENERAL.—The Secretary shall work with the States in undertaking activities and programs that assist in improving the safety of fresh and processed produce so that State food safety programs involving the safety of fresh and processed produce and activities conducted by the Secretaries function in a coordinated and cost-effective manner. With the assistance provided under subsection (b), the Secretary shall encourage States to—

(1) establish, continue, or strengthen State food safety programs, especially with respect to the regulation of retail commercial food establishments; and

(2) establish procedures and requirements for ensuring that processed produce under the jurisdiction of the State food safety programs is not unsafe for human consumption.

(b) ASSISTANCE.—The Secretary may provide to a State, for planning, developing, and implementing such a food safety program—

(1) advisory assistance;

(2) technical assistance, training, and laboratory assistance (including necessary materials and equipment); and

(3) financial and other assistance.

(c) SERVICE AGREEMENTS.—The Secretary may, under an agreement entered into with a Federal, State, or local agency, use, on a reimbursable basis or otherwise, the personnel, services, and facilities of the agency to carry out the responsibilities of the agency under this section. An agreement entered into with a State agency under this subsection may provide for training of State employees.

SEC. 605. ADULTERATED FOOD REGISTRY.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1994, Congress passed the Dietary Supplement Health and Education Act (P.L. 103-417) to provide the Food and Drug Administration with the legal framework to ensure that dietary supplements are safe and properly labeled foods.

(2) In 2006, Congress passed the Dietary Supplement and Nonprescription Drug Consumer Protection Act (P.L. 109-462) to establish a mandatory reporting system of serious adverse events for non-prescription drugs and dietary supplements sold and consumed in the United States.

(3) The adverse event reporting system created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act will serve as the early warning system for any potential public health issues associated with the use of these food products.

(4) A reliable mechanism to track patterns of adulteration in food would support efforts by the Food and Drug Administration to effectively target limited inspection resources to protect the public health.

(b) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 417. ADULTERATED FOOD REGISTRY.

“(a) DEFINITIONS.—In this section:

“(1) IMPORTER.—The term ‘importer’, with respect to an article of food, means the person who submitted the notice with respect to such article of food under section 801(m).

“(2) RESPONSIBLE PARTY.—The term ‘responsible party’, with respect to an article of food, means any registered food facility under section 415(a), including those responsible for the manufacturing, processing, packaging or holding of such food for consumption in the United States.

“(3) REPORTABLE ADULTERATED FOOD.—The term ‘reportable adulterated food’ for purposes of this section means a food that is adulterated or—

“(A) presents a situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death as defined in section 7.3(m)(1) of title, Code of Federal Regulations (or any successor regulations); or

“(B) meets the threshold established in section 304(h).

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish within the Food and Drug Administration an Adulterated Food Registry to which instances of reportable adulterated food may be submitted by the Food and Drug Administration after receipt of reports of adulteration, via an electronic portal, from—

“(A) Federal, State, and local public health officials;

“(B) an importer;

“(C) a responsible party; or

“(D) a consumer or other individual.

“(2) REVIEW BY SECRETARY.—The Secretary shall review and determine the validity of the information submitted under paragraph (1) for the purposes of identifying adulterated food, submitting entries to the Adulterated Food Registry, acting under subsection (c), and exercising other existing food safety authorities under the Act to protect the public health.

“(c) ISSUANCE OF AN ALERT BY THE SECRETARY.—

“(1) IN GENERAL.—The Secretary shall issue an alert with respect to an adulterated food if the Adulterated Food Registry shows that the food—

“(A) has been associated with repeated and separate outbreaks of illness or has been repeatedly determined to be adulterated; or

“(B) is a reportable adulterated food.

“(2) SCOPE OF ALERT.—An alert under paragraph (1) may apply to a particular food or to food from a particular producer, manufacturer, shipper, growing area, or country, to the extent that elements in subparagraph (A) or (B) of paragraph (1) are associated with the particular food, producer, manufacturer, shipper, growing area, or country.

“(d) SUBMISSION BY A CONSUMER OR OTHER INDIVIDUAL.—A consumer or other individual may submit a report to the Food and Drug Administration using the electronic portal data elements described in subsection (e). Such reports shall be evaluated by the Secretary as specified in subsection (b)(2).

“(e) NOTIFICATION AND REPORTING OF ADULTERATION.—

“(1) DETERMINATION BY RESPONSIBLE PARTY OR IMPORTER.—If a responsible party or importer determines that an article of food it produced, processed, manufactured, distributed, or otherwise handled is a reportable adulterated food, the responsible party shall provide the notifications described under paragraph (2).

“(2) NOTIFICATION OF ADULTERATION.—

“(A) IN GENERAL.—Not later than 5 days after a responsible party or importer receives a notification, the responsible party or importer, as applicable, shall review whether the food referenced in the report described in paragraph (1) is a reportable adulterated food.

“(B) NOTIFICATION.—If a determination is made by such responsible party or importer that the food is a reportable adulterated food, such responsible party or importer shall, no later than 2 days after such determination is made, notify other responsible parties directly linked in the supply chain to which and from which the article of reportable adulterated food was transferred.

“(3) SUBMISSION OF REPORTS TO THE FOOD AND DRUG ADMINISTRATION BY A RESPONSIBLE PARTY OR IMPORTER.—The responsible party or importer, as applicable, shall submit a report to the Food and Drug Administration through the electronic portal using the data elements described in subsection (f) not later than 2 days after a responsible party or importer—

“(A) makes a notification under paragraph (2)(B); or

“(B) determines that an article of food it produced, processed, manufactured, distributed, imported, or otherwise handled is a reportable adulterated food, except that if such adulteration was initiated with such responsible party or importer, was detected prior to any transfer of such article of food, and was destroyed, no report is necessary.

“(f) DATA ELEMENTS IN THE REGISTRY.—A report submitted to the Food and Drug Administration electronic portal under subsection (e) shall include the following data elements:

“(1) Contact information for the individual or entity submitting the report.

“(2) The date on which an article of food was determined to be adulterated or suspected of being adulterated.

“(3) A description of the article of food including the quantity or amount.

“(4) The extent and nature of the adulteration.

“(5) The disposition of the article.

“(6) Product information typically found on packaging including product codes, use by dates, and names of manufactures or distributors.

“(7) Information about the place of purchase or process by which the consumer or other individual acquired the article of adulterated food.

“(8) In the case of a responsible party or an importer, the elements required for the registration of food facilities under section 415(a).

“(9) The contact information for parties directly linked in the supply chain and notified under subsection (e)(2).

“(10) In the case of an importer, the elements required for the prior notice of imported food shipments under section 801(m).

“(g) MAINTENANCE AND INSPECTION OF RECORDS.—The responsible person or importer shall maintain records related to each report received, notification made, and report submitted to the Food and Drug Administration under this section and permit inspection of such records as provided for in section 414. Such records shall also be made available during an inspection under section 704.

"(h) REQUEST FOR INFORMATION.—Section 552 of title 5, United States Code, shall apply to any request for information regarding a record in the Adulterated Food Registry.

"(i) HOMELAND SECURITY NOTIFICATION.—If, after receiving a report under subsection (e), the Secretary suspects such food may have been deliberately adulterated, the Secretary shall immediately notify the Secretary of Homeland Security. The Secretary shall make the data in the Adulterated Imported Food Registry available to the Secretary of Homeland Security.".

(c) DEFINITION.—Section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)) is amended by striking "section 201(g)" and inserting "sections 201(g) and 417".

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by this Act, is further amended by adding at the end the following:

"(kk) The failure to provide a report as required under section 417(e)(3).

"(ll) The falsification a report as required under section 417(e)(3).".

(e) SUSPECTED FOOD ADULTERATION REGULATIONS.—The Secretary shall, within 180 days of enactment of this Act, promulgate regulations that establish standards and thresholds by which importers and responsible parties shall be required and consumers may be able to, under section 417 of the Federal Food, Drug, and Cosmetic Act (as added by this section)—

(1) report instances of suspected reportable adulteration of food to the Food and Drug Administration for possible inclusion in the Adulterated Food Registry after evaluation of such report; and

(2) notify, in keeping with subsection (e)(2) of such section 417, other responsible parties directly linked in the supply chain, including establishments as defined in section 415(b) of such Act.

(f) EFFECTIVE DATE.—The requirements of section 417(e) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall become effective 180 days after the date of enactment of this Act.

SEC. 606. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) it is vital for Congress to provide the Food and Drug Administration with additional resources, authorities, and direction with respect to ensuring the safety of the food supply of the United States;

(2) additional inspectors are required to improve the Food and Drug Administration's ability to safeguard the food supply of the United States;

(3) because of the increasing volume of international trade in food products the Secretary of Health and Human Services should make it a priority to enter into agreements with the trading partners of the United States with respect to food safety; and

(4) the Senate should work to develop a comprehensive response to the issue of food safety.

SEC. 607. ANNUAL REPORT TO CONGRESS.

The Secretary shall, on an annual basis, submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report that includes, with respect to the preceding 1-year period—

(1) the number and amount of food products regulated by the Food and Drug Administration imported into the United States, aggregated by country and type of food;

(2) a listing of the number of Food and Drug Administration inspectors of imported food products referenced in paragraph (1) and the number of Food and Drug Administration inspections performed on such products; and

(3) aggregated data on the findings of such inspections, including data related to violations of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 201 et seq.), and enforcement actions used to follow-up on such findings and violations.

SEC. 608. RULE OF CONSTRUCTION.

Nothing in this title (or an amendment made by this title) shall be construed to affect—

(1) the regulation of dietary supplements under the Dietary Supplement Health and Education Act; or

(2) the adverse event reporting system for dietary supplements created under the Dietary Supplement and Nonprescription Drug Consumer Protection Act.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title (and the amendments made by this title) such sums as may be necessary.

TITLE VII—DOMESTIC PET TURTLE MARKET ACCESS

SEC. 701. SHORT TITLE.

This title may be cited as the "Domestic Pet Turtle Market Access Act of 2007".

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) Pet turtles less than 10.2 centimeters in diameter have been banned for sale in the United States by the Food and Drug Administration since 1975 due to health concerns.

(2) The Food and Drug Administration does not ban the sale of iguanas or other lizards, snakes, frogs, or other amphibians or reptiles that are sold as pets in the United States that also carry salmonella bacteria. The Food and Drug Administration also does not require that these animals be treated for salmonella bacteria before being sold as pets.

(3) The technology to treat turtles for salmonella, and make them safe for sale, has greatly advanced since 1975. Treatments exist that can nearly eradicate salmonella from turtles, and individuals are more aware of the causes of salmonella, how to treat salmonella poisoning, and the seriousness associated with salmonella poisoning.

(4) University research has shown that these turtles can be treated in such a way that they can be raised, shipped, and distributed without having a recolonization of salmonella.

(5) University research has also shown that pet owners can be equipped with a treatment regiment that allows the turtle to be maintained safe from salmonella.

(6) The Food and Drug Administration should allow the sale of turtles less than 10.2 centimeters in diameter as pets as long as the sellers are required to use proven methods to treat these turtles for salmonella.

SEC. 703. SALE OF BABY TURTLES.

Notwithstanding any other provision of law, the Food and Drug Administration shall not restrict the sale by a turtle farmer, wholesaler, or commercial retail seller of a turtle that is less than 10.2 centimeters in diameter as a pet if—

(1) the State or territory in which such farmer is located has developed a regulatory process by which pet turtle farmers are required to have a State license to breed, hatch, propagate, raise, grow, receive, ship, transport, export, or sell pet turtles or pet turtle eggs;

(2) such State or territory requires certification of sanitization that is signed by a veterinarian who is licensed in the State or territory, and approved by the State or territory agency in charge of regulating the sale of pet turtles;

(3) the certification of sanitization requires each turtle to be sanitized or treated for diseases, including salmonella, and is dependant upon using the Siebeling method, or other such proven non-antibiotic method, to make the turtle salmonella-free; and

(4) the turtle farmer or commercial retail seller includes, with the sale of such a turtle, a disclosure to the buyer that includes—

(A) information regarding—

(i) the possibility that salmonella can recolonize in turtles;

(ii) the dangers, including possible severe illness or death, especially for at-risk people who may be susceptible to salmonella poisoning, such as children, pregnant women, and others who may have weak immune systems, that could result if the turtle is not properly handled and safely maintained;

(iii) the proper handling of the turtle, including an explanation of proper hygiene such as handwashing after handling a turtle; and

(iv) the proven methods of treatment that, if properly applied, keep the turtle safe from salmonella;

(B) a detailed explanation of how to properly treat the turtle to keep it safe from salmonella, using the proven methods of treatment referred to under subparagraph (A), and how the buyer can continue to purchase the tools, treatments, or any other required item to continually treat the turtle; and

(C) a statement that buyers of pet turtles should not abandon the turtle or abandon it outside, as the turtle may become an invasive species to the local community, but should instead return them to a commercial retail pet seller or other organization that would accept turtles no longer wanted as pets.

SEC. 704. FDA REVIEW OF STATE PROTECTIONS.

The Commissioner of Food and Drugs may, after providing an opportunity for the affected State to respond, restrict the sale of a turtle only if the Secretary of Health and Human Services determines that the actual implementation of State health protections described in this title are insufficient to protect consumers against infectious diseases acquired from such turtle at the time of sale.

TITLE VIII—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 801. SHORT TITLE.

This title may be cited as the "Pharmaceutical Market Access and Drug Safety Act of 2007".

SEC. 802. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American spend more than $200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

SEC. 803. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 804. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) In General.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 803, is further amended by inserting after section 803 the following:

"SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

"(a) Importation of Prescription Drugs.—

"(1) In general.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

"(A) the limitation on importation that is established in section 801(d)(1) is waived; and

"(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

"(2) Importers.—A qualifying drug may not be imported under paragraph (1) unless—

"(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

"(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

"(3) Rule of construction.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

"(A) by a registered importer; or

"(B) from a registered exporter to an individual.

"(4) Definitions.—

"(A) Registered exporter; registered importer.—For purposes of this section:

"(i) The term 'registered exporter' means an exporter for which a registration under subsection (b) has been approved and is in effect.

"(ii) The term 'registered importer' means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

"(iii) The term 'registration condition' means a condition that must exist for a registration under subsection (b) to be approved.

"(B) Qualifying drug.—For purposes of this section, the term 'qualifying drug' means a drug for which there is a corresponding U.S. label drug.

"(C) U.S. label drug.—For purposes of this section, the term 'U.S. label drug' means a prescription drug that—

"(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

"(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

"(iii) is approved under section 505(c); and

"(iv) is not—

"(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

"(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

"(aa) a therapeutic DNA plasmid product;

"(bb) a therapeutic synthetic peptide product;

"(cc) a monoclonal antibody product for in vivo use; and

"(dd) a therapeutic recombinant DNA-derived product;

"(III) an infused drug, including a peritoneal dialysis solution;

"(IV) an injected drug;

"(V) a drug that is inhaled during surgery;

"(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

"(VII) a sterile opthlamic drug intended for topical use on or in the eye.

"(D) Other definitions.—For purposes of this section:

"(i)(I) The term 'exporter' means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

"(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

"(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

"(AA) the training of pharmacists;

"(BB) the practice of pharmacy; and

"(CC) the protection of the privacy of personal medical information; and

"(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

"(ii) The term 'importer' means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

"(iii) The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

"(iv) The term 'pharmacy' means a person that—

"(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

"(II) employs 1 or more pharmacists.

"(v) The term 'prescription drug' means a drug that is described in section 503(b)(1).

"(vi) The term 'wholesaler'—

"(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

"(II) does not include a person authorized to import drugs under section 801(d)(1).

"(E) Permitted country.—The term 'permitted country' means—

"(i) Australia;

"(ii) Canada;

"(iii) a member country of the European Union, but does not include a member country with respect to which—

"(I) the country's Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

"(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

"(iv) Japan;

"(v) New Zealand;

"(vi) Switzerland; and

"(vii) a country in which the Secretary determines the following requirements are met:

"(I) The country has statutory or regulatory requirements—

"(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

"(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

"(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

"(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

"(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

"(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

"(III) The importation of drugs to the United States from the country will not adversely affect public health.

"(b) Registration of Importers and Exporters.—

"(1) Registration of importers and exporters.—A registration condition is that the importer or exporter involved (referred to in this subsection as a 'registrant') submits to the Secretary a registration containing the following:

"(A)(i) In the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter.

"(ii) In the case of an importer, the name of the importer and an identification of the places of business of the importer at which the importer initially receives a qualifying drug after importation (which shall not exceed 3 places of business except by permission of the Secretary).

"(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

"(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the sources of imported qualifying drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

"(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported qualifying drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation; and maintenance of records and samples).

"(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

"(D) An agreement by the registrant to—

"(i) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

"(ii) provide for the return to the registrant of such drug; and

"(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

"(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

"(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

"(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

"(H) An agreement by the registrant to notify the Secretary not more than 30 days before the registrant intends to make the change, of—

"(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

"(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

"(I) In the case of an exporter—

"(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

"(ii) An agreement to post a bond, payable to the Treasury of the United States that is equal in value to the lesser of—

"(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

"(II) $1,000,000;

"(iii) An agreement by the exporter to comply with applicable provisions of Canadian law, or the law of the permitted country designated under subsection (a)(4)(D)(i)(II) in which the exporter is located, that protect the privacy of personal information with respect to each individual importing a prescription drug from the exporter under subsection (a)(2)(B).

"(iv) An agreement by the exporter to report to the Secretary—

"(I) not later than August 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the 6-month period from January 1 through June 30 of that year; and

"(II) not later than January 1 of each fiscal year, the total price and the total volume of drugs exported to the United States by the exporter during the previous fiscal year.

"(J) In the case of an importer, an agreement by the importer to report to the Secretary—

"(i) not later than August 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the 6-month period from January 1 through June 30 of that fiscal year; and

"(ii) not later than January 1 of each fiscal year, the total price and the total volume of drugs imported to the United States by the importer during the previous fiscal year.

"(K) Such other provisions as the Secretary may require by regulation to protect the public health while permitting—

"(i) the importation by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

"(ii) importation by individuals of qualifying drugs under subsection (a).

"(2) APPROVAL OR DISAPPROVAL OF REGISTRATION.—

"(A) IN GENERAL.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

"(B) CHANGES IN REGISTRATION INFORMATION.—Not later than 30 days after receiving a notice under paragraph (1)(H) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

"(3) PUBLICATION OF CONTACT INFORMATION FOR REGISTERED EXPORTERS.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website and the information provided through the toll-free telephone number accordingly.

"(4) SUSPENSION AND TERMINATION.—

"(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under paragraph (1):

"(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

"(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not comply with subsection (g)(2)(A) or (g)(4), or has exported a qualifying drug to an individual in violation of subsection (i)(2)(F), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

"(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

"(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

"(5) DEFAULT OF BOND.—A bond required to be posted by an exporter under paragraph (1)(I)(ii) shall be defaulted and paid to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has—

"(A) exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsection (g)(2)(A), (g)(4), or (i); or

"(B) failed to permit the Secretary to conduct an inspection described under subsection (d).

"(c) SOURCES OF QUALIFYING DRUGS.—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

"(1) The drug was manufactured in an establishment—

"(A) required to register under subsection (h) or (i) of section 510; and

"(B)(i) inspected by the Secretary; or

"(ii) for which the Secretary has elected to rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided for under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

"(2) The establishment is located in any country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug is manufactured for distribution in a foreign country that is not a permitted country).

"(3) The exporter or importer obtained the drug—

"(A) directly from the establishment; or

"(B) directly from an entity that, by contract with the exporter or importer—

"(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

"(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

"(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, including records, of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

"(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

"(4)(A) The foreign country from which the importer will import the drug is a permitted country; or

"(B) The foreign country from which the exporter will export the drug is the permitted country in which the exporter is located.

"(5) During any period in which the drug was not in the control of the manufacturer of the drug, the drug did not enter any country that is not a permitted country.

"(6) The exporter or importer retains a sample of each lot of the drug for testing by the Secretary.

"(d) INSPECTION OF FACILITIES; MARKING OF SHIPMENTS.—

"(1) INSPECTION OF FACILITIES.—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

"(A) the exporter agrees to permit the Secretary—

"(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

"(ii) to have access, including on a day-to-day basis, to—

"(I) records of the exporter that relate to the export of such drugs, including financial records; and

"(II) samples of such drugs;

"(iii) to carry out the duties described in paragraph (3); and

"(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

"(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary randomly, but not less than 12 times annually, on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

"(2) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence shall—

"(A) be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

"(B) include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

"(3) CERTAIN DUTIES RELATING TO EXPORTERS.—Duties of the Secretary with respect to an exporter include the following:

"(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the exporter at which qualifying drugs are stored and from which qualifying drugs are shipped.

"(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an exporter.

"(C) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

"(D) Monitoring the affixing of markings under paragraph (2).

"(E) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records, of other parties in the chain of custody of qualifying drugs.

"(F) Determining whether the exporter is in compliance with all other registration conditions.

"(4) PRIOR NOTICE OF SHIPMENTS.—A registration condition is that, not less than 8 hours and not more than 5 days in advance of the time of the importation of a shipment of qualifying drugs, the importer involved agrees to submit to the Secretary a notice with respect to the shipment of drugs to be imported or offered for import into the United States under subsection (a). A notice under the preceding sentence shall include—

"(A) the name and complete contact information of the person submitting the notice;

"(B) the name and complete contact information of the importer involved;

"(C) the identity of the drug, including the established name of the drug, the quantity of the drug, and the lot number assigned by the manufacturer;

"(D) the identity of the manufacturer of the drug, including the identity of the establishment at which the drug was manufactured;

"(E) the country from which the drug is shipped;

"(F) the name and complete contact information for the shipper of the drug;

"(G) anticipated arrival information, including the port of arrival and crossing location within that port, and the date and time;

"(H) a summary of the chain of custody of the drug from the establishment in which the drug was manufactured to the importer;

"(I) a declaration as to whether the Secretary has ordered that importation of the drug from the permitted country cease under subsection (g)(2)(C) or (D); and

"(J) such other information as the Secretary may require by regulation.

"(5) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the importer involved agrees, before wholesale distribution (as defined in section 503(e)) of a qualifying drug that has been imported under subsection (a), to affix to each container of such drug such markings or other technology as the Secretary determines necessary to identify the shipment as being in compliance with all registration conditions, except that the markings or other technology shall not be required on a drug that bears comparable, compatible markings or technology from the manufacturer of the drug. Markings or other technology under the preceding sentence shall—

"(A) be designed to prevent affixation of the markings or other technology to any container that is not authorized to bear the markings; and

"(B) shall include anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of such technologies.

"(6) CERTAIN DUTIES RELATING TO IMPORTERS.—Duties of the Secretary with respect to an importer include the following:

"(A) Inspecting, randomly, but not less than 12 times annually, the places of business of the importer at which a qualifying drug is initially received after importation.

"(B) During the inspections under subparagraph (A), verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accomplished or supplemented by the use of anticounterfeiting or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

"(C) Reviewing notices under paragraph (4).

"(D) Inspecting as the Secretary determines is necessary the warehouses and other facilities, including records of other parties in the chain of custody of qualifying drugs.

"(E) Determining whether the importer is in compliance with all other registration conditions.

"(e) IMPORTER FEES.—

"(1) REGISTRATION FEE.—A registration condition is that the importer involved pays to the Secretary a fee of $10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

"(2) INSPECTION FEE.—A registration condition is that the importer involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

"(3) AMOUNT OF INSPECTION FEE.—

"(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered importers, including the costs associated with—

"(i) inspecting the facilities of registered importers, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(6);

"(ii) developing, implementing, and operating under such subsection an electronic system for submission and review of the notices required under subsection (d)(4) with respect to shipments of qualifying drugs under subsection (a) to assess compliance with all registration conditions when such shipments are offered for import into the United States; and "(iii) inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

"(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered importers under subsection (a).

"(C) TOTAL PRICE OF DRUGS.—

"(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

"(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported by each registered importer during that fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(J).

"(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered importers during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

"(D) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an importer shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of qualifying drugs imported by importers under subsection (a).

"(4) USE OF FEES.—

"(A) IN GENERAL.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

"(B) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

"(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(f) EXPORTER FEES.—

"(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of $10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

"(2) INSPECTION FEE.—A registration condition is that the exporter involved pays a fee to the Secretary in accordance with this subsection. Such fee shall be paid not later than October 1 and April 1 of each fiscal year in the amount provided for under paragraph (3).

"(3) AMOUNT OF INSPECTION FEE.—

"(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for exporters for that fiscal year that is sufficient, and not more than necessary, to pay the costs for that fiscal year of administering this section with respect to registered exporters, including the costs associated with—

"(i) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug as necessary, under subsection (d)(3);

"(ii) developing, implementing, and operating under such subsection a system to screen marks on shipments of qualifying drugs under subsection (a) that indicate compliance with all registration conditions, when such shipments are offered for import into the United States; and

"(iii) screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

"(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 2.5 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

"(C) TOTAL PRICE OF DRUGS.—

"(i) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subparagraph (A) the aggregate total of fees to be collected under paragraph (2) for a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during the 6-month period from January 1 through June 30 of the previous fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

"(ii) CALCULATION.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported into the United States by registered exporters during that fiscal year by adding the total price of qualifying drugs exported by each registered exporter during that fiscal year, as reported to the Secretary by each registered exporter under subsection (b)(1)(I)(iv).

"(iii) ADJUSTMENT.—If the total price of qualifying drugs imported into the United States by registered exporters during a fiscal year as calculated under clause (ii) is less than the aggregate total of fees collected under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered exporter on April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B) is observed.

"(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), the fee under paragraph (2) to be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of qualifying drugs exported by exporters under subsection (a).

"(4) USE OF FEES.—

"(A) IN GENERAL.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration until expended (without fiscal year limitation), and the Secretary may, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, transfer some proportion of such fees to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

"(B) SOLE PURPOSE.—Fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and, if transferred, to the Secretary of Homeland Security, and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

"(5) COLLECTION OF FEES.—In any case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(g) COMPLIANCE WITH SECTION 801(a).—

"(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

"(2) SECTION 505; APPROVAL STATUS.—

"(A) IN GENERAL.—A qualifying drug that is imported or offered for import under subsection (a) shall comply with the conditions established in the approved application under section 505(b) for the U.S. label drug as described under this subsection.

"(B) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

"(i) IN GENERAL.—The person that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country shall in accordance with this paragraph submit to the Secretary a notice that—

"(I) includes each difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

"(aa) the variations provided for in the application; and

"(bb) any difference in labeling (except ingredient labeling); or

"(II) states that there is no difference in the qualifying drug from a condition established in the approved application for the U.S. label drug beyond—

"(aa) the variations provided for in the application; and

"(bb) any difference in labeling (except ingredient labeling).

"(ii) INFORMATION IN NOTICE.—A notice under clause (i)(I) shall include the information that the Secretary may require under section 506A, any additional information the Secretary may require (which may include data on bioequivalence if such data are not required under section 506A), and, with respect to the permitted country that approved the qualifying drug for commercial distribution, or with respect to which such approval is sought, include the following:

"(I) The date on which the qualifying drug with such difference was, or will be, introduced for commercial distribution in the permitted country.

"(II) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the qualifying drug from a condition established in the approved application for the U.S. label drug.

"(III) The information that the person submitted or will submit to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

"(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

"(I) the information provided in the notice is complete and true; and

"(II) a copy of the notice has been provided to the Federal Trade Commission and to the State attorneys general.

"(iv) FEE.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Subject to appropriations Acts, fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

"(v) TIMING OF SUBMISSION OF NOTICES.—

"(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (C) applies shall be submitted to the Secretary not later than 120 days before the qualifying drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the qualifying drug with the difference begin less than 120 days after the country requires the difference.

"(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than the day on which the qualifying drug with the difference is introduced for commercial distribution in a permitted country.

"(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (E) applies shall be submitted to the Secretary on the date that the qualifying drug is first introduced for commercial distribution in a permitted country and annually thereafter.

"(vi) REVIEW BY SECRETARY.—

"(I) IN GENERAL.—In this paragraph, the difference in a qualifying drug that is submitted in a notice under clause (i) from the U.S. label drug shall be treated by the Secretary as if it were a manufacturing change to the U.S. label drug under section 506A.

"(II) STANDARD OF REVIEW.—Except as provided in subclause (III), the Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, using the safe and effective standard for approving or disapproving a manufacturing change under section 506A.

"(III) BIOEQUIVALENCE.—If the Secretary would approve the difference in a notice submitted under clause (i) using the safe and effective standard under section 506A and if the Secretary determines that the qualifying drug is not bioequivalent to the U.S. label drug, the Secretary shall—

"(aa) include in the labeling provided under paragraph (3) a prominent advisory that the qualifying drug is safe and effective but is not bioequivalent to the U.S. label drug if the Secretary determines that such an advisory is necessary for health care practitioners and patients to use the qualifying drug safely and effectively; or

"(bb) decline to approve the difference if the Secretary determines that the availability of both the qualifying drug and the U.S. label drug would pose a threat to the public health.

"(IV) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

"(V) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection of the establishment in which the qualifying drug is manufactured—

"(aa) such inspection by the Secretary shall be authorized; and

"(bb) the Secretary may rely on a satisfactory report of a good manufacturing practice inspection of the establishment from a permitted country whose regulatory system the Secretary recognizes as equivalent under a mutual recognition agreement, as provided under section 510(i)(3), section 803, or part 26 of title 21, Code of Federal Regulations (or any corresponding successor rule or regulation).

"(vii) PUBLICATION OF INFORMATION ON NOTICES.—

"(I) IN GENERAL.—Through the Internet website of the Food and Drug Administration and a toll-free telephone number, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

"(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

"(aa) a notice is under review;

"(bb) the Secretary has ordered that importation of the qualifying drug from a permitted country cease; or

"(cc) the importation of the drug is permitted under subsection (a).

"(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

"(C) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(c) or (d)(3)(B)(i), require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

"(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted with respect to the qualifying drug involved.

"(ii) If the Secretary has not made a determination whether such a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on which the qualifying drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

"(I) order that the importation of the qualifying drug involved from the permitted country not begin until the Secretary completes review of the notice; and

"(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the order.

"(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

"(I) order that the importation of the qualifying drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

"(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

"(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

"(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall—

"(I) vacate the order under clause (ii), if any;

"(II) consider the difference to be a variation provided for in the approved application for the U.S. label drug;

"(III) permit importation of the qualifying drug under subsection (a); and

"(IV) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

"(D) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (B)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

"(i) During the period in which the notice is being reviewed by the Secretary, the authority under this subsection to import the qualifying drug involved continues in effect.

"(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

"(I) order that the importation of the qualifying drug involved from the permitted country cease;

"(II) notify the permitted country that approved the qualifying drug for commercial distribution of the determination; and

"(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

"(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the difference shall be considered to be a variation provided for in the approved application for the U.S. label drug.

"(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (B)(i) that includes a difference for which, under section

506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

"(i) shall consider such difference to be a variation provided for in the approved application for the U.S. label drug;

"(ii) may not order that the importation of the qualifying drug involved cease; and

"(iii) shall promptly notify registered exporters and registered importers.

"(F) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

"(i) IN GENERAL.—A person who manufactures a drug approved under section 505(b) shall submit an application under section 505(b) for approval of another drug that is manufactured for distribution in a permitted country by or for the person that manufactures the drug approved under section 505(b) if—

"(I) there is no qualifying drug in commercial distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the drug approved under section 505(b); and

"(II) each active ingredient of the other drug is related to an active ingredient of the drug approved under section 505(b), as defined in clause (v).

"(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

"(I) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;

"(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

"(III) include a right of reference to the application for the drug approved under section 505(b); and

"(IV) include such additional information as the Secretary may require.

"(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

"(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

"(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

"(I) the same; or

"(II) different salts, esters, or complexes of the same moiety.

"(3) SECTION 502; LABELING.—

"(A) IMPORTATION BY REGISTERED IMPORTER.—

"(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the qualifying drug bears—

"(I) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

"(II) the name of the manufacturer and location of the manufacturer;

"(III) the lot number assigned by the manufacturer;

"(IV) the name, location, and registration number of the importer; and

"(V) the National Drug Code number assigned to the qualifying drug by the Secretary.

"(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

"(iii) REQUESTED LABELING.—The labeling provided by the Secretary under clause (ii) shall—

"(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the qualifying drug;

"(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof;

"(III) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the qualifying drug is safe and effective but not bioequivalent to the U.S. label drug; and

"(IV) if the inactive ingredients of the qualifying drug are different from the inactive ingredients for the U.S. label drug, include—

"(aa) a prominent notice that the ingredients of the qualifying drug differ from the ingredients of the U.S. label drug and that the qualifying drug must be dispensed with an advisory to people with allergies about this difference and a list of ingredients; and

"(bb) a list of the ingredients of the qualifying drug as would be required under section 502(e).

"(B) IMPORTATION BY INDIVIDUAL.—

"(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 and the labeling requirements under the approved application for the U.S. label drug if the packaging and labeling of the qualifying drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

"(I) directions for use by the consumer;

"(II) the lot number assigned by the manufacturer;

"(III) the name and registration number of the exporter;

"(IV) if required under paragraph (2)(B)(vi)(III), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug;

"(V) if the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

"(aa) a prominent advisory that persons with an allergy should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

"(bb) a list of the ingredients of the drug as would be required under section 502(e); and

"(VI) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved.

"(ii) PACKAGING.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

"(I) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

"(II) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the exporter will provide the drug in packaging that is compliant at no additional cost.

"(iii) REQUEST FOR COPY OF SPECIAL LABELING AND INGREDIENT LIST.—The Secretary shall provide to the registered exporter involved a copy of the special labeling, the advisory, and the ingredient list described under clause (i), upon request of the exporter.

"(iv) REQUESTED LABELING AND INGREDIENT LIST.—The labeling and ingredient list provided by the Secretary under clause (iii) shall—

"(I) include the established name, as defined in section 502(e)(3), for each active ingredient in the drug; and

"(II) not include the proprietary name of the U.S. label drug or any active ingredient thereof.

"(4) SECTION 501; ADULTERATION.—A qualifying drug that is imported or offered for import under subsection (a) shall be considered to be in compliance with section 501 if the drug is in compliance with subsection (c).

"(5) STANDARDS FOR REFUSING ADMISSION.—A drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

"(A) The drug is not a qualifying drug.

"(B) A notice for the drug required under paragraph (2)(B) has not been submitted to the Secretary.

"(C) The Secretary has ordered that importation of the drug from the permitted country cease under paragraph (2)(C) or (D).

"(D) The drug does not comply with paragraph (3) or (4).

"(E) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

"(F) The Secretary becomes aware that—

"(i) the drug may be counterfeit;

"(ii) the drug may have been prepared, packed, or held under insanitary conditions; or

"(iii) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

"(G) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

"(H) The Secretary has under section 505(e) withdrawn approval of the drug.

"(I) The manufacturer of the drug has instituted a recall of the drug.

"(J) If the drug is imported or offered for import by a registered importer without submission of a notice in accordance with subsection (d)(4).

"(K) If the drug is imported or offered for import from a registered exporter to an individual and 1 or more of the following applies:

"(i) The shipping container for such drug does not bear the markings required under subsection (d)(2).

“(ii) The markings on the shipping container appear to be counterfeit.

“(iii) The shipping container or markings appear to have been tampered with.

“(h) Exporter Licensure in Permitted Country.—A registration condition is that the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

“(1) the exporter is authorized under the law of the permitted country in which the exporter is located to dispense prescription drugs; and

“(2) the exporter employs persons that are licensed under the law of the permitted country in which the exporter is located to dispense prescription drugs in sufficient number to dispense safely the drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such drugs to individuals.

“(i) Individuals; Conditions for Importation.—

“(1) In general.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

“(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

“(i) is valid under applicable Federal and State laws; and

“(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

“(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of the permitted country in which the exporter is located, as a condition of dispensing the drug to the individual.

“(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

“(i) to indicate that the prescription, and the equivalent document in the permitted country in which the exporter is located, have been filled; and

“(ii) to prevent a duplicative filling by another pharmacist.

“(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the individuals who dispense the drug.

“(E) The quantity of the drug does not exceed a 90-day supply.

“(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an ‘ineligible subpart H drug’ if the drug was approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

“(2) Notice regarding drug refused admission.—If a registered exporter ships a drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

“(j) Maintenance of Records and Samples.—

“(1) In general.—A registration condition is that the importer or exporter involved shall—

“(A) maintain records required under this section for not less than 2 years; and

“(B) maintain samples of each lot of a qualifying drug required under this section for not more than 2 years.

“(2) Place of record maintenance.—The records described under paragraph (1) shall be maintained—

“(A) in the case of an importer, at the place of business of the importer at which the importer initially receives the qualifying drug after importation; or

“(B) in the case of an exporter, at the facility from which the exporter ships the qualifying drug to the United States.

“(k) Drug Recalls.—

“(1) Manufacturers.—A person that manufactures a qualifying drug imported from a permitted country under this section shall promptly inform the Secretary—

“(A) if the drug is recalled or withdrawn from the market in a permitted country;

“(B) how the drug may be identified, including lot number; and

“(C) the reason for the recall or withdrawal.

“(2) Secretary.—With respect to each permitted country, the Secretary shall—

“(A) enter into an agreement with the government of the country to receive information about recalls and withdrawals of qualifying drugs in the country; or

“(B) monitor recalls and withdrawals of qualifying drugs in the country using any information that is available to the public in any media.

“(3) Notice.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a qualifying drug in a permitted country.

“(l) Drug Labeling and Packaging.—

“(1) In general.—When a qualifying drug that is imported into the United States by an importer under subsection (a) is dispensed by a pharmacist to an individual, the pharmacist shall provide that the packaging and labeling of the drug complies with all applicable regulations promulgated under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and shall include with any other labeling provided to the individual the following:

“(A) The lot number assigned by the manufacturer.

“(B) The name and registration number of the importer.

“(C) If required under paragraph (2)(B)(vi)(III) of subsection (g), a prominent advisory that the drug is safe and effective but not bioequivalent to the U.S. label drug.

“(D) If the inactive ingredients of the drug are different from the inactive ingredients for the U.S. label drug—

“(i) a prominent advisory that persons with allergies should check the ingredient list of the drug because the ingredients of the drug differ from the ingredients of the U.S. label drug; and

“(ii) a list of the ingredients of the drug as would be required under section 502(e).

“(2) Packaging.—A qualifying drug that is packaged in a unit-of-use container (as those terms are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

“(A) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); or

“(B) the consumer consents to waive the requirements of such Act, after being informed that the packaging does not comply with such Act and that the pharmacist will provide the drug in packaging that is compliant at no additional cost.

“(m) Charitable Contributions.—Notwithstanding any other provision of this section, this section does not authorize the importation into the United States of a qualifying drug donated or otherwise supplied for free or at nominal cost by the manufacturer of the drug to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country.

“(n) Unfair and Discriminatory Acts and Practices.—

“(1) In general.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing agreement or other agreement), to—

“(A) discriminate by charging a higher price for a prescription drug sold to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section than the price that is charged, inclusive of rebates or other incentives to the permitted country or other person, to another person that is in the same country and that does not export a qualifying drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a qualifying drug under this section, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying, restricting, or delaying supplies of a prescription drug to a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or to a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a registered exporter or other person in a permitted country that exports a qualifying drug to the United States under this section or with a registered importer or other person that distributes, sells, or uses a qualifying drug imported into the United States under this section;

“(E) knowingly fail to submit a notice under subsection (g)(2)(B)(i), knowingly fail to submit such a notice on or before the date specified in subsection (g)(2)(B)(v) or as otherwise required under subsection (e)(3), (4), and (5) of section 4 of the Pharmaceutical Market Access and Drug Safety Act of 2007, knowingly submit such a notice that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such a notice;

“(F) knowingly fail to submit an application required under subsection (g)(2)(F), knowingly fail to submit such an application on or before the date specified in subsection (g)(2)(F)(ii), knowingly submit such an application that makes a materially false, fictitious, or fraudulent statement, or knowingly fail to provide promptly any information requested by the Secretary to review such an application;

“(G) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country;

"(H) refuse to allow an inspection authorized under this section of an establishment that manufactures a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country;

"(I) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a qualifying drug that is, or will be, introduced for commercial distribution in a permitted country to good manufacturing practice under this Act;

"(J) become a party to a licensing agreement or other agreement related to a qualifying drug that fails to provide for compliance with all requirements of this section with respect to such drug;

"(K) enter into a contract that restricts, prohibits, or delays the importation of a qualifying drug under this section;

"(L) engage in any other action to restrict, prohibit, or delay the importation of a qualifying drug under this section; or

"(M) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages or attempts to engage in the importation of a qualifying drug under this section.

"(2) REFERRAL OF POTENTIAL VIOLATIONS.—The Secretary shall promptly refer to the Federal Trade Commission each potential violation of subparagraph (E), (F), (G), (H), or (I) of paragraph (1) that becomes known to the Secretary.

"(3) AFFIRMATIVE DEFENSE.—

"(A) DISCRIMINATION.—It shall be an affirmative defense to a charge that a manufacturer has discriminated under subparagraph (A), (B), (C), (D), or (M) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial, restriction, or delay of supplies of a prescription drug to a person, the refusal to do business with a person, or other discriminatory activity against a person, is not based, in whole or in part, on—

"(i) the person exporting or importing a qualifying drug into the United States under this section; or

"(ii) the person distributing, selling, or using a qualifying drug imported into the United States under this section.

"(B) DRUG DIFFERENCES.—It shall be an affirmative defense to a charge that a manufacturer has caused there to be a difference described in subparagraph (G) of paragraph (1) that—

"(i) the difference was required by the country in which the drug is distributed;

"(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

"(iii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from a drug for distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries; or

"(iv) the difference was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

"(4) EFFECT OF SUBSECTION.—

"(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

"(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

"(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B of the Public Health Service Act (42 U.S.C. 256b) in return for inclusion of the drug on a formulary;

"(ii) require that such discounts be made available to other purchasers of the prescription drug; or

"(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

"(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

"(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

"(ii) apply to such donations or supplying of a prescription drug.

"(5) ENFORCEMENT.—

"(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

"(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

"(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section; and

"(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

"(6) ACTIONS BY STATES.—

"(A) IN GENERAL.—

"(i) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State have been adversely affected by any manufacturer that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction to—

"(I) enjoin that practice;

"(II) enforce compliance with this subsection;

"(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

"(IV) obtain such other relief as the court may consider to be appropriate.

"(ii) NOTICE.—

"(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

"(aa) written notice of that action; and

"(bb) a copy of the complaint for that action.

"(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

"(B) INTERVENTION.—

"(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Federal Trade Commission shall have the right to intervene in the action that is the subject of the notice.

"(ii) EFFECT OF INTERVENTION.—If the Federal Trade Commission intervenes in an action under subparagraph (A), it shall have the right—

"(I) to be heard with respect to any matter that arises in that action; and

"(II) to file a petition for appeal.

"(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

"(i) conduct investigations;

"(ii) administer oaths or affirmations; or

"(iii) compel the attendance of witnesses or the production of documentary and other evidence.

"(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

"(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(G) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

"(H) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

"(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term 'antitrust laws' has the meaning given it in the first section of the

Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(8) MANUFACTURER.—In this subsection, the term 'manufacturer' means any entity, including any affiliate or licensee of that entity, that is engaged in—

"(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

"(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.".

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

"(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

"(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

"(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

"(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

"(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (i) of section 804(g)(2)(B) or in an application required under section 804(g)(2)(F), or the failure to submit such a notice or application.

"(4) The importation of a drug in violation of a registration condition or other requirement under section 804, the falsification of any record required to be maintained, or provided to the Secretary, under such section, or the violation of any registration condition or other requirement under such section."; and

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

"(6) Notwithstanding subsection (a), any person that knowingly violates section 301(i)(2) or (3) or section 301(aa)(4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.".

(c) AMENDMENT OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

"(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

"(1) the drug has been refused admission because the drug was not a lawful import under section 804;

"(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

"(3) the individual may under section 804 lawfully import certain prescription drugs from exporters registered with the Secretary under section 804; and

"(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.".

(2) ESTABLISHMENT REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (1) by inserting after "import into the United States" the following: ", including a drug that is, or may be, imported or offered for import into the United States under section 804,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 90 days after the date of enactment of this title.

(d) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

"(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.".

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

(e) EFFECT OF SECTION 804.—

(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

(A) from exporters registered under such section 804 on the date that is 90 days after the date of enactment of this title; and

(B) from permitted countries, as defined in such section 804, by importers registered under such section 804 on the date that is 1 year after the date of enactment of this title.

(2) REVIEW OF REGISTRATION BY CERTAIN EXPORTERS.—

(A) REVIEW PRIORITY.—In the review of registrations submitted under subsection (b) of such section 804, registrations submitted by entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of enactment of this title will have priority during the 90 day period that begins on such date of enactment.

(B) PERIOD FOR REVIEW.—During such 90-day period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) LIMITATION.—That an exporter in Canada exports, or has exported, prescription drugs to individuals in the United States on or before the date that is 90 days after the date of enactment of this title shall not serve as a basis, in whole or in part, for disapproving a registration under such section 804 from the exporter.

(D) FIRST YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date of enactment of this title, the Secretary of Health and Human Services (referred to in this section as the "Secretary") may limit the number of registered exporters under such section 804 to not less than 50, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(E) SECOND YEAR LIMIT ON NUMBER OF EXPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this title, the Secretary may limit the number of registered exporters under such section 804 to not less than 100, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(F) FURTHER LIMIT ON NUMBER OF EXPORTERS.—During any 1-year period beginning on a date that is 2 or more years after the date of enactment of this title, the Secretary may limit the number of registered exporters under such section 804 to not less than 25 more than the number of such exporters during the previous 1-year period, so long as the Secretary gives priority to those exporters with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

(3) LIMITS ON NUMBER OF IMPORTERS.—

(A) FIRST YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 1 year after the date of enactment of this title, the Secretary may limit the number of registered importers under such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs imported into the United States.

(B) SECOND YEAR LIMIT ON NUMBER OF IMPORTERS.—During the 1-year period beginning on the date that is 2 years after the date of enactment of this title, the Secretary may limit the number of registered importers under such section 804 to not less than 200 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs into the United States.

(C) FURTHER LIMIT ON NUMBER OF IMPORTERS.—During any 1-year period beginning on a date that is 3 or more years after the date of enactment of this title, the Secretary may limit the number of registered importers under such section 804 to not less than 50 more (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups) than the number of such importers during the previous 1-year period, so long as the Secretary gives priority to those importers with demonstrated ability to process a high volume of shipments of drugs to the United States.

(4) NOTICES FOR DRUGS FOR IMPORT FROM CANADA.—The notice with respect to a qualifying drug introduced for commercial distribution in Canada as of the date of enactment of this title that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 30 days after the date of enactment of this title if—

(A) the U.S. label drug (as defined in such section 804) for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this Act; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(5) NOTICE FOR DRUGS FOR IMPORT FROM OTHER COUNTRIES.—The notice with respect to a qualifying drug introduced for commercial distribution in a permitted country other than Canada as of the date of enactment of this title that is required under subsection (g)(2)(B)(i) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this title if—

(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this title; or

(B) the notice is a notice under subsection (g)(2)(B)(i)(II) of such section 804.

(6) NOTICE FOR OTHER DRUGS FOR IMPORT.—

(A) GUIDANCE ON SUBMISSION DATES.—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution as of the date of enactment of this title and that are not required to be submitted under paragraph (4) or (5).

(B) CONSISTENT AND EFFICIENT USE OF RESOURCES.—The Secretary shall establish the dates described under subparagraph (A) so that such notices described under subparagraph (A) are submitted and reviewed at a rate that allows consistent and efficient use of the resources and staff available to the Secretary for such reviews. The Secretary may condition the requirement to submit such a notice, and the review of such a notice, on the submission by a registered exporter or a registered importer to the Secretary of a notice that such exporter or importer intends to import such qualifying drug to the United States under such section 804.

(C) PRIORITY FOR DRUGS WITH HIGHER SALES.—The Secretary shall establish the dates described under subparagraph (A) so that the Secretary reviews the notices described under such subparagraph with respect to qualifying drugs with higher dollar volume of sales in the United States before the notices with respect to drugs with lower sales in the United States.

(7) NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.—The notice required under subsection (g)(2)(B)(i) of such section 804 for a qualifying drug first introduced for commercial distribution in a permitted country (as defined in such section 804) after the date of enactment of this title shall be submitted to and reviewed by the Secretary as provided under subsection (g)(2)(B) of such section 804, without regard to paragraph (4), (5), or (6).

(8) REPORT.—Beginning with the first full fiscal year after the date of enactment of this title, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit a report to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

(9) USER FEES.—

(A) EXPORTERS.—When establishing an aggregate total of fees to be collected from exporters under subsection (f)(2) of such section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered exporters during the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to $1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365.

(B) IMPORTERS.—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (e)(3)(C)(i) of such section 804, estimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) the first fiscal year in which this title takes effect to be an amount equal to the amount which bears the same ratio to $1,000,000,000 as the number of days in such fiscal year during which this title is effective bears to 365; and

(ii) the second fiscal year in which this title is in effect to be $3,000,000,000.

(C) SECOND YEAR ADJUSTMENT.—

(i) REPORTS.—Not later than February 20 of the second fiscal year in which this title is in effect, registered importers shall report to the Secretary the total price and the total volume of drugs imported to the United States by the importer during the 4-month period from October 1 through January 31 of such fiscal year.

(ii) REESTIMATE.—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during the second fiscal year in which this title is in effect. Such reestimate shall be equal to—

(I) the total price of qualifying drugs imported by each importer as reported under clause (i); multiplied by

(II) 3.

(iii) ADJUSTMENT.—The Secretary shall adjust the fee due on April 1 of the second fiscal year in which this title is in effect, from each importer so that the aggregate total of fees collected under subsection (e)(2) for such fiscal year does not exceed the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during such fiscal year as reestimated under clause (ii).

(D) FAILURE TO PAY FEES.—Notwithstanding any other provision of this section, the Secretary may prohibit a registered importer or exporter that is required to pay user fees under subsection (e) or (f) of such section 804 and that fails to pay such fees within 30 days after the date on which it is due, from importing or offering for importation a qualifying drug under such section 804 until such fee is paid.

(E) ANNUAL REPORT.—

(i) FOOD AND DRUG ADMINISTRATION.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e), (f), or (g)(2)(B)(iv) of such section 804, the Secretary shall prepare and submit to the House of Representatives and the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for the fiscal year for which the report is made and credited to the Food and Drug Administration.

(ii) CUSTOMS AND BORDER CONTROL.—Not later than 180 days after the end of each fiscal year during which fees are collected under subsection (e) or (f) of such section 804, the Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall prepare and submit to the House of Representatives and the Senate a report on the use, by the Bureau of Customs and Border Protection, of the fees, if any, transferred by the Secretary to the Bureau of Customs and Border Protection for the fiscal year for which the report is made.

(10) SPECIAL RULE REGARDING IMPORTATION BY INDIVIDUALS.—

(A) IN GENERAL.—Notwithstanding any provision of this title (or an amendment made by this title), the Secretary shall expedite the designation of any additional countries from which an individual may import a qualifying drug into the United States under such section 804 if any action implemented by the Government of Canada has the effect of limiting or prohibiting the importation of qualifying drugs into the United States from Canada.

(B) TIMING AND CRITERIA.—The Secretary shall designate such additional countries under subparagraph (A)—

(i) not later than 6 months after the date of the action by the Government of Canada described under such subparagraph; and

(ii) using the criteria described under subsection (a)(4)(D)(i)(II) of such section 804.

(f) IMPLEMENTATION OF SECTION 804.—

(1) INTERIM RULE.—The Secretary may promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section.

(2) NO NOTICE OF PROPOSED RULEMAKING.—The interim rule described under paragraph (1) may be developed and promulgated by the Secretary without providing general notice of proposed rulemaking.

(3) FINAL RULE.—Not later than 1 year after the date on which the Secretary promulgates an interim rule under paragraph (1), the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule provided for under paragraph (1), to the extent that such provisions are not modified.

(g) CONSUMER EDUCATION.—The Secretary shall carry out activities that educate consumers—

(1) with regard to the availability of qualifying drugs for import for personal use from an exporter registered with and approved by the Food and Drug Administration under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an exporter is registered and approved by use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this title;

(2) that drugs that consumers attempt to import from an exporter that is not registered with and approved by the Food and Drug Administration can be seized by the United States Customs Service and destroyed, and that such drugs may be counterfeit, unapproved, unsafe, or ineffective;

(3) with regard to the suspension and termination of any registration of a registered importer or exporter under such section 804; and

(4) with regard to the availability at domestic retail pharmacies of qualifying drugs imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(h) EFFECT ON ADMINISTRATION PRACTICES.—Notwithstanding any provision of this title (and the amendments made by this title), the practices and policies of the Food and Drug Administration and Bureau of Customs and Border Protection, in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use, shall remain in effect.

(i) Report to Congress.—The Federal Trade Commission shall, on an annual basis, submit to Congress a report that describes any action taken during the period for which the report is being prepared to enforce the provisions of section 804(n) of the Federal Food, Drug, and Cosmetic Act (as added by this title), including any pending investigations or civil actions under such section.

SEC. 805. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) In General.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 804, is further amended by adding at the end the following section:

"SEC. 805. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

"(a) In General.—The Secretary of Homeland Security shall deliver to the Secretary a shipment of drugs that is imported or offered for import into the United States if—

"(1) the shipment has a declared value of less than $10,000; and

"(2)(A) the shipping container for such drugs does not bear the markings required under section 804(d)(2); or

"(B) the Secretary has requested delivery of such shipment of drugs.

"(b) No Bond or Export.—Section 801(b) does not authorize the delivery to the owner or consignee of drugs delivered to the Secretary under subsection (a) pursuant to the execution of a bond, and such drugs may not be exported.

"(c) Destruction of Violative Shipment.—The Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

"(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of any standard described in section 804(g)(5); or

"(2) in the case of drugs that are not imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard referred to in section 801(a) or 801(d)(1).

"(d) Certain Procedures.—

"(1) In general.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

"(2) Objective of procedures.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to described in subsection (c) are identified and destroyed.

"(e) Evidence Exception.—Drugs may not be destroyed under subsection (c) to the extent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

"(f) Rule of Construction.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than $10,000.".

(b) Procedures.—Procedures for carrying out section 805 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this title.

(c) Effective Date.—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this title.

SEC. 806. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) Striking of Exemptions; Applicability to Registered Exporters.—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking "and who is not the manufacturer or an authorized distributor of record of such drug";

(B) by striking "to an authorized distributor of record or"; and

(C) by striking subparagraph (B) and inserting the following:

"(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

"(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as 'alternative requirements') to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include standardized anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the discrete package of the drug from which the drug is dispensed with equal or greater certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

"(ii) When the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition may be met in lieu of the registration condition established in such clause (i).";

(2) in paragraph (2)(A), by adding at the end the following: "The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804."; and

(3) in paragraph (3), by striking "and subsection (d)—" in the matter preceding subparagraph (A) and all that follows through "the term 'wholesale distribution' means" in subparagraph (B) and inserting the following: "and subsection (d), the term 'wholesale distribution' means".

(b) Conforming Amendment.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

"(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

"(5) For purposes of this subsection, the term 'authorized distributors of record' means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer's products.".

(c) Effective Date.—

(1) In general.—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2010.

(2) Drugs imported by registered importers under section 804.—Notwithstanding paragraph (1), the amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on the date that is 90 days after the date of enactment of this title with respect to qualifying drugs imported under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by section 804.

(3) Effect with respect to registered exporters.—The amendment made by subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this title.

(4) Alternative requirements.—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than January 1, 2010.

(5) Intermediate requirements.—The Secretary shall by regulation require the use of standardized anti-counterfeiting or track-and-trace technologies on prescription drugs at the case and pallet level effective not later than 1 year after the date of enactment of this title.

(6) Additional requirements.—

(A) In general.—Notwithstanding any other provision of this section, the Secretary shall, not later than 18 months after the date of enactment of this title, require that the packaging of any prescription drug incorporates—

(i) a standardized numerical identifier unique to each package of such drug, applied at the point of manufacturing and repackaging (in which case the numerical identifier shall be linked to the numerical identifier applied at the point of manufacturing); and

(ii)(I) overt optically variable counterfeit-resistant technologies that—

(aa) are visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

(bb) are similar to that used by the Bureau of Engraving and Printing to secure United States currency;

(cc) are manufactured and distributed in a highly secure, tightly controlled environment; and

(dd) incorporate additional layers of non-visible convert security features up to and including forensic capability, as described in subparagraph (B); or

(II) technologies that have a function of security comparable to that described in subclause (I), as determined by the Secretary.

(B) Standards for packaging.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to this paragraph, the manufacturers of such drugs shall incorporate the technologies described in subparagraph (A) into at least 1 additional element of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

SEC. 807. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 503A the following:

"SEC. 503B. INTERNET SALES OF PRESCRIPTION DRUGS.

"(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

"(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

"(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site;

"(B) the person dispenses the drug to the purchaser by mailing or shipping the drug to the purchaser; and

"(C) such site, or any other Internet site used by such person for purposes of sales of a prescription drug, fails to meet each of the requirements specified in paragraph (2), other than a site or pages on a site that—

"(i) are not intended to be accessed by purchasers or prospective purchasers; or

"(ii) provide an Internet information location tool within the meaning of section 231(e)(5) of the Communications Act of 1934 (47 U.S.C. 231(e)(5)).

"(2) REQUIREMENTS.—With respect to an Internet site, the requirements referred to in subparagraph (C) of paragraph (1) for a person to whom such paragraph applies are as follows:

"(A) Each page of the site shall include either the following information or a link to a page that provides the following information:

"(i) The name of such person.

"(ii) Each State in which the person is authorized by law to dispense prescription drugs.

"(iii) The address and telephone number of each place of business of the person with respect to sales of prescription drugs through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers.

"(iv) The name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

"(v) If the person provides for medical consultations through the site for purposes of providing prescriptions, the name of each individual who provides such consultations; each State in which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine; and the type or types of health professions for which the individual holds such licenses or other authorizations.

"(B) A link to which paragraph (1) applies shall be displayed in a clear and prominent place and manner, and shall include in the caption for the link the words 'licensing and contact information'.

"(b) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

"(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

"(B) the patient for whom the drug was dispensed or purchased did not, when such communications began, have a prescription for the drug that is valid in the United States;

"(C) pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practitioner or such individual issued a prescription for the drug that was purchased;

"(D) the person knew, or had reason to know, that the practitioner or the individual referred to in subparagraph (C) did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

"(E) the person received payment for the dispensing or sale of the drug.

For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices sponsored by—

"(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program); or

"(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

"(B) the dispensing or selling of a prescription drug pursuant to practices that promote the public health, as determined by the Secretary by regulation.

"(3) QUALIFYING MEDICAL RELATIONSHIP.—

"(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient for purposes of this section if—

"(i) at least one in-person medical evaluation of the patient has been conducted by the practitioner; or

"(ii) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

"(B) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

"(C) COVERING PRACTITIONER.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering practitioner without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

"(4) RULES OF CONSTRUCTION.—

"(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in subsection (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

"(B) STANDARD PRACTICE OF PHARMACY.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

"(C) APPLICABILITY OF REQUIREMENTS.—Paragraph (3) may not be construed as having any applicability beyond this section, and does not affect any State law, or interpretation of State law, concerning the practice of medicine.

"(c) ACTIONS BY STATES.—

"(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice that violates section 301(l), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further and other relief as the court may deem appropriate.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall have the right—

"(A) to intervene in such action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.

"(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(4) VENUE; SERVICE OF PROCESS.—Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(5) ACTIONS BY OTHER STATE OFFICIALS.—

"(A) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

"(B) In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

"(d) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

"(e) GENERAL DEFINITIONS.—For purposes of this section:

"(1) The term 'practitioner' means a practitioner referred to in section 503(b)(1) with respect to issuing a written or oral prescription.

"(2) The term 'prescription drug' means a drug that is described in section 503(b)(1).

"(3) The term 'qualifying medical relationship', with respect to a practitioner and a patient, has the meaning indicated for such term in subsection (b).

"(f) INTERNET-RELATED DEFINITIONS.—

"(1) IN GENERAL.—For purposes of this section:

"(A) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/internet protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

“(B) The term ‘link’, with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, when activated, as a method for executing an electronic command—

“(i) to move from viewing one portion of a page on such site to another portion of the page;

“(ii) to move from viewing one page on such site to another page on such site; or

“(iii) to move from viewing a page on one Internet site to a page on another Internet site.

“(C) The term ‘page’, with respect to the Internet, means a document or other file accessed at an Internet site.

“(D)(i) The terms ‘site’ and ‘address’, with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

“(ii) The term ‘domain name’ means a method of representing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as ‘.com’, ‘.edu’, ‘.gov’, ‘.net’, or ‘.org’.

“(iii) The term ‘Internet Protocol numbers’ includes any successor protocol for determining a specific location on the Internet.

“(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

“(g) INTERACTIVE COMPUTER SERVICE; ADVERTISING.—No provider of an interactive computer service, as defined in section 230(f)(2) of the Communications Act of 1934 (47 U.S.C. 230(f)(2)), or of advertising services shall be liable under this section for dispensing or selling prescription drugs in violation of this section on account of another person's selling or dispensing such drugs, provided that the provider of the interactive computer service or of advertising services does not own or exercise corporate control over such person.”.

(b) INCLUSION AS PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after paragraph (k) the following:

“(l) The dispensing or selling of a prescription drug in violation of section 503B.”.

(c) INTERNET SALES OF PRESCRIPTION DRUGS; CONSIDERATION BY SECRETARY OF PRACTICES AND PROCEDURES FOR CERTIFICATION OF LEGITIMATE BUSINESSES.—In carrying out section 503B of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section), the Secretary of Health and Human Services shall take into consideration the practices and procedures of public or private entities that certify that businesses selling prescription drugs through Internet sites are legitimate businesses, including practices and procedures regarding disclosure formats and verification programs.

(d) REPORTS REGARDING INTERNET-RELATED VIOLATIONS OF FEDERAL AND STATE LAWS ON DISPENSING OF DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall, pursuant to the submission of an application meeting the criteria of the Secretary, make an award of a grant or contract to the National Clearinghouse on Internet Prescribing (operated by the Federation of State Medical Boards) for the purpose of—

(A) identifying Internet sites that appear to be in violation of Federal or State laws concerning the dispensing of drugs;

(B) reporting such sites to State medical licensing boards and State pharmacy licensing boards, and to the Attorney General and the Secretary, for further investigation; and

(C) submitting, for each fiscal year for which the award under this subsection is made, a report to the Secretary describing investigations undertaken with respect to violations described in subparagraph (A).

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there is authorized to be appropriated $100,000 for each of the first 3 fiscal years in which this section is in effect.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this title, without regard to whether a final rule to implement such amendments has been promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a final rule.

SEC. 808. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(g) RESTRICTED TRANSACTIONS.—

“(1) IN GENERAL.—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

“(2) PAYMENT SYSTEM.—

“(A) IN GENERAL.—The term ‘payment system’ means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction, and includes—

“(i) a credit card system;

“(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

“(iii) any other system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

“(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

“(i) a creditor;

“(ii) a credit card issuer;

“(iii) a financial institution;

“(iv) an operator of a terminal at which an electronic fund transfer may be initiated;

“(v) a money transmitting business; or

“(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or money transmitting service.

“(3) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means a transaction or transmittal, on behalf of an individual who places an unlawful drug importation request to any person engaged in the operation of an unregistered foreign pharmacy, of—

“(A) credit, or the proceeds of credit, extended to or on behalf of the individual for the purpose of the unlawful drug importation request (including credit extended through the use of a credit card);

“(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request;

“(C) a check, draft, or similar instrument which is drawn by or on behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable at or through any financial institution; or

“(D) the proceeds of any other form of financial transaction (identified by the Board by regulation) that involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request.

“(4) UNLAWFUL DRUG IMPORTATION REQUEST.—The term ‘unlawful drug importation request’ means the request, or transmittal of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, phone, or electronic mail, or by a means that involves the use, in whole or in part, of the Internet.

“(5) UNREGISTERED FOREIGN PHARMACY.—The term ‘unregistered foreign pharmacy’ means a person in a country other than the United States that is not a registered exporter under section 804.

“(6) OTHER DEFINITIONS.—

“(A) CREDIT; CREDITOR; CREDIT CARD.—The terms ‘credit’, ‘creditor’, and ‘credit card’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(B) ACCESS DEVICE; ELECTRONIC FUND TRANSFER.—The terms ‘access device’ and ‘electronic fund transfer’—

“(i) have the meaning given the term in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

“(ii) the term ‘electronic fund transfer’ also includes any fund transfer covered under Article 4A of the Uniform Commercial Code, as in effect in any State.

“(C) FINANCIAL INSTITUTION.—The term ‘financial institution’—

“(i) has the meaning given the term in section 903 of the Electronic Transfer Fund Act (15 U.S.C. 1693a); and

“(ii) includes a financial institution (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)).

“(D) MONEY TRANSMITTING BUSINESS; MONEY TRANSMITTING SERVICE.—The terms ‘money transmitting business’ and ‘money transmitting service’ have the meaning given the terms in section 5330(d) of title 31, United States Code.

“(E) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(7) POLICIES AND PROCEDURES REQUIRED TO PREVENT RESTRICTED TRANSACTIONS.—

“(A) REGULATIONS.—The Board shall promulgate regulations requiring—

“(i) an operator of a credit card system;

“(ii) an operator of an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service;

“(iii) an operator of any other payment system that is centrally managed and is primarily engaged in the transmission and settlement of credit transactions, electronic transfers or money transmitting services where at least one party to the transaction or transfer is an individual; and

“(iv) any other person described in paragraph (2)(B) and specified by the Board in such regulations, to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system or the completion of a restricted transaction using a payment system.

"(B) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under subparagraph (A), the Board shall—

"(i) identify types of policies and procedures, including nonexclusive examples, that shall be considered to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system; and

"(ii) to the extent practicable, permit any payment system, or person described in paragraph (2)(B), as applicable, to choose among alternative means of preventing the introduction or completion of restricted transactions.

"(C) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

"(i) IN GENERAL.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, and any participant in such payment system that prevents or otherwise refuses to honor transactions in an effort to implement the policies and procedures required under this subsection or to otherwise comply with this subsection shall not be liable to any party for such action.

"(ii) COMPLIANCE.—A person described in paragraph (2)(B) meets the requirements of this subsection if the person relies on and complies with the policies and procedures of a payment system of which the person is a member or in which the person is a participant, and such policies and procedures of the payment system comply with the requirements of the regulations promulgated under subparagraph (A).

"(D) ENFORCEMENT.—

"(i) IN GENERAL.—This section shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

"(ii) FACTORS TO BE CONSIDERED.—In considering any enforcement action under this subsection against a payment system or person described in paragraph (2)(B), the Federal functional regulators and the Federal Trade Commission shall consider the following factors:

"(I) The extent to which the payment system or person knowingly permits restricted transactions.

"(II) The history of the payment system or person in connection with permitting restricted transactions.

"(III) The extent to which the payment system or person has established and is maintaining policies and procedures in compliance with regulations prescribed under this subsection.

"(8) TRANSACTIONS PERMITTED.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, is authorized to engage in transactions with foreign pharmacies in connection with investigating violations or potential violations of any rule or requirement adopted by the payment system or person in connection with complying with paragraph (7). A payment system, or such a person, and its agents and employees shall not be found to be in violation of, or liable under, any Federal, State or other law by virtue of engaging in any such transaction.

"(9) RELATION TO STATE LAWS.—No requirement, prohibition, or liability may be imposed on a payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, under the laws of any state with respect to any payment transaction by an individual because the payment transaction involves a payment to a foreign pharmacy.

"(10) TIMING OF REQUIREMENTS.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this Act.

(c) IMPLEMENTATION.—The Board of Governors of the Federal Reserve System shall promulgate regulations as required by subsection (g)(7) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333), as added by subsection (a), not later than 90 days after the date of enactment of this title.

SEC. 809. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking "not import the controlled substance into the United States in an amount that exceeds 50 dosage units of the controlled substance." and inserting "import into the United States not more than 10 dosage units combined of all such controlled substances.".

SEC. 810. SEVERABILITY.

If any provision of this title, an amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not affected thereby.

SEC. 811. PROTECTION OF HEALTH AND SAFETY.

This title, and the amendments made by this title, shall become effective only if the Secretary of Health and Human Services certifies to Congress that the implementation of this title (and amendments) will—

(1) pose no additional risk to the public's health and safety; and

(2) result in a significant reduction in the cost of covered products to the American consumer.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the title amendment which is at the desk is agreed to, and the motion to reconsider is considered made and laid upon the table.

The title was amended so as to read:

To amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to reauthorize drug and device user fees and ensure the safety of medical products, and for other purposes.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that Senator KENNEDY and I have a few minutes here to thank some of the people involved. I have checked with the people who would be involved with the judges, and they have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I do want to take a few minutes to thank the leaders, particularly the majority leader, who, after some difficulties last week, helped to smooth some things out and make it possible for us to move on a little bit on the bill. His coordination and leadership were indispensable.

I thank the Republican leader for the way he participated in the bill and, again, made sure we were working across the aisle and getting difficulties smoothed out.

I definitely wish to thank the chairman of the committee for the outstanding work he did through the entire process. As we mentioned a number of times, it has been a very lengthy process, but he has always been so forthright and knowledgeable and willing to work under all kinds of circumstances and difficulties. Because of his dedication and abilities, I have learned a lot about running the committee from him and I have learned a lot about getting a bill passed from him and have enjoyed working with him over the last 2 years on a number of bills.

I thank the staff people who have worked so hard. They have spent many evenings and even weekends away from their homes. They worked virtually through the night to get some of these issues worked out. The way we work a bill, it is a work in progress until it is finished. It is not finished yet; we have got to work with the House side yet, and we will do that.

This is such an important bill for the country. My HELP team worked overtime to get this bill to the floor and passed in the Senate.

I would first like to thank my health policy director, Shana Christrup. Shana was promoted to her leadership position in January of this year. She took ahold of the reins, has incredible knowledge, dedication, and negotiating experience and expertise that helped bring this bill to fruition.

I also want to greatly thank Amy Muhlberg, our crackerjack expert who knows all things FDA. Her knowledge and drafting skills were central to this bill.

I thank Keith Flanagan for his work on the children's statutes in this bill, and Dave Schmickel, who is our resident drug patent expert, for his ongoing work on follow-on biologics.

Others on the team I would like to thank include Todd Spangler and Brittany Moore, who provided the required backup that goes with moving a bill of this magnitude.

Finally, I thank my staff director, Katherine McGuire, whose steady hand in negotiating and communication skills and ability to juggle a number of issues at the same time and tap dance and do all sorts of things that make these bills possible provided the cement for the entire process.

I would also like to thank Ilyse Schuman, my chief counsel, for her precision and attention to detail.

I thank Amy Angelier Shank for her great work on the budget aspects of the bill; my press team, Craig Orfield and Mike Mahaffey; and my chief of staff, Flip McConnaughey, who was good at putting out brushfires throughout the process and kind of maintaining the core to our whole process.

On Senator KENNEDY's staff, I would like to thank Michael Myers, David Bowen, David Dorsey, Missy Rohrbach, Jeff Teitz, David Noll, and Tom Kraus. Senator KENNEDY's staffers were reasonable negotiators throughout the process and open and patient to hearing all sides of any issue.

As I mentioned before, Senator HATCH was responsible for the first FDA Revitalization Act, and I would like to thank him and his staff, Patty DeLoatche and Trish Knight, for helping me with the second FDA Revitalization Act.

With Senator GREGG's office, and for his assistance with the health IT for drug safety, I thank Dave Fisher and Liz Wroe.

Stephanie Carlton from Senator COBURN's staff and Jenny Ware with Senator BURR were also integral to many parts of the bill.

I would like to thank my colleague from Kansas, Senator ROBERTS, and his staff, Jennifer Swenson, Kate Anderson, and Mike Seyfert, for their incredible work on our direct-to-consumer advertising.

I also thank my colleague, Senator HARKIN, and his staffer, Mike Woody, for his hard work on the issue.

I thank Meghan Hauck, who is with Senator MCCONNELL, for her great assistance throughout the process and her tireless hours.

I thank Isaac Edwards, Amanda Makki, Tyler Thompson, Jennifer Claypool, and Mary-Sumpter Johnson.

Finally, there is a group of people without whom none of this would have happened. They work behind the scenes and make the rest of us look good. I am talking about the dedicated folks at legislative counsel, Stacy Kern-Scheerer, Bill Baird, Amy Gaynor, and the rest of the legislative counsel team. They have drafted forever on this, and redrafted, helped make this concept a reality. They did it with class, grace, patience, kindness, and I cannot thank them enough.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, one of the great joys of serving in the Senate has been working with my friend and colleague from Wyoming, Senator ENZI, on different legislation. He does it the old-fashioned way. He believes that what we ought to do is have the hearings on the problem and then listen to various alternatives and then try to work out a solution and carry the process forward. That is the old-fashioned way. Today people look at different issues, file bills, and try and ward off interventions. He has a deep-seated conservative philosophical commitment. He and I differ on some matters, but we always try to find common ground. We have been able to find it certainly on this legislation and many other pieces of legislation. I look forward to continuing this tradition. I am personally grateful to him for all his help in guiding us. You can see the closeness of these votes. This is enormously important legislation to bring the Food and Drug Administration into the 21st century. But there are strong feelings, strong opinions, strong arguments on different ways to do so. We have legislation. It is solid legislation. We are proud of it. I think the overwhelming, virtually unanimous vote of the Senate on both sides is a vindication of the efforts our committee has made. It starts with Senator ENZI. I am grateful to him.

I see SHERROD BROWN, the Senator from Ohio, was kind enough yesterday to stand in for me when I had the great honor to witness the coming together in Northern Ireland after 400 years of conflict and the establishment of democratic institutions in a very momentous historical moment. When I left Monday night, there was a certain element of chaos surrounding this bill, and coming back early this morning, under the great work of Senator ENZI and Senator BROWN, we had an orderly path to proceed. He is knowledgeable about health issues and had a very distinguished record on health policy before he came to the Senate. He has not missed a beat in working through the issues. He has been invaluable to me personally and to our committee. I thank Senator BROWN for all of his good work.

Quickly: I would like to thank my friend, Senator DODD for his work on all of the issues that affect kids' drugs and devices; Senator CLINTON for her work on drugs and devices; Senator MIKULSKI for her work on the issues of transparency, enormously important provisions on which this legislation depends; Senator HATCH for his work on antibiotics; Senator GREGG for his work on the databases and Web portal; Senators ROBERTS and HARKIN for their work on the direct to consumer advertising issue, which involves a lot of different policy issues and a lot of emotion and feeling. They worked very hard with the staff, we had very solid recommendations on this; Senator STABENOW for her work on the citizens' petitions in order to help get product onto the markets in a quicker way. I would also like to thank Senator BROWN and Senator BROWNBACK, for their enormously creative innovative idea with regard to neglected diseases. This is something the United States should be doing more of, and they have been very creative in coming up with an idea; Senator COBURN on the doctor-patient relationship, a subject matter he feels intensely about and has been helpful to us on the legislation; Senator DURBIN on food safety provisions, very important and helpful; Senator ALEXANDER on the children's drugs; Senator ALLARD on food safety issues; Senator LINCOLN on food safety including the raised-fish issue.

These are some of the items. Again, we thank staff members: From my staff, Dave Bowen, David Dorsey, David Noll, and Caya Lewis, all who have spent a great deal of time and effort over these past weeks, Michael Myers and Carmel Martin and Missy Rohrbach, Tom Kraus, I thank them enormously.

I express appreciation to Senator ENZI's staff. If people try to find solutions, rather than perpetuate differences, it makes an enormous difference. That was certainly true of all the staffs on our committee. I thank Amy Muhlberg and David Schmickel and Keith Flanagan and Katherine McGuire, Shana Christrup; Senator BROWN's staff: Ellie Dehoney; Senator DODD: Tamar Magarik; Senator MIKULSKI: Ellen-Marie Whelan; Senator HATCH's staff: Patty DeLoatche, and Trisha Knight; Mike Woody from Senator HARKIN; Senator GREGG: Liz Wroe; Senator Roberts: Jennifer Swenson, Mike Seyfert, and Kate Anderson; Senator CLINTON's staff: Ann Gavaghan and Andrea Palm. I am sure I might have missed someone, but we will make sure they are included in the RECORD.

We thank all our colleagues and friends. We look forward to meeting with the House and reflecting the Senate's best judgment on the legislation.

Mr. President, over the past 10 days we have had a good debate about important issues affecting the safety of our Nation's citizens, about the drugs they use when they are ill, and about the food they eat every day.

S. 1082 will reauthorize two important user fee programs at the FDA. First among these is the prescription drug user fee program. In 2008, the program is projected to supply the FDA with nearly $400 million to help support new drug reviews and monitor the safety of drugs once they are approved and on the market. Additionally, the bill will reauthorize the medical device user fee program, which subsidizes the medical device review process. Both these programs speed new medical products to patients by enhancing the resources the FDA can devote to medical product review, without changing the standards that must be met for FDA approval or clearance.

These resources to enhance speedy access to drugs and biologics are balanced with several significant provisions that will improve postapproval drug safety. A public-private partnership involving the FDA will build a network of health care databases to gather far better information about the safety risks of prescription drugs. Expanded drug user fees would also be used to develop this active surveillance system for all FDA approved drugs.

The bill will create an additional risk-based method for approving and monitoring new drugs and biologics, called risk evaluation and mitigation strategies, or REMS. A REMS consists of a flexible collection of tools that the agency can apply to address the unique risks associated with a new drug. From labeling changes to postapproval safety studies to measures to assure safe use of a drug, the bill gives FDA important new authorities to address safety issues that arise after a drug is approved. For the first time, civil money penalties will deter noncompliance. The bill increases drug user fees to implement the REMS and enhance the postapproval drug safety system.

Furthermore, this legislation would improve transparency, strengthen the agency's science-based culture, and inspire the trust of the American public. For example, it would require the FDA to identify and disclose conflicts of interest among advisory committee members who provide the agency expert scientific recommendations.

It would also improve access to information for patients and health care providers by launching a pubic database with the results of clinical trials. A clinical trials registry would enhance patient enrollment and provide a mechanism to track the progress of clinical trials.

Finally, the legislation would establish the Reagan-Udall Foundation for the FDA to head collaborative research projects, among the FDA, academic institutions, and industry intended to improve medical product development and evaluation.

I appreciate Senator DODD and Senator CLINTON's leadership to promote the safety of drugs and devices used to treat children.

I thank Senator ROBERTS and Senator HARKIN for working with Senator ENZI and me to design constitutionally sound, effective, and feasible controls on DTC advertising. The amendment we produced will ensure the information that ads provide is accurate, clear, and conspicuous without imposing a moratorium.

I commend Senators STABENOW, BROWN, LOTT, THUNE, COBURN, and HATCH for coming to a solution on the issue of citizens' petitions. They were able to craft an amendment that ensures that only citizens' petitions with meritorious claims could delay approval of a generic drug and that frivolous petitions will not lead to unwarranted delays in the approval of new generic drugs.

I applaud Senator BROWNBACK and Senator BROWN for their novel proposal to encourage investment in new medicines for neglected tropical diseases. Their proposal entitles companies that develop new therapies or vaccines to a voucher allowing them a priority review at the FDA for a product of their choosing. It would provide pharmaceutical manufacturers a significant incentive without raising costs to consumers or relaxing the safety standards applied to the drug given priority review.

I would also like to draw attention to the essential amendment introduced by Senator HATCH, with important contributions from Senators BROWN, BURR, STABENOW, and others. The amendment would close a loophole that did away with the incentive to bring old but never approved antibiotics to market. It would also establish a public process to identify drug-resistant infections that are orphan diseases and that could be treated with orphan drugs. Additionally, the amendment would make certain molecules that are a part of old active ingredients eligible for recognition as new active ingredients, provided they will be used for a new indication. This provision includes limits that would prevent pharmaceutical manufacturers from abusing the process to extend the life of old active ingredient drugs.

Finally, I am grateful to my friend, Senator ENZI, for his leadership and commitment to addressing prescription drug safety. We have worked together for over 2½ years to develop this legislation, and I am proud of where we are today.

I have already thanked a number of people, and I would also like to thank, on Senator ENZI's staff, Ilyse Schuman, and on my own staff, Stacy Sachs, Molly Nicholson, Jeff Teitz, and Charlotte Burrows, and two of my interns, Ashley Bennett and Lara Mounir.

I would also like to thank the many other staff members, both on and off the committee, who did such great work on this bill: Carmen Green, Nancy Hardt, Paula Burg, Lisa German, Jessica Gerrity, Dora Hughes, Ed Ramos, Ben Klein, Jim Esquea, David Lazarus, Lisa Layman, Jenny Ware, Mary-Sumpter Johnson, Stephanie Carlton, and Jennifer Claypool.

I would also like to thank the legislative counsels Bill Baird, Amy Gaynor, and Stacey Kern-Scheerer for all of their hard work on this bill.

Mr. ROBERTS. Mr. President, today the Senate voted to approve S. 1082, the Food and Drug Administration Revitalization Act. I am very pleased the Senate took this action and I now look forward to its consideration in the House.

Unfortunately, I was not present to vote for the bill, but I would like the record to reflect that I had planned to vote in favor of this legislation. Just last weekend, Kansas experienced a horrible disaster when a tornado devastated an entire community and took the lives of several Kansans.

Late last Friday evening, the town of Greensburg, KS, was literally wiped off the map by an enormous tornado. As a result of this and storms associated with the system, 12 Kansans are confirmed dead, and all of the 1500 residents of Greensburg have been displaced. What we have experienced in Greensburg is unlike any other event in recent Kansas history. The hospital is gone, the schools are gone, every church is gone, virtually every business in the community is gone, including all of Main Street. Estimates are that fully 95 percent of the structures in the town are damaged or destroyed. Because of this devastation, I invited President Bush to come to Greensburg, KS, and view the damage from this unspeakable disaster. Today, President Bush is in Greensburg, and I, along with other members of the Kansas congressional delegation, are showing him the devastation this community has experienced, so I could not be present to vote for S. 1082.

However, I want my colleagues to know that I support this legislation and would have voted in favor of the bill if I were present. I believe S. 1082 will give FDA the tools to ensure drug safety and will renew some very important prescription drug and medical device programs. I am also pleased the bill includes an amendment I sponsored with Senators HARKIN, BURR, and COBURN to improve the drug advertisement provisions in the underlying bill. This amendment was accepted unanimously by the Senate.

Our amendment addresses the first amendment concerns with the advertising provisions in the original bill and gives the FDA the tools they need to protect the public from false or misleading prescription drug advertisements. We believe this amendment is a more commonsense approach to dealing with prescription drug advertisements and ensures the public will get truthful and accurate information about new prescription drugs.

I especially want to thank Chairman KENNEDY, Ranking Member ENZI, and Senator HARKIN for their leadership and hard work on this issue. I also thank Senators BURR and COBURN for their cooperation and cosponsorship of my amendment. This amendment represents the result of our efforts to achieve an outcome that is acceptable to all of us. The agreement that was accepted today is a fair compromise that addresses the concerns of all of the Members involved

Mr. BYRD. Mr. President, I voted against Senator DURBIN's amendment because it would have forced the removal of the best scientific minds from the oversight of the safety of our Nation's food and prescription drug approval process. Though well intentioned, the Durbin amendment would have limited the advice available to the Food and Drug Administration for critical decisions pertaining to consumer safety. I will support the efforts to ensure that conflicts of interest do not interfere with the safety of the American people, and I will work to ensure that the country's best experts continue to secure our medications and food supply.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF DEBRA ANN LIVINGSTON TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Executive Calendar No. 104, which the clerk will report.

The legislative clerk read the nomination of Debra Ann Livingston, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours for debate equally divided between the chairman, Senator LEAHY, and the ranking member of the Judiciary Committee or their designees.

The Senator from Vermont is recognized.

JACK VALENTI

Mr. LEAHY. Mr. President, in the time allotted to me, I will talk about some other things. Later this afternoon, a wonderful American man who had a life that epitomizes what is best in our country will be buried in Arlington. I am speaking about Jack Valenti. Jack and his wife Mary Margaret first took my wife Marcelle and I under their wings when I came here as an unknown 34-year-old Senator from Vermont. We had so many wonderful times with both of them. There would be times, obviously, as many of us did during Jack's years as president of the Motion Picture Association, when we would gather for a dinner at the MPAA, always with at least one Italian dish, and then watch a first-run movie. Jack would be greeting everybody by name. For those of us who sometimes have to remember the names of our own families, he was remarkable. But the remarkable thing was, he greeted everybody. He knew about you and was interested in what you were interested in, but also on the points that he wanted to get across, he would do so in a way with integrity, with brilliance, and with the respect of both Republicans and Democrats, as he would go through the halls of the Senate and the House.

On a personal basis, with he and Mary Margaret, we would sit sometimes having a quiet meal at their house or on one occasion at a favorite restaurant of theirs, on a soft summer evening, sitting outdoors and talking about kids and, in that case, their pending grandchild. I could not help but think about this man, who by all rights never should have made it through World War II. He was a highly decorated fighter bomber pilot. He went through battles where there were enormous casualties. He received the Distinguished Flying Cross and just about every other bravery medal one could, and he survived.

He came back to a career that ranged from being somber, as we all know, in Texas at the time of President Kennedy's death, to going on the plane with President Johnson, and sharing those Texas roots and working with him.

From a personal point of view, I think of the time he spent with my late mother who was an Italian American. They had that bond. He would single her out at national gatherings of Italian Americans. She loved it. She called me once and said: I saw that nice young man on television. I said: Mother, whom are you talking about? She said: Jack Valenti, that nice young man. I said: Mom, Jack is almost 20 years older than I am. She said: Really. Well, he doesn't look it. And then came the killing shot. She said: Patrick, you should take better care of yourself. When Jack had one of his many retirement parties—I will speak to that in a moment—I told that story.

I am afraid more than one person in the audience agrees with my mother.

I said "one of his many retirements." He never retired. He continued to write books. He had one that he just finished before a stroke silenced him a few weeks ago. I have a copy of his book in my desk on the Senate floor. I have a copy of all his books. They are well written. He had a command of the English language that all of us would like to think we could master with the best of all speechwriters, and we can't. He did it. He was his own speechwriter. Nobody else could begin to match what he did.

One of the things I think of—and I was thinking of this at his funeral, where I had the honor of being an honorary pallbearer—I spoke with Mary Margaret and his son John afterward, his daughter Courtney. I was speaking with others. I remembered an op-ed piece that my friend Matt Gerson wrote for the Saturday, April 28, Washington Post about Jack. Matt refers to the mentoring that he did of so many people. Matt refers to his own mentoring by Jack Valenti.

Well, I am one of those Senators—one of hundreds of Senators—on both sides of the aisle mentored by Jack. I, along with my wife, am among the thousands of people who will miss his phone calls, who will miss his conversations, who will miss his friendship, and we join in sending our condolences to Mary Margaret, and know she carries on great memories of her own, and memories we will continue to share.

Mr. President, I ask unanimous consent that the op-ed piece I referred to by Matt Gerson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Saturday, April 28, 2007]

WHAT JACK VALENTI TAUGHT US ALL

(By Matt Gerson)

Jack Valenti lived a unique life between two of society's fascinations—politics and Hollywood. For Republicans and Democrats, for senators and young aides, for celebrities and the legions behind the cameras, interactions with him were graduate seminars in history, politics, human nature and common sense. This extraordinary communicator punctuated every conversation with a witticism linked to his beloved Texas, a quote from an obscure historical figure or a rule passed on to him by his mentor, Lyndon Johnson. In the weeks leading up to his death Thursday, all over town a simple "How's Jack?" almost always led to, "You know, I try to live by something I once heard him say."

I first noticed his reach when a lunch companion said, "I try to return every phone call the same day I receive it, and I try to treat an appointment secretary like a Cabinet secretary." That was followed by a senator who revealed: "Jack was the first one to contact me after my son died. I will never forget his concern and support. How can I reach his family?"

For those Jack mentored during the 38 years he dedicated to America's film industry, it became clear that character was defined by loyalty. In both Washington and Hollywood, people often desert "friends" at the first whiff of public disfavor. Not Jack—time and again he insisted that you never abandon a friend who was going through a rough time, and he always stood with a beleaguered colleague or public official who was receiving unwanted publicity.

He would tell his team to respect every elected official ("because you never even ran for dog catcher, and they were sent here by the people"). He admonished us that your adversary today might be your ally tomorrow. "In a political struggle, never get personal—else the dagger digs too deep."

Jack rejected the partisanship that gripped Washington and would warn that "nothing lasts—today's minority backbencher will be tomorrow's subcommittee chairman." On the day the Motion Picture Association of America headquarters was named the Jack Valenti Building, Sen. Ted Stevens observed, "Jack works across the aisle because he doesn't see an aisle. It is the root of his success and what others ought to emulate."

Each of the six studio chiefs who spoke at the dedication ceremony emphasized that Jack's word was his bond—if he made a promise, he never wavered. His rock-solid commitment gave him unusual credibility with leaders on both coasts and around the world.

Jack was a gifted public speaker who put incredible effort into making it all look effortless. He would rework his text behind closed doors, reciting it until the cadence was just right. Jack was ebullient when a president complimented him once on the "extemporaneous" remarks he had made at the Gridiron Club. "The president couldn't believe I didn't have a prepared text. I neglected to mention that I didn't need notes because I spent several days getting ready," he said.

It was especially fun to watch Washington's most accomplished professionals try to decipher one of his homilies. They eventually got the point and often adopted the line as their own. When a project was in trouble, it was time to "hunker down like a mule in a hailstorm." [Modified from the original Texas vernacular for a family newspaper.] When prospects got even worse, "The ox was in the ditch." But every problem could be addressed if you remembered "the three most important words in the English language: Wait a minute."

When someone from the MPAA left to take a new job, Jack would say, "I like to think I teach my people everything they know. But I know I didn't teach them everything I know." That line always got a laugh. I worked with Jack for six years and was friends with him for nearly two decades. In the past few years, frankly, I thought I had gleaned every lesson he had to offer. But then I picked up the galleys of his soon-to-be-published memoir, a book that tracks his "Greatest Generation" fable. This grandson of Sicilian immigrants, decorated combat pilot, Harvard MBA ("thanks to the greatest piece of social legislation ever devised by man—the G.I. Bill"), presidential adviser and confidant of America's business leaders has left a treatise with even more rules to live by.

One paragraph is a must-read for the BlackBerry-addicted. Jack quoted Emerson's observation that "for every gain, there is a loss. For every loss, there is a gain." While lamenting the number of nights he spent away from his family, he reminded us that attending one more reception meant missing a meal around the dinner table, and one extra night on a business trip would mean one less chance to help with homework or watch a soccer game.

I have recounted that quote many times over the past few weeks. And while this loss is devastating for many in Washington and Los Angeles, the life lessons that are his legacy are our gain.

NATIONAL GUARD EQUIPMENT STOCKS

Mr. LEAHY. Mr. President, earlier today, we had a meeting of the Senate Appropriations Committee. Defense Secretary Gates and Chairman of the Joint Chiefs of Staff General Pace were there. I was at that meeting. I had questions that I asked. I have been bothered since the meeting, not so much by what they said, but by what has happened in the last few days.

Every one of us, when we turn on our television set, sees the devastation in Kansas by a tornado—something we would not see in my State of Vermont. But even in a State where these are not unusual things, the devastation of this tornado was unique. I thought yesterday about how the President of the United States, through his spokesperson, blatantly dismissed the all too real concerns of the Governor of Kansas, Governor Sebelius, about the equipment levels available to our National Guard for dealing with such emergencies at home as this horrible disaster I spoke of that befell Greensburg, KS.

The White House spokesperson, sitting comfortably at the White House, said: Well, you know, there is no problem. The Guard has considerable equipment stocks still available.

Everybody who has studied the situation with our National Guard around this country knows that assertion is absurd on a number of levels. Maybe they felt they could make a political statement because the Governor is of another party. But the reality is, the Governor spoke the truth. She knows the Guard faces real, incontrovertible shortfalls in vital equipment.

Contrary to what the White House has said, the Governors—I am talking about the Governors; Republican, Democratic Governors alike—and their adjutant generals—those who are the heads of the National Guard in their respective States—are reporting something quite different than the blase attitude of the White House.

State after State reports missing humvees, medium-sized trucks, generators, dump trucks, communications systems. These are not claims from just any observer of Guard issues; these are the leaders who have been elected by the people to provide for their security and deal with these sometimes terrifying State emergencies.

As the Presiding Officer knows, the Governors command the Guard when operating in a State, and we have to give special credence to what they say. The idea that there is no problem—this kind of dismissive "there is no problem"—is equally ridiculous because it has been clearly documented there is a very real $24 billion equipment shortfall in Army National Guard equipment alone. Now, those are reports that do not take into consideration the shortfalls within the Air National Guard. But both the Active Army and the National Guard agree on this figure. It was developed together with the National Guard Bureau working closely with the Army staff.

To say there is no problem, on the one hand, and have an arm of the administration, on the other hand, say there is a $24 billion shortfall—to me, that is a problem.

What is a greater problem is there are no plans to address this shortfall in the long-range budget. There are no plans to buy the 18,000 needed humvees, no plans to obtain the 30,000 medium-sized trucks, no plans to purchase the 12,500 required generators, no plans to purchase the 62,000 communications sets—the list goes on and on.

Another reason the White House's assessment of Guard equipment issues is so flawed is that everyone—from the Guard leadership to the Army leadership to Members here on the Hill—knows that, very frequently, that equipment slated for the Guard never actually makes it to the Guard because it is diverted, transferred to the Active Force before it gets into Guard stocks.

Even when the Guard equipment makes it into the Guard stocks, it is often quickly turned around and sent right back off to Iraq, along with deploying Guard units, many of which now face their second Iraq deployment.

It is passing strange to me that while this administration asks for a blank check to resupply the Iraqi National Guard, they do not have 1 cent in their long-range budget to resupply the American National Guard. Now, whether someone is for or against the war in Iraq, you would think our own forces—our own American national guard—could be treated at least on par with the Iraqi national guard, especially as we see the brave men and women of our National Guard not only answering the call in Iraq and Afghanistan, but answering the call when there are dangers here at home. We do not see them, as we have seen in units of the Iraqi national guard, setting out to kill each other or forming death squads. So why do we write blank checks for the Iraqi national guard when we can't take care of our own? I wish the President and the White House would come to fully realize this reality. Here is the real situation when it comes to National Guard equipment: The Guard does not have adequate stocks to deal with emergencies where they can maximize their full potential. In a smaller scale disaster, they cannot respond as quickly to support first responders and local law enforcement.

That is what we saw recently in Kansas. Now, suppose you have another emergency in Kansas or a larger scale emergency or something like Hurricane Katrina or, God forbid, two simultaneous disasters. The Guard is going to be hard pressed to respond as well as it did along the gulf coast almost 2 years ago.

Let me show you some photographs. You can see from these photographs, these are things our Guard does. You see this capsized tanker, and helicopters trying to rescue the people. Those are National Guard helicopters.

Here we have a forest fire close to an urban area, where homes are in danger. You can see an airplane putting down a fire retardant. That is a National Guard airplane.

Here you see a little child being rescued, carried up to a helicopter in the arms—the embracing arms, the safety of the arms—of a National Guard member.

Here you see the rescue of somebody who was in an accident.

Here you see National Guard in armored personnel carriers in a flooded area. In case you are wondering where that area is, look at the sign in the background that says "Welcome to New Orleans." Much of that sign is under water. First responders—the police, fire departments—in New Orleans were totally overwhelmed, figuratively and literally. The Guard responded.

Look at these firefighters, trudging through a forest, at risk to their own lives, to put out a forest fire. Who are they? National Guard members.

The Secretary of Defense maintained this morning in his appearance before the Defense Appropriations Subcommittee that the Guard has 56 percent of its equipment stocks available. Well, that figure contradicts everything I have heard from other responsible officials, who put the figure closer to 35 percent. Frankly, 35 percent or 56 percent is not adequate, by any means.

In the latest supplemental spending bill, which the President seemed happy to veto, I worked with my colleague on the National Guard Caucus, Senator BOND. We cochair the National Guard Caucus. We also serve on the Defense Appropriations Subcommittee. We added $1 billion for Army Guard equipment purchases. That $1 billion was not requested by the administration. We had virtually unanimous support, Republicans and Democrats, in this body for it. It would go directly for dealing with that $24 billion shortfall. Now, that has been vetoed. We are going to work together in a bipartisan fashion to get it back into whatever spending bill we pass.

We cannot do that unless we work together—unless we work together. This is a case where it almost becomes a cliche to say: We cannot afford to let our Guard down—but we cannot. We do not have tornadoes in Vermont, but we have had some pretty vicious floods—one that nearly wiped out my hometown of Montpelier, VT, the capital. We have had some pretty vicious ice storms—one that almost removed the agricultural sector of a major part of our State.

In each case—as hard working as the local responders were, and they were, the police and the fire departments—the first call of the Governor went to the Guard, the National Guard. And they came. They rescued people. They kept people going.

When you have an ice storm, and it is 10 degrees below zero in your State, you can't wait for them to say: Well, we have 56 percent or we have 35 percent of your equipment. The other equipment you need is in Los Angeles, and we will ship it to you as quickly as we can. That is the old "check is in the mail." If it is 10 degrees below zero, and you have an ice storm, with all the power lines that come down, people are going to die—people are going to die—if they can't get power within a matter of, really, minutes. The Guard can do that.

We know what a fiasco it was with our still dysfunctional Department of Homeland Security after Katrina. We have seen how the Department of Homeland Security and its FEMA division have still not responded to that. But we did respond when the Governors called out the National Guard.

So I rarely ever respond to comments made by the White House and their press operation, even when they take gratuitous swipes at me, but this one, I couldn't pass up. They know what the numbers are. They know the Governor of Kansas was speaking the truth. They know the Guard is woefully undersupplied. They know they have been diverting money to pay for the Iraqi National Guard from our Guard. So I think it would be really helpful for the White House to stop showing contempt for the views of our Nation's elected Governors. Take and consider their input, respect their thoughts about the Guard given their places with the National Guard in their States.

Let's turn the situation around. Let's come up with a new plan to replenish depleted Guard equipment stocks. We can't afford to continue to let our Guard down.

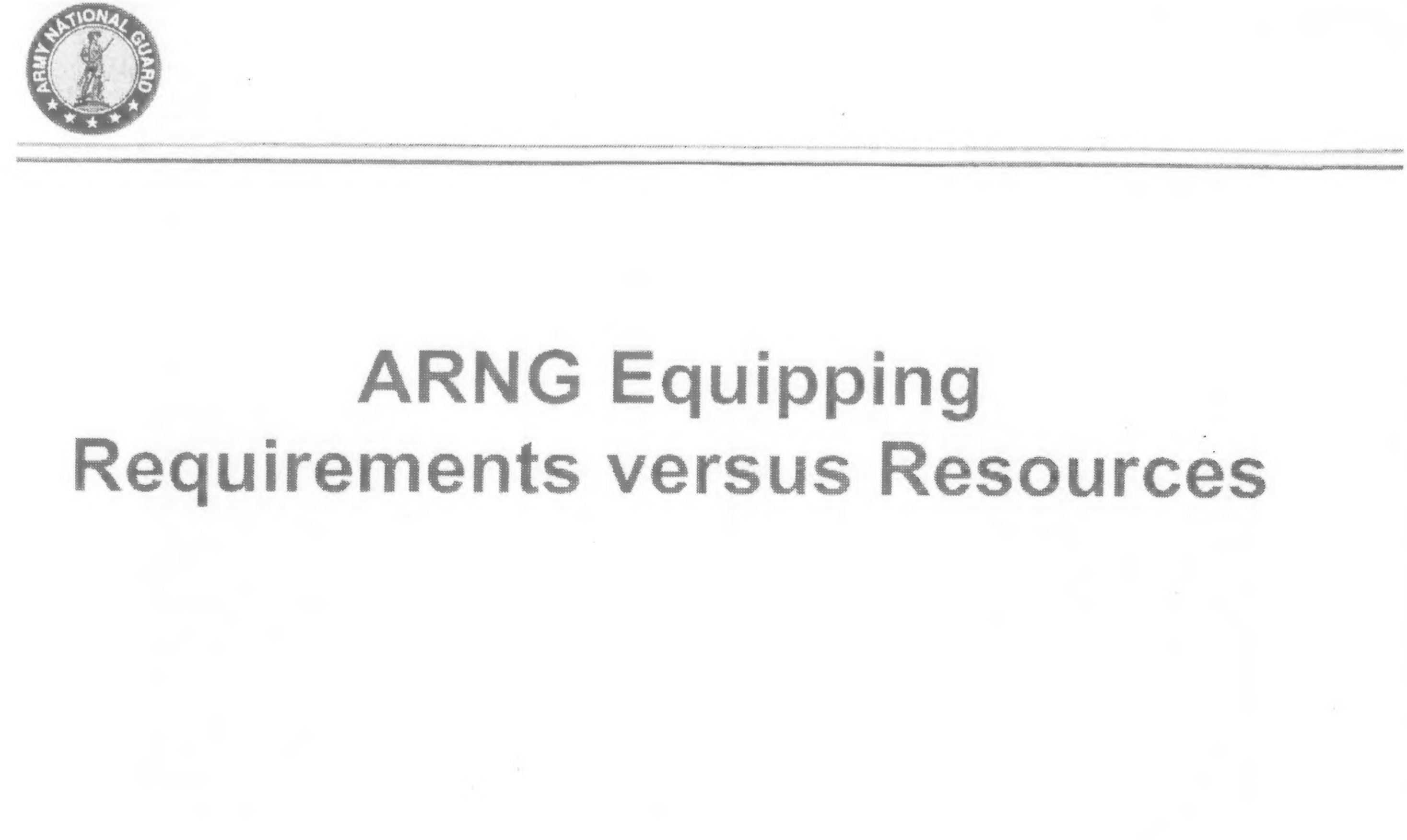
Mr. President, I ask unanimous consent to have printed in the RECORD the appropriate charts on this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FY08
ARNG TOP 25 EQUIPMENT MODERNIZATION SHORTFALL LIST

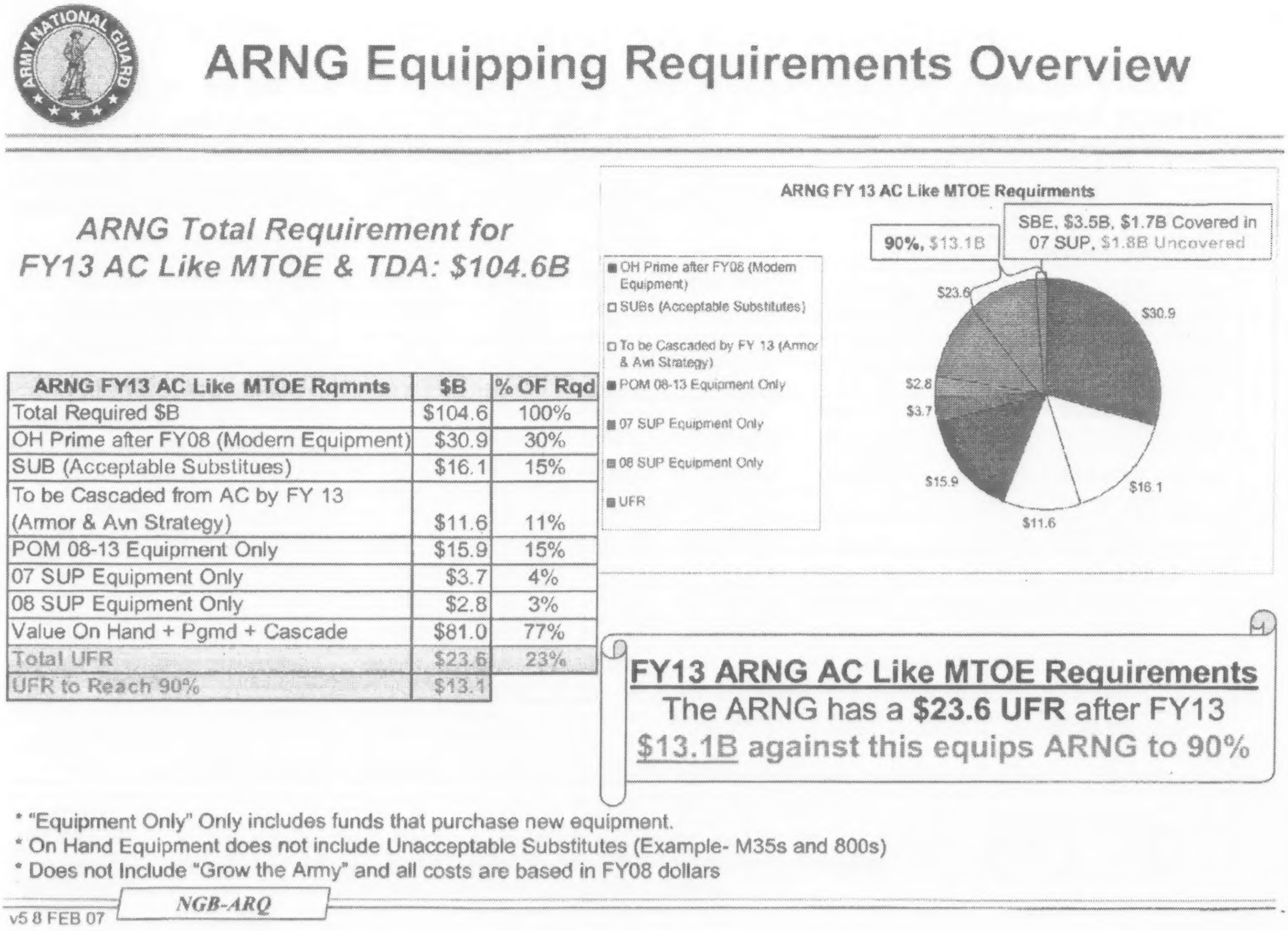
	Quantity Required	Quantity Shortage	Shortage $M	POM 08-13 $M	APPN	UFR 08-13 $M
HMMWV	48,715	18,611	$4,039	$1,647.0	OPA	$2,392.0
Family of Medium Tactical Vehicles	37,995	30,140	$7,267	$1,689.9	OPA	$5,577.1
HTV - HEMTT/LHS/PLS	21,180	14,796	$1,652	$1,059.3	OPA	$592.7
M916A3 Light Equipment Transporter	1,591	794	$180	$152.4	OPA	$27.6
Tactical Trailers	5,699	2,984	$177	$10.6	OPA	$166.4
M917A2 Dump Truck	544	334	$67	$0.0	OPA	$67.0
CH-47F Chinook	159	159	$6,678	$670.6	ACFT	$6,007.4
Comm Systems (JNN, SINCGARS, HF)	143,615	62,613	$3,997	$968.7	OPA	$3,028.3
UAV Systems (Shadow, Raven)	586	575	$462	$307.1	OPA	$154.9
Small Arms	209,098	99,129	$360	$240.0	OPA	$120.4
ABCS (Suite of Systems)	1,399	800	$166	$20.7	OPA	$145.3
Digital Enablers (Log Automation)	12,167	7,873	$196	$0.0	OPA	$196.0
Movement Tracking System	16,711	12,588	$302	$203.4	OPA	$98.6
Night Vision (AN/PAS-13, AN/VAS-5)	41,812	33,170	$640	$241.5	OPA	$398.5
Tactical Water Purification System	131	128	$61	$38.9	OPA	$22.1
Tactical Quiet Generators	19,611	12,748	$324	$118.1	OPA	$205.9
All Terrain Crane (ATEC)	174	29	$7	$0.0	OPA	$7.0
M9 ACE SLEP	114	90	$80	$0.0	OPA	$80.0
Route and Area Clearance Systems	138	138	$203	$167.8	OPA	$35.2
Horizontal Construction Systems	587	332	$141	$111.0	OPA	$30.0
How Itzers (M777A1, M119A2)	498	342	$4,259	$477.4	WTCV	$3,781.6
Profiler	65	63	$67	$57.2	OPA	$0.0
LLDR	1,099	1,034	$362	$187.5	OPA	$174.5
Gun Laying Positioning System	455	208	$20	$0.0	OPA	$20.0
Chemical (Detectors, Decon & Shelters)	65,719	52,433	$669	$107.5	OPA	$561.5
TOTALS	629,962	352,111	$32,367	$8,476.5		$23,890.1

Quantity Required = Endstate FY08 ARNG Requirements (MTOE or like AC) to fully modernize the ARNG.
Quantity Shortage = Quantity Required – On-Hand – Programmed (2-year Equipment Distribution Plans).
Shortage ($M) = Quantity Shortage x Per Unit Cost.
POM 08-13 ($M) = Total procurement funding stream from FDIIS (dtd 10 JAN 07), by Army Program Element (APE) for respective equipment systems.
APPN = Type of Appropriation (OPA – Other Procurement Army, ACFT – Aircraft, WTCV – Weapons & Tracked Combat Vehicles.
UFR 08-13 ($M) = Shortage dollar amount – POM 08-13 dollar amount.



ARNG Equipping
Requirements versus Resources

NGB-ARQ



ARNG Equipping Requirements Overview

ARNG Total Requirement for FY13 AC Like MTOE & TDA: $104.6B

ARNG FY13 AC Like MTOE Rqmnts	$B	% OF Rqd
Total Required $B	$104.6	100%
OH Prime after FY08 (Modern Equipment)	$30.9	30%
SUB (Acceptable Substitues)	$16.1	15%
To be Cascaded from AC by FY 13 (Armor & Avn Strategy)	$11.6	11%
POM 08-13 Equipment Only	$15.9	15%
07 SUP Equipment Only	$3.7	4%
08 SUP Equipment Only	$2.8	3%
Value On Hand + Pgmd + Cascade	$81.0	77%
Total UFR	$23.6	23%
UFR to Reach 90%	$13.1	

ARNG FY 13 AC Like MTOE Requirments

■ OH Prime after FY08 (Modern Equipment)
□ SUBs (Acceptable Substitutes)
□ To be Cascaded by FY 13 (Armor & Avn Strategy)
■ POM 08-13 Equipment Only
■ 07 SUP Equipment Only
■ 08 SUP Equipment Only
■ UFR
90%, $13.1B
SBE, $3.5B, $1.7B Covered in 07 SUP, $1.8B Uncovered
$23.6
$30.9
$2.8
$3.7
$15.9
$11.6
$16.1

FY13 ARNG AC Like MTOE Requirements

The ARNG has a **$23.6 UFR** after FY13

$13.1B against this equips ARNG to 90%

- * "Equipment Only" Only includes funds that purchase new equipment.
- * On Hand Equipment does not include Unacceptable Substitutes (Example- M35s and 800s)
- * Does not Include "Grow the Army" and all costs are based in FY08 dollars

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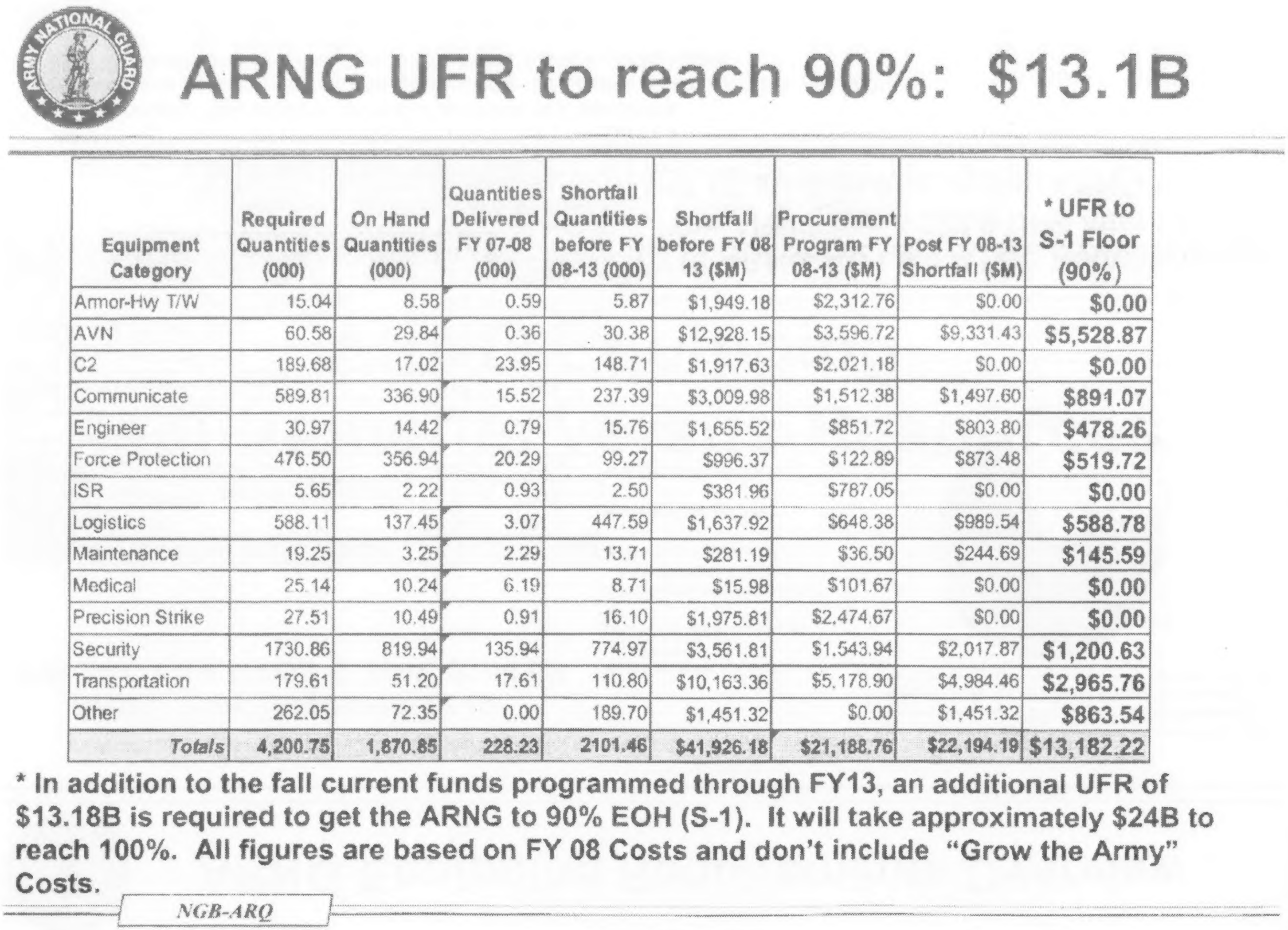

ARNG UFR to reach 90%: $13.1B

Equipment Category	Required Quantities (000)	On Hand Quantities (000)	Quantities Delivered FY 07-08 (000)	Shortfall Quantities before FY 08-13 (000)	Shortfall before FY 08-13 ($M)	Procurement Program FY 08-13 ($M)	Post FY 08-13 Shortfall ($M)	* UFR to S-1 Floor (90%)
Armor-Hwy T/W	15.04	8.58	0.59	5.87	$1,949.18	$2,312.76	$0.00	**$0.00**
AVN	60.58	29.84	0.36	30.38	$12,928.15	$3,596.72	$9,331.43	**$5,528.87**
C2	189.68	17.02	23.95	148.71	$1,917.63	$2,021.18	$0.00	**$0.00**
Communicate	589.81	336.90	15.52	237.39	$3,009.98	$1,512.38	$1,497.60	**$891.07**
Engineer	30.97	14.42	0.79	15.76	$1,655.52	$851.72	$803.80	**$478.26**
Force Protection	476.50	356.94	20.29	99.27	$996.37	$122.89	$873.48	**$519.72**
ISR	5.65	2.22	0.93	2.50	$381.96	$787.05	$0.00	**$0.00**
Logistics	588.11	137.45	3.07	447.59	$1,637.92	$648.38	$989.54	**$588.78**
Maintenance	19.25	3.25	2.29	13.71	$281.19	$36.50	$244.69	**$145.59**
Medical	25.14	10.24	6.19	8.71	$15.98	$101.67	$0.00	**$0.00**
Precision Strike	27.51	10.49	0.91	16.10	$1,975.81	$2,474.67	$0.00	**$0.00**
Security	1730.86	819.94	135.94	774.97	$3,561.81	$1,543.94	$2,017.87	**$1,200.63**
Transportation	179.61	51.20	17.61	110.80	$10,163.36	$5,178.90	$4,984.46	**$2,965.76**
Other	262.05	72.35	0.00	189.70	$1,451.32	$0.00	$1,451.32	**$863.54**
Totals	**4,200.75**	**1,870.85**	**228.23**	**2101.46**	**$41,926.18**	**$21,188.76**	**$22,194.19**	**$13,182.22**

*** In addition to the fall current funds programmed through FY13, an additional UFR of $13.18B is required to get the ARNG to 90% EOH (S-1). It will take approximately $24B to reach 100%. All figures are based on FY 08 Costs and don't include "Grow the Army" Costs.**

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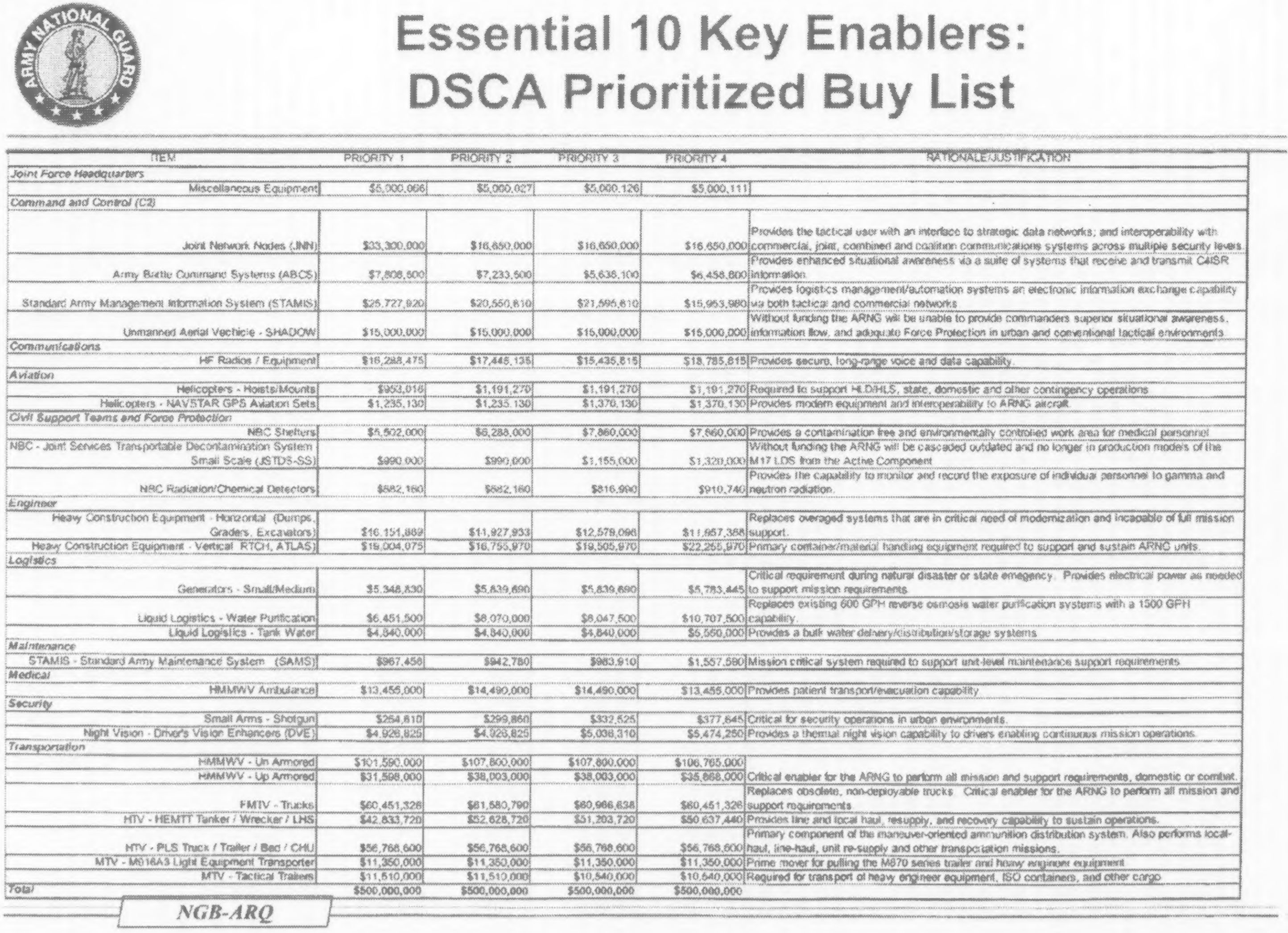

Essential 10 Key Enablers: DSCA Prioritized Buy List

ITEM	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	RATIONALE/JUSTIFICATION
Joint Force Headquarters					
Miscellaneous Equipment	$5,000,066	$5,000,027	$5,000,126	$5,000,111	
Command and Control (C2)					
Joint Network Nodes (JNN)	$33,300,000	$16,650,000	$16,650,000	$16,650,000	Provides the tactical user with an interface to strategic data networks; and interoperability with commercial, joint, combined and coalition communications systems across multiple security levels.
Army Battle Command Systems (ABCS)	$7,808,500	$7,233,500	$5,636,100	$6,458,800	Provides enhanced situational awareness via a suite of systems that receive and transmit C4ISR information.
Standard Army Management Information System (STAMIS)	$25,727,920	$20,550,810	$21,596,810	$15,953,980	Provides logistics management/automation systems an electronic information exchange capability via both tactical and commercial networks
Unmanned Aerial Vechicle - SHADOW	$15,000,000	$15,000,000	$15,000,000	$15,000,000	Without funding the ARNG will be unable to provide commanders superior situational awareness, information flow, and adequate Force Protection in urban and conventional tactical environments.
Communications					
HF Radios / Equipment	$16,288,475	$17,445,135	$15,435,815	$18,785,815	Provides secure, long-range voice and data capability.
Aviation					
Helicopters - Hoists/Mounts	$953,016	$1,191,270	$1,191,270	$1,191,270	Required to support HLD/HLS, state, domestic and other contingency operations
Helicopters - NAVSTAR GPS Aviation Sets	$1,235,130	$1,235,130	$1,370,130	$1,370,130	Provides modern equipment and interoperability to ARNG aircraft.
Civil Support Teams and Force Protection					
NBC Shelters	$5,502,000	$6,288,000	$7,860,000	$7,860,000	Provides a contamination free and environmentally controlled work area for medical personnel
NBC - Joint Services Transportable Decontamination System Small Scale (JSTDS-SS)	$990,000	$990,000	$1,155,000	$1,320,000	Without funding the ARNG will be cascaded outdated and no longer in production models of the M17 LDS from the Active Component
NBC Radiation/Chemical Detectors	$682,160	$682,160	$816,990	$910,740	Provides the capability to monitor and record the exposure of individual personnel to gamma and neutron radiation.
Engineer					
Heavy Construction Equipment - Horizontal (Dumps, Graders, Excavators)	$16,151,869	$11,927,933	$12,579,096	$11,657,368	Replaces overaged systems that are in critical need of modernization and incapable of full mission support.
Heavy Construction Equipment - Vertical RTCH, ATLAS)	$15,004,075	$16,755,970	$19,505,970	$22,255,970	Primary container/material handling equipment required to support and sustain ARNG units.
Logistics					
Generators - Small/Medium	$5,348,830	$5,839,690	$5,839,690	$5,783,445	Critical requirement during natural disaster or state emegency. Provides electrical power as needed to support mission requirements.
Liquid Logistics - Water Purification	$6,451,500	$8,070,000	$8,047,500	$10,707,500	Replaces existing 600 GPH reverse osmosis water purification systems with a 1500 GPH capability.
Liquid Logistics - Tank Water	$4,840,000	$4,840,000	$4,840,000	$5,550,000	Provides a bulk water delivery/distribution/storage systems
Maintenance					
STAMIS - Standard Army Maintenance System (SAMS)	$967,456	$942,780	$983,910	$1,557,580	Mission critical system required to support unit-level maintenance support requirements
Medical					
HMMWV Ambulance	$13,455,000	$14,490,000	$14,490,000	$13,455,000	Provides patient transport/evacuation capability
Security					
Small Arms - Shotgun	$264,810	$299,860	$332,525	$377,645	Critical for security operations in urban environments.
Night Vision - Driver's Vision Enhancers (DVE)	$4,926,825	$4,926,825	$5,038,310	$5,474,250	Provides a thermal night vision capability to drivers enabling continuous mission operations.
Transportation					
HMMWV - Un Armored	$101,590,000	$107,800,000	$107,800,000	$106,765,000	Critical enabler for the ARNG to perform all mission and support requirements, domestic or combat.
HMMWV - Up Armored	$31,598,000	$38,003,000	$38,003,000	$35,868,000	
FMTV - Trucks	$60,451,326	$61,580,790	$60,966,638	$60,451,326	Replaces obsolete, non-deployable trucks. Critical enabler for the ARNG to perform all mission and support requirements.
HTV - HEMTT Tanker / Wrecker / LHS	$42,833,720	$52,628,720	$51,203,720	$50,637,440	Provides line and local haul, resupply, and recovery capability to sustain operations.
HTV - PLS Truck / Trailer / Bed / CHU	$56,768,600	$56,768,600	$56,768,600	$56,768,600	Primary component of the maneuver-oriented ammunition distribution system. Also performs local-haul, line-haul, unit re-supply and other transportation missions.
MTV - M916A3 Light Equipment Transporter	$11,350,000	$11,350,000	$11,350,000	$11,350,000	Prime mover for pulling the M870 series trailer and heavy engineer equipment
MTV - Tactical Trailers	$11,510,000	$11,510,000	$10,540,000	$10,640,000	Required for transport of heavy engineer equipment, ISO containers, and other cargo
Total	$500,000,000	$500,000,000	$500,000,000	$500,000,000	

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Mr. LEAHY. Mr. President, I suggest the absence of a quorum, with the time to be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the pending judicial nomination.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. LEAHY. Mr. President, the Senate continues to make significant progress today with another confirmation of another lifetime appointment to the Federal bench. The judicial nomination we consider is Debra Ann Livingston of New York, who has been nominated to the United States Court of Appeals for the Second Circuit. That is the circuit for New York, Connecticut and, of course, Vermont. Professor Livingston has the support of both her home State Senators. I thank Senator SCHUMER for chairing the confirmation hearing at which she appeared.

Professor Livingston is the Paul J. Kellner Professor of Law and vice dean of the Columbia Law School, where she has been a professor for 13 years, teaching criminal procedure, evidence, and national security law. She previously taught at the University of Michigan Law School. Prior to her academic career, Professor Livingston served as a Federal prosecutor and deputy chief of appeals for the U.S. Attorney's Office for the Southern District of New York and worked in private practice for the Wall Street law firm of Paul, Weiss, Rifkind, Wharton & Garrison. I congratulate Professor Livingston and her family on what I am sure will be her confirmation today.

Coincidentally, this is the anniversary of the date 6 years ago, in 2001, on which this President began his assault upon the courts by announcing his first list of nominees. With the help of Senate Republicans, this President has sought to pack the courts and tilt them decidedly in one direction. To a great extent, he has succeeded. After Republican Senators stalled President Clinton's nominees to the Fourth, Fifth, Sixth, D.C., and other circuits, the Senate proceeded to confirm this President's nominees to the very vacancies that had previously been maintained by pocket filibuster in the Senate.

In my time as chairman from mid-2001 to the end of 2002, I worked hard to reach out to this President and tried hard to change the tone and get the confirmation process back on track. We succeeded in confirming 100 nominees in 17 months, including 17 to the circuit courts. But I could not change the tone alone. This White House chose, instead, to use judicial nominations to divide and to seek political gain in the ensuing confrontations.

I have tried, again, this year to restore order and civility to the process. In spite of all our progress and all our efforts, we are still confronted by shrill complaints. More ominous are the signals and rumors that the White House is, again, gearing up to nominate more extreme nominees and more who do not have the support of their home State Senators. That is wrong. It may be the good politics to appeal to the Republican base, but it is wrong to use our courts in that way—just as it is wrong to corrupt the law enforcement responsibilities of the Department of Justice.

Some will undoubtedly repeat the current Republican "talking point" that the Senate must confirm 15 circuit judges this Congress, this year and next, because that is a "statistical average" of selected years. Well, during the 1996 session the Republican-led Senate refused to confirm a single circuit court nominee, not one. That meant that in the 104th Congress, in 1995 and 1996 combined, only 11 circuit nominees were confirmed.

It is true that during the last 2 years of this President's father's term, a Democratic-led Senate confirmed an extraordinary number of circuit nominees—20—in fact. That action was not reciprocated by the Republican majority during the Clinton years.

It is true that during the last 2 years of the Reagan administration, a Democratic-led Senate confirmed 17 circuit court nominees. That action was not reciprocated by the Republican majority during the Clinton years.

Instead, the last 2 years of President Clinton's two terms witnessed a Republican-led Senate confirming only 11 circuit nominees and then, with vacancies skyrocketing to historic highs, 15 circuit nominees in the 106th Congress.

Thus, to get to the supposed "historical average" that Republicans like to talk about, they take advantage of the high confirmation numbers during Democratic-led Senates and thereby inflate and excuse their own actions from the Clinton years.

There are three more factors that the Republican talking point ignores: The first is the number of vacancies. The second is adding additional judgeships by congressional action. The third is the number of qualified circuit nominees.

The last Congress of the Reagan administration, the one in which a Democratic-led Senate confirmed 17 circuit nominees, the circuit court vacancies went down from 13 to 8 during the course of the Congress. Seven circuit nominations were returned to the President without action. In fact, in addition to filling vacancies that were arising in the regular course, the Democratic-led Senate was working to fill many of the 24 additional circuit judgeships created in 1984. By the end of the Reagan Presidency all circuit vacancies, those from existing judgeships and those created during his Presidency, were reduced from a high of 25 down to 8.

During the last Congress of the first Bush administration, the one in which a Democratic-led Senate confirmed 20 circuit judges, the circuit vacancies again went down, from 18 to 16. Again, the Senate was filling both existing and newly created vacancies. In 1990, during President Bush's term, Congress authorized an additional 11 circuit judgeships. That was why vacancies at the beginning of the 102nd Congress rose to 18.

By contrast, during the last Congress of the Clinton administration, the one in which a Republican-led Senate confirmed 15 circuit judges, circuit court vacancies skyrocketed from 17 to 26. This rise in circuit vacancies had nothing to do with Congress creating additional circuit judgeships, however. Unlike during the Reagan administration and during the Bush administration, during the Clinton administration the Republican-led Congress refused to act in accordance with the previous 6-year cycle for reviewing needed judgeships. Not a single new circuit judgeship was created during the Clinton administration that I can recall. Instead, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. Indeed, at the end of the 106th Congress, the last in the Clinton Presidency, 17 circuit court nominees were returned to President Clinton without action. More circuit nominees were returned without action that Congress than were acted upon by the Senate for the first time in modern history.

Likewise, during the last Congress of the first term of President Clinton, the one in which a Republican-led Senate confirmed only 11 circuit judges, circuit court vacancies went up, from 16 to 19. Again, this was without the addition of new circuit judgeships.

Despite the carping and the clamor, the vacancies on the circuit courts have gone from 26—where a Republican-led Senate forced the circuit vacancies at the end of the Clinton administration—steadily downward during the Bush administration. With the confirmation of Judge Livingston, circuit vacancies will be at half that amount today 13—and approaching a historic low.

Judge Livingston will be the third circuit court nomination confirmed this year. It is only May, but we have already equaled the total circuit nominees confirmed in the entire year of

1993. We have far surpassed the total confirmed during the entire 1996 session when the Republican majority would not consider or confirm a single circuit nomination of President Clinton's.

This will be the 20th circuit court nomination confirmed while I presided as Judiciary chairman. It is a little known fact that during the more than 6 years of the Bush Presidency, more circuit judges, more district judges and more total judges have been confirmed while I served as Judiciary chairman than during either of the two Republican chairmen working with Republican Senate majorities.

This will be the 18th judicial confirmation this year. It is spring and we have already confirmed more judges than were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. This is the 118th judicial confirmation while I have served as Judiciary chairman. That exceeds by more than a dozen the confirmations Senator HATCH presided over during the more than 2 years he was Judiciary chairman.

The Administrative Office of the U.S. Courts lists 47 judicial vacancies, yet the President has sent us only 24 nominations for these vacancies. Twenty-three of these vacancies—almost half—have no nominee. Of the 15 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for six of them. That means more than a third of the judicial emergency vacancies are without a nominee.

This is the third factor I mentioned above, the lack of nominees.

This President has shown that he would rather pick politic fights than good judges. I was encouraged at the beginning of this Congress that a few of the most controversial nominees from the last Congress were not renominated. That sensible approach seems to have ended, however, and this White House seems to be returning to its old, bad habits.

Despite the harping and the criticism, the Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends nominees that he knows are unacceptable to home State Senators, it is not a formula for success. Sadly, that is what appears to be happening, again.

Before the consideration of the Second Circuit nominee today, we had already proceeded with committee and Senate consideration of the nominations of Randy Smith and Thomas Hardiman. They were confirmed to the Ninth and Third Circuits, respectively.

Some may recall that I had been working for more than a year to make progress on the Smith nomination. When the President finally renominated Judge Smith for an Idaho vacancy, we were able to make quick progress with that nomination.

Our circuit court confirmations so far this year are in addition to the 15 lifetime appointments to the Federal district courts we have proceeded to confirm. During the entire 1996 session only 17 judges were confirmed. We are doing pretty well with 18 confirmations before the middle of May.

With respect to circuit nominees, after this confirmation there will be only 13 vacancies. Eight of those are without a nomination. Of the five remaining current circuit nominees, one was only nominated a few weeks ago. Having consulted with the home State Senators from Mississippi, I have scheduled our next judicial confirmation hearing to be held tomorrow to include Judge Leslie Southwick of Mississippi.

All three of the other circuit nominations are renominations that were not considered last Congress with a Republican majority. Two are renominations that the White House made knowing full well that they did not yet have the support of their home State Senators. When I previously chaired the committee, I was able to break the blockade of Sixth Circuit nominations that was established by the Republican majority when it pocket filibustered several of President Clinton's outstanding nominations to the Sixth Circuit. Once we broke through with two Sixth Circuit confirmations in 2002, President Bush was left with seven appointments to the Sixth Circuit during his term in office. Given the White House's unwillingness to work with the home State Senators of the two current nominees, however, it will be very difficult to make more progress.

With respect to the nomination of Peter Keisler, that renomination is controversial. He was previously nominated in June of 2006 but was not considered by the Republican majority then in control. The Republican majority did not seek to proceed with this controversial nomination at that time. In fact, the President and the Republican Senate majority insisted, instead, to proceed over the last several years on other nominations to the important D.C. Circuit, which were, themselves, highly controversial. The nominations of Janice Rogers Brown, Thomas Griffith and Brett Kavanaugh were each apparently a higher priority for this White House and the Republican majority than the nomination of Mr. Keisler. The others have each been confirmed to lifetime appointments on this very important court. At the end of the last Congress, the Keisler nomination was returned to the President without action in accordance with Senate Rules.

The Republican Senate majority pocket filibustered more than 60 of President Clinton's qualified and moderate judicial nominees. I have proceeded on more judicial nominees far faster than Republicans did on President Clinton's nominees.

With the cooperation of the President, with his working with Senators from both parties in making his nominations, with the cooperation of the committee and the Senate, we can continue to make progress.

I will yield the floor and reserve the remainder of my time.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. SPECTER. Mr. President, I yield the Senator from Texas 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 10 minutes.

Mr. CORNYN. Mr. President, we are into the fifth month of the 110th Congress. Even before this Congress convened in January, observers were predicting that judicial nominations would be one of the most contentious issues that we face. But I think by taking a forward-looking approach, the Senate managed to avoid an unnecessary confrontation. I think, by and large, we have started off on the right foot.

Earlier this year, the Washington Post and the Los Angeles Times both applauded the President for the difficult concessions he made in not choosing to renominate certain previous nominees who generated intense opposition. While I thought some of that opposition was mostly unfair and unwarranted, I respect the President's decision to extend an olive branch to the new Democratic majority in the Senate. Those two newspapers also encouraged the new Democratic majority to reciprocate with cooperation and fairness.

In that spirit of cooperation, Senate Republicans received assurances earlier this year from the Democratic majority of a fair and reasonable pace for the confirmation of nominees to the U.S. courts of appeals. I was pleased to hear the majority leader pledge his cooperation and leadership to help this Congress "at least meet the standards of Congresses similarly situated as ours." We saw progress in the first couple of months of this year, with the confirmation of two circuit court nominees.

Today, the Senate will vote to confirm a Third Circuit judge. I welcome today's vote and hope it will be an indication of the majority's intent to keep working with us on the pace necessary to meet the historical average that the majority leader has endorsed.

Yesterday, the distinguished chairman of the Judiciary Committee commented on how he views this progress. I would like to briefly discuss the historical analogy he cited. First, I should note I am proud to continue to closely work on several significant pieces of legislation with the senior Senator from Vermont, Mr. LEAHY. He and I have found common ground on, among other things, historic changes to the Freedom of Information Act and much needed reforms to the U.S. patent system. I look forward to working with the chairman to help make these important bills become law.

The chairman and I tend to part ways on some issues related to judges. I just want to take a moment to comment on the remarks he delivered yesterday on the pace of judicial confirmations. In particular, I am wondering why he chose the year 1996 as the appropriate measuring stick for progress on judges made by this Congress. Of course, there is one obvious parallel between 1996 and the present year, and that parallel is divided government.

In 1996, President Clinton, a Democrat, sat in the White House, and the Senate majority was held by Republicans. But I submit we ought to be in the business of comparing apples with apples. We must look at Congresses similarly situated to this Congress. Point in fact: Looking to "similarly situated" Congresses is the very comparison cited by the majority leader.

Mr. President, you will recall the majority leader's commitment to judicial nominations—in his own words—to "at least meet the standards of Congresses similarly situated as ours."

Mr. President, by any reasonable measure, the proper comparison—and the one the majority leader has apparently endorsed—is not with a single year but with an entire Congress; specifically, with a Congress the final 2 years of a Presidency and a Senate majority of the opposing party. In fact, we are fortunate to be able to look to historical parallels during the last three Presidencies, not just one.

The landscape we face in the 110th Congress was similarly faced by President Clinton in 1999 and 2000, during the 106th Congress. President Clinton worked with the Republican-controlled Senate during the final 2 years of his Presidency to confirm 15 circuit court judges.

In 1991 and 1992, the 102d Congress, President George Herbert Walker Bush worked with a Democrat-controlled Senate during the final 2 years of his Presidency. President Bush and the Democrat-controlled Senate confirmed 20 circuit court judges in 1991 and 1992.

Finally, in 1987 and 1988, President Reagan finished out his Presidency opposite a Democrat-controlled majority in the Senate. President Reagan and the Democrat-controlled Senate worked together to confirm 17 circuit court judges.

Again, I submit we have to compare apples to apples. When we do that, we see somewhere between 15 and 20 circuit court judges were confirmed during each of those final two years of our last three Presidents. That is the standard that is relevant to this discussion.

The facts are what they are. This Congress has confirmed two circuit court nominees. We will shortly confirm our third, and that is a good thing. But the fact is, we are not yet back on pace to reach the output of the last 2 years of the Clinton Presidency—when a 55-member Republican majority in the Senate confirmed 15 circuit court nominees.

There is no satisfactory reason I have heard as to why no circuit court nominees were confirmed in April, or even reported out of committee. The reasons that have been offered—the vacancy rate is not that bad, the President needs to nominate more circuit court judges, and President Clinton was treated worse—are all irrelevant to the majority leader's representations on the Senate floor that this Senate will "at least" hit the historical average.

I urge my colleagues on the other side of the aisle to work with us, as we must, and work with the President to get back on track. That is our constitutional duty.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, while the Senator is still on the floor, I wish he had heard my statement. I can assure him that neither the chairman of the Judiciary Committee nor the majority leader intends to emulate what the Republicans did, with a pocket filibuster of more than 60 of President Clinton's nominees. I know of nobody on this side of the aisle who expects the Democrats to do a pocket filibuster of 60 of President Bush's nominees, as the Republicans did of President Clinton's.

It is interesting, when I hear this talk about historical averages, they weren't only—when you bring up the number of times there was a Democratic majority with a Republican President, a Republican President was treated far better than the Republicans treated a Democratic President. At no time were the Democrats ever pocket-filibustering 60 of the President's nominees.

There has been talk about President Bush withdrawing some of these nominees he had last year. I point out he had a Republican majority throughout the year, and they didn't pass through many. One was opposed by organizations that had never taken a position on a judge before—the Wildlife Federation—and all the Native American councils. Another one was not only involved in running the torture memos, but after swearing under oath and telling us information, he broke that oath by never giving or bringing the information. That was a person who would not have gotten a majority under a Republican-controlled committee. He would not have gotten out of committee because both Republicans and Democrats would have opposed him. So no big deal withdrawing people who were not going to go forward. In fact, in one instance, because somebody was nominated in the wrong State for a circuit court, that person was withdrawn. We moved very quickly to put the next nominee in that came from the right State.

I remember once that I got criticism from the White House, Karl Rove, and Vice President CHENEY for holding up because a person asked about a nominee. I must admit, to their credit, they withdrew his name after he was indicted and pled guilty to fraud. They are probably kind of happy I didn't let him go forward.

The Senator from Texas says we should compare. I wish he would stay with me one more moment. If the Senator from Texas doesn't want to listen and we have closed minds, I can't do anything about it.

I will say this: I have been chairman for 21 months during President Bush's Presidency. During that time, counting today's, we have confirmed 20 circuit judges and 98 district judges. One of the other chairmen was there for 2 years, there were 18 circuit judges. They were there longer than I have been with less judges; 85 district judges compared to my 98 in less time. Another chairman, 16 circuit judges compared to my 20; 35 district judges compared to the 98 we put through.

What we have done, of course, is the distinguished ranking member, as chairman, put together strenuous debate on two Supreme Court nominees. I think he knows full well the Democrats cooperated with him, whether they supported the nominee or not, to get them through.

Frankly, I am tired of misstatements of the record, and I will take time—I probably will have to have time on every single judge that comes up—to correct that. So people understand, we will not do as the Republicans did and pocket filibuster 60 or more of President Bush's nominees and, secondly, obviously we know when the Republican rule, the Strom Thurmond rule, kicks in next April, that changes all the rules.

I will point out, the proof is in the pudding. In less than 2 years, with the Democrats in control, we have moved faster on the President's nominees than during comparable times with Republicans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the subject matter at hand is the confirmation of Ms. Debra Ann Livingston for the U.S. Court of Appeals for the Second Circuit, and I urge my colleagues to confirm her. She has an excellent, outstanding academic and professional record.

She was a superb graduate of Princeton, magna cum laude, 1980, Phi Beta Kappa; a graduate of the Harvard Law School in 1984, again, magna cum laude. She was editor on the Harvard Law Review, a law clerk to Judge Lumbard of the Court of Appeals for the Second Circuit. She practiced law with the prestigious firm of Paul, Weiss, Rifkind, Wharton and Garrison. She was an assistant U.S. attorney in the Southern District of New York. She was a commissioner for the New York City Civilian Complaint Review Board for some years, 1994 to 2003, and has been on the Columbia Law School faculty since 1994 as an associate professor, a professor in the year 2000, and vice dean from 2005 to 2006. She has been rated unanimously well qualified by the American Bar Association. I believe she is an extraordinary prospect to go to the Court of Appeals for the Second Circuit.

There has been conversation, discussion, about the confirmation process. I commend the distinguished chairman for what he has done to date. We work together very closely. In the 109th Congress, he was ranking member. I liked it better when he was ranking member and I was chairman, but we have had bipartisan teamwork.

The record for confirmations of circuit judges in the last 2 years of a Presidential term, when the control of the Senate is in the opposite party, has been in the 15 to 17 range. I am hopeful, perhaps even optimistic, that we can get there this year.

A good bit remains to be done by the administration in submitting nominations. We have some 8 vacancies on the court of appeals which do not have nominations from the White House. Toward that end, there has been a leadership meeting with the White House counsel. We have tried to structure a plan which would enable us to go forward to confirm more circuit judges and to fill the vacancies of district court judges.

Many of these courts are in the category of judicial emergencies. As a practicing lawyer for many years, I can attest firsthand to the importance of having judges on the bench so that litigants can have a speedy disposition of their trials.

There is an adage: Justice delayed is justice denied. I think that is very true.

I ask unanimous consent that the full text of a prepared statement be printed in the CONGRESSIONAL RECORD following my extemporaneous remarks and that the specific text of my introduction be printed in the RECORD. Sometimes comments are made extemporaneous and then the written statement appears in the RECORD. If anybody reads the CONGRESSIONAL RECORD, they must wonder why there is so much repetition, so I would like to have an explanation included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE NOMINATION OF DEBRA LIVINGSTON TO THE U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT AND CALLING FOR A FAIR CONFIRMATION PROCESS

(Senator Arlen Specter)

Mr. President, I seek recognition today as the ranking member on the judiciary committee to discuss the state of judicial nominations in the 110th Congress and the nominee pending before the Chamber today.

Today, the Senate will confirm Professor Debra Livingston to the U.S. Court of Appeals for the Second Circuit. She was first nominated over 300 days ago to a vacancy judged to be a "judicial emergency" by the nonpartisan Administrative Office of the Courts. She is a very fine choice for this important court and I am glad she will soon bring her much needed skills to the Second Circuit.

Before discussing judicial nominations more generally, I would like to say a few words about Professor Livingston's impressive background as an accomplished attorney, prosecutor, and legal scholar.

She graduated magna cum laude from both college and law school: Princeton University in 1980 and Harvard Law School in 1984. At Princeton, she was elected to Phi Beta Kappa. At Harvard, she was the Editor for the Harvard Law Review. Following law school, Professor Livingston worked as a law clerk to the Honorable J. Edward Lumbard of the U.S. Court of Appeals for the Second Circuit. In 1985, after her clerkship with Judge Lumbard, she joined the firm of Paul, Weiss, Rifkind, Wharton and Garrison as an associate, where she worked on a variety of State and Federal litigation.

The following year, Professor Livingston joined the Office of the U.S. Attorney for the Southern District of New York as an Assistant U.S. Attorney. Her work in the U.S. Attorney's Office focused on criminal trials and appeals. In 1990, she was elevated to serve as Deputy Chief of Appeals, an assignment that had her handling appeals before the Court to which she is now nominated.

After a successful career in the public sector, she briefly returned to Paul Weiss in 1991 before leaving the following year to become a law professor. She worked as an assistant professor at the University of Michigan Law School until 1994, when she joined the faculty of Columbia Law School as an associate professor. She became a full professor in 2000 and in 2004 became the Paul J. Kellner Professor of Law. Her principal areas of teaching at Columbia have been criminal investigations and evidence and she has published numerous articles in the area of criminal law and co-authored the casebook Comprehensive Criminal Procedure.

Professor Livingston has received a unanimous "well qualified" rating from the American Bar Association, the highest rating that organization gives. I'm sure she will enjoy a strong positive vote today.

Chairman LEAHY must be commended for working with Senators on both sides in order to get us off on the right foot during this Congress. Professor Livingston will be the 18th judge, and the third circuit court judge, confirmed this year. This is, admittedly, a much more auspicious beginning than that made by the Republican controlled Congress during President Clinton's final 2 years in office. That said, much work remains to be done.

The average for similarly situated Congresses in recent times is 17 circuit court confirmations. Despite its slow beginning, even the 106th Congress ultimately confirmed 15 men and women to the circuit courts and a total of 73 article III judges. And this was a historical low point. At the very least, the 110th Congress should meet or exceed this standard.

On several occasions, members of the majority have indicated that we can expect a dramatic slow down in confirmations in the latter part of next year. While I do not agree that historical record supports any kind of "rule" in this regard, we do know that the press of a Presidential election has a tendency of slowing down work in the Senate. If nothing else, we can expect the Congress will be in recess for a substantial portion of the second half of next year.

Therefore, in order to meet the standards set by similar Congresses in recent times, it will be necessary for us to confirm approximately one circuit court judge for every month we are in session.

There are five circuit court nominees currently pending before the Judiciary Committee. Three of these nominees are to vacancies designated as "judicial emergencies" by the Administrative Office of the Courts. Some of these nominations are being delayed by home state Senators who have not returned blue slips. It has generally been the practice of the Senate to not proceed without the consent of home state Senators. I have urged these Senators to return these blue slips and allow the process to go forward.

Although there is an understandable focus on the circuit courts, it should also be noted that there are 18 district court nominees pending in the Committee, eight of whom have been pending over 120 days, and 14 of whom are awaiting a hearing. These nominations also deserve prompt action.

I said before that Chairman LEAHY deserves to be commended for the progress made so far. The President also deserves to be commended for acknowledging the reality of a Democratic controlled Congress and withdrawing nominations that the other side has adamantly opposed. This was a very productive step that was rightly commended by Senators of both parties and the editorial pages of major newspapers including the Washington Post and the Los Angeles Times.

I have urged the President to build on this precedent by consulting with Senators of both parties as he moves to fill additional vacancies on the federal courts. As of today, eight circuit court and fifteen district court vacancies still do not have nominees. Three additional circuit court vacancies are imminent. In addition, 15 district court vacancies await nominees. The Senate cannot fulfill its duty to provide advice and consent until the President first sends us nominees. I am hopeful he will do so soon.

It will take both Republican and Democratic Senators, and the White House, working together to ensure an orderly confirmation process. Both sides have ample reason to complain about past grievances over the last two decades. But we cannot continue settling old scores. The partisan tit-for-tat over judges got so bad that it virtually paralyzed this body during the last Congress. This environment is deleterious to the Senate, to the nominees, and ultimately to litigants who wait for justice as judgeships go unfilled.

I believe the 110th Congress provides an opportunity to turn the page. Today's confirmation is further evidence that we are off to a good start. I look forward to working with Chairman LEAHY, and all my colleagues, in this effort.

IMMIGRATION

Mr. SPECTER. Mr. President, I now intend to take some of the time allocated for the judicial issue to talk very briefly about the immigration question which is front and center in the Congress today. It is second only to the concerns about the Iraq war and the current funding impasse which we have in the constitutional confrontation between the Congress and the President, and the sustaining of a veto and our efforts to try to work that out.

I believe there is a universal agreement that the immigration situation in the United States today is an unmitigated disaster. Strong language, but not strong enough for what is going on with immigration. We have a porous border and undocumented immigrants are coming into the United States. They pose a security risk. Terrorists are free to wander across our borders and come into our country and pose potentially grave threats to our national security.

We find a significant number of incidents of crime among undocumented immigrants. Crime does not have a sole source, but it is a problem. We definitely need to get a handle on immigration.

We worked very hard in the 109th Congress in the Senate. I give my colleagues in the House of Representatives credit for working very hard too. We produced a bill out of the Judiciary Committee. It was reported to the floor, and it passed the Senate. It was comprehensive reform, which is what was called for by the President, a bill which would deal with the 11 million undocumented immigrants, would provide for a Guest Worker Program, and would, as a preliminary to secure our borders, provide for employer sanctions if employers hired illegal immigrants.

The House of Representatives chose a different course to provide only for border security, and it was embarrassing, in my judgment, that we were unable to have a conference and pass an immigration bill last year with both Houses—the Senate and House of Representatives—controlled by the Republicans and President Bush, a Republican in the White House. But we find ourselves this year with the unmitigated disaster of immigration, worse now than ever.

There have been major efforts to try to find consensus legislation to present to the Senate for consideration. The first meeting was held on February 13 of this year, and the meetings have been held continuously right up to the present time, almost 3 laborious months. These were not abbreviated meetings. These meetings were held every Tuesday, Wednesday, and Thursday from 4 to 6 o'clock. They were attended by an average of 8 to 10 to 12 Senators. They were attended also by the Secretary of Commerce and the Secretary of Homeland Security, signifying the President's deep concern and deep interest in the issue.

They started off with Republicans meeting separately, and then we moved into bipartisan meetings. Last week, illustratively, we had 12 Senators meeting off the Senate floor for 2½ hours. It is pretty hard to keep 12 Senators in one room for 2½ hours, but we did.

We have come to what has been categorized as a "grand bargain." That is a term one of our most active participants, Senator LINDSEY GRAHAM, gave to it because we had the overall structure of an immigration bill. We did not have all the aspects of it worked out, but we were proceeding to provide for real border security—border security which would increase the number of border guards from 12,000 to 18,000 and border security which would encompass a fence. We cannot have one across the entire border, but we can have a fence to secure our major metropolitan areas, illustratively San Diego and southern Arizona.

We have worked laboriously to craft identification so an employer would know whether an applicant for a job was legal or illegal. When an employer has the opportunity to be certain of the legal status of those he hires, then the stage is set for tough sanctions on employers so that we can reduce the magnet to bring people to the United States for jobs when they are not legally in the United States.

We have provided the mechanism for dealing with the 11 million undocumented immigrants. We have structured a program so it would not be fairly or accurately characterized as amnesty. The requirements of that program are that immigrants learn English, that the immigrants have roots in the United States, that they have held a job for a protracted period of time, that they pay a fine, and that there be a so-called touchback provision. It is still not decided as to the issue of back taxes, but that is a consideration which is on the table. We have provided for a Guest Worker Program which is what it says; that is, people come to the United States for the purpose of filling jobs and then will return to their native homes.

We provided that if there are people living in the United States legally, citizens or legal immigrants, they would have the first opportunity at these jobs.

We have held some 23 meetings over the course of the past 3 months. So I was a little surprised to see the statement by the majority leader at a press conference yesterday. Perhaps it was said partially in jest, but Senator REID pointed out that there had been notice for some 2 months that the immigration bill would be taken up in the last 2 weeks before the Memorial Day recess. Then he said:

> And anyone who thinks that 2 months is not enough time to get ready should get another occupation.

Maybe he said it in humor, but certainly I would fit into that category of looking for another occupation. The distinguished chairman of the committee has elected to have the matter go through the negotiating process which I have just described, so he doesn't have to seek another occupation. But there are many people on both sides of the aisle, under the Reid dictum, who now must seek another occupation.

I think it is a fair representation to say we have worked tenaciously. The problem we face now is that the so-called stakeholders all want more than can be divided from what is available. There are stakeholders who want more green cards and who want the advantages of family admission on a widespread basis, and if it were left up to me alone I would be in favor of the broadest reach of family unification. But if we are to find the realism of enough green cards to accommodate the undocumented immigrants who are going to come through the process at the end of the line, there has to be some give somewhere.

The critics of the immigration bill are descending on us from all sides before we even have an immigration bill. The Hill publication reports today of opposition from Members of the House of Representatives for Senate legislation when we don't even have legislation in existence. One Member of the House is quoted as saying:

> It is important that the Senate knows there will be strong bipartisan opposition to amnesty.

Well, we don't even have a bill that could be accused of having included amnesty, and the outline which we are considering and contemplating is certainly not amnesty by any fair interpretation.

The majority leader has said he intends to file under rule XIV today and go to the legislation on Monday. As I said yesterday, there is strong opposition to such a practice, at least on this side of the aisle. It is my hope that we will not face a contested motion to proceed. It is my hope we will not face the threat of a filibuster against the motion to proceed, which would doom immigration reform.

We have encapsulated our views in a letter, following the majority leader's news conference of today, where a number of us are asking that we rethink the schedule we have. If we bring last year's Senate-passed bill to the floor, it is going to have substantial opposition. That has already been announced on both sides of the aisle. Both Democrats and Republicans who supported it last year are opposed to it. If we start there, the floor action is likely to be a free-for-all.

I understand the problems of Senate scheduling, but I also understand the vicissitudes, problems, and pitfalls of proceeding where you don't have the structure of a bill which can be reasonably and realistically debated, with amendments, and then decided upon. We don't even have 2 weeks. We have to act on the supplemental before the Memorial Day recess if we are to provide the troops with the funding they need.

So it is my hope the current process can be allowed to continue. There has been a massive good-faith effort by Republicans and Democrats meeting for very protracted periods of time to come to agreement on a bill and to reduce it to written form. I will concede that there has been a lot of wheel spinning in the process which we have undertaken. Perhaps it was an error to abandon the traditional committee process. But that is where we are, and we need more time to flesh out the grand compromise, the grand bargain which we have structured so far.

If we are not able to legislate, we are not going to be able to provide for people who are interested in bringing 11 million undocumented immigrants out of the shadows, which is the main benefit that comes from those who want to proceed in the traditional American way to welcome the immigrants under a systemized plan. If we don't have comprehensive reform, we are not going to provide the border controls and the employer sanctions to stop illegal immigration.

It may be this is our last best chance. I would urge all sides to take a deep breath and to rethink positions on all sides and try to find a rational, bipartisan way to proceed.

Mr. President, how much time remains on my side?

The ACTING PRESIDENT pro tempore. The Senator has 58 minutes remaining.

Mr. SPECTER. Fifty-eight minutes remaining.

Mr. LEAHY. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Vermont has 49½ minutes.

Mr. LEAHY. Mr. President, I know the Senator from Pennsylvania has the floor, but the Senator from New York wants to speak briefly, and I have also been advised there are a number of Republicans who want to go to a burial service. So just so people can plan, as soon as the Senator from New York has finished his speech, which will be very brief, I am prepared to yield back our time to accommodate those who wish to go to the burial service.

Mr. SPECTER. Mr. President, do I understand the Senator from Vermont, the distinguished chairman, is proposing a grand bargain?

Mr. LEAHY. No, sir.

Mr. SPECTER. A grand bargain which would allocate 1 minute to Senator SCHUMER, and then all time yielded back?

Mr. LEAHY. I am told the Senator wishes 2 minutes.

Mr. SPECTER. Sounds excessive to me, but I will go along. When he finishes his speech, if we are prepared to yield back time, I will consider the proposal for the grand bargain.

The ACTING PRESIDENT pro tempore. The Senator from Vermont yields time.

Mr. LEAHY. Mr. President, I yield to the grand marshal.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleagues, and Raskolnikof as well, since he made the grand bargain once before. It didn't work out so well, so I would say to my colleague from Pennsylvania, I hope his grand bargain works out better than Raskolnikof's grand bargain.

Anyway, I rise to speak on our nominee, the confirmation of Debra Livingston. She is a legal superstar from my home State of New York, and she is nominated to the Second Circuit Court of Appeals.

Let me just say we in New York have a system in place for nominating Federal judges that works. The President and I work together to name highly qualified consensus candidates to the Federal bench. There is often rancor when it comes to judges from other parts of the country, but there has been very little when it comes to New York. It shows that when both sides wish to compromise, we can probably get there. That is because in New York we have an effective and bipartisan way to select qualified and, almost without exception, moderate candidates for the bench.

Ms. Livingston is squarely in that mold. Her career so far has spanned private practice, criminal prosecution, and academia, so she has a deep understanding of the law gained from many perspectives, from the courtroom to the classroom. Ms. Livingston is a graduate of Princeton University, received her J.D. from Harvard Law School—also my alma mater—where she served as an editor of the Harvard Law Review.

From 1986 to 1991, Ms. Livingston was an assistant U.S. attorney in the Southern District, where she prosecuted public corruption cases and served as deputy chief of appeals. Before and after her time as a prosecutor, Ms. Livingston was an associate at one of the very prestigious law firms in New York, Paul, Weiss, Rifkin, Wharton, and Garrison. She is currently the vice dean and Paul J. Kellner professor of law at Columbia University, where she focuses on criminal procedure, evidence, and national security.

I think it is great that we will have an appellate judge who has both a scholarly mind and practical courtroom experience. It is a perfect combination, in my view, for an appeals court judge. I hope my colleagues will join me in voting for her confirmation.

In keeping with the prelude to the grand bargain, I yield the floor.

Mr. LEAHY. Mr. President, I am prepared to yield back time.

Mr. SPECTER. Sealing the grand bargain, I, too, yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time having been yielded, the question is, Will the Senate advise and consent to the nomination of Debra Ann Livingston, of New York, to be U.S. circuit judge for the Second Circuit? On this question the yeas and nays were previously ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Mr. LEVIN), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mrs. DOLE), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) would have voted "yea."

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—91

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg

Leahy
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—9

Brownback
Crapo
Dole
Johnson
Levin
McCain
Roberts
Rockefeller
Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate proceed to the House message to accompany S. Con. Res. 21, the budget resolution; provided further that the motion to disagree to the House amendment be agreed to, the motion to agree to the request of the House for a conference be agreed to, and the motion to authorize the Chair to appoint conferees be agreed to; provided further that prior to the appointment of conferees, the following motions to instruct conferees be in order and that no amendments be in order to the motions: No. 1, Senator KYL, relating to the estate tax; No. 2, Senator GREGG, relating to the extension of certain tax cuts; No. 3, Senator CONRAD, alternative to Senator GREGG's extension of certain tax cuts; No. 4, Senator CORNYN, relating to the point of order on increasing tax rates; No. 5, Senator DEMINT, relating to the increase of taxes; and No. 6, Senator STABENOW, relating to energy.

I further ask consent that each motion be limited to 60 minutes equally divided in the usual form, that there be an additional 1 hour of general debate equally divided between the chairman and ranking member; further, that following the use or yielding back of time on each motion, the motion be set aside and that the votes occur in a stacked sequence this evening, Wednesday evening, beginning at 7:30 p.m., with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I thank the ranking member for his courtesy in working out this matter so we can complete action on the naming of conferees today. I think we have done this in a way that will give all Senators a right to express themselves on issues that are before the conference.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the chairman of the committee for his cooperation. Obviously, he wants to get to conference. He wants to complete the conference on the budget. Although we disagree with the budget that was passed here—and I am sure we will disagree with the final product that is produced, regrettably—I think it is important the process go forward. It is not our intention to be dilatory, to try to slow this process down. That certainly is something we could do, but we certainly have no intention of doing that. Rather, we just want to be able to have a fair opportunity to make the points which we think are important relative to the budget.

So I appreciate the chance to work with the Senator and the chairman's willingness to work with us to reach an accommodation that seems to be constructive, which is constructive, and which will hopefully move the process along.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that when the items are considered for a vote, there be 2 minutes equally divided before each vote, and that after the first vote, the votes be limited in duration to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the resolution (S. Con. Res. 21) entitled "Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Senate disagrees to the House amendment, agrees to the conference requested by the House, and authorizes the Chair to appoint conferees.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, it would now be in order for the Senator from Arizona to proceed with his motion. Again, I want to thank all Senators. These things are difficult. They are always last-minute considerations. But I think we have worked out a reasonable accommodation.

I thank the Presiding Officer and again thank the ranking member, and I believe now Senator KYL's motion is in order. I also thank Senator KYL for his patience as we worked through some of these procedural hurdles that cropped up at the last minute.

I say to Senator KYL, we thank you for your patience.

The PRESIDING OFFICER. The patient Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I compliment both the chairman of the Budget Committee and the ranking member, who both have to have the patience of Job to work with all of their colleagues—all of them who have a little different idea of how things should proceed. I appreciate the comments.

MOTION TO INSTRUCT CONFEREES

Mr. President, I send a motion to instruct conferees to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 21 (the concurrent resolution on the budget for fiscal year 2008) be instructed to insist that the final conference report include the Senate position to provide for a reduction in revenues, sufficient to accommodate legislation to provide for permanent death tax relief, with a top marginal rate of no higher than 35%, a lower rate for smaller estates, and with a meaningful exemption that shields smaller estates from having to file estate tax returns, and to permanently extend other family tax relief, so that American families, including farmers and small business owners, can continue to enjoy higher after-tax levels of income, increasing standards of living, and a growing economy, as contained in the recommended levels and amounts of Title I of S. Con. Res. 21, as passed by the Senate.

Mr. KYL. Mr. President, let me take a few moments to discuss what this motion to instruct conferees embodies.

The subject is the death tax, the tax which requires millions of American families and small businesses to spend millions of dollars preparing against the possibility that they will have to pay very large amounts of money to the Federal Government upon the death of the person in the family who is responsible for that small business or who owns the property.

For a long time, there has been a bipartisan understanding that this death tax is not a good thing. The Gallup poll and other polls consistently show that at least 60 percent of the American people think it is an unfair tax, that we should not be taking money from people at the time of death. They have already paid income taxes on it, frequently capital gains and dividends taxes, and yet again they are taxed at the time of death on an amount of asset that remains.

But just as pernicious as that tax is the planning, and the expensive planning, that has to go into trying to prepare for the possibility that the tax will be imposed—if you have a very large estate, frankly, trying to avoid having to pay a large amount of taxes into that estate because that frequently means you have to sell the small business, the farm, in order to liquidate assets to pay the tax.

This is not a theoretical proposition. A good friend of mine from Phoenix, AZ, who was one of the great contributors to eleemosynary concerns in Phoenix—especially the Girls and Boys Clubs; he has one named after him—moved from New York City to Phoenix and with another person started a printing company. Years later, they had over 200 employees. They were a great printing company in Phoenix. When Jerry died, his family could not afford the death tax liability because most of the money in the business was in the equipment. In that business, you have to constantly get new equipment to stay up with your competitors. They took out a small amount each year in salaries, but the rest of it was tied up in the business. So he did not have the liquidity to pay the substantial death tax that would be required. The business was sold.

Interestingly enough, as to the argument that we have a death tax to prevent the concentration of wealth, it was sold to a big corporation. By the way, corporations do not pay death taxes. Also, this corporation has not contributed, as far as I know, a nickel to any of the great charity causes in Phoenix that Jerry contributed to every single year. It was really a shame when he died. More than the head of that household passed away at that time.

What we are trying to do is to permanently reform the death tax. Now, in the past we have tried to repeal it. What this motion to instruct conferees does is embodies concepts that have been agreed to by both Democrats and Republicans to reform the death tax so that most people do not have to worry about it, they just do not have to go to the lawyers and the accountants, the estate planners, they do not have to pay money for insurance to get around it because they know the way we have constructed it, they are not going to have to pay it. It is still there for the very large estates, but most people would be exempted from it.

Specifically, the motion to instruct conferees would call on Senate conferees to insist that the final budget resolution provide for a reduction in revenues relative to the baseline sufficient to allow Congress to approve meaningful death tax relief, defined as follows: A top marginal rate of no higher than 35 percent with a lower rate for smaller estates, and an exemption level that is sufficient to shield smaller estates from having to file a death tax return. While the motion does not specify that amount, an exemption of $5 million per estate indexed for inflation is what is contemplated.

As I said, I think repeal of the death tax is the best option. I have been trying to find some agreement on reform since we haven't been able to get the votes for repeal. It is a nightmare for families now, and that is why I want to see if we can find a bipartisan way to do that this year. America's small business owners, farmers, and ranchers deserve this kind of certainty now.

I might say, this might be a bonanza for insurance companies, but I think they have plenty of other ways to offer products to us. There is plenty to insure against. They can still make a very comfortable living without putting us through the burden to invest without insurance to avoid paying much of the death tax. This concept, by the way, would be sufficient to accommodate the death tax reform similar to the proposal introduced by the senior Senator from Louisiana last year and which was endorsed by the junior Senator from Arkansas on his Web site.

I might say I have worked with other Members of the majority party now, and I thought last year we were very close to having an agreement that might have been achieved in a bipartisan way. In particular, the Landrieu bill provides for a $5 million exemption indexed for inflation, which is great, a family business carve-out, a top rate of 35 percent, as I mentioned, and it recaptures the benefit of the $5 million exemption for estates valued at over $100 million.

The motion to instruct does not specify any revenue offsets. We don't believe extensions of existing law should require that. Indeed, this would be a retreat from existing tax law. It would be less generous to taxpayers, and none of our provisions last year contemplated an offset. We don't offset extensions of existing mandatory spending, and we don't think this extension of tax relief should be offset either.

Some have said we should freeze the 2009 law in place. That provides for a $3.5 million exemption and a gift tax exemption that would be separate, a 45-percent rate, but a 45-percent rate means the Government takes almost half your property above the exempted amount, and that is frankly not acceptable to most small businesses or farmers. Forty-five percent is a rate most Americans deem to be unfair. So what we would suggest is a proposal that would be able to accommodate no higher than the 35-percent rate.

Now, a couple of final points here. We all know budget resolutions don't dictate policy of the Finance Committee. It would be my intention to work with the Senators whom I have mentioned here, in addition to Senator LINCOLN, who worked very hard on this the last couple of years, and others, to craft an estate tax reform proposal that would provide for this $5 million exempted amount indexed for inflation, a lower rate for the smallest estates, and it provides for a top marginal death tax that is no higher than 35 percent. I would love to see it lower than that. The Joint Tax Committee tells us anecdotally that a rate any higher than 35 percent would drive families into aggressive tax planning to avoid the tax. That is what we are trying to avoid here, the extra expense of planning. I might add that the last study done that I know of determined that the amount spent on trying to avoid the payment of the death tax each year is almost exactly the same amount that is collected by the U.S. Government. So in effect, we have a double tax here. People are paying maybe $30 billion, roughly, in these taxes to the Government, and spending another $30 billion to try to avoid paying the tax. That is $30 billion that could be going to much more productive activities than paying lawyers, accountants, and insurance folks.

I conclude by saying it is important to provide the lowest rate for the smallest estates, because we don't want to have to have them go to the trouble of trying to protect their assets against the payment of the tax. We could accommodate that through a high exempted amount and a very low rate. That means they simply wouldn't have the incentive to go pay the money to the accountants and the lawyers.

There is much more I could say about this. Right now I know the distinguished chairman of the committee might have something to say.

I am happy to reserve the balance of the time on this side, subject to the ranking member's concurrence with that.

Mr. CONRAD. Mr. President, I again thank the Senator from Arizona for his motion to instruct which he has offered. I ask our colleagues to resist this motion to instruct. I ask our colleagues to resist it on two grounds. No. 1, we have already provided for estate tax reform in the budget resolution that passed the Senate. I will do everything I can, as chairman of the Senate delegation and chairman of the conference, to uphold the Senate position, which is to reform the estate tax.

The motion of the Senator from Arizona is not paid for. It will blow a hole in the budget. We are trying very hard to balance this budget by 2012. Our budget and what will come back from conference does balance by 2012. But if we adopt the Senator's amendment, we will not balance.

Let me say what the budget resolution that passed the Senate did. All of us know, first, there is no death tax. It is good language, but it is not accurate. There is no death tax. Nobody pays a specific tax on death in America. We do have an estate tax on larger estates. In fact, in 2009, only two-tenths of 1 percent of estates will pay any tax. That means 99.8 percent of estates will pay zero. So this talk about a death tax—I am reminded of a colleague of ours who was in Missouri and was stopped by a baggage handler and he told him: You have to stop this death tax. He said: My family is so worried about that death tax. That gentlemen wasn't going to pay any death tax. Mr. President, 99.8 percent of Americans are going to pay no death tax, because there is no death tax. There is an estate tax on larger estates. Right now, it applies to estates of over $4 million a couple. Under $4 million, you pay nothing. It is going up. In 2009, the it will be $7 million a couple who will be exempt. So in 2007, the year we are in now, there is a $4 million exemption per family. You pay nothing if you have an estate of less than $4 million. In 2008, it is $4 million. In 2009, it goes to $7 million. In 2010, there is no estate tax. Then in 2011, it goes back to $2 million a couple. That makes no sense. It goes backward. It goes from a $7 million exemption in 2009 to no estate tax in 2010. In 2011, it goes back to $2 million per couple. We don't permit that in this budget resolution. We stay at the $7 million exemption per couple, index it for inflation, so as values go up, the estate tax exemption will go up. We have covered this out of the resources of the budget so we are able to balance the budget by 2012.

Now, the Senator from Arizona is absolutely well-intended. He has been very persistent on this. I give him high marks for that. He is absolutely dedicated to this cause. I give him high marks for that. The problem is he doesn't pay for it. Unfortunately, what he would do is throw the budget out of balance in 2012. I think that is a mistake.

In the budget resolution we have passed, beyond providing for a $7 million exemption indexed for inflation, $7 million for couples, anybody who has an estate of $7 million or less will pay zero, will pay no estate tax, which means, again, 99.8 percent of estates in our country will pay zero, nothing, not a penny. We have paid for it. In addition, we have provided a reserve fund that says if you want to go further, you can if you pay for it. The difference, the big difference we have is the Senator from Arizona doesn't want to pay for it. He wants to put it on the charge card. He wants to stack it on the debt. He wants to shove it off on our kids, let them pay. No. That shouldn't be the way we go. We have stacked up enough debt during this administration. This administration has added $3 trillion to the national debt, and if they have their way over the next 5 years, they are going to stack another $3 trillion on the debt.

Where are they getting the money from? They are taking it from Social Security. That is what they are doing. They have already taken over $1 trillion of Social Security money and used it to pay other bills, and they are getting ready to take another $1 trillion of Social Security money and use it to pay other bills. If you were in any other organization and you tried to take the retirement funds of your employees and use it to pay operating expenses, you would be on your way to a Federal institution, but it would not be the Congress of the United States, it would not be the White House—you would be headed to the big house, because that is the violation of Federal law. What the Senator from Arizona is doing by refusing to pay is he is going to take the money from Social Security. He is going to take Social Security money and use it to pay other bills. I think that is a mistake.

We have provided for fundamental estate tax reform in the budget. We ought to continue to support that, but we paid for it. Let's not go back to the bad old days of doing things around here and not paying for them.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me make three quick comments and then I would like the ranking member to respond as well.

It is true the budget already provides for some form of death tax relief. The problem is that form is a 45-percent rate—45 percent. Almost half of your estate would be paid to the Federal Government. I want a show of hands for everybody who believes that is fair.

Let the RECORD show one person in the Chamber raised his hand.

Second, the idea of the chart which the chairman pointed out showing the irrational treatment of the death tax. I totally agree with that. It is irrational, and there is a reason why it is irrational: because Democrats would not agree to cause the death tax relief to be permanent. All they would do is agree to the budget window, which at the time was a 10-year budget window. After that, it is done. That is why you have this crazy system where we have a declining rate. In the year 2010 it goes away, and in the year 2011 it comes right back again. We are all for making it rational by making it permanent. All in favor of that, raise your hands. The problem is, we can't get 60 Senators to vote for that, which is why we are stuck with this irrational system.

Finally, the most irrational thing of all, the idea—and this is an odd concept if you stop to think about it. The Government takes citizens' money in taxes, and then if we decide to let people keep more of their hard-earned money, they have to pay for that. We decide you should be able to keep more of your money because you know how to spend it better than Washington, but this odd concept on the other side of the aisle is: We can't let people keep more of their own money unless they "pay for it." Pay who for it? Pay Washington for it. In effect, we are going to raise your taxes in some other way to make up for the relief in taxes we are providing here. That is what the American people are stuck with under the Democratic budget's idea of a good time, of what is fair. That is not good policy, and it is not fair. When we decide it is good policy to let the American people keep more of their hard-earned money, they shouldn't have to "pay Washington an equivalent amount in some other kind of taxes."

We wish to instruct conferees to pass a budget that can accommodate real relief from the death tax. I think the way we have laid this out is the best way to provide that kind of relief, as evidenced by the fact that several of our colleagues on the other side of the aisle have joined with us in proposing precisely that.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, let me correct one matter of history here. The Senator from Arizona says this bizarre circumstance with the estate tax ending in 2010 and then coming back in 2011 with lower exemption amounts is the fault of the Democrats. Whoa, whoa, whoa, whoa. That is a whopper. That is a double whopper. As the Senator knows, we weren't in charge when that tax policy was put in place. Our friends on the other side were in charge. They controlled the Senate, they controlled the House, they controlled the White House. They wrote this tax policy. Why? They did it because they wanted to put more tax cuts into the bill than they could afford, so they played an old Washington game and an old Washington trick.

They sunsetted their tax provision at the end of the period to reduce its cost. They are the ones who constructed this monstrosity. It is their responsibility, and we are fixing it. We are fixing it in this budget resolution and we are paying for it. That is a fundamental American value.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I have one last comment regarding the "whopper," as the Senator put it. It is absolutely true that Republicans were in charge when we passed the lower tax rates for Americans to help Americans out. We had 55 votes at the top amount; to make tax policy permanent, we needed 60. We could not get enough of our Democratic friends—not even six or seven of them—to join us to make the tax policy permanent; we could not get 60 votes so we could eliminate that irrational system.

So it wasn't a "whopper" that I told; it was the truth. Republicans were in charge. If we had about seven more votes, we could have had a rational tax system rather than the one we have today.

Mr. CONRAD. Mr. President, look, let's be absolutely direct with those who are watching and with our colleagues. Democrats did not construct this estate tax charade that takes us up to a $7 million exemption in 2009 and then goes to no estate tax in 2010 and comes back in 2011 with a $2 million exemption. That was a construction totally and completely of our friends on the other side of the aisle.

The Senator says we did not support the tax cuts that were disproportionately extended to the wealthiest among us and that plunged us into debt. He is absolutely right, we did not. Unfortunately, it has proven to be extraordinarily expensive to this country. We will pay for this for a very long time because the debt of the country exploded as a result of that policy.

Look, we supported tax reductions; we supported a more modest package of tax reductions—about half as much as they passed—and reserved the rest of the money to strengthening Social Security, getting us back into a situation where we weren't raiding the Social Security piggy bank around here to pay other bills. I am proud of that. We did the right thing.

I am happy to yield 5 minutes to the Senator from Florida.

Mr. GREGG. Mr. President, is this a morning business speech?

Mr. CONRAD. Does the Senator wish to talk on the estate tax matter?

Mr. NELSON of Florida. Both.

Mr. GREGG. I am going to be here for a while, so we can let the Senator from Florida go ahead.

Mr. CONRAD. I thank the Senator from New Hampshire for his courtesy.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, we have a saying in the South: being between the devil and the deep blue sea. That somewhat illustrates the position this Senator is in regarding the estate tax, for this Senator has been a sponsor of the elimination of the estate tax for the last 7 years. The problem—as I have conferred with colleagues here, including the Senator from North Dakota, as well as colleagues on the other side—is finding the 60 votes out of 100 Senators in order to be able to pass some form of estate tax relief.

The fact is we have Senators who are all over the lot. There are some Senators who don't want to have any estate tax relief, and there are others on the opposite side of the spectrum who think there should be a total abolition of the estate tax and nothing short of that is any good.

Well, the truth is, if we had been able to eliminate the estate tax back in 2001, when the Federal Government had a healthy surplus, we would not be facing what we are today, which is trying to eliminate the estate tax, or part of it, when we have a drastic shortage of revenue, the consequences of which keep running up the red ink of the Federal Government and continued deficit financing. Of course, you know who is buying our debt: the banks in China and Japan.

So earlier this year, when we crafted a compromise, with Senator BAUCUS in the lead, having a $3.5 million exemption and lowering the estate tax on that above $3.5 million per person, or a $7 million exemption for a couple, lowering that tax rate from 55 to 45, that seemed to be the compromise by which we could get the 60 votes.

I ask the chairman of the committee to confirm that what this Senator is saying is correct—having been able to get that 60 votes, then if we go off onto something else, what is going to happen is that those of us who want some relief for the family farms and the family businesses are not going to be able to make that stick. You cannot have it all. This Senator's attitude is to get something if you cannot have it all. I ask the chairman, the Senator from North Dakota, if the reasoning this Senator has laid out in the compromise that was crafted, to give some estate tax relief, if that is correct?

Mr. CONRAD. The Senator is entirely correct. As a valuable and valued member of the Senate Budget Committee, he knows, with great precision, how difficult it was to put this package together. He also knows if we go the route of Senator KYL, we will jeopardize the middle-class tax relief that is in this resolution. We provided full relief for the marriage penalty. We provided full relief for the 10-percent bracket. We provided full relief for the child tax credit.

If Senator KYL's amendment is adopted, one of two things will happen: It will reduce the funds available for the middle-class tax relief to transfer the money to the wealthiest among us or it will stick it on the debt. There are only two possibilities. I think it would be unfortunate to do either. I think it would be a mistake to reduce the middle-class tax relief in our budget resolution. I think it would be a mistake to reduce the child tax credit. I think it would be a mistake to reduce the cut in income taxes that are provided for by the 10-percent bracket. I think it would be a mistake to reduce the marriage penalty relief that is here in order to stack more benefits on the estate tax or to put it on the charge card and add it to the debt.

Mr. NELSON of Florida. Mr. President, I will conclude with this thought: Naturally, the vote that this Senator will cast on Senator KYL's motion to instruct conferees is a very uncomfortable one because, for this Senator, if I had my druthers, would I want the estate tax lowered? The answer to that is yes. I have been a sponsor of eliminating the estate tax. But the question is: What is the doable deal? What is the deal that will avoid this ridiculous outcome that is going to occur in 2010, when the estate tax will go away completely in one year and the next year come roaring back—back to its original position in the law back in 2000? That is the compromise we have crafted that is in the budget resolution.

I want anybody who is within earshot to understand the position of this Senator in supporting the budget resolution.

Mr. CONRAD. Mr. President, I ask unanimous consent that the following remarks of Mr. NELSON of Florida be moved so as to not interrupt the flow of debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida is recognized.

(The remarks of Mr. NELSON of Florida are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Republican leader is recognized.

IMMIGRATION

Mr. McCONNELL. Mr. President, based on comments we have heard from some of our colleagues on the other side over the last 2 days, there is some genuine concern that the bipartisan immigration compromise that Members and staff have been working on so diligently over the last 2 months might be brushed aside in favor of last year's unsuccessful bill. I strongly urge all of our colleagues to reconsider this approach, if, indeed, it is the one they plan to take.

This exercise needs to be a bipartisan one or it will not—it will not—succeed. That is an indisputable fact. Any effort to move legislation on this issue that isn't the result of an ongoing bipartisan discussion would be a clear signal from the Democrats they are not yet serious about immigration reform.

So I urge my colleagues on both sides of the aisle to stay at the table. Let this bipartisan working group finish its work so we can achieve immigration reform this year. Scrapping their work now will only end in frustration and defeat for both sides.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Republican leader for reminding us how we should be approaching the immigration issue, which is in a rational way.

I wish to respond to a few comments that have been said, and then I want to offer the motion to instruct, which I have reserved in the order that has been entered into, and then yield to the Senator from South Dakota for his comments, and then, obviously, the Senator from North Dakota, I presume, will want to respond, if that is acceptable to the Senator from North Dakota as the procedure.

To begin with, there has been a lot of references to what is going on in the area of tax policy and what the implications are, both relative to the death tax—and I did find it ironic that the Senator from North Dakota said it wasn't a death tax. Well, the only way you can pay it is if you are dead, or the only way your relatives can pay it. That is the only way this kicks in is to be hit by a truck. I think "death tax" is a fairly reasonable explanation of what it is.

Regarding the issue of the tax cuts which are obviously at the essence of much of the debate relative to this budget, this chart reflects the underlying question of what these tax cuts have accomplished. The Senator from North Dakota correctly reflects the fact that revenues fell off as the tax cuts originally were put in place. That is correct. Why did they fall off? They fell off because we were coming out of the largest bubble in the history of organized cultures, an economic bubble, where the Internet bubble of the nineties exploded on us, caused a significant contraction in the economy, which obviously caused a contraction in revenues. That was coupled with the attacks of 9/11, which disrupted the economy to a degree that our economy has never been disrupted, except for the Great Depression and probably World War II. So those two events created a huge retardation of revenue.

It was actually quite fortunate in the middle of that disruption, and a little bit prior to that, we had put in tax cuts during President Bush's first term which would stimulate the economy. As a result of those tax cuts going into place—yes, initially there was a revenue reduction, but that revenue reduction was in large part due to the bubble burst and the 9/11 contraction in the economy.

Since that time, we have seen those tax cuts energize an economic recovery which has truly been historic and extraordinary, and it has done a great deal for our country from the standpoint of creating jobs, which is the bottom line most important thing we can do but also generating revenue to the Federal Government.

We have now had 3 years of the largest growth in revenue in the history of our country, the largest growth, year after year. We are seeing revenues explode literally at the Federal level. They went up 11 percent in 2005 and 18 percent in 2006. They are projected to grow 18 percent in 2007. These growth rates are truly extraordinary. And revenues not only have grown year to year in an extraordinary way, but they have grown in a relationship to the overall historic burden of revenues paid by the American people to the Federal Government.

Historically, the American people have paid 18.2 percent of the gross national product to the Federal Government. That is represented by the blue line on the chart. We are actually well above that now so that we are seeing a rate of income to the Federal Government of about 18.6 percent of GDP. That means we are actually generating more revenues to the Federal Government than we have on average generated to the Federal Government.

We have a tax law in place which is doing a number of things. It is generating huge revenues, and it is generating revenues that exceed what has been the historical norm for this Nation, and it is a tax law which is creating jobs and causing the economy to expand.

We have now had 22 straight quarters of economic expansion as a result of tax cuts, and we have had 44 consecutive months of expansion in jobs, 7.8 million jobs created. Those are massive expansions, people getting work.

In addition, two of the essential elements of this tax cut, the capital gains and dividends rates, have actually generated a huge explosion of economic activity in this country because they have unlocked, in the instance of the capital gains area, funds which have been locked up for years in relatively unproductive assets have now been sold, the revenue has been turned over, and people have reinvested, entrepreneurs and risk takers, in items that have created more return, which has had two effects: It has created more jobs and more revenue to the Federal Government.

The tax cuts have been good for this country from the standpoint of creating jobs, from the standpoint of economic growth, and from the standpoint of revenues to the Federal Government. Yes, one can look at this period from 2001 to 2003 and say revenues dropped. Yes, they did, but I would argue that was a function of the bursting of the internet bubble and 9/11 more than the tax cuts. But if you look at the most recent period, one cannot argue with the fact that we are seeing an explosion in revenues to the Federal Treasury, which has dramatically, in addition to the other two things, caused economic growth, jobs creation, the revenues, and has dramatically reduced the deficit of the Federal Government. In fact, we projected the deficit of the Federal Government. It was projected 3 years ago that it would be somewhere in the $350 billion range. It looks as if it is going to be under $200 billion, and significantly under $200 billion. And on a $3 trillion budget, you are basically talking a deficit number, which is really getting well under what has been the historic deficit of the Federal Government and, more importantly, had we not had the Katrina catastrophe where we had to spend over $150 billion approximately on that, and were we not at war, a war which we did not ask for when we were attacked on 9/11, we would be in surplus, significantly in surplus.

These tax cuts have been good for this economy. They have been good for the country. They have been good for employment. They have been good for economic growth. They certainly have been good for the Federal Treasury.

On the specific issue of the death tax, which is the motion which is pending, the motion by Senator KYL, I think the point Senator KYL makes is the one on which people should focus, which is what his proposal says is, we are going to put in place a compromise proposal on the death tax which was, ironically, a compromise proposed from the other side of the aisle. I think it was the senior Senator from Louisiana, Ms. LANDRIEU, who basically came up with this idea, which is we would have a higher rate for bigger estates, 35 percent, and for little estates, small businesses, farmers, ranchers, we would have a lower rate, and you would have an exemption of I believe about $5 million.

This proposal makes a lot of sense. There is no reason why it should be a taxable event to die. A taxable event should involve economic activity. It should be you went out, made some money, and as a result you got taxed.

But the way the death tax works is, the taxable event is that you, unfortunately, die. You end up getting hit by a truck, fall off your motorcycle, you get some serious disease, and as a result, your family gets hit with a tax bill. In many instances, if you are a small businessperson or you are running a farm or some other thing that involves one person and is the essence of the whole operation, that death is a huge, traumatic economic event, to say nothing, obviously, of the personal trauma that is involved. But that is a huge, traumatic event, if somebody runs a restaurant and he is the cook, the bottle washer, and maitre d', or runs a gas station, runs a small business or a farm; that person is usually the key person. When they die, that business is in extreme distress usually. That distress should not be multiplied and dramatically increased by having the tax man come in and say: I'm sorry, we are going to take half the value of your business, which is the way the law works now.

So this proposal, which was a compromise worked out among a variety of people around here, and actually the essence of it was put forth by the Senator from Louisiana, makes a lot of sense. So what Senator KYL has said is let's do it. Let's put it in the budget.

The argument is, that is going to increase the deficit. That is a fairly specious argument because it is the essence of that argument: If you let people keep their own money, you are making a mistake. The Federal Government should take the money and then they should have to pay money to get their money back. They should have to pay more in taxes. It makes no sense at all.

In addition, let's remember this proposal of the Democratic budget, as it left the Senate, had over a $700 billion tax increase in it. As it left the House, it has over a $900 billion tax increase in it. That is on the American people. What Senator KYL is suggesting is you take a very small percentage of that huge tax increase that is in this budget and use it to basically put in place proper procedures and policies relative to the death tax.

MOTION TO INSTRUCT CONFEREES

And that brings me to my motion to instruct. I ask unanimous consent that the pending motion be set aside and that my motion be ordered.

Mr. CONRAD. Reserving the right to object, one thing we have to do is make sure we have the time figured out because we have an hour on the Kyl matter. I will want some time to respond to the Senator's comments, and Senator THUNE wants to apparently talk about the Senator's motion. So we would be reserving our time on the Kyl motion while we go next to the Senator's motion?

Mr. GREGG. That is fine to me, or yield it back and use the time altogether.

Mr. CONRAD. It will all wash out. Let's do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the motion.

The legislative clerk read as follows:

The Senator from New Hampshire (Mr. GREGG) moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 21 (the concurrent resolution on the budget for fiscal year 2008) be instructed to reject the House amendment that assumes a $916 billion tax increase, the largest tax increase in U.S. history, and insist that the final conference report include in the recommend levels and amounts in Title I of S. Con. Res. 21, reductions in revenues commensurate with extending the existing tax policy:

$1,000 child tax credit;

marriage penalty relief;

10% income tax bracket—so those earning $15,000 or less continue to benefit from low tax rate;

lower marginal rates for American families and small businesses (15%, 25%, 28%, 33%, and 35%);

Earned Income Tax Credit relief for military families;

adoption tax credit;

dependent care tax credit;

college tuition deduction;

deduction for student loan interest;

$2,000 Coverdell Ed. IRA;

15% rate on capital gains and dividends; and death tax repeal.

Mr. GREGG. Mr. President, I will speak quickly to this because I know the Senator from South Dakota has been courteous and is waiting, and I know he wants to speak to it. So I will highlight a little and then come back to the substance of it.

The essence of this motion is that the $916 billion tax increase, the largest tax increase in history, which is in the House budget, be rejected; that the $700-plus billion tax increase in the Senate budget—again, that would be the largest tax increase in history were the House not outbidding us—be rejected; and that instead we extend a series of tax breaks which are already in place and which are very beneficial to the American people, including the $1,000 child credit, the marriage penalty relief, the 10-percent income tax bracket, the lower marginal rates for American families and small businesses, the earned-income tax credit for military families, the adoption tax credit, the dependent care tax credit, the college tuition deduction, the deduction for student loan interest, a $2,000 Coverdell education IRA, the 15-percent rate on capital gains and dividends, and essentially the Kyl death tax proposal. That is what this instruction would do.

I would ask that, instead of increasing taxes by the largest amount in history on the American people, we continue tax policies which have produced this huge economic expansion.

I yield to the Senator from South Dakota for his comments.

Mr. THUNE. Mr. President, I wish to thank the Senator from New Hampshire for yielding and also to just elaborate on some of the things he talked about with regard to his motion. I congratulate him on offering this motion to instruct because I believe it gets at the heart of this issue, which is whether we are going to continue this economic expansion, the job growth that has come with it, the explosion in Government revenues associated with the tax relief that was enacted in 2001 and 2003 or whether we are going to go down the opposite path and increase taxes by, as he said, the largest amount in American history.

Now, up until this last year, this budget we are talking about today, the largest tax increase in American history happened in 1993. That was $293 billion in increased taxes that was put through the Congress in that year. What has been proposed this year, through the budget process in the other body, in the House of Representatives, was a $916 billion tax increase, and, as the Senator from New Hampshire has noted, here in the Senate it is a $700 billion tax increase.

The only question really before us is whether this conference committee which is going to meet is going to adopt the House version, which is triple the largest tax increase in American history, or adopt the Senate version, which is double the largest tax increase in American history. Either way, whether we adopt the Senate-passed budget or the House-passed budget, we will be adopting the largest tax increase in American history—if we adopt the House version, three times the largest tax increase in history and, if we adopt the Senate version, more than two times the largest tax increase in American history.

So the gentleman from New Hampshire, the Senator who has proposed a motion that would instruct the conferees who will be meeting, the Senate conferees who will be meeting with the House conferees to work out and reconcile the differences between these two budget resolutions—one, as I said, is the House, which is triple the largest tax increase, or the Senate version, which is double—his motion would essentially instruct the Senate conferees to go into that conference with a position that doesn't accept the House tax increase or the Senate tax increase; rather, it allows these existing tax cuts to stay in law—in other words, not to allow them to expire.

I have a chart here which illustrates a little bit about what I am speaking of today, and this chart essentially shows what is included in that $900 billion tax increase. As I said earlier, the Senate, in its budget resolution, adopted a position that restored about $180 billion of the tax relief that would expire under the House-adopted budget resolution. As we can see, this is the amount taxes will go up if this budget is adopted. This is the amount the Senate said we will put back with the Senate budget resolution here, which our colleagues on the other side were able to get through the Senate. It puts back $180 billion.

I will give the House credit because the House voted yesterday on a motion to instruct their conferees to adopt the Senate language. That makes sense because I think they heard what a lot of people said when they went home and met with their constituents; that is, we don't want to see the largest tax increase in American history. We don't want another $900 billion in taxes imposed on the American economy at a time when the economy is growing and expanding and creating jobs.

Just look at the last few years here: 7½ million new jobs, unemployment at 4.5, 4.6 percent, the lowest historical average in the last three decades, 21 consecutive quarters of economic growth.

This is the counterintuitive part about this because, as was pointed out back in 2001 and 2003 when these tax cuts were being debated, if we reduce taxes the revenues are going to go down. Well, in fact, the opposite has happened. What has happened is what has happened throughout the course of history—under the Harding administration in the 1920s, the Kennedy administration in the 1960s, the Reagan administration in the 1980s, and now currently; that is, when you reduce marginal income tax rates, capital gains income rates, what happens? People take their realizations, they pay their taxes, they reinvest, and you get not less Government revenue but more Government revenue—in this case, dramatically more Government revenue.

Between 2004 and this year, we have seen Government revenues increase by $300 billion; that is, revenue coming into the Federal Treasury between 2004 and 2005 was up almost 15 percent, 14.7 percent; between 2005 and 2006, around 13 percent; and in this current fiscal year, the first 7 months of this current fiscal year, Government revenues are up 11.3 percent over last year. In fact, in the month of April, we have $70 billion more Government revenue than April a year ago.

These tax cuts are working not only to stimulate the economy and to create jobs but, as I said before, miraculously, to generate more Government revenue. We have $300 billion more Government revenue coming in as a result of reducing taxes, which again proves the historical fact that when you reduce marginal income tax rates and capital gains tax rates on the American people, they take their realizations, they pay taxes, they invest, they create more jobs, the economy continues to expand, and you get not less Government revenue but more Government revenue.

So I think what is happening here in the Senate is an attempt to provide a fig leaf of cover when it comes to this issue of taxes. The problem with that is this particular cover is a cover not for the taxpayers in this country, it is perhaps a cover for the tax raisers in this country. It is a small cover, however, because if you take $180 billion of tax relief that is restored under the budget resolution adopted here in the Senate, you can cover some of this stuff.

What they propose is that we are going to put back some of the marriage penalty that would come back into play under the House-passed version, and we are going to restore some of the 10-percent tax rate—the lowest tax rate, which applies to people making $15,000 and less—and we are going to provide some death tax relief. We will lower the top death tax rate from 55 percent to 45 percent. Well, what does that do? What do you do, then, about the alternative minimum tax, which is going to hit 20 million additional taxpayers if this budget is adopted? What about the child tax credit, which under the Democratic plan is slashed from $1,000 back to $500? What about lower tax rates throughout the rest of the rate schedule? Even if you fix, as they attempt to do with this small amount of tax relief, the 10-percent tax bracket, the lowest tax bracket, you still have tax increases in every other tax rate on the schedule. In fact, those who are paying 25 percent taxes are now going to go up to 28 percent. Those who were paying at the 28-percent rate currently will see their tax rate going up to 31 percent. Those paying at the 33-percent rate are going to see their tax rates go up to 36 percent. Those fortunate few paying at the 35-percent rate, the highest marginal tax rate today, are going to see their tax rates go up to 39.6 percent.

My point is, you can provide a fig leaf to say that we are doing something to allow for some of these tax cuts, this tax relief which has benefited our economy and the American people into the foreseeable future, but what about the rest of all these tax breaks that are going to expire, which means the largest tax increase in American history?

If we look at what the motion of the Senator from New Hampshire does, it says we want to extend these tax breaks to include the deduction for student loan interest. There are a lot of working families trying to put their kids through college who are taking advantage of that tax break.

How about the earned-income tax credit, which is helping a lot of our military families, many of them serving in Iraq and Afghanistan?

As I said before, the child tax credit is being slashed from $1,000 down to $500, essentially cutting in half the amount of credit a working family can get for their children when they file their tax returns. That was something which was put in place to help working families.

I can go right down the list. Let's take senior citizens' dividend income—currently taxed at the capital gains rate of 15 percent, but under this proposal it goes up to 39 percent. We have a lot of seniors in this country who have invested and now have dividend income, capital gains income. Their capital gains income rates are going to go up as well. If they have capital gains income they are going to show, that will go up from 15 percent to 20 percent.

My point very simply is that if you pay taxes in America today, the prescription in this budget resolution which was adopted here by the Senate, put forward by our colleagues on the other side and the one adopted by the House, has one prescription: higher taxes. Every working American who pays taxes today is going to see their tax bill go up. In fact, in my State of South Dakota, which I will use as an example, the average tax increase on a working family in South Dakota would be $2,596 under this budget, with 2,840 jobs being lost and $262 million lost in our economy. That is in my State of South Dakota, and probably, if you take any other State, you would find the numbers to be dramatically higher in terms of job loss, in terms of the loss to the local economy and the impact it is going to have on taxpayers.

Again, just in an attempt to summarize what I am saying here, the Democrats have attempted, in the form of a fig leaf, to provide some amount of tax relief cover in this budget. What they do not tell us is that the amount of tax relief does nothing to cover the increase in taxes that will occur under this budget. They take about $180 billion off the table and say to the American people: Keep that. But they are still going to be raising taxes by over $700 billion, even if the Senate version of this budget resolution is adopted in conference. If the House version ends up being adopted, it will be over a $900 billion tax increase—the largest tax increase in American history by three times in the House, over two times in the Senate.

Again, if you take this amount, this fig leaf, and you say: We are going to put the 10-percent rate back, we are going to do something to provide some marriage penalty relief because we think married couples ought not to be penalized for being married, which I happen to agree with, and that was part of the tax relief passed in 2001 and 2003, and I think they realize that is a popular piece of tax relief, so they are going to attempt to restore some of these things—that still doesn't do anything about capital gains and dividends, which will hit seniors, or anything about R&D tax credits or the per-child tax credit or anything on the rate structure, the rates which go from 25 percent up to 28, from 28 to 31, from 33 to 36, and from 35 to 39.6. Every rate on the rate schedule is going up under this particular proposal.

So I am here today to support the motion of the Senator from New Hampshire to instruct the conferees as they go into conference between the House and the Senate to leave these tax cuts alone. Don't allow them to expire. Don't permit the largest tax increase in American history at a time when the economy is growing and expanding and creating jobs and we are seeing not less Government revenue but dramatically more Government revenue, to the tune of a $300 billion increase in Government revenues just in the past 3 years alone.

These tax cuts are working. They are having their desired effect. They are accomplishing what was intended in the first place when this Congress, in its wisdom, enacted these tax cuts in 2001 and 2003. It would be a shame to take a fig leaf and try to say to the American people, to the taxpayers of this country, that we are going to provide a little bit of cover for the tax raisers here in the Congress, but we aren't going to do anything to provide cover for the American taxpayer, those people who are going to pay higher rates in all these areas if this budget is passed and if the conference report comes back either with the Senate version or the House version, both of which increase taxes, it is just a question of by how much.

So I hope we can adopt and get the votes necessary to pass the motion of the Senator from New Hampshire to instruct our conferees to allow these tax cuts to stay in place. Don't allow them to expire, don't raise taxes, don't do something that would harm our economy and the jobs being created by passing the largest tax increase in American history.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, this is the most amusing chart that has been presented in the Senate this year. The biggest block of the Senator's chart is about alternative minimum tax relief. He is talking about the Gregg amendment. Read the Gregg amendment. There is no mention of alternative minimum tax relief. That chart—I am glad he is taking it down because it is a complete concoction. It has no relevance to anything that is being suggested here.

The Senator says the biggest tax increase in history—not true. There is no tax increase in the proposal before us. Here are the facts.

The President, when he produced his budget, said, through his agency of Office of Management and Budget, an agency he completely controls, that his budget would produce $14.826 trillion of revenue over the next 5 years. That is what the President said his budget would do. What does the budget I have presented do, according to the Congressional Budget Office? It produces $14.827 trillion of revenue. That is $1 billion of difference on an almost $15 trillion base. And they are talking about the biggest tax increase ever? Come on.

It is a great speech. It is the same speech the Republicans have delivered for 20 years. They are so used to it, they keep giving it. It doesn't matter what the facts are or what the budget is before us. There is no big tax increase that is in this budget. In fact, there is no tax increase that is contained in this budget.

I don't know what the Republicans are going to say next year when there has been no tax increase, after all these speeches about the biggest tax increase in history. What are they going to say? I can hardly wait until next year. I am looking forward to that.

There is a little more revenue in our plan. As I say, the President said his budget would produce $14.826 trillion of revenue. The CBO says ours will produce $14.827 trillion. That is virtually no difference.

On a straight CBO score, apples-to-apples comparison, there is a 2-percent difference between our budget and the President's budget. Our friends on the other side come here with no budget—none. They have no budget for the country this year. Amazingly enough, they had no budget last year. They never agreed on a budget. They never agreed on a budget the year before. So they come here complaining about a budget that actually will exercise some discipline. It is pretty easy to be here with no budget, but of course they produced no budget when they controlled everything. They controlled the House of Representatives, they controlled the Senate, they controlled the White House—no budget. It is no wonder the debt is up, up, and away.

According to a CBO analysis of the two budgets, the President's budget and our budget, there is a 2-percent difference in revenue.

How could you get 2 percent more revenue with no tax increase? That is a good question. That is a fair question. I submit it is pretty easy to do. First, we have a tax gap in this country that the Internal Revenue Service says in 2001 was $345 billion. Today that tax gap, I believe, is in the range of $400 billion a year. That is the difference between what is owed and what is paid.

To collect taxes that are already owed is not a tax increase. That is simply insisting everybody pay what they legitimately owe. That is the first place we ought to look. Now $400 billion a year times 5 years of this budget is $2 trillion. We would only need 15 percent of that to get the revenue that is called for in this budget with no tax increase.

But it does not stop there, because the Permanent Subcommittee on Investigations says we are losing another $100 billion a year to offshore tax havens. I have showed this building before. This building is in the Cayman Islands. It is a five-story building. This building is the home to 12,748 companies that say they are doing business out of this building. That is the most efficient building in the world. Are they really doing business out of this little building? Twelve thousand companies? No. They are engaged in an enormous tax dodge out of this building. We ought to shut that down. That is $100 billion a year, according to the Permanent Subcommittee on Investigations.

It does not stop there. Here is what the Permanent Subcommittee said:

> Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year, including $40 to $70 billion from individuals and another $30 billion from corporations engaged in offshore tax evasion.

If our friends on the other side of the aisle want to protect these abusive tax havens, let them do it. Let's see what the American people say about that. Let's see what the American people think about having wealthy individuals and wealthy corporations avoiding what they legitimately owe in this country by going off to these tax havens and claiming they are doing business out of this five-story building down in the Cayman Islands—12,700 companies—come on.

It doesn't end there. I say go onto the Internet. If you wonder whether this thing is real on tax havens, enter in "offshore tax planning," Google it, and what do you get? You get 1,260,000 hits. What do you find out there? Here is my favorite:

> Live worldwide on a luxury yacht, tax free.

That is what our friends over here are defending.

> Live worldwide on a luxury yacht, tax free . . . Live tax free and worldwide on a luxury yacht . . . Moving offshore living tax free just got easier . . . Live tax free and worldwide on a luxury yacht—exciting stuff.

Indeed it is. It is costing us $100 billion a year, and it doesn't end there. We have these other scams that are going on.

I guess this is my favorite. This is a sewer system. It is a sewer system in Europe. What does that have to do with the budget? It turns out it has a lot to do with the budget. Why? Because we have now learned through an investigation that wealthy investors, corporations in the United States, have bought European sewer systems and are depreciating them on the books in the United States to reduce their tax obligation here and then leasing them back to the countries that paid for them in the first place.

This assertion that there is a big tax increase here is mumbo jumbo. There is no tax increase here.

Yes, we do have modestly more revenue, 2 percent more—although in the President's estimates we have virtually no change in revenue. But let's take the CBO numbers we use here in Congress. We have 2 percent more revenue. We say let's go after the tax gap, let's go after these tax havens, let's go after these abusive tax shelters.

My colleague from New Hampshire talked about the explosion of tax revenue, but he didn't tell the whole story. He didn't go back to when this story started, in 2000, because here is the whole story. The revenue of the United States back in 2000 was just over $2 trillion for the year. Then we had big tax cuts put in place in 2001 and revenue went down. Revenue went down the next year. Revenue went down the next year. Revenue stayed down in 2004—which is the fifth this year. Revenue stayed down in 2005.

Only in 2006, 6 years later, did we get back to the real revenue base we had all the way back in 2000. Is it any wonder the debt of the country exploded? Is it any wonder?

When they talk about the extraordinary economic performance of this administration, that is not the record I see. Let's compare it to the previous administration. The previous administration, in the first 75 months, produced 18.7 million new jobs. This administration in the same period of time: 5.2 million, less than one-third the job creation of the previous administration in the same period.

But it doesn't end there. If you compare this economic recovery to the nine recoveries since World War II, here is what you see. On job creation, the dotted red line is the average of all of the recoveries, the major recoveries since World War II. That is the dotted red line, job creation.

The black line is this recovery. It is lagging 7 million private sector jobs compared to the average recovery since World War II. That is job creation.

On business investment, again the dotted red line is the average of the nine largest recoveries since World War II. The black line is this recovery. In every one of these you see the same pattern: This recovery is tepid compared to every one of the other major recoveries since World War II.

Here on business investment we are 69 percent below the average recovery.

It doesn't end there. If you look at revenues, revenues lag by $127 billion, the average of the nine major recoveries since World War II.

If you look at real median household income—why is it our friends on the other side talk about how good things are, yet the significant majority of the American people say things aren't so good? The big reason is people at the top, all of us, we have done very well. The people at the top in this society—and, of course, there are many who are far above us who have done really well. But you know the majority of people in this country have not done really well. Their position has stagnated. For many of our countrymen, their position has dropped. And this shows it.

Here is real median household income from 2000—it was $47,599—to today, it is $46,326. That is why people, when they are asked, say they don't see this economy performing in the splendid fashion described by our friends on the other side.

It has been splendid for the top 1 percent in this country. The top 1 percent has seen an explosion of their income. They have also enjoyed a disproportionate share of the tax cuts granted by our friends on the other side. That is what has happened.

Ms. STABENOW. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Ms. STABENOW. Mr. President, I first thank our esteemed budget chairman for raising what is so important in the context of this debate. I thank him for raising the chart that actually shows the majority of Americans are not seeing their incomes go up. They are seeing them go down.

As the chairman knows, we have lost 3 million manufacturing jobs in the last few years under this administration—3 million good-paying jobs with health care and with pensions. The reality is that, in listening to the debate with my colleagues on the other side, I don't know what they are describing. They certainly are not describing what is happening to the majority of Americans.

I did also want to thank the chairman for bringing up a building in the Cayman Islands he has shown us a number of times, a picture of a five-story building where there are over 12,000, I believe, different businesses that have filed that they are part of that building. In the Finance Committee, I used the chairman's chart and asked—I don't know if the chairman will remember this, but in the Finance Committee I actually asked the IRS and the Treasury if they had sent anybody down to look at that building. Has anybody walked through that building?

We have seen our distinguished leader on Budget point out a specific address, a specific address where we know there are not 12,748 different companies in that building. Yet, Mr. Chairman, to your knowledge, has anybody taken any legal action on this even now? You have raised this time and again.

This is the way we ought to be focusing on what happens on taxes. But the majority of people see their incomes going down, and what do we see? Ships, yachts where people can go offshore to live to avoid paying their taxes and avoid contributing to the war and the economy and schools and roads and everything that is important to us.

Then you have a building. I don't know if the chairman would want to speak to this. Has there, to the Senator's knowledge, been any action taken on this building and what is happening with over 12,748 companies?

Mr. CONRAD. Well, the Senator asked the witnesses before the committee. They seemed totally flummoxed by the question. It was pretty amazing. Here we have this building in the Cayman Islands, this five-story building. We have got 12,748 companies that claim it as their home.

Now, why did they do that? They do it because the Cayman Islands has no taxes. So guess what they do. They have subsidiaries in the United States that report no earnings in the United States. Then they sell to a subsidiary in the Cayman islands at a reduced price, and they show their profits in the Cayman Islands.

When I was tax commissioner, I found this kind of tax abuse going on repeatedly. It was quite amazing. This was 20 years ago that companies were engaged in this kind of activity. It has absolutely exploded. That is what the Permanent Subcommittee on Investigations is telling us, that we are losing $100 billion a year to this kind of scam. Of course, the abusive tax shelters are on top of that. The tax gap, the difference between what is owed and what is paid, is on top of that.

But when you ask the relevant officials: Have you audited these companies to see if they really are doing business out of this building? Well, you got sort of—they were sort of in a trance. They had no answer.

I would say let's go after these people who are not paying what they owe legitimately and fairly in this country.

Ms. STABENOW. Well, I just want to thank the chairman again. I am very proud of this budget because it focuses on hard-working, middle-class families, people I represent in Michigan who will get the tax cuts in this budget. It addresses the kind of things we are talking about here. I am not interested in a tax policy that rewards this kind of tax evasion or folks moving offshore in their yacht to avoid being part of America and contributing to our way of life. I just want to thank the chairman.

Mr. CONRAD. Let me make one other point, if I can, that is with reference to the Gregg amendment. I will provide an alternative that insists on the tax relief that is provided in the budget resolution and asks our Senate conferees to fight for the tax relief that is provided. The tax relief that is in the budget resolution that passed the Senate provides for every dime required to extend the middle-class tax cuts, the 10-percent tax bracket, the child credit, the marriage penalty relief. Every dime of those middle-class tax cuts is provided for in the resolution that passed the Senate.

In addition, we provided for reform of the estate tax, to have $7 million a couple exempt from any estate tax. We index it for inflation. That will exempt 99.8 percent of the estates in America from paying any estate tax.

In addition, we provided for extension of the adoption tax credit, the dependent care tax credit, the treatment of combat pay for purposes of the earned-income tax credit. In addition, we insist that the Senate conferees support section 303 of the Senate resolution that provides for additional tax relief, including extensions of expiring provisions and refundable tax relief provided that such relief would not increase the deficit over the period of the total fiscal years 2007 to 2012.

In other words, we provide for all of the middle-class tax relief. We provide for estate tax reform. We provide for the appropriate treatment of combat pay. We provide for the dependent care tax credit, the adoption tax credit. And we say: You can have other tax relief if you pay for it. There is an interesting idea. Start paying for things around here.

The difference between my amendment and the amendment of the Senator from New Hampshire is he puts another $250 billion on the charge card, adds to the debt, sticks it on our kids. We say: No, let's start paying for things. That is the difference. We insist on the Senate position that any additional revenues meet these tax policies that are achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes. That is the resolution that passed this body. That is the resolution that is before the conference committee. It does not raise taxes by one thin dime.

MOTION TO INSTRUCT CONFEREES

Mr. President, I call up my motion.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from North Dakota [Mr. CONRAD] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two houses on the House amendment to the concurrent resolution S. Con. Res. 21 (setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012) be instructed to—
>
> (A) insist on the Senate amendment with regard to to relief, which cuts taxes in the resolution by $180 billion to provide for extension of the child tax credit, marriage penalty relief, and ten-percent bracket; reform of the estate tax to protect small businesses and family farms; extension of the adoption tax credit, dependent care tax credit, treatment of combat pay for purposes of EITC; and other tax relief;
>
> (B) insist on Section 303 of the Senate resolution that provides for tax relief, including extensions of expiring tax relief and refundable tax relief, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007–2012; and
>
> (C) insist on the Senate position that any additional revenues to meet these tax policies are achieved by closing the tax gap, shutting down abusive tax shelters, addressing offshore tax havens, and without raising taxes.

Mr. CONRAD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I have referred to this as the Wizard of Oz budget because there is someone behind the curtain somewhere on the other side of the aisle who is going to pay for all of those proposals they have put into the budget. No matter how you do the numbers, it works out that this budget has in it, as proposed by the Democratic Party, the largest tax increase in the history of the country.

It is interesting that the Senator from North Dakota continues to bring forward the chart that says his tax revenues are about the same as the administration's, failing to mention—well, he did mention it, he just did not highlight it—that he is using one accounting scheme to get to one number, and another one to get to the other.

But when you do compare apples to apples and oranges to oranges, you realize that under CBO scoring the difference is very significant between the two. Under OMB scoring the difference is significant between the two.

The fact is, there is a dramatic increase in taxes in both packages. In the Democratic package, if you score it consistently the difference is about $300 billion if you do not take into effect the AMT. So you have got a $300 billion tax increase in this bill.

Now, if it were not there, why would they have cut taxes to begin with as their first amendment? Their first amendment was a $180 billion revenue reduction. They were at the House number of $900 billion in new taxes. They cut that by $180 billion, which the Senator from South Dakota has ably laid out in his chart with his fig leaf, that $180 billion was their first amendment out of the box.

They obviously needed that amendment to reduce the tax burden which they had in their budget. Yet they claim they don't have a higher tax burden in their budget. Totally inconsistent on its face. Not defensible. If they were at the House number, which they were when they originally proposed the budget, they had a $900 billion tax increase. They are now at the new number, which is a $700 billion tax increase. If you take out the AMT number, they are at a $300 billion tax increase.

If it looks like a duck and walks like a duck, talks like a duck, it is a duck. This is a tax increase. This budget has a major tax increase. It is incredible to me that they can argue they do not have a tax increase and then oppose my motion, which basically says do not increase taxes. If they are not increasing taxes, they did not have to oppose my motion. They should be supporting it on its face. So the inconsistency is palpable. Palpable.

Then the idea that they are going to cover this $300 billion of new taxes, plus the AMT, of an extra $500 billion out of one building in the Grand Caymans—oh, yeah, that is where it is. That is where all of the money is. They are going to get $1 trillion dollars of new taxes out of this building.

Granted, we all accept the fact that there is obviously something wrong, when you have 12,000 companies filed there, and they are in a tax haven. But to represent that they can generate this type of revenue by closing tax loopholes on overseas tax activity is absurd on its face; or that they can collect this from unpaid taxes is absurd on its face.

The Commissioner of the IRS came to us, the Commissioner. He said the most they can collect over what they are already collecting over the next 5 years is about $20 to $30 billion of unpaid obligated taxes. They have obviously put in place, they believe, a very robust effort to try to collect unpaid obligated taxes.

They think the incremental increase they can get, no matter how much more money it gave them, would be $20 to $30 billion, not $300 billion, not $700 billion. That was the testimony before the committee.

The Senator, the former chairman and present ranking member of the Finance Committee, came down and spoke at length about the effort to close overseas loopholes and what they have been able to recover. Yes, there may be more dollars there, but there is nothing in the realm of $300 billion, $700 billion, which is what this tax bill—what this tax bill, which is what you should call this budget; it is a tax bill—proposes.

No, this is a budget which has in it a huge tax increase. That is simply the way it is. If it did not, people would not be opposing my motion. They would be accepting it, taking it, because it is a reasonable motion. My motion continues tax cuts for the child credit, for the marriage penalty, 10 percent bracket, the lower marginal rates for Americans and small business, earned-income tax credit, relief for military families, adoption tax credit, dependent care tax credit, college tuition deduction, deductions for student loans, $2,000 Coverdell IRAs, 15 percent capital gains and dividend rate, and the Kyl-Landrieu death tax reform.

It is a very reasoned approach. It is what we should be doing. We should not be raising taxes on the American people. Now, the argument is that raising taxes won't have an effect on the economy; that passing this budget, if it were put in full operation, will not have an effect on the economy. Of course, it will. It will have a dramatic effect on the economy.

You cannot put $700 billion of new taxes on this economy and not expect this economy to adjust rather dramatically to a slowdown as a result. You cannot ask people who are entrepreneurs, who are taking risks, who are creating jobs, you cannot say to them: We are going to raise your capital gains rate up to 30 percent. We are going to raise your dividends rate, potentially, up to 39 percent. You cannot say that to them and not expect there to be a reaction in the marketplace.

People are going to stop taking risks. One thing we have learned in this economy is, if you give people a fair tax system, one where they are taxed at a rate that is reasonable, they will go out and take risks. That is the great genius of the American economy.

But, if you give them a tax rate which is unreasonable, they are going to take action to avoid that tax rate, which will mean ineffective use of dollars, inefficient use of capital. It will also mean a lot more people thinking of ways like going to the Cayman Islands to try to avoid taxes.

The practical effect of that is you slow the economy, you contract the economy. This proposal will do that. This proposal increases spending over the period of 5 years by, I think it is $147 billion.

They have to pay for that, so they raise taxes. It is the old approach. I don't know why it is denied by the other side of the aisle. Why don't they simply admit they like to spend money; they like to take tax dollars and spend money? That is what they are going to do, take people's taxes and spend on it their priorities. Our philosophy is, let people keep their money and they get to spend it on their priorities. They usually do a better job. It is more efficient. They create more jobs, and they create more economic activity. I thought the chart of the Senator from South Dakota was one of the better ones we have seen. It was a pretty good example of what the problem is. I call it the Wizard of Oz budget, where there is somebody behind a curtain who will pay for this. He calls it a fig leaf.

Mr. THUNE. Will the Senator yield for a question?

Mr. GREGG. I am many happy to yield.

Mr. THUNE. I understand my colleague from North Dakota. We both come from an area of the country where we have a lot of hard-working, plain-spoken people. They get this. If you have a bunch of tax cuts that are in law today and you allow them to expire, which is what this budget does, that constitutes a tax increase. People in my part of the country get that. If you are not trying to hide something, why would you put a fig leaf on it? The amendment offered to the budget by our colleagues on the other side said: We will take the more popular things, and we will allow those tax cuts to be extended, which to me and those I represent very simply implies that the ones you aren't extending are going to expire, which constitutes a tax increase. We can talk about whether that is $300 billion or whether, if you include the AMT, it is $700 billion. But the fact is, the House budget resolution allows the tax cuts to expire to the tune of $916 billion. The Senate said: We are going to put a fig leaf on that, and we are going to allow $180 billion in tax relief, which to me implies they understand exactly what they are doing. They are trying to hide this tax increase by putting a fig leaf on it.

To the people in my State and the people of New Hampshire and the people of North Dakota, this is a very simple thing. They get this. They understand what they tried to accomplish when this was debated in the Senate during the debate on the budget resolution was simply to put a fig leaf on this to offer up some tax cuts, some tax relief, and they wouldn't have had to do that, if they weren't raising taxes by $916 billion. It is pretty straightforward.

The motion of the Senator from New Hampshire is very straightforward. All it says is: Let's allow these tax cuts to be extended because they have created jobs, 7.5 million new jobs, 21 consecutive quarters of economic growth, 4.5-percent unemployment rate, and $300 billion in additional Government revenue over the past 3 years. Government revenues have not gone down. They have gone up: We have not less Government revenue; we have more as a result. Why would you fix something that is not broken? That is something people in the part of the country I represented understand clearly. If you are allowing tax cuts to expire, if you are not extending them, you are raising taxes.

Mr. GREGG. That was an excellent question. I appreciated that.

Mr. THUNE. I am not sure it was a question.

Mr. GREGG. Why would you fix it, if it is not broken?

Mr. CONRAD. Under the rules, it has to be a question. We will permit a very generous reading of the rules.

Mr. GREGG. I wished to comment on a couple other points. We went through this when we debated the budget and the Senator from North Dakota used his charts and I responded with an occasional chart, not quite as many. But I think it is important to make these points in a couple of areas.

He says there is a 2-percent difference now between his tax revenues and the President's tax revenues over the 5 years. When he brought the budget out, it was 3 percent; 3 percent came out to $½ trillion. He is at the 2 percent number now because he has factored in the fact that they reduced taxes or they at least allowed some of the tax extenders to go forward with the Baucus amendment which, basically, by accepting that amendment as a first amendment, the Senator from North Dakota made our argument for us, which was that they were raising taxes. That 2 percent would translate into about $300 billion today, a lot of money. If you decide you are going to create a chart and you use small enough incrementals, you can end up with those two lines being together, but $300 billion is big-time dollars. That is the American taxpayer having to pay a lot of money in order to cover new spending under the Democratic proposal.

In addition, this whole issue of economic expansion, the Senator from North Dakota pooh-poohs the last few years of economic expansion. He says it is not that good compared to the Clinton years. Nearly eight million jobs is a lot of jobs; 22 continuous quarters of economic growth is a lot of economic growth. Equally important, is the fact that we now have a revenue stream which exceeds the national average. Let's put that chart up there again because that is one of the most important charts we have. We have a revenue stream which exceeds the historic average of what we generate for revenues to the Federal Government. That is a critical issue and a critical point. We have a tax law which has actually gotten lower rates in a lot of areas for working families, for families with children, for people who have dividend income and take capital gains and, thus, take risk. By the way, senior citizens who are on fixed incomes are by far the biggest receivers as a group of dividend income. When you start raising the rate on dividend taxes, you are hitting seniors who are on a fixed income.

The fact is, with these lower rates, which we put in place, we are generating revenues to the Federal Government today—we have been for the last 3 years—which dramatically exceed the amount of revenues which have historically been generated to the Federal Government. As a result, the deficit is coming down precipitously. We will be in balance. I said Humpty Dumpty could balance the budget by 2011. In fact, under CBO's scoring, the budget goes into a dramatic surplus by 2011. They don't take into account a couple of major issues, but it doesn't matter. The fact is, you can get to balance because revenues are coming in dramatically. Why are they coming in dramatically? Because we have a tax law that works today. What does the other side want to do with that? They want to throw it out. They want to go back to the old ways, when you just significantly increase the taxes on productive America, on working Americans, on Americans who unfortunately die and run small businesses and their families get wiped out. Why does the other side of the aisle want to do that? Why does the other side of the aisle want to say to a family who has a death, who runs a small restaurant or a small farm or small business: We are going to put you out of business; we are going to hit you with a 45-percent tax rate? That makes no sense at all. Why not agree to the Kyl motion which was a balanced approach, worked out by both sides of the aisle, a fair, bipartisan approach? Why not be willing to extend the capital gains and dividends rate which has generated so much revenue, so much economic activity?

In fact, capital gains has actually been a net winner for us. By reducing rates, we have now generated significantly more income from capital gains taxes than we did when the rates were higher. Why is that? It is called human nature. If you own an asset, a stock, a bond, a piece of real estate, and you know you are going to be taxed at 25 percent or maybe 30 percent, the odds of your selling that asset and realizing the gains are pretty slim. Maybe you are figuring, I will hold onto it. But when that tax rate went down to 15 percent, there was an immediate incentive for Americans to go out and sell those locked-up assets. What was the effect of that? The first effect was they got cash, which they then reinvested in something that was much more efficient. They put their capital into a better working situation so they created more economic activity. It is human nature that they would go out and invest to try to earn more money, which means they are basically investing in taking maybe more risk or creating more opportunity for jobs.

In addition, they generated a huge windfall to the Federal Government which we are continuing to receive because those assets which were not going to get sold under the higher tax rates were getting sold. We were getting the revenues. The proceeds were being reinvested, and that generated more jobs, more economic activity, which generated additional revenues. That is why we have seen this dramatic increase in Federal revenues. In fact, the vast majority of the Federal revenue that we have seen jump has been a function of capital gains revenue. That is where most of this new revenue comes from. Yet the other side doesn't want to extend the rates on capital gains, doesn't want to extend the rates on dividends. They want to kill that goose that has been laying significant revenues for the Federal Government and giving people an incentive to be productive and helping senior citizens who are on a fixed income meet the challenges of living on a fixed income.

It makes no sense to me that they would oppose this amendment, if their argument is they have no tax increases in their budget. The only way you can oppose my motion is if you do have tax increases in your budget because the only way my motion has any impact is to address tax increases. So if you didn't have any tax increases in your budget, you would have to support my motion. If that is their position, that there are no tax increases in their budget, then my motion should be a nonevent and should be supported. But it appears they do have tax increases in their budget because they are opposing my motion. In fact, if we go back to the chart that shows the actual calculation of tax increases, the 3 percent chart or the apples to apples, it is true. There is a $300 billion tax increase over and above the AMT, even after the Baucus language, and there is, in addition, an issue of where that $300 billion is going to come from. The concept that it is going to come out of a building in the Grand Caymens or from uncollected taxes is not valid in the face of the testimony before our committee and the history of our attempts to try to close those, to address those two issues.

No more than 10 percent of that tax increase could possibly be gained out of those two accounts. The rest will have to come out of working Americans who today are benefitting from the tax cuts which are in place and using those tax cuts to significantly expand this economy and, as a result, generate significantly more revenues to the Federal Treasury.

That is obviously why I put this motion forward. The Senator has put forward his alternative, which is responded to by the summary I have given of mine and speaks to the fact that his third paragraph, which is you are going to get the money from the tax gap and abusive tax shelters is not credible in the face of the facts and the situation. Although we certainly want to get as much as we can from those two accounts, we are not going to get anywhere near what is proposed, nowhere near the $300 billion. Of course, he held up my motion. He said: It doesn't address the AMT to the Senator from South Dakota. I would note that his also does not address the AMT. At least we are consistent on that point.

It is my understanding that Senator CORNYN is going to be back in 10 minutes to offer his motion.

I yield the floor.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have enjoyed this presentation so much. It is perhaps the most creative presentation I have heard on the Senate floor. The Senator wonders why we aren't going along with the policies of this administration. Here is why. Here is what our friends on the other side never want to talk about. You will never hear this word leave their lips—debt. They don't want to talk about debt because that is what they have been running up. They have run up the debt of the country by $3 trillion in 5 years. If their policy is followed, they will run it up another $3 trillion, doubling the debt and doing it all before the baby boomers retire, putting us in a deep hole.

Here is the record. The debt at the end of the first year of this administration stood at $5.8 trillion, the gross debt of the United States, $5.8 trillion.

At the end of this year, the gross debt of the United States is going to be up to $9 trillion because of the policies that our friends on the other side put in place. But you will never hear them talk about that part of the record. You will never hear them talk about where it is headed if we continue with their policies. They are going to add another $3 trillion. You will never hear my colleague say the motion he has presented will cost another $250 billion that is not paid for—not a dime of it. He will not tell you that our budget balances in 2012, but if we adopt his motion, it will not because he does not want to have to be under the constraints of making things add up.

I admit, it is tough. It is very hard to actually balance the budget. But our friends have not even had a budget for the last 2 years for the United States of America. Hard to believe, isn't it? They had been in charge of everything, and they didn't have a budget.

Mr. GREGG. Will the Senator yield for a clarification?

I will acknowledge there was no budget last year. But 2 years ago, there was a budget, if you recall, and it actually had a reconciliation instruction in it—a very significant instruction.

Mr. CONRAD. Yes, 3 of the last 5 years there has been no budget.

Mr. GREGG. I want the Senator to be correct. Was the third year the year you were in charge when we did not have a budget?

Mr. CONRAD. No. That was when we had split responsibility and could never reach agreement because we would not go along with running up the debt. I am proud that we would not go along with it. No, we insisted on having budgets that actually balance, which is a novel idea around here.

Let me show what the results have been of the fiscal policy that our friends on the other side have engaged in.

I have pictured on this chart all the other Presidents of the United States—all 42 of them—because it took all these Presidents pictured 224 years to run up $1 trillion of debt held by foreign countries, and this President has exceeded them. This President, alone, in 6 years, has exceeded all the foreign debt run up by the previous 42 Presidents over 224 years.

Now, this is a fiscal record they are proud of? I would not be proud of that. What is the result of this? The result of this is, we owe the Japanese over $600 billion. We now owe the Chinese over $400 billion. We owe the United Kingdom over $100 billion. We owe the oil-exporting countries over $100 billion. We owe the Caribbean banking centers over $60 billion. That is their record. Their record is plunging this country into deeper and deeper debt.

Now, let's go back to this question of taxes. I have heard over and over from the other side that somehow I have compared apples to oranges in the OMB scoring and the CBO scoring of the revenue of our proposals. Let me say this to you. I think it is relevant because the President said about his budget—nobody else's claim; it is his statement about his budget—that it would raise $14.826 trillion over the next 5 years. Do you know what my budget will raise over the 5 years? Virtually the identical amount: $14.827 trillion.

Now, my friends on the other side say there is going to be an economic calamity because I am raising virtually the identical amount the President called for. I do not think so. Was the President calling for an amount of revenue that would derail the economy? Was he? I do not think the other side would make that assertion. But the

President's own statement about what his budget would raise said it was going to raise $14.826 trillion over the next 5 years. My budget raises $14.827 trillion.

The one thing I probably should do is reduce our revenue by $1 billion. Then we would have absolutely the same amount of revenue the President said his budget would raise. Now, the point the Senator makes that has validity is that if you use Congressional Budget Office scoring on both, there is a 2-percent difference. I have 2 percent more revenue. Why? Because I actually want to balance the budget. The President's budget does not balance. Mine does. We have 2 percent more revenue, although according to the President's estimates, we have almost identical revenue streams over the 5 years.

But under CBO scoring, we have 2 percent more revenue. I say, without hesitation, we can raise that amount of revenue with no tax increase. Why? Let's do the math. The tax gap—that is the difference between what is owed and what is paid—the tax gap is roughly $2 trillion over 5 years.

Then we have the tax havens. The Permanent Subcommittee on Investigations said we are losing $100 billion a year there. So $100 billion times the 5 years of this budget is another $500 billion. That is $2.5 trillion of revenue that is out there that could be recovered with no tax increase—none—$2.5 trillion. We would only need about 10 percent of that in my budget—about 10 percent—and you would have all the revenue you need to balance and to provide the middle-class tax relief and to provide the estate tax reform and to provide the increase to veterans health care that so desperately is needed and to provide the kind of investment in education that is critical to secure our future and to provide for law enforcement.

The President's budget cuts the COPS on the street program by over 90 percent. Why would we do that? Why would we cut the COPS Program 94 percent? We do not agree with that.

We also think that veterans, who have served so gallantly and at such great personal cost, deserve to have the promise kept to them about their health care. Our budget does that. You can do this without any tax increase—none.

The Senator from New Hampshire says: Well, the Revenue Commissioner says he can only recapture $20 billion of the $2 trillion that is out there. What is that percentage?

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. It is 1 percent. We have a Revenue Commissioner who acknowledges you have $2 trillion out there that is not being collected. He says he can collect 1 percent of it. I would say, we better get a new Revenue Commissioner. In fact, the Revenue Commissioner is leaving. Maybe we can get a Revenue Commissioner who can do better than 1 percent. We ought to get a Revenue Commissioner who can do better than 1 percent. But that is one factor.

The tax havens: $100 billion a year that is leaking out the backdoor because of these tax havens. That is not acceptable. We ought to close that door. If we closed that door, if we shut it halfway, we would provide for the revenue here.

There are no tax increases in the budget—none. In fact, there is dramatic tax relief. Of course, the reason we left AMT out of my motion is because AMT relief is in our budget. We do not have to put it in my motion. It is in our budget. We provide for 2 years of AMT relief. The President provided for only 1.

If you were going to apply the same argument to the President's budget that they are applying to my budget, here is what you would find. You would find the President has a big tax increase in his budget. If you apply their same logic to the President's budget, what you find is the President has a $500 billion tax increase in his budget. He has 1 year of AMT tax relief, which means he does not have any for the 4 following years. That would constitute a tax increase of $328 billion. By our friend's logic, that means the President has a $328 billion tax increase in the alternative minimum tax.

For the tax extenders, it is the same way. It provides for just 1 year. So you have $104 billion in the succeeding 4 years he does not provide for. Under their logic, that is a tax increase.

His health tax proposal is another $52 billion.

If you add it all up, the President has, according to their logic, a $500 billion tax increase. Do you know what the Secretary of the Treasury said when we confronted him with this? He said: That is the law. That is the law. I guess I could give that same flip answer here. I do not do that. Instead, I provide in the budget that we would provide for the middle-class tax relief, we would provide for estate tax reform, and we would pay for it so we can balance this budget and stop the explosion of debt in this country. That is exactly what we should do.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, to respond quickly, we have been over this ground many times in our discussions, but I do think it is important to reinforce the differences.

First off, I ask unanimous consent to have printed in the RECORD the letter from Director Portman which reflects the fact that CBO scores the administration revenues significantly different than what is used as a chart by the Senator from North Dakota and reflects the fact there is a $300 billion increase in the proposal of the Senator from North Dakota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 16, 2007.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR JUDD: You asked for a comparison of the revenue levels in the Senate-reported budget resolution and the President's Budget under the Administration's economic and technical assumptions.

The Senate-reported budget resolution uses the Congressional Budget Office's (CBO) economic and technical assumptions and makes a policy assumption that tax relief enacted in 2001 and 2003—the child credit, marriage penalty relief, the 10 percent bracket, and other tax relief—ends in 2010, unless offset by other tax increases. In addition, the resolution does not reflect the impact of other revenue proposals contained in the President's Budget. With these assumptions, the Administration has developed an estimate of the revenue levels in the Senate-reported budget resolution.

The table below compares the revenue levels in the President's Budget to the Senate-reported budget resolution based on the Administration's and CBO's economic and technical assumptions. While the resolution also includes 22 "reserve funds," a procedure that allows revenues to be increased above the levels set forth in the resolution for higher spending, the estimates below do not include higher revenue levels that could result from these reserve funds.

COMPARISON OF PRESIDENT'S BUDGET & SENATE-REPORTED RESOLUTION

[FY 2008–2012; revenue in billions]

	Administration	CBO
President's Budget	14,826	14,568
End 2001/2003 tax relief	+374	+392
Drop other Administration revenue proposals	+225	+43
Other changes		+4
Subtotal	+599	+439
Senate-reported budget resolution	15,425	15,007

Please let me know if you have any additional questions.

Sincerely,

ROB PORTMAN.

Mr. GREGG. He holds up the wall of debt chart. Let me hold up the wall of taxes chart which the Senator from North Dakota is showing in his budget. He is basically proposing dramatic increases in the tax burden on the American people. He claims it is going to come from this Grand Cayman building and that the Commissioner of Revenue is not doing his job in collecting the funds that are owed and obligated.

But the fact is, the Commissioner has aggressively pursued this. We have given him more money. He will continue to aggressively pursue this. Yes, there is more that can be collected, but the numbers are nowhere near what the Senator from North Dakota has represented they might be.

Mr. CONRAD. Mr. President, will the Senator yield on this chart?

Mr. GREGG. Not right now.

Mr. CONRAD. The Senator does not want to be able to answer questions on this chart?

Mr. GREGG. I will answer questions in a second.

Mr. CONRAD. I would look forward to the opportunity to ask a question about that chart.

Mr. GREGG. Well, let me finish my statement on the points which I am making; which is that the Grand Cayman building is not going to pay for the tax increases in the Senator's budget.

Now, the Senator says he has a 2-percent increase in the tax burden. Two percent translates into about $300 billion. That has to come from somewhere. Do you know why that tax increase is in this budget? Because he spends the money. He spends that money.

In all the numbers that are being thrown out here on the floor, all the different ideas, all the different arguments about OMB and CBO and this and that and this and that and Grand Cayman buildings, the bottom line is that the budget of the Senator and the Democratic Party increases spending. In the discretionary accounts, the Democrats' budget is about $145 billion above the President's request over the 5 years. It increases mandatory spending by nearly $460 billion. It increases taxes, above the AMT issue, by about $300 billion over 5 years. It does not extend those tax cuts and rates which have generated the huge explosion in revenue for this Government; specifically, things such as the dividend and capital gains tax rates and the rates that assist working Americans. So it is not necessarily—if it did extend those rates, you would think there wouldn't be so much resistance to my motion. You can't make the argument that you are not raising taxes on Americans and then oppose my motion, which essentially says: Don't raise taxes on Americans. That is the bottom-line inconsistency of the Senator from North Dakota's arguments when you get beyond all the numbers.

I will yield to the Senator from Iowa, but the Senator from North Dakota had a question, and I look forward to his question. Remember, it has to be a question.

Mr. CONRAD. Mr. President, I am ready with a question. I say to the Senator, I look at this "Building a Wall of Taxes" and the numbers don't match the visual. The Senator's chart shows under our budget that taxes would be 18.6 percent of GDP in 2007 and 18.8 percent of GDP in 2012, and it shows visually this huge increase in taxes. By his own chart, there is almost no difference. I would ask the Senator, how can it be that the Senator shows a chart that makes it look as though there is some big increase in taxes, when by the Senator's own designations, it is 18.6 percent of GDP in 2007 and 18.8 percent in 2012?

Mr. GREGG. Well, because—

Mr. CONRAD. How does this chart accurately depict the change?

Mr. GREGG. Because the tax burden is going up in the billions on the side there, the x-axis. Does my colleague see that on the side? It is the amount of tax in billions—the actual taxes you are taking from people, the tax burden, that is the problem.

Look at it this way: If you are taking $2.5 billion from people today and then at the end of your budget you are taking $3.15 billion from people, that is all coming out of those tax numbers.

Mr. CONRAD. But as the Senator's chart demonstrates, if you adjust that for inflation, what your GDP figure does, there is virtually no difference in tax burden—virtually none. There is 18.6 percent in GDP tax burden in 2007 and 18.8 percent in 2012.

Mr. GREGG. Mr. President, if I may reclaim my time, the Senator has made my argument for me. My motion should not be opposed because my motion would accomplish what the Senator wishes, which is to maintain a reasoned tax law in this country and a tax burden on the American people which would be consistent. If you oppose my motion, you are saying you have to raise taxes. By definition you do.

Mr. CONRAD. Mr. President.

Mr. GREGG. I reclaim my time, Mr. President. As much as I would like to hear from the Senator from North Dakota, I have told the Senator from Iowa I would grant him some time.

Mr. CONRAD. But the Senator can't hand off the floor. This Senator enjoys the first right of recognition, Mr. President.

Mr. GREGG. But I have the floor.

Mr. CONRAD. If the Senator is yielding, at that point I will ask for recognition to respond. The Senator cannot hand off recognition, as the Senator knows, under the rules of the Senate.

Mr. GREGG. Well, I believe I control the time.

Mr. CONRAD. The Senator cannot hand off recognition from himself to another Senator. That violates the rules of the Senate.

The PRESIDING OFFICER. The Senator can only yield time. He cannot hand off the floor.

Mr. GREGG. Well, I believe the Senator from Iowa had a question.

The PRESIDING OFFICER. The Senator from New Hampshire controls the time.

Mr. GREGG. I believe the Senator from Iowa had a question. I heard him say he wanted me to yield for a question.

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. GREGG. I am sure the Senator from North Dakota has some succinct comment he wants to make before we turn to the Senator from Iowa.

Mr. CONRAD. I thank the Senator.

The good thing is we debate strenuously, but we do it in good humor and we like and respect each other. I might say I even extend that to the Senator from Iowa, the esteemed ranking member of the Finance Committee, whom I have grown fond of.

Let me say this: We don't have any tax increase in our proposal. The reason we resist the motion of the Senator from New Hampshire is because we would have a budget that would not be in balance. Our budget is in balance by 2012; with his motion it would not be. He has $250 billion of tax expenditures not paid for. In our budget, we provide for the middle-class tax cuts, we provide for estate tax reform, and we say if you want to have additional tax cuts, you can have them, but you have to pay for them.

I thank the Senator for his courtesy.

Mr. GREGG. I yield to the Senator from Iowa such time as he may consume.

The PRESIDING OFFICER. The Senator from New Hampshire controls 1 minute on this motion.

Mr. GRASSLEY. I can only speak for 1 minute? Is that what you are saying? There is no point in my speaking if I only have 1 minute.

The PRESIDING OFFICER. The Senator also has 30 minutes of general time.

Mr. GREGG. I yield to the Senator from Iowa as much time as he may consume.

Mr. CONRAD. Mr. President, let me say to my colleague, I know Senator GREGG has another matter he has to attend to, and I have time remaining. We will try to be fair and work things out so people don't get shut out.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I speak in favor of the motion by the Senator from New Hampshire, the ranking member of the Budget Committee, to make sure we continue existing tax policy throughout the period of time of this budget resolution.

Considering the issue of taxes and this budget, press reports have indicated we may be in the ninth inning of this budget season. The President sent his budget to Capitol Hill 3 months ago. The Senate Budget Committee marked up a budget resolution. It passed the Senate. That resolution lays out the Democratic leadership's fiscal priorities for the next 5 years. As everyone knows, the American people spoke last November and as a result of that election, we have a new Democratic majority in both Houses of Congress. So for the first time in 12 years, Democrats have the privilege, but also the responsibility, for our budget.

The Senate spoke very clearly in support of some tax relief. The voice came in the form of Senator Baucus and his amendment. My friend, the chairman of the Finance Committee, secured $180 billion to prevent part of the big tax increase that will go into effect January 1, 2011. Although the Baucus amendment only provides 44 percent of the tax relief room that is actually needed to keep existing tax policy in place so there is no tax increase, it is, in fact, far superior, though, to the position on the same issue by the other body, because the House position is zero tax relief. That is right: zero tax relief. What does zero tax relief mean? It means a total tax increase of $936 billion over 5 years. That, in fact, is the largest tax increase in history, and it is a tax increase that will occur automatically without a vote of Congress. Of course, it is inconceivable that people say: Well, we aren't responsible for a tax increase. If you like the tax policy we have today and you don't do anything to stop it, and you automatically have a tax increase, then the people who let it automatically happen are responsible for increasing taxes—the biggest tax increase in the history of the country.

That tax increase means real dollars out of the wallets of real middle-income families. I have a chart here. The chart shows a wall of tax increases. The chart shows a family of four at $40,000 a year average income—the national average—will face a tax increase of $2,052. Now, for a lot of my rich liberal friends, that may not seem like a lot of money, but for a hard-working family of four in my State of Iowa, a $2,052 increase in taxes without even a vote of the Congress happening on January 1, 2011 is a lot of money, and it matters. That is why that wall of tax increases ought to be clear to everybody, and we ought to do everything we can to bring down that wall.

As a senior Republican member of the Budget Committee, I have not been consulted on the budget by our chairman, but I have made my views clear to our distinguished chairman. What I know about the budget I have learned from press reports. If those reports are true, I would encourage the chairman and the Senate leadership to stand strong for the Senate position, which is taking care of some of the tax increase that would have taken place—44 percent of it—not as good as it ought to be, but it is surely better than the other body.

Press reports indicate that the Democratic Budget Committee chairmen are working on a compromise that would condition the tax relief on a surplus. That is, the Baucus amendment would be subject to a trigger.

Now, what is a trigger? Well, I have another chart. This chart deals with perhaps the most famous trigger. The chart shows, as my colleagues can see, Trigger, the cowboy actor Roy Rogers' horse. You can see from the chart that Trigger is a pretty impressive looking horse. We would definitely like to have such a Trigger on my farm to help with the chores, and I am sure my grandkids would enjoy a ride with Trigger were he stabled on my farm. He is a beautiful horse.

As western movie buffs know, Trigger is no longer with us. Trigger is stuffed and on display at the Roy Rogers-Dale Evans Museum in Branson, MO. Although Trigger was an impressive looking horse, this trigger device the Democrat leadership is looking at is far from impressive. The trigger notion is something that has a long history with Democratic leadership. Back in 1996, as an example, the Clinton administration and the Democratic leadership argued for a trigger for the $500 per-child tax credit and other family tax relief issues. They took this position after President Clinton had vetoed the bill containing the family tax relief proposals. If the Clinton administration and the Democratic leadership had prevailed, millions of American families would have received the $500 per-child tax credit perhaps in 1999 through 2001—only in those years. If President Clinton and the Democratic leadership had won and the trigger were in place, then millions of families would have lost the child tax credit in the years 2002 until now. So why would anybody in Congress want to be so antifamily and put in a trigger policy, as the practice was at that time, that would deny families with children the child tax credit? It doesn't make sense, but that is the way triggers work.

The same dynamic occurred in 2001. With surpluses, the Democratic leadership opposed broad-based, bipartisan tax relief, including a doubling of the $500 per-child tax credit. One of the ideas the Democratic leadership flirted with at that time was the trigger. There were a few Republicans attracted to the idea as well, I have to confess.

The trigger was debated somewhat, but it was never found to be workable. It wasn't workable. So if it wasn't workable 6 years ago, why are they bringing it out of the attic now for consideration? Because a trigger is a complicated matter. It could be suggested that the mechanics of a broad-based tax trigger are a little bit like trigonometry. Trigonometry is a division of mathematics that deals with triangles. It is simple on its face, but you can see from this textbook, it can become pretty complicated pretty easily. Look at this. That is complicated.

Interweaving the complexities and uncertainties of triggered tax relief with the vast American economy could lead to a new term. That new term would be "trigonomics." As much as folks complain about the uncertainty and complexity of the tax policy, I don't think the Democratic negotiators should want us to take us to the land of trigonomics.

To some degree, the current law sunset of 2001 and 2003 is a de facto trigger. If you look at those in opposition to permanence of the bipartisan tax relief, you will find that it is, with very few exceptions, the same folks who like triggers.

The tax system is a very complex, very pervasive force in our society.

It affects real Americans, all Americans, and it affects all economic activity. So creating conditional tax relief through a trigger mechanism would destabilize an already unwieldy tax system. How are families, how are businesses, how are investors supposed to plan their affairs with a trigger hanging over their current tax law rules that keeps taxes low? Think about that. What would we be doing to the hard-working American taxpayers?

Now, as an aside, those taxpayers, by the way, are sending record amounts of revenue to the Treasury Department. This very day, it is reported in the Wall Street Journal that more taxes came in in April than we have ever had in the history of our country—because the bipartisan tax relief plans of 2001 and 2003 are growing the economy. They are the goose that laid the golden egg, for 3 years in a row, bringing in massive amounts of revenue into our Federal Treasury, to a point where, by the end of this fiscal year, the annual deficit will be less than 1 percent of gross national product. When you are dealing with a $13 trillion economy, 1 percent up or down is about as good as you can do 12 months ahead in planning a budget and tax policies for this great country of ours. So the American taxpayer is doing his or her part to reduce the deficit.

I ask unanimous consent to have printed in the Record a couple of articles from the BNA Daily Report for Executives, one dated May 3, 2007, another dated May 7, 2007.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Daily Report for Executives, May 3, 2007]

Robust Revenues Lead Treasury To Drop Three-Year, Consider Buying Debt Again

The U.S. Treasury Department said May 2 it was scrapping sales of the three-year note and that it has discussed with Wall Street representatives the issue of debt buybacks, a finance management tool last seen when the government was in surplus, as tax collections continue to come in at a healthy pace.

"As you all know, receipts have been strong and largely consistent with our forecasts. Based on this and other factors, we're announcing this morning our decision to discontinue the issuance of the three-year note," Anthony Ryan, Treasury assistant secretary for financial markets, said at the department's quarterly press briefing. The change will allow Treasury to ensure auctions of remaining issues are large enough to attract active bidding, help balance its portfolio of debt and "manage the improving fiscal outlook," Ryan said.

The three-year note was revived in May 2003 after being discontinued previously when the government began posting surpluses from 1998 through 2001.

TALKS WITH ADVISORY PANEL

The discussion of debt buybacks was held with the Treasury's Borrowing Advisory Committee, a panel of private sector representatives from the securities industry. Treasury officials meet quarterly with the group to receive input on issues facing Treasury's debt managers, who aim to sell U.S. Treasuries to finance government borrowing at the lowest possible cost over time.

Treasury had asked the TBAC to address "what practices Treasury and market participants should consider in a significantly improving fiscal or surplus environment, given volatility in budget forecasts and the Administration's long-term plan to balance the budget," according to minutes of the meeting released by Treasury.

Ryan called the talks "an initial discussion" that did not signal any decisions and intended merely to broach the issue.

"We asked this question in an attempt to continue to be proactive and forward-looking," he said. "Given some of the volatility associated with our projections, it can't hurt to be prepared."

RECENT SWINGS VOLATILE

Budget swings over the past decade have been particularly volatile. In 1997, a Democratic White House and a Republican Congress reached agreement on a 5-year plan to bring the budget into balance. Thanks in large part to surging capital gains revenues, balance was reached in 1998.

On the other hand, few analysts expected the sharp drop-off in revenues that followed the relatively light 2001 recession and the enactment of President Bush's tax cut plan. Revenues have surprised on the upside in recent years, and that trend is expected to continue this year, according to analysts watching the early data on April tax returns, which bring in a sizeable chunk of the government's overall annual revenue.

A Treasury chart prepared for the TBAC showed the possible range of borrowing outcomes if historic ranges of forecast error, either positive or negative, occurred. If the surprises kept to the positive side, the chart showed a potential need for a large paydown of debt as soon as 2010.

Asked if that implied a budget surplus in 2010, 2 years ahead of what Congress and the White House have targeted for a surplus, Matthew Abbott, deputy assistant secretary for federal finance, said, "What the chart illustrates is that it's possible. Not that it's expected, but that's possible."

'PREMATURE' TO DISCUSS EARLIER SURPLUSES

A Wall Street economist also warned that reaching surplus ahead of 2012 was unlikely, given uncertainty about what the government will do about the Alternative Minimum Tax as well as the temporary tax cuts that expire in 2010.

"I think it would be premature to think about buybacks because of expected budget surpluses," said Michael Moran, chief economist with Daiwa Securities. However, he said buybacks could be used instead as a tool to affect the maturity of outstanding debt, a factor that influences interest costs.

Moran also said the "excellent inflows in April" on the tax side were likely to lead him to revise downward his deficit forecast from $175 billion in 2007.

HOYER HOPEFUL ON BUDGET

Democrats in Congress are continuing to work on hammering out the framework for a budget resolution that can pass both chambers of Congress and reach balance in 2012. With an informal deadline of May 15 for completing action on the budget, the House has yet to name members of a conference committee for its side.

Majority Leader Steny Hoyer (D-Md.) remained optimistic, telling reporters May 2, "We want to move ahead on the budget. The answer to your question is I'm hopeful we'll move the budget in the next couple of weeks, that we think that's important to do."

A House Democratic aide said conferees may not be named in the April 30 week, as had been expected, but could instead be named early in the May 7 week. "We can see our way to get there" to a resolution, the aide told BNA.

[From the Daily Report for Executives, May 7, 2007]

CBO LOWERS PROJECTION OF 2007 DEFICIT TO $150–$200 BILLION RANGE ON TAX RECEIPTS

The Congressional Budget Office said May 4 that the projected 2007 federal budget deficit could come in much lower than had been expected at the beginning of the year, possibly as low as $150 billion, based on continued strength in tax revenues.

"Revenues have risen by about 11 percent compared with receipts in the same period of 2006, only slightly more than CBO anticipated when it prepared its most recent budget estimates in March; outlays have grown by only 3 percent," the CBO said in its projection issued ahead of the monthly financial statement to be released by the Treasury Department on May 10.

"CBO now expects that the government will end 2007 with a deficit of between $150 billion and $200 billion, assuming enactment of pending supplemental appropriations," the agency said.

In March, the agency had projected about a $214 billion deficit, assuming an Iraq war supplemental is passed by Congress. In 2006, the deficit totaled $248.2 billion.

FURTHER RECEIPT GROWTH SEEN

Healthy tax revenues were cited May 2 by Treasury Department officials in their decision to eliminate sales of the three-year note from their regular auctions of government debt (85 DER EE–2, 05/3/07). Treasury officials also disclosed they had discussed the issue of debt buybacks with an advisory committee made up of private sector experts. While debt buybacks were seen when the government last ran a surplus, Treasury officials said the discussions with the panel were only made in an effort to be forward-looking and proactive.

Prior to the CBO release, Rob Portman, director of the White House's Office of Management and Budget, said the budget was benefiting from a healthy economy.

"Solid economic growth is pushing Federal tax receipts up, and will drive the deficit down even faster as we move toward balance," he said in a statement.

"We've just seen a record-breaking April tax collection, and the outlook is for further growth in tax receipts. That's good news for our federal budget, and underscores the need for making the pro-growth tax relief permanent and having spending restraint in place."

LAWMAKERS AIM FOR BALANCE IN 2012

On Capitol Hill, lawmakers are struggling to close the differences between House- and Senate-passed versions of the 2008 budget blueprint. Democrats have said they are aiming for a budget that can pass both chambers of Congress by May 15 and reach balance by 2012. However, negotiators have been stuck on several issues, including whether to allow room for extending some temporary tax cuts.

In its report, the CBO said it expected the government to post a $176 billion surplus in April, well above the $119 billion surplus seen in April 2006. Because of the mid-month deadline for individual tax payments, April is a crucial month for government revenues. If the April projection is correct, the year-to-date deficit will be about $83 billion, or about $101 billion less than in the first seven months of fiscal 2006, the said.

CBO said receipts from individual income taxes were up by about $105 billion, or 17.5 percent, through April compared with the same period in the previous year, while payroll taxes were up by $27 billion, or 5.5 percent in the same time frame.

"About 85 percent of the growth in total receipts through April occurred in receipts from individual income and payroll taxes, the two largest sources of revenues," the agency said. It noted, however, that some nonwithheld receipts appeared to be booked earlier by Treasury in 2007 than in 2006, shifting some receipts from May to April. If that factor is adjusted for, the agency said, overall receipts would have been up by closer to 9 percent, "only slightly more" than CBO had projected in March.

Mr. GRASSLEY. So then why trigger tax increases when the current law tax levels are bringing plenty of revenue into the Federal Treasury? Why would you want to mess with a policy that is bringing in what would now have to add up to $750 billion more than what we anticipated would be coming into the Federal Treasury from that tax policy when we adopted it? And in the process, we would be punishing the American taxpayers, who are already working hard and paying additional revenue at a lower level of taxation, as we passed it in 2001 and 2003.

The biggest problem I have with a trigger is that it creates yet another budget process bias for higher Federal spending. If Congress decides to spend more than planned, the trigger gives the American taxpayer the shaft. Spending taxpayers' money then trumps future promised tax relief if a trigger is in place. The American taxpayer need look no further than the budget resolution conference report that we are debating now to see triggered future tax relief's futility.

After winning the November elections by claiming to enforce fiscal discipline, Democrats have done three things with the budget in conference: One, they have guaranteed new spending of at least $205 billion over the budget baseline. Secondly, with multiple reserve funds, they have set up many arenas of new spending and new taxes. Thirdly, for the first time in 6 years—I emphasize this—with a new majority in Congress, a tax hike on virtually every American taxpayer is built into the budget in future years. Now, did the American people know this was how the term "fiscal discipline" would be defined after the votes were counted last November? Higher taxes and higher spending. Did the American people vote for this definition of "fiscal discipline" after the last election? My guess is the answer is the American taxpayers didn't think "fiscal discipline" meant higher taxes and higher spending.

If fiscal discipline were the real goal of the new Democratic leadership, they would employ a trigger, then, on the new spending they baked into this budget cake. How about that. The new spending in this budget would only be triggered if the Federal budget were in surplus. Do I have any takers among the Democratic budget negotiators on that issue?

Before the Democratic leadership rolls out its budget, I challenge them to show a proposal with a single dollar of spending restraint dedicated to deficit reduction. It is a challenge I have issued for several years since bipartisan tax relief has been attacked on fiscal discipline grounds. My challenge has not been met. If you go back a decade, you will not find a proposal for spending restraint from the Democratic leadership. Check the record. You won't find anything on the spending side of the ledger.

The use of a trigger is more evidence of this obsession with higher taxes and more spending. Instead of accepting the Baucus amendment, which is supported by a strong bipartisan vote in both bodies because it passed here with only one dissenting vote and it had more than two-thirds on a motion to instruct in the House of Representatives—so instead of accepting the Baucus amendment, which is supported strongly by bipartisan votes in both Houses, the Democratic negotiators are taking a different path, ignoring the overwhelming votes of both the Senate and the House. They want to use a trigger as cover. The trigger will mean that future Democratic spending proposals will gut future tax relief, thereby guaranteeing a tax increase on virtually every American taxpayer, without even a vote of the people, because it is automatically going to happen.

I don't think it is too late. I suggest that if the Democratic budgeteers want to talk the talk of fiscal discipline, then walk the walk of fiscal discipline, apply the trigger to spending, but apply it to the $205 billion in brandnew spending. Don't build a wall of tax relief on the American people; build a wall of fiscal discipline against runaway Federal spending. In other words, we will tear down that wall of tax increases that are automatically going to happen.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, it is hard to debate the Senator from Iowa, the ranking member of the Finance Committee, because he has been a really good colleague and he has strong feelings about these issues. In many of these matters, I find myself in agreement with him.

I want to say to those who are listening that we don't believe there is any tax increase in our proposal. We believe there is significant fiscal discipline because we are balancing the budget by 2012. There has been no balancing of budgets around here during the 6 years of this administration. They have run up record deficits. They have run up record debt. It is not a matter of speculation, what they have done.

If you look at the record of this administration on debt, it is just as clear as it can be. This is what happened on their watch. They have been in control of everything—the House, the Senate, and the White House.

This is what has happened. They took the debt of the United States from $5.8 trillion at the end of the President's first year—we don't hold him responsible for the first year because he was operating under the previous administration's budget. But look at what he is responsible for. He has taken this gross debt of the United States from $5.8 trillion to $9 trillion, and if his fiscal policies are pursued the next 5 years, he will have taken the debt to $12 trillion. He will have more than doubled the debt of the United States.

One of the major consequences of that is, increasingly, this funding is from abroad. We are dependent upon the kindness of strangers. It took 42 Presidents 224 years to run up a trillion dollars of debt held by foreigners. This President, in just 6 years, has more than doubled that amount. Now, that is a fiscal train wreck, and this administration is responsible, along with his party in the House and the Senate. It is undeniable. They controlled things here, not the Democrats. It wasn't the Democrats who ran up this debt, it was the Republicans.

I don't like to be partisan, but the fact is, when I hear the other side claim that we are going to do something, they have already done it. It is not a matter of projection or of conjecture; it is a matter of fact. That is the debt they have run up. We are left to try to clean up the mess.

How do you clean up the mess? You spend less money. That is what we have tried to do here. We have controlled spending. We have a chart that shows this. Here is the spending under the budget resolution. We go from 20.5 percent of GDP in 2008 down to 18.8 percent of GDP in 2012. It is by having spending discipline that we get this budget moving in the right direction and we are able to balance the budget by 2012 and we are able to stop this dramatic expansion of the debt.

Here is what happens. Under our resolution, the debt, as a percentage of the GDP—which economists say is the best way to measure it—goes down each and every year after 2009. Finally, we get the debt going down instead of jumping up. That is what we should do. That is what is so defective about the Gregg motion. If it is adopted, the budget will not balance in 2012 because he has $250 billion of tax expenditures not paid for. So he is, once again, going to return to the bad old days of borrow and spend, borrow and spend, borrow and spend.

Look, the spending on their watch has gone up dramatically. The revenue, as I have shown before, stagnated. All their revenue charts on which they talk about revenue increasing have one big problem: They only show the revenue from 2004 to now. They don't show the revenue in the previous years. Here is a chart here. Spending has gone up, and revenue has been stagnant. Look at all their charts. They only show the revenue from 2004. They want you to forget about these years. Yes, if you look at 2004, revenue has gone up since then. But go back to 2000. Quite a different picture emerges when you give people the whole story, when you give them all the years, not just a few of the years. No, no, no, give them all the years, tell them all the story, give them all the facts. Then you see something quite different.

We are just getting back now to the real revenue level we had 6 years ago. Yet spending under our friends has gone up more than 40 percent. The result has been to explode the debt of the United States.

We are going in a different direction. We are going to balance this budget, but not if the motion of the Senator from New Hampshire is adopted. Then there will be no balance. Then we will be right back in the same old deficit-and-debt ditch that we have been in for 6 years.

Let's climb out of that ditch. Let's stop it. If we are going to have spending on this war, let's pay for it. If we are going to spend money, as we should, to take care of our Nation's veterans, let's pay for it. If we are going to have educational initiatives to assure that America remains the dominant force in the world, let's pay for it. If we are going to insure children in this country so that every child has health insurance, and we should, let's pay for it. That is what our budget is about. It is about the values of the American people.

I can tell my colleagues, in my State, they believe if you are going to spend money, you ought to cover the spending and not just put it on the charge card.

I thank the Chair and yield the floor. My colleague is here, and I understand there is some time left on the Republican side. I recommend we use that, and then if Senator CORNYN comes, if we are out of time, I will extend time to him so he has time to present his motion.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I thank the Senator from North Dakota. I always appreciate his ability to find charts and give excellent explanations. We both have degrees from the George Washington University. My speech will not be nearly as adequate as his because I just have an undergraduate degree, whereas he has a graduate degree. I am sure that is where they covered the chartmaking. I usually don't use very many charts.

Mr. CONRAD. Madam President, I would be glad to lend some to the Senator.

Mr. ENZI. I don't think the ones the Senator has have quite the spin on them that I prefer. That is what we do during this process of the budget. I am always fascinated with the budget process anyway because the President sends us a bunch of suggestions on how we ought to spend money. I know the people back in Wyoming think that is the way it is all going to come out.

In Wyoming, we have just one process, and it is called the budget process. It is really the appropriations process. When the budget is done, balanced, and the money is spent, they think that is the point we are at right now instead of just suggestions from the President. We all know that Senators are going to change, and we are the ones in charge of making those changes. They really don't understand that the federal budget process puts in place some constraints on spending, some areas of spending, and some suggestions on spending that the Appropriations Committee may or may not pay any attention to anyway. But discipline can come from this part of the process.

I commend everybody on the Budget Committee for all the diligence they put in to covering a variety of issues. There is some good debate we have over issues, where we are, where things were, and where things are going.

I do note when the President came into office, he had no idea that September 11 was going to happen or that Katrina was going to happen. Both of those events put major dents in the budget.

There was also a little recession that was happening about the time he took office, which is one of the reasons there is a dip in revenue. We tried to figure out how to reverse that dip in revenue. If we have more revenue, unfortunately, we do more spending. It really is spending that is the problem.

It would be fascinating to see how the Democratic side of the aisle deals with that situation. I have noticed quite a change in rhetoric. People at one time were talking about No Child Left Behind, how it had a tin-cup budget. I hear those same people now saying: Yes, No Child Left Behind has to have a few targeted resources to make a difference. That is quite a bit different wording, and when you are in charge of spending it, it hits a little bit different than when you are on the criticism side of the spending. I am sure those in charge will appreciate that as time goes by.

I wish to address the way the Democrats balance the budget, though. This budget, as it is showing coming down to a more balanced position and even a little faster than what the President showed, does that because of the way the taxes are handled.

Without dealing with taxes at all, taxes for Americans will go up. There needs to be an extension of certain tax provisions or taxes will go up. When taxes go up, will that increase revenue? I don't think so. That is one of the problems with which we have to deal with.

We found that with the tax cuts, revenue has gone up, and it has gone up in excess of what was projected. That means the American people are excited over the ability to spend their own money for what they want to spend it on, and the spending of their money also results in additional taxes.

I have a chart that shows the projections—they are in blue—and the actual revenue. The growth in revenue is in red. In 2004, they projected a 2-percent increase and came in at 5.5 percent; 2005, 9.4 percent, came in at 14.6 percent; 2006, 7.3 percent, came in at 11.7 percent; 2007, the projection is 5.2 percent; to date it is 11.3 percent.

I am sure somebody else has mentioned this article earlier today, but the Wall Street Journal has an editorial titled "April Revenue Shower." It says:

> Here's the "surge" you aren't reading about: the continuing flood of tax revenue into the Federal Treasury. Tax receipts for April were $70 billion above the same month in 2006, and April 24 marked the single biggest day of tax collections in U.S. history, at $48.7 billion, according to the latest Treasury report.

It goes on and explains that the IRS did process more returns than usual this year. Does that mean more people are paying taxes? Let me put up another chart. The tax cuts also resulted in additional jobs. The employment expanded for 44 consecutive months, generating 7.8 million jobs. People who have jobs pay taxes. More returns, more people working. I think that is one of our goals. We would like to have more people working, and we would like to have people who are working make more money. Then, of course, we would like them to keep a bigger percentage of the money they earn to spend the way they think it ought to be spent.

I mentioned there is more money coming in than what we had expected, than what was projected. That does affect the deficit. The more money we get beyond what was expected is a reduction in deficit, unless we spend it.

There are more ways of figuring out how to spend money around here than there are ways to save money. The President has had a number of proposals for different programs that have been evaluated. There is a process by which we do expect different programs and agencies to set their own goals, and then to report how they did on their own goals. The White House followed up on that process to see how they did on the report and how they did on their own goals and found 160 programs that were not doing what they said they would do. That is according to their own goals. He asked us to eliminate those programs.

We kind of did four. Now "kind of did" means they are still in existence, and they are flat lined. It doesn't mean we eliminated what was being spent on them because every program in the Federal Government has a constituency. Every time, even in the President's suggested budget, that he shows cutting an agency, all of us in this body have dozens of people come to our office to show how important that program is to them personally. A lot of them are the ones who work in that program. They have a job in that program, and if the program disappeared, they would have to get a job somewhere else. So they are definitely involved in the program and concerned with the program and feel the need to sell the program.

I have had experience with some of those programs in Wyoming. When the President says in his budget he is going to cut a program, they gang up on us at home, too. One of the programs dealt with children's preschool education. The moms and the kids showed up, and they visited with me a little bit. I asked them what they would be losing if the program went away. The answer was their daytime babysitting service.

The program in question was designed for an hour or two a week in conjunction with the parent, not with the parent absent from the program. It is a little bit of instruction on parenting education, as well as child education, preschool education. This is how the goals get a little skewed. They serve a purpose; it just doesn't happen to be the purpose we are funding. Probably the other purpose could be funded with a lot less money than with the requirements we have for education.

It is the spending that gets us into problems. The way we are going to balance the budget under the Democratic budget proposal, of course, is to allow decreases we have had in effect because they have a limited amount of time in place. It allows them to go up. For instance, there will be an increase in taxes of 33 percent for families earning less than $15,000. It cuts the child tax credit in half to $500. It cuts the standard deduction by $1,700 for married couples. It puts that marriage penalty back into effect.

For a family of four with $50,000 in earnings, the tax bill for a family of four with $50,000 in earnings would see their taxes go up 132 percent to $3,675 in 2011 if the President's tax relief is not made permanent. Those taxes will reduce take-home pay by more than 6 percent.

Let's talk about a single parent with two children and about $30,000 in earnings. The tax bill for a single parent with two children and $30,000 in earnings will see their taxes go up by 67 percent in 2011 if the President's tax relief is not made permanent. Those taxes will reduce take-home pay by more than 4 percent.

So a family of four with $50,000 in earnings, their take-home pay is reduced by 6 percent. A single parent with two children with $30,000 in earnings, their take-home pay will be reduced by more than 4 percent.

What about the average family? What are they going to forego if the current tax policy is not extended? Some of the tax cuts have not been extended to 2011.

I am also distressed with the way the scoring happens on taxes versus spending because there is a lot of assumption built into the process. If they were corporate assumptions, the directors of the corporation would be in a lot of trouble.

For the average family under the current tax policy, if it is not extended, they might have to forego $3,347. That could be spent on groceries, or a year's worth of home heating oil and electricity. It would be $2,927 or almost 2 years of gasoline for two cars, $3,196, and that was before last week's increases, and, yes, we need to be concerned about that issue. There are some policies that we can do that will make a difference in that situation.

It will also mean more than a year's worth of health spending, which is $2,574 for the average family. Again, there needs to be some things done in the health area. Most of those cost money and those will add to the deficit too.

So it will be interesting to see how everyone gets around to balancing the budget in whatever number of years we talk about because all the spending happens in the next year. We are working on the 2008 spending right now, but we are spending the 2007 budget that went into effect last October and extends until this October. So there are some timelines that get into this that make it a little confusing.

It is wrong to balance the budget by increasing taxes on middle America, who is feeling the squeeze. The burden is placed onto low-income people. So I hope we will not balance the budget by eliminating the tax relief that has been put in place by the Republicans, which increased the number of jobs and brought the revenues back up.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I am told Senator CORNYN is on his way, but I would ask my colleague, Senator STABENOW, if she would like to take a few minutes at this time to address her motion and then if we could have an agreement that when Senator CORNYN comes, we could interrupt your presentation at a reasonable point in time and then go to the Cornyn motion.

That is the order, but I think it would be unwise for us to waste any time here, given the fact we are very close to out of time. Would that be acceptable?

Ms. STABENOW. Yes.

Mr. CONRAD. Why don't we do that, and I thank Senator STABENOW very much for allowing us to proceed in that manner.

MOTION TO INSTRUCT CONFEREES

Ms. STABENOW. Madam President, I rise to offer a motion to instruct conferees to include section 307 of the Senate-passed budget resolution in the conference report.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Michigan [Ms. STABENOW] moves to instruct conferees on S. Con Res. 21, the concurrent resolution on the budget for fiscal year 2008, to insist on including in the conference report the Deficit-Neutral Reserve Fund for Energy Legislation in Section 307 of S. Con. Res. 21 as it passed the Senate which would provide for legislation to reduce our Nation's dependence on foreign sources of energy and lower gas prices.

Ms. STABENOW. Madam President, this provision will clear the way for the Senate to pass legislation that will ultimately lower gas prices. This is an issue right now of great concern, I know, to people throughout Michigan and throughout the country, as we see prices going up and up and up. This provision does that by putting into place a reserve fund that will reduce our Nation's dependence on foreign sources of energy and expand production and use of alternative fuels and alternative fuel vehicles.

This is a very important part of the budget resolution, and I wish to commend the chairman for putting aside a reserve fund so we can create revenues to do a number of things that will create energy independence and that will create competition, frankly, for the oil companies in this country so we can lower gas prices.

Today, in Michigan, the average price of a gallon of gas is $3.15, and it goes up as high as $3.24. I know it is going to go up and up. We are constantly hearing, of course, it is not arbitrary, that it is all based on competition. Yet I will bet you that right before Memorial Day, in Michigan—a great tourism State, and people want to have an opportunity to travel and see our Great Lakes—the prices are going to continue to go up even further. This summer, again because we are a great tourism State, prices are going to go up, and they will go down when it is not a peak season for driving. We all know that this is a serious issue, and, frankly, it affects every single family in their wallet or in their pocketbook.

A couple years ago, I offered, successfully, a provision in the Energy bill that required the Federal Trade Commission to do a study, an investigation into whether there was price gouging. They came back basically and said there wasn't and that they didn't have the authority because we didn't define what price gouging was. I am pleased to say that as a result of our presiding officer and her legislation, we can address what is happening as it relates to the definition of price gouging, which anyone in Michigan can tell you what it is, and also to be able to give the authority to the FTC to do something about it.

I see my colleague on the floor whom I basically jumped ahead of, so I think if he is ready, I will turn it over to him and will later proceed to talking about gas prices and how we are going to bring them down and how the budget resolution lends itself to that.

I yield to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

MOTION TO INSTRUCT CONFEREES

Mr. CORNYN. Madam President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] moves that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the concurrent resolution S. Con. Res. 21 (the concurrent resolution on the budget for fiscal year 2008) be instructed to insist that the final conference report include the supermajority point of order against consideration of any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase, in order to protect the pocketbooks of working and middle-class families, college students, seniors, farmers, small business owners and entrepreneurs, and to promote the elimination of government waste, fraud, and abuse to reduce the deficit and offset new spending, as contained in section 210 of S. Con. Res. 21, as passed by the Senate.

Mr. CORNYN. Madam President, this motion to instruct conferees should sound familiar to my colleagues. This actually was an amendment to the budget resolution that received 63 affirmative votes in a bipartisan show of support for what I believe is a commonsense provision. This provision says that before we raise income taxes, we need to have a 60-vote point of order to do that.

This made so much sense that my colleague, the distinguished chairman of the Budget Committee, said he would be willing to accept the amendment by voice vote, although we went ahead and had a vote. I thought the vote was necessary to demonstrate, and did demonstrate, the broad bipartisan support for this amendment. This amendment, which was section 210 of the Senate-passed budget, creates a 60-vote budget point of order against any legislation that raises income taxes on taxpayers, including, of course, hard-working, middle-class families, college students, entrepreneurs, and you name it.

As I pointed out, this was a bipartisan vote, which is an insurance policy of sorts so that Congress can look and make sure any increase in income taxes is justified and that it would require a vote of 60 Senators to overcome the budget point of order before proceeding. The reason I thought this was a good idea in the first place is that before we look at raising taxes on hard-working American taxpayers, we ought to look at ways to eliminate Government waste, fraud, and abuse.

We all know the power to tax is the power to destroy, and, indeed, it is a powerful tool at Congress's disposal but one we ought to use advisedly. This point of order puts in place a safeguard that will protect the pocketbooks of all of us.

Some, though, are now advocating that we pull the rug out from under our economy and roll back the kind of tax relief and low taxes—progrowth policies—that have resulted in an incredible blossoming and blooming of the American economy. The last thing we should do would be to throw a wet blanket over this kind of economic growth that has created so much prosperity, so much opportunity, and so many new jobs over the last few years.

The progrowth tax relief has helped this economy grow and particularly in the small business sector, which has created a lot of jobs. We should view this as a matter of great pride because it is one of the good things that this Congress has done in the last 4 years. These progrowth tax policies are working. As a matter of fact, we have some charts that demonstrate 22 straight quarters of growth and almost 7.9 million new jobs. That is nothing to be sneezed at. There have been almost 7.9 million new jobs over the past 44 consecutive months, with 22 quarters of growth.

As we move forward, the last thing we should consider doing is reversing the policies that have helped bring about America's booming economy, which has reduced the deficit by producing more money for the Federal Treasury and also put more money in the pockets of hard-working American taxpayers.

As a matter of fact, I think we ought to take a further step and make these tax relief provisions, which are set to expire unless we fail to act, I think we ought to make them permanent. If we don't, we will not only jeopardize future economic growth but also the financial well-being of millions of Americans, all of whom will face higher tax bills unless we act.

Not making this tax relief permanent will result in a tax increase for every American taxpayer. For example, a family of four, with two children, making $50,000 in annual income would see an increase of $2,092 in their tax bill or a 132-percent increase.

This point of order will not hinder our efforts to close down illegal tax shelters or close perceived loopholes in the IRS Code, a concern that I know the chairman expressed. In the colloquy we had when the amendment was passed, I think I was able to satisfy him that we would still be able to do what we both agree needs to be done but not see a tax increase on American taxpayers virtually assured.

The point of order covers the tax tables contained in the 1040 form the IRS sends to taxpayers every year. It will not hinder efforts to overhaul the IRS Code. I support efforts to overhaul the IRS Code by making it fairer, flatter, and simpler. Any tax simplification and reform efforts will need bipartisan support in the Senate, so I ask my colleagues to support my motion to instruct the conferees to include the point of order against raising income taxes on hard-working taxpayers through the budget conference committee.

I might add, in closing, I have had conversations with the distinguished chairman of the Budget Committee. I know he has concerns as a result of conversations he has had with the Parliamentarian. There has been some suggestion that to include this provision in the conference report would render the conference report unprivileged. I believe there was demonstration of broad bipartisan support for this provision, which enjoyed a 63-to-35 vote on the Senate floor. While I certainly understand the budget chairman's desire to maintain a special privileged status for the budget resolution, I think in this case it would be warranted.

Including this provision will act as an insurance policy against undesirable and unnecessary tax increases, especially until such time as we do our dead level best to reduce the waste, fraud, and abuse that, unfortunately, is present in Government today and to try to save money there before we begin raising taxes. It is particularly important because we have this silent tax increase that is, unfortunately, included in this framework that will now occur if we do nothing. This will be the only tax increase I am aware of that will actually happen if we fail to act, but that is what, unfortunately, we are on course to do with this budget resolution.

So I would respectfully ask my colleagues to support the motion to instruct conferees on this matter.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, let me first thank my colleague for his service on the Budget Committee. He has been a valuable member there. We do not always agree, but he has been a very constructive member of the Budget Committee. He comes with a point of view and he does his homework. All of us appreciate that, I and the other members of the committee. I thank the Senator from Texas.

Let me say it would be fine with me that we adopt this motion because there is no contemplation in this budget resolution of a tax rate increase. There just is not. I want to make that clear.

We do have a problem. I want to be very direct with colleagues. This motion will not survive the conference committee. It will not. It has nothing to do with its merits. It has to do with the procedural ramifications of bringing this back from the conference. We have been informed by the Parliamentarian, if the conference agreement reflects this motion, the budget resolution would be in danger of losing its privileged status on the floor. That would be a very serious matter for all of us. That would be a serious matter for this institution.

We have a hard enough time getting a budget. If it were to lose its privileged status on the floor, I suggest to my colleague, we would never reach conclusion on a budget. That is in none of our interests. It is not in the interests of the country, it is not in the interests of the Senate, it is not in the interests of the House.

I regret that is the reality we confront, but it is. I don't want anybody to be under any misapprehension about that. It is fine with me if we adopt that as an instruction to the conferees because it reflects the will of the Senate. We voted very clearly: 63 votes, as the Senator has indicated.

I say to my colleagues, there is absolutely no intention in this budget of increasing tax rates, which is what the Senator is trying to guard against. But I do have to emphasize if we were to bring it back from conference, we have been informed that would put at risk the privileged nature of the budget resolution, and we simply cannot do that. If we did that, we truly will never agree on a budget here.

Does the Senator seek more time?

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, if I can respond briefly to the distinguished chairman of the Budget Committee, I appreciate his willingness to take this motion to instruct because he said it will not survive; it will not see the light of day; it is going to be killed in the dark recesses of the conference committee room.

Mr. CONRAD. Even in the lighted room.

Mr. CORNYN. So it is a very strange process we are engaged in here. I respect the distinguished chairman, but I remind him, at the time we voted on this, to quote him, the distinguished chairman of the Budget Committee said, "It certainly will not do any damage to this resolution if it were to pass."

I understand there was a subsequent conversation with the Parliamentarian that raised this issue. But I suggest in most proceedings that I am familiar with, there is some notion of waiver, that you have a responsibility to speak early, rather than to create a false impression that we are going to do something here to keep taxes low, to create a 60-vote budget point of order, rather than lay low and then raise an issue late in the game that could have been raised and addressed earlier.

None of that is to impute any bad faith to the distinguished chairman of the Budget Committee. It is just to say this is a very strange process, one I think the American people, anybody who happens to be listening or watching, would say: This must be a Washington, DC phenomenon where we suspend reality, we accept amendments by a bipartisan vote and now a motion to instruct, only to ignore them even though they represent the will of the Senate. I think that does not enhance the image of the Senate or the Congress in the eyes of the American people. The fact is, if we do raise taxes, it will be like a wet blanket on the American economy.

I want to allude briefly to an article that was in the Wall Street Journal today that I think demonstrates my point. It is entitled "April Revenue Shower." It says:

> Tax receipts for April were $70 billion above the same month in 2006, and April 24 marked the single biggest day of tax collections in U.S. history, at $48.7 billion.

It is the low taxes and the progrowth policies that this Federal Government has embraced since roughly August of 2003 which has generated the economic activity which has resulted in a windfall to the Treasury. As a matter of fact, this article goes on to say:

> The deficit this year could tumble to $150 billion, or an economically trivial 1 percent of GDP.

That is the kind of benefit—one of the kinds of benefits—I think low taxes have produced. I think it would be a crying shame to raise taxes and jeopardize job growth and economic development in this country.

I understand what the Senator says, that he doesn't intend that there is going to be a tax increase, but we have seen proposals for dramatic increases in spending. The money has to come from somewhere. We have adopted a pay-as-you-go provision which has a built-in bias against tax cuts because it says before you can have a tax cut, you are going to have to have some way to balance it out, a revenue raiser, which means in the end we are going to see a dramatic increase in taxes, whether—and I take him at his word that is not his intention. But we are on a dangerous course to seeing a huge tax increase, perhaps one of the biggest in our Nation's history. That, I believe, is against the best interests of the American people in this big economy.

I accept what the Senator has to say. He is willing to accept my motion to instruct, but it will not be to any effect. It will be ignored. I guess that is the way it is. But I think the American people, and particularly the hard-working taxpayers, are the losers. I think that is a shame.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, let me say to the Senator, I know he doesn't intend to impugn my motives. I hope that impression hasn't been left, because I operated in absolute good faith in the committee. I told him his motion would do no harm because there was no intention of increasing rates in this budget resolution. There truly is not.

I only learned subsequent to that that there was a procedural problem. As soon as I learned, I think the Senator will acknowledge, I came to him on the floor, some weeks ago, and told him of what we had learned and urged him to send his staff to the Parliamentarian to verify that what I was saying was in fact the case. I have been in communication with him subsequent to that, to confirm that he had heard the same thing. In fact, he told me that on the floor late this afternoon.

I regret that I told him it would do no harm. I absolutely believed that was the case when I told the Senator that. It was only subsequently that I learned from my staff that the Parliamentarian advised us of that. I should have known it. In the back of my mind I was worried about the Budget Committee overstepping its bounds.

It is very important for people to understand, we tell the Finance Committee how much money to raise. We do not have the authority to tell them how. Unfortunately, the motion of the Senator crosses that line.

We tell the Appropriations Committee how much money they have to spend. We do not have the authority to tell them how to spend it. If we exceed our authority, there are consequences.

I must say I was concerned at the time of the Senator's amendment in the committee that maybe we were crossing that line, and in fact it turns out we were. That is the fact of the matter. That is what we confront here. I say to the Senator, I hope he would acknowledge I have tried to communicate with him, as soon as I knew it, that these are the facts we confront.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I said it once and I will say it again. The distinguished chairman of the Budget Committee, I am confident, is shooting as straight as he could possibly do with me. I do not question his motive or his actions. I express my profound regret that an amendment that reflects the will of 63 Senators, that is bipartisan, and one that is so important to maintaining the prosperity of this Nation and relieving the burden on hard-working American taxpayers will not see the light of day in this budget resolution. I am expressing my regret to him. But he has been nothing but straight to me.

Mr. CONRAD. Madam President, I thank the Senator very much for that. I say I have so many regrets, as we go through this budget process, that we do not have authority that one might assume the Budget Committee does. But we simply do not. We are in this role of telling the Finance Committee how much money to raise, but we cannot tell them how to do it. We tell the appropriators how much money they spend, but we do not have the authority, as much as we might like it, to tell them how to spend it. If we cross that line, there are real consequences.

In any event, I very much appreciate the Senator from Texas.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I express my support for the efforts of the Senator from Texas. I understand the parliamentary situation. It has been ruled that if his amendment were accepted and finds it way through the entire process—it is going be accepted, but if it were to come back, it would put in jeopardy the privileged status of the budget and that is obviously not appropriate.

But the fact is this amendment highlights an essential point. Even though it may not come back, it is important that we be on record as having supported it, as the 63 people did, and as we will be when we adopt this amendment in this motion to instruct, because it makes the statement, which the Senator from North Dakota has agreed with, that rates should not be increased.

Unfortunately, the structure of this budget, in my humble opinion, militates toward increasing rates. I do not see how it does anything else in the final analysis. That, of course, is why I have offered my own motion to instruct here, so the rates will not be increased, or at least we will have that statement.

But I think the Senator from Texas has hit the nub of the issue, which is we should not be increasing tax rates on the American people. No matter what the structure of this budget is when it comes back, even if it doesn't have this language, there will be a pretty clear statement by this Senate that rates should not be increased, and should at some point down the road there be a bill brought to the floor, which will be, I am afraid, reflective of the priorities of this budget, which does increase rates—or fails to maintain the rates which are presently in place and thus in the alternative is increasing rates—we can turn to the excellent amendment of the Senator from Texas and say that was not the position of this Senate. The position of the Senate was that would not happen.

I think his amendment, even if it may not return from conference because of the effect it would have on the privileged status of the budget resolution, is still a very effective statement and one that needs to be made.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, would it be appropriate at this moment to take the motion of the Senator?

Madam President, could we then consider the Cornyn motion on a voice vote?

The PRESIDING OFFICER. If all time is yielded back, the question will be put on the motion.

Mr. CONRAD. We yield back our time on this side.

Mr. CORNYN. We likewise yield back our time on this motion.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the motion.

Ms. STABENOW. Madam President, I have a question. The yielding back is time on this motion only?

Mr. CONRAD. Yes. We would not be yielding the good Senator's time.

Ms. STABENOW. I thank the Senator.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I would ask if we could have a report on the time remaining on the motion of the Senator from Michigan.

The PRESIDING OFFICER. The sponsor of the motion has 27 minutes remaining, and the opposition has 30 minutes remaining.

Mr. CONRAD. We have a problem. We have less time left than time allocated because the vote has been set at 7:30. So we will try to be reasonable so that both sides have a fair shot at the remaining time.

Madam President, I ask unanimous consent that on the motion of the Senator from Michigan, we divide the remaining time 15 minutes apiece before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Madam President, first, following the debate we have just been engaged in, let me say that I am very proud of this budget resolution because we are not only not raising taxes, but we are focused on lowering taxes, tax cuts for the middle class. That is what I am most proud of in this budget. Our budget is focused on middle-class families, what families need who are feeling the crunch at every turn right now in their lives. So we specifically focus on tax cuts for middle-class families.

We also focus on what I want to talk about now as it relates to the motion to instruct; that is, an energy reserve fund that puts in place a set of policies and allows us to move forward to lower gas prices. I mean, ultimately, that is what it is about. Let's get off of foreign oil. Let's become energy independent. Let's focus on alternatives.

We have a whole range of things we can and should do together, but the bottom line is what people are asking me about right now in Michigan is why in the world gas prices today are $3.15 per gallon on average. They ask it in the context of another very important question; that is, since this President, President Bush, has taken office, gas prices in my State have increased by $1.75 per gallon—$1.75 per gallon, an increase of 123 percent. This is according to the Federal Highway Administration. Right now in Michigan, families, businesses, farmers will spend $789 million more this month than they did in January of 2001. That is according to the Department of Energy motor gasoline consumption, price, and expenditures.

Now, what is happening, though? What is wrong with this picture? While I have been seeing my constituents, and I know the Chair shares this concern, that while we see these prices going up, what has happened on the other side with the oil companies? Well, last year, ExxonMobil had $39.5 billion in profits, the largest annual corporate profit in U.S. history, the largest corporate profit in U.S. history, while the people in my State—the farmer planting in the fields, the businesspeople who are doing their jobs, the families, the folks going back and forth to work, taking the kids to childcare, the students trying to go back and forth to school—saw their gas prices go up.

In fact, they will go up higher right before Memorial Day. I will bet you they are going to go up higher in a beautiful State like Michigan, where we want everyone to come in and swim in our Great Lakes and boat and fish and enjoy what is beautiful about Michigan. When the tourism season comes—you can count it on your watch—gas prices are going to go up.

We hear all about how there is competition when, in fact, we know there is not competition. When you are driving down the road, this gas station says one thing and the one on the other side says the same thing.

Now, this has to stop. We are seeing, not only last year—I am speaking about ExxonMobil, but let me just say there are others. Chevron had an 18-percent increase in the first quarter this year—an 18-percent increase. But we are seeing with Exxon that they kicked off a 10-percent rise in profits, the best ever first quarter, ever, in net profit. To put it another way, with Exxon, their take-home pay equals $1,080 every time the second hand ticks on your clock—every second, $1,080—while the folks in Michigan today are paying $3.15. If you happen to be up north, it is $3.24. This is not right. I know you agree with this. This is not right.

There are a number of things we need to do about it. In the short run, we need to make sure the Federal Trade Commission has the authority—and understands that we expect them to use it—to define price gouging.

Now, in the Energy bill that passed in 2005, a requirement that I offered was put into the Energy bill that the FTC had to investigate price gouging. They came back and said they did not have the authority, we had not defined what it was. They made some general statements that really did not reflect what was going on. So now I am very pleased that Senator CANTWELL from Washington State and others have introduced legislation that will clearly define what price gouging is, although I have to say, after years and years of witnessing it, if it walks like a duck and quacks like a duck, I think most people in Michigan, anyway, would call it a duck. So we find ourselves in a situation where the FTC says they do not have the authority or the definitions to use. So we want to give them that. We want to give them that in the short run to make sure they can address what is clearly an unfair situation.

Families are seeing increases on all sides, not just gas prices; it is the cost of college; it is the costs that relate to health care in my State. In fact, I should just remind folks that when we hear about all of the rosy pictures in the last 6 years, we have lost 3 million manufacturing jobs since this President has taken office—3 million. Those were good-paying jobs with health care and pensions, and those families now, those workers, are out working other kinds of jobs. Maybe it is two jobs now to try to make up that salary or maybe it is three jobs. They are paying more for health care, if they have it, and worrying about whether they will have their pension.

So that is the backdrop to what I see now happening as it relates to gas prices. One more time, people see those prices going up as they are trying to get to work, as they are trying to take care of their families. This motion to instruct focuses on the fact that we have put aside a reserve fund that gives us the opportunity to address it throughout the budget.

In addition to the fact that we have legislation to stop price gouging right away, and that is very important, I am very pleased our majority is focused on going after those who are price gouging and bringing down gas prices, but we also know we have to look more long term.

There is some wonderful work being done in the Senate by our Energy Committee, Environment Committee, and Finance and Agriculture Committees as it relates to the farm bill and what can be done with alternative fuels, and so on. We are committed to that as well. The structure of this budget allows us to be able to do those things without procedural motions and hoops getting in the way to stop us from going forward. We all know we need to invest more in ethanol and cellulosic ethanol and biodiesel. We want to be able to say: Buy your fuel from Middle America, not the Middle East. That is what I am hoping. I know we are committed to doing that.

We also know there is much we can do to together, and, in fact, there are many exiting things that are already happening. I am very proud of our American domestic auto companies that are moving very aggressively. In less than 5 years, we expect that our alternative-fuel vehicles will constitute more than 50 percent of the vehicles that are being produced. That is very positive. I commend them for that.

GM has installed displacement-on-demand technology where the cylinders shut off when not needed, consuming less fuel. DaimlerChrysler has taken the lead on clean diesel and biodiesel. There is excellent work being done in Michigan. Next Energy and other critical research organizations are doing excellent work that would deliver 20 percent to 40 percent more fuel efficiency than conventional automobiles. The Ford Escape hybrid and the work that is being done through hybrids is very significant. Our plug-in hybrids, technology we see being worked on that relates to plug-in electric vehicles, and so on, that is so important. I am excited about the Volt by GM, which will be configured in a way that it will be able to run on electricity, gasoline, E85, or biodiesel. The work goes on on hydrogen and other kinds of things.

But we know that in the end, in addition to focusing on these long-term strategies which are very significant, very important to the environment, to address climate change, to address energy independence, we have an issue right now we have to address; that is, the fact that we continue to see, quarter by quarter, record profits by the oil companies because of the lack of competition. We are seeing, quarter by quarter, increases that end up with those increases and profits, that do not cause them to lower prices for people. They are making more dollars. They do not lower the price. The price goes up as the profits go up.

More and more of our families, our workers, our businesses are feeling squeezed on all sides. We have to make sure the FTC has the ability to call price gouging for what it is, that it is defined and they are given the authority to do something about it.

The American people, unfortunately, are forced to be in a situation right now of choosing between stations and pumps where the prices look awfully much the same. We need to create more competition. We are going to do that in the long run. We are going to create competition in the short run. We need to start putting consumers first, our consumers first. That is what we do in this budget.

I yield the floor.

The PRESIDING OFFICER (Mr. Casey.) The Senator from New Hampshire.

Mr. GREGG. Mr. President, how much time remains?

The PRESIDING OFFICER. The sponsor has 3 minutes 4 seconds; the Senator from New Hampshire has 14 minutes 30 seconds.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, let me say that we expect to accept this amendment. The issue of energy and its cost in this country is a pretty complex issue. It is not simple. There is no magic wand to resolve it. Obviously, the things which the Senator mentioned—alternative-fuel cars, lowering consumption, renewables—these are all a big part of the energy resolution. But it is a complex matrix.

One of the essences of it, which was not mentioned, is supply. The fact is that the world demand for energy has increased dramatically, especially as China and Southeast Asian countries have begun to have very robust economies. The demand for the supply is such that the price of oil has increased dramatically.

We in this country are going to have to accept the fact that we are going to have to look for other sources of energy. I regret that in the past domestic supply has been curtailed. For example, the opportunity to get supply from the northwest slope of Alaska or the opportunity to search for potential supply States which are willing to accept having oil exploration off their coasts—all of these opportunities to get more supply are being resisted, especially from the other side of the aisle. Yet this has to be part of the equation of how we resolve the energy issue. There is more than one element to the formula of resolution.

The bottom line is that we should do everything we can to get off of our dependance, as much as possible, on foreign sources of oil. We find ourselves purchasing oil from countries which have antipathy toward us and which create problems for us.

It would be good if we could supply the oil domestically or at least within the Western Hemisphere and not have to go beyond the Western Hemisphere in the manner we do. Another proposal is to get ethanol brought to the east coast out of Brazil. There is a 24-percent tariff on that ethanol. The last time we tried to repeal that tariff, it was opposed, opposed on both sides of the aisle but especially from the other side of the aisle. So there are a lot of different elements to the matrix of how we resolve the energy problem. I certainly am able to support the Senator's motion, but I don't think the answer is simply one or two items. It is a long list of items.

On the underlying bill, there is still this fundamental issue, which is going to be raised by three of the motions that were offered, of the effect on revenues and tax policy on the American wage earner of this budget. There has been a lot of representation, a lot of numbers thrown out. The bottom line is pretty simple. Beginning in the year 2010, a number of tax rates which benefit Americans who create jobs and take risks and especially benefit senior citizens who live on fixed incomes, benefit people who have gone out and been entrepreneurs and created jobs, benefit people who have fixed incomes because they are living off of dividends to a large degree and they are retired, a number of these rate structures are going to expire, and the cost to those people who benefit from that rate structure is going to go up dramatically. Of course, it is always characterized by the other side that this is just a benefit to the wealthy. It is not.

More than 75 percent of those who claim dividend and capital gains income earn less than $100,000. Yet under this budget, their taxes will double on those dividends and capital gains income. Thirty percent of tax-paying seniors claim capital gains income, and more than 50 percent of tax-paying seniors claim dividends income. Almost all those seniors are living on a fixed income. They are not extremely wealthy. They just happen to be at a point in their life where they are cashing in their assets in order to live. They have capital gains as a result. They sell their home. They sell their stock. Yet under this budget, their taxes are going to double on those items. In fact, dividend income accounts for 11 percent of the total income of seniors who earn less than $30,000 and 14 percent of the earnings of those who earn $30 to $50,000. For moderate-income seniors, they are dependent on a dividend in many instances.

That is not unusual. Our society encourages people to invest in the stock market. Even though we have heard about the gloomy economic situation in this country, while we have added 7.4 million jobs and have had 22 quarters of recovery and we have had tax revenues exceeding historic levels, the stock market is now at a historic high and continues to go up. Obviously, some people don't think it is all that gloomy. The fact is, a lot of seniors throughout their earning career invest, either through an IRA account or a pension account. They invest in assets which are now subject to the benefit of a capital gains and dividends rate, which is very helpful to them in making ends meet because it is a fair rate. Yet those people's taxes are going to go up under this budget.

Fifteen million seniors would see their taxes increased if the current tax policy is not extended. This budget makes no room for the extension of the capital gains or dividend tax rate. That is an important point to remember. Equally important is the underlying philosophical difference. There is a belief on the other side that the Government should be able to take more money out of people's pockets and decide how to spend it. That is why the discretionary spending in this budget is significantly over the President's level, $18 billion in the first year of the budget. It is why there is no effort in this budget at all to discipline entitlement spending, which is clearly the most serious issue we face as an economy and as a society after the threat of Islamic terrorism, the problem of confronting the baby boom generation and the demands it will put on our society economically, to say nothing of the social change of having the largest retired population in the history of the country.

There is no attempt at all to get into that issue of how we are going to handle this fiscal meltdown we are facing if we don't address the impending retirement of the baby boom generation.

Those philosophical differences are very large. What we have tried to do through the motion to instruct is to highlight those differences, the fact that we believe these tax rates which benefit so many Americans should be extended, that we do not believe the spending should be increased well above the proposal of the President—and the President was rather generous, to say the least, in his increase in discretionary spending.

We also believe there should be an effort made to address expansion of entitlement spending, which is going to be a function of the retirement of the baby boom generation, and the fact that will simply overwhelm our capacity to support those programs in their present form, and our children and our children's children will be put in a position of having to pay so much in increased costs for the burden of the Government that they will be unable to benefit from the good life we have benefited from. They will have trouble sending their children to college, buying their first home, doing the discretionary things people want to be able to do with discretionary money because most of that discretionary money will have to be used to support the entitlement programs to support the retired baby boom generation which will double the number of people retired in this country. None of that is addressed in this budget. We think that is a failure that is unfortunate.

These are some of the concerns that remain at this time. However, I would be happy to ask unanimous consent that the motion of the Senator from Michigan be accepted and that the time remaining be divided between myself and the Senator from North Dakota so he can get some more time to respond to my comments which I am sure he will want to do.

The PRESIDING OFFICER. Is all time yielded back on this particular motion to instruct?

If so, the question is agreeing to the Stabenow motion.

The motion was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. GREGG. Did we also agree that the time between now and 7:30 would be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me indicate, on the motion just adopted, the strategy in the reserve fund is not just one item, as the Senator referenced, but involves all of these things—expanding production and use of alternative fuels and alternative-fuel vehicles to promote renewable energy development, to improve electricity transmission, to encourage responsible development of domestic oil and natural gas resources, and to reward conservation and efficiency. There is a production component of what is in the reserve fund. I want to emphasize that and thank the Senator from Michigan for her constructive proposal.

I also want to take a moment to respond to a number of points made by my colleague from New Hampshire. Once again, there is no tax increase in this proposal. The fact is, what the President said his budget would produce in revenue is virtually identical to what is in this budget. In fact, there is virtually no difference between what the President said his budget would produce in revenue over the 5 years. He said his budget would produce $14.826 trillion of revenue. My budget produces $14.827 trillion of revenue, virtually no change. If you look at a CBO basis, there is a 2-percent difference. We believe that can be easily accommodated with no tax increase by going after the tax gap, by going after abusive tax havens and fraudulent tax shelters.

When the Senator asserts there is no long-term savings, that is not accurate. We have $15 billion of Medicare savings, and we have a reserve fund on health information technology and other health savings. Just on health information technology, the Rand Corporation estimates that if that were employed, we would save $81 billion a year. We also have another health care reserve fund that relates to looking at best practices around the country so that we can ensure savings in the health care accounts in that way and many other proposals to address the long-term fundamental imbalances we have.

We all understand the only way those long-term entitlement challenges are going to be fully addressed is in a bipartisan approach outside a 5-year budget resolution because those are much longer term challenges.

How much time do we have on this side?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. CONRAD. Mr. President, I thank all my colleagues for participating in this debate. These instructions to the conferees will have attention paid to them, and we will do our level best to bring back a budget that will reflect the will of this body.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. How much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes 25 seconds.

Mr. GREGG. Mr. President, of course, there is a lot of back and forth. So many numbers are thrown out, nobody can keep up. The $15 billion in Medicare savings is a nice number. The only problem is, it is coupled with about $30 billion of new spending in the SCHIP program and, as a result, it is a net loss. So the long-term savings are not there. In fact, they are a long-term cost. Of course, the health care proposals, if they score, that would be great, but they don't score. So when you throw out a number of $81 billion, you are throwing out a number that CBO won't support. If it did support it, we would immediately capture those funds and use them constructively to reduce the deficit or to give people a tax benefit. As a practical matter, they don't score so the number is not relevant.

I want to speak quickly to the Senator's response to my motion. My motion says: These tax reductions which are very important, which address issues which are important to the American people and which are not covered by the proposal which we have before us, unfortunately, need to be continued. These tax reductions cover the $1,000 child credit, the marriage penalty, the 10-percent income tax bracket, all of which the Senator has said are going to be picked up by the Baucus amendment—maybe, maybe not—the lower marginal rates, definitely not. The earned-income tax credit relief for military families does not appear to be in here. The adoption tax credit is not in here. The dependent care tax credit is not in here. The college tuition deduction for student loan interest for $2,000, Coverdale IRA, and the 15-percent rate on capital gains and dividends, which as I just went through, is very critical to seniors and to the economy generally and has been a huge revenue windfall for us as a government, and adjusting the death tax so that it properly reflects fairness to small businessmen and farmers, those are not in here.

All of those are not in the proposal of the Senator from North Dakota.

In addition, there is the operative language of the Senator's proposal which essentially is the fig leaf or the Wizard of Oz approach which says we are going to get this money from somewhere—we really don't know where, the tax gap or some building in the Cayman Islands—when, in fact, the practical effect is, you are going to have to raise taxes on the American people to accomplish what the Senator from North Dakota is proposing with his motion.

That is why I will be opposing this. I suspect some of my colleagues will support it because obviously the Baucus language makes sense, although it doesn't go far enough.

In light of that, I guess the time is probably used up, isn't it?

The PRESIDING OFFICER. It is.

The Senator from North Dakota has 10 seconds.

Mr. CONRAD. Mr. President, I would like to correct the record and indicate the motion I have offered, and which supports the underlying resolution, does contain the adoption tax credit, does include the dependent care tax credit, does include the $1,000 child tax credit, the marriage penalty relief, the 10-percent income tax bracket and estate tax reform. So it is all in there.

Mr. GREGG. Mr. President, how much time do I have remaining? I don't have 10 seconds? I could fit everything into it.

Mr. President, I ask unanimous consent that the motions be voted in the following order and that the provisions relating to debate—I guess this is something you ask. I say to the Senator. It was just handed to me. You ask that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleague. I thank him for his good humor and for working through this as we have proceeded to be ready to vote.

Mr. President, I ask unanimous consent that the motions be voted in the following order and that the provisions relating to debate time and vote time limitation remain in effect: the Kyl motion to instruct regarding estate tax, the Conrad motion to instruct regarding certain tax cuts, the Gregg motion to instruct regarding certain tax cuts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, when I indicated that the vote time limitation remain in effect, I think we should probably send that signal to our colleagues. There will be 2 minutes equally divided on each of the motions, and after the first vote, the next two votes will be 10-minute votes.

Mr. GREGG. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the Kyl motion and all the other motions.

Mr. CONRAD. All three motions?

Mr. GREGG. All three motions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays on all the motions.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the motion to instruct conferees offered by the Senator from Arizona, Mr. KYL.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have in the resolution estate tax reform. Mr. President, $3.5 million a person, $7 million a couple is completely exempt from any estate taxation. That will exempt 99.8 percent of the estates, and it is paid for. The Kyl motion is not paid for, would blow a hole in the deficit, would take us back to a failure to balance the budget.

I hope our colleagues will support what is in the resolution, what passed the Senate and which does reform the estate tax but does so in a fiscally responsible way.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Kyl motion is a bipartisan proposal, or at least it was. Actually, the original language came from the Senator from Louisiana. It basically sets a rate of 35 percent—the proposal of the Senator from North Dakota sets a top rate of 45 percent—it sets that rate on estates, and on small estates and small businesses it sets a lower rate. It exempts estates of $5 million or less. It is an extremely reasonable approach to the death tax.

People should not be taxed because they die, to begin with. But if we are going to tax them, let's not put them out of business. Let's allow families with small businesses to survive. That is what the Kyl motion does.

The PRESIDING OFFICER. Is all time yielded back on the motion?

If so, the question is on agreeing to the Kyl motion to instruct conferees. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. McCAIN), the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—54

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Leahy
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thomas
Thune
Voinovich
Warner

NAYS—41

Akaka
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Levin
Lieberman
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Sanders
Schumer
Stabenow
Webb
Whitehouse
Wyden

NOT VOTING—5

Crapo
Johnson
McCain
Rockefeller
Vitter

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the motion to instruct offered by the Senator from North Dakota, Mr. CONRAD.

Mr. CONRAD. Mr. President, if I could prevail on colleagues to be quiet for 1 more minute. They can speak on my colleague's time.

I ask colleagues to support this motion. It says to the conferees: Let's insist on those provisions that are in the budget resolution to provide for extension of the $1,000 child tax credit, the marriage penalty relief, the 10-percent bracket, the reform of the estate tax to protect small business and family farms, the extension of the adoption tax credit, the dependent care tax credit, and the treatment of combat pay for EITC purposes.

It also insists on section 303 which provides for tax relief, including extensions of other expiring tax provisions if they are offset.

This is a tax relief amendment. I hope my colleagues will support commonsense tax relief for middle-income taxpayers and for basic estate tax reform.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this amendment is essentially a cover amendment, and it is to cover up the fact that it is the Wizard of Oz at work on the Democratic budget, and it doesn't work. If you spread pixie dust over this by Tinker Bell, it still wouldn't fly. The fact is, you cannot produce these funds in the manner in which the Senator from North Dakota has suggested by some building in the Cayman Islands and other proposals.

If you want to extend the tax cuts and you want to be concerned about the middle-income American who is benefiting from those tax cuts, you should vote for the next motion to instruct.

The PRESIDING OFFICER. The question is on agreeing to the Conrad motion to instruct.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 44, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dorgan
Durbin
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Voinovich
Warner

NOT VOTING—5

Crapo
Johnson
McCain
Rockefeller
Vitter

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the motion to instruct offered by the Senator from New Hampshire, Mr. GREGG.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, this motion is the opportunity to speak out on behalf of seniors, working Americans, families, and children in this country. If you believe the tax rates should stay in place, which include the $1,000 child tax credit, marriage penalty relief, the 10-percent income tax bracket, the lower marginal rates for working American families and small businesses, the earned income tax credit for military families, the adoption tax credit, independent care tax credit, the college tuition deduction, the deduction for student loan and interest, the $2,000 Coverdell——

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. Mr. President, the next two are important—the 15-percent capital gains dividend rate, which helps seniors and people on fixed income and gives our economy a boost, and revenues to the Federal Government a boost, and the death tax, structured along the lines of what Senator KYL's motion put forward—if you believe in those proposals, you will want to vote for this motion to instruct the conferees.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, if you like debt, this is your amendment. This will add $250 billion to the debt. If you don't want to balance the budget in 2012, vote for this amendment, because we have a balanced budget in 2012 now. If you pass this amendment now, we will not.

The Senator says it is like the Kyl amendment on the estate tax. No, it is not. He preserved part of the estate tax for those at the very highest income level. This eliminates the estate tax.

Please, we have made so many strides to balance the budget by 2012. Let's not have another unbalanced budget, one that adds to the debt.

The PRESIDING OFFICER. The question is on agreeing to the Gregg motion to instruct. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—44

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—5

Crapo
Johnson
McCain
Rockefeller
Vitter

The motion was rejected.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. CONRAD, Mrs. MURRAY, Mr. WYDEN, Mr. GREGG, and Mr. DOMENICI conferees on the part of the Senate.

MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida is recognized.

NATIONAL GUARD EQUIPMENT

Mr. NELSON of Florida. Mr. President, it is timely for me to make these remarks because there has been a conversation that has occurred in Kansas today between the Governor of Kansas and the President of the United States over the question of the adequacy of the National Guard and its equipment.

The reason I am making these remarks is that this Senator from Florida has sounded this alarm bell several weeks ago on the basis of a GAO report of the inadequacy of the equipment of the National Guard in each of the States. In my State of Florida, the GAO report says they only have 53 percent of their equipment. In the State of New Mexico, they only have 33 percent of their equipment. You now heard the commentary from both the Governor of Kansas, as well as the head of the National Guard, the adjutant general of Kansas, who state they are short of equipment.

I can tell you that, in Florida, we are 500 humvees short. We are 600 trucks short—that is both 5 ton and deuce and a half. We are 4,400 night vision goggles short. Why I am saying this today as a follow-on to sounding this alarm several weeks ago is we are not far from June 1, which is the beginning of hurricane season. The Florida National Guard is the best trained as a National Guard but especially so for taking care of the aftermath of a hurricane. If we only have category 1, 2, and 3 hurricanes, the Guard tells me they have the equipment. But if the big one hits—the big one being a category 4 or 5 hitting from the water—a highly densely urbanized area of the coast, they will be short. Then the Guard would rely on their compact with other Guard units to supply equipment.

For example, Pennsylvania is one of those States in the compact. But Pennsylvania is short of equipment as well. We are trying to put additional appropriations in this war funding bill for equipment for our National Guard units, but as Lieutenant General Blum, the head of the National Guard for the country, said, they are $40 billion short of equipment. I will read you a statement from the Florida National Guard in case there is any doubt in anybody's mind:

> It is true that we are short of equipment. We need these pieces of equipment to speed up our response to local emergencies and to help save lives.

And he continues:

> They can draw on these additional units and equipment through that compact.
>
> But in the case of a major hurricane—

And I continue to quote the Florida National Guard—

> we plan to have these other assets prepositioned prior to landfall or moving to Florida as soon as possible. However, we cannot afford any additional significant losses of equipment. Losing more equipment from Florida to support our active duty mobilization sites will put us at risk to respond effectively to our State during a time of great need.

We have to be serious all over this country about the equipment needs for our National Guard when it is called on to respond to that aspect of their job, which is to be activated by the Governor of the respective States under statewide emergencies.

HONORING OUR ARMED FORCES

CAPTAIN JONATHAN DAVID GRASSBAUGH

Mr. GREGG. Mr. President, I rise today to pay special tribute to U.S. Army Ranger CPT Jonathan David Grassbaugh of Hampstead, NH. Sadly on April 7, 2007, while supporting Operation Iraqi Freedom, this brave 25-year old leader and three of his fellow soldiers gave their lives for our Nation when an improvised explosive device detonated near their patrol in Zaganiyah, Iraq. Captain Grassbaugh was assigned to Headquarters and Headquarters Troop, 5th Squadron, 73rd Cavalry Regiment, 82nd Airborne Division, out of Fort Bragg, NC, and was protecting our country in his second deployment to Iraq.

Jonathan, or Jon to family and friends, was born in Ohio, but his family moved to Hampstead, NH, when he was in the third grade. He attended Hampstead Central School, graduated from Hampstead Middle School, where his mother Patricia is principal, went on to Phillips Exeter Academy, where he was a 4 year honor student, and then to Johns Hopkins University, where he studied computer science, graduating in 2003. While at Johns Hopkins University he was a distinguished member of the Army ROTC program and Pershing Rifles, served as captain of the Ranger Challenge Team, commanded the ROTC Battalion during his senior year and won the National two-man duet drill team competition.

Following completion of the arduous U.S. Army Ranger School in April 2004, Captain Grassbaugh was assigned to the 7th Cavalry in the Republic of South Korea. He was later assigned to the 3rd Battalion, 505th Parachute Infantry Regiment where he assumed another leadership position serving as an antitank platoon leader. Jon also served as an aide de camp for the 82nd Airborne deputy commanding general, scout platoon leader, and logistics officer for the 5th Squadron, 73rd Cavalry. In July of 2006, he was deployed for a second tour of duty in Iraq in support of Operation Iraqi Freedom. Friends say Jon was laser focused, never questioned his service or his need to be in Iraq, cared deeply for the soldiers in his command, and always put a 110 percent effort into everything.

Captain Grassbaugh's awards and decorations serve as testimony to his stellar character and performance. They include the Bronze Star Medal, Purple Heart, Meritorious Service Medal, Army Commendation Medal, 4 Oak Leaf Clusters, Joint Service Achievement Medal, Army Achievement Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Army Service Ribbon, Overseas Service Ribbon, Parachutist's Badge, Combat Action Badge, and the Ranger Tab.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Zaganiyah, Iraq—and U.S. Army Ranger CPT Jonathan Grassbaugh served, led, and fought in that same fine tradition.

My sympathy, condolences, and prayers go out to Jon's wife Jenna, his parents Mark and Patricia, brother Jason, and to his other family members and many friends who have suffered this most grievous loss. All will sorely miss Jon Grassbaugh, the caring husband, dedicated son, loyal brother, good friend, outstanding Ranger. Laid to rest at Arlington National Cemetery, Captain Grassbaugh joins his fellow heroes in eternal peace at our military's most sacred place. In the words of another son of New Hampshire, Daniel Webster may his remembrance be as long lasting as the land he honored. God bless Jonathan David Grassbaugh.

ADDRESSING THE DROPOUT EPIDEMIC

Mr. KENNEDY. Mr. President, education has long been the key to opportunity, progress, and prosperity in America. Our schools and teachers prepare young Americans to compete and succeed in an ever-changing economy. Good schools shape the character of our citizens. They train Americans to participate in our democracy, and to serve our country and our communities. And a strong education system helps protect our national security. Above all, it's a force to move America forward. It is the engine of the American dream.

When we enacted the No Child Left Behind Act 5 years ago, we sought to modernize and reform our public schools, and reaffirm the original commitment made in the Elementary and Secondary Education Act in 1965. The No Child Left Behind Act sets lofty goals for all schools to meet, and requires States to establish strong standards, a rigorous curriculum, and reliable assessments.

Congress should not abandon those fundamental goals as it works to reauthorize the law this year.

Nevertheless, we must acknowledge that too many of America's students still don't receive all that is needed to engage and succeed in school, learn to high standards, and graduate on time. Each year, approximately 1 million students do not finish high school in time to graduate with their peers.

The Nation's dropout rate is more than a problem—it is a national crisis—and one that a Nation so deeply committed to the fundamental value of equal justice and opportunities for all cannot afford to ignore.

In 1963, President Kennedy decried the fact that four out of 10 fifth graders did not finish high school. At that time, he called it "a waste we cannot afford."

Forty-four years later, the statistics on high school graduation rates are still staggering. About 1,000 high schools across the country only graduate half their students. Among African Americans and Latinos, only 55 percent graduate on time. Every day, 7,000 young Americans drop out of school.

Reaching these dropouts—and giving them a chance to get back on track—is a national imperative. We have a moral commitment and an obligation to children, to parents, and to our communities to provide each and every one of our students with the chance to attend an excellent public school and graduate with a diploma. Delivering on that basic commitment is a measure of our strength as a democracy, and it's an expression of our values and our belief as a nation that our children are our future.

Reducing the dropout rate in our schools is not just the right thing to do. This epidemic has very real consequences for our country, and addressing it is an economic necessity.

High school dropouts earn, on average, $260,000 less than high school graduates over the course of their lifetime, and nearly $1 million less than individuals with a college degree. If each student who dropped out of the class of 2006 had graduated, America's economy would have been $309 billion stronger in future years.

If the approximately 1.2 million young people who are estimated to drop out of school in the United States this year could earn high school diplomas instead, States could save more than $17 billion in costs under Medicaid and expenditures for uninsured care over the course of these young people's lifetimes.

Curbing the dropout rate requires a comprehensive solution. Our high schools clearly need greater assistance in supporting and retaining their students.

We must recognize, however, that this problem does not begin in high school. Intervention should start in the elementary and middle school years, when standards and expectations are set. Children who do not learn to read or do basic math in these grades will fall farther and farther behind, and find it increasingly difficult to catch up in the faster-paced high school grades.

Research shows that we can identify students who are most at-risk for not completing high school as early as sixth grade. With early intervention, quality teachers, small classes, and data-driven instruction, we can ensure that these students make progress, stay in school and succeed.

Once students reach high school, we must do more to engage them in the learning process. States and cities across the country are already taking steps to address this challenge, such as offering extra help during the school day, extending learning time, and adopting other school-based interventions.

In Massachusetts, Boston public schools are working with private partners to create smaller learning communities, improve instruction, and strengthen professional development for teachers. Our high schools are undergoing a transformation to focus on business, technology, health professions, arts, public service, engineering, sciences, international studies, and social justice. In many of them, students can prepare for future opportunities after they graduate, by enrolling in courses for college credit or pursuing hands-on experience in a career that interests them.

We must all work in Congress to help more districts like Boston mount significant efforts to address these issues and make progress in reducing the dropout rate.

I have joined my colleagues on the HELP Committee—Senator BINGAMAN and Senator BURR—in introducing the Graduation Promise Act, which would fund state efforts that target resources and reforms to turn around high schools with low graduation rates. 15 percent of America's high schools produce half of our dropouts. In these schools—some of which have as many as 400 students in a freshman class—8 out of 10 of the students start high school already having repeated a grade, or are special education students, or are two years or more below grade level.

It's very clear that these schools need more assistance in supporting and retaining these students, and that's what we hope to provide.

We must also do more to better connect schools with the communities around them, and provide the safety-net of services that at-risk students need to help them stay in school. The Keeping PACE Act would provide federal funds for these efforts.

Supporting the social, emotional, intellectual, and physical development of our youth is a key strategy for breaking down the barriers to learning.

Finally, in order to target reforms, we must accurately measure and track graduation rates throughout the country. Today, in some districts, students who leave school are counted as dropouts only if they have registered as dropouts. In other districts, a promise to earn a GED is all it takes to be counted as a "graduate." That's unacceptable. Obtaining reliable data is the only way to identify and target the level of reform and resources necessary to assist schools struggling with high dropout rates.

We have an obligation to encourage these and other creative reforms in our schools, and provide the support structure and safe harbor needed to present students at-risk from dropping out. But we must also back up these essential reforms with real investments.

Today, the federal investment in education at all levels—especially in the middle and high school grades—is not sufficient. Only 8 percent of students who benefit from the federal investment in Title I are in high school. Ninety-percent of high schools with very low graduation rates have high concentrations of low-income students—but only a quarter of them receive federal assistance. We need to dedicate more resources and support for secondary schools to improve academic achievement and ensure that every student has a fair opportunity to graduate. We need to target our efforts, resources, and ideas for effective reform to the schools that need them most.

As we consider ways to strengthen and advance our national commitment to leave no child behind, we have an opportunity to give teachers, schools, districts and states the support they need to ensure a high-quality education for every student.

We can no longer turn a blind eye to the millions of young people who fall through the cracks. Let us demand more of ourselves. Let us recommit ourselves to the spirit and the principles of excellence and equal opportunity that have shaped our historic commitment to improving public education. Above all, let us commit ourselves to the great goal of making this silent but severe epidemic—America's dropout crisis—a thing of the past.

TRIBUTE TO KATE MARTIN

Mr. THUNE. Mr. President, today I rise to recognize Kate Martin, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kate is a graduate of Ellendale High School in Ellendale, ND. Currently she is attending the University of North Dakota, where she is majoring in marketing and is pursuing a minor in international business. She is also active in her sorority Kappa Alpha Theta. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kate for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

HONORING THE BRIGHT STAR RESTAURANT

• Mr. SHELBY. Mr. President, I wish to honor the Bright Star Restaurant, one of my favorites in Bessemer, AL. The Bright Star celebrated its 100th anniversary last week on May 2, 2007.

I know from personal experience that the Bright Star has endured for a century due to its excellent menu. Though the restaurant has grown from a cafe that served only 25 people to its current size, seating 330 people, the quality of the food has not changed a bit. I attribute this fact to Bill and Pete Koikos, the family-owned restaurant's patriarchs. Bill and Pete immigrated to the United States from Greece in 1923. Two years later they purchased ownership interest in the restaurant. Since 1966, Bill's sons Jim and Nick have owned and operated the business very successfully.

Jim and Nick Koikos are hard workers who are nearly always in the restaurant greeting customers as they walk through the door. Jim and Nick's dedication to keeping customers happy, along with their wonderful menu, account for the Bright Star's longevity.

Although the menu has a wide assortment of delicious dishes, I am partial to the seafood, which is always fresh from the gulf. My personal favorite is the excellent Greek snapper, thought their special gumbo, not to mention the lemon pie, are also stand-outs.

For the last 100 years, the Bright Star has been one of the best restaurants in the South. The emphasis on quality food and service has not changed since the restaurant was founded in 1907, and I sincerely congratulate the Koikos brothers on their anniversary and wish them continued success.•

COMMENDING PAT SEAMANS WALKER

• Mr. PRYOR. Mr. President, it is with great pleasure that I commend an outstanding Arkansan on her birthday for her truly amazing gifts to the State of Arkansas. Mrs. Pat Seamans Walker, a Springdale resident, has always been a leader in Arkansas philanthropy by providing donations for many worthwhile causes, especially healthcare, education and human service organizations.

Mrs. Walker and her late husband Willard founded the Willard and Pat Walker Charitable Foundation in 1986. Since that time, their generosity has touched the lives of thousands of Arkansans. Mrs. Walker is a member of the Foundation Board for the Arkansas Cancer Research Center, and an active member of First Christian Church of Springdale. She also participates in the oversight of the Walker Charitable Foundation.

Pat Walker has received many awards in recognition of her philanthropy, including the 2002 American Heart Association Tiffany Award, the Distinguished Services Award from the Razorback Foundation, the prestigious Arkansas Children's Award, and the University of Arkansas Medical School Distinguished Services Award. She has been recognized as one of the Most Distinguished Women in Arkansas and was named to the Top 100 Women in Arkansas list by Arkansas Business in 1999.

The Willard and Pat Walker Charitable Foundation has made countless donations over the years, including millions to educational institutions in Arkansas, millions to healthcare research and community health centers in Arkansas, and the hundreds of thousands of dollars to build libraries in Arkansas.

I would like to personally thank Mrs. Walker and the members of the Walker family for their unwavering support of the State of Arkansas. It is an honor to stand here before you today and wish such a remarkable person a happy birthday.•

F-117'S ARRIVAL AT HOLLOMAN AIR FORCE BASE

• Mr. DOMENICI. Mr. President, I wish to commemorate the arrival of the first F-117 Nighthawk fighters at Holloman Air Force Base, NM, 15 years ago today.

On May 9, 1992, with the arrival of its first four F-117s at Holloman Air Force Base, the 49th fighter wing became the sole operator of the F-117. The F-117 was the world's first stealth aircraft and is still one of the world's most advanced fighters. Since that date the men and women of the 49th have flown the F-117 with distinction throughout the world. In 1999 the F-117s of the 49th deployed in support of Operation Allied Force, and flew more than 1,000 missions against heavily defended targets in Serbia. The 49th also played a key role in the opening hours of Operation Iraqi Freedom, attacking critical leadership targets.

I would like to take this opportunity to thank all those at Holloman for keeping the F-117 flying, and for their service to our Nation. I am proud New Mexico has been the home to this amazing aircraft and the outstanding individuals who fly them.•

CONGRATULATING DALE B. ENGQUIST

• Mr. LUGAR. Mr. President, today I wish to congratulate fellow Hoosier Dale B. Engquist who will be recognized today with the Department of the Interior's Distinguished Service Award honoring his leadership with the National Park Service as superintendent of the Indiana Dunes National Lakeshore.

Under Dale's leadership the Lakeshore has undergone remarkable changes, including a 15 percent increase in the size of the area being preserved. Dale has also developed an environmental education program that currently serves over 35,000 students per year. Recently Dale worked closely with local and State leaders to design and build the new Dorothy Buell Memorial Visitor Center, a shared resource which welcomes the two million visitors from Indiana and across the nation who come each year to learn about and enjoy the precious natural ecosystem along the southern tip of Lake Michigan which spans northwest Indiana.

I look forward to each opportunity to be with Dale and to learn about the many initiatives he and his staff have undertaken to preserve and share the spectacular beauty of the Indiana Dunes National Lakeshore. I am certain that in the coming years the staff of the Indiana Dunes National Lakeshore will continue Dale's important work to preserve this resource for generations to come.

I congratulate Dale on his recent retirement following a career dedicated to public service, and wish him and his wife JoAnn good health and happiness as they embark upon this new chapter in their lives, together.•

CONGRATULATING ALBERT YARNELL

• Mr. PRYOR. Mr. President, in 1932 Ray Yarnell bought a bankrupt dairy in Searcy, AR, and created the Yarnell Ice Cream Company. At the time, there were 43 ice cream companies in business in Arkansas.

Ray's son Albert began working for the company at the age of 12, riding his bicycle to deliver bills. During World War II, Albert Yarnell left to serve his country as a member of the Army Signal Corps. After his service, he studied dairy production at the University of Missouri and returned to work at the Yarnell Ice Cream Company in 1948. With the passing of his father in 1974, Albert Yarnell became the president of the company. In 1978, he personally created the Nation's first all-natural ice milk, and after becoming chairman of the company in 1985, he led the team that invented the Nation's first nonfat, no-sugar-added ice cream in 1990. He is affectionately known in his hometown of Searcy and at the company as "Mr. Albert."

A very successful family business, the Yarnell Ice Cream Company now stands as the only remaining ice cream producer in Arkansas. Albert's son Rogers is the current president of the company and Albert's granddaughter Christina is the treasurer. Albert and his wife Doris both contribute to and are deeply respected in the community they have called home for so many years. Mr. Yarnell also serves on several boards, including Main Street Searcy, the Baptist Health Corporation, the Searcy Chamber of Commerce, as well as the Arkansas State Chamber of Commerce.

Earlier this year, Albert Yarnell was inducted into the Arkansas Business Hall of Fame. He joins other distinguished members such as Sam Walton, Jackson Stephens, Don Tyson, and J.B. Hunt.

Mr. President, I ask that my colleagues join me in congratulating both Albert Yarnell, the patriarch of the Ice Cream Industry, and the Yarnell Ice Cream Company on the company's 75th anniversary.●

HONORING THE INN AT LONG SANDS

• Ms. SNOWE. Mr. President, today I wish to honor and recognize a small business from my home State that has triumphed over adversity in the wake of several major coastal storms. The Inn at Long Sands in York Beach, ME, suffered extensive damage as the result of a devastating storm on Mother's Day weekend of May 2006. With Memorial Day weekend approaching, signaling the unofficial beginning of summer—a busy time for York County's tourism industry—Arline Shea, the Inn's co-owner watched countless hotel and meal reservations get washed away. As a result of the storm, the Inn sustained over $100,000 in damage. This was not a welcome beginning for Arline, who had just purchased the Inn in February 2006.

Although the storm dealt Arline a heavy blow, she exemplified Maine's entrepreneurial spirit by reopening in a matter of weeks. To recover from the damage the Inn had sustained, Arline wisely made good use of the tools available to small businesses in the wake of disasters. She contacted the Federal Emergency Management Agency and the Small Business Administration to find out what kinds of assistance she would be able to receive. Arline's exemplary decision to find out what help was available to her, along with her hard work and dedication, allowed her to reopen the Inn and Long Sands in time for last year's Fourth of July holiday.

Despite all of the tragedy that befell Arline Shea and her employees, her optimistic spirit shined through just a month following the storm, when the Portsmouth Herald interviewed her for a story on the recovery from the storm. "Nobody died," Arline said. "We all have our health. That and the ice cream cone I have every day from the Village Scoop helps," she added with good humor. Arline displayed an entrepreneurial spirit, combined with a sense of humor, that allowed her to prevail following the devastation.

Unfortunately, the nightmare did not stop there for Arline. Just last month, Maine suffered, as did most of the east coast, a crippling storm, known to Mainers as the "Patriots Day Storm." This time, however, Arline was prepared for the storm, with sandbags and new sump pumps. Because of the lessons learned—and her preparation—Arline sustained minimal damage from a storm that caused major flooding in most parts of the country, and certainly across Maine.

While countless Maine businesses have overcome obstacles and succeeded, Arline's story sticks out as an outstanding example to all Maine business owners. Shortly after purchasing the Inn, Arline's father passed away. She rebounded from this personal tragedy, and from the disaster that beset her business, by utilizing the resources available to her, maintaining an optimistic spirit, and learning how to deal with disaster in the process. Arline's inspiring example shows all Maine business owners that they can persevere from any challenge that they face.

And so, I want to congratulate Arline Shea and the Inn at Long Sands for providing small businesses with a beacon to look forward to. She is truly a small business owner of whom we are all so proud. We wish her future success and offer her, and all of Maine's small businesses, our complete assistance. Maine, and indeed the nation, can benefit from Arline Shea's optimism, determination, and entrepreneurship.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORTATION AND REEXPORTATION OF CERTAIN GOODS TO SYRIA AS DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, authorizing the blocking of property of certain persons and prohibiting the exportation and reexportation of certain goods to Syria, is to continue in effect beyond May 11, 2007.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 8, 2007.*

MESSAGE FROM THE HOUSE

At 2:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrent of the Senate:

H.R. 1294. An act to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

H.R. 1595. An act to implement the recommendations of the Guam War Claims Review Commission.

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

The message also announced that the House has agreed to the followmg concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 105. Concurrent resolution supporting the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States.

H. Con. Res. 117. Concurrent resolution commemorating the 400th Anniversary of the settlement of Jamestown.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1025. An act to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas; to the Committee on Energy and Natural Resources.

H.R. 1294. An act to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

H.R. 1595. An act to implement the recommendations of the Guam War Claims Review Commission; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 105. Concurrent resolution supporting the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States; to the Committee on the Judiciary.

H. Con. Res. 117. Concurrent resolution commemorating the 400th Anniversary of the settlement of Jamestown; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2080. An act to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

S. 1348. A bill to provide for comprehensive immigration reform and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC-1875. A communication from the Secretary of Commerce, transmitting, the report of a draft bill that would reauthorize the Hydrographic Services Improvement Act of 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-79. A resolution adopted by the Senate of the State of Pennsylvania urging Congress to provide equitable funding to the Department of Housing and Urban Development for the operation of quality affordable housing; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 45

Whereas, Pennsylvania's public housing authorities are essential in the Commonwealth of Pennsylvania; and

Whereas, Pennsylvania is home to 90 public housing authorities serving an estimated 245,819 residents of the Commonwealth of Pennsylvania; and

Whereas, Pennsylvania's public housing authorities provide high-quality affordable housing to residents in the Commonwealth of Pennsylvania through the use of Fedeal programs; and

Whereas, Pennsylvania's public housing authorities have successfully assisted residents of the Commonwealth of Pennsylvania with Moving to Work programs and preapprenticeship training, resulting in greater self-sufficiency and a reduced burden on Commonwealth resources; and

Whereas, developments built by Pennsylvania's public housing authorities have in some instances increased the values of neighboring properties and communities in the Commonwealth of Pennsylvania by as much as 142%; and

Whereas, new funding guidelines developed by the United States Department of Housing and Urban Development may result in reduced funding for the Commonwealth of Pennsylvania, its public housing authorities and the Pennsylvanians who rely on these services; and

Whereas, Pennsylvania's public housing authorities are a major employer in the Commonwealth of Pennsylvania, and funding cuts from the United States Department of Housing and Urban Development may result in drastic layoffs and diminished services to the residents of public housing; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize the importance of the quality services, support and housing provided by Pennsylvania's public housing authorities and respectfully urge the Congress to provide equitable funding to the United States Department of Housing and Urban Development for the operation of quality affordable housing; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-80. A resolution adopted by the Senate of the State of Michigan urging Congress to enact legislation to increase protections for the Great Lakes from Asian carp; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 15

Whereas, two species of Asian carp, not native to the United States, are on the verge of invading the Great Lakes. Silver carp and bighead carp escaped from confinement at southern fish farms in past decades and have migrated up the Mississippi and the Illinois River to within less than 100 miles of the Great Lakes; and

Whereas, Asian carp could become a dominant species in the Great Lakes, threatening the $4.5 billion Great Lakes commercial and recreational fishery and recreational boaters. Asian carp are voracious feeders that compete with native fish and wildlife for food. In addition, silver carp can weigh up to 70 pounds and jump up to 10 feet out of the water when disturbed by boats. Boaters have suffered cuts, blackened eyes, broken bones, back injuries, and concussions from leaping silver carp; and

Whereas, the only thing preventing the movement of Asian carp into the Great Lakes is a temporary electrical barrier in the Chicago Sanitary and Ship Canal operated by the United States Army Corps of Engineers. A permanent electrical barrier is also under construction to replace the temporary barrier; and

Whereas, to date, over $12 million has been spent on construction and operation of the electrical barriers. To help match federal funding, the state of Michigan has contributed nearly $70,000 toward the completion of the permanent electrical barrier; and

Whereas, current funding is insufficient to complete construction of the permanent barrier and only finances operation of the temporary barrier through the first half of fiscal year 2007. In addition, there is no funding to renovate the temporary barrier as a permanent backup to the new barrier; and

Whereas, there are provisions in several measures before the Congress that would provide funds to upgrade the current barrier and complete construction of the permanent barrier. Bills with this language include the Great Lakes Asian Carp Barrier Act (H.R. 553 and S. 336), the Water Resources Development Act of 2007 (H.R. 1495), the National Aquatic Invasive Species Act of 2007 (S. 725), and the Great Lakes Collaboration Implementation Act (H.R. 1350). It is of the utmost importance that Congress protect the Great Lakes by providing the funding and authority for the ongoing operation and maintenance of the barriers, compensate states for their contributions to the project, and provide for research into controlling Asian carp and other exotic species; now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to enact legislation to increase protections for the Great Lakes from Asian carp; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-81. A resolution adopted by the Senate of the State of Hawaii urging Congress to propose amendments to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 33

Whereas, the United States Congress must decide in 2007 whether to reauthorize the No Child Left Behind Act of 2001 or let it die and replace it with a new law; and

Whereas, the No Child Left Behind Act, unprecedented in the history of federal and state roles in public education by the mandated imposition of a federally prescribed, single accountability model for all public schools, undermines the established constitutional role of state and local public education governance; and

Whereas, the No Child Left Behind Act, while purporting to create an accountability system for public schools, has in reality, been an enormous financial and programmatic burden on schools and taxpayers; and

Whereas, even if states and schools are satisfied with their educational programs and outcomes, they are forced to participate in this top-down system in order to continue to receive federal funds for education, such as Title I funds; and

Whereas, the No Child Left Behind Act mandates consequences to schools if just one of thirty seven possible adequate yearly progress calculation outcomes are not met, and makes no distinction in the consequences imposed on schools that did not meet one or did not meet all thirty seven, resulting in dilution of energy, time, and money by mandating the treatment of all such schools to include identical sanctions; and

Whereas, the No Child Left Behind Act employs a view of motivation that is misguided and objectionable, using threats, punishments, and pernicious comparisons to "motivate" teachers, students, and schools; and

Whereas, private K–12 schools have chosen not to spend their time or money adopting key elements of the No Child Left Behind Act's intensive testing and accountability regimen; and

Whereas, the No Child Left Behind Act's narrow focus on the "basics" has discouraged the implementation of best practices and cutting edge educational research in order to achieve higher test scores; and

Whereas, the No Child Left Behind Act has driven many schools and school systems into a narrowing of curriculum, often focused on only tested subjects, to the detriment of subjects and rich educational experiences, such as the arts; and

Whereas, the goal of achieving one hundred percent proficiency, including special education students, is unrealistic, and the pursuit of which channels millions of dollars into tactically targeted programs that divert limited resources from other critical school programs, professional training, as well as the educational and physical environment of schools; and

Whereas, the requirements of the No Child Left Behind Act penalize schools who enroll students who have inherent educational deficiencies and who, as a group, will continue to remain below ever increasing No Child Left Behind "annual measurable objectives"; and

Whereas, while there has recently been some interest in the development of so-called "growth models" to recognize the contributions of a school to individual students over time, the lack of adequate funding and the prohibition against states developing their own growth models has rendered this initiative almost meaningless; and

Whereas, the No Child Left Behind Act does not provide additional funds for teacher education or training if a school is in "status" or under restructuring, which creates a punitive environment with little commitment on the part of the federal government for improving teaching and learning, or for supporting increased school success; and

Whereas, Adequate Yearly Progress does not take into account a school's adoption of meaningful educational innovation or judicious use of research; and

Whereas, the No Child Left Behind Act has channeled countless dollars into high-stake testing, which has largely benefited national private testing companies, but at the expense of ignoring genuine student accomplishments; and

Whereas, the No Child Left Behind Act appears biased towards a one size fits all multiple choice testing system, and tends to ignore other means of engaging and assessing students such as project-based, hands-on, or problem-solving demonstrations of competency; and

Whereas, the United States Department of Education has shown little or no interest in creating incentives among colleges and universities to incorporate innovative portfolios or project-based competencies into their admissions decisions, thus reinforcing the use of high-stake, multiple-choice private contractors; now, therefore, be it

Resolved by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, That the United States Congress is strongly urged to propose specific amendments to, or recommend the repeal of, the federal No Child Left Behind Act of 2001; and be it further

Resolved, that among the issues and amendments the United States Congress should address are the following:

(1) Improving teacher quality, preparation, and training by:

(A) Building support for a comprehensive incentive program to recruit, place, and retain experienced, well-qualified teachers in high-need schools (e.g., high poverty, or geographically isolated communities);

(B) Providing significant support for teacher education, professional development, in-service training, and career opportunities;

(C) Improving the occupational status and compensation of teaching as a career;

(D) Improving qualifications of teacher candidates at colleges of education;

(E) Providing financial incentives for institutions of higher learning to incorporate portfolios and demonstrations of competency into their admissions decisions;

(F) Strengthening teacher education preparation programs in areas such as science, mathematics, technology, measurement, data analysis, and evaluation;

(G) Recognizing teachers having achieved certification by the National Board for Professional Teaching Standards as "highly qualified" in their respective fields; and

(H) Providing flexibility in recognizing certified secondary level special education teachers as qualified teachers in their own right, and removing the unrealistic expectation that such teachers be additionally certified in every single core subject area;

(2) Improving assessment measures and systems by:

(A) Refining student assessment instruments designed specifically for use in improving instruction as well as school accountability;

(B) Encouraging states and school districts to utilize a wider range of useful assessments, including project-based competency and portfolios;

(C) Developing more appropriate means of assessing the academic progress of English Language Learners, special education students, and those with behavioral health issues; and

(D) Supporting the development and implementation of comprehensive statewide data collection and exchange systems that allow for more efficient support for student record keeping and informed educational policy decision making (e.g., electronic student transcript systems, and longitudinal analyses of growth in academic achievement);

(3) Improving accountability models, indicators of performance, and consequences by:

(A) Supporting states and the educational research community in research and development efforts to further the pioneering work required in refining the technology underlying growth (toward standards) analysis models;

(B) Permitting each state to adopt and pilot its own growth model to calculate adequate yearly progress under the No Child Left Behind Act to take advantage of inherent benefits that motivate students at all levels of proficiency;

(C) Supporting wholesale changes to the "adequate yearly progress" model for educational accountability that would provide for a fairer and more balanced appraisal of school performance and quality;

(D) Replacing punitive, conjunctive "miss one, miss all" criteria;

(E) Expanding accountability indicators to reflect performance on standards in other important disciplines and countering unintended consequences such as a narrowing of curriculum;

(F) Allowing for current limitations in reliable and valid assessments of students within a wide range of disability classifications; and

(G) Allowing for deferrals to test new immigrant students with limited English proficiency for up to three years of entering the country;

(4) Augmenting resources to assist states in efforts to accomplish challenging educational initiatives by:

(A) Requiring schools to maintain a broad and comprehensive curriculum to support adopted content and performance standards, including the arts and physical education;

(B) Fully funding special education programs, as once promised;

(C) Providing adequate funding to research and develop multiple and more valid means of assessing student competence, skills and knowledge for use in both improvement and educational accountability; and

(D) Providing funding and training support for data and technology infrastructure requirements;

(5) Supporting innovation, capacity building, and flexibility to address state and local education needs by:

(A) Recognizing schools that demonstrate successful strategies using innovative curriculum and methodologies;

(B) Developing new initiatives for school facilities that do not push educational funding toward ever larger schools and economy-of-scale construction mentality;

(C) Avoiding simplistic "one size fits all" solutions for assessment, accountability, and intervention;

(D) Addressing unique needs of "high-need" schools (e.g., high poverty, high immigration, extreme geographic isolation); and

(E) Allowing states to determine which and how many grade levels are best to test; and

(6) Returning to the original intent and purpose of the Elementary and Secondary Education Act (ESEA) by:

(A) Restoring the foundational precepts of ESEA and its focus on equity in educational attainment despite disadvantages stemming from socio-economic background;

(B) Allowing states to "opt out" of requirements that impact schools that do not receive ESEA entitlements, without loss of federal funds;

(C) Promoting strategies that directly reduce achievement gaps through better instruction, such as incentives for experienced, well-qualified teachers to accept positions in high-need schools and for reducing class size;

(D) Resolving to build the best public education system and teacher work force in the world, rather than promoting lofty rhetoric and ploys that undermine and divert public funds to private schools; and

(E) Returning policy setting and curriculum and teaching decision making control back to states, school districts and local communities; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the Vice President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional delegation.

POM-82. A joint resolution adopted by the Legislature of the State of Washington urging Congress to raise the authorized funding levels of the No Child Left Behind Act to cover the costs that states and districts will incur to carry out its recommendations; to the Committee on Health, Education, Labor, and Pensions.

SUBSTITUTE SENATE JOINT MEMORIAL 8011

Whereas, Washington State supports, believes in, and has been diligently working on the attainment of the goals of the No Child Left Behind legislation, all students achieving at high levels; and

Whereas, the state welcomes the additional support No Child Left Behind has brought to focus on quality education, the improvements needed to reach all children, and the urgency nationwide to close achievement gaps; and

Whereas, the state supports a fair, feasible, and creditable accountability system; and;

Whereas, Washington State has attached approval and is in compliance with the requirements provided in the regulations; and

Whereas, the reauthorization of the No Child Left Behind legislation will provide the opportunity for essential changes to be made to reach the goals and purposes of the law; and

Whereras, students with limited English proficiency are in a program because they cannot speak, read, or write English and they must be provided appropriate and valid measures for accountability that are not included in the overall accountability until such students develop English academic language proficiency, for a period of not more than three years; and

Whereas, students with disabilities need appropriate assessments that meet the requirements of the Individuals with Disabilities Education Act (IDEA), are aligned with their individual educational plans, and tested according to students' ability and not limited to their grade level; and

Whereas, all students, all schools, and all districts do not improve on a uniform basis across any state as required by the state uniform bar, so the state uniform bar should be replaced with realistic requirements for continuous growth and improvement based on required yearly percentage increases in performance at the school, district, and state levels, which would provide fairness to accountability and an increased motivation for very low and very high performing schools; and

Whereas, the Act imposes a significant testing burden on states, schools, and districts and unless appropriate federal funding is provided for administering and scoring quality large scale assessments in the new grade levels required, states should be allowed to continue to assess students annually in selected grades in elementary schools, middle schools, and high schools and even if funding is provided for these assessments in the new grade levels, states should be able to use that funding to assess students in a variety of ways that would inform improvements in instruction but would not have to meet the extensive technical standards now required; and

Whereas, the adequate yearly progress provisions are overly prescriptive and rigid, and they identify too many schools "in need of improvement" by creating too many ways to fail, which reduces the opportunities and funding to assist schools that truly are in need of improvement; and

Whereas, the Act requires all teachers to be highly qualified regardless of state systems of certification and licensure in place, states must continue to have authority to use flexibility in meeting these requirements so that the educational needs of the students and the diverse conditions in the state are met; and

Whereas, career and technical education teachers are often hired from industries in which a bachelor's degree is not the preferred level of certification; and

Whereas, the Washington State Legislature passed legislation in 2006 that recognizes credit for core academic subjects learned through career and technical education, but if the teacher does not have a bachelor's degree the school district must report them to parents as "not highly qualified," which places these teachers at a disadvantage in school districts; and

Whereas, positive changes in the definition of highly qualified teachers will assist in the awarding of equivalency credits and remove the stigma surrounding industry-certified teachers; and

Whereas, providers of supplemental services instruct students and are funded with federal funds, therefore these providers must meet the same safety and qualification standards required of public school educators; and

Whereas, supplemental services are most appropriately provided by public schools, public school educators should be allowed to offer supplemental services to qualifying students; and

Whereas, the Act imposes significant costs on the state and local school districts, teachers, and paraprofessionals; and

Whereas, these costs include the administration of newly required assessments, and the costs of staff development, certification upgrades, and coursework; now, therefore, your Memorialists respectfully request that the President and Congress of the United States work together with state legislatures and the United States Department of Education to raise authorized funding levels of the No Child Left Behind Act to cover the costs that states and districts will incur to carry out these recommendations, and fully fund the law at those levels without reducing expenditures for other education programs and to improve language in the Act and regulations concerning its implementation, to make improvements to address the issues raised in this Memorial, and to grant the time, flexibility, and changes that will ensure successful nationwide implementation of the No Child Left Behind Act; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, and the Governor of the State of Washington.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. KOHL, Mr. KERRY, Ms. MIKULSKI, Mrs. CLINTON, Mrs. BOXER, and Mr. CASEY):

S. 1340. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1341. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 1342. A bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and self care; to the Committee on Finance.

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1343. A bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 1344. A bill to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. LEAHY, Mr. FEINGOLD, and Mrs. CLINTON):

S. 1345. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MIKULSKI (for herself, Mr. CARDIN, Mr. WARNER, Mr. BIDEN, Mr. ROCKEFELLER, Mr. CARPER, and Mr. WEBB):

S. 1346. A bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 1347. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

By Mr. REID (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. MENENDEZ, and Mr. SALAZAR):

S. 1348. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. WARNER, Mrs. MURRAY, Mr. OBAMA, Mr. GRAHAM, Mr. WEBB, and Ms. CANTWELL):

S. 1349. A bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 309

At the request of Mr. SANDERS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 309, a bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes.

S. 326

At the request of Mrs. LINCOLN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 326, a bill to amend the Internal Revenue Code of 1986 to provide a special period of limitation when uniformed services retirement pay is reduced as result of award of disability compensation.

S. 430

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 600

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 602

At the request of Mr. PRYOR, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 602, a bill to develop the next generation of parental control technology.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 625

At the request of Mr. TESTER, his name was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. CORNYN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 625, supra.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 691

At the request of Mr. CONRAD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 829

At the request of Ms. MIKULSKI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 831

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 878

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 878, a bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

S. 879

At the request of Mr. KOHL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 969

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1229

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1229, a bill to amend the Agricultural Marketing Act of 1946 to provide for the application of mandatory minimum maturity standards applicable to all domestic and imported Hass avocados.

S. 1237

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1237, a bill to increase public safety by permitting the Attorney General to deny the transfer of firearms or the issuance of firearms and explosives licenses to known or suspected dangerous terrorists.

S. 1263

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1308

At the request of Mr. DORGAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1308, a bill to prohibit the Secretary of Agriculture from allowing the importation of certain cattle and beef from Canada until the implementation of country of origin labeling requirements.

S. 1332

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 26

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States.

S. CON. RES. 27

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Con. Res. 27, a concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day".

S. CON. RES. 29

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. COLEMAN), the Senator from Wisconsin (Mr. KOHL), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 29, a concurrent resolution encouraging the recognition of the Negro Baseball Leagues and their players on May 20th of each year.

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Con. Res. 29, supra.

S. RES. 171

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 171, a resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighter Memorial Service in Emmitsburg, Maryland.

AMENDMENT NO. 998

At the request of Mr. GRASSLEY, the names of the Senator from Connecticut (Mr. DODD), the Senator from Maine (Ms. SNOWE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 998 proposed to S. 1082, an act to amend the Federal Food, Drug, and cosmetic Act and the Public Health Service Act to reauthorize drug and device user fees and ensure the safety of medical products, and for other purposes.

AMENDMENT NO. 1039

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. SNOWE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1039 proposed to S. 1082, an act to amend the Federal Food, Drug, and cosmetic Act and the Public Health Service Act to reauthorize drug and device user fees and ensure the safety of medical products, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. MCCAIN):

S. 1341. A bill to provide for the exchange of certain Bureau of Land Management land in Pima County, Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. KYL. Mr. President, today I am pleased to be joined by Senator MCCAIN to introduce the Las Cienegas Enhancement and Saguaro National Park Boundary Adjustment Act of 2007. This legislation directs a land exchange between the Bureau of Land Management, BLM, and the Las Cienegas Conservation, LLC in southeastern Arizona. A similar bill was introduced last year, and it passed the House of Representatives. Unfortunately, the Senate was unable to pass it before the session ended.

We can turn this disappointment into a success. The bill we introduce today adds to the exchange a highly sought after private parcel, the "Bloom Property." The Bloom Property would be added to Saguaro National Park. State and local officials, conservationists, and other stakeholders have worked together to include the Bloom Property in this bill and to structure an exchange that is fair and in the public interest.

Let me explain the details of the exchange. The land to be transferred out of Federal ownership, approximately 1,280 acres, is referred to as the "Sahuarita property." This property is BLM-managed land south of Tucson near Corona de Tucson. The land is low-lying Sonoran desert and has been identified for disposal by the BLM through its land-use planning process.

The private land to be brought into Federal ownership consists of two parcels. The first parcel is approximately 2,392 acres of land referred to as the "Empirita-Simonson property." This property lies north of the Las Cienegas National Conservation Area managed by the BLM. The Empirita-Simonson property lies within the "Sonoita Valley Acquisition Planning District" established by Public Law 106–538, which designated the Las Cienegas National Conservation Area. The act directed the Department of the Interior to acquire lands from willing sellers within the planning district for inclusion within the conservation area. The idea was to further protect lands with important resource values for which the national conservation area was designated.

The second parcel, the Bloom Property, is approximately 160 acres of land that was identified for inclusion in the Saguaro National Park during a boundary study conducted by the National Park Service in 1993. In 1994, using the data from the study, Congress enacted legislation expanding the park and changed Saguaro's designation from monument to park. At that time, the Bloom Property did not have a willing seller. I am pleased to say circumstances have changed, and we are able to include it in this exchange. The Bloom Property, which lies just south of the Sweetwater Trail in Saguaro Park West, is a prime example of Sonoran desert important to maintain corridors for wildlife like the mountain lion.

Although this bill is centered on the land exchange I just described, it also accomplishes two other important objectives: addressing water withdrawals at Cienegas Creek and providing road access to a popular recreation destination, the Whetstone Mountains controlled by the Forest Service.

Let's talk about water. Arizonans understand that protecting our water supply is crucial to the State's future. For this reason, we continually seek ways to promote responsible use of our limited water supply. This bill promotes responsible use. There is a prior claim to a well site on the private land that will be exchanged. That prior claim would allow a developer to withdraw 1,600 acre-feet of water a year. Pima County and the community at large are concerned about the future of Cienegas Creek and the entire riparian area if these water withdrawals occur.

To address this concern, the land exchange is conditioned on Las Cienegas Conservation, LLC conveying the well site to Pima County and relinquishing those water rights it controls. The net result is a water savings of 1,050 acre-feet per year. This is a significant benefit to this riparian area.

Overall, this bill allows us to accomplish important environmental and conservation objectives while managing our development. It is a bill with broad support that includes Pima County, the city of Tucson, and many others. I urge my colleagues to work with me to approve this legislation at the earliest possible date.

By Mrs. CLINTON (for herself and Ms. COLLINS)

S. 1343. A bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, Senator COLLINS and I will be introducing the Diabetes Treatment and Prevention Act, legislation to help our Federal, State and local governments address the growing epidemic of diabetes across our Nation.

According to the Centers for Disease Control and Prevention, CDC, the number of Americans with diagnosed diabetes has doubled over the past 15 years. Over 20 million Americans are currently living with this disease, but 6 million of them have not yet been diagnosed. Another 54 million are classified as "pre-diabetic," with a high risk of developing this condition. Diabetes accounts for over $92 billion in direct medical costs every year, and these numbers are only likely to increase.

Last year, the New York Times published an insightful series on diabetes that highlighted the obstacles faced by health care providers and institutions seeking to prevent complications from diabetes. The system will pay tens of thousands of dollars for amputations, but not a low-cost visit to the podiatrist that could have saved the foot. Hospitals struggle to provide preventive treatment and rehabilitation in the Byzantine system of reimbursements. The incentives inside our health care system are backwards, and the payment system is upside-down: too often paying for costly and debilitating treatment but not for low-cost prevention.

We know what works. The landmark Diabetes Prevention Program, a government funded clinical trial, found that moderate diet and exercise interventions helped to delay and prevent the onset of type 2 diabetes in persons at high risk for developing the condition. Indeed, the study was so successful that it was ended a year earlier than planned. Yet despite the success of this study, we still haven't found a way to implement these interventions in our communities.

The Diabetes Treatment and Prevention Act would provide additional support for the Federal, State and local programs that are working to fight this epidemic. Our legislation would codify the Division of Diabetes Translation at the Centers for Disease Control and Prevention, CDC, giving them definitive authority to carry out activities in diabetes surveillance, translational research, and education efforts. It would direct the CDC to continue its work in coordinating the National Diabetes Education Program, in conjunction with the National Institutes of Health, NIH, and would increase support for its diabetes control and prevention efforts at the State level.

This bill would also establish several demonstration projects. One would help to translate the interventions identified as effective by the Diabetes Prevention Program into clinical interventions that can be replicated at the State, local and provider level. Another would allow academic centers, in conjunction with state and local health departments, to examine ways to improve overall health outcomes in people living with diabetes and other co-occurring chronic conditions, such as heart disease, mental illness, or HIV. Finally, the bill would support efforts to increase surveillance and education at the State and local level.

The epidemic of diabetes has the potential to place great burdens on our health care system, but it doesn't have to. We can prevent diabetes, we can manage diabetes, and we can reduce the health care costs associated with care and treatment for this condition. The Diabetes Treatment and Prevention Act will help us take necessary steps to supporting our public health infrastructure in dealing with this crisis, and I would urge all of my colleagues to cosponsor this legislation.

By Mrs. MURRAY:

S. 1344. A bill to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, I rise today to speak about legislation that my colleague from Washington, Congressman DOC HASTINGS, and I are introducing to name the soon-to-be-opened Community-Based Outpatient Clinic in Wenatchee, WA, after Elwood "Bud" Link. Bud provided both the inspiration and the energy necessary to make this project a reality, thereby fulfilling a longstanding and serious need for his community.

Bud, a World War II veteran and an active member of Veterans of Foreign Wars Post 10445, recognized the need for better, more accessible veteran medical services for those veterans living in north central Washington. Like countless others, Bud suffered from health problems attributed to his service in the Navy, where he bravely served aboard the USS *Tracy* escorting convoys throughout the South Pacific and protecting medical personnel after the deployment of the atomic bomb.

When Bud returned to the States, he, like so many other veterans, relied on the VA for health care. In order to receive the necessary treatment from the VA, however, Bud was forced to make a 3-hour drive in each direction to the VA medical center nearest to his home.

Realizing that this was the case for veterans all over his community, Bud, his wife of over 50 years, Helen, and his fellow VFW Post 10445 members, helped by the American Legion and other veteran service organizations, mobilized the community to work toward the creation of a new, more accessible outpatient veteran center.

I was proud to contribute to this effort. After several years of hard work, I stood with Congressman Doc Hastings at the Cashmere VFW hall on March 20, 2006 to announce the VA's final decision to create the Community-Based Outpatient Clinic in Wenatchee, WA.

Although Bud sadly passed away before this exciting announcement was made, the creation of this facility in Wenatchee represents the culmination of Bud and his fellow veterans' efforts to make veterans' medical care more accessible and, in turn, to hold the Federal Government accountable for fulfilling its promises to the veteran community.

Bud dedicated his time and energy to addressing this and other veteran needs as an advocate, a leader, and a concerned citizen. Due in large part to Bud's work, the new CBOC, set to serve six counties in north central Washington, is likely to make over 25,000 visits by veterans more accessible next year.

Bud's life of service and activism, coupled with this final victory, reaffirms a valuable lesson for all Americans: even a single citizen can see a problem and fix it.

Bud Link dedicated his time and energy to helping other veterans, and now that the clinic he fought for is going to open, we have a chance to honor his lifetime of service. My bill will ensure that Bud's efforts and good example will not be forgotten, but rather, that the new CBOC will carry on Bud's legacy.

I ask my colleagues to join me in honoring the work that Bud Link and his fellow veterans have done to make this new CBOC a reality.

By Mr. AKAKA (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. LEAHY, Mr. FEINGOLD, and Mrs. CLINTON):

S. 1345. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, as we celebrate Public Service Recognition Week and the dedication and professionalism of Federal employees, I rise today to introduce legislation to reassert protections for Federal employees and applicants for Federal employment against discrimination based on one's sexual orientation. The Clarification of Federal Employment Protection Act will spell out the protections that Federal employees currently have but have been denied by the Office of Special Counsel, OSC. I am pleased that Senators LIEBERMAN, COLLINS, LEVIN, LEAHY, FEINGOLD, and CLINTON are cosponsoring this important legislation and that Representative HENRY WAXMAN, Chairman of the House Oversight and Government Reform Committee, is introducing a companion bill in the House.

When Congress passed the Civil Service Reform Act of 1978, it established a list of prohibited personnel practices, personnel actions that were clearly not in line with the Merit System Principles and were subject to prosecution by OSC. Examples include personnel actions, such as hiring, firing, and changes in pay, against employees based on a whistleblower disclosure, nepotism, or off-duty conduct.

The prohibition on personnel action based on off-duty conduct, found in section 2302(b)(10) of title 5, United States Code, has been interpreted for years to prohibit the taking of personnel actions against employees and applicants for employment based on their sexual orientation. In 1980, Mr. Alan Campbell, Director of the Office of Personnel Management, OPM, at the time, wrote a memorandum to the heads of all executive branch agencies advising that, under 5 U.S.C. 2302(b)(10), employees and applicants were to be protected against inquiries into or actions based upon non job-related conduct, including religious or community affiliations, or sexual orientation. The position by OPM has been reaffirmed time and again, most recently by the current OPM Director, Linda Springer, in her responses to questions posed by the Homeland Security and Governmental Affairs Committee in relation to her nomination for the position. In fact, to this day, OPM's website contains a guide to Federal employee rights which states that section 2302(b)(10) has been interpreted by OPM to prohibit discrimination based upon sexual orientation.

OPM is not alone in this interpretation. The previous Special Counsel also interpreted 2302(b)(10) to protect against discrimination based on an individual's sexual orientation. For example, in 2003, OSC secured corrective and disciplinary action against a Federal supervisor who discriminated against Federal job applicant because he was gay in violation of section 2302(b)(10). In 2004, following the debate spurred by OSC over the interpretation of this provision, White House spokesman Trent Duffy said the president "believes that no Federal employee should be subject to unlawful discrimination, and Federal agencies will fully enforce the law against discrimination, including discrimination based on sexual orientation."

Upon the nomination of Scott Bloch to be the new Special Counsel, I asked the nominee about his interpretation of the laws protecting Federal employees and applicants against sexual orientation discrimination. When asked if he would support the interpretation of 2302(b)(10) by OPM and OSC, he said that he would not fail to enforce a claim of sexual orientation discrimination before OSC that shows through the evidence that the statute has been violated.

Nonetheless, after being in office for only a few months, Special Counsel Bloch conducted a review of the discrimination statute and claimed that section 2302(b)(10) only provides protection against discrimination based on conduct, including sexual conduct, but not one's sexual orientation. Instead, Mr. Bloch claims that for discrimination based on status, referring to sexual orientation, it would have to be listed under section 2302(b)(1), which protects employees from discrimination based on race, gender, religion, or marital status. This departure from the long-standing interpretation of (b)(10) by OSC and OPM is illogical. When a supervisor who dislikes gays or lesbians refuses to hire an applicant who the supervisor believes is gay or lesbian, it follows that the supervisor is basing the personnel action on disapproval of the applicant's presumed sexual conduct. In other words, in the context of sexual orientation discrimination, status implies conduct.

I believe that Congress must act to guarantee the protections it has provided to Federal employees and applicants for Federal employment. We cannot allow one administration official's opinion to undermine the merit system or the rights and protections Federal workers. The legislation I am introducing today would affirm that sexual orientation is protected by section 2302(b)(10) but also make it a clear protected status under section (b)(1). I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clarification of Federal Employment Protections Act".

SEC. 2. DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION PROHIBITED.

(a) REPUDIATION.—In order to dispel any public confusion, Congress repudiates any assertion that Federal employees are not protected from discrimination on the basis of sexual orientation.

(b) AFFIRMATION.—It is the sense of Congress that, in the absence of the amendment made by subsection (c), discrimination against Federal employees and applicants for Federal employment on the basis of sexual orientation is prohibited by section 2302(b)(10) of title 5, United States Code.

(c) AMENDMENT.—Section 2302(b)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (D);

(2) by inserting "or" at the end of subparagraph (E); and

(3) by adding at the end the following:

"(F) on the basis of sexual orientation.".

By Mrs. FEINSTEIN:

S. 1347. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Lytton Gaming Oversight Act of 2007, a bill seeking to ensure that Native American tribes follow the regular process under Federal law prior to establishing and operating gaming facilities.

I believe this approach provides a good step forward as it has the support of both the local community and the Lytton tribe.

I am pleased to have worked closely with representatives of the local community, such as California Assemblymember Loni Hancock, D-Berkeley, as well as my colleague Senator SPECTER in crafting this piece of legislation.

I introduced similar legislation in the 108th and 109th Congresses, but these bills would have effectively required closure of the casino operations, until a point when and if the Lytton successfully completed the two-part determination process.

This legislation, however, stalled. The legislation introduced today breaks that stalemate and seeks to prevent a massive expansion of gaming in the Bay Area.

The bill requires that the Lytton Band of Pomo Indians follow critical oversight guidelines laid out in Section 20 of the Indian Gaming Regulatory Act, IGRA, before engaging in Class III gaming.

This legislation would amend language inserted into the Omnibus Indian Advancement Act of 2000.

That language mandated that the Secretary of Interior take a card club and adjacent parking lot in the San Francisco Bay Area into trust for the Lytton tribe as their reservation and backdate the acquisition to October 17, 1988, or pre-IGRA.

This backdating was done expressly with the goal of allowing the Lytton tribe to circumvent IGRA's "two-part determination" process, an important step that requires both Secretarial and Gubernatorial approval, in addition to consultation with nearby tribes and the local community and its representatives.

The legislation that I have introduced would simply return the Lytton tribe to the same status as all other tribes seeking to pursue Class III, or Nevada-style gaming, on lands acquired after the passage of IGRA in 1988.

It would allow the tribe to continue operating its Class II gaming facility provided it follows all IGRA regulations regarding gaming on newly acquired lands going forward.

Finally, it would also preclude any expansion of the facility used by the Lytton for Class II gaming.

I would like to emphasize what the bill would not do. It would not: Remove the tribe's recognition status; Alter the trust status of the new reservation; or take away the tribe's ability to conduct gaming through the normal IGRA process.

This legislation was solely crafted to restore IGRA's rightful oversight of the gaming process, just as Congress intended.

Section 20 of the Indian Gaming Regulatory Act provides clear guidelines for addressing the issue of gaming on so-called "newly-acquired" lands, or lands that have been taken into trust since the enactment of IGRA in 1988.

Most importantly, in my opinion, IGRA's "two-part determination" process provides for both Federal and State approval, while protecting the rights of nearby tribes and local communities.

Circumventing this process creates a variety of serious and critical multi-jurisdictional issues, issues which can negatively affect the lives of ordinary citizens and deprive local and tribal governments of their ability to effectively represent their communities.

Without passage of this bill, the Lytton could take the former card club and the adjacent parking lot that is now their reservation and turn it into a large gambling complex outside the regulations set up by the Indian Gaming Regulatory Act. In fact, this is exactly what was proposed in the summer of 2004.

While the tribe announced that it was dropping its pursuit of a sizable casino, it could reverse these plans at any time and proceed with Class III gaming without first going through the regular process.

Allowing this to happen would set a dangerous precedent not only for California, but every State where tribal gaming is permitted.

I do not think it is asking too much to require that the Lytton be subject to the regulatory and approval processes applicable to all other tribes by the Indian Gaming Regulatory Act.

This bill would do just that.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (Public Law 106–568; 114 Stat. 2919) is amended—

(1) in the first sentence, by striking "Notwithstanding" and inserting the following:

"(a) ACCEPTANCE OF LAND.—Notwithstanding";

(2) in the second sentence, by striking "The Secretary" and inserting the following:

"(b) DECLARATION.—The Secretary"; and

(3) by striking the third sentence and inserting the following:

"(c) TREATMENT OF LAND FOR PURPOSES OF CLASS II GAMING.—

"(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Lytton Rancheria of California may conduct activities for class II gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land taken into trust under this section.

"(2) REQUIREMENT.—The Lytton Rancheria of California shall not expand the exterior physical measurements of any facility on the Lytton Rancheria in use for class II gaming activities on the date of enactment of this paragraph.

"(d) TREATMENT OF LAND FOR PURPOSES OF CLASS III GAMING.—Notwithstanding subsection (a), for purposes of class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the land taken into trust under this section shall be treated, for purposes of section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as if the land was acquired on October 9, 2003, the date on which the Secretary took the land into trust.".

By Mr. DURBIN (for himself, Mr. WARNER, Mrs. MURRAY, Mr. OBAMA, Mr. GRAHAM, Mr. WEBB, and Ms. CANTWELL):

S. 1349. A bill to ensure that the Department of Defense and the Department of Veterans Affairs provide to members of the Armed Forces and veterans with traumatic brain injury the services that best meet their individual needs, and for other purposes; to the Committee on Armed Services.

Mr. DURBIN. Mr. President, traumatic brain injury is the signature injury of the Iraq war. The widespread use of Improvised Explosive Devices, IEDs, has taken a terrible toll. Even those who have walked off the battlefield without visible scars often find they have suffered the internal trauma of a traumatic brain injury.

Today, I am introducing legislation, along with Senators WARNER, MURRAY, GRAHAM, OBAMA, WEBB, and CANTWELL, to create a Traumatic Brain Injury Program, operated jointly by the Department of Defense and the Department of Veterans Affairs, to ensure that those servicemembers who suffer a brain injury receive all the services they need. The legislation establishes a standard of care for each individual found to have suffered a brain injury, improves the coordination of care, strengthen the rights of brain injury patients, and expands brain injury research in the Departments of Defense and Veterans Affairs.

This legislation will reduce the number of our wounded soldiers who fall through the cracks and are left to fend for themselves as they struggle to recover from a traumatic brain injury. I am pleased to have the support of Veterans for America for this legislative effort.

We have made tremendous progress in battlefield medical care. During Vietnam, one in three servicemembers who were injured died. In Iraq and Afghanistan, 1 in 16 who are injured die. But with the changes in warfare and in medical technology, more of our servicemembers are coming home with serious brain injuries from Iraq and Afghanistan than from any other recent conflicts we've known.

For some of these wounded warriors, the greatest battle comes at home when they seek care. Many of these returning troops need long-term treatment and rehabilitation long after their discharge from active duty, as they fight to overcome the severe disabilities that a traumatic brain injury can cause.

For others, there is a different story. Some servicemembers don't even realize they suffered a traumatic brain injury until long after their discharge, because we don't do a very good job of identifying and treating those who may have suffered a brain injury.

Fortunately, many of those who suffer a brain injury are able to recover fairly quickly. But for some, the experience is life-altering, even life-shattering. We must not fail them in their time of need.

Consider the case of Sgt. Eric Edmundson. Eric left my home state of Illinois to serve in Iraq. In October 2005, he suffered a severe head concussion when a roadside bomb exploded near him. He was cared for at Walter Reed Hospital, then was transferred to a VA facility where he and his family felt he was not receiving the kind of treatment that would allow him to continue to make progress in rehabilitation.

He would have been stuck there if the family had not found a creative way to obtain the care he needed. The family found a way to ensure that Eric could receive treatment and rehabilitation at one of the premiere rehabilitation hospitals in the nation: the Rehabilitation Institute of Chicago. He is making great progress there and hopes to walk out of the hospital some day soon.

We need to use private hospitals more. In fact, we should use them whenever they are the best option for our returning soldiers who are wounded. In the case of traumatic brain injury, they often have the special expertise needed, because the leading facilities in this field deal with brain injuries day in and day out as a result of construction accidents and car crashes.

Now consider the case of Sgt. Garrett Anderson of Champaign, Illinois. Garrett went to Iraq with the Illinois National Guard. After 4 months there, an IED exploded next to his armored Humvee in Baghdad. The blast tore off his right arm below the elbow, shattered his jaw, severed part of his tongue, damaged his hearing, and punctured his body with shrapnel.

He spent 7 months at Walter Reed, where he received excellent care in Ward 57, the famous amputee ward. However, the outpatient care that followed has been filled with paperwork and red tape. It was months before the VA recognized that Garrett had suffered a traumatic brain injury. He has not received the kind of treatment for brain injury that could make a significant difference in the trajectory of his rehabilitation.

We need to change the way we handle patients with traumatic brain injury, so that they receive the care they need at the time they need it.

The legislation I am introducing takes a comprehensive approach to dealing with the traumatic brain injuries that plague our troops and veterans.

First, this legislation would establish a Traumatic Brain Injury Program, run by DOD and the VA, to provide treatment and rehabilitation to servicemembers and veterans who have suffered a service-connected traumatic brain injury.

Second, this bill would establish a standard of care for the participants in the TBI Program. Specifically, each individual in the program shall be provided "the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual. "And they shall be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available."

That's the standard of care we should provide to these injured troops who gave so much of themselves for us. They should receive the best we have to give.

Third, the measure would direct the Defense Department to develop and administer a standardized cognitive pretest, which would be administered to all military personnel prior to deployment and again upon return from deployment to determine if they have suffered a brain injury.

It also would require DOD and the VA to refer any servicemember or veteran for TBI screening if it is found, in the course of later treatment or contacts, that the servicemember or veteran may have suffered a service-connected brain injury.

Anyone found to have suffered a traumatic brain injury would be enrolled in the TBI program and receive the care they need.

One of the things the families of TBI patients complain most about is the confusion that surrounds their efforts to ensure that their loved one received all needed care. The fourth thing this measure would do is to direct DOD and the VA to assign each patient a lead case manager to ease the stress on the patient and family, facilitate navigation through the DOD and VA systems, ensure proper care, present options for care outside of DOD and the VA, and ensure consistent guidance. Additionally, DOD and the VA would assign to each patient a lead primary care physician to coordinate and oversee the care provided to the patient, including all treatment, rehabilitation, and medications.

Another complaint of families and TBI patients is that they are sometimes blocked from receiving the care they need due to their status as either a veteran or an active duty member. DOD and the VA have different health benefit options. In some cases, servicemembers have found that, because they accepted a discharge, they lost access to benefits that would help them.

Our bill addresses this problem by establishing, for these TBI patients, a temporary overlap of benefits. The participants in the TBI Program will be allowed, for 2 years, to receive any of the benefits available to veterans and to active duty members, regardless of their active duty status. This will help ensure they receive the best care and rehabilitation available, wherever it may be.

Our bill would spell out some other rights that are important for the rehabilitation of TBI patients. First, DOD and the VA would be required to provide a referral to a medical professional outside of DOD and the VA when requested by a TBI patient. This will allow patients to determine whether there is better care in the private sector that is not being provided to that patient. They would also have a right to an appeals process to challenge any failure to provide the standard of care required in the TBI Program.

In some cases, undiagnosed traumatic brain injuries may contribute to behavior resulting in other than honorable discharges. Upon the request of a servicemember who served since 2001 and was discharged under other than honorable conditions, the DOD would be directed to review the discharge to determine whether a brain injury might be the root cause of the actions that precipitated the adverse discharge, with fair reconsideration of the discharge if such evidence is found.

Similarly, the VA would be required to make available, upon request, an appeals process to update the disability rating of a veteran who is found to have suffered a traumatic brain injury.

Finally, this measure authorizes additional funding for research related to traumatic brain injury both in DOD and in the VA, to improve screening, diagnosis, treatment, and rehabilitation for traumatic brain injury.

This is a comprehensive effort to improve the treatment of our Nation's wounded servicemembers who have suffered a traumatic brain injury. I can't imagine the anguish that must be associated with such an injury, but I can imagine the kind of medical system I would like to have in place if it were my son or daughter struggling to recover from such an injury. This legislation reflects that vision.

I thank my cosponsors, Senators WARNER, MURRAY, GRAHAM, OBAMA, WEBB, and CANTWELL, and I urge all of my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military and Veterans Traumatic Brain Injury Treatment Act".

SEC. 2. PROGRAM OF SERVICES FOR TRAUMATIC BRAIN INJURY FOR MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) TRAUMATIC BRAIN INJURY PROGRAM REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a program meeting the requirements of subsections (c) through (f) under which each member of the Armed Forces or veteran who incurs a traumatic brain injury during service in the Armed Forces—

(1) is enrolled in the program; and

(2) receives, under the program, treatment and rehabilitation meeting the standard of care specified in subsection (b).

(b) STANDARD OF CARE.—The standard of care for treatment and rehabilitation specified in this subsection is that each individual who is a member of the Armed Forces or veteran who qualifies for care under the program established under subsection (a) shall—

(1) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(2) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(c) REFERRALS.—

(1) IN GENERAL.—If a member of the Armed Forces or a veteran participating in the program established under subsection (a) determines that care provided to such participant by the Department of Defense or the Department of Veterans Affairs, as the case may be, does not meet the standard of care specified in subsection (b), the Secretary of Defense or the Secretary of Veterans Affairs, as the case may be, shall, upon request of the participant, provide to such participant a referral to a public or private provider of medical or rehabilitative care for consultation regarding the care that would meet the standard of care specified in subsection (b).

(2) LIMITATION ON REFERRALS.—The Department of Defense shall bear the cost of referrals under paragraph (1), except that the Secretary of Defense shall not be required to pay for more than one referral for each participant in any consecutive three month period.

(d) SCREENING FOR TRAUMATIC BRAIN INJURY.—

(1) PROTOCOLS FOR DETECTION AND DIAGNOSIS OF TRAUMATIC BRAIN INJURY.—

(A) IN GENERAL.—The Secretary of Defense shall, in cooperation with the Secretary of Veterans Affairs, establish protocols for the detection and diagnosis of traumatic brain injury, including the use of various types of screening tools as appropriate.

(B) FREQUENCY.—The protocol required by subparagraph (A) shall provide that examinations shall be administered at least once to each member of the Armed Forces—

(i) before deployment to a combat theater; and

(ii) during the period beginning on the 30th day after the member returns from such deployment and ending on the 90th day after the date on which such member returns to the member's permanent duty station after such deployment.

(C) PROTOCOL FOR DETERMINATION OF BASELINE COGNITIVE FUNCTIONING.—The protocols required by subparagraph (A) shall include a protocol—

(i) for the assessment and documentation of the cognitive functioning of each member of the Armed Forces before each such member is deployed in a combat theater, in order to facilitate the detection and diagnosis of traumatic brain injury of such member upon return from such deployment; and

(ii) for the comparison of the cognitive functioning determined under clause (i) with the cognitive functioning of the member upon return from deployment.

(D) ADMINISTRATION OF COMPUTER-BASED EXAMINATIONS.—The protocol required by subparagraph (C) shall include the administration of computer-based examinations to members of the Armed Forces.

(2) INCIDENTAL DETECTION.—If, while delivering health care services to a member of the Armed Forces or a veteran who is not a participant in the program established under subsection (a), the Secretary of Defense or the Secretary of Veterans Affairs, as the case may be, discovers that such member or veteran may have incurred a service-connected traumatic brain injury, the Secretary concerned shall test such member or veteran for traumatic brain injury.

(3) REFERRALS.—If the Secretary of Defense or the Secretary of Veterans Affairs receives a referral for the testing of a member of the Armed Forces or a veteran for traumatic brain injury, the Secretary concerned shall test such member or veteran for traumatic brain injury expeditiously.

(4) ENROLLMENT.—If a member of the Armed Forces or a veteran is diagnosed under this subsection with a traumatic brain injury that was incurred during service in the Armed Forces, such member or veteran shall be enrolled in the program required by subsection (a).

(e) OUTREACH.—

(1) OUTREACH TO MEMBERS OF THE ARMED FORCES AND VETERANS.—The Secretary of Defense and the Secretary of Veterans Affairs shall conduct a program of outreach to members of the Armed Forces and veterans to inform such members and veterans of—

(A) the program required by subsection (a);

(B) the availability of screening for the diagnosis of traumatic brain injury under subsection (d);

(C) the consequences, with regard to the treatment and care of traumatic brain injury, of separation, discharge, and retirement from the Armed Forces; and

(D) the rights of such members or veterans described in subsection (f).

(2) JOINT MANUAL OF BENEFITS.—As part of the program of outreach under paragraph (1), the Secretary of Defense and the Secretary of Veterans Affairs shall annually and jointly publish and distribute a manual explaining the benefits available to participants in the program required by subsection (a) and their families.

(f) RIGHTS OF MEMBERS OF THE ARMED FORCES AND VETERANS WITH TRAUMATIC BRAIN INJURY.—The Secretary of Defense and the Secretary of Veterans Affairs shall inform members of the Armed Forces and veterans with traumatic brain injury and their families of their rights with respect to the following:

(1) The receipt of medical care from the Department of Defense and the Department of Veterans Affairs.

(2) The options available to such members and veterans for treatment of traumatic brain injury.

(3) The options available to such members and veterans for rehabilitation.

(4) Referrals under subsection (c)(1).

(5) The right to any administrative or judicial appeal of any agency decision with respect to the program established under subsection (a).

(6) Reviews of decisions under section 4.

(g) Coordination of Case Management and Health Care Services for Program Participants.—

(1) Lead case managers.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign a qualified lead case manager to each member of the Armed Forces or veteran, as the case may be, that participates in the program required by subsection (a). Each lead case manager shall, with respect to a participant in the program under subsection (a) to whom the lead case manager has been assigned—

(A) coordinate the work of any other case managers associated with such participant;

(B) help the participant and the family of such participant manage the stress associated with receiving treatment and rehabilitative services for traumatic brain injury;

(C) present the participant with options for the receipt of medical and rehabilitative care, including options for such care outside the Department of Defense and the Department of Veterans Affairs, that meet the standard of care specified in subsection (b);

(D) help the participant find and receive the care, including care from outside the Department of Defense and the Department of Veterans Affairs, to which the participant is entitled under subsection (a); and

(E) ensure that providers of care to participants in the program required by subsection (a) provide consistent guidance to such participants.

(2) Primary care physicians.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign a lead primary care physician to each member of the Armed Forces or veteran, as the case may be, who participates in the program required by subsection (a). Such lead primary care physician shall coordinate and oversee the care provided to the participant, including all treatment, rehabilitation, and medications.

(3) Report.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall report to Congress on the steps taken to coordinate care, as required by this subsection, along with recommendations, if any, for legislation to improve such coordination.

(h) Resources.—

(1) Facilities.—The Secretary of Defense and the Secretary of Veterans Affairs may provide treatment and rehabilitation in accordance with subsection (a) in any of the facilities as follows:

(A) Facilities of the Department of Defense.

(B) Facilities of the Department of Veterans Affairs.

(C) Public or private medical facilities accredited or otherwise qualified to provide treatment and rehabilitation.

(2) Access to equipment.—The Secretary of Defense and the Secretary of Veterans Affairs shall ensure, by procurement, contract, or agreement, that the program established under subsection (a) has access to all specialized programs, services, equipment, and medical expertise required to ensure that each participant receives the standard of care specified in subsection (b).

(3) Cooperative agreements, contracts, or partnerships with private and public medical centers.—The Secretary of Defense and the Secretary of Veterans Affairs shall, separately or jointly, enter into cooperative agreements, contracts, or partnerships with private or public medical centers with expertise in the treatment or rehabilitation of individuals with traumatic brain injury to provide consultation, treatment, or rehabilitation to members of the Armed Forces or veterans as required by subsection (a).

(4) Training program.—The Secretary of Defense and the Secretary of Veterans Affairs shall, separately or jointly, provide grants to, or enter into contracts or agreements with, private or public medical centers with expertise in the treatment or rehabilitation of individuals with traumatic brain injury to provide training, education, or other assistance to personnel of the Department of Defense and the Department of Veterans Affairs to ensure that such personnel are consistently using the most up-to-date and best practices and procedures for the screening, treatment, and rehabilitation of members of the Armed Forces and veterans with traumatic brain injury.

(5) Overlap of benefits.—

(A) In general.—During the 24-month period beginning on the date that a member of the Armed Forces or a veteran is enrolled in the program required by subsection (a), the member or veteran shall be entitled to all of the benefits otherwise available to a veteran (in the case of a member) or member (in the case of a veteran), including participation in the TRICARE program under chapter 55 of title 10, United States Code, and care provided in a facility of the Department of Defense, the Department of Veterans Affairs, or other public or private facility, regardless of the active duty status of such member or veteran.

(B) Allocation of costs.—Costs associated with the provision of care under subparagraph (A) shall be borne by the Department of Defense.

SEC. 3. FACILITATION OF CONTINUITY OF CARE FROM DEPARTMENT OF DEFENSE TO DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense and the Secretary of Veterans Affairs shall establish protocols to ensure that members of the Armed Forces receive, with regard to health care benefits and services from the Department of Veterans Affairs and otherwise, a continuity of care and assistance during and after the transition from military service to civilian life, including protocols for the following:

(1) The expeditious transfer of medical records from the Department of Defense to the Department of Veterans Affairs.

(2) Continuity of health care services, treatment, and coverage for members of the Armed Forces who are transitioning to civilian life, with particular emphasis on providing continued health care to participants in the program required by section 2.

(3) The development of a specific, individualized transition plan for each member, prior to discharge or release from the Armed Forces, outlining the member's seamless continuity of care.

SEC. 4. REVIEW OF CERTAIN DECISIONS OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Review of Other Than Honorable Discharge Status for Former Members of the Armed Forces With Traumatic Brain Injury.—

(1) Review required.—The Secretary of Defense shall, upon the request of any former member of the Armed Forces who served in the Armed Forces after October 6, 2001, and has been discharged from the Armed Forces under other than honorable conditions, conduct a review (including a medical evaluation) to determine whether a traumatic brain injury was a cause of the actions of the member that precipitated the discharge under other than honorable conditions. Such request may also be made by an authorized representative of the member.

(2) Reconsideration.—If the Secretary of Defense determines under this subsection that the traumatic brain injury of a member was a cause of the actions of the member that precipitated the discharge under other than honorable conditions, the Secretary shall reconsider the discharge and redesignate the status of such discharge if such action is warranted.

(b) Review of Decisions of Secretary of Veterans Affairs Affecting Veterans With Traumatic Brain Injury.—Upon the request of any veteran diagnosed with a traumatic brain injury, the Secretary of Veterans Affairs shall review and adjust as the Secretary considers appropriate, the disability rating of such veteran.

SEC. 5. TRAUMATIC BRAIN INJURY RESEARCH.

(a) Research Required of Department of Defense.—The Secretary of Defense shall conduct research—

(1) to improve the screening, diagnosis, and treatment of traumatic brain injury;

(2) to improve rehabilitation of members of the Armed Forces with traumatic brain injury;

(3) to improve best practices for the activities described in paragraphs (1) and (2); and

(4) to identify the mechanisms of brain injury and ways to prevent or ameliorate secondary effects of brain injuries.

(b) Research Required of Department of Veterans Affairs.—Section 7303 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by inserting "traumatic brain injury research," after "mental illness research,"; and

(2) by adding at the end the following new subsection:

"(e) Traumatic brain injury research shall include research—

"(1) to improve the screening, diagnosis, and treatment of traumatic brain injury;

"(2) to improve rehabilitation of veterans with traumatic brain injury;

"(3) to improve best practices for the activities described in paragraphs (1) and (2); and

"(4) to identify the mechanisms of brain injury and ways to prevent or ameliorate secondary effects of brain injuries.".

(c) Grants or Cooperative Agreements.—In conducting the research required by subsection (a) or in accordance with section 7303(e) of title 38, United States Code, the Secretary of Defense and the Secretary of Veterans Affairs may provide grants to, or enter into cooperative agreements with, private or public medical centers with expertise in research on traumatic brain injury, including the treatment or rehabilitation of individuals with traumatic brain injury.

(d) Authorization of Appropriations.—There are authorized to be appropriated—

(1) to the Secretary of Defense, $20,000,000 to carry out the provisions of subsection (a); and

(2) to the Secretary of Veterans Affairs, $20,000,00 to carry out the amendments made by subsection (b).

SEC. 6. REPORT.

Not later than December 15 of each year, the Secretary of Defense shall, in conjunction with the Secretary of Veterans Affairs, submit to Congress a report that contains, with respect to the fiscal year ending in the year such report is submitted, the following:

(1) Descriptions of the activities, accomplishments, and limitations of the program on traumatic brain injury established under section 2.

(2) Recommendations of the Secretary of Defense and the Secretary of Veterans Affairs, if any, for improving the program established under section 2.

(3) Information on the following:

(A) The number of members of the Armed Forces and veterans tested for traumatic brain injury by the Department of Defense and the Department of Veterans Affairs under section 2(d).

(B) The number of members of the Armed Forces and veterans diagnosed with a traumatic brain injury.

(C) The number of members of the Armed Forces and veterans enrolled in the program on traumatic brain injury established under section 2.

(D) The types of treatment and rehabilitation provided as part of the program established under section 2.

(E) The types of facilities in which services were provided under section 2 and how such facilities were chosen to meet the individual needs of individual patients.

(F) The mechanisms used by the Department of Defense and the Department of Veterans Affairs to ensure continuity of care for members of the Armed Forces as they transition from receipt of health care services from the Department of Defense to the receipt of such services from the Department of Veterans Affairs.

(G) The number and nature of any cooperative agreements engaged in under section 2(h).

(H) The outreach activities carried out under subsections (e) and (f) of section 2.

(4) A description of the expenditures associated with the outreach, screening, diagnosis, treatment, rehabilitation, and other services provided to members of the Armed Forces and veterans under sections 2 and 3.

SEC. 7. DEFINITION OF TRAUMATIC BRAIN INJURY.

In this Act, the term "traumatic brain injury" means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary of Defense and the Secretary of Veterans Affairs may jointly revise the definition of such term as the Secretaries determine necessary, after consultation with the following:

(1) The Secretary of Health and Human Services.

(2) Representatives of any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(3) Such public or nonprofit private entities that the Secretary of Defense or the Secretary of Veterans Affairs considers appropriate.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a public markup of S. 1256 "Small Business Lending Reauthorization and Improvements Act of 2007" on Wednesday, May 16, 2007, at 2:30 p.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday, May 9, 2007, at 9:30 a.m. in 328A, Russell Senate Office Building. The purpose of this committee hearing will be to consider Energy and Rural Development issues for the Farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, May 9, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of the hearing is to review all-terrain vehicle, ATV, issues and possible legislative approaches to obtaining ATV safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 9, 2007, at 9:30 a.m. to hold a hearing on climate change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 9, 2007, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, May 9, 2007, at 10 a.m. in Dirksen Room 226.

Agenda

I. Bills: S. 221, Fair Contracts for Growers Act of 2007, (Grassley, Feingold, Kohl, Leahy, Durbin); and S. 376, Law Enforcement Officers Safety Act of 2007, (Leahy, Specter, Grassley, Kyl, Sessions, Cornyn).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. I ask unanimous consent for the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, May 9, 2007, to hold a hearing on pending benefits legislation. The hearing will take place in room 562 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, May 9, 2007, from 3 p.m.–5 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVATE SECTOR AND CONSUMER SOLUTIONS TO GLOBAL WARMING AND WILDLIFE PROTECTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection be authorized to meet during the session of the Senate on Wednesday, May 9, 2007.

Agenda

Technologies and practices to reduce greenhouse gas emissions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 1348 AND H.R. 2080

Mr. CONRAD. Mr. President, I understand there are two bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

A bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

Mr. CONRAD. Mr. President, I ask for a second reading en bloc, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

THANKS TO STAFF

Mr. CONRAD. Mr. President, I thank all my colleagues for their cooperation today. I especially thank the ranking member of the Senate Budget Committee for his help and assistance and for his continuing graciousness as we consider the budget resolution, as well as all the Members who participated in the debate. I thought it was a very helpful debate—animated at times but genuine, sincere, and in the best traditions of the Senate.

I also wish to take this moment to thank the staffs, especially staff on my side, for unbelievable hours and devotion to getting a final product passed, and one we can be proud of. This staff has worked night and day, weekends, over and over, and I want to thank them publicly and commend them for it.

We should also acknowledge the staff on the other side, who have also worked long hours and have conducted themselves in the best tradition of the Senate.

ORDERS FOR THURSDAY, MAY 10, 2007

Mr. CONRAD. Mr. President, there is some additional business we have been asked to handle.

I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, May 10; that on Thursday, following the prayer and pledge, the morning hour be deemed expired and the time of the two leaders reserved for their use later in the day; that the Senate then resume consideration of the motion to proceed to Calendar No. 128, H.R. 1495, the Water Resources Development Act, and that the time until 9:45 a.m. be equally divided and controlled between the chair and ranking member of the Environment and Public Works Committee; that at 9:45 a.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CONRAD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Thursday, May 10, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 9, 2007:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEVIN J. SULLIVAN, 2930

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203.

To be brigadier general

COL. RANDALL M. FALK, 5286

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JUAN A. RUIZ, 8943

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD L. BURGESS, JR., 2986

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KENNETH F. MCKENZIE, JR., 6735

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ANIL P. RAJADHYAX, 5749

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DAREN S. DANIELSON, 5028
COLLEEN M. FITZPATRICK, 3832

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

BRET R. BOYLE, 7975

To be major

MICHAEL C. PAHANG, 4375
DIANA STANSBURY, 8781
CHAD A. WEDDELL, 8229

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

LILLIAN C. CONNER, 0458

To be major

MARVIN CONRAD, 8691
JONATHAN L. RONES, 4472

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

NANCY J. S. ALTHOUSE, 5837
JAMES B. COWAN, 6688
MARY B. DURBIN, 8605
FRANKLIN H. HAUGER, 4285
SUSAN G. MARKEL, 5127
HENRY D. VAUGHAN, 6726

To be major

MICHAEL M. DUNN, 7111
BEVERLY J. EARLEY, 1966
SABRI Z. IBRAHIM, 4806
PHICK H. NG, 0018

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

GLEN L. DORNER, 1672

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

SHIRLEY S. MIRESEPASSI, 3697

To be major

SCOTT L. DIERING, 7010

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 6221:

To be captain

GEORGE N. THOMPSON, 0485

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN D. BROWN, 0935
MICHAEL E. DORY, 7245
KALAS K. MCALEXANDER, 4065
MICHAEL J. PARISI, 1344
MARK G. STEINER, 3903

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

RICHARD K. GIROUX, 8404
REX A. GUINN, 2304
DEAN W. LEECH, 2902
JEFFREY P. LUSTER, 1734
JAMES M. RYAN, 4377
ROBERT A. SANDERS, 0871
SUSAN C. STEWART, 5697
DENISE E. STICH, 4941

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MARK A. ADMIRAL, 3042
JULIENNE E. C. ALMONTE, 2625
PAUL D. ASHCRAFT, 2605
JOSEPH M. CHENELER, 1697
JAMES E. FANELL, 9303
DAVID C. FOLEY, 1976
WILLIAM P. HAMBLET, JR., 9488
DARYL R. HANCOCK, 0069
CRAIG O. HAYNES, 5199
MICHAEL T. ORTWEIN, 7653
STEPHEN E. ROBERTS, 4878
ROBERT D. SHARP, 0357
CHRISTOPHER M. STRUB, 6151
ERIC A. TAYLOR, 4044
DANIEL F. VERHEUL, 3614

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL D. ANDERSON, 7757
GREGG W. BAUMANN, 7892
RICHARD P. BLANK, 5587
JEFFREY A. BURCHAM, 2237
TIMOTHY J. CORRIGAN, 3924
PATRICK COSTELLO, 5199
KURTIS W. CRAKE, 6266
JEFFREY R. DUNLAP, 7794
KENNETH L. FRACK, JR., 2576
GLENN D. HOFERT, 4013
PERNELL A. JORDAN, 0239
MICHAEL L. MALONE, 9592
BRIAN R. MCGINNIS, 3489
KEVIN R. PETERSON, 6503
MIGUEL G. SANPEDRO, 8516
RICKY A. SERAIVA, 3562
MICHAEL H. SMITH, 9634
STEVEN L. STANCY, 1500
JAMES E. STEIN, 4926
ERIC A. TAPP, 3285
BRUCE C. URBON, 3479

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

SCOT K. ABEL, 2457
TITO M. ARANDELA, JR., 1975
JAMES R. BREON, 7985
SILVESTER R. DELROSARIO, 0751
ROBERT W. DESANTIS, 1814
DANIEL P. HENDERSON, 9045
JOHN R. JONES, 5987
PETER R. LINTNER, 8343
JESUS A. MATUDIO, 9529
KEVIN K. NELSON, 0698
PATRICK B. SHEPLER, 6336
LELAND D. TAYLOR, 7593

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL J. CERNECK, 9502
DAVID D. DAVISON, 7862
TIMOTHY J. DUNIGAN, 6654
ANTHONY J. FERRARI, 9384
JAMES A. GLASS, 9695
HENRY M. JACKSON, 1153
DAVID P. JOHNSON, 5425
JOHN K. MARTINS, 4291
TIMOTHY J. MOREY, 4098
JOHN C. NICHOLSON, 4334
MICHAEL L. PEOPLES, 7014

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JOHN W. CHANDLER, 7637
ROBERT D. GOODWIN, JR., 0602
JACQUELINE R. KOCHER, 2423
PATRICK K. LEARY, 5624
KATHERINE A. MAYER, 0572
STEPHANIE L. ONEAL, 6577

WILLIAM T. RICH, 8394
MARK A. SANFORD, 3846
DAVID M. SERBER, 0630
JAMES A. SULLIVAN, 2185

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ARNE J. ANDERSON, 4809
THOMAS A. BALCOM, 3009
STEVEN L. BANKS, 5264
ELIZABETH G. BEAZLEY, 4980
KRIS M. BELLAND, 3696
PATRICK H. BOWERS, 1083
DAVID M. BURCH, 9321
DOUGLAS N. CARBINE, 1889
WILLIAM D. CRAIG, 9019
THOMAS P. DAVIS, 2666
GERALD D. DENTON, 0735
JAMES R. DUNNE, 1943
KENNETH L. EISENBERG, 4948
LARRY A. EVANS, 4651
JAMES P. FLINT, 9855
DANIEL A. FREILICH, 4676
THOMAS G. GAYLORD, 7502
BRENDON L. GELFORD, 4942
MARTHA K. GIRZ, 8980
LISA A. GLEASON, 8435
GARY S. GLUCK, 8976
ELISE T. GORDON, 1930
PAUL HAMMER, 9512
AMIR E. HARARI, 7102
SCOTT W. HELMERS, 4627
MICHAEL E. HOFFER, 5485
MICHAEL A. ILLOVSKY, 2611
LISA INOUYE, 7373
ROBERT A. IZENBERG, 2479
BETH R. JAKLIC, 1429
JOHN L. KANE III, 2141
PAUL D. KANE, 7858
ERIC J. KUNCIR, 6730
DAVID M. LARSON, 8781
JEFFREY T. LENERT, 2769
IVAN K. LESNIK, 4833
EDGAR M. LEVINE, 5311
MARK A. MALAKOOTI, 7082
GAIL H. J. MANOS, 2021
ROBERT W. MARTIN, 0943
MICHAEL A. MAZZILLI, 3290
JOSEPH A. MCBREEN, 1751
ELIZABETH A. G. MCGUIGAN, 8531
NALAN NARINE, 5924
JOHN T. NEFF, 3530
DANIEL F. NOLTKAMPER, 2430
LACHLAN D. NOYES, 2604
OTTO W. OHM II, 2250
LOUIS D. OROSZ, 2148
CARY A. OSTERGAARD, 6123
ERIC L. PAGENKOPF, 7859
JOHN F. PERRI, 0040
JACK S. PIERCE, 3086
ROBERT T. RULAND, 8788
MARGARET A. RYAN, 6546
DONALD R. SALLEE, 7247
THEODORE W. SCHAFER, 0787
MICHAEL S. SCHLEGEL, 7785
DANIEL P. SHMORHUN, 3123
TIMOTHY R. SHOPE, 1309
EDWARD D. SIMMER, 6096
DAVID J. TANZER, 3957
JOHN S. THURBER, 1413
DANIEL J. VALAIK, 0706
DARIN K. VIA, 4570
DAVID K. WEISS, 2405
LOYD A. WEST, 1577
WADE W. WILDE, 5903
ROBIN M. WILKENING, 7634
KEVIN E. ZAWACKI, 2404

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LEIGH P. ACKART, 1927
ROBERT J. BESTERCY, 8733
MICHAEL B. BOHN, 9211
ROBERT L. BRUNSON, JR., 7745
JOHN F. COUTURE, 1085
GEORGE DEVRIES, 8609
BRIAN T. DRAPP, 4702
ROBERT A. GANTT, 7224
ERIC L. GLASER, 8001
JEFFREY K. GRIMES, 2031
SCOTT L. HAWKINS, 8193
DAVID K. HENDERSON, 2839
RODERICK R. HUBBARD, 8516
DAVID R. KLESS, 2800
TRACY A. LARCHER, 0224
TAE H. LEE, 4238
DOUGLAS C. NEWELL, 5637
TIMOTHY J. OBRIEN, 5602
MICHAEL P. PATTEN, 5500
JOHN P. POLOWCZYK, 8582
WILLIAM C. POWER, 8530
CHRISTOPHER J. RAY, JR., 9191
KEVIN D. REDMAN, 8449
JOYCELIN ROBINSON, 7031
MARK E. SEMMLER, 9676
JOHN D. TITUS, JR., 0681
TIMOTHY S. VARVEL, 2804
ROLAND G. WADGE, 1373
KURT E. WAYMIRE, 8269

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

PIUS A. AIYELAWO, 9948
JEFFREY M. ANDREWS, 2751
THEODORE P. BRISKI, JR., 1746
DERRIK R. CLAY, 7228
GILDA M. COLLAZO, 6014
ROBERT E. FULLER, 5113
BRENDAN K. GLENNON, 7850
RACHEL D. HALTNER, 0667
DEXTER A. HARDY, 8948
MICHAEL N. HENDEE, 4308
CHRISTINE L. HOWE, 3465
SCOTT R. JONSON, 4021
KEVIN R. KENNEDY, 0586
DAIZO KOBAYASHI, 7545
JOHN D. LARNERD, JR., 9331
DAVID R. LESSER, 8175
PATRICK S. MALONE, 1593
RONALD N. MCLEAN, 8012
DAVID L. MCNAMARA, 1714
JULIE L. MIAVEZ, 0193
TAMMY M. NATHAN, 6267
JONATHAN P. NELSON, 7630
MATTHEW E. NEWTON, 9082
BUHARI A. OYOFO, 1263
EDGARDO PEREZLUGO, 9404
JEAN T. SCHERRER, 7483
ALAN V. SIEWERTSEN, 5718
DAVID R. STREET, JR., 4106
PENNY E. WALTER, 2696

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WENDY M. BORUSZEWSKI, 5569
ROBERTO J. CABASSA, 6382
BRENT J. CALLEGARI, 5711
RICHARD P. CAMPBELL, 3282
CHARLES L. ELLIS, 6505
ARTHUR T. GEORGE, 3266
KEITH C. KEALEY, 5963
JEFFREY N. KORSNES, 7937
JOANNE R. LEAL, 6388
WILLIAM J. LEONARD, JR., 8410
MARK B. LYLES, 0094
ROBERT H. MITTON, 4313
MONA M. MOOREMEAUX, 2151
KEVIN J. OTTE, 3535
MICHAEL L. POTTER, 4176
MARK S. QUAGLIOTTI, 9526
ANDREA L. SHORTEREVANS, 6230
MICHAEL A. STEINLE, 8531
PATRICIA A. TORDIK, 0296

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CHERIE L. BARE, 0654
JOSEPH COSENTINO, JR., 8445
LAWRENCE J. DUANE, 8607
CONSTANCE J. EVANS, 6338
LORI S. FRANK, 5936
COLLEEN K. GALLAGHER, 3965
LINDA J. GRANT, 6246
DEBORAH L. HILL, 1100
GAYLE S. KENNERLY, 6976
LORI A. LARAWAY, 1318
ANNE M. LEAR, 8817
REGINA K. MERCADO, 7860
JOEL L. PARKER, 2195
NANCY L. PEARSON, 9844
LAURA E. PISTEY, 4194
CHRISTOPHER J. PRATT, 3741
JACQUELINE D. RYCHNOVSKY, 8229
CARLA J. STANG, 6541
KATHRYN A. SUMMERS, 7607

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DARIUS BANAJI, 7698
BENJAMIN J. BARROW, 7973
DAVID A. BERCHTOLD, 1564
SCOTT A. BERNOTAS, 8939
FREDERICK F. BURGESS III, 6297
JOSEPH A. CAMPBELL, 5205
JOHN CORONADO, 3297
CRAIG A. FULTON, 9025
CLAYTON O. MITCHELL, JR., 4781
BRANT D. PICKRELL, 8035
ERICA L. SAHLER, 9671
DAVID J. SASEK, 6581
DAVID M. SMITH, 5158
JOHN T. SOMMER, 0975
MICHAEL D. WILLIAMSON, 5292

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

DEA BRUEGGEMEYER, 3523

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

NEAL P. RIDGE, 4881

To be lieutenant commander

RALPH L. RAYA, 5168

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, May 9, 2007:

THE JUDICIARY

DEBRA ANN LIVINGSTON, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

HOUSE OF REPRESENTATIVES—*Wednesday, May 9, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. McNulty).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 9, 2007.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, by Your Spirit You move and act within Your people and make them one to praise You and give You glory.

Bless each Member of this 110th Congress today, their constituents in their individual districts and those who work in their district offices, for this House is a place of human diversity, Lord. Representing the people who elected them, Members give voice to local needs and sometimes find common concern echoed across this vast country.

Gathered here in public service, these women and men are easily drawn into broader problems facing the Nation and grow in awareness of international issues as well. In the midst of it all, Lord, never let them forget where they come from. Keep them humble before You, and by consistent listening to those they represent. May the prayers of their family and neighbors in their districts join with us today as we pray for them, calling upon Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 124. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The message also announced that pursuant to Public Law 106-554, the Chair, on behalf of the President pro tempore and upon the recommendation of the Republican Leader, appoints the Senator from Louisiana (Mr. VITTER) to the Board of Directors of the Vietnam Education Foundation.

CONGRESS HAS THE POWER TO END THIS WAR

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Congress has the power to end the war in Iraq simply by refusing to pass any legislation to continue to fund it. The money is in the pipeline there right now to bring the troops home.

H.R. 1234 provides a plan for bringing the troops home, ending the occupation and stabilizing Iraq. This war will never end if Congress advances administration plans to privatize Iraq's oil through insisting on the passage of a so-called hydrocarbon act by the Iraqi legislature.

Today I will be distributing to Members of Congress a detailed report that explains how the legislation that we are advancing moves to privatize Iraq's oil.

INTELLIGENCE FUNDING CUTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in an environment of unlimited demands and limited resources, our constituents expect us to make tough choices and set national priorities with their hard-earned tax dollars. The Democrats' Intelligence Authorization bill that we will vote on this week fails to do this.

Consider the priorities it sets. This bill makes deep cuts in the resources requested by the administration for important intelligence-gathering operations. Meanwhile, it also calls for the Director of National Intelligence to submit a National Intelligence Estimate to Congress on global warming.

In a post-9/11 environment, should we really be steering our intelligence community away from intelligence gathering so that they can start studying global warming?

Experts from the right and the left say that our ability to prevent another attack on America relies heavily on our intelligence capabilities.

Mr. Speaker, let's fully fund our intelligence community and not distract it from fulfilling its core mission, to protect Americans from attack.

FOXES GUARDING THE HENHOUSE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, Johnnie Burton and Terri Shaw, two of President Bush's administration's foxes that have been guarding the henhouse, are stepping down. And now they are gone and the American people are better off.

At the Interior Department, Johnnie Burton let Big Oil drill at taxpayers' expense and got away with it until Congress stepped in, costing the taxpayers billions of dollars.

At the Education Department, Terri Shaw is stepping down after several scandals were uncovered in the student loan industry. On her watch, lenders and Education Department officials undermined the student loan program, which millions of students and middle-class families count on to go to college with and achieve their American Dream.

Every day we see another headline and another story. Congress does its oversight job, and another Bush administration official at the center of the storm is eventually forced to step down.

The White House has had an approach of letting the industry govern itself. They cut out the middleman. They are the government industry lobbyists. From our energy and production to our college loans, nothing is out of bounds. And Americans sent a clear message last November. They are tired of corruption. They want a change and an end to business as usual here in Washington. Democrats got the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

message, and we're restoring accountability to the American people's government.

FLOOR CONSIDERATION OF H.R. 1684

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, in March, the Homeland Security Committee unanimously approved a bill to authorize funding for the Department of Homeland Security for the coming year. It wasn't a perfect bill, but it was one the committee accepted.

Now the liberal leadership plans to strip the most critical provisions in the legislation. These are not controversial points that should make my colleagues on the other side of the aisle uncomfortable. Unless, of course, the Democrats do not agree with an increased emphasis on immigration enforcement at the ports or secure biometric identification for aliens captured at sea or critical funding to protect America's food supply. But, as we've all seen since the Democrats took over in January, we know that is the case.

But it actually gets worse. The liberal leadership voted against allowing noncontroversial amendments to increase information sharing between DHS and cops on the beat, allowing DHS to investigate Social Security fraud at the workplace, and increased fines of employers who knowingly hire illegal aliens.

Mr. Speaker, this bill makes a mockery of the democratic process, does nothing extra to secure our borders and will, unfortunately, probably make our Nation less safer.

Welcome to Homeland Security, Democrat style.

DEMOCRATS TRIED TO CHANGE COURSE IN IRAQ BUT PRESIDENT BUSH REJECTED THAT CHANGE OF COURSE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, last week, President Bush had a chance to change the direction of the war in Iraq, but he rejected it. He rejected a plan that would finally hold the Iraqi Government accountable for meeting the benchmarks that he laid out earlier this year.

According to the nonpartisan Brookings Institute, the Iraqi Government is failing to meet the political benchmarks they were supposed to make. By vetoing the bill, the President was condoning such inaction.

The President claims the situation is getting better in Iraq. Wrong. April was the deadliest month of the year and one of the deadliest of the entire war.

Retired General William Odom said last week, and I'm quoting, "No effective strategy can be devised for the United States until it begins withdrawing its forces from Iraq. Only that step will break the paralysis that now confronts us."

General Odom is correct. Today our troops are serving as referees in a deadly civil war that shows no end in sight. This Congress offered the President a dramatic change, and he rejected it. We're not going to give up, because ending this war is simply too important.

FUNDING FOR INTELLIGENCE OPERATIONS

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, one of the most effective tools we have against fighting our enemies like al Qaeda is intelligence, information that allows us to disrupt their terror cells and prevent attacks before they happen. And yet, the Democrats see fit to cut the funding of these operations.

Worst of all, they are shifting resources away from vital, war-related intelligence operations towards their politically correct crusade on global warming.

Does the Democrat leadership really think that carbon emissions represent a greater threat to the United States than the 9/11 radical jihadists?

Yesterday, law enforcement foiled a plot by terrorists to attack and kill U.S. soldiers in New Jersey. Protecting our Nation should be our number one priority. Does the leadership really think that our surveillance satellites should be aimed at polar ice caps and not terror cells and that spies should be investigating global warming?

Congress must adequately fund our intelligence operations. If we don't, we may need to be more concerned about global warming in the United States caused by a global attack, caused by a nuclear attack in our own backyards.

THE STATUS QUO IS NO LONGER ACCEPTABLE

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, with President Bush's veto last week, it is clear that if this Congress is going to take this war in a new direction, we need some of our Republican colleagues to join with us. Unfortunately, it seems that the House Republicans are still willing to blindly follow the President, no matter the facts in Iraq.

Consider this statement from Minority Leader Boehner over the weekend. He said, and I quote, "We want a clean bill. We don't want artificial deadlines. We don't want artificial measures in there to try to ensure failure."

Let's not forget that the artificial measures that the minority leader is referring to were actually measures designed by President Bush himself to hold the Iraqi Government accountable. These are critical measures that will put the pressure on the Iraqi Government to make political, diplomatic and economic reforms. So far, none of these benchmarks have been met.

It is time that the House Republicans realize that the status quo is no longer acceptable to the American people. We have to keep pressure on the Iraqis to initiate these reforms and bring our troops home.

LIBERIAN REFUGEE IMMIGRATION PROTECTION ACT OF 2007

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, several years ago, my wife and I had the privilege of having a Liberian refugee stay in our home for almost a year.

This gentleman came from dire circumstances in his homeland, as his wife was brutally assaulted, and he was beaten and forced to leave his country. He still has scars from being beaten with the blunt end of a rifle.

Like thousands of other Liberians forced to leave their homeland, our friend came to the United States under temporary protective status. One of the unintended consequences of the temporary protective status is it didn't foresee that civil war would continue in Liberia for several years, leaving refugees in America stuck in a state of flux.

Currently all Liberian refugees living in the United States under temporary protective status have until October of this year, and then they will be forced to return to Liberia.

The Liberian Refugee Immigration Protection Act of 2007, a bipartisan bill introduced by Representatives KENNEDY, ELLISON and myself, would allow Liberians in the United States on temporary protected status the opportunity to apply for permanent residency status.

This bill addresses an urgent situation faced by Liberian refugees who have legally come to America.

I urge co-sponsorship and passage of H.R. 1941, the Liberian Refugee Immigration Protection Act of 2007.

HONORING NAVAJO CODE TALKERS STEWART CLAH AND CHARLES GUY

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute.)

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in honor of two Navajo Indians and celebrate the

American heroes who passed away last week. Stewart Clah and Charles Guy were members of the elite Navajo Code Talkers. They did not simply rely on their ancestral language to relay critical United States military communications. Rather, the innovative Navajo Code Talkers used their native language to build a succinct and unbreakable code for military communications during World War II.

We will never know exactly how many American lives were saved or how many American military operations were successful because of their ingenuity and sacrifice. But we do know Stewart Clah and Charles Guy and the rest of the Navajo Code Talkers will forever be remembered as critical to the Allied victory during one of the world's darkest hours.

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ARE REPUBLICANS STARTING TO REALIZE THAT INDEFINITELY STAYING THE COURSE IS NOT A STRATEGY?

(Mr. HODES asked and was given permission to address the House for 1 minute.)

Mr. HODES. Mr. Speaker, it appears that congressional Republicans are finally coming around to the possibility that the war in Iraq cannot go on indefinitely.

This weekend House Republican leader JOHN BOEHNER said if this troop escalation plan is not working by September or October, a plan B would need to be explored. This timid response is a sign that the Republicans see the writing on the wall and are desperate to hedge their bets on a failed policy.

The minority leader's timetable of this fall comes just days after Mr. BOEHNER joined President Bush in abandoning the benchmarks for Iraqi success the President himself established in January. Last week the minority leader and almost every Republican joined the President's call for an open-ended commitment of American troops and tax dollars in Iraq. Now feeling the pressure from the Americans who wisely support benchmarks and timelines, it appears that the Republican leader is backtracking.

The American people and the majority of this Congress will stand firm in supporting our troops and showing leadership for a new course in Iraq. Let's hope the minority leader lifts his head out of the sand, and he and his party and the President join us in moving Iraq in a new direction.

NEW DEMOCRATIC CONGRESS PRODUCING POSITIVE RESULTS FOR ALL AMERICANS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, when the American people entrusted this House to a new Democratic majority, they wanted Congress to deliver tangible results. We are living up to that promise. In the first 100 hours, we passed rules to clean up the way that Congress operates. We implemented the recommendations of the 9/11 Commission. We raised the minimum wage to expand economic prosperity to millions who have been left behind for too long, and we cut interest rates in half so college is more affordable to middle-class families in our country.

We also repealed billions of dollars in tax breaks to big oil companies and instead are investing that in alternative fuels and energy-efficient technology. We hope this legislation will begin to wean our Nation off foreign oil because today customers are once again paying record prices at the pump, and that is simply wrong. This legislation is a first step in changing our Nation's energy policy.

We also passed a budget that is actually balanced within the next 5 years, and we did it without raising taxes.

Mr. Speaker, we are living up to our promise to move our Nation in a new and better direction.

URGING SUPPORT OF H.R. 1252, ENERGY PRICE GOUGING PREVENTION ACT

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, in northeast Wisconsin last Tuesday, prices for regular gasoline hit $3.13 per gallon, 37 cents higher than a month ago, and they have doubled since President Bush took office. And what is worse, the price of gasoline rose even as the price of crude oil fell.

Yet the Federal Trade Commission has yet to investigate or punish anyone for price gouging. This is unacceptable. The FTC has a duty to investigate unfair trade practices.

H.R. 1252, the Emergency Price Gouging Prevention Act, gives the FTC explicit authority to investigate and punish energy price manipulation at each and every stage along the way. It brings greater transparency to oil and gas markets and forces offenders to pay penalties to the Low Income Home Energy Assistance Program.

I urge my colleagues to support H.R. 1252. It will protect consumers from unreasonable escalations in gasoline prices. There is a better way to do things in America. Let's get started today.

HOUSE DEMOCRATS HAVE TAKEN THE WAR IN A NEW DIRECTION; REPUBLICANS MUST NOW JOIN US

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, congressional Democrats are trying to move the Iraq war in a new direction, but we are not getting much help from the White House or the congressional Republicans. House Democrats have now voted four separate times over the last 3 months to change the course of the war, but every single time House Republicans refused to join us.

For weeks congressional Republicans were saying that the withdrawal timeline proposed would lead to America's defeat in Iraq. But now a week after the President vetoed that bill, Republican leaders are saying that our generals must make the troop surge work by this fall. Republican leaders have now indicated that there should be a timeline for progress in Iraq, stating that, "By the time we get to September or October, Members are going to know how well this is working, and if it isn't, what is plan B?"

Mr. Speaker, it appears that Republicans are slowly but surely coming around to timetables in Iraq. This doesn't mean that they are defeatists, as their own talking points have suggested in the past. It means that they may be turning into realists.

THE IRAQI GOVERNMENT

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, last January when the President was suggesting the need for the escalation of the numbers of troops in Iraq, he also told us that while we would provide the troops under his policy, the Iraqis would provide a series of benchmarks which they would meet to end the insurgency and to bring their country together politically so that the insurgency can be dampened down or ended.

Now we are told by Secretary of State Condoleezza Rice that it would be wrong to hold the Iraqi Government, the Malaki government, to those benchmarks because it would take away their flexibility, while President Bush said that if they did not meet these benchmarks in January, they would lose the confidence of the American people.

President Bush had it right. They haven't met the benchmarks. They are not holding up their end of the bargain. The Parliament is not meeting. A third of them are living in London, not in Iraq, and they have lost the confidence of the American people.

How is it that the Secretary of State and the President of the United States can continue to believe that we should continue to send American soldiers to die in Iraq when the Iraqi Government won't meet the benchmarks which were supposed to be the bedrock of this new policy, this new direction, that has turned out to be the same old stay-the-course policy where American soldiers die and the Iraqi Government dithers away day in and day out and not meeting the new policies to bring a unified Iraq together?

It is unacceptable to the American people. It is unacceptable to our soldiers. It is unacceptable to their families. And we ought to end this policy now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

STUDENT LOAN SUNSHINE ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 890) to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Student Loan Sunshine Act”.

SEC. 2. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.

Title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

“PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO EDUCATIONAL LOANS

“SEC. 151. DEFINITIONS.

“In this part:

“(1) COVERED INSTITUTION.—The term ‘covered institution’—

“(A) means any educational institution that offers a postsecondary educational degree, certificate, or program of study (including any institution of higher education, as such term is defined in section 102) and receives any Federal funding or assistance; and

“(B) includes an agent of the educational institution (including an alumni association, booster club, or other organization directly or indirectly associated with such institution) or employee of such institution.

“(2) EDUCATIONAL LOAN.—The term ‘educational loan’ (except when used as part of the term ‘private educational loan’) means—

“(A) any loan made, insured, or guaranteed under title IV; or

“(B) a private educational loan (as defined in paragraph (6)).

“(3) PREFERRED LENDER ARRANGEMENT.—The term ‘preferred lender arrangement’ means an arrangement or agreement between a lender and a covered institution—

“(A) under which arrangement or agreement a lender provides or otherwise issues educational loans to the students attending the covered institution or the parents of such students; and

“(B) which arrangement or agreement relates to the covered institution recommending, promoting, endorsing, or using the educational loan product of the lender.

“(4) LENDER.—

“(A) IN GENERAL.—The term ‘lender’—

“(i) means a creditor, except that such term shall not include an issuer of credit secured by a dwelling or under an open end credit plan; and

“(ii) includes an agent of a lender.

“(B) INCORPORATION OF TILA DEFINITIONS.—The terms ‘creditor’, ‘dwelling’ and ‘open end credit plan’ have the meanings given such terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“(5) OFFICER.—The term ‘officer’ includes a director or trustee of an institution.

“(6) PRIVATE EDUCATIONAL LOAN.—The term ‘private educational loan’ means a private loan provided by a lender that—

“(A) is not made, insured, or guaranteed under title IV; and

“(B) is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends.

“(7) POSTSECONDARY EDUCATIONAL EXPENSES.—The term ‘postsecondary educational expenses’ means any of the expenses that are included as part of a student’s cost of attendance, as defined under section 472.

“SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

“(a) CERTIFICATION BY LENDERS.—In addition to any other disclosure required under Federal law, each lender that participates in one or more preferred lender arrangements shall annually certify to the Secretary that all of the preferred lender arrangements in which it participates is in compliance with the requirements of this Act. Such compliance of such preferred lender arrangement shall be reported on and attested to annually by the auditor of such lender in the audit conducted pursuant to section 428(b)(1)(U)(iii).

“(b) PROVISION OF LOAN INFORMATION.—A lender may not provide a private educational loan to a student attending a covered institution with which the lender has a preferred lender arrangement, or the parent of such student, until the covered institution has informed the student or parent of their remaining options for borrowing under title IV, including information on any terms and conditions of available loans under such title that are more favorable to the borrower.

“(c) USE OF INSTITUTION NAME.—

“(1) IN GENERAL.—A covered institution that has entered into a preferred lender arrangement with a lender regarding private educational loans shall not allow the lender to use the name, emblem, mascot, or logo of the institution, or other words, pictures, or symbols readily identified with the institution, in the marketing of private educational loans to the students attending the institution in any way that implies that the institution endorses the private educational loans offered by the lender.

“(2) APPLICABILITY.—Paragraph (1) shall apply to any preferred lender arrangement, or extension of such arrangement, entered into or renewed after the date of enactment of the Student Loan Sunshine Act.

“SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS , PARTICIPATING IN PREFERRED LENDER ARRANGEMENTS.

“(a) DUTIES OF THE SECRETARY.—

“(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of the Student Loan Sunshine Act, the Secretary shall—

“(A) prepare a report on the adequacy of the information provided to students and the parents of such students about educational loans, after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies;

“(B) develop and prescribe by regulation a model disclosure form to be used by lenders and covered institutions in carrying out subsections (b) and (c) that—

“(i) will be easy for students and parents to read and understand;

“(ii) will be easily usable by lenders, institutions, guaranty agencies, and loan servicers;

“(iii) will provide students and parents with the relevant information about the terms and conditions for both Federal and private educational loans;

“(iv) is based on the report’s findings and developed in consultation with—

“(I) students;

“(II) representatives from institutions of higher education, including financial aid administrators, registrars, business officers, and student affairs officials;

“(III) lenders;

“(IV) loan servicers;

“(V) guaranty agencies; and

“(VI) with respect to the requirements of clause (vi) concerning private educational loans, the Board of Governors of the Federal Reserve System;

“(v) provides information on the applicable interest rates and other terms and conditions of the educational loans provided by a lender to students attending the institution, or the parents of such students, disaggregated by each type of educational loans provided to such students or parents by the lender, including—

“(I) the interest rate of the loan;

“(II) any fees associated with the loan;

“(III) the repayment terms available on the loan;

“(IV) the opportunity for deferment or forbearance in repayment of the loan, including whether the loan payments can be deferred if the student is in school;

“(V) any additional terms and conditions applied to the loan, including any benefits that are contingent on the repayment behavior of the borrower;

“(VI) the annual percentage rate for such loans, computed determined in the manner required under section 107 of the Truth in Lending Act (15 U.S.C. 1606) on the basis of the actual net disbursed amount of the loan;

“(VII) the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year;

“(VIII) the average interest rate on such loans provided to such students for the preceding academic year;

“(IX) contact information for the lender; and

“(X) any philanthropic contributions made by the lender to the covered institution; and

“(vi) provides, in addition, with respect to private educational loans, the following information with respect to loans made by each lender recommended by the covered institution:

"(I) the method of determining the interest rate of the loan;

"(II) whether, and under what conditions, early repayment may be available without penalty;

"(III) late payment penalties; and

"(IV) such other information as the Secretary may require; and

"(C)(i) submit the report and model disclosure form to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives; and

"(ii) make the report and model disclosure form available to covered institutions, lenders, and the public.

"(2) MODEL FORM UPDATE.—Not later than 1 year after the submission of the report and model disclosure form described in paragraph (1)(B), the Secretary shall—

"(A) assess the adequacy of the model disclosure form;

"(B) after consulting with students, representatives of covered institutions (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies—

"(i) prepare a list of any improvements to the model disclosure form that have been identified as beneficial to borrowers; and

"(ii) update the model disclosure form after taking such improvements into consideration; and

"(C)(i) submit the list of improvements and updated model disclosure form to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives; and

"(ii) make updated model disclosure form available to covered institutions, lenders, and the public.

"(3) USE OF FORM.—The Secretary shall take such steps as necessary to make the model disclosure form, and any updated model disclosure form, available to covered institutions and to encourage—

"(A) lenders subject to subsection (b) to use the model disclosure form or updated model disclosure form (if available) in providing the information required under subsection (b); and

"(B) covered institutions to use such format in preparing the information reported under subsection (c).

"(4) PROCEDURES.—Sections 482(c) and 492 of this Act shall not apply to the model disclosure form in the regulations prescribed under paragraph (1)(B), but shall apply to the updating of such form under paragraph (2).

"(b) LENDER DUTIES.—Each lender that has a preferred lender arrangement with a covered institution shall annually, by a date determined by the Secretary, provide to the covered institution and to the Secretary the information included on the model disclosure form or an updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students, for the preceding academic year.

"(c) COVERED INSTITUTION REPORTS.—Each covered institution shall—

"(1) prepare and submit to the Secretary an annual report, by a date determined by the Secretary, that includes, for each lender that has a preferred lender arrangement with the covered institution and that has submitted to the institution the information required under subsection (b)—

"(A) the information included on the model disclosure form or updated model disclosure form (if available) for each type of educational loan provided by the lender to students attending the covered institution, or the parents of such students; and

"(B) a detailed explanation of why the covered institution believes the terms and conditions of each type of educational loan provided pursuant to the agreement are beneficial for students attending the covered institution, or the parents of such students; and

"(2) ensure that the report required under paragraph (1) is made available to the public and provided to students attending or planning to attend the covered institution, and the parents of such students, in time for the student or parent to take such information into account before applying for or selecting an educational loan.

"(d) DISCLOSURES BY COVERED INSTITUTIONS.—A covered institution shall disclose, on its website and in the informational materials described in subsection (e)—

"(1) a statement that—

"(A) indicates that students are not limited to or required to use the lenders the institutions recommends; and

"(B) the institution is required to process the documents required to obtain a loan from any eligible lender the student selects;

"(2) at a minimum, all of the information provided by the model disclosure form prescribed under subsection (a)(1)(B) with respect to any lender recommended by the institution for Federal student loans and, as applicable, private educational loans;

"(3) the maximum amount of Federal grant and loan aid available to students in an easy-to-understand format; and

"(4) the institution's cost of attendance (as determined under section 472).

"(e) INFORMATIONAL MATERIALS.—The informational materials described in this subsection are any publications, mailings, or electronic messages or media distributed to prospective or current students and parents of students that describe, discuss, or relate to the financial aid opportunities available to students at an institution of higher education.

"SEC. 154. PRIVATE EDUCATIONAL LOAN DISCLOSURE REQUIREMENTS FOR COVERED INSTITUTIONS.

"A covered institution that provides information to any student, or the parent of such student, regarding a private educational loan from a lender shall, prior to or concurrent with such information—

"(1) inform the student or parent of—

"(A) the student or parent's eligibility for assistance and loans under title IV; and

"(B) the terms and conditions of such private educational loan that are less favorable than the terms and conditions of educational loans for which the student or parent is eligible, including interest rates, repayment options, and loan forgiveness; and

"(2) ensure that information regarding such private educational loan is presented in such a manner as to be distinct from information regarding loans that are made, insured, or guaranteed under title IV.

"SEC. 155. INTEGRITY PROVISIONS.

"(a) INSTITUTION CODE OF CONDUCT REQUIRED.—

"(1) CODE OF CONDUCT.—Each institution of higher education that participates in the Federal student loan programs under title IV or has students that obtain private educational loans shall—

"(A) develop a code of conduct in accordance with paragraph (2) with which its officers, employees, and agents shall comply with respect to educational loans;

"(B) publish the code of conduct prominently on its website; and

"(C) administer and enforce such code in accordance with the requirements of this subsection.

"(2) CONTENTS OF CODE.—The code required by this section shall—

"(A) prohibit a conflict of interest or the appearance of a conflict of interest with the responsibilities of such officer, employee, or agent with respect to student loans or other financial aid; and

"(B) at a minimum, include provisions in compliance with the provisions of the following subsections of this section.

"(3) TRAINING AND COMPLIANCE.—An institution of higher education shall administer and enforce a code of conduct required by this section by, at a minimum, requiring all of its officers, employees, and agents with responsibilities with respect to student loans or other financial aid to obtain training annually in compliance with the code.

"(b) GIFT BAN.—

"(1) PROHIBITION.—A lender, guarantor, or servicer of educational loans shall not offer any gift to an officer, employee, or agent of a covered institution.

"(2) INSPECTOR GENERAL REPORT.—The Inspector General of the Department of Education shall investigate any reported violation of this subsection and shall annually submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives identifying all reported violations of the gift ban under paragraph (1), including the lenders involved in each such violation, for the preceding year.

"(3) DEFINITION OF GIFT.—

"(A) IN GENERAL.—In this subsection, the term 'gift' means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"(B) EXCEPTIONS.—The term 'gift' shall not include any of the following:

"(i) Standard informational material related to a loan or financial literacy, such as a brochure.

"(ii) Food, refreshments, training, or informational material furnished to an officer, employee, or agent of an institution as an integral part of a training session that is designed to improve the lender's service to the covered institution, if such training contributes to the professional development of the officer, employee, or agent of the institution.

"(iii) Favorable terms, conditions, and borrower benefits on an educational loan provided to a student employed by the covered institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

"(iv) Exit counseling services provided to borrowers to meet a covered institution's responsibilities for exit counseling as required by section 485(b) provided that—

"(I) a covered institution's staff are in control of the counseling (whether in person or via electronic capabilities); and

"(II) such counseling does not promote the products or services of any lender.

"(C) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this section, a gift to a family member of an officer, employee, or agent of a covered institution, or a gift to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

"(i) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

"(ii) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

"(c) Fees From Lenders for Service Prohibited.—An officer, employee, or agent who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid, shall not accept from any lender or affiliate of any lender (as the term affiliate is defined in section 487(a)) any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for consulting services, serving on an advisory council, or otherwise advising such lender or affiliate.

"(d) Ban on Educational Loan Arrangements.—

"(1) Prohibition.—An institution of higher education shall not enter into any educational loan arrangement with any lender.

"(2) Definition.—For purposes of this subsection, an educational loan arrangement is an arrangement between an institution of higher education (or an agent of the institution) and a lender under which—

"(A) a lender provides or issues educational loans to students attending the institution or to parents of such students;

"(B) the institution recommends the lender or the loan products of the lender; and

"(C) the lender pays a fee or provides other material benefits, including profit or revenue sharing, to the institution or officers, employees, or agents of the institution.

"(e) Ban on Staffing Assistance.—

"(1) Prohibition.—An institution of higher education shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

"(2) Certain assistance permitted.—Nothing in paragraph (1) shall be construed to prohibit an institution from requesting or accepting assistance from a lender related to—

"(A) professional development training for financial aid administrators; or

"(B) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials.

"(f) Ban on Opportunity Pools.—An institution of higher education shall not request, accept, or consider from any lender any offer of funds to be used for private educational loans to students in exchange for the covered institution providing concessions or promises to the lender, and a lender shall not make any such offer.

"(g) Ban on Participation on Advisory Councils.—An officer, employee, or agent who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid, shall not serve on or otherwise participate with advisory councils of lenders or affiliates of lenders. Nothing in this subsection shall prohibit lenders from seeking advice from covered institutions or groups of covered institutions (including through telephonic or electronic means, or a meeting) in order to improve products and services for borrowers, provided there are no gifts or compensation (including for transportation, lodging, or related expenses) provided by lenders in connection with seeking this advice from such institutions.

"SEC. 156. COMPLIANCE AND ENFORCEMENT.

"(a) Condition of Any Federal Assistance.—Notwithstanding any other provision of law, a covered institution or lender shall comply with this part as a condition of receiving Federal funds or assistance provided after the date of enactment of the Student Loan Sunshine Act.

"(b) Penalties.—Notwithstanding any other provision of law, if the Secretary determines, after providing notice and an opportunity for a hearing for a covered institution or lender, that the covered institution or lender has violated subsection (a)—

"(1) in the case of a covered institution, or a lender that does not participate in a loan program under title IV, the Secretary may impose a civil penalty in an amount of not more than $25,000; and

"(2) in the case of a lender that does participate in a program under title IV, the Secretary may limit, terminate, or suspend the lender's participation in such program.

"(c) Considerations.—In taking any action against a covered institution or lender under subsection (b), the Secretary shall take into consideration the nature and severity of the violation of subsection (a).".

SEC. 3. PROGRAM PARTICIPATION AGREEMENTS.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

"(24)(A) In the case of an institution (including an officer (including a director or trustee), employee, or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends 1 or more specific lenders for educational loans (as such term is defined in section 151 of this Act, but excluding loans under part D of this title) to the students attending the institution (or the parents of such students), the institution will—

"(i) clearly and fully disclose on the preferred lender list—

"(I) why the institution has included each lender as a preferred lender, especially with respect to terms and conditions favorable to the borrower; and

"(II) that the students attending the institution (or the parents of such students) do not have to borrow from a lender on the preferred lender list;

"(ii) ensure, through the use of the list provided by the Secretary under subparagraph (C), that—

"(I) there are not less than 3 lenders named on the each preferred lending list offered by the institution that are not affiliates of each other; and

"(II) the preferred lender list—

"(aa) specifically indicates, for each lender on the list, whether the lender is or is not an affiliate of each other lender on the list; and

"(bb) if the lender is an affiliate of another lender on the list, describes the specifics of such affiliation;

"(iii) establish and prominently disclose a process to ensure that lenders are placed upon the preferred lender list on the basis of the benefits provided to borrowers, including—

"(I) highly competitive interest rates, terms, or conditions for loans made under part B;

"(II) high-quality servicing for such loans; or

"(III) additional benefits beyond the standard terms and conditions for such loans;

"(iv) exercise a duty of care and a duty of loyalty to compile the preferred lender list without prejudice and for the sole benefit of the student;

"(v) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delays in loan certification under this title for those borrowers who choose a lender than has not been recommended or suggested by the institution.

"(B) For the purposes of subparagraph (A)(ii)—

"(i) the term 'affiliate' means a person that controls, is controlled by, or is under common control with another person; and

"(ii) a person controls, is controlled by, or is under common control with another person if—

"(I) the person directly or indirectly, or acting through 1 or more others, owns, controls, or has the power to vote 5 percent or more of any class of voting securities of such other person;

"(II) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

"(III) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person.

"(C) The Secretary shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).".

SEC. 4. NOTICE OF AVAILABILITY OF FUNDS FROM FEDERAL SOURCES.

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following:

"(e) Disclosures Relating to Private Educational Loans.—

"(1) In general.—In the case of an extension of credit that is a private educational loan, other than a loan secured by a dwelling or an open end credit plan, the creditor shall provide in every application for such extensions of credit and together with any solicitation, marketing, or advertisement of such extensions of credit, written, electronic, or otherwise, the disclosures described in paragraph (2).

"(2) Disclosures.—Disclosures required by this subsection shall include a clear and prominent statement—

"(A) that the borrower may qualify for Federal financial assistance through a program under title IV of the Higher Education Act of 1965, in lieu of or in addition to a loan from a non-Federal source;

"(B) that in many cases, a Federal student loan may provide the consumer with more beneficial terms and conditions, including a lower annual percentage rate and fewer and lower fees, than private educational loans;

"(C) that the consumer may obtain additional information concerning such Federal financial assistance from their institution of higher education or at the website of the Department of Education; and

"(D) such other information as the Board may require.

"(3) Clear and conspicuous disclosure.—The disclosure required under paragraph (2) shall be placed in a conspicuous and prominent location on or with any written application, solicitation, or other document or paper relating to any extension of credit consisting of or involving a private educational loan for which such disclosure is required under this subsection.

"(4) Written acknowledgment of receipt.—In each case in which a disclosure is provided pursuant to paragraph (2) and an application initiated, a creditor shall obtain a written acknowledgment from the consumer that the consumer has read and understood the disclosure.

"(5) ADDITIONAL DISCLOSURES.—In the case of an extension of credit that is a private educational loan, other than a loan secured by a dwelling or an open end credit plan, the creditor shall make available, in a clear and accessible manner (including through the website of the creditor), the information required by sections 153(a)(1)(B)(iv) and (v) of the Higher Education Act of 1965.

"(6) PROVISION OF INFORMATION.—Before a creditor may issue any funds with respect to an extension of credit described in paragraph (1) for an amount equal to more than $1,000, the creditor shall notify the relevant postsecondary educational institution, in writing, of the proposed extension of credit and the amount thereof.

"(7) REGULATORY AUTHORITY.—The Board—

"(A) shall issue such rules and regulations as may be necessary to implement this subsection; and

"(B) may, by rule, establish appropriate exceptions to the requirements of this subsection.

"(8) DEFINITIONS.—As used in this subsection, the terms 'private educational loan' and 'covered institution' have the same meanings as in section 151 of the Higher Education Act of 1965.".

SEC. 5. IMPROVED INFORMATION CONCERNING THE FEDERAL STUDENT FINANCIAL AID WEBSITE.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended by adding at the end the following new subsection:

"(e) PROMOTION OF THE DEPARTMENT OF EDUCATION FEDERAL STUDENT FINANCIAL AID WEBSITE.—The Secretary—

"(1) shall display a link to the Federal student financial aid website of the Department of Education in a prominent place on the homepage of the Department of Education website; and

"(2) may use administrative funds available for the Department's operations and expenses for the purpose of advertising and promoting the availability of the Federal student financial aid website.

"(f) PROMOTION OF AVAILABILITY OF INFORMATION CONCERNING STUDENT FINANCIAL AID PROGRAMS OF OTHER DEPARTMENTS AND AGENCIES.—

"(1) AVAILABILITY OF INFORMATION.—The Secretary shall ensure that the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each non-departmental student financial assistance program are easily accessible through the Federal student financial aid website and are incorporated into the search matrix on such website in a manner that permits students and parents to readily identify the programs that are appropriate to their needs and eligibility.

"(2) AGENCY RESPONSE.—Each Federal department and agency shall promptly respond to surveys or other requests for the information required by paragraph (1), and shall identify for the Secretary any non-departmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

"(3) DEFINITION.—For purposes of this subsection, the term 'non-departmental student financial assistance program' means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

"(A) distributed directly to the student or to the student's account at the institution of higher education; and

"(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to insert materials relevant to H.R. 890 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 890, the Student Loan Sunshine Act of 2007. I offer this legislation along with Mr. McKEON, the senior Republican on the Education and Labor Committee; and Mr. HINOJOSA, the subcommittee Chair of the Higher Education Subcommittee on the Education and Labor Committee.

This legislation would protect students and families from the corrupt practices and abuses that for too long have been allowed to run rampant within the student loan industry.

Ensuring that our Nation's student loan programs are working as effectively as possible to help students and parents pay for the cost of a college education, it is paramount to the goals of this Nation recognizing the importance of students' achieving a college education so they can fully participate in American society and the American economy. And working to make that more accessible and affordable has been the long-term goal of both parties of this government.

But now what we see is that this program has been badly corrupted. This program has started to be hollowed out by the activities of lenders, of universities, of individuals within the government, individuals within the university system, individuals within the lending community. For 6 years this administration has been put on notice of these activities taking place in the student lending program with ever-mounting evidence and public statements and concerns echoed by members within the administration from the previous administration calling to the problems that were occurring within the student loan programs. It is becoming increasingly clear that the student loan program has been hijacked by third parties who saw that they could run this program to their financial benefit. Unfortunately, that meant that it was being run to the detriment of the students and the families who are borrowing the money who are struggling to pay this money back so that they could achieve a college education.

We introduced this legislation first in February when it was disclosed by New York Attorney General Andrew Cuomo that he was expanding an investigation into the relationships between lenders and colleges and universities across the country.

Throughout the previous years, stories have surfaced about inducements and kickbacks and conflicts of interests, bribes and payoffs ranging from sending college employees on exotic vacations to staffing school financial aid offices during the busiest time of the student aid calendar. These inducements are offered by lenders to secure a spot on the preferred lender list, a list that supposedly presents to the students and to their families that this is a list of trust, that these are the best loans available for a number of reasons to those students. But we now learn that securing a position on a preferred lender list was really, in many instances with many universities and with many lenders, an act of corruption, not an act of transparency, not an act of honesty, not an act in the best interest of the students and/or their parents, and not in the best interest of achieving the lowest possible cost for those students' education.

But entry into the preferred lender meant more than just having this coveted spot. It meant a near guarantee of business. It meant an opportunity for lenders to prey on families and offer them private loans. It also meant that students weren't given the best information, the most accurate information. It also meant increased cost to the students and to their families.

Since we first introduced this bill, ongoing investigations at the Federal and State levels and by news organizations have shed new light on the scope of the corruption and the conflicts of interest surrounding these lists that are undermining the Federal student loan aid program that millions of borrowers have come to depend upon. We have learned more about the astonishing degree to which lenders buy their way into colleges and universities through excessive inducements, which is the polite word, or what might be termed "bribery," which might be a better word, in order to boost their marginal profits.

All of this, all of this was known to the Department of Education. Suggested changes were left behind by the Clinton administration to this program. Department employees raised these concerns and others with the Department of Education, and no action was, in fact, taken. And what we see, of course, is that less protection was provided to students and to their families.

We have learned that these inducements include college officials being paid to serve on lender advisory boards and receiving stock in the companies. We have learned that these conflicts of interest do not end with college financial aid officers. It has been revealed that at least one public official in the

Office of Federal Student Aid, the arm of the Department of Education that runs the student aid program, held hundreds of thousands of dollars of stock in a major student loan company.

But this is just the tip of the iceberg. Lenders and schools must be held accountable for any practice that compromises the trust that students and parents deserve to have in our Federal student aid program. Today, by passing the Student Aid Sunshine Act, we are taking clear and important actions to put an end to the corrupt practices and conflicts of interest that for too long have been allowed to dominate this industry.

□ 1030

We call on lenders, institutions and the Department of Education to also take appropriate action to end these practices, and we insist that they recognize their fiduciary responsibility to the students and their parents who are the borrowers of this money, the borrowing of money that they struggle to pay back for many years afterwards.

I am proud to be joined by my colleagues on the Education and Labor Committee, BUCK MCKEON, the senior Republican, and, again, RUBÉN HINOJOSA of the Subcommittee on Higher Education to bring to the floor a stronger, more comprehensive, bipartisan Student Loan Sunshine Act. This bill will prevent these egregious practices from occurring in the future by reinstating trust in our schools through strict codes of conduct, guaranteeing loan options and ensuring the best loan possible, ensuring equal and timely processing of loans, giving students full and fair information when taking out and repaying loans, protecting students from aggressive marketing practices and inserting the fiduciary responsibility for all parties to these agreements.

Further, this bill bans all gifts, participation on advisory boards and risk-sharing agreements between lenders and schools and ensures greater transparency and accountability when schools recommend lenders for the students.

I urge all of my colleagues to join us in voting for this legislation. Today, I think we can take this critical step toward returning these programs to the very people they were intended to serve, students and parents who are borrowing this money. It's time to protect these students and parents and end the exploitation and the abuses of the student loan program.

Again, I want to thank my colleagues on the committee for all their assistance in drafting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation and thank Chairman MILLER and Chairman HINOJOSA, Ranking Member KELLER, and their staffs and my staff for striking a bipartisan accord to advance this bill.

I have often said that in order to begin reaffirming trust in our student aid system all stakeholders must step up. That means lenders, colleges, the Education Department, States and Congress all have a role to play.

Within the past few weeks, Secretary of Education Spellings established an internal task force to review her Department's oversight of Federal student loan programs; and, today, the U.S. House is stepping up as well. It is an important step, to be sure. We are stepping up today for a single, fundamental reason, to ensure our Nation's financial aid system continues to serve the need of the students who depend on it for the opportunity to get an education.

This isn't about us versus the lenders or us versus the financial aid officers, and this isn't about direct loans versus the market-based FFEL program. And, for the record, I continue to strongly support FFEL and a healthy competition between the two Federal programs. This is about protecting the interests of millions of young men and women who expect our student aid system to be there for them when they need it.

Several weeks ago, my Education and Labor Committee colleague, Mr. KELLER, and I introduced comprehensive legislation to begin the process of reaffirming our trust in the financial aid system. I am proud that our bill served as an impetus for bringing the measure before us to the House floor.

Our legislation built on many of the financial aid reform recommendations Chairman MILLER made earlier this year, and I am pleased that what we are poised to advance today reflects a broad agreement to set these important reforms into motion.

Like my bill and Chairman MILLER's bill, the bipartisan agreement we will vote on today does not explicitly outlaw the practice of preferred lender lists. Rather, it reforms this practice to ensure that it continues to serve the interests of our students. Like my bill and Chairman MILLER's bill, the bipartisan agreement we will vote on today aims to protect against conflicts of interest between lenders and financial aid officers. And like my bill and Chairman MILLER's bill, the bipartisan agreement we will vote on today allows lenders to seek advice from institutions in order to improve products and services for students.

However, the measure Mr. KELLER and I introduced went even further than past recommendations, and I am pleased the agreement we will vote on today incorporates our important modifications. For example, just as in the bill I authored with Mr. KELLER, the measure before us asks colleges to develop their own unique codes of conduct that must include restrictions on anything else that may give the appearance of a conflict of interest between financial aid officers and lenders. And just as in the bill I authored with Mr. KELLER, the measure before us bans revenue sharing between lenders of private loans and colleges or universities.

Mr. Speaker, the FFEL and other financial aid programs successfully serve millions of students and their families every year, and this bill makes our system even better. As we move forward from here, we must not lose sight of the fact that the Federal financial aid system must work for students and colleges alike. We must be careful not to overreach, as Congress does all too often, but we do need to reaffirm our trust in the system. I believe this bill does just that.

I urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I failed to acknowledge and I want to acknowledge Mr. KELLER's help in the drafting of this legislation. He is the senior Democrat on the Higher Education Subcommittee.

I would like to yield 3½ minutes to the Chair of that subcommittee, Mr. HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 890, the Student Loan Sunshine Act. This is the legislation that cannot wait. Given the daily revelations of scandals, conflicts of interest and cozy relationships that undermine public confidence in our student loan programs, it is imperative that we act now to restore integrity.

I would like to thank Chairman MILLER and Ranking Member MCKEON, as well as the ranking member of the subcommittee from Florida, RIC KELLER, in approaching this legislation with urgency and bipartisanship. It is time to take a stand and put the interests of students and families first. This legislation is an important signal that we in Congress are committed to doing just that.

Mr. Speaker, this legislation will ban the most egregious practices that have been uncovered by Attorney General Cuomo in New York. Just read the New York Times this morning and you will see all that has been uncovered. It will require lenders and institutions alike to adhere to a strict code of conduct. It will ensure that preferred lender lists are based on the best deal for students. It will ensure that students and families have accurate, unbiased information about their loan options. It will ensure that borrowers are able to exhaust their Federal loan eligibility before being steered to pricier private loan packages.

The crisis of confidence in our student loan programs shines a light on a larger problem. We have a crisis in college affordability for our low- and middle-income families. College costs are rising rapidly, and Federal student aid has not kept pace. According to the Advisory Committee on Student Financial Assistance, paying for a 4-year public university costs our lowest-income families 87 percent of their income. We are expecting these families to come up with over $10,000 per year through work or loans to pay for college.

Quite simply, we have left low- and middle-income families to fend for themselves when it comes to financing a college education. After 4 years of stagnation, the maximum Pell Grant stands at only $4,310. We have left families rudderless when it comes to navigating the explosive growth in the student loan programs. We have not looked after their interests.

After listening to many representatives of Federal and private college loan programs, I am convinced that we here in Congress must take this bipartisan action to restore integrity to this important program. The Student Loan Sunshine Act is a first step in restoring faith in our student aid programs and fulfilling the promise of the Higher Education Act.

Mr. Speaker, we have more work to do, but let's get this job done today. I strongly urge my colleagues to support H.R. 890, the Student Loan Sunshine Act.

Mr. MCKEON. Mr. Speaker, I yield now 4 minutes to the ranking member Republican on the Higher Education Subcommittee, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding. And I appreciate the Freudian slip by Congressman Chairman MILLER. I still am Republican. I am reminded every day when my parking space is now out in Maryland that I'm a Member of the minority party here.

I rise today in support of the Student Loan Sunshine Act, H.R. 890, for three specific reasons.

First, this legislation fully includes legislation that I authored called the One-Stop Financial Aid Information Act, H.R. 1522, which creates an easy-to-use one-stop Web site for students and their families about financial aid information for college, including information about Pell Grants, student loans and scholarships offered by various Federal agencies. Far too many young people give up on their chance to go to college because they lack information about the various grants and scholarships available to them. Now they will have all this information right there at their fingertips as a result of an easy-to-access link right there on the home page of ed.gov.

I want to especially thank Congressman HENRY CUELLAR of Texas. It was Congressman CUELLAR who actually conceived of this idea and shared it with me on a codel that he and I had to Iraq based on his positive experience with a similar Web site in Texas, and he is a coauthor of this provision.

The second reason I support this legislation is because it specifically includes a financial aid code of conduct that must be adopted by colleges; and that language is taken out of the bill authored by Congressman BUCK MCKEON called the Financial Aid Accountability and Transparency Act, H.R. 1994. In a nutshell, it provides that there shall be no conflicts of interests, gifts or revenue sharing between lenders and colleges or their employees.

The third reason I support this legislation is because it does not ban preferred lender lists under the market-based FFEL program. Now after the recent student loan scandal, some of which was highlighted by Attorney General Andrew Cuomo of New York, there was a temptation on a handful of people's part to overreact. Some wanted to abolish or place a moratorium on preferred lender lists. Some even suggested that we switch from the market-based FFEL program to direct lending. This appropriate legislation doesn't contain that overreaction, and I'm proud that it doesn't, and the reason is preferred lender lists play a very positive role when done right.

There are literally over a thousand student lenders. Some of those lenders have lower interest rates, low origination fees, more flexible terms for deferring repayments and better customer service. On the other hand, there are lenders that have higher rates and fees, bad customer service and can be characterized as fly-by-night operations. It's pretty hard to tell if you're an 18-year-old kid which lender is which, but if you're a financial aid administrator who has been in the business for two or three decades, you can give some guidance into that issue.

This bill specifically allows these preferred lenders to still have a preferred lender list, provided that each college gives a choice of at least three lenders, the college disclose why they were selected as a lender, and the college disclose what terms they remain a lender. That is a pretty fair and appropriate response to the scandals that we have had and a pretty good contrast to what we have with the Federal direct lending program where a college says you only have one lender, it's the Federal Government, and there is no competition for lower fees or rates.

In closing, Mr. Speaker, this legislation helps to rein in some of the bad apples in the student loan industry, while preserving the healthy and appropriate competition between the direct lending and FFEL program. For these reasons, I urge my colleagues to vote "yes" on this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

□ 1045

Ms. WOOLSEY. Mr. Speaker, I want to thank Chairman MILLER and Ranking Member MCKEON for putting forth a good and necessary bill to protect our college students from the loan industry practices that actually work against, not for, those students who need the help. Every student in America who wants to go to college deserves the opportunity to do so, and we need to make it easier for them to go to school, not harder. Our students deserve all the help we can give them to ensure that they not only get a good education, but that they also don't come out of college saddled with loans or interest rates that will haunt them for years and years to come.

This bill will ensure that the student loan companies and some financial aid officers can no longer benefit from directing students to any particular loan company. What a concept. Loans should be for our children and for our students, not for those who are involved in the industry.

The Student Loan Sunshine Act ensures that students get the best possible options when deciding on a loan. A vote for this bill is a vote for our college students and for giving every child the opportunity to succeed in life, and indeed it is a vote for the future of the United States of America, because these young people are our future.

Mr. MCKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of the Student Loan Sunshine Act, and I congratulate Chairman MILLER for bringing the principles of honest leadership to higher education financing.

The cost of higher education has increased dramatically over the past few years, making college less affordable for many families. Financial aid is an important tool in helping make the cost of college more affordable. The people and institutions that administer these loans must be held to the highest ethical standards. For most students, their college loan will be their first form of major debt after their graduation.

As we encourage financial literacy and responsibility among this generation of young people, we must ensure that students are protected. They need to understand and know that their lenders and their financial aid administrators are in their corner and that they don't have individuals that are trying to undermine them or make money on the backs of these students.

Financing a college education is dependent on industry and institutional accountability. Strict codes of conduct will ensure this accountability.

Additionally, I am also supportive of the Department of Education's efforts to install new safeguards to protect students' privacy. We need to make sure that our students can have the utmost confidence in the system that is designed to provide them the opportunity to pay off their loans after their education and go on to become productive members of our society.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, I would like to thank the chairman and the ranking member for their leadership on this issue.

Mr. Speaker, not one of us would be here if it wasn't for the ability to afford a college education, and although we are talking about cleaning up a mess, it is quite clear we should also remember what is happening here. For a long time, there was no oversight or any accountability in administration, and people from industry were actually in the responsibility, and their response was to govern and oversee industry they came from. So what did they do? They cut out the middleman. There is no need for a lobbyist, because the industry is the government in this case.

What is most ironic in this situation on the student loan situation is industry was getting taxpayer subsidies to run a business in which the very students that were also dependent on their parents were also paying the bill. They were paying on the front end and on the back end. And it was a total rip-off of the American taxpayers. And it is on a subject, college education, that is so essential, because we know, today, in the new economy, you earn what you learn.

What we are taking is people's ability to achieve the American Dream, which is so essential, a college education, that ticket to the American Dream. And rather than see what was an honorable profession, something important that could be done with good business practices, it has turned into a scandal that has affected both the schools and the administrators of those schools, public officials responsible for it, and the lenders in that industry. It was affecting everybody.

Now, I hope, and from conversations with the chairman, we can rest assured this is just the first step in changing the rules of the game so industry and those in the lending industry understand and those in the regulatory side of it that there is a new way we are going to do business. And there is a new code of conduct for both the public officials and those in the lending industry, because we must fundamentally remember, a college education is a ticket to the American Dream, in a society and economy where you earn what you learn.

I do want to recognize the Attorney General of New York for leading this effort, for Congress in a bipartisan fashion stepping up to the plate and taking the first step with this sunshine act.

But we are not done in cleaning up the mess as it relates to the college loan industry. This is only the first step to doing that, to cleaning up this mess, because it relates to other areas. We saw it today when the individual responsible for the oil and gas leasing and royalty payment industry because of congressional oversight is now stepping down because it is clear taxpayers were not given their fair shake.

We are doing the right job, and I commend both parties in the committee for holding these oversight hearings and producing this legislation and hope that we continue, as we did in the Six in '06, we voted, first of all, to cut the interest rates on student loans; we take this sunshine act, we come back with the higher education bill. We come with the FASA reform. We constantly make sure that we are reforming higher education and the access to higher education, so we serve the people who are doing right, working hard, paying taxes and raising their kids with the right sense of values to do right. This is an industry that needs a whole top-to-bottom cleaning and washing.

Thank you for your leadership, Mr. Chairman.

Mr. Speaker, for the past 6 years, the public has had to watch as scandal after scandal fell on deaf Republican ears.

How times have changed.

Today, Democrats are demanding accountability and ending business as usual.

We've put the spotlight on the rampant corruption in the Bush administration and the scandals that used to be shoved under the rug are now being exposed.

And the new Democratic Congress is getting results for the American people.

The latest corruption scandal involves lenders, schools and public officials and has undermined a vital student loan program that millions of students depend on.

On Monday the New York Times reported that over 4 years ago a researcher at the Education Department tried to warn his supervisors that student lending companies were improperly collecting hundreds of millions in overpayments.

Big companies were getting millions from the very taxpayers who were getting the bill on the other side. So what did the Bush administration do?

Nothing.

Top officials at the Department of Education's Student Aid Office made millions when they sold stock they held in lending companies.

What did the Department do when confronted with this obvious conflict of interest?

Nothing.

It wasn't until the media and this Congress began in oversight demanding accountability that these officials were put on leave. And yesterday, the head of Federal Student Aid abruptly announced her resignation.

Additionally, the Attorney General of New York uncovered a number of improper relationships between lenders and schools, where colleges received payments in exchange for steering loan volume to particular lenders.

It is time to clean up this mess and bring transparency to the system.

The legislation before us will do just that and help ensure this sort of scandal never occurs again.

Madam Speaker, students and families have been the victims of corporate greed, bribery and corruption in the Bush administration.

Now, it's time to put an end to these scandals and pass real reform.

I urge all of my colleagues to support this legislation.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume to close the debate.

Mr. Speaker, what our job is here in Washington as legislators is to represent the people from our districts, the people from around the country. Specifically on the Committee on Education, we have the responsibility to protect and encourage those young people who are trying to receive an education, both K–12 level and those who want to continue their education throughout their lifetime at the higher education level.

We have passed many laws that try to make it easier for people to achieve the American Dream through education. Sometimes we have people that skirt those laws or take them up to the edge. When we find problems, it is our responsibility to address those problems.

We have about 6,000 schools across the country that participate in the Federal financial aid programs. They have financial aid officers that work with the students that come into the schools to help them get a Pell Grant or get other financial aid that is available, or they help them find a loan company that will help them get a loan that is needed to achieve their education.

We have about 3,500 lenders that participate in these loans. Again, some of the lenders have crossed the line or gotten too close to the line, as with some of the financial aid officers, but we definitely don't want to paint all lenders, all schools, all financial aid officers, with a broad brush, saying they are all corrupt. Most of them, the vast percentage of them, are doing a great job of trying to carry out their mission and helping students achieve their goals.

This piece of legislation will help make that law stronger, to verify that those students will get the most help in getting the loans and getting the financial aid they need to achieve the American Dream, and I am happy to be a part of this, to make it come to pass. I am hopeful that the other body will pick up this legislation and move forward with it. I encourage all of my colleagues to support this law.

Mr. Speaker, I thank, again, Chairman MILLER for being expeditious on this and getting this bill to the floor quickly.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, in closing, I want to say that this work that has been done by Chairman MILLER and Ranking Member BUCK McKEON has been something that I have really appreciated.

This is an $85 billion industry, and when you take the for-profit groups that are lending money, it exceeds $100 billion. I foresee that, with this legislation, we are going to see an increase as a result of that. We should be looking at $110 billion being lent, because it will be easier and much more acceptable to be able to borrow money at a lesser cost to the families.

Finally, in the area that I come from, were it not for these student loans, the Pell Grants and the Perkins Act loans that are available, many minority families' children, boys and girls, would not be able to go to college.

So we are pleased with the leadership of these two gentlemen, and I look forward to seeing its passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Texas for his remarks and for his leadership on this. I thank Mr. McKEON and Mr. KELLER for all of their cooperation, for their suggestions and for the introduction of the bill soon after this came to light by Mr. McKEON. I think it was very helpful in our discussions with Attorney General Andrew Cuomo. I certainly want to thank him for his diligence and the speed with which he responded to this information.

Tragically, much of this information has been available for a considerable period of time. Tragically, what we now are making against the law, the conduct we are now changing almost became the preferred way of doing business among many of the colleges and universities and the lenders which they utilized on behalf of their students.

It is just inconceivable that when people understand, and it is brought to our attention every day, the decisions that students and their families have to make about whether to pursue a college degree, the costs that are incurred, the sacrifices that are made by working families, by all families, by the students, many of whom then work part time and full time to augment the cost of that college, when that sacrifice and those determinations and decisions are made by those families, to have that process corrupted by some of the largest corporations in America, some of the wealthiest corporations in America, that they would see somehow a way to skim off, to skim off the profits and the costs at the expense of these students and of the taxpayers that put up the money.

The reason we guarantee these loans is to try to drive this money to the students and their families at the lowest possible cost so that they can afford to go to college; they can afford to take a job and pay back the cost of their college. That is the public purpose. Now that public purpose has absolutely been prostituted by the Department of Education, by many of the lending institutions and by many of the colleges and much of the personnel that works for them.

This legislation is a first step, a bipartisan step to stop those practices in their tracks, to get this program right side up for the benefit of the families and the students who are borrowing the money. To serve notice on the institutions, the lenders, the institutions of higher education and the people who work in these programs that this will no longer be tolerated.

Once again, this program has to come to the point where it is again serving the families and the students who are making this sacrifice to achieve a college education at the lowest possible cost. That is the public interest, that is the public purpose, and we will not have that corrupted. We will not have that corrupted, either by the public agencies or the private agencies that are engaged in this program.

The next step is to bar those agencies if they continue in this practice. That would be a horrible thing to do for those institutions, but we will not allow this to continue. And as we consider the Higher Education Act, we are going to continue to pursue ways in which we can reform this program and make it work for those for whom it was designed, the families and the students.

I want to thank the staff on both sides of the committee that were so helpful in understanding the programs and the changes that needed to be made, that went through the evidence and responded in this legislation, so that the House of Representatives could go on record that we will not allow this to happen on our watch.

□ 1100

Mr. McKEON. Mr. Speaker, I ask unanimous consent that both sides be allocated an additional 1½ minutes in order to allow Mr. CASTLE, the ranking member, who has just arrived, to speak on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. Mr. Speaker, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, let me thank both Mr. GEORGE MILLER and Mr. McKEON. I am in total agreement with them on this legislation. I also would like to thank the staff for their working on this.

I think it is a shame that we have gone through the last few months and all the revelations of the problems in the student loan industry on a whole variety of levels. I am not here to attribute blame to anybody at this point but to suggest we do have a role in getting involved in this and to make a difference. I will submit my prepared statement, but I would like to go just a little beyond that.

I think everyone in America, in terms of being competitive, has to do everything we can to educate our young children. Clearly, student loans by the individual students and the families need to be taken into consideration, but so does the cost of college.

As we look at the Higher Education Act which Chairman MILLER referenced, it is vitally important that we make sure that our colleges are being closely analyzed in terms of keeping those costs down. The Federal Government cannot do it all with respect to grants and loans or whatever it may be. Indeed, we need to close the gap between the cost of college and what people can afford. Hopefully, we can continue to work on this.

This is a wonderful first step. I hope everyone is supportive of H.R. 890. I certainly am supportive of it and concur with statements that have been made today.

I rise in support of H.R. 890, the Student Loan Sunshine Act, which will return the focus of the financial aid process to serving the needs and interests of students. H.R. 890 is the first step in ensuring that the federal student aid program is kept on a firm foundation for generations to come.

As Congress moves towards reauthorizing the Higher Education Act, the reforms in H.R. 890 are steps in the right direction to ensure the financial aid system works for students and colleges alike.

In addition to this bill, the Committee has also held one investigative hearing on findings by New York Attorney General Andrew Cuomo on the relationship between student loan lenders and the financial aid offices in institutions of higher education. Tomorrow the Committee will hold a second in investigative hearing, asking U.S. Secretary of Education, Margaret Spellings about alleged lapses in the Department's oversight of the federal student loan programs. Additionally, Mr. PETRI and I have sent a letter to the Congressional Research Service (CRS) requesting information from them about the private loan industry. By answering some of these questions and by passing this legislation today, I am hopeful Congress can work to restore confidence in the federal student loan system.

I urge my colleagues to support H.R. 890, the Student Loan Sunshine Act, to help serve the needs and interests of our students and to restore confidence in our federal loan system.

Mr. PETRI. Mr. Speaker, I rise today in support of H.R. 890, the bipartisan Student Loan

Sunshine Act, as a first step towards comprehensive student loan reform. The series of scandals that have surfaced over the last month have underscored the need for clear and explicit guidance on student lending ethics. These revelations of kickbacks, financial aid officer compensation, lavish travel, and aid office staffing are just a few of the egregious practices lenders have employed to buy access on preferred lender lists and manipulate the trust of both students and taxpayers.

In supporting H.R. 890, however, we must remember that these abuses are merely symptoms of a very broken system: the Federal Family Education Loan (FFEL) program. The excessive subsidies made to student lenders through this archaic loan-delivery system cost taxpayers approximately $5 billion more each year than the comparable Direct Loan program. Indeed, the Office of Management and Budget, Congressional Budget Office, Treasury Department, Government Accountability Office, and other economists are all in agreement that the FFEL structure is hemorrhaging taxpayer subsidies. While this wasteful spending is inexcusable, it is even more appalling that none of these excess subsidies filter back down to students in the form of borrower benefits, but rather have been used to underwrite these unethical practices.

Let me be very clear, while the Sunshine Act is a positive first step towards reform, we must only consider it a stop-gap measure to limit further abuse of the FFEL program while we develop a comprehensive, structural loan reform. In the coming months, Congress will have another opportunity to consider changes to this nation's higher education laws. The real test of our resolve will be whether we settle for yet another Band-Aid on a broken system or if we work to redesign this system to ensure that critical tax dollars in federal student loans provide the best return on our taxpaying constituents' investment.

Mr. Speaker, I invite my colleagues to join me not only in supporting this bill, but also working towards comprehensive student loan reform. Students and taxpayers deserve better, and Congress has the responsibility to deliver these critical reforms this year.

Mr. ANDREWS. Mr. Speaker, I rise in strong support of the Student Loan Sunshine Act. This bill helps to ensure that parents and students have access to all student loan options available to them in order to make the best informed decision.

Some key improvements include providing students information on all federal student aid opportunities through a new "one-stop" link on the Department of Education website. This will allow students to have access to all lenders of their choice, and not feel limited with preferred lender list. The bill also requires institutions disclose all relationships with lenders and protects students from aggressive marketing practices.

The student loan industry has been under intense scrutiny recently and it is our obligation as Members of Congress to promote open and honest leadership. I applaud Chairman MILLER for developing a strong piece of legislation that will help restore trust in the student loan industry.

Access to affordable and quality education is a key element to this country's future. As a cosponsor of the Student Loan Sunshine Act, I encourage my fellow colleagues to support this bipartisan legislation.

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 890, The Student Loan Sunshine Act of 2007. Over the last few decades the costs of a postsecondary education in our country has increased exponentially. Now, more than ever our nation's students and families are relying on student loans to help pay for a college degree and yet, thanks in large part to the investigative reporting New York Times, we now know that egregious conflicts of interest and corrupt practices among lenders, schools, and public officials are undermining the student loan programs on which millions of borrowers depend. This is unacceptable, and I am pleased that the Education and Labor Chairman GEORGE MILLER has decided to address this situation so promptly.

The Student Loan Sunshine Act cleans up the student loan industry and ensures that students and families will encounter a more trustworthy student aid system in the future by requiring institutions and lenders to adopt strict codes of conduct that adhere to specific guidelines, banning all gifts, participation on advisory boards, and revenue-sharing agreements between lenders and schools, mandating institutions disclose all relationships with lenders, only allowing "preferred lender lists" on campuses with strict assurances that the list was created with the students' best interest in mind, ensuring that students have access to all lenders of their choice (including those not on the preferred lender lists), prohibiting staffing of school financial aid offices.

We need to pass this legislation here and now to send a message to all stock holders that Congress and the American public will not abide abusive lending practices and that we are entitled to transparency in student loan programs.

Mr. VAN HOLLEN. Mr. Speaker, in a time when most students graduate with at least $20,000 in debt, it is more important than ever that students can find loans with low interest rates that are easy to pay back. In the best case, students can get federal financial aid. However, more and more students have maxed out that aid and are turning to the private market. Many schools recommend lenders to help students and their families find loans.

Now, most schools do work in the best interest of their students, and choose preferred lenders based on the benefits they can give students. But, as we have seen, some unscrupulous lenders have schemed with certain unscrupulous staff of college loan offices to serve their own special interests rather than the interests of students and their families.

What is worse, the Department of Education knew about these cozy relationships between student loan officials and lenders and did nothing about it. This is indicative of the lack of oversight that has persisted at the Department of Education for the last six years. Some of us in Congress, a few years ago, worked to close a loophole in the federal student loan program that was costing taxpayers millions of dollars. We had to pass a law to force the Department of Education to act—they had refused to issue emergency regulations to stop the subsidy and save money for taxpayers and students.

And now, again, the Department of Education, when faced with a clear conflict of interest between lenders and schools, has failed to respond adequately. Congress must step in to make the rules clear.

This bill does just that. It clarifies appropriate conduct for schools. It encourages private loans to be competitive with federal loans. It makes students more aware of their options by making the student loan market less confusing and more transparent.

Perhaps most importantly, this bill will restore trust between students and their colleges. Students need to be able to trust that their school officials are giving them the best advice in the confusing world of student loans. The provisions of this bill, by requiring schools to disclose exactly how their preferred lenders are chosen, will reassure students and parents that schools are looking out for their best interests.

This bill will help students and parents get the best deal for their money. I encourage my colleagues to vote yes on the Student Loan Sunshine Act, and put in place a system that looks after students' interests, and is not plagued by special interests.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 890, the Student Loan Sunshine Act and I thank Chairman GEORGE MILLER for bringing this bill to the floor.

With the rising cost of college, students and families are more reliant then ever on student loans to pay for college. At the same time, it is becoming more and more important for these students to earn a college degree to compete for good jobs. U.S. Census data show that, on average, every year of post-secondary education raises a worker's annual earnings, helping the worker to provide for his family as well as to give back to his community. Post-secondary education is becoming more and more important—according to the Bureau of Labor Statistics, the percentage of jobs requiring post-secondary education will rise from 29% in 2000 to 42% by the end of the decade.

Ongoing investigations into the student loan industry have revealed that egregious conflicts of interest and corrupt practices among lenders, schools, and public officials are undermining the student loan programs that millions of borrowers have come to depend on. Just yesterday Theresa Shaw, chief operating officer of the office of federal student aid, resigned from the Department of Education. My own State of New Jersey now has the State Attorney General looking into evidence of agreements between the New Jersey Higher Education Student Assistance Authority and lenders that show lenders paid the agency to market their products to schools.

I am pleased that this bill bans all gifts, participation on advisory boards, and risk-sharing agreements between lenders and schools and requires institutions to disclose all relationships with lenders. The bill ensures that students have access to all lenders of their choice, including those not on the "Preferred Lender Lists." The bill bans staffing of school financial aid offices by lenders, and ensures that schools process all loans, from any lender, and do not steer students away from their first choice. I am also pleased that the bill requires lenders offering private loans to first inform students of their federal borrowing options, so that the student can get the better federal interest rates.

Too often, when students leave college they are not informed of all their repayment options. The bill requires that all exit counseling is provided with the school's involvement and that they inform students of all of their repayment options.

Students deserve clear, straight-forward information and the bill instills enforceable marketing protections, including disclosures and notifications to students and institutions by lenders offering private loans. This bill gives a student the full picture by requiring lenders and institutions to disclose fully and prominently the terms, conditions, and incentives for all loans.

Again, I look forward to the results of the investigation of the State of New Jersey Attorney General and I thank Chairman MILLER for taking these steps to disclose all information about the student loan industry, colleges, and public officials. I ask my colleagues to support this important bill.

Ms. CLARKE. Mr. Speaker, I want to commend Chairman MILLER for his leadership, promptness, and thoroughness on this issue and for bringing this bill to the House floor.

H.R. 890—The Student Loan Sunshine Act, establishes requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

The key to both socio-economic mobility and stability has traditionally been through education. Education is critical to our economy as our global society transitions from an industrial to a technological society.

There have been an increasing number of students enrolling in colleges, even though college costs are escalating. Students are particularly hard hit by the increasing cost of college attendance. As a result, the majority of college students rely on some form of student loans to finance their education.

However, recently New York State Attorney General Andrew Cuomo has uncovered many unscrupulous lending practices and conflicts of interests in the student loan industry.

In light of Mr. Cuomo's discoveries, a bill such as the Student Loan Sunshine Act is desperately needed. This bill amends the Higher Education Act of 1965, and requires each lender entering into an educational loan arrangement with a postsecondary school to:

(1) Report annually to the Secretary of Education specified information concerning their arrangements with schools;

(2) inform borrowers of their loan options under title IV (four) before extending private educational loans for attendance at schools; and

(3) be barred by the school from marketing student loans in a manner implying the school's endorsement.

For the protection of students and their families, I cast an aye vote in support of H.R. 890, the "Student Loan Sunshine Act" and I urge my colleagues to protect the integrity of the student loan program.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise to support the Student Loan Sunshine Act, and to congratulate Chairman MILLER and Ranking Member McKEON for moving quickly on this critical issue.

The recent investigation by New York Attorney General Andrew Cuomo has brought attention to serious problems in our student aid industry. While it is unfair to malign all schools and all lenders, it is clear that in large part due to lax oversight by the Department of Education, there have been many instances of actions intended for profit—rather than for improving student access to education. It is time to put an end to the conflicts of interest and corrupt practices that increase costs for students and taxpayers.

This legislation is an important first step in improving oversight of the student loan industry and in ending inappropriate relationships between lenders and colleges and universities.

H.R. 890 will ban loan arrangements that include benefits to higher education institutions, prohibit lenders from serving as staff in campus financial aid offices, and ban gifts from lenders to campus officials and their families. It allows the continuation of preferred lender lists but requires that these lists include at least 3 lenders and that the institutions explain their choices. This bill includes civil penalties for companies that violate the new regulations and increases the Department of Education's authority to regulate the private loan market. The Student Loan Sunshine Act also makes it clear that lenders who are transparent in their processes and advocate on behalf of students continue to be an important part of the student aid system.

Mr. Speaker, the recent scandals in the student loan industry illustrate the Department of Education's failure to adequately regulate the student loan industry and the conflicts of interest too often noted in this administration. As the New York Times reported, Department officials were alerted to inappropriate lender subsidies in 2003 and failed to act. This week a top ED official, who formerly worked for Sallie Mae, has resigned. It has also been noted that a recently investigated lender was a top contributor to the Republican party. It is time to refocus higher education policy where it should be—on the student.

This Congress has made access to higher education a priority. It is critical to the future of students, our communities and our Nation. With more and more students and parents relying on student loans and with student debt burden increasing, clearly we must do all we can to ensure the integrity of student aid programs. The Student Loan Sunshine Act is an important first step. I also look forward to working with Chairman MILLER and the other members of the Education and Labor Committee to pass a strong Higher Education Act Reauthorization that protects students, increases access to higher education, and improves our Nation's global competitiveness.

I urge my colleagues to join me in supporting H.R. 890.

Mr. GEORGE MILLER of California. Mr. Speaker, I urge the House to pass H.R. 890, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 890, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 383 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 383

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1873 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. CARDOZA) is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 383.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such times as I may consume.

Mr. Speaker, House Resolution 383 provides for consideration of H.R. 1873, the Small Business Fairness in Contracting Act, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Small Business. The rule makes in order the substitute reported by the Committee on Oversight and Government Reform as original text for the purpose of amendment. The substitute shall be considered as read.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule makes in order eight amendments that were submitted for consideration that are printed in the Rules Committee report on this accompanying resolution.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Small Business Fairness in Contracting Act, H.R. 1873, amends key sections of the Small Business Act to assist small businesses in participation in Federal procurement.

The predecessors to the Small Business Administration can be traced back to World War II and efforts by President Roosevelt and President Truman. In fact, during World War II, it was found to be in our national interest to ensure a strong and diverse industrial base.

Through a series of laws and procurement requirements, Congress established a benchmark to give small business every opportunity to compete fairly for the awarding of Federal contracts. Despite this clear mandate in existence for more than 50 years, small businesses, however, have not received their fair share of Federal Government contracts.

For example, in 2006, the Federal Government spent over $417 billion on goods and services in 8.3 million separate contract actions. Small businesses won approximately $80 billion in contracts, approximately 21.5 percent of these contracts. This was the sixth straight year that the government has failed to meet its 23 percent small business contracting goal. This cost entrepreneurs an estimated $4.5 billion in lost contracting opportunities last year alone.

Small businesses suffered this massive loss, despite their importance to our national economy. Small businesses are the engine of our economy. In fact, they are responsible for creating three out of every four jobs in the United States. We cannot afford our budding entrepreneurs to be shut out of what would be an open market and be denied the opportunity to succeed. Not when their existence is so vital to our national economy.

We should not be shutting them out. Instead, we should be opening doors and shepherding their growth to ensure continued prosperity.

There are many reasons for the failure to break the stranglehold on Federal contracting process. In response, H.R. 1873 takes several necessary steps to address some key causes. H.R. 1873 seeks to break down the barriers for countless entrepreneurs and small businesses that are on the road to opportunity.

First, the bill bans contract bundling. Past practice has been to combine two or more smaller contracts into a single, larger package. While this bundling may be administratively convenient, it reduces competition and opportunity for small businesses.

Bundling squeezes small businesses out of the contract competition, benefiting larger, full-scale businesses in the process; and when there is less competition, there is also higher cost on the taxpayer.

To add insult to injury, Federal agencies are skewing the data with respect to small businesses. To give the impression that 23 percent of small business contracting goals are being met, agencies are using contracts awarded to larger companies and including them towards their small business contracting goals. H.R. 1873 seeks to reverse these trends and make it easier for small businesses to compete in the Federal marketplace.

Second, the bill makes an appeals process more accessible. Under current law, small businesses are only allowed to protest the award of a contract if they are directly harmed by it, but they are unlikely to do so given the costs involved in the process. Under the bill, small businesses and trade associations acting on their behalf that are adversely affected, directly or indirectly, by a proposed procurement can now request that the SBA appeal the procurement on their behalf.

H.R. 1873 increases the procurement goals for small businesses. It increases the government-wide goal for the number of contracts awarded to small businesses from 23 to 25 percent, a goal which has not been raised in over 10 years. It also increases from 5 percent to 8 percent the government-wide contracting goals for both disadvantaged and women-owned small businesses.

The bill raises the threshold for small business contract set-asides to the simplified acquisition threshold. It also requires that an independent audit of the Central Contracting Registry be conducted on a biannual basis to ensure that large firms are not misrepresenting themselves as small businesses.

Mr. Speaker, the opportunity for open competition for Federal contracts is immensely important to small businesses. This bill has strong bipartisan support. It passed the Small Business Committee by a voice vote, and it was sequentially referred to the Committee on Oversight and Government Reform where it also passed by a voice vote.

I would like to thank both committees for their hard and thoughtful work in bringing this legislation to the floor today. In particular, I extend my thanks to Chairwoman VELÁZQUEZ, the subcommittee chairman, Mr. BRALEY, and Chairman WAXMAN.

Mr. Speaker, we all recognize the importance of small businesses to our economy, and we must act on this bill without further delay.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend from California (Mr. CARDOZA) for the time, and I yield myself such time as I may consume.

Small business is the engine that drives our economic strength. The almost 26 million small businesses in the United States employ over half of all private sector workers and pay approximately 45 percent of total U.S. private payroll. Over the last decade, small businesses have generated 60 to 80 percent of new jobs each year.

Congress, for many decades, has acknowledged the important role small businesses play in the Federal procurement process. That is evidenced in the Small Business Act of 1953 which states: "It is the declared policy of the Congress that the government should aid, counsel, assist and protect the interests of small business concerns in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government be placed with small business enterprises."

In 2006, the Federal Government spent over $417 billion on goods and services in 8.3 million separate contracts. Small businesses won a little over 21 percent of those contracts.

H.R. 1873, the Small Business Fairness in Contracting Act, seeks to assist small businesses' participation in the Federal procurement process.

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Among its provisions, it expands and clarifies the definition of contract bundling to try to ensure that small businesses can fairly compete for Federal contracts. Contract bundling combines two or more contracts into a single larger package. Bundling can put small businesses at a disadvantage in the procurement process because the bid price usually goes beyond what small businesses can afford.

This legislation, the underlying legislation, sets a target of 25 percent for the overall number of Federal contracts awarded to small businesses and a target of 8 percent for contracts awarded to minority- and women-owned businesses. The bill also provides a mechanism for the SBA to work with Congress when it believes that the Federal contract was improperly bundled.

Mr. Speaker, yesterday the majority on the Rules Committee reported out yet another restrictive rule, going back once again on the promise for a more open and fair legislative process. What makes this rule most unfortunate is that it does not include even one Republican amendment. So I think the question is begged, how can the majority claim to be fostering an open legislative process when it totally shuts out the minority?

During testimony at the Rules Committee, Small Business Ranking Member CHABOT explained that the Government Oversight Committee subsequently made several major changes to the bill that would harm small businesses. He proposed several amendments to strike the harmful provisions and restore those in the original bill that came out of the Small Business Committee. Now these amendments were even supported by the Small Business Committee chairwoman, Ms. VELÁZQUEZ, but the majority in the Rules Committee ignored both Committee Chairwoman VELÁZQUEZ and Ranking Member CHABOT and did not make the amendments in order. That was totally uncalled for, and Mr. Speaker, this rule should be defeated.

Mr. Speaker, I reserve.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

I would just like to respond to the gentleman and my good friend from Florida who serves with me on the Rules Committee. I would like to remind him that while it is true that no Republican amendments by themselves were in order, there certainly was made in order Ranking Member Mr. CHABOT's suggested return of amendments the way it was in the Small Business Committee. He paired with Congresswoman BEAN of Illinois, with Congressman SHULER of North Carolina and with Mr. SESTAK of Pennsylvania in coauthoring three amendments that were, in fact, made in order.

So to say that no Republican suggestions were made in order was simply not totally accurate. In fact, Mr. Speaker, three Democratic amendments and four Republican amendments were not made in order, but a significant number of them are going to be considered today.

We believe that this is, in fact, a very good use of the time of the Members of this House. The Committee on Government Reform is the watchdog committee for this House. They had some issues that they wanted to clarify in the legislation, and I think that the Rules Committee felt that their suggestions had merit in at least two cases.

I also want to make the point, Mr. Speaker, that this legislation is supported by the NFIB, the National Federation of Independent Business; the Women's Chamber of Commerce; the Hispanic Chamber of Commerce; the Women Impacting Public Policy; the National Small Business Association; and the Associated General Contractors of America.

Mr. Speaker, I have one additional speaker who requests some time who is not yet here, and so I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is quite interesting to see that now it is important for the minority to pair with members from the majority party in order to be considered, that pairing with someone from the other side makes the denial of amendments to all Republican amendments apparently fair.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I appreciate him for providing leadership on this issue.

I would suggest, Mr. Speaker, that small business is indeed important and vital, but what is before us is not H.R. 1873, the Small Business Fairness in Contracting Act. What is before us is how this House will deal with that bill when it comes to the floor. What is before us is the rule that will allow or not allow open and active debate on this bill.

Now, the new majority has promised us an open and fair process. They promised the American people an open and fair process. But once again, this new majority has put forward a closed and restrictive rule which will not allow an up-or-down vote on many amendments, including one that I offered that would have applied pay-as-you-go spending principles to this legislation.

As my good friend from Florida mentioned, there are eight amendments that have been allowed, all of them, Mr. Speaker, with primary authors being from the majority party. Is that open? Is that fair?

Last term, Speaker PELOSI said, "Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule." Well, I agree, Mr. Speaker. What changed?

Last term, Mr. Speaker, Majority Leader STENY HOYER said, "Mr. Speaker, once again this House majority is resorting to heavy-handed tactics that are designed to do one thing only, to achieve a preordained result by shutting down a full and fair debate in this House." I agree, Mr. Speaker. What changed?

Last term, Mr. Speaker, the current Chair of the Rules Committee, Ms. SLAUGHTER, said, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under open rule, not just appropriations bills . . . An open process should be the norm and not the exception." Well, I agree, Mr. Speaker. What changed?

In fact, what has changed is that less than 3 percent of the bills that have been brought to this floor under this majority under a rule have been under an open rule, less than 3 percent. What changed, Mr. Speaker?

Last term, a member of the Rules Committee, Mr. MCGOVERN, said, "I would say to my colleagues on the other side of the aisle, if you want to show some bipartisanship, if you want to promote a process that has some integrity, this should be an open rule. All Members should have an opportunity to come here and offer amendments to this bill to improve the quality of deliberations on this House floor. They should be able to come and offer amendments to clean this place up." And I agree, Mr. Speaker. So what changed? What changed?

Mr. Speaker, last term, current Democrat Caucus Chair, Mr. EMANUEL said, "Let us have and up-or-down vote. Do not be scared. Do not hide behind some little rule. Come on out here. Put it out on the table, and let us have a vote. So do not hide behind the rule. If this is what you want to do, let us have an up-or-down vote." I agree, Mr. Speaker. What changed?

H.R. 1873, the bill today that we will talk about, seeks to increase the opportunity for small businesses to earn Federal contracts by addressing current barriers that face small businesses, and this is important. That is extremely important, but we should do so in a fiscally responsible way.

My amendment would have allowed or would have applied the principles of pay-as-you-go to any new spending authorized by this legislation by requiring that any new spending have a specific offset, be paid for, common sense. It is what we all have to do at home. It is what all of our constituents have to do at home.

Mr. Speaker, this majority, when it was running to take the majority last year, said, "Our new direction is committed to pay-as-you-go budgeting, no more deficit spending. We are committed to auditing the books and subjecting every facet of Federal spending to tough budget discipline and accountability, forcing the Congress to choose a new direction and the right priorities for all Americans." Mr. Speaker, what happened? What happened?

Last month, Majority Leader STENY HOYER was quoted and said, "We want to get the budget deficit under control. We have said fiscal responsibility was necessary, but we are not going to be hoisted on the torrent of fiscal responsibility." Mr. Speaker, heaven forbid that we should be hoisted on the torrent of fiscal responsibility.

Well, Mr. Speaker, rules are not rules if you only follow them when you want to, and the Democrats, the majority party, promised to use PAYGO rules for everything. Instead, they are picking and choosing when to do so. At home, we call that breaking a rule and breaking a promise.

So I urge the new majority to rededicate itself to its campaign promises, its promises of pay-as-you-go spending and of an open and fair process. Fiscal responsibility and an open process should not be something that you just talk about solely before elections. We should be good stewards of the hard-earned money that Americans send to Washington in the form of their taxes all the time, not just during political campaigns.

So I urge my colleagues to oppose this closed and restrictive rule.

Mr. CARDOZA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in the last Congress, in both sessions, the Rules Committee reported a grand total of three open rules that were not appropriation rules. Two of them were open rules with a preprinting requirement. In this session, the new majority, we have already done seven open rules, six with preprinting requirements. And that is just in over 4 months.

Say what you want, we have already had a fairer and far more open process than happened in just the last 2 years of the prior majority's rule, when their party ran this place.

Mr. Speaker, Mr. PRICE from Georgia indicated that he has proposed a rule to get our fiscal house in order, an amendment that would do that. Yet, he has offered that same amendment several times in other pieces of legislation. Every time when it was allowed and came to the floor, his amendment failed.

Further, I would like to just mention the fact that the current majority has, in fact, instigated PAYGO rules in the House of Representatives, and so we have made that the law of the House. We, in fact, are bringing fiscal responsibility to this House on a daily basis, something that the prior party in charge was not able to do over 14 years while they were in charge. In fact, the deficit went up at an astounding rate while they were in control of this institution, and it has been the Democrats who have come back to power and are instigating PAYGO rules and fiscal responsibility in the House of Congress.

Mr. PRICE of Georgia. Mr. Speaker, will the gentleman yield?

Mr. CARDOZA. I yield to the gentleman from Georgia for a question.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentleman yielding, and I appreciate you also stating that time and time again this majority party has defeated PAYGO, an amendment that would have provided responsible fiscal spending on the part of the Federal Government, that I have offered.

What it does, does it not, bring clarity to the issue——

Mr. CARDOZA. Mr. Speaker, I reclaim my time. The point of my claim was the gentleman's amendment had failed because we have already instituted the PAYGO rules in our rules of the House of Representatives, and we do that on a daily basis.

When the gentleman's party was in power for a number of years, we saw the largest deficit increases in the history of our country, more foreign debt that they piled on to our Nation, and in fact, we are reversing the course that they set out in their prior control of Congress.

Mr. Speaker, I reserve the balance of my time.

□ 1130

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend, my colleague from California, for having admitted on the record that the new majority has seen fit during this Congress to pass one open rule, and that was on the Advanced Fuels Infrastructure Research and Development Act, and I think that's important to be noted.

Now, rules where there are requirements with having to print amendments before the debate begins are not open rules, even though our friends on the majority side have tried to redefine definitions, redraft definitions. But the reality of the matter is that there has been an admission on the floor that there has been one open rule with regard to a noncontroversial bill, and that's the fact.

Now, why is that important? Because they were the party that campaigned on opening the process. So that's why it's a relevant fact that there has been one open rule.

Mr. Speaker, I yield 4 minutes to my distinguished friend, a great leader from Texas (Mr. SESSIONS).

Mr. SESSIONS. I want to thank the gentleman from Florida, a member of the Rules Committee, who I look up to and is a great mentor. I thank the gentleman for yielding the time.

Mr. Speaker, I, too, rise in strong opposition to this rule, which completely shuts out the minority from offering any amendments to improve this legislation.

Last night, the Rules Committee met to consider the 14 amendments offered by Members to improve this legislation; and the Democratic majority voted along party lines to prevent any amendments offered by a Republican from being considered.

I wish I could say that I was surprised by this outcome, but this is nothing new. This new Democratic majority decided to break its campaign trail promises to open up legislative process for all Members. Instead, they have chosen, once again, to play party politics and to help the Rules Committee to solidify its position and reputation as the graveyard of good ideas in the House of Representatives.

I offered one of the Republican amendments that will not be considered by the House today because of the partisanship in the Rules Committee. My amendment would have struck section 303, which mandates the automatic annual recertification of successful small businesses, whether this recertification is necessary or not.

Section 303 will create an administrative nightmare for small businesses who wish to contract with the Federal Government. Mandating this annual recertification creates a disincentive for businesses to contract with the government, because filing this unnecessary paperwork takes time, takes money and takes manpower, proving that the actions we take here in Congress actually do have real-world consequences.

The Small Business Administration already has the discretion to determine how frequently small businesses must recertify, and the SBA studied and rejected this annual recertification because it would create, as they call it, an unnecessary burden for small business.

The SBA has already passed a recertification rule that goes into effect in June of this year. This rule will protect small business contracts without the added costs and headaches associated with the Democratic majority's heavy-handed proposal. Congress should have allowed the SBA rule to take effect before mandating this new, unnecessary statutory paperwork.

The failure of the Democratic majority to include my amendment proves that this bill is more about politics than it is about policy. Yesterday, person after person from both parties talked about how great it would be for us to help the great engine of this economy, small business. Yet we find out, when it really comes down to it, they want to put rules and regulations on small businesses, whether they are needed or not.

Mr. Speaker, I ask to insert in the RECORD the Statement of Administrative Policy for the bill which specifically states that the bill would impose additional detailed reporting requirements on agencies and prime contractors that would increase costs without clear benefits.

STATEMENT OF ADMINISTRATION POLICY, H.R. 1873—SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

(REPRESENTATIVE BRALEY (D), IA AND 29 COSPONSORS)

The Administration supports efforts to increase opportunities for small businesses to compete for Federal government acquisitions. The Administration, however, opposes H.R. 1873, because it would impose broad, burdensome statutory restrictions on Federal agencies' ability to conduct acquisitions and establish unrealistic small business procurement goals. Although the Administration appreciates the efforts of the House Oversight and Government Reform Committee to address some of the Administration's concerns, its reported bill contains many of the same objectionable provisions as the introduced bill and the bill as reported by the House Small Business Committee.

Among its objectionable provisions, H.R. 1873 would impose costly and time-consuming requirements on thousands of agency acquisitions through an overly-expansive definition of "contract bundling" that would include construction contracts, new procurements not previously performed by or considered suitable for small businesses, and task and delivery orders under existing contracts even when bundling justifications were already performed under such contract. These requirements would be in addition to existing rules that already require review of all agency procurements for small business opportunities.

Additionally, the bill would establish unrealistic government-wide and individual agency small business procurement goals that could undermine the small business procurement goal process. Moreover, both the increase in goals and the restrictions on allowing a small business to be counted for only one preferred small business contracting category raise constitutional questions by establishing new race- and gender-based Government preferences without presenting a strong basis in evidence that these preferences meet constitutional standards.

The bill also would overturn a recently issued small business regulation that guards against the abuse of small business preferences while allowing an affected small business a reasonable period of time to take advantage of such preferences during performance of a Federal procurement contract. Finally, the bill would impose additional detailed reporting requirements on agencies and prime contractors that would increase costs without clear benefits.

The Administration would strongly oppose amendments to require the Office of Management and Budget intervention in individual agency acquisition decisions, thereby removing the discretion and flexibility that agencies must have to accomplish their missions by contracting for needed supplies and services. The Administration also would strongly oppose any amendments that require individual agency goals to be no lower than government-wide statutory small business goals, or that apply small business goals to overseas acquisitions.

The Administration looks forward to working with Congress to increase opportunities for small businesses without unnecessarily disrupting agency operations and imposing burdensome requirements on agencies and contractors.

I ask for all my colleagues to oppose this partisan rule, this restrictive rule that will do very little to help small businesses.

Mr. CARDOZA. Mr. Speaker, I would just like to respond to my good friend from Texas and state the committee considered his amendment, proposed amendment, and rejected it for a large reason, because we feel that it is important to make companies certify that they are, in fact, small businesses, that there have been mistakes made in the past, that companies have gotten beyond the threshold and have won contracts that they may not be authorized to do.

Just because the Small Business Administration periodically will go and check that, we don't believe that that is enough of a cause to require that other small businesses be shut out of the process because companies that grow beyond the requirements are allowed special treatment.

Mr. Speaker, I reserve the balance of my time for my close.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank Mr. CARDOZA, my good friend, and all those who have spoken during this debate.

Mr. Speaker, I would like to reiterate my call for the defeat of this restrictive rule. It is an unfair rule, it is unnecessarily restrictive, and it closes down debate. For that reason, I urge the defeat of this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, in my close, I just want to assure the Members of Congress that we are, in fact, running the most open process in this Congress, that, in fact, we have provided seven open rules.

Now those rules may have a preprinting requirement, as Mr. DIAZ-BALART mentioned, the gentleman from Florida. In fact, though, requiring a pre-printing requirement allows every Member who desires to put forward an idea to come and have their ideas presented to the House. That is much more than what happened in the prior Congress, when they were in charge. We are keeping our commitment to running an open process.

As I mentioned, this legislation is very worthy of this rule and of passage. As I mentioned, small businesses have not received their fair share of Federal Government contracts, despite their importance to our economy. The bill before us today, H.R. 1873, addresses some of the key causes.

By making a few targeted reforms to the procurement process, we can help thousands of small businesses and give a much-needed jolt to our national economy. We must continue to shepherd our small businesses to give them every opportunity to succeed for today and for tomorrows yet to come. This bill will move us in that direction, and a small business will be that much closer to making their dreams of prosperity a reality.

I urge a "yes" vote on the rule and on the previous question

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 382 and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 382

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment .the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1684 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. MATSUI) is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 382 provides for consideration of H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, under a structured rule.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The rule waives all points of order against the bill's consideration, except those arising under clauses 9 or 10 of rule XXI. The rule makes in order and provides appropriate waivers for 21 amendments.

I am pleased to stand before you today with a rule to permit the Homeland Security authorization bill to come to the House floor.

First and foremost, I want to thank Chairman THOMPSON for his continued leadership on an issue of utmost importance for the safety and prosperity of this country and for working so closely with Ranking Member KING on this bill.

This bipartisan bill authorizes $39.8 billion to the Homeland Security to carry out its many functions, from securing our borders to providing our local law enforcement with resources to prepare for and prevent terrorist attacks.

The Department of Homeland Security has a wide range of responsibilities. In recognition of this critical mission, I am pleased that the Homeland Security Committee has authorized $2.1 billion more than the President requested in his budget. This authorization bill does far more than simply authorize appropriations for the Department of Homeland Security.

☐ 1145

This bill gets at the heart of the management problems within the Department. As we all know, the Department was created by combining the work of 22 separate agencies. This process of integration has had many, many challenges, poor communication between agencies, a lack of qualified management, unusually high turnover of senior personnel.

Congress has not made these challenges any easier, however. We could have addressed some of these problems through the legislative process by passing an authorization bill last year, but the prior majority failed to do so, and so the Department's management problems went uncorrected.

Without addressing the underlying management and operational issues, the Department cannot perform its important functions. In such an environment, how can the American people feel safe?

Thankfully, H.R. 1684 addresses these challenges. It mandates a comprehensive review of the Department at the beginning of each new administration in order to ensure that DHS is structured to meet the security needs of the American people. It sets qualifications for senior managers, increases coordination between agencies, and boosts funds for the Inspector General. And, agency by agency, it puts in place thoughtful personnel policies to attract, train and keep only the most qualified personnel.

These reforms are important, and I'm glad that the committee and the Democratic leadership have moved forward with a well-focused bill to improve the Department's management.

This bill continues the majority's strong record on homeland security. In a few short months, this Congress has passed bills to implement the 9/11 recommendations and to strengthen rail and public transportation security, each with strong bipartisan majorities. Each is a component of a comprehensive approach to protecting our constituents from potential threats.

I applaud the committee and the leadership for their consistent focus on homeland security. I understand that some Members have concerns that this bill does not address every issue, but part of the legislative process is working through these issues through the committees of jurisdiction.

It is important to keep in mind that Chairman THOMPSON and Ranking Member KING put forth a bipartisan bill during markup, and Chairman THOMPSON continues to work with other committees of jurisdiction in order to make sure that every aspect of our Nation's security is supported by Congress.

In particular, I applaud the chairman's record of shepherding 2 major homeland security bills through the House already. I think we should all agree that today's effort, the third homeland security bill in 4 months, makes substantial improvements to long-standing management issues within DHS. The rule and underlying bill shows a commitment of this Congress to working for a safe and secure America.

So I urge all Members to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my good friend, the gentlewoman from California (Ms. MATSUI), for the time; and I yield myself such time as I may consume.

The security of the American people, Mr. Speaker, is the primary function of the government of the United States. Since September 11, 2001, we have been working to rebuild our Nation, not only our buildings but also our sense of security. The creation of the Department of Homeland Security to coordinate all domestic security activities on behalf of the American people was an important first step and has served as the foundation of our continuing efforts to protect our citizens.

Today, we consider the third authorization for the Department of Homeland Security. During consideration of this underlying legislation, Members from both sides of the aisle worked together to craft a bipartisan bill. The bill sought to build a core capacity at the Department and bring about targeted personnel, contracting and policy changes. That bill passed the Homeland Security Committee unanimously.

But even though the bill passed out of the committee with unanimous support, the majority party is attempting to undo the bipartisan bill by coming forth with a manager's amendment that significantly alters the makeup of that bill. The manager's amendment strikes key provisions which address high-priority homeland security issues. Out of a total of 86 substantive bill provisions, 26, or almost a third, are amended by the manager's amendment and 16, 20 percent almost, are entirely struck.

Most of the provisions stricken by the manager's amendment had become part of the bill through Republican amendments in the committee process. For example, the manager's amendment strikes provisions on the Student and Exchange Visitor Program and eligible uses of interoperability grants, among others.

There are two provisions that the manager's amendment deletes that I think should be highlighted, Mr. Speaker. The first would strike post-employment lobbying restrictions. This provision being eliminated from the bill by the manager's amendment would codify the existing ban on senior Department of Homeland Security employees from one part of the Department lobbying other parts of the Department within 1 year of leaving the Department. That reform is stricken from the bill by the manager's amendment.

The second part of the bill being stricken is a sense of the Congress calling for implementation of the 9/11 Commission recommendation to establish a single point of oversight of homeland security in the House of Representatives and in the Senate.

Now, that is one of the key recommendations of the 9/11 Commission, and precisely it is one that our colleagues on the other side of the aisle ran on in the elections, the promise to enact the 9/11 Commission recommendations.

Yet here they have an opportunity to follow through on their campaign promise, but, instead, they strike the provision from the bill through the manager's amendment. And they don't even allow for the provision to be debated in the form of an amendment on the floor.

Mr. Speaker, I was pleased that the Castor amendment, which helps address concerns with the dual implementation of the Florida Uniform Port Access Credential and the Transportation Workers Identification Card, was made in order. But there was another glaring missed opportunity here by the majority on the Rules Committee.

The Rules Committee had the opportunity to allow an open rule on this bill, but the suggestion that we do so, that we come forth with an open rule, was voted down by the majority on the Rules Committee. Instead, they decided to report out a restrictive rule, thereby shutting out Members who had worked diligently to prepare their amendments. They also blocked out any Member who may be watching the debate now or in the process of the developing, unfolding debate and has an idea to improve the bill. No, no, they're blocked out as well. They're shut out.

It's unfortunate that the Rules Committee missed another opportunity to open the debate on this important legislation, as they promised during the campaign that they would; and because of that and the reasons that I have brought out, Mr. Speaker, this rule should be defeated.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Mississippi, chairman of the Committee on Homeland Security, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I thank the gentlelady for her gracious 5 minutes to talk on this rule.

Mr. Speaker, I rise in support of this rule. The Committee on Homeland Security is the only committee explicitly charged with overseeing the Department's organization and administration.

We don't take this responsibility lightly. This Congress, we have held dozens of oversight hearings. The topics of each hearing may have been different, but the basic message from the Department was pretty much the same:

Don't blame us for not having our House in order. We have high turnover. We don't have a headquarters. We don't have the authorities we need to be a leader on issues such as bio-preparedness and cybersecurity. We don't have the authorities we need to integrate 22 agencies into one competent unit.

H.R. 1684 takes away all the excuses. Under this bill, the Department is provided the resources, accountability and authority needed to finally become the Federal agency that Congress envisioned and the American people deserve.

Every day, we get another reminder of the urgent nature of the homeland security mission. Just yesterday, we learned that six individuals are in custody on charges of plotting to attack the U.S. Army base at Fort Dix. We don't need to have the luxury of giving DHS time to step up to the challenges of becoming a functional organization.

I introduced, Mr. Speaker, this bipartisan bill with Ranking Member KING. The full committee, by recorded vote of 26–0, voted to order it favorably to the House.

I am pleased that the Rules Committee is allowing so many amendments to be considered today. I look forward to an active debate and the opportunity to present my manager's amendment. The manager's amendment is a product of discussion with other Members of the House and other House committees who have jurisdictional interest in aspects of this legislation.

I'm very pleased to bring this bill to the floor for consideration by the full House. Today, Members of the House of Representatives will have an opportunity to do something they have not been able to do in 2 years. They will get to cast a vote in favor of authorizing the Department of Homeland Security.

What's more, Mr. Speaker, they will get to vote to restore funding to critical first-responder programs that the President's budget would eliminate or severely cut.

Mr. Speaker, I urge a "yes" vote on the rule and on the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, I yield 4 minutes to the distinguished ranking member of the Committee on Homeland Security, Mr. KING.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding. I thank the gentlelady from California (Ms. MATSUI) for her kind remarks. And particularly I want to thank Ranking Member THOMPSON, excuse me, former Ranking Member, current Chairman THOMPSON for the outstanding job I believe he is doing as chairman of the Homeland Security Committee and certainly for the level of bipartisanship which he has demonstrated.

Having said that, I have to reluctantly but strongly urge defeat of the rule today. The reason I say that, Mr. Speaker, is that the bill which did pass through the Homeland Security Committee under Chairman THOMPSON's leadership, passed by a vote of 26–0, was a truly bipartisan effort. There was cooperation from all sides, and we came together to fashion what I believe was a very constructive and significant piece of legislation in an area which obviously is of vital importance to our Nation.

The Department of Homeland Security has been in existence now only several years. It is in its fourth year. We are talking about 22 different Departments and agencies, 180,000 employees. And it is making progress, but much more has to be done. And to address it, we have to do it in a bipartisan way.

Unfortunately, the bill that comes to the floor today has been either stripped or dramatically modified up to 50 percent of the original provisions. And some of these are very significant provisions, probably none more significant than just the sense of Congress, which was so strongly recommended by the 9/11 Commission, saying that the Committee on Homeland Security should be the focal point of legislative activity regarding the Department of Homeland Security, rather than having offices and officials of the Department having to testify before 84 or 86 or 88 various committees and subcommittees of the House.

Also, a number of significant provisions in addition to that that were taken out, for instance, an increase in funding for the Secret Service; prohibiting grants to universities that bar Coast Guard recruiters; and, as Mr. DIAZ-BALART pointed out, a very significant legislation which, by the way, came from Congressman DEFAZIO, which would codify the existing lobbying ban on Department of Homeland Security officials to ensure accountability. And we can go down the list of so many, I believe, significant provisions that were taken out.

Now, the reason for this, I understand where Chairman THOMPSON is coming from. There was resistance from other committees. But I believe we should have withstood that resistance.

For instance, in the prior Congress when we did pass port security legislation, when we did pass legislation restructuring FEMA, when we did pass legislation involving chemical plant security, we met that same resistance from other committees.

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But we stood up to it, and we were largely successful. And we did it by working through the leadership to not just back away from these confrontations, but I believe that when we do it so quickly and we do back away, we really weaken the status of the committee. Not that we are looking to build turf, not that it is a power grab, but, again, following the recommendations of the 9/11 Commission, if there is one committee which should have primary jurisdiction on homeland security matters, it is the Committee on Homeland Security.

Also, there were amendments proposed that were rejected by the Rules Committee: Congressman DENT's amendment on the Automated Targeting System, which was strongly supported by the 9/11 Commission; Congressman SHAYS' proposed amendment involving cooperation with Interpol, very important, that was also disallowed; Congressman DAVE DAVIS, his amendment to expand the 287(g) program, which would provide funding for local law enforcement in enforcing immigration laws; and Congressman POE's amendment regarding appropriate procedures for Customs and Border Protection agents.

So these are a number of very solid amendments that were disallowed. We come here today with a bill which is really barely half of what it was when it left the committee. So I am strongly urging a "no" vote on the rule.

In no way is this a reflection on my good friend Chairman THOMPSON. And after we go through today and maybe even tomorrow, I pledge to him we will continue to work in a bipartisan way. But I really hope that the leadership of the other side would realize the significance of the Committee on Homeland Security and not just give in to various barons throughout the House who are trying to just hold on to their own turf and their own power.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I commend the committee. I commend this committee for the hard work in crafting bipartisan legislation because as we continue to face the challenge of identifying new threats and providing new strategies for securing our Nation, it is absolutely essential that the Homeland Security Department operate to its full potential.

The Homeland Security authorization will ensure that taxpayers' dollars are not wasted by mismanagement and will encourage the best and the brightest minds of our time to contribute to our national homeland security strategy.

Harnessing these resources is absolutely key to protecting our Nation's vital infrastructure, infrastructure like the Golden Gate Bridge in my district. And it is vital to quickly respond in providing aid and support in the event of a disaster, unlike the way in which the Department responded to Hurricane Katrina. These new authorizations will make a huge difference. These reforms must be made to keep the people safe. So by restoring accountability to the Department and strengthening the protections for its employees, we can and we will improve our ability to effectively safeguard our Nation.

I encourage all Members to vote for the Homeland Security authorization.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, it is my privilege to yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise today in strong opposition to the rule for H.R. 1684. This bill in its current form would eliminate the critical Federal 287(g) program, which serves as a force multiplier for immigration enforcement across our Nation.

The 287(g) program is a highly effective, voluntary partnership that provides the legal authority and training for States and local enforcement to investigate, detain and arrest illegal aliens on civil and criminal charges and grounds in the course of their regular duties.

Unfortunately, an amendment offered in the Rules Committee to reauthorize this important program was not made in order, jeopardizing the future of this popular program with local and State law enforcement agencies across our Nation and in my district.

Illegal immigration is a serious problem in eastern Oklahoma, and securing a 287(g) designation is a top priority of mine. I am working diligently to see that the Immigration and Customs Enforcement Officials and the Tulsa County Sheriff's Office partner in this program; 287(g) would provide them with the resources they need to deal with the ever-growing criminal alien population in Tulsa. I am pleased with the progress we have made and recently learned from ICE officials that we are in the final stages of making 287(g) a reality in northeastern Oklahoma.

The 287(g) program is working to stop the catch-and-release practice that allows dangerous criminal illegal aliens to remain free in communities across our Nation. It would be foolish for the House not to reauthorize this critical program.

I urge my colleagues to reject this ill-considered rule.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Let me emphasize to all Members that this bill is working its way through the legislative process. It is true that as a fair and responsible chairman, Mr. THOMPSON worked with several other committees of jurisdiction on this measure. As the manager's amendment clarifies, in some cases, the Homeland Security Committee proceeded with its language, and in others, it permitted other committees to lend their expertise to the issue in the coming months. This is the process of governing.

It is also true that the prior majority chose not to engage in this most basic of functions last year. They didn't bring an authorization bill to the floor, and by not engaging in this hard work, the prior majority let known problems go unresolved.

This bill brings overdue reform and accountability to the Department in its earliest Homeland Security authorization bill ever. That is responsible. That is governing.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished leader from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, I oppose the rule.

In the manager's amendment adopted by the rule, the majority stripped out a number of commonsense amendments, mostly offered by Republicans, which would enhance homeland security. I think it is a regrettable turn of events which could cost the majority the support of many minority Members.

I guess the good news here is that we know this bill may pass the House, but it is not going anywhere in the Senate, and in this form, it is unsignable by the President.

But the rule also disallowed a critical amendment to help ensure that the Washington area would receive the necessary senior-level attention from the Department of Homeland Security so that Federal, State, and local governments are properly coordinating their homeland security activities.

In 2002, when we established the Department of Homeland Security in a bipartisan manner, it created an Office of National Capital Region Coordination. To demonstrate the importance of this, we put it in the Office of the Secretary. Unfortunately, the administration decided in their reorganization to put this deep inside of FEMA. My amendment, which was not allowed, was pretty straightforward. It was to restore the office to its original and rightful place in the Office of the Secretary. This amendment would have passed with a large bipartisan majority, but it was not allowed by the other side.

Now, why is this important? The events of 9/11 made it all too important that better coordination of first responders is needed in the D.C. region, with two States and the District of Columbia, 12 local jurisdictions, three branches of the Federal Government, 2,100 nonprofit organizations, thousands of businesses and nonprofit organizations, 4 million Americans. They want to put that responsibility into FEMA. It belongs in the Office of the Secretary. We have been through "tractor man." We have been through disruptions at the Woodrow Wilson Bridge. We have been through the snipers. This needs the highest Federal attention for coordination among all these different organizations in the region. And they wouldn't allow this amendment.

We are going to introduce this as a commonsense stand-alone bill. I hope it will receive the attention of this House. But in disallowing this amendment, now the other side takes ownership of this provision by putting their confidence in FEMA instead of the Office of the Secretary.

Ms. MATSUI. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield 3 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I come to this floor reluctantly to oppose this rule. Why? Because it does everything that we ought not to do with respect to the committee process here.

Now, if some people outside this Chamber wonder why the committee process is important or if it is important at all, well, if you look at the 9/11 Commission recommendations, one of the important recommendations they made was to have a single point of responsibility, a single point of oversight in this House for the Homeland Security Department. The very reason we created the Homeland Security Department from about 22 other agencies and Departments was for the purpose of consolidating and giving direction to our response to a new threat to this country. In like manner, here in the House of Representatives, the recommendation by the 9/11 Commission was that we have a primary committee to do that. And that is the Committee on Homeland Security.

We have endeavored to work on a bipartisan basis. When we were in control 2 years ago, we did that. And now when the Democrats are in control, they are doing that. We had vigorous and open debate. We had a number of amendments adopted on the Republican side so that we pass this bill out of committee unanimously, not a dissenting vote. And we recognized that we were putting aside partisan differences to work for the best interest of this country.

So now we come to the floor, and 50 percent of that bill has been ripped out by the manager's amendment. It just happens to be that 50 percent is virtually all the product of Republican amendments that were adopted in committee on a bipartisan basis. And then they make in order about 22 amendments but not amendments that go to putting back into the bill what we put in there on a bipartisan basis. And virtually, not all, but most of the amendments in order are from Members who are not members of this committee.

So you say, why is this being done? And we understand we are genuflecting to the jurisdictional disputes argued by already existing committees. So what we have done is, rather than following what the 9/11 Commission has said, we have made a worse situation. We not only have the already existing committees that the Homeland Security Department has to report to. They now report to us as well.

Now, is this the efficient way? Is this the way you act when you are dealing with a serious problem? This ought to rise above all partisanship and all kinds of nonsense about jurisdiction of committees. I don't know how we can go home to our constituents and say, oh, yes, we got rid of that stuff that was really good that gave us an advantage in this war on terror because we were concerned about another committee that used to have jurisdiction.

Last year one of the things we heard was just do the right thing and adopt all the 9/11 Commission recommendations. Adopting this rule flies in the face of that. We ought to understand that.

We ought to vote down this rule, bring back the bill as it came out of the committee on a bipartisan basis, and then go forward on a bipartisan basis for the best for the American people.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I that consume.

Let me emphasize to Members the history on this issue. Unlike the prior majority, this majority is committed to passing a Homeland Security authorization into law.

In 2005, 2 years ago, the House passed an authorization after the appropriations bill passed. Last year, 2006, the House did not bother to bring a bill to the floor. That is irresponsible in light of the Department's many problems.

Democrats are committed to governing responsibly, and this is one step along that path.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. Mr. Speaker, I rise today in strong opposition to the rule and the manager's amendment that was made in order under this rule. This manager's amendment will significantly weaken legislation that gained bipartisan support in Committee on Homeland Security and passed 26–0.

As the chairman of the Emergency Preparedness Subcommittee last Congress, we were able to pass into law comprehensive interoperability legislation. This legislation, titled the 21st Century Communications Act, created the Office of Cybersecurity and Communications and elevated the importance of emergency communications within the Department of Homeland Security. In addition, this legislation accelerated the development of national standards for emergency communication equipment.

Unfortunately, the Rules Committee has approved an amendment that would remove many key provisions and severely weaken this legislation. This amendment removes language that allows interoperability funds to be used by State and local agencies to develop standard operating procedures, training, and exercises.

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It is important for our first responders to have this equipment, but it is also equally important that they have the training to know how to use the equipment. Allowing this amendment on the floor that removes this provision will reduce the first responders' effectiveness due to a lack of training and planning.

We saw what happened during Hurricane Katrina when there was a lack of training, a lack of planning and a lack of communication. It was disastrous. It cost lives.

Next week is National Police Week. At a time when we are supposed to be honoring and supporting our first responders, and especially our law enforcement officers, across this Nation, we are limiting their abilities to protect themselves and to protect this Nation. I know this from firsthand experience. This is a problem that has been in existence for over 35 years, the lack of first responders to communicate. I responded to a call in 1974, not able to get on my radio, having to run across a yard and tackle a kid that had a rifle aimed at three other police officers, because I couldn't get through and talk to the communications center.

Today, eliminating this provision will create that same situation across this Nation. It's unthinkable. It's unconscionable. It should not be happening. This should be a bipartisan bill. I urge my colleagues to vote "no."

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to clarify, this bill eliminates the cuts in vital first responders programs, like the 55 percent cuts that the administration asked for in firefighter assistance grants. It preserves the Local Law Enforcement Terrorism Prevention Program that the administration wanted to close. And on contracting oversight management and personnel policies, it brings overdue reform to a Department in need. This is a good bill, and all Members should support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

I am proud to be part of the Homeland Security Committee. It has been a committee that under Chairman KING has functioned in a nonpartisan way and I think under Chairman THOMPSON as well. And so I have deep regret that so many parts of this bill were taken out that were parts that were put in by Republicans. I understand jurisdictional issues, but it seems to me some of these could have been left in.

I am particularly amazed to think that an amendment that I was offering, supported by Interpol, and I would like to submit this letter from Ron Noble, the Secretary General, addressed to me from Interpol. It is one page.

In this letter, he says, "Your initiative would allow DHS and Interpol to work together to identify and apprehend terrorists that use lost, stolen or fraudulent passports to travel internationally in all of Interpol's 186 countries.

"In addition, by facilitating the secondment of DHS officers to Interpol, you are enabling the United States to play a leadership role in shaping Interpol's current and future efforts to enhance travel document security and to deploy its connection technology that allows border officers to make instant passport searches against Interpol's Stolen and Lost Travel Documents database."

There was no reason not to allow this amendment to be offered except for partisan purposes. I happen to be a Republican, and I happen to be targeted by the Democrats, but, other than that, there was no reason not to allow this amendment.

I am strongly against this rule. Unlike my colleagues, I didn't think long about it. I couldn't wait to get here to oppose what is now becoming a very partisan bill. I just can't express strongly enough we are going to endanger Americans by not allowing this debate. There are 14 million documents Interpol has. The United States doesn't have access to hardly any of them because we are not participating. We need to participate.

I would end by just pointing out that Ramzi Yousef had used a stolen passport to enter the U.S. He is a terrorist.

INTERPOL,
Lyon, France, May 7, 2007.

Congressman CHRISTOPHER SHAYS,
Longworth Building,
Washington, DC.

DEAR CONGRESSMAN SHAYS: I would like to take this opportunity to thank you for your strong support to Interpol and our missions and goals. Your amendment to H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, shows both your commitment and profound understanding of the international dimension of modern-day policing.

It is my sincere belief that this amendment, aimed at fostering closer cooperation between Interpol and the Department of Homeland Security (DHS), will significantly contribute to international border security. The cooperative agreement the amendment calls for clearly puts both the Department of Homeland Security and Interpol in the best possible position to further enhance their joint efforts against global terrorism.

Your initiative will allow DHS and Interpol to work together to identify and apprehend terrorists that use lost, stolen or fraudulent passports to travel internationally in all of Interpol's 186 member countries.

In addition, by facilitating the secondment of DHS officers to Interpol, you are enabling the United States to play a leadership role in shaping Interpol's current and future efforts to enhance travel document security and to deploy its connection technology that allows border officers to make instant passport searches against Interpol's Stolen and Lost Travel Documents database. Interpol is currently establishing a new office of Border, Port and Maritime Security and, from Interpol's point of view, benefiting from DHS' significant border control and investigative expertise will be a critical factor for its success. Rest assured that I will keep you abreast of our work in this area.

It would be a pleasure for me to receive you at Interpol's General Secretariat in Lyon, France to provide you with an opportunity to receive briefings from our experts and see our operational police tools first hand.

Yours sincerely,

RONALD K. NOBLE,
Secretary General.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time, it is my pleasure to yield 4½ minutes to a distinguished colleague from North Carolina (Mr. HAYES).

Mr. HAYES. I thank my friend, Congressman DIAZ-BALART, for yielding the time.

Mr. Speaker, I rise in strong opposition to this rule.

We've all heard the saying that actions speak louder than words; and, once again, the rhetoric from the other side has turned out to be just that, rhetoric. You've heard all the talk about wanting to do everything we can to protect American jobs and keeping our manufacturing base. The majority actually had a chance to put their money where their mouth is by strengthening our national security and our domestic textile manufacturing base.

My amendment was not allowed to come to the floor for debate today. Yes, actions speak louder than words, and the actions from yesterday prove that their talk is cheap because it's not backed up by meaningful action.

Current language in the Department of Homeland Security authorization bill regarding domestic production would require a new domestic requirement for uniforms, protective gear, badges and identification cards. While this provision is a good first step, this approach does not reflect a stronger proposal contained in the bill that I put together with the textile industry which is called the Berry Amendment Extension Act.

The legislation we put together and the amendment I offered yesterday would ensure that the sensitive uniforms worn by our agents are made in America with American-made components rather than outsourcing to China or Mexico. The problem with the bill in front of us today: The vast majority of the content of these uniforms can be imported from any country in the world, China, Pakistan, Mexico, you name it.

Mr. Speaker, that's not what the Members of this House want. On December 15, 2005, we overwhelmingly supported a measure stating that Border Patrol uniforms should be made in the United States. Has anyone changed their mind? I sure haven't.

These provisions are an extension of the Berry Amendment, which is a well-established domestic Department of Defense purchasing requirement that has been in practice for 70 years. And the amendment would ensure that we are complying with WTO. Make no mistake about it, I don't put legislation together trying to appease the WTO, but if your legislation is blatantly not compliant, which the existing DH bill appears to be, the end result will be lawsuits and countervailing duties. Put that all together, nothing gets done; and American jobs are lost.

You all know I've been a strong advocate for strengthening the Berry Amendment. The Berry Amendment seeks to guarantee the United States has a ready mobilization base of U.S. manufacturers, a critical national security requirement. While the Berry Amendment is 70 years old, Department of Homeland Security is only 5, and this new Department is now home to many functions that are critical to our national security.

I am extremely disappointed that my Democrat counterparts failed and missed a great opportunity to expand the successful requirement to include the Department of Homeland Security. It not only protects American jobs but provides the assurance that Department of Homeland Security officials who work on the front lines of national security are the only people wearing these sensitive uniforms. It is outrageous to think that our Border Patrol or airport security uniforms can be made in factories in China or Mexico where any worker could use these uniforms to impersonate U.S. agents.

Mr. Speaker, my amendment has strong support from the National Council of Textile Organizations, American Manufacturing Trade Action Coalition and the American Apparel and Footwear Association. Again, while the base bill has taken a step to add a new requirement for domestic production, I think we could have done and should have done much better.

Let me briefly quote the American Apparel and Footwear Association: The Hayes amendment "would provide more complete coverage for domestic sources than what is currently intended by H.R. 1684. By requiring that both inputs and manufacture of uniforms originate in the U.S., the Berry Amendment works to support the U.S. supply chain that provides materials for the production of clothing and individual equipment to the military."

There are many Members, both Democrats and Republicans, who have been very supportive of the Berry Amendment in the past. In fact, I was particularly surprised when a member of the Rules Committee, who has been a co-sponsor of the bill, voted against allowing the amendment to come to the floor today.

Folks, the U.S. textile and apparel industry is vital to the economic security and national security of our Nation. If the majority truly cared about preserving this crucial manufacturing sector, an industry that provides good-paying jobs to American citizens, then they would have supported this amendment in the Rules Committee and allowed it to come to the floor for a vote.

Mr. Speaker, I ask Members to vote "no" on the previous question so we can allow this amendment to come to the floor for a vote. In my opinion, a vote for this rule as it stands is a vote against the U.S. textile industry, its workforce, and a vote against making our country more secure.

Mr. Speaker, I urge my colleagues to reject this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding.

This new majority has once again promised us an open and fair process, but again they have failed to live up to the promises now that they're out from under the spotlight of their election year. This is extremely disappointing considering the remarkable importance of the legislation before us today, the Homeland Security Authorization Act.

Among some of the provisions that were stripped out of the bill completely, a pilot program for mobile biometric identification of illegal aliens apprehended at sea, denying alien smugglers use of maritime routes and enhanced penalties for alien smuggling, and requiring immigration checks for employees at high-risk critical infrastructures.

What's so scary about those being in the bill, I would ask? What idea or what one amendment was so scary that inspired this restrictive rule? I urge my colleagues not to be scared, not to hide behind this rule. Vote "no" on this rule so that we can have a complete and fair debate. The American people deserve no less, and they're watching.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so that I can amend this restrictive rule to make in order the amendment offered by Representative HAYES of North Carolina which would strike section 407 of the bill, the section requiring DHS to buy American textiles and apparel, protective gear, badges and ID cards. The amendment would instead require that DHS buy items specified in the amendment only when those items are connected to national security functions within the Department. This amendment also includes language to ensure that these provisions comply with the World Trade Organization rules.

Mr. Speaker, this thoughtful amendment submitted by Mr. HAYES was unfortunately denied yesterday at the Rules Committee. If the previous question is defeated, the Hayes amendment would be made in order and the House would be able to have a full discussion on its merits.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. At this time, Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to once again thank Chairman THOMPSON for his leadership in drafting a well-focused Homeland Security authorization and for working so closely with Ranking Member KING on this bill.

I would note for all Members that Chairman THOMPSON worked with other chairmen and ranking members. The jurisdiction issues were raised by both sides, Republican and Democrat. I would also note that the manager's amendment which deals with these changes will receive separate debate and a vote. This is an open process.

Unlike the prior majority, we work through these issues. Again, last year when these problems were raised, the prior majority chose not to act. In contrast, we are acting despite these difficulties. We are being responsible.

H.R. 1684 will help improve the policy-making at the Department of Homeland Security, will promote long-term planning and will strengthen management. In particular, it sets qualifications for senior managers, increases coordination between agencies, and boosts funds for the Inspector General. These changes will ensure that the Department of Homeland Security can perform its important function of protecting the American people.

I am pleased that the Democratic leadership has moved swiftly and brought a Homeland Security authorization bill to the floor. This is the first time in 2 years such a bill has come to the floor.

It is also the earliest that a Department of Homeland Security authorization bill has come to the floor and the first time it has occurred before appropriators have marked up the Homeland Security appropriations bill. This is truly significant, and I thank the leadership for their commitment to protecting America.

I urge a "yes" vote on the previous question and on the rule.

Mr. GARRETT of New Jersey. Mr. Speaker, I am deeply disappointed in today's rule that barred the House from considering a commonsense amendment that I brought to the committee.

The text of my amendment was substantially from H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, which passed the House by an overwhelming, bipartisan majority in the 109th Congress.

One of the 9/11 Commission's primary recommendations was to ensure that all federal government grants for homeland security be allotted by risk and need. To this day, however, nearly 40 percent of all grants are handed out merely by virtue of their location. The House has time and time again passed legislation to streamline the grant process and reduce the mandatory minimum percentage given to each state.

While the House did pass such language in H.R. 1, the Senate had yet to take up this legislation. Until the President signs into law legislation correcting this oversight, we should not pass up an opportunity to make our nation more secure. But that is what the Democrats are doing today. We must reiterate this critical policy change at each and every opportunity.

The constituents of the fifth district of New Jersey know too well the repercussions of failing to provide for strong homeland security. Many of them lost loved ones on 9/11 and they expect our country to prepare for any such future disaster. As long as grants continue to go to low-priority wasteful projects, our most at-risk citizens will be vulnerable.

Mr. SULLIVAN. Mr. Speaker, I rise today in strong opposition to the rule for H.R. 1684.

This bill, in its current form would prohibit state and local governments from receiving reimbursement for training expenses associated with participating in the 287(g) program. 287(g) serves as a force multiplier for immigration enforcement across our Nation.

The 287(g) program is a highly effective, voluntary partnership that provides the legal authority and training for state and local law enforcement officers to investigate, detain, and arrest illegal aliens on civil and criminal grounds in the course of their regular duties.

Unfortunately, an amendment offered in the Rules Committee to enhance this important program was not made in order, jeopardizing the ability of state and local law enforcement agencies to join the program.

Illegal immigration is a serious problem in Eastern Oklahoma and securing a 287(g) designation is a top priority of mine. I am working diligently to see ICE officials and the Tulsa County Sherriff's office partnered in this program. 287(g) would provide them with the resources they need to deal with the ever growing criminal alien population in Tulsa. I am pleased with the progress we have made, and recently learned from ICE officials that we are in the final stages of making 287(g) a reality for Eastern Oklahoma.

The 287(g) program is working to stop the catch and release practice that allows dangerous criminal illegal aliens to remain free in communities across our Nation. It would be foolish for the House not to allow for reimbursement of 287(g) training related expenses.

I urge my colleagues to reject this ill-considered rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Hayes of North Carolina or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike section 407 and insert the following:

SEC. 407. BUY-AMERICAN REQUIREMENT IMPOSED ON DEPARTMENT OF HOMELAND SECURITY; EXCEPTIONS.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

"SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PROCURED BY THE DEPARTMENT BE GROWN, REPROCESSED, REUSED OR PRODUCED IN THE UNITED STATES.

"(a) REQUIREMENT.—Except as provided in subsections (c) and (e), funds appropriated or otherwise available to the Department may not be used for the procurement of an article described in subsection (b) if the item is not grown, reprocessed, reused, produced or manufactured in the United States.

"(b) COVERED ARTICLES.—An article referred to in subsection (a) is any of the following, if the article is directly related to the national security interests of the United States:

"(1)(A) Clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof).

"(B) Tents, tarpaulins, or covers.

"(C) Cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles).

"(D) Any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials..

"(2) Protective gear.

"(3) Badges or other insignia indicating the rank, office, or position of personnel.

"(4) Identification cards.

"(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b) grown, reprocessed, reused, produced or manufactured in the United States cannot be procured as and when needed at United States market prices. If such a determination is made with respect to an article, the Secretary shall—

"(1) notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate within 7 days after making the determination; and

"(2) include in that notification a certification that procuring and manufacturing the article outside the United States does not pose a risk to the national security of the United States, as well as a detailed explanation of the steps any facility outside the United States that is manufacturing the article will be required to take to ensure that the materials, patterns, logos, designs, or any other element used in or for the article are not misappropriated.

"(d) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

"(1) Procurements by vessels in foreign waters.

"(2) Emergency procurements.

"(e) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code.

"(f) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items notwithstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430).

"(g) GEOGRAPHIC COVERAGE.—In this section, the term 'United States' includes the possessions of the United States.

"(h) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an article described in subsection (b), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration know as FedBizOps.gov (or any successor site).

"(i) TRAINING DURING FISCAL YEAR 2008.—

"(1) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce in the Department who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2008 on the requirements of this section and the regulations implementing this section.

"(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in paragraph (1).

"(j) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—

"(1) IN GENERAL.—No provision of this Act shall apply to the extent the Secretary, in consultation with the United States Trade Representative, determines that it is in inconsistent with United States obligations under an international agreement.

"(2) REPORT.—The Secretary shall submit a report each year to Congress containing, with respect to the year covered by the report—

"(A) a list of each provision of this section that did not apply during that year pursuant to a determination by the Secretary under paragraph (1); and

"(B) a list of each contract awarded by the Department during that year without regard to a provision in this section because that provision was made inapplicable pursuant to such a determination.".

(b) CONFORMING AMENDMENT.—The table of contents of the Homeland Security Act of 2002 is amended by adding after the item relating to section 838 the following new item:

"Sec. 839. Requirement that certain articles procured by the Department be grown, reprocessed, reused or produced in the United States.".

(c) APPLICABILITY.—The amendments made by this section take effect 120 days after the date of the enactment of this Act and apply to any contract entered into on or after that date for the procurement of items to which such amendments apply.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition.

Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

☐ 1230

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 382 will be followed by 5-minute votes on adopting House Resolution 382, if ordered; on adopting House Resolution 383; and suspending the rules and passing H.R. 890.

The vote was taken by electronic device, and there were—yeas 217, nays 199, not voting 16, as follows:

[Roll No. 310]

YEAS—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Johnson, E. B.
Larson (CT)
Lowey
McMorris Rodgers
Melancon
Moran (KS)
Pomeroy
Rangel
Smith (NE)
Souder
Tiahrt

☐ 1255

Mr. HALL of Texas and Mr. CRAMER changed their vote from "yea" to "nay."

Mr. CONYERS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. SMITH of Nebraska. Mr. Speaker, on rollcall No. 310 I was absent due to a meeting with constituents. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 13, as follows:

[Roll No. 311]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Rangel
Souder
Tiahrt
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1304

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

The SPEAKER pro tempore. The unfinished business is the question of agreeing to the resolution, House Resolution 383, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote that will be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 197, not voting 12, as follows:

[Roll No. 312]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)

Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Rangel
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining to vote.

☐ 1312

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STUDENT LOAN SUNSHINE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 890, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 890, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 3, not voting 15, as follows:

[Roll No. 313]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Westmoreland

NOT VOTING—15

Boyd (FL)
Brady (PA)
Brown, Corrine
Engel
Fattah
Gonzalez
Johnson (GA)
Johnson, E. B.
Larson (CT)
Lewis (GA)
McMorris Rodgers
Moran (KS)
Rangel
Souder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in which to vote.

☐ 1319

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2007.
Hon. NANCY PELOSI,
Speaker of the U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This letter is to inform you that I have sent a letter to Massachusetts Governor Deval Patrick dated today, May 9, 2007, informing him that I am resigning my position as the United States Representative for the 5th Congressional District of Massachusetts, effective at the close of business July 1, 2007.

In March, the Board of Trustees of the University of Massachusetts voted to offer me the opportunity to serve as the next Chancellor of the University of Massachusetts Lowell. After deep personal reflection and lengthy discussions with my family, close friends and colleagues, I have decided to accept the Board's offer.

Serving in Congress for the past fifteen years has been one of the greatest honors of my life. I would like to thank the people of the Fifth District for this wonderful opportunity and for their confidence in me.

Sincerely,
MARTY MEEHAN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 2007.
Hon. DEVAL PATRICK,
Governor, Commonwealth of Massachusetts, Boston, MA.

DEAR GOVERNOR PATRICK: In March, the Board of Trustees of the University of Massachusetts voted to offer me the opportunity to serve as the next Chancellor of the University of Massachusetts Lowell. After deep personal reflection and lengthy discussions with my family, close friends and colleagues, I have decided to accept the Board's offer. Therefore, I am hereby resigning my position as the United States Representative for the 5th Congressional District of Massachusetts, effective July 1, 2007.

Serving in Congress for the past fifteen years has been one of the greatest honors of my life. I would like to thank the people of the Fifth District for this wonderful opportunity and for their confidence in me.

Sincerely,
MARTY MEEHAN,
Member of Congress.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1684.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1684.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, with Mr. CARDOZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I also yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 1684. This bill takes important steps to build capacity, provide resources, and ensure accountability at the Department of Homeland Security.

H.R. 1684 authorizes $39.8 billion in appropriations for the Department. This is $2.1 billion more than the President requested in his budget earlier this year. This bill sends a message to the President, America's security cannot be done on the cheap. Congress will not stand by as he cuts programs that help our hometown heroes protect our communities.

In this bill, we reinstate critical funding for first responder programs like the State Homeland Security grant program and FIRE Act grants.

In addition to authorizing funds, H.R. 1684 addresses issues that some of the committee's oversight efforts have exposed. For example, it has become obvious to us that the Department has no long-term vision. We created a Directorate of Policy to do just that. This office will also focus on private-sector partnerships, tribal security, and school security.

As another tool to help the Department get its house in order, we created a Comprehensive Homeland Security Review. This legislation also strengthens interagency coordination and supports integrating DHS at a single headquarters.

The Inspector General, GAO and the committee have all observed that DHS is spending a lot of money with little accountability. In the past few years, we have seen ice trucks take the scenic routes to disasters, trailers rotting in Arkansas, and border cameras packed away in warehouses. All of this waste was on the taxpayers' dime. No more. H.R. 1684 gives the Inspector General sharper teeth to investigate disaster response and border security programs.

The bill strengthens the integrity in the agency's contracting practices and promotes small business opportunities. This bill makes sure our Homeland Security agency is buying its uniforms and equipment here at home from U.S. sources. H.R. 1684 covers numerous other areas, including biosecurity, intelligence and cyber security.

Mr. Chairman, this bill is part of the real deal. It's the sixth Homeland Security bill that Democrats have brought to the floor since January. Only two bills made it to the floor last year in a Republican-led House. This Congress, we passed a 9/11 bill; and staff discussions have begun in preparation for a Member conference. We also passed bills on rail security, Homeland Security technology, international cooperation, and employee morale.

Winston Churchill once said, "The pessimist sees difficulty in every opportunity. The optimist sees opportunity in every difficulty. "

In H.R. 1684, we have an opportunity to protect our homeland. We can be naysayers and complain about bureaucratic bungling, or we can tackle head on the difficult issues of Homeland Security.

I urge all of my colleagues to support this bill that puts DHS on the path to becoming the agency that Congress envisioned and the American people deserve.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I recognize myself for as much time as I may consume.

Mr. Chairman, at the outset, let me express my deep admiration for Chairman THOMPSON and for the bipartisan spirit he has shown in his running of the committee, both as chairman and during the previous 2 years as ranking member.

This is one committee of the House which I believe functions very affirmatively in a bipartisan manner because, as Chairman THOMPSON has said, that when the terrorists come, they don't care whether you are Democrat or Republican, they want to kill all of us. That's why I commend him again for the spirit of bipartisanship.

It was that spirit of bipartisanship that resulted in H.R. 1684 being passed out of committee by a unanimous 26–0 vote. It was a bipartisan effort, there was hard work on both sides, there was compromise on both sides, innovations on both sides. We came together, I believe, with a very strong package.

I am, however, very concerned about the manager's amendment, which is going to be coming up for a vote today, because of the 86 provisions in the bill, 42, 49.8 percent, of the provisions of the bill have either been eliminated or changed dramatically.

Some of the key ones on the issue of interoperability, in our legislation, the committee legislation, we provided that $1 billion in grants for interoperability could be used for training exercise, for training as well as for the purchase of hardware. This was demanded, strongly requested by local law enforcement, local law authorities. It is essential to interoperability. Yet that has been stricken from the legislation.

☐ 1330

On the "sense of Congress" language which has been so strongly recommended by the 9/11 Commission, that the Committee on Homeland Security be the focal point for oversight of the Department of Homeland Security and for being the central committee on the issue of homeland security, just the "sense of Congress" language was eliminated from the bill. We go down the list, as far as authorization for Secret Service, especially considering the increased amount which will be necessary in this year to protect Presidential candidates. So many other amendments, so much other language, even, for instance, on the issue of employees who leave the Department, lobbying restrictions, which quite honestly was proposed by a Democratic Congressman, Mr. DEFAZIO, that has been stricken out.

Now, I realize what has happened here; I went through this during the time that I was chairman, but I think we approached it a little differently. There are other committees which are objecting to the jurisdiction of Homeland Security. There are others which are defying the wish of the 9/11 Commission, which is to have power vested in the Committee on Homeland Security. And, unfortunately, it appeased it at every juncture where objection was raised; those provisions were taken out.

Now, in the last Congress, we adopted the Port Security Bill. That was a long, hard fight. We had jurisdictional battles with other committees; but we stayed with it, and the final package tremendously increased the position of the Committee on Homeland Security and resulted in very strong legislation. On the restructuring of FEMA, that also caused severe conflicts with other committees of jurisdiction. We stayed with it, and the final product enhanced the position of the Committee on Homeland Security. On the issue of chemical plants security, similarly, there were severe conflicts with other committees. We worked with the leadership at the time, Speaker HASTERT and Majority Leader BOEHNER, and that resulted also in ultimate legislation which significantly enhanced the jurisdiction of the Committee on Homeland Security.

By acquiescing so quickly to the objections or the positions of other committees, I think we have weakened our committee. And that to me is not a turf battle or not a power struggle; the issue of life and death is too important for that. But the fact is, we did not stand firm in fighting for jurisdiction of the committee.

I know the chairman has mentioned that there was not an authorization bill passed by the House last year. I agree with that. We did pass one out of committee, there was one passed in 2005. The Senate has never passed an authorization bill.

I made the judgment last year that we had an opportunity, a window of opportunity to pass significant legislation which could be brought to the House floor, which could be brought to the Senate floor, and which could pass, and that was port security, chemical plants and FEMA restructuring, and we did that. As far as this year now, we do have the H.R. 1, which still has not moved; it hasn't even gone to conference yet, and we have this legislation today, which was a fine product of the committee, but unfortunately, it has been dramatically weakened with, I must say, no input at all from the Republican side. And considering the extent to which Chairman THOMPSON does reach out at the committee level and there is such a bipartisan level of cooperation at the committee level, I would have hoped that we would have at least had something to say when it went to the Rules Committee when the manager's amendment was being constructed. Instead, this was done totally behind closed doors, totally to the exclusion of any Republican input. Again, perhaps it would be fine if we were an adversarial type committee, but we are not. This is a collegial committee. It is a bipartisan committee, and everything we do, every word of every provision both during the time when Chairman Cox was chairman, when I was chairman and certainly now under Chairman THOMPSON, it has been bipartisan. I regret that has not been the situation in bringing the legislation before the House today. So I will be later urging a vote against the manager's amendment.

But I again want to express my regard for Chairman THOMPSON, and hope that when this is over, when this is resolved today or tomorrow or whenever the final vote comes, we can go forward from there and work in a bipartisan way at the committee level the way we have done for the last 3½ years.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland, our majority leader, Mr. HOYER.

Mr. HOYER. I thank the distinguished chairman, and I congratulate him for the great work that he is doing. This is a critical bill that we consider today. And, as he has pointed out, we have had a number of bills dealing with homeland security on the floor.

I also want to thank the ranking member for his leadership both in this Congress and in the past Congress on this issue. I think the American people are advantaged by having two people of real substance who care about this issue working together, even though from time to time, as the gentleman has pointed out, there are disagreements. He had the same problems that the chairman is having, and we are trying to work through those problems. And I certainly am going to support the manager's amendment as he tries to work this.

Mr. Speaker, I want to thank the chairman of the Homeland Security Committee, Congressman THOMPSON, for all his hard work on this very, very important authorization bill.

The highest duty of our government is to protect the American people, to secure our homeland and to defend our national security. Unfortunately, since the horrific terrorist attacks on our Nation on September 11 opened our eyes and exposed our vulnerabilities, we have not done enough to protect our homeland. As Tom Kean, the former Republican Governor of New Jersey and cochair of the bipartisan 9/11 Commission stated last August, "We are not protecting our own people in this country. The government is not doing its job."

Yesterday's arrest of six men who apparently were plotting to attack and kill soldiers in Fort Dix in New Jersey is a stark reminder that we cannot, we must not let down our guard; that we must remain vigilant.

This legislation, which I believe will receive strong bipartisan support, is a critical step in the right direction. Among other things, this bill authorizes $39.8 billion for the Department of Homeland Security for fiscal year 2008, which is $2.1 billion in addition for our homeland security that was asked for by the President. It restores the President's 52 percent cut to the State Homeland Security Grant Program, which helps first responders to prevent, prepare for and respond to acts of terrorism. It restores the President's 55 percent cut in firefighter assistance grants. It restores the elimination of the local law enforcement terrorism prevention program and restores the elimination of the SAFER, which is the Staffing for Adequate Fire and Emergency Response program. I want to thank the chairman for doing that and congratulate him on his leadership because, as the ranking member pointed out, this bill was reported out unanimously. It was a joint effort and a very important one at that.

Furthermore, Mr. Chairman, this legislation contains strong accountability measures aimed at strengthening and streamlining management of the Department of Homeland Security, which has struggled with its management challenges; and it includes provisions to improve information sharing, to enhance bioterrorism preparedness and to eliminate the Department's authority to establish its own personnel management system.

Mr. Chairman, ever since the Department of Homeland Security was created, an effort which I opposed because I thought that would create a Department too large and too diverse to manage well, frankly, I think my concerns have been evidenced. It is the challenge of this committee, now that we have created the Department, to ensure that in fact it does act in an efficient manner to protect our homeland. But I have been concerned about the efficacy of consolidating 22 agencies and 170,000 people into one Department. However, since the Congress chose to create this new Department, it is our duty, as I said, to ensure that it has the resources it needs to do its job as effectively as possible and to ensure that the Department is well managed.

This legislation, Mr. Chairman, by focusing on oversight and management is a critical response to the issues and problems that have been encountered at the Department since its creation.

I want to again congratulate Mr. THOMPSON, who is doing such an excellent job of leading this committee, and Mr. KING, who brings a focus for the country as opposed to a partisan focus to this work with Mr. THOMPSON. I want to congratulate them both.

Mr. KING of New York. Mr. Chairman, I thank the majority leader for his kind words. And would just add that this was genuinely bipartisan, and it did increase spending by $2.1 billion more than the President of our party was recommending, and yet we as Republicans did that because we wanted to act in a bipartisan way, which makes the fact that we were shut out of the manager's amendment much more painful.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the chairman.

Mr. Chairman, I rise in support of the underlying bill, but oppose the manager's amendment that will be presented basically as the alternative to the bipartisan work product that came out of the committee on a 29–0 vote, I believe. Not a single dissenting vote, Democrat or Republican, was recorded in the committee after we had gone through long debate not only on the base bill as it was presented to us, but numerous amendments presented by both Republicans and Democrats.

9/11 is the seminal moment of this century. It changed the world in which we live. One would hope that it would change the manner in which we work in this House. In many ways, that has occurred with respect to the bipartisan approach that has been utilized in the committee itself. We recall that in the last Congress, we managed to pass the SAFE Ports bill, a bipartisan product, all the way from subcommittee to full committee to the floor to working out the conference with the Senate. Essentially there wasn't too much to work out; they adopted our provisions. And then, on to the President of the United States to sign it. That showed that we can work in a changed world with a changed approach in this House. That is why today is so disappointing.

We have a completed product coming out of the committee, a 29–0 vote, with numerous amendments adopted after full consideration by both Democrats and Republicans, and yet a large portion of that will be stripped out with the manager's amendment to be presented by the chairman of this committee.

I do not question the motivation of my chairman. In fact, I want to believe in my heart that he would rather not tear his own bill apart. I believe he would like to have the whole thing here. Why? Because we believe it is a better bill that actually goes further to protect America.

Some heard on this floor Mr. REICHERT from our committee, a distinguished member of our committee, the former sheriff of King County in the State of Washington, concerned about the lack of interoperability that reigns across this land. Mr. KING has spoken on the floor about the tragic consequences of a failure of interoperability on 9/11. Others in law enforcement throughout this country talked about it. We approved $1 billion a year ago. In this bill we actually allow greater flexibility so that first responders can utilize this money to make interoperability a fact, and yet that is stricken from this bill if we adopt the manager's amendment.

There are any number of other things that are involved here. One of them that seems to me to be extremely important, and we have held hearings on this, is strengthening maritime alien smuggling laws by denying alien smugglers the use of maritime routes and enhancing penalties for alien smuggling; taken out.

Also, the 9/11 Commission has made it very, very clear that business as usual is not acceptable, and that means in this Congress, and suggests that we should reorganize ourselves so that we have a prime committee that deals with these matters, not because it is a matter of jurisdictional pride, but because of a greater efficiency, a greater oversight, a greater responsibility, a greater accountability and having us mirror the new arrangement that exists in the executive branch.

And so we express a sense of Congress to do this, to carry out that important recommendation of the 9/11 Commission; stripped out by the manager's amendment. There is no real good argument why it should be stripped out except it is.

There is a pilot program for mobile biometrics identification of apprehended aliens at sea and authorizing $10 million for the program. We discussed this. There is a need. There is a vulnerability we have with respect to aliens at sea, and yet we strip it out of here.

□ 1345

I don't believe there is any good argument that you're going to hear on the floor for adopting the manager's amendment, because they have to point to those things that are stripped out to suggest why they're bad, why they don't enhance our security.

I recall when the majority leader came to the floor a year ago, or a little over a year ago and congratulated us on our bipartisan approach for the SAFE Ports bill. I wish he could come to the floor again. If you listened to his words carefully, he said, "The committee has given us a good bipartisan bill."

I agree with the majority leader. Let's keep the bipartisan bill. Let's pass it. Let's defeat the manager's amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize the gentlelady from California for 2 minutes, Ms. HARMAN.

Ms. HARMAN. Mr. Chairman, as the majority leader pointed out several minutes ago, yesterday the FBI arrested six men following a 15-month investigation. The charges are that, inspired by al Qaeda, they were bent on taking out as many soldiers as possible at Fort Dix using semiautomatic weapons and rocket-propelled grenades. Three of them were in this country illegally. The other three were American citizens. All lived unremarkable lives and seemed well integrated into their communities. Even their next-door neighbors had no reason to suspect that they were actually the vanguard of a new breed of terrorist.

In Torrance, California, in my congressional district, four members of a prison-based jihadist cell await trial on charges of conspiring to wage war against the U.S. Government through terrorism, kill members of the Armed Forces, and murder foreign officials.

Mr. Chairman, this is our future. Protecting the homeland, preventing and disrupting the next terrorist attack is the primary responsibility of the Homeland Security Committee, and I congratulate Chairman THOMPSON and Ranking Member KING for putting together this authorization bill.

The bill strengthens homeland security by expanding on successful ideas like fusion centers and strengthening our infrastructure.

Many in this Chamber are focused on our broken Iraq policy. So am I. But I also worry that, while we are consumed with the Iraq debate, al Qaeda and its friends are successfully expanding and adapting in ways that are long-term, global and enormously dangerous. Al

Qaeda has proven that the brand is "portable." Its embrace of low-tech, unspectacular operations makes it much harder to stop.

Why haven't we been attacked here? Some say al Qaeda is waiting to exceed the lethality of 9/11. But if the U.S. is perceived as weaker and bogged down in Iraq and if terrorists are scaling down attacks, an attack or series of near-simultaneous attacks here seems inevitable.

The Homeland Security Subcommittee on Intelligence, which I chair, is focused on the threat of homegrown terrorism and improving ways to disrupt and prevent the next attack. If the terrorists are here, the activities of that subcommittee are critical.

This bill helps us build our intelligence competence. It strengthens parts of the budget that are underfunded and authorizes crucial activities. Vote "aye."

Mr. KING of New York. Mr. Chairman, to demonstrate the bipartisanship of the committee, I want to thank the gentleman from Texas (Mr. CUELLAR) for the free advice he just gave me.

With that, I recognize the gentlelady from Florida (Ms. GINNY BROWN-WAITE) for 3 minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I reluctantly rise today to speak against H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year '08. I say reluctantly because even though I was cynical about the campaign promises made by the other side to implement the remaining 9/11 Commission reforms, I never dreamed that the American people would be betrayed the way I believe they are today.

Mr. Chairman, the majority of members on our committee rolled over and played dead, letting their other committee counterparts in the House pick this bill clean of many good security measures in a manager's amendment that will strip them out and gut the bill. Yet the majority has the audacity to come to the floor with this skeleton and call it a good bill.

My constituents will be horrified when I tell them that a provision that was worked out in the Homeland Security Committee to include in the base bill was stripped out. That language would have required employers at critical infrastructure sites to verify Social Security numbers of their employees before hiring them.

Do you know why constituents all around the Nation should be outraged? Because 2 years ago, a power plant in Florida unknowingly had a painting contractor who hired illegal aliens. Several of them had pending criminal charges and had been deported multiple times. These workers had access in and around the nuclear power plant. Let me repeat that. A nuclear power plant had illegal aliens with criminal records wandering around in them. Does that not scare you? It scared me, and that's why we added this amendment to fix it.

I wonder if the majority thought of the residents near any nuclear facility and the sheer devastation a criminal or terrorist act in that facility might cause. Were they thinking of the children and the working families, the people who trust us to keep them safe? Or were they thinking of just backroom deals with other committee Chairs?

I say to the people bent on stripping this bill of the security provisions: Stand up for this bill. Stand up for the good we are doing to safeguard the American people. Do not offer the manager's amendment to strip these provisions out and leave the Nation vulnerable in many areas.

There is no way that this House can possibly justify passing an amendment to this bill that will take out provisions like:

Denying alien smugglers access to maritime routes.

Tough postemployment lobbying restrictions on Department of Homeland Security officials, a Democrat provision being stripped.

Implementing the 9/11 Commission recommendation for a single committee overseeing the Department of Homeland Security.

Or authorizing better information sharing among Federal, State and local law enforcement partners.

These provisions were all stripped from the bill. There is no way that we could support this unless we want to water down homeland security.

We should all be concerned about the things that are not in this bill. We could fix the loophole today by giving authorization and leaving the bill the same as it was when it left the committee. That's an important procedure that would protect America's homeland.

Mr. THOMPSON of Mississippi. Mr. Chairman, I wish to help the gentlelady from Florida. If you will check, the data sharing and the child predator requirements are left in the bill. They're not taken out. I just want to make sure that you have the latest version of the bill in that respect.

Mr. Chairman, I yield 2 minutes to the gentlelady from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the chairman for yielding. I could take a minute to thank him for his masterful handling of this bill in a bipartisan fashion before this committee.

I want to strongly thank the chairman for the way in which the committee has insisted on endorsing a headquarters for this department, because one of the continuing and most sustained criticisms of the department has been its management. But how can we expect the department to be managed when they are in 60 different places, 80 different leases?

The inefficiencies, Mr. Chairman, associated with the dispersal of this largest department are incalculable. The great cuts and deficiencies we have seen in the Homeland budget pale beside what we see in the way in which it is positioned: multiple and redundant mailrooms and screening facilities and parking and child care facilities and fitness centers; and, above all, shuttles just so that one part of the department can get to meet face to face with another part. Worst of all, one part that I know will be vacated is the Massachusetts Avenue headquarters, and yet they're having to spend $18 million just to make that livable. They are forced to live by short-term leases, rollover leases, wasting money.

We have an opportunity, because to the President's credit, he has put money in the appropriation to begin to build a headquarters for this department. It was in there last session. It did not get passed. It's up to the appropriators, the new appropriators, to make sure we have a real department and real headquarters.

Mr. KING of New York. Mr. Chairman, I am privileged to recognize for 4 minutes the gentleman from Florida who has done such an outstanding job in a brief time on the committee, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Chairman, I rise today in support of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act, a good bill which could be much better. I say that because the manager's amendment, if adopted, would strip out many bipartisan provisions that would have helped prevent terrorism and strengthen immigration enforcement, including one that I authored.

H.R. 1684 currently includes an amendment I sponsored that was adopted during the committee's consideration of this bill which would improve maritime immigration enforcement. As a representative from Florida, I know how critically important it is to secure our maritime borders, as do many of our coastal colleagues.

Coast Guard RADM David Pekoske testified before our Border, Maritime, and Global Counterterrorism Subcommittee in February about the challenges of coastal security. During his testimony, he highlighted an ongoing partnership with US–VISIT to deploy mobile biometrics collection equipment on Coast Guard cutters operating in the Mona Pass between the Dominican Republic and Puerto Rico, where almost half of our maritime migrant apprehensions take place. I was intrigued by the possibility of this effort and the promise it may hold for strengthening our maritime defenses.

My amendment, which the manager's amendment removes from this bill, would expand this effort into a formal pilot program and require DHS to evaluate the results to determine the feasibility and appropriateness of expanding such capability to all DHS maritime vessels. This capability is critically important since we currently do not have the ability to verify the identity of apprehended migrants, previous immigration violators, criminals, and possible terrorists in the maritime environment. This deficiency allows those who seek to break our Nation's immigration laws and those who may wish to commit terrorist acts to remain undetected and be repatriated without consequence so that they are free to continue their illegal and dangerous behavior.

The biometric identification of interdicted aliens in the maritime environment has the potential to greatly improve the security of America's coastal borders. Unfortunately, since the majority has decided to remove this provision from this bill, we will not realize that promise.

I am extremely disappointed and frustrated at this process. Many of the provisions that the manager's amendment strips from this bill were supported by every member of the Homeland Security Committee, including our chairman, whom I greatly admire and respect. However, I cannot understand why we would allow those who do not serve on our committee to dictate to us how we should or should not do our jobs. We simply should not put political expediency above homeland security.

Mr. Chairman, I believe that this bill represents a missed opportunity to enhance our country's immigration enforcement, help stop terrorism, and improve our ability to respond should the unthinkable happen again.

Though I plan to support its final passage here, I implore my friends on the other side of the aisle to work with us to move forward on the many bipartisan provisions which would have made this bill much better.

Mr. THOMPSON of Mississippi. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Mississippi has 20 minutes. The gentleman from New York has 11.

Mr. THOMPSON of Mississippi. Thank you very much.

Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. DINGELL).

□ 1400

Mr. DINGELL. Mr. Chairman, I thank my distinguished friend and colleague from Mississippi for the recognition. I recognize that securing our homeland is going to take tremendous efforts across the agencies and involve government expertise and cooperation throughout the government. I want to say that, in this matter, the business of the Nation is in good hands in those of my friend from Mississippi.

I represent Michigan, the State with three of the busiest northern border crossings in the United States. Our citizens have long been accustomed to an open border in which citizens on both sides were able to commute to jobs, visit families, do shopping and visiting across international borders.

With the events of September 11, 2001, our borders were shut. Michigan's economy literally ground to a halt. Just in time deliveries to Michigan factories and industries were stopped at the border. The new security realities threaten to idle factories and to lay off workers.

This bill goes a long way to making sure that we avoid that situation, and it will also enable thousands of our citizens on both sides of the border, Michiganders and Canadians, the freedom to travel when they need to and in ways to which they have grown accustomed.

With the US–VISIT program properly funded, more inspectors will be hired for the border. New technologies will be deployed to help ease the traffic and speed processing.

Under the leadership of my friend, the chairman, Mr. THOMPSON, the bill increases Department of Homeland Security budget by $2 billion more than last year, and nearly 8 percent above the President's budget. Not only is more being put into the border, but we are also restoring funding to our first responders, money that was cut by the President's budget. State Homeland Security and Fire Assistance grants are restored to appropriate levels.

As I said before, preparing and preventing another terrorist attack is a responsibility for all. As we learned 6 years ago from the anthrax attacks here on Capitol Hill, it is important that the Federal Government have an intelligent, coordinated, and effective response to bioterrorism and to all other acts of terrorism. All Cabinet-level departments and the agencies under their purview must work towards ensuring our domestic security.

It is, however, important that as we move forward on this legislation, we keep in mind which agencies have the expertise and the skill to answer public health emergencies. We must not allow mission creep to set in blurring lines of authority and diluting the effectiveness of our response effort.

I also want to point out the strong need for improvements in the cybersecurity of our Nation. The Committee on Energy and Commerce has long sought to raise the profile of cyber threats within DHS to better prepare the Nation for potentially catastrophic cyber disruptions. The manager's amendment in this legislation will require DHS to collaborate with expert agencies, including the Department of Commerce and the Federal Communications Commission. Such collaboration will ensure that ongoing efforts will not be interrupted or eroded.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS) who did such an outstanding job as chairman of the Oversight Subcommittee in the previous conference.

Mr. ROGERS of Alabama. Mr. Chairman, as ranking member of the Homeland Security Subcommittee on Management, Investigations and Oversight, I have worked with my committee colleagues on this legislation for some time. I was also an original cosponsor of the bill, primarily because of its provisions to improve oversight, management and procurement at the Department of Homeland Security.

On March 28, our committee produced a sound bipartisan bill that the committee passed by a vote of 26–0. Unfortunately, as the bill headed to the House floor, jurisdictional turf battles took over. At least 16 important security provisions were dropped, and many more were altered without input from our side of the aisle.

Unfortunately, at least one of the dropped provisions addressed a key 9/11 Commission recommendation. This feature would centralize jurisdiction and oversight for homeland security in one committee, in both the House of Representatives and the Senate.

Last Congress, the Republican leadership in the House heeded this recommendation by creating a new standing Committee on Homeland Security. This new standing committee was wisely vested with substantial jurisdiction over DHS.

While we recognize that last Congress was an ambitious first step, experience has shown that jurisdiction over this department still needs further consolidation, not erosion. Far too many committees and subcommittees in Congress still exercise control and oversight authority over DHS. 88 to be exact. Already this year, DHS officials have testified at over 100 congressional hearings.

It's my hope that leaders on both sides of the aisle can come to an understanding to help consolidate authorization jurisdiction under this one committee. Had this been the case this year, the bipartisan, well-reasoned bill that was originally presented to the House would not have been carved up by jurisdictional turf battles.

Until this issue is resolved, the House will not be able to exercise the needed oversight over DHS, just as it does with the other Departments in the Federal Government. Consequently, I must oppose this bare boned bill, and hope that we will address this critical issue of jurisdiction in the near future.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now recognize the chairman of the Transportation Subcommittee, Ms. JACKSON-LEE, for 2½ minutes.

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the full committee, Mr. THOMPSON, and the ranking member. They know that our byline is that we are a bipartisan committee. The reason is because entrusted to the Homeland Security Committee is the security of the Nation, security of a Nation that we love, security of a people that we cherish.

Whenever we hear of a tragic truck accident in California, explosive truck accident, the viciousness of the shooting at Virginia Tech, and the bombing, or the threats of such, in the London train system, we begin to think of our security. No, maybe those are accidents, maybe those are not considered terrorist acts, Virginia Tech or the tragedy in California, but it causes America to begin to think about her own security.

That is why H.R. 1684 is a strong reflection of the importance of security to this majority leadership. I am very proud that, in the early days of our legislation or our time as the majority, we passed the 9/11 bill, certainly working with a bipartisan leadership. We have moved to ensure that for the first time that we have a strong authorization bill on homeland security.

We have not forgotten the employees, and I was glad to be able to offer a particular amendment that addressed the question of the morale and the leadership and the training of our employees. That is important, for if your employees are not fully functioning, the question of security is a question. And so I was delighted to be able to incorporate language regarding the CMOs qualifications, to ensure that the CMO possess a demonstrated ability and knowledge of treatment of illnesses caused by chemical, biological, nuclear and radiological agents.

I am also glad to have developed an amendment which strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. In a number of critical ways the personnel system established by the Homeland Security has been a litany of failure.

The question is, that if we don't order and put in order our homeland security function, then we cannot secure America. That is what 1684 does. And we will address the questions of security, of civil liberties, of protecting our highways, of being concerned about rail security, we will do it and continue to do it because we believe in America.

H.R. 1684 gives us the perfect road map, the perfect hand print to secure this Nation. I ask support for the bill.

Mr. Chairman, September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11, is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security, and Chairwoman of the Transportation Security and Infrastructure Protection Subcommittee, who considers our national security paramount.

Our nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor their sacrifices by passing H.R. 1684, which bolsters the efficacy, accountability, and our oversight over the Department of Homeland Security.

This bipartisan bill was reported out of the Homeland Security Committee by a unanimous vote and includes many significant provisions I ensured were incorporated either into the base bill or through amendments at the Full Committee Markup aimed at strengthening and streamlining management, organizational, personnel, and procurement issues at the Department to facilitate execution of its homeland security mission.

H.R. 1684 authorizes $39.8 billion in appropriations for the activities of the Department of Homeland Security for Fiscal Year (FY) 2008—$2.1 billion over the requested amount of the President's FY 2008 budget. H.R. 1684 is an oversight and management bill that builds capacity, provides resources, and ensures accountability at what GAO still views as a high-risk endeavor—the transformation and integration of 22 entities into the Department of Homeland Security.

H.R. 1684 establishes important offices such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cybersecurity and Communications. Within the Office of Health Affairs, this bill creates a Chief Medical Officer, CMO, and I worked with Chairman THOMPSON to incorporate language regarding the CMO's qualifications to ensure that the CMO possess a demonstrated ability and knowledge of treatment of illnesses caused by chemical, biological, nuclear, and radiological agents.

Moreover, I introduced an amendment which passed during the Committee Markup of H.R. 1684 which strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. In a number of critical ways, the personnel system established by the Homeland Security has been a litany of failure.

The flexibility we originally granted in the Homeland Security Act of 2002 has not worked. That is why I offered an amendment repealing the DHS human resources personnel system.

The Department has abused the flexibility given by Congress. They have created a personnel system that eviscerates employee due process rights and puts in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions.

We initially believed that the flexibility given the Department would allow it to respond better in times of crisis. We know now that nothing could be further from the truth. The abysmal response to Hurricane Katrina taught us that lesson.

Despite Court rulings, however, on March 7, 2007, DHS announced that it will put into effect portions of the personnel system not specifically enjoined by the Court. Just a few weeks earlier, DHS outlined plans to move slower on its controversial personnel overhaul, formerly known as MaxHR, but now called the Human Capital Operations Plan or HCOP.

Implementing these plans would further undercut the fairness of the appeals process for DHS employees by eliminating the Merit Systems Protection Board's current authority to modify agency-imposed penalties. These regulations would also provide the Secretary sole discretion to identify offenses and impose employee penalties as well as appoint a panel to decide the employee appeals the Secretary's action.

According to U.S. District Judge Rosemary Collyer, these regulations put the thumbs of the agencies down hard on the scales of justice in [the agencies'] favor.

The Federal Appeals Court agreed with the District Court's basic conclusion regarding the lack of fairness of these planned changes in adverse action and appeal rights, but ruled that they were not yet ripe for a decision since no one has been subject to discipline under them. It is clear that another court case will be filed should DHS put these provisions into place and an employee is harmed by the new adverse actions and appeals procedures.

Some insisted that employees would be happier and more efficient if they were managed more like the private sector. We know now that nothing could be further from the truth. The Department's morale ratings have consistently been at or near the bottom of all federal agencies.

In February of this year, the Department of Homeland Security received the lowest scores of any Federal agency on a Federal survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed: DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th on results-oriented performance culture, and 33rd on talent management.

We know that the Department too often does not listen to their employees. In fact, the National Treasury Employees Union, NTEU, sent me a letter on behalf of the 15,000 employees of DHS' Bureau of Customs and Border Protection thanking me for introducing my amendment repealing DHS' failed human resource management system, MaxHR. Despite its incredibly low morale, the Department is not changing its plans to implement MaxHR. Instead the Department is merely changing the name of an unpopular and troubled system. MaxHR will become HCOP.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than 4 years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide any of those critical elements. It is time to end this flawed personnel experiment.

So it is time for Congress to once again step in. It is time to say to the dedicated workers of the Department of Homeland Security that they deserve to be treated with the same dignity and respect granted to other federal employees. Therefore, I thank my Homeland Security colleagues who supported my amendment repealing DHS' failed human resource management system because Homeland Security is too important to get it wrong again.

I also worked with Chairman THOMPSON to incorporate into H.R. 1684 language authorizing the Citizen Corps and the Metropolitan Medical Response System programs to strengthen emergency response and recovery efforts.

The Citizen Corps Program is a critical program within the Department of Homeland Security that engages the community to be involved in emergency preparedness through public education and outreach, training, and volunteer service.

My language ensured that funding will enable local Citizen Corps Councils to more adequately provide education and training for populations located around critical infrastructure. These populations will have an opportunity to be better prepared to respond to natural disasters, acts of terrorism and other man-made disasters.

In a bipartisan fashion, I also worked with my colleague from Texas, Representative McCAUL, to draft an amendment regarding CBP officers and their policies. My amendment called for the GAO to study the Border Patrol's policies on pursuit and the use of lethal and non-lethal force.

Our Border Patrol officers operate in some of the most dangerous regions in the country and are often required to use force and pursue suspects on a daily basis. An independent evaluation of these practices and policies is important so that the Border Patrol knows the parameters of its enforcement tactics and has the information necessary to assess whether it needs to adopt new policies.

My amendment also requires GAO to examine the number of incidents where force was used and when it has led to penalties against our Border Patrol officers, so we have hard data that can guide any reassessments that may be necessary.

Recognizing the problem first is essential to fixing the situation. This non-partisan report by GAO will be a major step in evaluating these vital Border Patrol policies.

H.R. 1684 also requires the Department to conduct a Comprehensive Homeland Security Review, similar to the Quadrennial Defense Review conducted by the Department of Defense. In addition, the bill requires pay parity for Customs and Border Protection employees and other border personnel enhancements and addresses critical staffing needs by tapping into the pool of experienced Federal annuitants.

In conclusion, I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Mr. Chairman, the best way to honor the memory of those lost in the inferno of 9/11, is to do all we can to ensure that it never happens again. The best way to do that is to bolster the efficacy, accountability, and our oversight over the Department of Homeland Security, which we created in the aftermath of 9/11 to protect and preserve our Nation which we all hold so dear.

Mr. KING of New York. Mr. Chairman, I recognize the gentleman from Texas, the ranking member of the Emerging Threat Subcommittee, Mr. McCAUL, for 3 minutes.

Mr. McCAUL of Texas. Mr. Chairman, I rise today not in opposition to what this legislation stands for, but out of concern for what this legislation fails to include.

Numerous provisions that were part of the authorization bill which were approved unanimously and reported by the Committee on Homeland Security were removed from the legislation that is before us today. And these provisions were largely eliminated without any real policy justification for their removal. Never in the history of the Homeland Security Committee has such an action been done.

One of these provisions stripped from the authorization bill before us today was based on a piece of legislation I introduced which authorizes the National Bio and Agro Facility, or NBAF. The text of this legislation was unanimously approved at the Committee on Homeland Security authorization bill markup.

I am at a loss as to why my colleagues across the other side of the aisle unilaterally decided to eliminate the NBAF provision from this bill, especially when some of my Democratic colleagues on the committee, including Chairman THOMPSON, were original cosponsors of the NBAF legislation.

The need for the NBAF is clear and immediate. Its establishment is crucial to defending our Nation from agroterrorism and naturally occurring animal diseases. Currently, there's not one Biosafety Level 3 and BSL 4 livestock laboratory in the United States, and the NBAF provision would have authorized a facility to fill that gap.

DHS is conducting a site selection process right now. Eighteen sites have been looked at across the country, one close to my district at Texas A&M. They are investing significant resources in the competition.

I'd also like to note that some of the other sites being considered lie in or near districts represented by Democratic colleagues.

Congress has already provided $46 million for pre-construction NBAF activities, and yet, DHS currently does not have the legal authority it needs to even procure the land.

Because the enactment of this legislation is crucial to the establishment of the NBAF and to defending the Nation against the threats of agroterrorism, and because this legislation was eliminated from the authorization bill before us, I urge my colleagues to work to move forward in a bipartisan way to help secure our homeland and to pass H.R. 1717.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3½ minutes to a former member of the committee, who is still very much interested in homeland security, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to congratulate the chairman for a great job and his counterpart, ranking member. There's a lot of work that goes into this, a lot of work.

But just 1 year ago today we were still debating the following: We were debating Federal agencies which still tended to spend needless energy fighting one another over turf and money issues. And it's always been unclear as to who is in charge.

The basic issues underlined by the 9/11 Commission and other committees remain unresolved until now. With this piece of legislation, 1684, we are going to really jump into the middle and the center of the storm. We still have inability of police and fire departments to communicate with one another. We still have senseless rivalries among our agencies under our jurisdiction, and, three, there's still incompatibility in computer systems impeding data sharing.

The institutions that we have oversight over must understand that they are the three major areas that they must do something about in a positive sense. This legislation before us, 1684, will strengthen the Department through better management and increased oversight. This finely crafted proposal is important to the security of the United States of America.

So I commend you both. I commend the chairman for his valiant efforts to improve national security. As a former member of the committee, I've worked closely with him over the years, and can state firmly that no one works harder or smarter on issues that affect America's safety than the gentleman from Mississippi.

I also know that working the legislative maze that is Capitol Hill is never an easy task, particularly when it comes to the wide array of turf battles between the various entities.

I think the bill we vote on today, which will pass, is a prudent course charted to overcome those obstacles.

☐ 1415

Indeed, this bipartisan proposal includes many significant provisions aimed at strengthening and streamlining management, organizational personnel and procurement issues at the Department to facilitate execution of our mission.

This bill authorizes $39.8 billion in appropriations, $2.1 billion needed over the request of the President of the United States. This side of the aisle, joined by that side of the aisle, will no longer shortchange Homeland Security in the resources and apparatus needed to do the job.

This critical funding will help establish important offices, such as the Directorate for Policy, the Office of Health Affairs, and the Office of Cybersecurity and Communications. Areas that are crucial in homeland security but often are ignored. With this bill we no longer ignore the issues that have the potential to cause us severe harm if left unattended.

The security of our homeland is as important as it gets. This bill takes this austere responsibility seriously. So I applaud the chairman. I applaud the committee and its fantastic staff for crafting sound legislation. And I implore the support of all my colleagues.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise to speak on the Homeland Security authorization bill, H.R. 1684.

The stated purpose of H.R. 1684 is to enhance homeland security. Unfortunately, the restricted rule enacted at the behest of the majority excludes certain measures that would have increased our domestic security. One such provision is my amendment on the Automated Targeting System for Passengers, or ATS-P. ATS-P coordinates information already available from sources and allows Customs and Border Protection to perform risk assessments of people entering the United States. In this way CBP can identify a person of interest and question that individual before, let me repeat, before that person gains formal admission into this country.

This amendment would have been a positive step towards improving border security.

ATS-P is a system that is already deployed and that has already had some notable successes. It would have fulfilled a 9/11 Commission recommendation. And yet the majority remains opposed to it and made sure that it was not made in order. The motive behind that exclusion remains a mystery.

The mystery deepens when one considers what was made in order today, specifically one portion of the manager's amendment. During committee proceedings at my request, we inserted language authorizing funding for the United States Secret Service. The Secret Service, once an entity of the Treasury Department, now falls within the jurisdiction of the Department of Homeland Security. The Secret Service plays an important function in safeguarding the citizens of this country. The amendment I offered would have fully funded the President's request for the Secret Service's protection missions. It also would have provided over $322 million for Investigations and Field Operations, the unit within the Secret Service that investigates and prosecutes counterfeiting, fraud and identity theft.

Mr. Chairman, I will insert a copy of a letter into the RECORD from the National Fraternal Order of Police endorsing the inclusion of Secret Service funding within the Homeland Security authorization bill.

FRATERNAL ORDER OF POLICE,
Washington, DC, May 8, 2007.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security, Washington, DC.

Hon. PETER KING,
Ranking Member, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN THOMPSON AND RANKING MEMBER KING: I am writing on behalf of the membership of the Fraternal Order of Police to express our support for H.R. 1684, the "Department of Homeland Security Authorization Act of 2008." We are strongly supportive of sections 501, 502, 504, 505, which would provide law enforcement retirement benefits and improve recruitment and retention for Customs and Border Protection (CBP) officers.

I also would like to urge the retention of Sections 1101 and 1120. Section 1101 allows funding from Department of Homeland Security interoperability grants to procure equipment that conforms to the SAFECOM interoperability continuum. SAFECOM is a communications program of the Department of Homeland Security's Office for Interoperability and Compatibility that, with its Federal partners, provides research, development, testing and evaluation, guidance, tools, and templates on communications-related issues to local, tribal, State, and, Federal emergency response agencies. In developing the continuum, SAFECOM coordinated its efforts with numerous State and local law enforcement and emergency services entities. Interoperable communications are critical in the successful prosecution of law enforcement missions and play a critical role in ensuring officer and civilian safety.

We are also asking that you support Section 1120, which authorizes $1.64 billion and an additional 122 personnel for the United States Secret Service, an increase of 14 percent over the President's request. The Secret Service is charged with protecting our nation's most important leaders and visiting foreign dignitaries as well as conducting criminal investigations. Since 9/11 the Secret Service's limited assets have been increasingly stretched thin at a time when the number of candidates they protect has increased from 20 to 55 and the amount of counterfeit money in circulation has increased by 30 percent.

This section would also provide additional funding for our overworked and undercompensated Secret Service Uniformed Division. These dedicated men and women work tirelessly to provide protection to an increasing number of visiting officials, as well as protecting foreign embassies in the United States. However, they are experiencing a turnover rate of 20–25 percent a year as officers leave the agency to find better paying jobs with other Federal law enforcement agencies.

It is important that law enforcement receives the tools and funding needed to fulfill its mission. Sections 1101 and 1120 do just that and we urge you to retain them in the final bill. On behalf of the more than 325,000 members of the Fraternal Order of Police, I want to thank you for all of your help on this important issue. Please do not hesitate to contact me, or Executive Director Jim Pasco, through our Washington office if we can be of any further assistance.

Sincerely,

CHUCK CANTERBURY,
National President.

In fulfilling our homeland security mission, this Congress should provide oversight of and support for homeland security agencies, one of which is now the Secret Service. The FOP endorses this suggestion. So do I. I wish that my colleagues on the other side would embrace this idea, along with the better security provided by the ATS–P provisions as well.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding. And let me thank the chairman and ranking member for their hard work.

The Department of Homeland Security is tasked with protecting America and its citizens. There is no greater charge. Oversight is critical to the Department both to root out waste, fraud and abuse, and to examine the effectiveness and to recommend improvements for the Department's operations. This bill provides support for the Inspector General's Office and creates tools that will enhance transparency for Congress and the public.

To help improve policymaking at the DHS and to promote long-term planning, this bill establishes a Directorate for Policy to be headed by an undersecretary for policy and requires a quadrennial review of the Department's practices and mission.

This policymaking must address the needs of America's most vulnerable citizens: its children. I thank the chairman for including my language that requires the Directorate for Policy to address the needs of children. That will enable the Department to enhance school preparedness and other emergency planning needs of facilities for children.

As a former superintendent of North Carolina's public schools, I know how important planning is to preparedness and security for our schools and other places that focus on our children. The Department must understand the importance of including schools and children in emergency planning, and this bill will ensure that it does so.

I also believe that DHS must prioritize the protection of our critical food and agriculture infrastructure to enhance the health and security of America. The ongoing melamine crisis only reveals how vulnerable we are.

This bill requires the Department to report on their progress on agriculture security in response to issues raised by two critical reports on their efforts. That will ensure that DHS is doing appropriate planning for agriculture security and give Congress the opportunity for oversight. I thank the chairman for including this in this bill.

I am also concerned about the security of sensitive materials used by the Department, uniforms, badges, identification cards, and protective equipment.

H.R. 1684 enhances the nation's security by requiring these items, subject to practical exceptions, produced domestically when they will be used domestically.

Taken together, the many good provisions in this bill will improve the Department's ability to protect our homeland. This is a good, bipartisan bill, and I urge my colleagues to support it.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentleman from south Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I rise in support of H.R. 1684, the Department of Homeland Security Authorization Act.

As a cosponsor, I certainly want to thank Chairman THOMPSON for the leadership and the strong support that he has shown in moving this bill along, and I also want to thank my friend, Ranking Member KING, for his bipartisan work and for the hard work that he has provided.

This particular bill has three provisions that I have added with the help of the chairman, the ranking member, my colleagues and the committee staff. And I want to thank them for their work.

The first provision creates a direct line of communications between border local elected officials and the private sector and the policymakers at the Department through a Border Communities Liaison at the DHS Office of Policy. This is important to make sure that we get the local input.

The second provision calls for the evaluation of and emphasis on training of Border Patrol agents along the southwest border where many of them are going to serve.

And the third and last provision mandates for the first time a comprehensive assessment of the staffing, infrastructure and technology resources that are needed to reduce the wait times for pedestrian, commercial and noncommercial traffic at the border. We want to have border security, but at the same time, we do not want to impede trade and tourism.

I thank Chairman THOMPSON for his support and ask my colleagues to support H.R. 1684.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I would like to engage in a brief colloquy with the chairman about an amendment Mr. LIPINSKI and I offered in the Rules Committee yesterday afternoon regarding airport security badges.

Dave Savini of CBS TV revealed that, since 2004, 3,760 aviation security badges have gone missing at O'Hare. These badges are the only identification needed for law enforcement officials, independent contractors, baggage handlers, flight attendants and pilots to enter the airfield. When an employee is fired, some airport contractors are unwilling to reclaim their badges from employees, who retain full access to the airport.

This problem is not isolated at Chicago. In early February, officials at Los Angeles International Airport reported 120 missing TSA badges; in Oakland, 500 missing badges; in Buffalo, nearly 40 missing badges; and 42 missing badges in Dallas.

Mr. Chairman, the Kirk-Lipinski amendment we offered would require airport contractors to make a reasonable effort to retrieve badges from employees whose employment has ended and notify the local airport authority within 24 hours. Failure to comply would then result in a civil fine of up to $10,000 per day. Hitting contractors where it hurts, in their pocketbooks, can help make our Nation's airports safer. And our amendment will now be included in a freestanding bill.

Mr. Chairman, I thank you for engaging in this colloquy on this matter and appreciate your support in working with Mr. LIPINSKI and me in a bipartisan manner to address this issue in the future.

I yield to the chairman.

Mr. THOMPSON of Mississippi. Mr. Chairman, I thank Mr. KIRK as well as Mr. LIPINSKI for bringing this to the committee's attention. I agree with the gentleman that the issue of airport security badges must be examined in closer detail.

I share your commitment to securing our airports and look forward to working with you on this issue in the Homeland Security Committee.

Mr. KIRK. I thank the chairman.

Mr. THOMPSON of Mississippi. Mr. Chairman, I now yield 2½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of the Department of Homeland Security Authorization Act.

In 4 years Congress has not been able to successfully pass an authorization measure into law. That all changes today, and I want to commend the chairman and the ranking member for their leadership in bringing the bill to the floor today.

Today, the Democratic majority is changing paths by making homeland security and appropriate oversight a priority for Congress, and under the leadership of Chairman THOMPSON, we will pass the bill this year. This bill provides us that opportunity while authorizing an additional $2.1 billion for the Department. This is truly an historic moment. While I applaud many provisions of this bill, I particularly would like to focus on a few key elements that will significantly improve America's security.

As chairman of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I am particularly pleased that this bill incorporates legislation I introduced to improve the material threat assessment process under Project BioShield. This language requires the Secretary to effectively group similar threats together in order to move towards a "one drug, many bugs" approach to biosecurity that will allow us to combat multiple threats simultaneously.

H.R. 1684 also establishes a National Biosurveillance Integration Center based on a measure that I introduced. Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. This center will integrate data from biosurveillance systems with other intelligence to provide a comprehensive and timely picture of existing biological threats.

Lastly, this bill recognizes the importance of investing more in cybersecurity, a critical need at this juncture. We authorize an additional $50 million for cybersecurity research and development activities at DHS, critical resources to address one of our most pressing and underfunded needs. We cannot overestimate the importance of biosecurity.

Again, I want to stress the importance of cybersecurity, and we need to do more in this area. And I look forward to working with the chairman on this and other priorities.

I want to thank Chairman THOMPSON for including these and many other critical provisions. I am proud that we are well on our way to seeing the first ever DHS authorization bill signed into law. And I urge my colleagues to join me in supporting this measure.

Thank you, Chairman THOMPSON, for your leadership.

Mr. KING of New York. Mr. Chairman, I will continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, for the purpose of a colloquy, I would like to yield such time as he may consume to the gentleman from Texas.

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Mr. RODRIGUEZ. Mr. Chairman, I would like to thank you for this time and for your willingness to work with me on issues that are important to my district and to the State and the country as a whole.

As you know, I represent one of the longest stretches of the southern border with Mexico, my congressional district, the 23rd. Eleven counties in my district are on the Mexican border, and a variety of others are 20 miles away from the Mexican border.

As I travel throughout my district, one of the most common concerns is the lack of resources rural law enforcement officers have on the border. These departments often have just a few officers on the entire force, and they have to handle the same drug cases and human smuggling cases that large cities do. Except processing these cases in small communities means taking half or, in some cases, all of the staff in those particular communities.

I had planned to offer an amendment that would have provided necessary additional resources for the border to local police departments as well as the sheriff's departments to hire and equip and train additional officers. I have withdrawn that amendment with the hopes of being able to work with the chairman and this committee to bring this critical aid to our local law enforcement on the Mexican border.

Mr. Chairman, once again, I thank you; and I would ask for your help and your assistance.

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. RODRIGUEZ) for his willingness to work with the committee. I know very well how important border security is to his constituents and how hard he has worked since returning to Congress to keep his community safe and bring the necessary resources to Federal, State and local law enforcement on the border. I certainly appreciate his expertise on border security issues. I look forward to working with him to ensure that our brave law enforcement men and women receive the assistance they need to keep border communities in our Nation safe and secure.

Mr. THOMPSON of Mississippi. Mr. Chairman, at this time, I will insert into the RECORD letters from the American Federation of Government Employees and The National Treasury Employees Union in support of this legislation.

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, May 7, 2007.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees (AFGE), which represents 26,000 Department of Homeland Security (DHS) workers, I strongly urge you to vote in support of passage of H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008. The legislation responds to many issues AFGE has raised on behalf of the Border Patrol Agents, Customs and Border Protection Officers, Transportation Security Officers, Federal Protective Service Officers and other workers important to the agency's mission of keeping our country safe.

H.R. 1684 supports DHS workers by repealing the portion of MAXHR (the agency's flawed attempt to re-make civil service rules and protections) relating to employee appeal rights and performance management goals. The repeal of these provisions is of great importance because DHS has stated its intention to implement MAXHR regulations on employee appeal rights and performance management goals despite the likelihood that they will be overturned in federal court. The legislation also restores statutory authority for collective bargaining rights for DHS workers because the DHS regulations establishing a new collective bargaining system have been overturned by the courts. The reinstatement of fairness in DHS workplace rules and procedures is vitally important to keeping the expertise of highly trained, committed homeland security professionals at the agency.

H.R. 1684 recognizes the legitimate law enforcement responsibilities of Customs and Border Patrol Officers by including them in the federal Law Enforcement Retirement System, and strengthens Border Patrol Officer recruitment and retention measures, which will ensure that there are adequate personnel available to patrol our borders. The legislation also includes provisions that will prevent Immigration and Customs Enforcement from implementing its unsound plan to eliminate police officers and special agents at the Federal Protective Service. H.R. 1684 recognizes that worker security in the DHS workplace facilitates greater homeland security for us all.

The workers at DHS have performed above and beyond the call of duty, even with bad workplace rules and policies. H.R. 1684 recognizes the contribution of the men and women on the front lines of security and provides them with the resources necessary to ensure that they continue to provide the best security in the world today. AFGE again strongly urges you to vote in support of H.R. 1684.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, May 7, 2007.

Re Vote Yes on H.R. 1684, FY 2008 Department of Homeland Security Authorization Act

DEAR REPRESENTATIVE: I am writing on behalf of the 150,000 members of the National Treasury Employees Union (NTEU) including 15,000 employees at the Department of Homeland Security's (DHS) U.S. Customs and Border Protection (CBP) to urge you to vote for passage of H.R. 1684, a bill to authorize appropriations for fiscal year 2008 for DHS.

H.R. 1684 includes many provisions that will enhance DHS's national security mission. Of particular importance is Section 512 a provision that repeals the failed DHS human resource management system established by the Homeland Security Act of 2002 and the subsequent regulations issued by DHS.

In February of this year, DHS received the lowest scores of any federal agency on a federal survey for job satisfaction, leadership and workplace performance. Of the 36 agencies surveyed, DHS ranked 36th on job satisfaction, 35th on leadership and knowledge management, 36th of results-oriented performance culture, and 33rd on talent management. As I have stated previously, widespread dissatisfaction with DHS management and leadership creates a morale problem that affects the safety of this nation.

The four-year DHS personnel experiment has been a litany of failure because the law and the regulations effectively gut employee due process rights and put in serious jeopardy the agency's ability to recruit and retain a workforce capable of accomplishing its critical missions. When Congress passed the Homeland Security Act in 2002, it granted the new department very broad discretion to create new personnel rules. It basically said that DHS could come up with new systems as long as employees were treated fairly and continued to be able to organize and bargain collectively.

The regulations DHS came up with did not even comply with these two very minimal and basic requirements and subsequent court rulings confirmed this truth. It should be clear to Congress that DHS has learned little from these court losses and repeated survey results and will continue to overreach in its attempts to implement the personnel provisions included in the Homeland Security Act of 2002. On March 7,2007, DHS announced that it will implement portions these compromised personnel regulations that were not explicitly ruled illegal by the courts.

With the abysmal morale and extensive recruitment and retention challenges at DHS, implementing these personnel changes now will only further undermine the agency's employees and mission. From the beginning of discussions over personnel regulations with DHS more than four years ago, it was clear that the only system that would work in this agency is one that is fair, credible and transparent. These regulations promulgated under the statute fail miserably to provide by of those critical elements. It is time to end this flawed personnel experiment Passage of H.R. 1684 will accomplish this.

Also included in this legislation is Section 501, a provision that finally recognizes the Law Enforcement Officer (LEO) status of CBP Officers (CBPOs). Section 501 grants prospective LEO status and benefits to CBPOs as of March 2003. NTEU recognizes Section 501 as a significant breakthrough in achieving LEO status for those CBPOs on the frontlines protecting our nation's sea, air, and land ports. NTEU members appreciate this significant first step and vows to work with Congress to assure comprehensive coverage of all CBPOs.

NTEU strongly supports H.R. 1684 and urges you to vote to approve the bill this week on the House floor and oppose any amendments that would weaken the above-mentioned provisions.

For more information or if you have any questions, please contact Jean Hutter with the NTEU Legislation Department.

Sincerely,

COLLEEN M. KELLEY,
National President.

I now recognize the gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Chairman, I compliment you for the outstanding job that you have done in bringing this bill to the floor. I also thank the ranking member for the support that has been shown.

Mr. Chairman, this bill contains $39.8 billion for Homeland Security. It is worthy of noting that this is $2.1 billion more than the President has requested and that it restores some of the numerous cuts made by the President.

This bill provides accountability. This bill has a strong means by which our homeland will begin to move in the direction of getting the kind of support that it needs to be secure.

I strongly urge my colleagues to support this bill.

Mr. KING of New York. Mr. Chairman, as we leave general debate and begin to debate the amendments, I would again say I commend the gentleman from Mississippi, the chairman, for the bill that was put forth in the committee which came out of the committee.

I am, again, disappointed by the product that came here today. I understand the realities of politics and the realities of governing, but I just wish we could have made more of an effort to move the committee product further along, rather than make the concessions that were made. There are just so many important matters that were either dramatically revised or eliminated, which weakens the thrust of where we're going.

We will be debating amendments for the next several hours. The debate will be in good faith, just as our efforts on the committee are in good faith, but I just wish the leadership of the House would do more to improve and to enhance and to further the position of the Homeland Security Committee so we can do the job that we have been chartered to do and we can do the job the 9/11 Commission wants us to do, to do the job that the 9/11 families want us to do, and do the job that the memory of those who were murdered on 9/11 really command that we do.

With that, Mr. Chairman, I look forward to the upcoming debate. I am disappointed in the product that is before us. Having said that, I remain enthusiastic about the job that we as a committee can do under the chairmanship of Chairman THOMPSON and with the strong cooperation from the minority on the committee.

Mr. Chairman, with that, I yield back the balance of my time

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself the balance of the time for closing.

First of all, let me pay tribute to my colleague from New York, Ranking Member KING. We have worked very well on this bill. This is the first time that we have done an authorization bill before an appropriation bill. We are trying to establish jurisdiction for this committee going forward. This is the first Democratic effort in that direction.

Some of us would have preferred a broader bill, but my colleague understands that, given the nature of Congress and the nature of how we do business, sometimes that's not practical.

What I did was brought, through this manager's amendment, which you will see after this debate, a bill that we all have agreement on, even the chairmen of the various communities of jurisdiction. So I am committed, just like the ranking member and most Members in Congress, to support the Department of Homeland Security, to make sure that we defend ourselves against terrorists abroad as well as terrorists at home, to make sure that we respond to disasters regardless of what nature they come in. But in order to do that, we need a robust organization. We need someone with accountability. This bill, H.R. 1684, builds on that.

Mr. Chairman, I urge my colleagues to vote "aye" on H.R. 1684.

Mr. CONYERS. Mr. Speaker, I rise today in support of "H.R. 1684, the Department of Homeland Security Authorization Act of 2008." One of our greatest responsibilities is the protection and security of our citizens and they deserve a vigorous and accountable homeland security policy. H.R. 1684 will now provide just such a policy that will allow us to address the weaknesses that were apparent in the administration's previous attempts at providing Homeland Security.

This legislation, which was developed through bipartisan support, is a proactive step in making our country a much safer place to live, work and play. The bill authorizes $39.8 billion for the Department of Homeland Security for Fiscal Year 2008—which is $2.1 billion more than President Bush requested in his budget and funds many much needed programs to keep America safe.

The bill restores funding to the State Homeland Security Grant Program, which supports first responders in their mission to prevent, prepare for and respond to acts of terrorism. This bill also restores the President's 55-percent cut in firefighter assistance grants and restores the elimination of the Local Law Enforcement Terrorism Prevention Program. H.R. 1684 will also provide funding for vital first responder programs and provide resources for a number of other critical homeland security activities that were reduced in the President's budget.

The Department of Homeland Security has been faced with management and oversight issues since its inception. A July 27, 2006 article by the Washington Post stated that, "The multibillion-dollar surge in Federal contracting to bolster the Nation's domestic defenses in the wake of the Sept. 11, 2001 attacks has been marred by extensive waste and misspent funds, according to a new bipartisan congressional report." This bill will help to refocus and provide the necessary training and resources to help the Agency achieve its goals and address mismanagement issues. H.R. 1684 will require the Department of Homeland Security to consider past performance of a firm before deciding whether to award a new contract. As a part of a contract bid, each firm seeking the contract must submit information regarding its past performance of Federal, State, local, and private sector contracts.

I am committed to ensuring that we are prepared to protect our families, our homes, and our Nation against any and all terrorist threats. So, I am honored to support this legislation.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of the Department of Homeland Security Authorization Act. In 4 years, Congress has not been able to successfully pass an authorization measure into law. Today the Democratic majority is changing paths by making homeland security and appropriate oversight a priority for Congress, and under the leadership of Chairman THOMPSON, we will pass a bill this year. This bill provides us that opportunity, while authorizing an additional $2.1 billion for the Department. While I applaud many provisions of this bill, I would like to focus on a few key elements that will significantly improve America's security.

As Chairman of the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am pleased that this bill incorporates legislation I introduced to improve the material threat assessment process under Project BioShield. This language requires the Secretary to effectively group similar threats together in order to move towards a "one drug, many bugs" approach to biosecurity that will allow us to combat multiple threats simultaneously.

H.R. 1684 also establishes a National Biosurveillance Integration Center based on a measure I introduced. Biointelligence and biosurveillance provide the early warning systems necessary to detect the spread of disease, whether natural or intentional. This Center will integrate data from biosurveillance systems with other intelligence to provide a comprehensive and timely picture of existing biological threats.

This legislation also incorporates the SAFETY Reform Act of 2007, a measure I introduced to help ensure that safe and effective anti-terrorism technologies are being deployed by the Department of Homeland Security. The provision will increase personnel trained to apply economic, legal and risk analyses involved in the review of anti-terrorism technologies, which will streamline the application process and encourage participation in this program across all levels of government and the private sector.

Lastly, this bill recognizes the importance of investing more in cybersecurity. We authorize an additional $50 million for cybersecurity research and development activities at DHS, critical resources to address one of our most pressing and under-funded needs.

I thank Chairman THOMPSON for including these and many other critical provisions. I am proud that we are well on our way to seeing the first-ever DHS Authorization bill signed into law, and I urge my colleagues to join me in supporting this measure.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in support of H.R. 1684, the Department of Homeland Security Fiscal Year 2008 Authorization bill.

As the Vice Chair of the Homeland Security Committee I am proud to be an original cosponsor of this important, bipartisan authorization bill that will provide much needed guidance to and oversight of the Department of Homeland Security, and will be the first DHS Authorization bill voted on by the House.

H.R. 1684 contains many key provisions that will improve the Department's long range planning, accountability, personnel development. It will also provide long-neglected authorization for critical programs at the Department.

This legislation authorizes an Undersecretary for Policy and a Comprehensive Homeland Security Review at the start of each new Presidential Administration.

These provisions will help ensure that the Department is looking beyond the crisis at hand, planning for the future, and keeping its resources aligned with its mission and the National Strategy for Homeland Security.

In addition, I am pleased that this legislation includes a sense of the Congress that the consolidation of the Department's headquarters on the West campus of St. Elizabeth's Hospital should move forward rapidly.

I believe the establishment of this headquarters will have a positive effect on the efficiency, operations, and morale of the Department.

In terms of accountability, H.R. 1684 requires enhanced oversight of large contracts under the Department's Secure Border Initiative.

Personnel development is a major issue for the Department. This legislation authorizes expanded procurement training for acquisition employees; and enhanced incentives for the recruitment and retention of Border Patrol agents.

The bill also addresses several key policy areas. These include requiring the Department to plan for the implementation of the biometric exit component of the US–VISIT program.

This is an essential border security issue that will enable us to know who is in the country, and to better track people overstaying their visas.

In addition this legislation provides five year authorization of the Metropolitan Medical Response System, a critical program to ensure response capabilities for all-hazards mass casualty events.

I urge my colleagues to join me in supporting H.R. 1684, and in working together to have a Homeland Security Authorization bill signed into law this year for the first time ever.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in strong support of H.R. 1684, the Department of Homeland Security Authorization Act of 2008. I would like to commend Chairman THOMPSON and Ranking Member KING for their diligent leadership in bringing this bill to the floor today. I would also like to acknowledge the work of my colleagues on the committee and commend our leadership for the improved dialogue with Secretary Chertoff and other DHS officials.

The Department of Homeland Security's primary mission is to help prevent, protect against and respond to acts of terrorism on U.S. soil. On March 1, 2003, it united 22 agencies with more than 87,000 different governmental jurisdictions at the Federal, State and local levels having homeland security responsibilities. The agency has been in existence for 4 years and, although it has responded to an unprecedented number of terrorist threats and national emergencies, there remain many managerial, technical, and policy issues that prevent the agency from optimally functioning—and the whole world has witnessed some of these deficiencies.

H.R. 1684 addresses the department's current shortfalls by, among other things, providing for policy, management and integration improvements, oversight improvements, much needed integrity and enhanced accountability in the contracting process, workforce and training improvements, and grants and training to improve emergency response among other provisions. As a physician and Chair of the Congressional Black Caucus Health Braintrust, I am especially supportive of the provisions that will authorize the Chief Medical Office to serve as the Department's lead authority on matters relating to all aspects of health and creating an Office of Health Affairs to be headed by the CMO. This would give the CMO more autonomy in having oversight and regulating the agency's role in Bioshield—a program that itself has not functioned as envisioned or needed.

I am also very glad to see the increased funding in Customs and Border Protection. Our Nation's borders, including those in my district—the U.S. Virgin Islands, are major points of illegal entry to the United States and renders it vulnerable to terrorist attack. I am pleased to say that U.S. Border Patrol's Ramey Sector has begun detailing Border Patrol Agents to St. Thomas and also plan on detailing Agents to St. Croix. But our goal is to have a border patrol unit and we will work to see that this provision enables us to do that.

Mr. Chairman, H.R. 1684 is the product of numerous hours of oversight hearings to address the many issues that plague DHS. Not only does the bill address management issues but it will restore funding for vital first responder programs and provide resources for a number of critical homeland security activities. Today, we have the opportunity to show our Nation that its security is our priority. I urge my colleagues to support its passage.

Ms. ZOE LOFGREN of California. Mr. Chairman, congratulations to Chairman BENNIE THOMPSON for getting the DHS Authorization bill to the floor for the first time in 2 years.

This authorization bill is the result of countless hours of negotiation and I would like to recognize Chairman THOMPSON and his staff for all their hard work.

H.R. 1684 addresses the difficulties the Department of Homeland Security has faced in contracting, procurement, the morale of employees, management, and oversight.

We cannot continue to sit idly by while the Department which is charged with leading the unified national effort to secure America is not operating effectively.

Again, congratulations to my good friend Chairman THOMPSON on this accomplishment.

Mr. MARKEY. Mr. Chairman, I rise in support of this authorization bill, and I commend Chairman THOMPSON for his hard work in shepherding this important bill to the Floor today. Today is a monumental moment for the Homeland Security Committee and for this House, as we bring forward an authorization bill to the floor—which our Committee was unable to do during the last Congress.

I am proud that the bill we are considering today to authorize the operations of the Department of Homeland Security for Fiscal Year 2008 includes a vital first responder provision on the Metropolitan Medical Response System—or MMRS. I'd like to thank Chairman THOMPSON for his leadership and also recognize the work of Subcommittee Chair SANCHEZ and Ranking Member KING on this important program.

Despite the Bush administration's repeated efforts to eliminate this unique and effective program, Congress has wisely and consistently appropriated funds for MMRS over the years, providing $33 million for the program this year. While preservation of the MMRS program is paramount, new duties and responsibilities assigned to MMRS—such as response to an avian flu pandemic—require additional funding. That is why I am pleased that the authorization bill contains funding at the $63 million level per year for fiscal year 2008 through 2011.

The authorization bill also resolves programmatic problems that MMRS responders have faced as they work to perform their difficult jobs.

Specifically, the bill clarifies that the cap on personnel expenses, which had been set at 15 percent of the grant funding a jurisdiction receives, is lifted. This change will ensure that jurisdictions have the resources—if needed—to hire and retain experienced and talented personnel. The bill we are considering today also makes clear that MMRS jurisdictions should have the authority they need to come to the aid of neighboring jurisdictions in emergencies—even if they are located across State lines—without being impeded by unnecessary bureaucratic restrictions. And the bill directs the Assistant Secretary of Health Affairs to conduct a review of the MMRS program and report to Congress on the several issues that could further strengthen the program, such as whether MMRS would be more effective if it were once again managed through a contractual agreement with the Federal Government rather than through the current process, which requires Federal funding to be passed through State administrative offices before the funds can be released to the MMRS jurisdictions.

Mr. Chairman, as you know, the MMRS program is the only Federal program that helps first responders, medical personnel, emergency management workers, and businesses develop effective, integrated capabilities to minimize casualties in the event of a terrorist attack using a weapon of mass destruction, a natural disaster such as a hurricane, or a public health emergency including an avian flu outbreak.

As demonstrated by the Bush administration's failed response to Hurricane Katrina, our country has a dangerous "Preparedness Gap". Established after the Oklahoma City bombing, the MMRS program is designed to increase our Nation's preparedness capabilities through grants that currently provide funding to 125 jurisdictions in 43 States.

The MMRS program helps local first responder and "first receivers" such as doctors, emergency medical technicians and public health officials buy the specialized equipment and get the training needed to act in a coordinated fashion that will save lives in the event of a mass casualty event—whether it's a terrorist attack or a natural disaster.

In the post 9/11 era, there can be no doubt that Al Qaeda is willing and capable of launching attacks on the United States. Moreover, the ongoing potential for severe hurricanes and flooding remind us of the urgent need to be prepared to respond in an organized, effective way to all hazards. The MMRS program is an essential part of our preparedness capability.

Our MMRS personnel across the Nation are hometown heroes. But even heroes need help. Thank you, Chairman THOMPSON, for your help and support of this program, and I urge my colleagues to support the authorization bill.

I would also like to note the strong need for this bill's cyber-security improvements. The Subcommittee on Telecommunications and Internet, which I chair, and full Energy and Commerce Committee under the leadership of Chairman DINGELL, have worked on a bipartisan basis, with Ranking Members UPTON and BARTON, to address cyber threats within the Department of Homeland Security in order to ensure that our country is adequately prepared for massive disruptions from cyber attacks.

This measure provides needed guidance to DHS on these Congressional expectations. Moreover, this legislation will require the Assistant Secretary for Cybersecurity and Communications at DHS to collaborate with the Department of Commerce and the Federal Communications Commission—agencies that have established roles in protecting vital telecommunications and cyber assets. Such collaboration will ensure that ongoing efforts will not be interrupted or wastefully duplicated at the Department of Homeland Security. For example, NTIA's organizing statute establishes the head of NTIA as the President's principal adviser on telecommunications issues. In addition, the agency is compelled by the same law to pursue policies to foster national safety and security, to promote efficient use of Federal spectrum, to coordinate Federal telecommunications assistance to State and local governments, and to coordinate the Executive Branch's telecommunications activities, including the formulation of policies and standards for interoperability, security, and emergency readiness and ongoing review of management of the Internet domain name system.

The FCC also protects telecommunications and cybersecurity, and under the Communications Act is responsible for assuring rapid and efficient communication services with adequate facilities for the purpose of the national defense and promotion of the safety of life and property.

I also support amending this important legislation in order to address the pressing need to improve interoperable communications among first responders. This is something that we have been working on for several years. Representatives CARDOZA's expected amendment does not limit interoperability efforts to a single technology or solution. This is vitally important, especially given the history at DHS with grant programs for these efforts. Last year, Congress established a $1 billion interoperability grant program at the Department of Commerce, distinct from DHS's efforts, so that the Commerce Department could draw upon its spectrum and telecommunications expertise. In their respective programs, both DHS and the Department of Commerce should include methodologies to better ensure that funds for interoperability are being used effectively. DHS would do well to implement all of the recommendations of the GAO suggested in its recent report. There is a significant amount of work that DHS must perform in order to improve its interoperability efforts and we will be watching such efforts closely.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical situation and I would like to submit this statement for the record in support of H.R. 1684, the Department of Homeland Security Authorization for Fiscal Year 2008.

Since its creation in 2003, the Department of Homeland Security has been one of the most mismanaged departments in the Federal Government. Failing to learn from the severe preparedness gaps exposed by the failed response to Hurricane Katrina, the Administration has proposed deep cuts to vital, core programs that assist local communities in responding to disasters. For example, the Administration requested a 52 percent funding cut for the State Homeland Security Grant Program and no funding for the Metropolitan Medical Response System, MMRS, program—the only Federal program that helps first responders, medical personnel, emergency rnnagement workers, business and other stakeholders develop effective, integrated capabilities to minimize causalities in the event of a terrorist attack using a weapon of mass destruction, natural disaster, or public health emergency. Eliminating funding for MMRS would have grave implications for 125 municipal authorities, in 43 States, including Connecticut.

In comparison, the Democratic-led House has put forth a bill that invests in securing the homeland and ensures accountability within the Department of Homeland Security. The bill authorizes $39.8 billion for the Department of Homeland Security for fiscal year 2008. This funding would provide our local communities with the tools to respond to terrorist attacks and natural disasters and improve the Government's ability to prevent terrorist attacks through greater information sharing. The bill also authorizes $63 million annually for the MMRS program through fiscal year 2011. Most importantly, the bill includes accountability provisions and provisions to strengthen and streamline management of the Department.

We must remain vigilant in protecting the American people and in preparing to respond to terrorist attacks, major disasters, and other emergencies. I urge my colleagues to join me in supporting the underlying bill.

Mr. HOLT. Mr. Chairman, I urge my colleagues to support this bill. If enacted, it will spur needed improvements in a critical Federal department that is clearly struggling in many areas.

Earlier this year, the Department tried to put the best face on a devastating poll of Federal agencies in which DHS was ranked worst among places to work in the executive branch. Poor morale has led to significant turnover throughout the various agencies that comprise DHS, and inequitable pay scales have contributed to this problem. This bill corrects one of those inequities: the bill strips the Department of the authority to develop a personnel system different from the traditional GS schedule Federal model. Workers who perform largely the same tasks at DHS that are performed at other agencies should not be paid less for doing the same work. This is a basic issue of fairness, and I'm glad the bill addresses this issue.

I'm also pleased that the bill requires pay parity for Customs and Border Protection employees. Our CBP officers often have some of the most dangerous and thankless jobs in the Federal Government. The fact that in the past they have not been compensated at the same rate as other Federal law enforcement officers is an injustice that this bill remedies. Recruiting and retaining CBP officers who are skilled at managing the complex and sometimes dangerous task of protecting our borders must be a national priority. This provision reaffirms that fact.

This bill also seeks to strengthen and formalize the Department's roles and relationships with State and local fusion centers. If there is one complaint I think every member of Congress receives from their local first responders, it's that information they receive from DHS is either late in getting to them, irrelevant to their needs, or both. I have spoken to DHS's Chief Intelligence Officer, Charlie Allen, about this ongoing problem. He knows there is much more that needs to be done to improve the information sharing process. What is unclear to me is whether the Department's senior leadership recognizes the problem.

What DHS needs—but still lacks—is a common intelligence database that is accessible to State and local law enforcement officials who are cleared to receive such information. Posting more DHS personnel to State and local fusion centers will improve the security of localities in States only if the information being provided through such liaison officers is timely and relevant.

Finally, I am concerned that DHS continues to flounder in its efforts to prioritize its science and technology needs.

Mr. DINGELL. Mr. Chairman, Representative CARDOZA will highlight the importance of communications interoperability for our Nation's first responders, and the urgent need for cost-effective and forward-looking technology solutions. Last year, Congress established an interoperability grant program at the Department of Commerce to draw upon its spectrum and telecommunications expertise. This program is distinct from efforts by DHS, which, as evidenced by a recent report of the Government Accountability Office, still need much work to achieve full interoperability across our Nation.

I did not support the creation of this Cabinet level Department, but I applaud Chairman THOMPSON for his efforts in this reauthorization. Coordination is the goal, not confusion of authority.

Ms. WOOLSEY. Mr. Chairman, as Congress passes the Homeland Security Department Authorization bill, I must register my deep concerns with the recent operations of one branch of the Homeland Security Department, ICE (Immigration and Customs Enforcement).

I have very serious reservations with the immigration raids on local communities in my District—both the manner in which they were conducted and their lasting effects on our community. No one, especially our children, should have to live in fear. Nor should they have to live in ignorance of their basic rights in this country.

I have been working closely with local organizations and officials trying to convince ICE to mitigate its heavy-handed tactics and the ways they hurt our local immigrant communities. For instance, since ICE agents have been announcing themselves as "police," local governments are still struggling to regain the trust that they had worked for years to develop in order to combat crime in their jurisdictions. The responses from ICE officials regarding their policies and procedures—and their lack of concern for the ramifications their actions have on children and families in my community—are troubling.

As one example of the way these actions are terrorizing our communities, ICE officials held 7-year-old Kebin Reyes in jail with his father with only bread and water for about 10 hours. Allegedly, ICE officials repeatedly denied his father's requests to find alternative care for Kebin, and the child continues to suffer lasting trauma as a result of his detainment. So egregious was this detention that the American Civil Liberties Union filed a lawsuit on Kebin's behalf. ICE's apathetic response to incidents such as these demonstrates their lack of concern for respecting the people in our communities as they carry out their duties.

As Congress reauthorizes Homeland Security, we must strike a careful balance between keeping America safe and respecting the human and civil rights of our local immigrant families. Protecting our borders cannot come at the expense of people's dignity.

Ms. CLARKE. Mr. Chairman, since the Department of Homeland Security was initially created in 2003, Congress has been unable to pass a single authorization bill for the Department. Today marks an important accomplishment, as the 110th Democratic Congress will pass a bill that finally brings much-needed accountability to DHS.

Along with containing provisions to ensure full funding of security grants that go to our Nation's first responders; and to restore rights to DHS workers, providing them with the same protections received by employees of every other department and agency within our government; I am pleased to see this bill contain a provision requiring stronger oversight of the US–VISIT program.

Although Congress mandated this border management tool 11 years ago, US–VISIT is a completely broken program at DHS because there have been few attempts to develop an exit component and complete this important program.

Instead, DHS appears to be using the funds to create a vast and unauthorized database of personal information about every visitor to this country.

As the representative from one of the most highly diverse districts in America—a district that is both a home and a popular destination for many thousands of people originally from other countries—I am highly concerned about this program. Congress intended to create a border management tool, not a massive list of personal information about law-abiding visitors.

Again, I am pleased to see that this bill imposes greater oversight of this and other ineffective programs at DHS.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Authorization Act for Fiscal Year 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Department of Homeland Security.

TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS

Sec. 201. Establishment of Directorate for Policy.
Sec. 202. Direct line authority for Chief Operating Officers.
Sec. 203. Comprehensive Homeland Security Review.
Sec. 204. Qualifications for the Under Secretary for Management.
Sec. 205. Sense of Congress regarding consolidation of Department headquarters.
Sec. 206. Required budget line item for office of counternarcotics enforcement.
Sec. 207. Designation of Office of Counternarcotics Enforcement as primary Department counternarcotics enforcement representative.
Sec. 208. Granting line authority to the Assistant Secretary for Legislative Affairs.

TITLE III—OVERSIGHT IMPROVEMENTS

Sec. 301. Secure border initiative financial accountability.
Sec. 302. Authorization Liaison Officer.
Sec. 303. Office of the Inspector General.
Sec. 304. Congressional notification requirement.
Sec. 305. Sense of Congress regarding oversight of homeland security.

TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS

Sec. 401. Homeland security procurement training.
Sec. 402. Authority to appoint and maintain a cadre of Federal annuitants for procurement offices.
Sec. 403. Additional requirement to review past performance of contractors.
Sec. 404. Requirement to disclose foreign ownership or control of contractors and subcontractors.
Sec. 405. Integrity in contracting.
Sec. 406. Small business utilization report.
Sec. 407. Requirement that uniforms, protective gear, badges, and identification cards of Homeland Security personnel be manufactured in the United States.
Sec. 408. Department of Homeland Security Mentor-Protégé Program.
Sec. 409. Prohibition on award of contracts and grants to educational institutions not supporting Coast Guard efforts.
Sec. 410. Report on source of shortfalls at Federal Protective Service.

TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS

Sec. 501. Customs and Border Protection Officer pay equity.
Sec. 502. Plan to improve representation of minorities in various categories of employment.
Sec. 503. Continuation of authority for Federal law enforcement training center to appoint and maintain a cadre of Federal annuitants.
Sec. 504. Authority to appoint and maintain a cadre of Federal annuitants for Customs and Border Protection.
Sec. 505. Strengthening Border Patrol recruitment and retention.
Sec. 506. Limitation on reimbursements relating to certain detailees.
Sec. 507. Integrity in post-employment.
Sec. 508. Increased security screening of Homeland Security Officials.
Sec. 509. Authorities of Chief Security Officer.
Sec. 510. Departmental culture improvement.
Sec. 511. Homeland security education program enhancements.
Sec. 512. Repeal of chapter 97 of title 5, United States Code.
Sec. 513. Utilization of non-law enforcement Federal employees as instructors for non-law enforcement classes at the Border Patrol Training Academy.

TITLE VI—BIOPREPAREDNESS IMPROVEMENTS

Sec. 601. Chief Medical Officer and Office of Health Affairs.
Sec. 602. Improving the material threats process.
Sec. 603. Study on national biodefense training.
Sec. 604. National Biosurveillance Integration Center.
Sec. 605. Risk analysis process and integrated CBRN risk assessment.
Sec. 606. National Bio and Agro-defense Facility.

TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

Sec. 701. Cybersecurity and Communications.
Sec. 702. Cybersecurity research and development.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

Sec. 801. Report to Congress on strategic plan.
Sec. 802. Centers of Excellence Program.
Sec. 803. National research council study of university programs.

Sec. 804. Streamlining of SAFETY Act and antiterrorism technology procurement processes.
Sec. 805. Promoting antiterrorism through International Cooperation Act.

TITLE IX—BORDER SECURITY IMPROVEMENTS

Sec. 901. US-VISIT.
Sec. 902. Shadow Wolves program.
Sec. 903. Cost-effective training for border patrol agents.
Sec. 904. Student and Exchange Visitor Program.
Sec. 905. Assessment of resources necessary to reduce crossing times at land ports of entry.
Sec. 906. Biometric identification of unauthorized aliens.
Sec. 907. Report by Government Accountability Office regarding policies and procedures of the Border Patrol.

TITLE X—INFORMATION SHARING IMPROVEMENTS

Sec. 1001. State and local fusion center program.
Sec. 1002. Fusion Center Privacy and Civil Liberties Training Program.
Sec. 1003. Authority to appoint and maintain a cadre of Federal annuitants for the Office of Information Analysis.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Eligible uses for interoperability grants.
Sec. 1102. Rural homeland security training initiative.
Sec. 1103. Critical infrastructure study.
Sec. 1104. Terrorist watch list and immigration status review at high-risk critical infrastructure.
Sec. 1105. Authorized use of surplus military vehicles.
Sec. 1106. Computer capabilities to support real-time incident management.
Sec. 1107. Expenditure reports as a condition of homeland security grants.
Sec. 1108. Encouraging use of computerized training aids.
Sec. 1109. Protection of name, initials, insignia, and departmental seal.
Sec. 1110. Report on United States Secret Service approach to sharing unclassified, law enforcement sensitive information with Federal, State, and local partners.
Sec. 1111. Report on United States Secret Service James J. Rowley Training Center.
Sec. 1112. Metropolitan Medical Response System Program.
Sec. 1113. Identity fraud prevention grant program.
Sec. 1114. Technical corrections.
Sec. 1115. Citizen Corps.
Sec. 1116. Report regarding Department of Homeland Security implementation of Comptroller General and Inspector General recommendations regarding protection of agriculture.
Sec. 1117. Report regarding levee system.
Sec. 1118. Report on Force Multiplier Program.
Sec. 1119. Eligibility of State judicial facilities for State homeland security grants.
Sec. 1120. Authorization of Homeland Security Functions of the United States Secret Service.
Sec. 1121. Data sharing.

TITLE XII—MARITIME ALIEN SMUGGLING

Sec. 1201. Short title.
Sec. 1202. Congressional declaration of findings.
Sec. 1203. Definitions.
Sec. 1204. Maritime alien smuggling.
Sec. 1205. Seizure or forfeiture of property.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. DEPARTMENT OF HOMELAND SECURITY.

There is authorized to be appropriated to the Secretary of Homeland Security for the necessary expenses of the Department of Homeland Security for fiscal year 2008, $39,863,000,000.

TITLE II—POLICY AND MANAGEMENT IMPROVEMENTS

SEC. 201. ESTABLISHMENT OF DIRECTORATE FOR POLICY.

(a) In General.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking sections 401 through 403 and inserting the following:

"SEC. 401. DIRECTORATE FOR POLICY.

"(a) Establishment.—There is in the Department a Directorate for Policy. The Directorate for Policy shall contain each of the following:

"(1) The Office of the Private Sector, which shall be administered by an Assistant Secretary for the Private Sector.

"(2) The Victim Assistance Officer.

"(3) The Tribal Security Officer.

"(4) The Border Community Liaison Officer.

"(5) Such other offices as considered necessary by the Under Secretary for Policy.

"(b) Under Secretary for Policy.—

"(1) In general.—The head of the Directorate is the Under Secretary for Policy, who shall be appointed by the President, with the advice and consent of the Senate.

"(2) Qualifications.—No individual shall be appointed to the position of Under Secretary for Policy under paragraph (1) unless the individual has, by education and experience, demonstrated knowledge, ability, and skill in the fields of policy and strategic planning.

"(3) Responsibilities.—Subject to the direction and control of the Secretary, the responsibilities of the Under Secretary for Policy shall be as follows:

"(A) To serve as the principal policy advisor to the Secretary.

"(B) To provide overall direction and supervision of policy development for the programs, offices, and activities of the Department.

"(C) To ensure that the budget of the Department (including the development of future year budgets and interaction with the Office of Management and Budget and with Congress) is compatible with the statutory and regulatory responsibilities of the Department and with the Secretary's priorities, strategic plans, and policies.

"(D) To conduct long-range, strategic planning for the Department, including overseeing the Comprehensive Homeland Security Review established in section 203.

"(E) To carry out such other responsibilities as the Secretary may determine are appropriate.".

(b) Ensuring Consideration of the Needs of Children.—

(1) In general.—The Under Secretary for Policy of the Department of Homeland Security, acting through the Assistant Secretary for the Office of Policy and Development, shall ensure that all departmental policies, programs, and activities appropriately consider the needs of and impact upon children.

(2) Specific functions.—The Under Secretary for Policy shall—

(A) coordinate with other Federal Departments and agencies to ensure that the needs of children, schools, and other child-centered facilities are sufficiently understood and incorporated into Federal, State, local, and tribal preparedness, response, and recovery plans and activities for terrorist attacks, major disasters, and other emergencies (including those involving chemical, biological, radiological, nuclear, or other explosive weapons), or other manmade disasters;

(B) coordinate with the Office of Grants within the Federal Emergency Management Agency to monitor the use of homeland securtity grants by State, local, or tribal agencies to support emergency preparedness activities for children, schools, and other child-centered facilities, and make recommendations to improve the effectiveness of such funding;

(C) review public awareness programs and screening policies by departmental entities, including security screening at airports, and ensure that such policies consider the needs and well-being of children; and

(D) ensure that all other departmental activities that affect children include consideration of the needs of children and that relevant agencies of the Department coordinate on this matter where appropriate.

(3) Report to congress.—One year after the date of the enactment of this subsection and on an annual basis thereafter, the Under Secretary for Policy shall report to the Committee on Homeland Security of the House of Representatives and to the Committee on Homeland Security and Governmental Affairs of the Senate on activities undertaken pursuant to this subsection and the resulting improvement in security for children, schools, and other child-centered facilities.

(c) Conforming Amendments.—Such Act is further amended—

(1) by striking the heading for title IV and inserting the following:

"TITLE IV—DIRECTORATE FOR POLICY";

(2) by striking the heading for subtitle A of title IV and inserting the following:

"Subtitle A—Under Secretary for Policy";

(3) in section 103(a)(3), by striking "for Border and Transportation Security" and inserting "for Policy";

(4) in section 102(f)(9), by striking "the Directorate of Border and Transportation Security" and inserting "United States Customs and Border Protection";

(5) in section 411(a), by striking "under the authority of the Under Secretary for Border and Transportation Security,";

(6) in section 430—

(A) in subsection (a)—

(i) by striking "The" and inserting "There is in the Department an"; and

(ii) by striking "shall be" and all that follows through "Security";

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (d).

(7) in section 441, by striking "Under Secretary for Border and Transportation Security" and inserting "Secretary";

(8) in section 442(a)—

(A) in paragraph (2), by striking "who—" and all that follows through "(B) shall" and inserting "who shall"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "Under Secretary for Border and Transportation Security" each place it appears and inserting "Secretary"; and

(ii) in subparagraph (C), by striking "Border and Transportation Security" and inserting "Policy";

(9) in section 443, by striking "The Under Secretary for Border and Transportation Security" and inserting "Subject to the direction and control of the Secretary, the Deputy Secretary";

(10) in section 444, by striking "The Under Secretary for Border and Transportation Security" and inserting "Subject to the direction and control of the Secretary, the Deputy Secretary";

(11) in section 472(e), by striking "or the Under Secretary for Border and Transportation Security"; and

(12) in section 878(e), by striking "the Directorate of Border and Transportation Security" and inserting "United States Customs and Border Protection, Immigration and Customs Enforcement".

(d) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title IV and inserting the following:

"TITLE IV—DIRECTORATE FOR POLICY";

and

(2) by striking the items relating to subtitle A of title IV and inserting the following:

"Subtitle A—Under Secretary for Policy

"Sec. 401. Directorate for Policy.".

SEC. 202. DIRECT LINE AUTHORITY FOR CHIEF OPERATING OFFICERS.

(a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding at the end the following new section:

"SEC. 707. CHIEF OPERATING OFFICERS.

"(a) IN GENERAL.—The Chief Operating Officers of the Department include the following officials of the Department:

"(1) The Chief Financial Officer.

"(2) The Chief Procurement Officer.

"(3) The Chief Information Officer.

"(4) The Chief Human Capital Officer.

"(5) The Chief Administrative Officer.

"(6) The Chief Security Officer.

"(b) DELEGATION.—The Secretary shall delegate to each Chief Operating Officer direct authority over that Officer's counterparts in component agencies to ensure that the component agencies adhere to the laws, rules, regulations, and departmental policies for which such Officer is responsible for implementing. In coordination with the head of the relevant component agency, such authorities shall include, with respect to the Officer's counterparts within component agencies of the Department, the following:

"(1) The authority to direct the activities of personnel.

"(2) The authority to direct planning, operations, and training.

"(3) The authority to direct the budget and other financial resources.

"(c) COORDINATION WITH HEADS OF COMPONENT AGENCIES.—In reporting to a Chief Operating Officer of the Department as required under subsection (b), a Chief Operating Officer of a component agency shall coordinate with the head of that component agency.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following:

"Sec. 707. Chief Operating Officers.".

SEC. 203. COMPREHENSIVE HOMELAND SECURITY REVIEW.

(a) COMPREHENSIVE HOMELAND SECURITY REVIEW.—Subtitle A of title IV of the Homeland Security Act of 2002 is further amended by adding at the end the following:

"SEC. 402. COMPREHENSIVE HOMELAND SECURITY REVIEW.

"(a) REQUIREMENT TO CONDUCT REVIEWS.—The Secretary, acting through the Under Secretary for Policy, shall conduct a comprehensive examination of the Department, to be known as the Comprehensive Homeland Security Review. The Secretary shall conduct the first such review in fiscal year 2009, and shall conduct a subsequent review in the first fiscal year in which there begins the first presidential term of a new presidential administration.

"(b) PURPOSE OF REVIEW.—In each Comprehensive Homeland Security Review, the Secretary shall—

"(1) include a Department of Homeland Security Strategy that is consistent with the most recent National Strategy for Homeland Security prescribed by the President;

"(2) define sufficient personnel and appropriate organizational structure and other requirements necessary for the successful execution of the full range of missions called for in the Department of Homeland Security Strategy; and

"(3) identify a budget plan, acquisition strategy, procurement process, and any other resources, that are necessary to provide sufficient resources for the successful execution of the full range of missions called for in the Department of Homeland Security Strategy.

"(c) CONDUCT OF REVIEW.—

"(1) CONSULTATION REQUIRED.—The Secretary shall conduct each review required under subsection (a) in consultation with key officials of the Department, including the Assistant Secretary of the Transportation Security Administration, the Commissioner of United States Customs and Border Protection, the Director of United States Citizenship and Immigration Services, the Assistant Secretary for Immigration and Customs Enforcement, the Director of the United States Secret Service, the Administrator of the Federal Emergency Management Agency, the Director of the Federal Law Enforcement Training Center, and the Commandant of the Coast Guard.

"(2) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is consistent with the Future Years Homeland Security Program required under section 874.

"(d) REPORT TO CONGRESS AND THE PRESIDENT.—

"(1) REPORT.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives, to the Committee on Homeland Security and Governmental Affairs of the Senate, and to the President a report on each Comprehensive Homeland Security Review. Each such report shall be submitted during the fiscal year following the fiscal year in which the review is conducted, but not later than the date on which the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for the fiscal year following the fiscal year in which the report is to be submitted.

"(2) CONTENTS.—Each such report shall include the following, with a focus on reducing and managing risk and in preparing for, mitigating against, responding to, and recovering from terrorist attacks, major disasters, and other emergencies:

"(A) A comprehensive assessment of the level of alignment between the Department of Homeland Security Strategy and the human resources, infrastructure, assets, and organizational structure of the Department.

"(B) An explanation of any and all underlying assumptions used in conducting the Review.

"(C) The human resources requirements and response capabilities of the Department as they relate to the risks of terrorist attacks, major disasters, and other emergencies.

"(D) The strategic and tactical air, border sea, and land capabilities and requirements to support the Department of Homeland Security Strategy.

"(E) The nature and appropriateness of homeland security operational capabilities, including operational scientific and technical resources and capabilities and the anticipated effects on the human resources capabilities, costs, efficiencies, resources, and planning of the Department of any technology or operational capabilities anticipated to be available during the years subsequent to the Review.

"(F) Any other matter the Secretary considers appropriate to include in the Review.

"(3) DEADLINE FOR INITIAL REPORT.—Notwithstanding paragraph (1), the Secretary shall submit the first Report required under subsection (a) not later than September 30, 2010.

"(e) PREPARATIONS FOR FISCAL YEAR 2008 REVIEW.—In fiscal year 2008, the Under Secretary for Policy shall make all preparations for the conduct of the first Comprehensive Homeland Security Review in fiscal year 2009, including—

"(1) determining the tasks to be performed;

"(2) estimating the human, financial, and other resources required to perform each task;

"(3) establishing the schedule for the execution of all project tasks;

"(4) ensuring that these resources will be available as needed; and

"(5) all other preparations considered necessary by the Under Secretary.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 401 the following:

"Sec. 402. Comprehensive Homeland Security Review.".

SEC. 204. QUALIFICATIONS FOR THE UNDER SECRETARY FOR MANAGEMENT.

(a) QUALIFICATIONS.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

"(c) QUALIFICATIONS.—The Under Secretary for Management shall have all of the following qualifications:

"(1) Extensive executive level leadership and management experience in the public or private sector.

"(2) Strong leadership skills.

"(3) A demonstrated ability to manage large and complex organizations.

"(4) A proven record of achieving positive operational results.".

(b) DEADLINE FOR APPOINTMENT; INCUMBENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsection (a), to serve as the Under Secretary for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act together with a statement the informs the Congress that the individual meets the qualifications of such section as so amended.

SEC. 205. SENSE OF CONGRESS REGARDING CONSOLIDATION OF DEPARTMENT HEADQUARTERS.

(a) FINDINGS.—Congress finds that—

(1) the Department of Homeland Security and its component headquarters facilities are currently scattered widely throughout the National Capital Region (NCR);

(2) this geographic dispersal disrupts the Department's ability to operate in an efficient manner, and could impair its ability to prevent, deter, prepare for, and respond to a terrorist attack, major disaster, or other emergencies;

(3) the Government Accountability Office continues to list "Implementing and Transforming the Department of Homeland Security" on its "High Risk list";

(4) consolidating the Department's headquarters and component facilities, to the greatest extent practicable, would be an important step in facilitating the transformation and integration of the Department; and

(5) the President has provided funding for Department consolidation in the fiscal year 2008 budget, and has determined that the only site under the control of the Federal Government and in the NCR with the size, capacity, and security features to meet the Department of Homeland Security's minimum consolidation needs as

identified in the Department of Homeland Security NCR Housing Master Plan submitted to Congress on October 24, 2006, is the West Campus of St. Elizabeths Hospital in the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the consolidation of the Department and its key component headquarters on the West Campus of St. Elizabeths Hospital, to the maximum extent practicable consistent with the Department's Housing Plan as submitted to Congress in October 2006, should move forward as expeditiously as possible with all the agencies involved in this effort bearing those costs for which they are responsible.

SEC. 206. REQUIRED BUDGET LINE ITEM FOR OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

In each fiscal year budget request for the Department of Homeland Security, the Secretary of Homeland Security shall include a separate line item for the fiscal year for expenditures by the Office of Counternarcotics Enforcement of the Department of Homeland Security.

SEC. 207. DESIGNATION OF OFFICE OF COUNTERNARCOTICS ENFORCEMENT AS PRIMARY DEPARTMENT COUNTERNARCOTICS ENFORCEMENT REPRESENTATIVE.

Section 878(d)(5) of the Homeland Security Act of 2002 (6 U.S.C. 458(d)(5)) is amended by striking "to be a representative" and inserting "to be the primary representative".

SEC. 208. GRANTING LINE AUTHORITY TO THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is further amended by adding at the end the following:

"(d) AUTHORITY OF THE ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—

"(1) IN GENERAL.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority over his or her respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, regulations, and departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.

"(2) INCLUDED AUTHORITIES.—The authorities of the Assistant Secretary for Legislative Affairs shall include, with respect to the counterparts in component agencies of the Department, the following:

"(A) The authority to direct the activities of personnel responsible for any of the following:

"(i) Making recommendations regarding the hiring, termination, and reassignment of individuals.

"(ii) Developing performance measures.

"(iii) Submitting written performance evaluations during the performance evaluation process that shall be considered in performance reviews, including recommendations for bonuses, pay raises, and promotions.

"(iv) Withholding funds from the relevant component agency that would otherwise be available for a particular purpose until the relevant component agency complies with the directions of the Assistant Secretary for Legislative Affairs or makes substantial progress towards meeting the specified goal.

"(B) The authority to direct planning, operations, and training.

"(C) The authority to direct the budget and other financial resources.".

TITLE III—OVERSIGHT IMPROVEMENTS

SEC. 301. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review required under subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the findings in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Office of the Inspector General of the Department of Homeland Security to carry out enhanced oversight of the Secure Border Initiative—

(1) for fiscal year 2008, of the amount authorized by section 101 and in addition to the amount authorized by section 303, $5,500,000;

(2) for fiscal year 2009, at least 6 percent of the overall budget of the Office for that fiscal year; and

(3) for fiscal year 2010, at least 7 percent of the overall budget of the Office for that fiscal year.

(e) ACTION BY INSPECTOR GENERAL.—In the event the Inspector General becomes aware of any improper conduct or wrongdoing in accordance with the contract review required under subsection (a), the Inspector General shall, as expeditiously as practicable, refer to the Secretary of Homeland Security or other appropriate official in the Department of Homeland Security information related to such improper conduct or wrongdoing for purposes of evaluating whether to suspend or debar the contractor.

SEC. 302. AUTHORIZATION LIAISON OFFICER.

Section 702 of the Homeland Security Act of 2002 (6 U.S.C. 342) is amended by adding at the end the following:

"(d) AUTHORIZATION LIAISON OFFICER.—

"(1) IN GENERAL.—The Chief Financial Officer shall establish the position of Authorization Liaison Officer to provide timely budget and other financial information to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. The Authorization Liaison Officer shall report directly to the Chief Financial Officer.

"(2) SUBMISSION OF REPORTS TO CONGRESS.—The Authorization Liaison Officer shall coordinate with the Appropriations Liaison Officer within the Office of the Chief Financial Officer to ensure, to the greatest extent possible, that all reports prepared for the Committees on Appropriations of the House of Representatives and the Senate are submitted concurrently to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.".

SEC. 303. OFFICE OF THE INSPECTOR GENERAL.

Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security $108,500,000 for fiscal year 2008 for operations of the Office of the Inspector General of the Department of Homeland Security.

SEC. 304. CONGRESSIONAL NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—Title I of the Homeland Security Act of 2002 (6 U.S.C. 111 et seq.) is amended by adding at the end the following:

"SEC. 104. CONGRESSIONAL NOTIFICATION.

"(a) IN GENERAL.—The Secretary shall actively consult with the congressional homeland security committees, and shall keep such committees fully and currently informed with respect to all activities and responsibilities within the jurisdictions of these committees.

"(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section affects the requirements of section 872. The requirements of this section supplement, and do not replace, the requirements of that section.

"(c) CLASSIFIED NOTIFICATION.—The Secretary may submit any information required by this section in classified form if the information is classified pursuant to applicable national security standards.

"(d) SAVINGS CLAUSE.—This section shall not be construed to limit or otherwise affect the congressional notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), insofar as they apply to the Department.

"(e) DEFINITION.—As used in this section, the term 'congressional homeland security committees' means the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

"Sec. 104. Congressional notification.".

(c) COAST GUARD MISSION REVIEW REPORT.—Section 888(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(f)(2)) is amended—

(1) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F) respectively; and

(2) by striking subparagraph (A) and inserting the following:

"(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

"(B) the Committee on Homeland Security of the House of Representatives;".

SEC. 305. SENSE OF CONGRESS REGARDING OVERSIGHT OF HOMELAND SECURITY.

It is the sense of the Congress that the House of Representatives and the Senate should implement the recommendation of the National Commission on Terrorist Attacks Upon the United States to designate a committee in each body to serve as the single, principal point of oversight and review for homeland security and to authorize the activities of the Department of Homeland Security.

TITLE IV—PROCUREMENT POLICY AND RESOURCES IMPROVEMENTS

SEC. 401. HOMELAND SECURITY PROCUREMENT TRAINING.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

"SEC. 836. HOMELAND SECURITY PROCUREMENT TRAINING.

"(a) PROVISION OF TRAINING.—The Chief Procurement Officer shall provide homeland security procurement training to acquisition employees.

"(b) RESPONSIBILITIES OF CHIEF PROCUREMENT OFFICER.—The Chief Procurement Officer shall carry out the following responsibilities:

"(1) Establish objectives to achieve the efficient and effective use of available acquisition resources by coordinating the acquisition education and training programs of the Department and tailoring them to support the careers of acquisition employees.

"(2) Develop, in consultation with the Council on Procurement Training established under subsection (d), the curriculum of the homeland security procurement training to be provided.

"(3) Establish, in consultation with the Council on Procurement Training, training standards, requirements, and courses to be required for acquisition employees.

"(4) Establish an appropriate centralized mechanism to control the allocation of resources for conducting such required courses and other training and education.

"(5) Select course providers and certify courses to ensure that the procurement training curriculum supports a coherent framework for the educational development of acquisition employees, including the provision of basic, intermediate, and advanced courses.

"(6) Publish an annual catalog that includes a list of the acquisition education and training courses.

"(7) Develop a system of maintaining records of student enrollment, and other data related to students and courses conducted pursuant to this section.

"(c) ELIGIBILITY FOR TRAINING.—An acquisition employee of any entity under subsection (d)(3) may receive training provided under this section. The appropriate member of the Council on Procurement Training may direct such an employee to receive procurement training.

"(d) COUNCIL ON PROCUREMENT TRAINING.—

"(1) ESTABLISHMENT.—The Secretary shall establish a Council on Procurement Training to advise and make policy and curriculum recommendations to the Chief Procurement Officer.

"(2) CHAIR OF COUNCIL.—The chair of the Council on Procurement Training shall be the Deputy Chief Procurement Officer.

"(3) MEMBERS.—The members of the Council on Procurement Training are the chief procurement officers of each of the following:

"(A) United States Customs and Border Protection.

"(B) The Transportation Security Administration.

"(C) The Office of Procurement Operations.

"(D) The Bureau of Immigration and Customs Enforcement.

"(E) The Federal Emergency Management Agency.

"(F) The Coast Guard.

"(G) The Federal Law Enforcement Training Center.

"(H) The United States Secret Service.

"(I) Such other entity as the Secretary determines appropriate.

"(e) ACQUISITION EMPLOYEE DEFINED.—For purposes of this section, the term 'acquisition employee' means an employee serving under a career or career-conditional appointment in the competitive service or appointment of equivalent tenure in the excepted service of the Federal Government, at least 50 percent of whose assigned duties include acquisitions, procurement-related program management, or procurement-related oversight functions.

"(f) REPORT REQUIRED.—Not later than March 1 of each year, the Chief Procurement Officer shall submit to the Secretary a report on the procurement training provided under this section, which shall include information about student enrollment, students who enroll but do not attend courses, graduates, certifications, and other relevant information.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 836. Homeland security procurement training.".

SEC. 402. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR PROCUREMENT OFFICES.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "procurement office" means the Office of Procurement Operations and any other procurement office within any agency or other component of the Department;

(2) the term "annuitant" means an annuitant under a Government retirement system;

(3) the term "Government retirement system" has the meaning given such term by section 501(a); and

(4) the term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section.

(c) NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) LIMITATIONS.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 250 as of any time (determined on a full-time equivalent basis).

(e) RULE OF CONSTRUCTION.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) TERMINATION.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

SEC. 403. ADDITIONAL REQUIREMENT TO REVIEW PAST PERFORMANCE OF CONTRACTORS.

(a) IN GENERAL.—Such subtitle is further amended by adding at the end the following new section:

"SEC. 837. REVIEW OF CONTRACTOR PAST PERFORMANCE.

"(a) CONSIDERATION OF CONTRACTOR PAST PERFORMANCE.—In awarding a contract to a contractor, the Secretary shall consider the past performance of that contractor based on the review conducted under subsection (b).

"(b) REVIEW REQUIRED.—Before awarding to a contractor (including a contractor that has previously provided goods or services to the Department) a contract to provide goods or services to the Department, the Secretary, acting through the appropriate contracting officer of the Department, shall require the contractor to submit information regarding the contractor's performance of Federal, State, and local government and private sector contracts.

"(c) CONTACT OF RELEVANT OFFICIALS.—As part of any review of a contractor conducted under subsection (b), the Secretary, acting through an appropriate contracting officer of the Department, shall contact the relevant official who administered or oversaw each contract performed by that contractor during the five-year period preceding the date on which the review begins.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 837. Review of contractor past performance.".

SEC. 404. REQUIREMENT TO DISCLOSE FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—With respect to any procurement of goods or services by the Department of Homeland Security, the Chief Procurement Officer of the Department shall conduct an independent review of the procurement to ensure that it complies with all relevant provisions of the Buy American Act (41 U.S.C. 10a et seq.).

(b) FOREIGN OWNERSHIP OR CONTROL OF CONTRACTORS AND SUBCONTRACTORS.—

(1) DISCLOSURE OF INFORMATION.—With respect to any procurement of goods or services by the Department of Homeland Security, the Secretary of Homeland Security shall require an offeror or prospective offeror to disclose whether the offeror or any prospective subcontractor (at any tier) is owned or controlled by a foreign person. The Secretary shall require all offerors, prospective offerors, and contractors to update the disclosure at any time before award of the contract or during performance of the contract, if the information provided becomes incorrect because of a change of ownership, a change in subcontractors, or for any other reason.

(2) FOREIGN OWNERSHIP OR CONTROL.—In this subsection:

(A) The term "owned or controlled by a foreign person", with respect to an offeror, contractor, or subcontractor, means that a foreign person owns or controls, directly or indirectly, 50 percent or more of the voting stock or other ownership interest in the offeror, contractor, or subcontractor.

(B) The term "foreign person" means any of the following:

(i) A foreign government.

(ii) A corporation organized under the laws of a foreign country.

(iii) An individual who is not a citizen of the United States.

(3) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out this subsection.

SEC. 405. INTEGRITY IN CONTRACTING.

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following:

"SEC. 838. INTEGRITY IN CONTRACTING.

"(a) ATTESTATION REQUIRED.—The Secretary shall require any offeror for any contract to provide goods or services to the Department to submit as part of the offeror's bid for such contract an attestation that affirmatively discloses any substantial role the offeror, the employees of the offeror, or any corporate parent or subsidiary of the offeror may have played in creating a solicitation, request for proposal, statement of work, or statement of objectives (as those terms are defined in the Federal Acquisition Regulation) for the Department.

"(b) Additional Requirements for Certain Offerors.—If an offeror submits an attestation under subsection (a) that discloses that the offeror, an employee of the offeror, or any corporate parent or subsidiary of the offeror played a substantial role in creating a solicitation, request for proposal, statement of work, or statement of objectives for the Department, the Secretary shall require the offeror to submit to the Secretary a description of the safeguards used to ensure that precautions were in place to prevent the offeror from receiving information through such role that could be used to provide the offeror an undue advantage in submitting an offer for a contract.

"(c) Certification Requirements.—

"(1) In general.—The Secretary shall require any offeror for any contract to provide goods or services to the Department to submit to the Secretary as part of the offeror's bid for such contract a certification in writing whether, as of the date on which the certification is submitted, the offeror—

"(A) is in default on any payment of any tax to the Federal Government; or

"(B) owes the Federal Government for any payment of any delinquent tax.

"(2) Failure of certification.—Nothing in this section shall prevent the Department from awarding a contract to an offeror based solely on the offeror's certification.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such subtitle the following:

"Sec. 838. Integrity in contracting.".

SEC. 406. SMALL BUSINESS UTILIZATION REPORT.

(a) Report.—Not later than 360 days after the date of the enactment of this Act, the Chief Procurement Officer of the Department of Homeland Security shall submit to the Secretary of Homeland Security, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that—

(1) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to qualified HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans was less than 3 percent of the total value of all contracts awarded under the component for that fiscal year; and

(2) identifies each component of the Department for which the aggregate value of contracts awarded in fiscal year 2006 by the component to socially or economically disadvantaged small business concerns, including 8(a) small business concerns, and small business concerns owned and controlled by women was less than 5 percent of the total value of all contracts awarded by the component for that fiscal year.

(b) Action Plan.—

(1) Action plan required.—Not later than 90 days after the date of the submission of the report required under subsection (a), the Chief Procurement Officer, in consultation with Office of Small and Disadvantaged Businesses Utilization of the Department, shall for each component identified under subsection (a)(1) and (a)(2), develop, submit to the Committees referred to in subsection (a), and begin implementing an action plan for achieving the objective described in subsection (b)(2). An action plan is not required if the component meets or exceeds the objective described in subsection (b)(2).

(2) Identification of barriers.—Each action plan shall identify and describe any barriers to achieving the objectives of awarding by the component, for a fiscal year, contracts having an aggregate value of at least 3 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(1) and 5 percent of the total value of all contracts awarded by the component for the fiscal year to small business concerns identified under subsection (a)(2).

(3) Performance measures and timetable.—Each action plan submitted under paragraph (1) shall include performance measures and a timetable for compliance and achievement of the objectives described in paragraph (2).

(c) Priority Consideration.—

(1) In general.—The Chief Procurement Officer may give priority consideration to small business concerns for all open market procurements exceeding the simplified acquisition threshold prior to initiating full and open, or unrestricted, competition.

(2) Order of priority.—In proceeding with priority consideration under paragraph (1), the Chief Procurement Officer shall consider contracting proposals in the following order:

(A) Proposals submitted by 8(a) small business concerns or HUBZone small business concerns; service-disabled veteran owned small business concerns; or women owned small business concerns.

(B) Proposals submitted by other small business concerns.

(C) Proposals submitted under full and open competition.

(3) For purposes of carrying out paragraph (2) with respect to proposals submitted by small business concerns described in the same subparagraph of paragraph (2), the Chief Procurement Officer shall select the appropriate category of concern based on market research, historical data, and progress toward achieving the objective described in subsection (b)(2).

(d) Definitions.—For purposes of this section, the terms "small business concern", "socially or economically disadvantaged small business concern", "women owned small business concern", "small business concern owned and controlled by service-disabled veterans", "8(a) small business concerns", and "qualified HUBZone small business concern" have the meanings given such terms under the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 407. REQUIREMENT THAT UNIFORMS, PROTECTIVE GEAR, BADGES, AND IDENTIFICATION CARDS OF HOMELAND SECURITY PERSONNEL BE MANUFACTURED IN THE UNITED STATES.

(a) In General.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is further amended by adding at the end the following new section:

"SEC. 839. REQUIREMENT THAT CERTAIN ARTICLES PROCURED FOR DEPARTMENT PERSONNEL BE MANUFACTURED IN THE UNITED STATES.

"(a) Requirement.—Except as provided in section (c), funds appropriated or otherwise available to the Department may not be used for the procurement of an article described in section (b) if the item is not manufactured in the United States.

"(b) Covered Articles.—An article referred to in subsection (a) is any of the following articles procured for personnel of the Department:

"(1) Uniforms.

"(2) Protective gear.

"(3) Badges or other insignia indicating the rank, office, or position of personnel.

"(4) Identification cards.

"(c) Availability Exception.—Subsection (a) does not apply to the extent that the Secretary determines that satisfactory quality and sufficient quantity of the article cannot be procured as and when needed at United States market prices. If such a determination is made with respect to an article, the Secretary shall—

"(1) notify the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate within 7 days after making the determination; and

"(2) include in that notification a certification that manufacturing the article outside the United States does not pose a risk to the national security of the United States, as well as a detailed explanation of the steps any facility outside the United States that is manufacturing the article will be required to take to ensure that the materials, patterns, logos, designs, or any other element used in or for the article are not misappropriated.

"(d) Other Exceptions.—Subsection (a) does not apply—

"(1) to acquisitions at or below the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428)); and

"(2) to acquisitions outside the United States for use outside of the United States.

"(e) Use of Domestic Textiles.—For fiscal year 2008 and each subsequent fiscal year, the Secretary shall take all available steps to ensure that, to the maximum extent practicable, the items described in subsection (b) procured by the Department are manufactured using domestic textiles.

"(f) Relationship to Waiver Under Trade Agreements Act of 1979.—Subsection (a) shall apply notwithstanding any waiver under section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511).".

(b) Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by adding at the end of the items relating to such subtitle the following new item:

"Sec. 839. Requirement that certain articles procured for Department personnel be manufactured in the United States.".

(c) Applicability.—The amendments made by this section take effect 120 days after the date of the enactment of this Act and apply to any contract entered into on or after that date for the procurement of items to which such amendments apply.

SEC. 408. DEPARTMENT OF HOMELAND SECURITY MENTOR-PROTÉGÉ PROGRAM.

(a) Establishment.—The Secretary of Homeland Security shall establish within the Department of Homeland Security's Office of Small and Disadvantaged Business Utilization a Mentor-Protégé Program, which shall motivate and encourage prime contractors that are large businesses to provide developmental assistance to small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, HUBZone small business concerns, small business concerns owned by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(b) Participation by Contractors and Offerors.—The Secretary shall take affirmative steps to publicize and to ensure that Department contractors and offerors are fully aware of and are participating in the Mentor-Protégé Program, including that their efforts to seek and develop a formal Mentor-Protégé relationship will be a factor in the evaluation of bids or offers for Department contracts.

(c) Factor in Evaluation of Offers.—When evaluating the offer of a contractor, the Department of Homeland Security shall consider that offeror's efforts to seek and develop a formal Mentor-Protégé relationship under the Mentor-Protégé Program.

(d) Review by Inspector General.—The Inspector General of the Department of Homeland Security shall conduct a review of the Mentor-Protégé Program. Such review shall include—

(1) an assessment of the program's effectiveness;

(2) identification of any barriers that restrict contractors from participating in the program;

(3) a comparison of the program with the Department of Defense Mentor-Protégé Program; and

(4) development of recommendations to strengthen the program to include the maximum number of contractors as possible.

SEC. 409. PROHIBITION ON AWARD OF CONTRACTS AND GRANTS TO EDUCATIONAL INSTITUTIONS NOT SUPPORTING COAST GUARD EFFORTS.

(a) PROHIBITION.—The Secretary of Homeland Security may not award a contract or grant to an institution of higher education (including any subelement of that institution) if that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents, the Commandant of the Coast Guard from gaining access to campuses of the institution, or access to students (who are 17 years of age or older) on such campuses, for purposes of recruiting, in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer.

(b) INSTITUTION OF HIGHER EDUCATION DEFINED.—For purposes of this section, the term "institution of higher education" has the meaning provided in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(c) LIMITATION ON APPLICATION.—The prohibition in this section shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Homeland Security determines that the institution of higher education has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 410. REPORT ON SOURCE OF SHORTFALLS AT FEDERAL PROTECTIVE SERVICE.

The Secretary of Homeland Security may not conduct a reduction in force or furlough of the workforce of the Federal Protective Service until—

(1) the Comptroller General of the United States submits to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the report on the source of shortfalls at the Federal Protective Service that was requested by the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives have conducted hearings on such report.

TITLE V—WORKFORCE AND TRAINING IMPROVEMENTS

SEC. 501. CUSTOMS AND BORDER PROTECTION OFFICER PAY EQUITY.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "Government retirement system" means a retirement system established by law for employees of the Government of the United States.

(2) The term "Customs and Border Protection Officer position" refers to any Customs and Border Protection Officer position—

(A) which is within the Department of Homeland Security, and

(B) the primary duties of which consist of enforcing the border, customs, or agriculture laws of the United States;

such term includes a supervisory or administrative position within the Department of Homeland Security to which an individual transfers directly from a position described in the preceding provisions of this paragraph in which such individual served for at least three years.

(3) The term "law enforcement officer" has the meaning given such term under the Government retirement system involved.

(4) The term "Executive agency" or "agency" has the meaning given under section 105 of title 5, United States Code.

(5) The term "prior qualified service" means service as a Customs and Border Protection Officer within the Department of Homeland Security, since its establishment in March 2003.

(b) TREATMENT AS A LAW ENFORCEMENT OFFICER.—In the administration of any Government retirement system, service in a Customs and Border Protection Officer position shall be treated in the same way as service performed in a law enforcement officer position, subject to succeeding provisions of this section.

(c) APPLICABILITY.—Subsection (b) shall apply in the case of—

(1) any individual first appointed to a Customs and Border Protection Officer position on or after the date of the enactment of this Act; and

(2) any individual who—

(A) holds a Customs and Border Protection Officer position on the date of the enactment of this Act pursuant to an appointment made before such date; and

(B) who submits to the agency administering the retirement system involved an appropriate election under this section, not later than five years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR QUALIFIED SERVICE.—

(1) IN GENERAL.—An individual described in subsection (c)(2)(B) may, with respect to prior qualified service performed by such individual, contribute to the Government retirement system by which such individual is covered (for deposit in the appropriate fund within the Treasury) the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if subsection (b) had then been in effect (with interest).

(2) EFFECT OF NOT CONTRIBUTING.—If less than the full contribution under paragraph (1) is made, all prior qualified service of the individual shall remain fully creditable as law enforcement officer service, but the resulting annuity (before cost-of-living adjustments) shall be reduced in a manner such that, when combined with the unpaid amount, would result in the present value of the total being actuarially equivalent to the present value of the annuity that would otherwise have been payable if the full contribution had been made.

(e) GOVERNMENT CONTRIBUTIONS FOR PRIOR QUALIFIED SERVICE.—

(1) IN GENERAL.—If an individual makes an election under subsection (c)(2)(B), the Department of Homeland Security shall remit, with respect to any prior qualified service, the total amount of additional Government contributions that would have been required for such service under the retirement system involved if subsection (b) had then been in effect (with interest).

(2) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this subsection on behalf of an individual shall be made ratably (on at least an annual basis) over the ten-year period beginning on the date an individual's retirement deductions begin to be made.

(f) EXEMPTION FROM MANDATORY SEPARATION.—Effective during the three-year period beginning on the date of the enactment of this Act, nothing in this section shall result in any individual being involuntarily separated on account of the provisions of any retirement system relating to the mandatory separation of a law enforcement officer on account of age or age and service combined.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply in the case of a reemployed annuitant.

(h) REGULATIONS.—Any regulations necessary to carry out this section shall be prescribed in consultation with the Secretary of Homeland Security.

SEC. 502. PLAN TO IMPROVE REPRESENTATION OF MINORITIES IN VARIOUS CATEGORIES OF EMPLOYMENT.

(a) PLAN FOR IMPROVING REPRESENTATION OF MINORITIES.—Not later than 90 days after the date of the enactment of this Act, the Chief Human Capital Officer of the Department of Homeland Security shall prepare and transmit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States a plan to achieve the objective of addressing any under representation of minorities in the various categories of civil service employment within such Department. Such plan shall identify and describe any barriers to achieving the objective described in the preceding sentence and the strategies and measures included in the plan to overcome them.

(b) ASSESSMENTS.—Not later than 1 year after receiving the plan, the Comptroller General of the United States shall assess—

(1) any programs and other measures currently being implemented to achieve the objective described in the first sentence of subsection (a); and

(2) the likelihood that the plan will allow the Department to achieve such objective.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "under representation" means when the members of a minority group within a category of Federal civil service employment constitute a lower percentage of the total number of employees within the employment category than the percentage that the minority constitutes within the labor force of the Federal Government, according to statistics issued by the Office of Personnel Management;

(2) the term "minority groups" or "minorities" means—

(A) racial and ethnic minorities;

(B) women; and

(C) individuals with disabilities; and

(3) the term "category of civil service employment" means—

(A) each pay grade, pay band, or other classification of every pay schedule and all other levels of pay applicable to the Department of Homeland Security; and

(B) such occupational, professional, or other groupings (including occupational series) as the Chief Human Capital Officer of the Department of Homeland Security may specify, in the plan described in subsection (a), in order to carry out the purposes of this section.

SEC. 503. CONTINUATION OF AUTHORITY FOR FEDERAL LAW ENFORCEMENT TRAINING CENTER TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS.

Section 1202(a) of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (42 U.S.C. 3771 note) is amended in the first sentence by striking "December 31, 2007" and inserting "December 31, 2008".

SEC. 504. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR CUSTOMS AND BORDER PROTECTION.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "CBP" means the United States Customs and Border Protection;

(2) the term "annuitant" means an annuitant under a Government retirement system;

(3) the term "Government retirement system" has the meaning given such term by section 501(a); and

(4) the term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section.

(c) NONCOMPETITIVE PROCEDURES; EXEMPTION FROM OFFSET.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) LIMITATIONS.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 500 as of any time (determined on a full-time equivalent basis).

(e) RULE OF CONSTRUCTION.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) TERMINATION.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

SEC. 505. STRENGTHENING BORDER PATROL RECRUITMENT AND RETENTION.

(a) IN GENERAL.—In order to address the recruitment and retention challenges faced by United States Customs and Border Protection, the Secretary of Homeland Security shall establish a plan, consistent with existing Federal statutes applicable to pay, recruitment, relocation, and retention of Federal law enforcement officers. Such plan shall include the following components:

(1) The establishment of a recruitment incentive for Border Patrol agents, including the establishment of a foreign language incentive award.

(2) The establishment of a retention plan, including the payment of bonuses to Border Patrol agents for every year of service after the first two years of service.

(3) An increase in the pay percentage differentials to Border Patrol agents in certain high-cost areas, as determined by the Secretary, consistent with entry-level pay to other Federal, State, and local law enforcement agencies.

(4) The establishment of a mechanism whereby Border Patrol agents can transfer from one location to another after the first two years of service in their initial duty location.

(5) The establishment of quarterly goals for the recruitment of new Border Patrol agents, including goals for the number of recruits entering Border Patrol training, and the number of recruits who successfully complete such training and become Border Patrol agents.

(b) REPORT.—

(1) IN GENERAL.—Not later than the first calendar quarter after the date of the enactment of this Act and every calendar quarter thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report identifying whether the quarterly goals for the recruitment of new Border Patrol agents established under subsection (a)(5) were met, and an update on the status of recruitment efforts and attrition rates among Border Patrol agents.

(2) CONTENTS OF REPORT.—The report required under paragraph (1) shall contain, at a minimum, the following with respect to each calendar quarter:

(A) The number of recruits who enter Border Patrol training.

(B) The number of recruits who successfully complete such training and become Border Patrol agents.

(C) The number of Border Patrol agents who are lost to attrition.

SEC. 506. LIMITATION ON REIMBURSEMENTS RELATING TO CERTAIN DETAILEES.

In the case of an individual assigned to the Department of Homeland Security as a detailee under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code, the maximum reimbursement by the Department of Homeland Security which may be made under section 3374(c) of such title with respect to such individual for the period of the assignment (including for any employee benefits) may not exceed the total amount of basic pay that would have been payable for such period if such individual had been paid, at the highest rate allowable under section 5382 of such title, as a member of the Senior Executive Service.

SEC. 507. INTEGRITY IN POST-EMPLOYMENT.

(a) DESIGNATIONS AS SEPARATE AGENCIES AND BUREAUS BARRED.—No agency, bureau, or other entity of the Department of Homeland Security may be designated under section 207(h)(1) of title 18, United States Code, as a separate agency or bureau.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section takes effect on the later of—

(A) June 6, 2007; or

(B) the date of the enactment of this Act.

(2) APPLICABILITY TO DESIGNATIONS.—The following shall cease to be effective on the date this section takes effect under paragraph (1):

(A) Any waiver of restrictions made under section 207(c)(2)(C) of title 18, United States Code, before the enactment of this Act, with respect to any position, or category of positions, in the Department of Homeland Security.

(B) Any designation of an agency, bureau, or other entity in the Department of Homeland Security, before the enactment of this Act, under section 207(h)(1) of title 18, United States Code, as a separate agency or bureau.

SEC. 508. INCREASED SECURITY SCREENING OF HOMELAND SECURITY OFFICIALS.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall conduct a Department-wide review of the Department of Homeland Security security clearance and suitability review procedures for Department employees and contractors, as well as individuals in State and local government agencies and private sector entities with a need to receive classified information.

(b) STRENGTHENING OF SECURITY SCREENING POLICIES.—

(1) IN GENERAL.—Based on the findings of the review conducted under subsection (a), the Secretary shall, as appropriate, take all necessary steps to strengthen the Department's security screening policies, including consolidating the security clearance investigative authority at the headquarters of the Department.

(2) ELEMENTS.—In strengthening security screening policies under paragraph (1), the Secretary shall consider whether and where appropriate ensure that—

(A) all components of the Department of Homeland Security meet or exceed Federal and Departmental standards for security clearance investigations, adjudications, and suitability reviews;

(B) the Department has a cadre of well-trained adjudicators and the Department has in place a program to train and oversee adjudicators; and

(C) suitability reviews are conducted for all Department of Homeland Security employees who transfer from a component of the Department to the headquarters of the Departmental.

SEC. 509. AUTHORITIES OF CHIEF SECURITY OFFICER.

(a) ESTABLISHMENT.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is further amended by adding at the end the following:

"SEC. 708. CHIEF SECURITY OFFICER.

"(a) ESTABLISHMENT.—There is in the Department a Chief Security Officer.

"(b) RESPONSIBILITIES.—The Chief Security Officer shall—

"(1) have responsibility for personnel security, facility access, security awareness, and related training;

"(2) ensure that each component of the Department complies with Federal standards for security clearances and background investigations;

"(3) ensure, to the greatest extent practicable, that individuals in State and local government agencies and private sector entities with a need to receive classified information, receive the appropriate clearances in a timely fashion; and

"(4) perform all other functions as determined by the Secretary.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following new item:

"Sec. 708. Chief Security Officer.".

SEC. 510. DEPARTMENTAL CULTURE IMPROVEMENT.

(a) CONSIDERATION REQUIRED.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer, shall consider implementing recommendations set forth in the Homeland Security Advisory Council Culture Task Force Report of January 2007.

(b) IDENTIFICATION OF TERMS.—As part of this consideration, the Secretary, acting through the Chief Human Capital Officer, shall identify an appropriate term, as among "workforce", "personnel", and "employee", to replace "human capital" and integrate its use throughout the operations, policies, and programs of the Department of Homeland Security.

SEC. 511. HOMELAND SECURITY EDUCATION PROGRAM ENHANCEMENTS.

Section 845(b) of the Homeland Security Act of 2002 (6 U.S.C. 415(b)) is amended to read as follows:

"(b) LEVERAGING OF EXISTING RESOURCES.—To maximize efficiency and effectiveness in carrying out the Program, the Administrator shall use curricula modeled on existing Department-reviewed Master's Degree curricula in homeland security, including curricula pending accreditation, together with associated learning materials, quality assessment tools, digital libraries, asynchronous distance learning, video conferencing, exercise systems, and other educational facilities, including the National Domestic Preparedness Consortium, the National Fire Academy, and the Emergency Management Institute. The Administrator may develop additional educational programs, as appropriate.".

SEC. 512. REPEAL OF CHAPTER 97 OF TITLE 5, UNITED STATES CODE.

(a) REPEAL.—

(1) IN GENERAL.—Effective as of the date specified in section 4 of the Homeland Security Act of 2002 (6 U.S.C. 101 note), chapter 97 of title 5, United States Code (as added by section 841(a)(2) of such Act), section 841(b)(3) of such Act, and subsections (c) and (e) of section 842 of such Act are repealed.

(2) REGULATIONS.—Any regulations prescribed under authority of chapter 97 of title 5, United States Code, are void ab initio.

(b) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 97.

SEC. 513. UTILIZATION OF NON-LAW ENFORCEMENT FEDERAL EMPLOYEES AS INSTRUCTORS FOR NON-LAW ENFORCEMENT CLASSES AT THE BORDER PATROL TRAINING ACADEMY.

The Director of the Federal Law Enforcement Training Center (FLETC) of the Department of Homeland Security, in consultation with the Chief of the Border Patrol, is authorized to select appropriate employees of the Federal Government other than law enforcement officers (as defined in section 8401(17) of title 5, United States Code) to serve as instructors of non-law enforcement classes.

TITLE VI—BIOPREPAREDNESS IMPROVEMENTS

SEC. 601. CHIEF MEDICAL OFFICER AND OFFICE OF HEALTH AFFAIRS.

Section 516 of the Homeland Security Act of 2002 (6 U.S.C. 321e) is amended to read as follows:

"SEC. 516. CHIEF MEDICAL OFFICER.

"(a) IN GENERAL.—There is in the Department a Chief Medical Officer, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank and title of Assistant Secretary for Health Affairs and Chief Medical Officer (in this section referred to as the 'Chief Medical Officer').

"(b) OFFICE OF HEALTH AFFAIRS.—There is in the Department an Office of Health Affairs, which shall be headed by the Chief Medical Officer.

"(c) QUALIFICATIONS.—The individual appointed as the Chief Medical Officer shall possess a demonstrated ability in and knowledge of medicine, public health, and the treatment of illnesses caused by chemical, biological, nuclear, and radiological agents.

"(d) RESPONSIBILITIES.—The Chief Medical Officer shall have the primary responsibility within the Department for medical and health issues related to the general roles, responsibilities, and operations of the Department, and terrorist attacks, major disasters, and other emergencies, including—

"(1) serving as the principal advisor to the Secretary and leading the Department's medical care, public health, food, water, veterinary care, and agro- security and defense responsibilities;

"(2) providing oversight for all medically-related actions and protocols of the Department's medical personnel;.

"(3) administering the Department's responsibilities for medical readiness, including—

"(A) planning and guidance to support improvements in local training, equipment, and exercises funded by the Department; and

"(B) consistent with the National Response Plan established pursuant to Homeland Security Presidential Directive 8, assisting in fulfilling the Department's roles in related emergency support functions;

"(4) serving as the Department's primary point of contact with the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, the Department of Transportation, the Department of Veterans Affairs, and other Federal departments and agencies, on all matters of medical and public health to ensure coordination consistent with the National Response Plan;

"(5) serving as the Department's primary point of contact for State, local, tribal, and territorial governments, the medical community, and the private sector, to ensure that medical readiness and response activities are coordinated and consistent with the National Response Plan and the Secretary's incident management requirements;

"(6) managing the Department's biodefense and biosurveillance activities including the National Biosurveillance Integration System, and the Departments responsibilities under Project BioShield in coordination with the Under Secretary of Science and Technology as appropriate;

"(7) assuring that the Department's workforce has science-based policy, standards, requirements, and metrics for occupational safety and health;

"(8) supporting the operational requirements of the Department's components with respect to protective medicine and tactical medical support;

"(9) developing, in coordination with appropriate Department entities and other appropriate Federal agencies, end-to-end plans for prevention, readiness, protection, response, and recovery from catastrophic events with human, animal, agricultural, or environmental health consequences;

"(10) integrating into the end-to-end plans developed under paragraph (9), Department of Health and Human Services' efforts to identify and deploy medical assets (including human, fixed, and material assets) used in preparation for or response to national disasters and catastrophes, and to enable access to patient electronic medical records by medical personnel to aid treatment of displaced persons in such circumstance, in order to assure that actions of both Departments are combined for maximum effectiveness during an emergency consistent with the National Response Plan and applicable emergency support functions;

"(11) performing other duties relating to such responsibilities as the Secretary may require; and

"(12) directing and maintaining a coordinated system for medical support of the Department's operational activities.".

SEC. 602. IMPROVING THE MATERIAL THREATS PROCESS.

(a) IN GENERAL.—Section 319F–2(c)(2)(A) of the Public Health Service Act (42 U.S.C. 247d–6b(c)(2)(A)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by moving each of such subclauses two ems to the right;

(3) by striking "(A) MATERIAL THREAT.—The Homeland Security Secretary" and inserting the following:

"(A) MATERIAL THREAT.—

"(i) IN GENERAL.—The Secretary of Homeland Security"; and

(4) by adding at the end the following clauses:

"(ii) USE OF EXISTING RISK ASSESSMENTS.—For the purpose of satisfying the requirements of clause (i) as expeditiously as possible, the Secretary of Homeland Security shall, as practicable, utilize existing risk assessments that the Secretary of Homeland Security, in consultation with the Secretaries of Health and Human Services, Defense, and Agriculture, and the heads of other appropriate Federal agencies, considers credible.

"(iii) ORDER OF ASSESSMENTS.—

"(I) GROUPINGS TO FACILITATE ASSESSMENT OF COUNTERMEASURES.—In conducting threat assessments and determinations under clause (i) of chemical, biological, radiological, and nuclear agents, the Secretary of Homeland Security shall, to the extent practicable and appropriate, consider the completion of such assessments and determinations for groups of agents toward the goal of facilitating the assessment of countermeasures under paragraph (3) by the Secretary of Health and Human Services.

"(II) CATEGORIES OF COUNTERMEASURES.—The grouping of agents under subclause (I) by the Secretary of Homeland Security shall be designed to facilitate assessments under paragraph (3) by the Secretary of Health and Human Services regarding the following two categories of countermeasures:

"(aa) Countermeasures that may address more than one agent identified under clause (i)(II).

"(bb) Countermeasures that may address adverse health consequences that are common to exposure to different agents.

"(III) RULE OF CONSTRUCTION.—A particular grouping of agents pursuant to subclause (II) is not required under such subclause to facilitate assessments of both categories of countermeasures described in such subclause. A grouping may concern one category and not the other.

"(iv) DEADLINE FOR COMPLETION OF CERTAIN MATERIAL THREAT DETERMINATIONS.—With respect to chemical, biological, radiological, and nuclear agents known to the Secretary of Homeland Security as of the day before the date of the enactment of this clause, and which such Secretary considers to be capable of significantly affecting national security, such Secretary shall complete the determinations under clause (i)(II) not later than December 31, 2007.

"(v) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Secretary of Homeland Security completes a material threat assessment under clause (i), the Secretary shall submit to Congress a report containing the results of such assessment.

"(vi) DEFINITION.—For purposes of this subparagraph, the term 'risk assessment' means a scientific, technically-based analysis of agents that incorporates threat, vulnerability, and consequence information.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 521(d) of the Homeland Security Act of 2002 (6 U.S.C. 321j(d)) is amended—

(1) in paragraph (1), by striking "2006," and inserting "2009,"; and

(2) by adding at the end the following:

"(3) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS REGARDING CERTAIN THREAT ASSESSMENTS.—For the purpose of providing an additional amount to the Secretary to assist the Secretary in meeting the requirements of clause (iv) of section 319F–2(c)(2)(A) of the Public Health Service Act (relating to time frames), there are authorized to be appropriated such sums as may be necessary for fiscal year 2008, in addition to the authorization of appropriations established in paragraph (1). The purposes for which such additional amount may be expended include conducting risk assessments regarding clause (i)(II) of such section when there are no existing risk assessments that the Secretary considers credible.".

SEC. 603. STUDY ON NATIONAL BIODEFENSE TRAINING.

(a) STUDY REQUIRED.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Secretary for Health and Human Services, conduct a joint study to determine the staffing and training requirements for pending capital programs to construct biodefense laboratories (including agriculture and animal laboratories) at Biosafety Level 3 and Biosafety Level 4 or to expand current biodefense laboratories to such biosafety levels.

(b) ELEMENTS.—In conducting the study, the Secretaries shall address the following:

(1) The number of trained personnel, by discipline and qualification level, required for existing biodefense laboratories at Biosafety Level

3 and Biosafety Level 4, including the number trained in Good Laboratory Practices (GLP).

(2) The number of research and support staff, including researchers, laboratory technicians, animal handlers, facility managers, facility or equipment maintainers, safety and security personnel (including biosafety, physical security, and cybersecurity personnel), and other safety personnel required to manage biodefense research efforts to combat bioterrorism at the planned biodefense laboratories described in subsection (a).

(3) The training required to provide the personnel described by paragraphs (1) and (2), including the type of training (whether classroom, laboratory, or field training) required, the length of training required by discipline, and the curriculum required to be developed for such training.

(4) Training schedules necessary to meet the scheduled openings of the biodefense laboratories described in subsection (a), including schedules for refresher training and continuing education that may be necessary for that purpose.

(c) Report.—Not later than December 31, 2007, the Secretaries shall submit to Congress a report setting forth the results of the study conducted under this section.

SEC. 604. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

(a) In General.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

"SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.

"(a) Establishment.—The Secretary shall establish a National Biosurveillance Integration Center (referred to in this section as the 'NBIC') to enhance the capability of the Federal Government to rapidly identify, characterize, and localize a biological event by integrating and analyzing data related to human health, animals, plants, food, and the environment. The NBIC shall be headed by a Director.

"(b) Integrated Biosurveillance Network.—As part of the NBIC, the Director shall develop, operate, and maintain an integrated network to detect, as early as possible, a biological event that presents a risk to the United States or the infrastructure or key assets of the United States. The network shall—

"(1) consolidate data from all relevant surveillance systems maintained by the Department and other governmental and private sources, both foreign and domestic, to the extent practicable; and

"(2) use an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events in as close to real-time as possible.

"(c) Responsibilities.—

"(1) In general.—The Director shall—

"(A) monitor on an ongoing basis the availability and appropriateness of candidate data feeds and solicit new surveillance systems with data that would enhance biological situational awareness or overall performance of the NBIC;

"(B) review and seek to improve on an ongoing basis the statistical and other analytical methods used by the NBIC;

"(C) establish a procedure to enable Federal, State and local government, and private sector entities to report suspicious events that could warrant further assessments by the NBIC;

"(D) receive and consider all relevant homeland security information; and

"(E) provide technical assistance, as appropriate, to all Federal, State, and local government entities and private sector entities that contribute data relevant to the operation of the NBIC.

"(2) Assessments.—The Director shall—

"(A) continuously evaluate available data for evidence of a biological event; and

"(B) integrate homeland security information with NBIC data to provide overall biological situational awareness and determine whether a biological event has occurred.

"(3) Information sharing.—The Director shall—

"(A) establish a mechanism for real-time communication with the National Operations Center;

"(B) provide integrated information to the heads of the departments and agencies with which the Director has entered into an agreement under subsection (d);

"(C) notify the Secretary, the head of the National Operations Center, and the heads of appropriate Federal, State, tribal, and local entities of any significant biological event identified by the NBIC;

"(D) provide reports on NBIC assessments to Federal, State, and local government entities, including departments and agencies with which the Director has entered into an agreement under subsection (d), and any private sector entities, as considered appropriate by the Director; and

"(E) use information sharing networks available to the Department for distributing NBIC incident or situational awareness reports.

"(d) Interagency Agreements.—

"(1) In general.—The Secretary shall, where feasible, enter into agreements with the heads of appropriate Federal departments and agencies, including the Department of Health and Human Services, Department of Defense, the Department of Agriculture, the Department of State, the Department of Interior, and the Intelligence Community.

"(2) Content of agreements.—Under an agreement entered into under paragraph (1), the head of a Federal department or agency shall agree to—

"(A) use the best efforts of the department or agency to integrate biosurveillance information capabilities through NBIC;

"(B) provide timely, evaluated information to assist the NBIC in maintaining biological situational awareness for timely and accurate detection and response purposes;

"(C) provide connectivity for the biosurveillance data systems of the department or agency to the NBIC network under mutually agreed protocols;

"(D) detail, if practicable, to the NBIC department or agency personnel with relevant expertise in human, animal, plant, food, or environmental disease analysis and interpretation;

"(E) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable; and

"(F) participate in forming the strategy and policy for the operation and information sharing practices of the NBIC.

"(e) Notification of Director.—The Secretary shall ensure that the Director is notified of homeland security information relating to any significant biological threat and receives all classified and unclassified reports related to such a threat in a timely manner.

"(f) Administrative Authorities.—

"(1) Privacy.—The Secretary shall—

"(A) designate the NBIC as a public health authority;

"(B) ensure that the NBIC complies with any applicable requirements of the Health Insurance Portability and Accountability Act of 1996; and

"(C) ensure that all applicable privacy regulations are strictly adhered to in the operation of the NBIC and the sharing of any information related to the NBIC.

"(2) Collection of information.—The NBIC, as a public health authority with a public health mission, is authorized to collect or receive health information, including such information protected under the Health 'Insurance Portability and Accountability Act of 1996, for the purpose of preventing or controlling disease, injury, or disability.

"(g) NBIC Interagency Working Group.—The Director shall—

"(1) establish an interagency working group to facilitate interagency cooperation to advise the Director on recommendations to enhance the biosurveillance capabilities of the Department; and

"(2) invite officials of Federal agencies that conduct biosurveillance programs, including officials of the departments and agencies with which the Secretary has entered into an agreement under subsection (d), to participate in the working group.

"(h) Annual Report Required.—Not later than December 31 of each year, the Secretary shall submit to Congress a report that contains each of the following:

"(1) A list of departments, agencies, and private or nonprofit entities participating in the NBIC and a description of the data that each entity has contributed to the NBIC during the preceding fiscal year.

"(2) The schedule for obtaining access to any relevant biosurveillance information not received by the NBIC as of the date on which the report is submitted.

"(3) A list of Federal, State, and local government entities and private sector entities that have direct or indirect access to the information that is integrated by the NBIC.

"(4) For any year before the NBIC is fully implemented or any year in which any major structural or institutional change is made to the NBIC, an implementation plan for the NBIC that includes cost, schedule, key milestones, and the status of such milestones.

"(i) Relationship to Other Departments and Agencies.—The authority of the Secretary under this section shall not affect an authority or responsibility of any other Federal department or agency with respect to biosurveillance activities under any program administered by that department or agency.

"(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.

"(k) Biological Event.—For purposes of this section, the term 'biological event' means—

"(1) an act of terrorism involving biological agents or toxins of known or unknown origin; or

"(2) a naturally occurring outbreak of an infectious disease that may be of potential national significance.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following:

"Sec. 316. National Biosurveillance Integration Center.".

(c) Deadline for Implementation.—The National Biosurveillance Integration Center required under section 316 of the Homeland Security Act of 2002, as added by subsection (a), shall be fully operational by not later than September 30, 2008.

SEC. 605. RISK ANALYSIS PROCESS AND INTEGRATED CBRN RISK ASSESSMENT.

(a) In General.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following:

"SEC. 317. RISK ANALYSIS PROCESS AND INTEGRATED CBRN RISK ASSESSMENT.

"(a) Risk Analysis Process.—The Secretary shall develop a risk analysis process that utilizes a scientific, quantitative methodology to assess and manage risks posed by chemical, biological, radiological, and nuclear (CBRN) agents.

"(b) INTEGRATED CBRN RISK ASSESSMENT.—The Secretary shall use the process developed under subsection (a) to conduct a risk assessment that shall support the integration of chemical, biological, radiological, and nuclear agents.

"(c) PURPOSE.—The purpose of the risk analysis process developed under subsection (a) and the integrated risk assessment conducted under subsection (b) shall be to identify high risk agents, determine how best to mitigate those risks, and guide resource allocation. Such risk analysis shall—

"(1) facilitate satisfaction of the requirements of section 602;

"(2) guide research, development, acquisition, and deployment of applicable countermeasures, including detection systems;

"(3) identify key knowledge gaps or vulnerabilities in the CBRN defense posture of the Department;

"(4) enable rebalancing and refining of investments within individual classes of threat agents as well as across such classes; and

"(5) support end-to-end assessments of the overall CBRN defense policy of the Department, taking into account the full spectrum of countermeasures available, including prevention, preparedness, planning, response and recovery activities, to better steer investments to strategies with the greatest potential for mitigating identified risks.

"(d) RISK INFORMATION.—

"(1) CLASSES OF THREAT AGENTS.—In developing the risk analysis process under subsection (a) and conducting the risk assessment under subsection (b), the Secretary shall consider risks posed by the following classes of threats:

"(A) Chemical threats, including—

"(i) toxic industrial materials and chemicals;

"(ii) traditional chemical warfare agents; and

"(iii) non-traditional agents, which are defined as novel chemical threat agents or toxicants requiring adapted countermeasures.

"(B) Biological threats, including—

"(i) traditional agents listed by the Centers of Disease Control and Prevention as Category A, B, and C pathogens and toxins;

"(ii) enhanced agents, which are defined as traditional agents that have been modified or selected to enhance their ability to harm human populations or circumvent current countermeasures;

"(iii) emerging agents, which are defined as previously unrecognized pathogens that may be naturally occurring and present a serious risk to human populations; and

"(iv) advanced or engineered agents, which are defined as novel pathogens or other materials of biological nature that have been artificially engineered in the laboratory to bypass traditional countermeasures or produce a more severe or otherwise enhanced spectrum of disease.

"(C) Nuclear and radiological threats, including fissile and other radiological material that could be incorporated into an improvised nuclear device or a radiological dispersal device or released into a wide geographic area by damage to a nuclear reactor.

"(D) Threats to the agriculture sector and food and water supplies.

"(E) Other threat agents the Secretary determines appropriate.

"(2) SOURCES.—The risk analysis process developed under subsection (a) shall be informed by findings of the intelligence and law enforcement communities and integrated with expert input from the scientific, medical, and public health communities, including from relevant components of the Department and other Federal agencies.

"(3) DATA QUALITY, SPECIFICITY, AND CONFIDENCE.—In developing the risk analysis process under subsection (a), the Secretary shall consider the degree of uncertainty and variability in the available scientific information and other information about the classes of threat agents under paragraph (1). An external review shall be conducted to assess the ability of the risk analysis process developed by the Secretary to address areas of large degrees of uncertainty.

"(4) NEW INFORMATION.—The Secretary shall frequently and systematically update the risk assessment conducted under subsection (b), as needed, to incorporate emerging intelligence information or technological changes in order to keep pace with evolving threats and rapid scientific advances.

"(e) METHODOLOGY.—The risk analysis process developed by the Secretary under subsection (a) shall—

"(1) consider, as variables—

"(A) threat, or the likelihood that a type of attack that might be attempted;

"(B) vulnerability, or the likelihood that an attacker would succeed; and

"(C) consequence, or the likely impact of an attack;

"(2) evaluate the consequence component of risk as it relates to mortality, morbidity, and economic effects;

"(3) allow for changes in assumptions to evaluate a full range of factors, including technological, economic, and social trends, which may alter the future security environment;

"(4) contain a well-designed sensitivity analysis to address high degrees of uncertainty associated with the risk analyses of certain CBRN agents;

"(5) utilize red teaming analysis to identify vulnerabilities an adversary may discover and exploit in technology, training, and operational procedures and to identify open-source information that could be used by those attempting to defeat the countermeasures; and

"(6) incorporate an interactive interface that makes results and limitations transparent and useful to decision makers for identifying appropriate risk management activities.

"(f) COORDINATION.—The Secretary shall ensure that all risk analysis activities with respect to radiological or nuclear materials shall be conducted in coordination with the Domestic Nuclear Detection Office.

"(g) TIMEFRAME; REPORTS TO CONGRESS.—

"(1) INITIAL REPORT.—By not later than June 2008, the Secretary shall complete the first formal, integrated, CBRN risk assessment required under subsection (b) and shall submit to Congress a report summarizing the findings of such assessment and identifying improvements that could be made to enhance the transparency and usability of the risk analysis process developed under subsection (a).

"(2) UPDATES TO REPORT.—The Secretary shall submit to Congress updates to the findings and report in paragraph (1), when appropriate, but by not later than two years after the date on which the initial report is submitted. Such updates shall reflect improvements in the risk analysis process developed under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such title the following:

"Sec. 317. Risk analysis process and integrated CBRN risk assessment.".

SEC. 606. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6. U.S.C. 181 et seq.) is further amended by adding at the end the following new section:

"SEC. 318. NATIONAL BIO AND AGRO-DEFENSE FACILITY.

"(a) ESTABLISHMENT.—There is in the Department a National Bio and Agro-defense Facility (referred to in this section as the 'NBAF'), which shall be headed by a Director who shall be appointed by the Secretary.

"(b) PURPOSES.—

"(1) IN GENERAL.—The NBAF shall be an integrated human, foreign-animal, and zoonotic disease research, development, testing, and evaluation facility with the purpose of supporting the complementary missions of the Department, the Department of Agriculture, and the Department of Health and Human Services in defending against the threat of potential acts of agroterrorism and natural-occurring incidents related to agriculture with the potential to adversely impact public health, animal health, and the economy, or may otherwise impact homeland security.

"(2) KNOWLEDGE PRODUCTION AND SHARING.—The NBAF shall produce and share knowledge and technology for the purpose of reducing economic losses caused by foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases of livestock and poultry, and preventing human suffering and death caused by diseases existing or emerging in the agricultural sector.

"(c) RESPONSIBILITIES OF DIRECTOR.—The Secretary shall vest in the Director primary responsibility for each of the following:

"(1) Directing basic, applied, and advanced research, development, testing, and evaluation relating to foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases, including foot and mouth disease, and performing related activities, including—

"(A) developing countermeasures for foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases, including diagnostics, vaccines and therapeutics;

"(B) providing advanced test and evaluation capability for threat detection, vulnerability, and countermeasure assessment for foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases;

"(C) conducting nonclinical, animal model testing and evaluation under the Food and Drug Administration's Animal Rule as defined in parts 314 and 601 of title 22, Code of Federal Regulations, to support the development of human medical countermeasures by the Department of Human Services under the Public Health Service Act (42 U.S.C. 201 et seq);

"(D) establishing NBAF information-sharing mechanisms to share information with relevant stakeholders, including the National Animal Health Laboratory Network; and

"(E) identifying and promoting uniform national standards for animal disease diagnostics.

"(2) Facilitating the coordination of Federal, State, and local governmental research and development efforts and resources relating to protecting public health and animal health from foreign-animal, zoonotic, and, as appropriate, other endemic animal diseases.

"(3) Ensuring public safety during an emergency by developing an emergency response plan under which emergency response providers in the community are sufficiently prepared or trained to respond effectively and given sufficient notice to allow for an effective response.

"(4) Ensuring NBAF site and facility security.

"(5) Providing training to develop skilled research and technical staff with the needed expertise in operations conducted at biological and agricultural research facilities.

"(6) Leveraging the expertise of academic institutions, industry, the Department of Energy National Laboratories, State and local governmental resources, and professional organizations involved in veterinary, medical and public health, and agriculture issues to carry out functions describes in (1) and (2).

"(d) REQUIREMENTS.—The Secretary, in designing and constructing the NBAF, shall ensure that the facility meets the following requirements:

"(1) The NBAF shall consist of state-of-the-art biocontainment laboratories capable of performing research and activities at Biosafety Level 3 and 4, as designated by the Centers for Disease Control and Prevention and the National Institutes of Health.

"(2) The NBAF facility shall be located on a site of at least 30 acres that can be readily secured by physical measure.

"(3) The NBAF facility shall be at least 500,000 square feet with a capacity of housing a minimum of 80 large animals for research, testing and evaluation;

"(4) The NBAF shall be located at a site with a preexisting utility infrastructure, or a utility infrastructure that can be easily built.

"(5) The NBAF shall be located at a site that has been subject to an Environmental Impact Statement under the National Environmental Policy Act of 1969.

"(6) The NBAF shall be located within a reasonable proximity to a national or regional airport and to major roadways.

"(e) AUTHORIZATION TO PROCURE REAL PROPERTY AND ACCEPT IN KIND DONATIONS FOR THE NBAF SITE.—The Secretary may accept and use donations of real property for the NBAF site and may accept and use in-kind donations of real property, personal property, laboratory and office space, utility services, and infrastructure upgrades for the purpose of assisting the Director in carrying out the responsibilities of the Director under this section.

"(f) APPLICABILITY OF OTHER LAWS.—

"(1) PUBLIC BUILDINGS ACT.—The NBAF shall not be considered a "public building" for purposes of the Public Buildings Act of 1959 (40 U.S.C. 3301 et seq.).

"(2) LIVE VIRUS OF FOOT AND MOUTH DISEASE RESEARCH.—The Secretary shall enable the study of live virus of foot and mouth disease at the NBAF, wherever it is sited, notwithstanding section 113a of title 21, United States Code.

"(g) COORDINATION.—

"(1) INTERAGENCY AGREEMENTS.—

"(A) IN GENERAL.—The Secretary shall enter into understandings or agreements with the heads of appropriate Federal departments and agencies, including the Secretary of Agriculture and the Secretary of Health and Human Services, to define the respective roles and responsibilities of each Department in carrying out foreign-animal, zoonotic, and other endemic animal disease research and development at the NBAF to protect public health and animal health.

"(B) DEPARTMENT OF AGRICULTURE.—The understanding or agreement entered into with the Secretary of Agriculture shall include a provision describing research programs and functions of the Department of Agriculture and the Department of Homeland Security, including those research programs and functions carried out at the Plum Island Animal Disease Center and those research programs and functions that will be transferred to the NBAF.

"(C) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The understanding or agreement entered into with the Department of Health and Human Services shall describe research programs of the Department of Health and Human Services that may relate to work conducted at NBAF.

"(2) COOPERATIVE RELATIONSHIPS.—The Director shall form cooperative relationships with the National Animal Health Laboratory Network and American Association of Veterinary Laboratory Diagnosticians to connect with the network of Federal and State resources intended to enable an integrated, rapid, and sufficient response to animal health emergencies.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by adding at the end of the items relating to such title the following:

"Sec. 318. National Bio and Agro-defense Facility.".

TITLE VII—HOMELAND SECURITY CYBERSECURITY IMPROVEMENTS

SEC. 701. CYBERSECURITY AND COMMUNICATIONS.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by adding at the end the following new section:

"SEC. 226. OFFICE OF CYBERSECURITY AND COMMUNICATIONS.

"(a) IN GENERAL.—There shall be within the Department of Homeland Security an Office of Cybersecurity and Communications, which shall be headed by the Assistant Secretary for Cybersecurity and Communications.

"(b) DUTY OF THE ASSISTANT SECRETARY.—The Assistant Secretary shall assist the Secretary in carrying out the responsibilities of the Department regarding cybersecurity and communications.

"(c) RESPONSIBILITIES.—The Assistant Secretary shall be responsible for overseeing preparation, situational awareness, response, reconstitution, and mitigation necessary for cybersecurity and to protect communications from terrorist attacks, major disasters, and other emergencies, including large-scale disruptions, and shall conduct the following activities to execute those responsibilities:

"(1) PREPARATION AND SITUATIONAL AWARENESS.—

"(A) Establish and maintain a capability within the Department to monitor critical information infrastructure to aid in detection of vulnerabilities and warning of potential acts of terrorism and other attacks.

"(B) Conduct risk assessments on critical information infrastructure with respect to acts of terrorism and other large-scale disruptions, identify and prioritize vulnerabilities in critical information infrastructure, and coordinate the mitigation of such vulnerabilities.

"(C) Develop a plan for the continuation of critical information operations in the event of a cyber attack or other large-scale disruption of the information infrastructure of the United States.

"(D) Oversee an emergency communications system in the event of an act of terrorism or other large-scale disruption of the information infrastructure of the United States.

"(2) RESPONSE AND RECONSTITUTION.—

"(A) Define what qualifies as a cyber incident of national significance for purposes of the National Response Plan.

"(B) Ensure that the Department's priorities, procedures, and resources are in place to reconstitute critical information infrastructures in the event of an act of terrorism or other large-scale disruption.

"(3) MITIGATION.—

"(A) Develop a national cybersecurity awareness, training, and education program that promotes cybersecurity awareness within the Federal Government and throughout the Nation.

"(B) Consult and coordinate with the Under Secretary for Science and Technology on cybersecurity research and development to strengthen critical information infrastructure against acts of terrorism and other large-scale disruptions.

"(d) DEFINITION.—In this section the term 'critical information infrastructure' means systems and assets, whether physical or virtual, used in processing, transferring, and storing information so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to subtitle C of title II the following:

"Sec. 226. Office of Cybersecurity and Communications.".

SEC. 702. CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Under Secretary for Science and Technology shall support research, development, testing, evaluation, and transition of cybersecurity technology, including fundamental, long-term research to improve the ability of the United States to prevent, protect against, detect, respond to, and recover from acts of terrorism and cyber attacks, with emphasis on research and development relevant to large-scale, high-impact attacks.

(b) ACTIVITIES.—The research and development supported under subsection (a) shall include work to—

(1) advance the development and accelerate the deployment of more secure versions of fundamental Internet protocols and architectures, including for the domain name system and routing protocols;

(2) improve and create technologies for detecting attacks or intrusions, including monitoring technologies;

(3) improve and create mitigation and recovery methodologies, including techniques for containment of attacks and development of resilient networks and systems that degrade gracefully;

(4) develop and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

(5) assist the development and support of technologies to reduce vulnerabilities in process control systems (PCS); and

(6) test, evaluate, and facilitate the transfer of technologies associated with the engineering of less vulnerable software and securing the IT software development lifecycle.

(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

(1) the Assistant Secretary for Cybersecurity and Communications; and

(2) other Federal agencies, including the National Science Foundation, the Defense Advanced Research Projects Agency, the Information Assurance Directorate of the National Security Agency, the National Institute of Standards and Technology, and other appropriate working groups established by the President to identify unmet needs and cooperatively support activities, as appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized by section 101, there is authorized to be appropriated for the Department of Homeland Security for fiscal year 2008, $50,000,000, for the cybersecurity research and development activities of the Directorate for Science and Technology to prevent, detect, and respond to acts of terrorism and other large-scale disruptions to information infrastructure.

TITLE VIII—SCIENCE AND TECHNOLOGY IMPROVEMENTS

SEC. 801. REPORT TO CONGRESS ON STRATEGIC PLAN.

Not later than 120 days after the date of enactment of this Act, the Under Secretary for Science and Technology shall transmit to Congress the strategic plan described in section 302(2) of the Homeland Security Act of 2002 (6 U.S.C. 182(2)). In addition to the requirements described in that section 302(2), the strategic plan transmitted under this section shall include—

(1) a strategy to enhance the Directorate for Science and Technology workforce, including education and training programs, improving morale, minimizing turnover, strengthening workforce recruitment, and securing institutional knowledge;

(2) the Department policy describing the procedures by which the Directorate for Science and Technology hires and administers assignments to individuals assigned to the Department as detailees under an arrangement described in subchapter VI of chapter 33 of title 5, United States Code;

(3) the Department policy governing the responsibilities of the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Under Secretary for Management, and the operational components of the Department regarding research, development, testing, evaluation, and procurement of homeland security technologies;

(4) a description of the methodology by which research, development, testing, and evaluation is prioritized and funded by the Directorate for Science and Technology;

(5) a description of the performance measurements to be used or a plan to develop performance measurements that can be used to annually evaluate the Directorate for Science and Technology's activities, mission performance, and stewardship of resources;

(6) a plan for domestic and international coordination of all related programs and activities within the Department and throughout Federal agencies, State, local, and tribal governments, the emergency responder community, industry, and academia;

(7) a plan for leveraging the expertise of the National Laboratories and the process for allocating funding to the National Laboratories; and

(8) a strategy for the Homeland Security Advanced Research Projects Agency that includes—

(A) a mission statement;

(B) a description of the Department's high risk and high payoff research, development, test, and evaluation strategy; and

(C) internal policies designed to encourage innovative solutions.

SEC. 802. CENTERS OF EXCELLENCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security for carrying out the Centers of Excellence Program $31,000,000 for fiscal year 2008 such that each center that received funding in fiscal year 2007 shall receive, at a minimum, the same amount it received in fiscal year 2007.

(b) MINORITY SERVING INSTITUTIONS PROGRAM.—Of the amount authorized by section 101, there is authorized to be appropriated to the Secretary of Homeland Security for carrying out the Minority Serving Institutions Program $8,000,000 for fiscal year 2008.

(c) CENTERS OF EXCELLENCE PROGRAM PARTICIPATION.—

(1) REQUIREMENT.—If, by the date of the enactment of this Act, the Secretary of Homeland Security has not selected a Minority Serving Institution to participate as a Center of Excellence under the Department of Homeland Security Centers of Excellence Program, at least one of the next four Centers of Excellence selected after the date of enactment of this Act shall be an otherwise eligible applicant that is a Minority Serving Institution.

(2) MINORITY SERVING INSTITUTION DEFINED.—In this subsection the term "Minority Serving Institution" means—

(A) an historically black college or university that receives assistance under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 106 et seq);

(B) an Hispanic-serving institution (as that term is defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a); or

(C) a tribally controlled college or university (as that term is defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801)).

SEC. 803. NATIONAL RESEARCH COUNCIL STUDY OF UNIVERSITY PROGRAMS.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Under Secretary for Science and Technology of the Department of Homeland Security shall seek to enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a study to assess the University Programs of the Department, with an emphasis on the Centers of Excellence Program and the future plans for these programs, and make recommendations for appropriate improvements.

(b) SUBJECTS.—The study shall include—

(1) a review of key areas of study needed to support the homeland security mission, and criteria that should be utilized to determine those key areas for which the Department should maintain or establish Centers of Excellence;

(2) a review of selection criteria and weighting of such criteria for Centers of Excellence;

(3) an examination of the optimal role of Centers of Excellence in supporting the mission of the Directorate of Science and Technology and the most advantageous relationship between the Centers of Excellence and the Directorate and the Department components the Directorate serves;

(4) an examination of the length of time the Centers of Excellence should be awarded funding and the frequency of the review cycle in order to maintain such funding, particularly given their focus on basic, long term research;

(5) identification of the most appropriate review criteria and metrics to measure demonstrable progress, and mechanisms for delivering and disseminating the research results of established Centers of Excellence within the Department, and to other Federal, State, and local agencies;

(6) an examination of the means by which academic institutions that are not designated or associated with Centers of Excellence can optimally contribute to the research mission of the Directorate;

(7) an assessment of the interrelationship between the different University Programs; and

(8) a review of any other essential elements of the University Programs to be determined in the conduct of the study.

(c) REPORT.—The Under Secretary for Science and Technology shall transmit a report containing the results of the study and recommendations required by subsection (a) and the Under Secretary's response to the recommendations, to the appropriate Congressional committees not later than 24 months after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized in section 101, there is authorized to be appropriated to carry out this section $500,000.

SEC. 804. STREAMLINING OF SAFETY ACT AND ANTITERRORISM TECHNOLOGY PROCUREMENT PROCESSES.

(a) PERSONNEL.—The Secretary of Homeland Security shall ensure that, in addition to any personnel engaged in technical evaluations that may be appropriate, a sufficient number of full-time equivalent personnel, who are properly trained and qualified to apply legal, economic, and risk analyses, are involved in the review and prioritization of antiterrorism technologies for the purpose of determining whether such technologies may be designated by the Secretary as qualified antiterrorism technologies under section 862(b) of the SAFETY Act (6 U.S.C. 441(b)) or certified by the Secretary under section 863(d) of such Act (6 U.S.C. 442(d)).

(b) COORDINATION WITHIN DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall—

(1) establish a formal coordination process that includes the official of the Department of Homeland Security with primary responsibility for the implementation of the SAFETY Act, the Chief Procurement Officer of the Department, the Under Secretary for Science and Technology, the Under Secretary for Policy, and the Department of Homeland Security General Counsel to ensure the maximum application of the litigation and risk management provisions of the SAFETY Act to antiterrorism technologies procured by the Department; and

(2) promote awareness and utilization of the litigation and risk management provisions of the SAFETY Act in the procurement of antiterrorism technologies.

(c) ISSUANCE OF DEPARTMENTAL DIRECTIVE.—The Secretary of Homeland Security shall, in accordance with the final rule implementing the SAFETY Act, issue a Departmental management directive providing for coordination between Department procurement officials and any other Department official responsible for implementing the SAFETY Act in advance of any Department procurement of an antiterrorism technology, as required under subsection (b).

SEC. 805. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is further amended by adding at the end the following:

"SEC. 319. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2)..

"(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—

"(A) coordinated research projects, joint research projects, or joint ventures;

"(B) joint studies or technical demonstrations;

"(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;

"(D) training of scientists and engineers;

"(E) visits and exchanges of scientists, engineers, or other appropriate personnel;

"(F) exchanges or sharing of scientific and technological information; and

"(G) joint use of laboratory facilities and equipment.

"(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.

"(2) DIRECTOR.—The Office shall be headed by a Director, who—

"(A) shall be selected by and shall report to the Under Secretary; and

"(B) may be an officer of the Department serving in another position.

"(3) RESPONSIBILITIES.—

"(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in consultation with the Department of State, understandings or agreements that allow and support international cooperative activity in support of homeland security research, development, and comparative testing.

"(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Directorate of Science and Technology, the other components of the Department of Homeland Security, and other Federal agencies, strategic priorities for international cooperative activity in support of homeland security research, development, and comparative testing.

"(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation

of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses, federally funded research and development centers, and universities.

"(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.

"(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with those of other relevant research agencies, and may run projects jointly with other agencies.

"(5) CONFERENCES AND WORKSHOPS.—The Director may hold international homeland security technology workshops and conferences to improve contact among the international community of technology developers and to help establish direction for future technology goals.

"(c) INTERNATIONAL COOPERATIVE ACTIVITIES.—

"(1) AUTHORIZATION.—The Under Secretary is authorized to carry out international cooperative activities to support the responsibilities specified under section 302.

"(2) MECHANISMS AND EQUITABILITY.—In carrying out this section, the Under Secretary may award grants to and enter into cooperative agreements or contracts with United States governmental organizations, businesses (including small businesses and small and disadvantaged businesses), federally funded research and development centers, institutions of higher education, and foreign public or private entities. The Under Secretary shall ensure that funding and resources expended in international cooperative activities will be equitably matched by the foreign partner organization through direct funding or funding of complementary activities, or through provision of staff, facilities, materials, or equipment.

"(3) LOANS OF EQUIPMENT.—The Under Secretary may make or accept loans of equipment for research and development and comparative testing purposes.

"(4) COOPERATION.—The Under Secretary is authorized to conduct international cooperative activities jointly with other agencies.

"(5) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism, as appropriate.

"(6) EXOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, may facilitate the development of information sharing and other types of cooperative mechanisms with foreign countries, including nations in Africa, to strengthen American preparedness against threats to the Nation's agricultural and public health sectors from exotic diseases.

"(d) BUDGET ALLOCATION.—There is authorized to be appropriated to the Secretary, to be derived from amounts otherwise authorized for the Directorate of Science and Technology, $25,000,000 for each of the fiscal years 2008 through 2011 for activities under this section.

"(e) FOREIGN REIMBURSEMENTS.—Whenever the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.

"(f) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—

"(1) INITIAL REPORT.—Not later than 180 days after the date of enactment of this section, the Under Secretary, acting through the Director, shall transmit to the Congress a report containing—

"(A) a brief description of each partnership formed under subsection (b)(4), including the participants, goals, and amount and sources of funding; and

"(B) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.

"(2) UPDATES.—At the end of the fiscal year that occurs 5 years after the transmittal of the report under subsection (a), and every 5 years thereafter, the Under Secretary, acting through the Director, shall transmit to the Congress an update of the report required under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is further amended by adding at the end of the items relating to such title the following new item:

"Sec. 319. Promoting antiterrorism through international cooperation program.".

TITLE IX—BORDER SECURITY IMPROVEMENTS

SEC. 901. US-VISIT.

(a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, the comprehensive strategy required by section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 for the biometric entry and exit data system (commonly referred to as the United States Visitor and Immigrant Status Indicator Technology program or US-VISIT) established under the section and other laws described in subsection (b) of such section. The comprehensive strategy shall include an action plan for full implementation of the biometric exit component of US-VISIT, as required under subsection (d) of section 7208 of such Act.

(b) CONTENTS.—The comprehensive strategy and action plan referred to in subsection (a) shall, at a minimum, include the following:

(1) An explanation of how US-VISIT will allow law enforcement officials to identify individuals who overstay their visas.

(2) A description of biometric pilot projects, including the schedule for testing, locations, cost estimates, resources needed, and performance measures.

(3) An implementation schedule for deploying future biometric exit capabilities at all air, land, and sea ports of entry.

(4) The actions the Secretary plans to take to accelerate the full implementation of the biometric exit component of US-VISIT at all air, land, and sea ports of entry.

(c) AIRPORT AND SEAPORT EXIT IMPLEMENTATION.—Not later than December 31, 2008, the Secretary of Homeland Security shall complete the exit portion of the biometric entry and exit data system referred to in subsection (a) for aliens arriving in or departing from the United States at an airport or seaport.

(d) PROHIBITION ON TRANSFER.—The Secretary of Homeland Security shall not transfer to the National Protection and Programs Directorate of the Department of Homeland Security the office of the Department that carries out the biometric entry and exit data system referred to in subsection (a) until the Secretary submits to the committees specified in such subsection the action plan referred to in such subsection for full implementation of the biometric exit component of US-VISIT at all ports of entry.

SEC. 902. SHADOW WOLVES PROGRAM.

Of the amount authorized by section 101, there is authorized to be appropriated $4,100,000 for fiscal year 2008 for the Shadow Wolves program.

SEC. 903. COST-EFFECTIVE TRAINING FOR BORDER PATROL AGENTS.

(a) IN GENERAL.—The Secretary of Homeland Security shall take such steps as may be necessary to control the costs of hiring, training, and deploying new Border Patrol agents, including—

(1) permitting individuals who are in training to become Border Patrol agents to waive certain course requirements of such training if such individuals have earlier satisfied such requirements in a similar or comparable manner as determined by the Secretary; and

(2) directing the Office of Inspector General to conduct a review of the costs and feasibility of training new Border Patrol agents at Federal training centers, including the Federal Law Enforcement Training Center facility in Charleston, South Carolina, and the HAMMER facility in Hanford, Washington, and at training facilities operated by State and local law enforcement academies, non-profit entities, and private entities, including institutions in the southwest border region, as well as the use of all of the above to conduct portions of such training.

(b) LIMITATION ON PER-AGENT COST OF TRAINING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall take such steps as may be necessary to ensure that the fiscal year 2008 per-agent cost of hiring, training, and deploying each new Border Patrol agent does not exceed $150,000.

(2) EXCEPTION AND CERTIFICATION.—If the Secretary determines that the per-agent cost referred to in paragraph (1) exceeds $150,000, the Secretary shall promptly submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a certification explaining why such per-agent cost exceeds such amount.

SEC. 904. STUDENT AND EXCHANGE VISITOR PROGRAM.

(a) IN GENERAL.—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (10); and

(B) by inserting after paragraph (4) the following:

"(5) STUDENT AND EXCHANGE VISITOR PROGRAM.—In administering the program under paragraph (4), the Secretary shall—

"(A) prescribe regulations to require an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program to ensure that each covered student or exchange visitor enrolled at the institution or attending the exchange visitor program—

"(i) is an active participant in the program for which the covered student or exchange visitor was issued a visa to enter the United States;

"(ii) is not unobserved for any period—

"(I) exceeding 30 days during any academic term or program in which the covered student or exchange visitor is enrolled; or

"(II) exceeding 60 days during any period not described in subclause (I); and

"(iii) is reported to the Department if within 21 days of—

"(I) transferring to another institution or program; or

"(II) being hospitalized or otherwise incapacitated necessitating a prolonged absence from the

academic institution or exchange visitor program; and

"(B) notwithstanding subparagraph (A), require each covered student or exchange visitor to be observed at least once every 60 days.

"(6) ENHANCED ACCESS.—The Secretary shall provide access to the Student and Exchange Visitor Information System (hereinafter in this subsection referred to as the 'SEVIS'), or other equivalent program or system, to appropriate employees of an institution or exchange visitor program sponsor participating in the Student and Exchange Visitor Program if—

"(A) at least two authorized users are identified at each participating institution or exchange visitor sponsor;

"(B) at least one additional authorized user is identified at each such institution or sponsor for every 200 covered students or exchange visitors enrolled at the institution or sponsor; and

"(C) each authorized user is certified by the Secretary as having completed an appropriate training course provided by the Department for the program or system.

"(7) PROGRAM SUPPORT.—The Secretary shall provide appropriate technical support options to facilitate use of the program or system described in paragraph (4) by authorized users.

"(8) UPGRADES TO SEVIS OR EQUIVALENT DATA.—The Secretary shall update the program or system described in paragraph (4) to incorporate new data fields that include—

"(A) verification that a covered student's performance meets the minimum academic standards of the institution in which such student is enrolled; and

"(B) timely entry of academic majors, including changes to majors, of covered students and exchange visitors enrolled at institutions or exchange program sponsors participating in the Student and Exchange Visitor Program.

"(9) SAVINGS CLAUSE.— Nothing in this section shall prohibit the Secretary or any institution or exchange program sponsor participating in the Student Exchange Visitor Program from requiring more frequent observations of covered students or exchange visitors."; and

(2) by adding at the end the following:

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered student' means a student who is a nonimmigrant pursuant to section 101(1)(15)(F), 101(1)(15)(J), or 101(1)(15)(M) of the Immigration and Nationality Act of 1952.

"(2) The term 'observed' means positively identified by physical or electronic means.

"(3) The term 'authorized user' means an individual nominated by an institution participating in the Student Exchange Visitor Program and confirmed by the Secretary as not appearing on any terrorist watch list.

"(e) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized by section 101 of the Department of Homeland Security Authorization Act for Fiscal Year 2008, there are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.".

(b) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall conduct a review of the fees for the Student and Exchange Visitor Program of the Department of Homeland Security. The Comptroller General shall include in such review data from fiscal years 2004 through 2007 and shall consider fees collected by the Department and all expenses associated with the review, issuance, maintenance, data collection, and enforcement functions of the Student and Exchange Visitor Program.

SEC. 905. ASSESSMENT OF RESOURCES NECESSARY TO REDUCE CROSSING TIMES AT LAND PORTS OF ENTRY.

The Secretary of Homeland Security shall, not later than 180 days after the date of the enactment of this Act, conduct an assessment, and submit a report to the Congress, on the personnel, infrastructure, and technology required to reduce border crossing wait times for pedestrian, commercial, and non-commercial vehicular traffic at land ports of entry into the United States to wait times less than prior to September 11, 2001, while ensuring appropriate security checks continue to be conducted.

SEC. 906. BIOMETRIC IDENTIFICATION OF UNAUTHORIZED ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a pilot program for the mobile biometric identification in the maritime environment of aliens unlawfully present in the United States.

(b) REQUIREMENTS.—The Secretary shall ensure that the pilot program is coordinated with other biometric identification programs within the Department of Homeland Security and shall evaluate the costs and feasibility of expanding the capability to all appropriate Department of Homeland Security maritime vessels.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized in section 101, there is authorized to be appropriated $10,000,000 to carry out this section.

SEC. 907. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE REGARDING POLICIES AND PROCEDURES OF THE BORDER PATROL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the policies and procedures of the Border Patrol pertaining to the use of lethal and non-lethal force and the pursuit of fleeing vehicles, including data on the number of incidents in which lethal or non-lethal force was used and any penalties that were imposed on Border Patrol agents as a result of such use.

(b) CONSULTATION.—

(1) REQUIREMENT.—In complying with this section, the Comptroller General shall consult with Customs and Border Protection and with representatives of the following:

(A) State and local law enforcement agencies located along the northern and southern international borders of the United States.

(B) The National Border Patrol Council.

(C) The National Association of Former Border Patrol Officers.

(D) Human rights groups with experience regarding aliens who cross the international land borders of the United States.

(E) Any other group that the Comptroller General determines would be appropriate.

(2) INCLUSION OF OPINIONS.—The Comptroller General shall attach written opinions provided by groups referenced to in paragraph (1) as appendices to the report.

TITLE X—INFORMATION SHARING IMPROVEMENTS

SEC. 1001. STATE AND LOCAL FUSION CENTER PROGRAM.

(a) IN GENERAL.—Subtitle I of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 481 et seq.) is amended by striking sections 895 through 899 and inserting the following:

"SEC. 895. STATE AND LOCAL FUSION CENTER PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department a State and Local Fusion Center Program. The program shall be overseen by the component charged with overseeing information sharing of homeland security information with State, local and tribal law enforcement. The purpose of the State and Local Fusion Center Program is to facilitate information sharing between the Department and State, local, and tribal law enforcement for homeland security and other purposes.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as are necessary for the Secretary to carry out the purpose of the State and Local Fusion Center Program, including for—

"(1) deploying Department personnel with intelligence and operational skills to State and local fusion centers participating in the Program;

"(2) hiring and maintaining individuals with substantial law enforcement experience who have retired from public service and deploying such individuals to State and local fusion centers participating in the Program (with the consent of such centers); and

"(3) maintaining an adequate number of staff at the headquarters of the Department to sustain and manage the portion of the Program carried out at the headquarters and to otherwise fill positions vacated by Department staff deployed to State and local fusion centers participating in the Program.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the items relating to sections 895 through 899 and inserting the following:

"Sec. 895. State and Local Fusion Center Program.".

(c) PRIOR AMENDMENTS NOT AFFECTED.—This section shall not be construed to affect the application of sections 895 through 899 of the Homeland Security Act of 2002 (including provisions enacted by the amendments made by those sections), as in effect before the effective date of this section.

SEC. 1002. FUSION CENTER PRIVACY AND CIVIL LIBERTIES TRAINING PROGRAM.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following new section:

"SEC. 203. FUSION CENTER PRIVACY AND CIVIL LIBERTIES TRAINING PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, through the Assistant Secretary for Information Analysis, the Privacy Officer, and the Officer for Civil Rights and Civil Liberties, shall establish a program within the Office of Civil Rights and Civil Liberties to provide privacy, civil liberties, and civil rights protection training for appropriate Department employees and State, local, tribal employees serving in State and local fusion centers participating in the State and Local Fusion Center Program.

"(b) MANDATORY TRAINING.—

"(1) DEPARTMENT EMPLOYEES.—The Secretary shall require each employee of the Department who is embedded at a State or local fusion center and has access to United States citizens and legal permanent residents personally identifiable information to successfully complete training under the program established under subsection (a).

"(2) FUSION CENTER REPRESENTATIVES.—As a condition of receiving a grant from the Department, a fusion center shall require each State, local, tribal, or private sector representative of the fusion center to successfully complete training under the program established under subsection (a) not later than six months after the date on which the State or local fusion center at which the employee is embedded receives a grant from the Department.

"(c) CONTENTS OF TRAINING.—Training provided under the program established under subsection (a) shall include training in Federal law in each of the following:

"(1) Privacy, civil liberties, and civil rights policies, procedures, and protocols that can provide or control access to information at a State or local fusion center.

"(2) Privacy awareness training based on section 552a of title 5, United States Code, popularly known as the Privacy Act of 1974.

"(3) The handling of personally identifiable information in a responsible and appropriate manner.

"(4) Appropriate procedures for the destruction of information that is no longer needed.

"(5) The consequences of failing to provide adequate privacy and civil liberties protections.

"(6) Compliance with Federal regulations setting standards for multijurisdictional criminal intelligence systems, including 28 CFR 23 (as in effect on the date of the enactment of this section).

"(7) The use of immutable auditing mechanisms designed to track access to information at a State or local fusion center.

"(d) Certification of Training.—The Secretary, acting through the head of the Office of Civil Rights and Civil Liberties, shall issue a certificate to each person who completes the training under this section and performs successfully in a written examination administered by the Office of Civil Rights and Civil Liberties. A copy of each such certificate issued to an individual working at a participating fusion center shall be kept on file at that fusion center.

"(e) Authorization of Appropriations.—Of the amounts authorized by section 101, there are authorized to be appropriate to carry out this section—

"(1) $3,000,000 for each of fiscal years 2008 through 2013; and

"(2) such sums as may be necessary for each subsequent fiscal year.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 203. Fusion center privacy and civil liberties training program.".

SEC. 1003. AUTHORITY TO APPOINT AND MAINTAIN A CADRE OF FEDERAL ANNUITANTS FOR THE OFFICE OF INFORMATION ANALYSIS.

(a) Definitions.—For purposes of this section—

(1) the term "IA" means the Office of Information Analysis;

(2) the term "annuitant" means an annuitant under a Government retirement system;

(3) the term "Government retirement system" has the meaning given such term by section 501(a); and

(4) the term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(b) Appointment Authority.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in IA in accordance with succeeding provisions of this section.

(c) Noncompetitive Procedures; Exemption From Offset.—An appointment made under subsection (b) shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and any annuitant serving pursuant to such an appointment shall be exempt from sections 8344 and 8468 of such title 5 (relating to annuities and pay on reemployment) and any other similar provision of law under a Government retirement system.

(d) Limitations.—No appointment under subsection (b) may be made if such appointment would result in the displacement of any employee or would cause the total number of positions filled by annuitants appointed under such subsection to exceed 100 as of any time (determined on a full-time equivalent basis).

(e) Rule of Construction.—An annuitant as to whom an exemption under subsection (c) is in effect shall not be considered an employee for purposes of any Government retirement system.

(f) Termination.—Upon the expiration of the 5-year period beginning on the date of the enactment of this Act—

(1) any authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. ELIGIBLE USES FOR INTEROPERABILITY GRANTS.

The Secretary of Homeland Security shall ensure that all funds administered by the Department of Homeland Security to support the interoperable communications needs of State, local, and tribal agencies, including funds administered pursuant to a Memorandum of Understanding or other agreement, may be used to support the standards outlined in the SAFECOM interoperability continuum, including governance, standard operating procedures, technology, training and exercises, and usage.

SEC. 1102. RURAL HOMELAND SECURITY TRAINING INITIATIVE.

(a) Establishment.—The Secretary of Homeland Security shall establish a program to be administered by the Director of the Federal Law Enforcement Training Center of the Department of Homeland Security to expand homeland security training to units of local and tribal governments located in rural areas. The Secretary shall take the following actions:

(1) Evaluation of needs of rural areas.—The Secretary shall evaluate the needs of such areas.

(2) Development of training programs.—The Secretary shall develop expert training programs designed to respond to the needs of such areas, including, but not limited to, those pertaining to rural homeland security responses including protections for privacy, and civil rights and civil liberties.

(3) Provision of training programs.—The Secretary shall provide to such areas the training programs developed under paragraph (2).

(4) Outreach efforts.—The Secretary shall conduct outreach efforts to ensure that such areas are aware of the training programs developed under paragraph (2) so that such programs are made available to units of local government and tribal governments located in rural areas.

(b) No Duplication or Displacement of Current Programs.—Any training program developed under paragraph (2) of subsection (a) and any training provided by the program pursuant to such subsection shall be developed or provided, respectively, in a manner so as to not duplicate or displace any program in existence on the date of the enactment of this section.

(c) Prioritized Locations for Rural Homeland Security Training.—In designating sites for the provision of training under this section, the Secretary shall, to the maximum extent possible and as appropriate, give priority to facilities of the Department of Homeland Security in existence as of the date of the enactment of this Act and to closed military installations, and to the extent possible, shall conduct training onsite, at facilities operated by participants.

(d) Rural Defined.—In this section, the term "rural" means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

SEC. 1103. CRITICAL INFRASTRUCTURE STUDY.

(a) In General.—The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

(b) Included Incentives.—Incentives evaluated under this section shall include, but not be limited to, tax incentives, grant eligibility incentives, and certificates of compliance and other non-monetary incentives.

(c) Recommendations.—The evaluation shall also include recommendations on the structure and thresholds of any incentive program.

SEC. 1104. TERRORIST WATCH LIST AND IMMIGRATION STATUS REVIEW AT HIGH-RISK CRITICAL INFRASTRUCTURE.

From amounts authorized under section 101, there may be appropriated such sums as are necessary for the Secretary of Homeland Security to require each owner or operator of a Tier I or Tier II critical infrastructure site as selected for the Buffer Zone Protection Program, to conduct checks of their employees against available terrorist watch lists and immigration status databases.

SEC. 1105. AUTHORIZED USE OF SURPLUS MILITARY VEHICLES.

The Secretary of Homeland Security shall include United States military surplus vehicles having demonstrated utility for responding to terrorist attacks, major disasters, and other emergencies on the Authorized Equipment List in order to allow State, local, and tribal agencies to purchase, modify, upgrade, and maintain such vehicles using homeland security assistance administered by the Department of Homeland Security.

SEC. 1106. COMPUTER CAPABILITIES TO SUPPORT REAL-TIME INCIDENT MANAGEMENT.

From amounts authorized under section 101, there are authorized such sums as may be necessary for the Secretary of Homeland Security to encourage the development and use of software- or Internet-based computer capabilities to support real-time incident management by Federal, State, local, and tribal agencies. Such software-based capabilities shall be scalable and not be based on proprietary systems to ensure the compatibility of Federal, State, local, and tribal first responder agency incident management systems. In the development and implementation of such computer capabilities, the Secretary shall consider the feasibility and desirability of including the following capabilities:

(1) Geographic information system data.

(2) Personnel, vehicle, and equipment tracking and monitoring.

(3) Commodity tracking and other logistics management.

(4) Evacuation center and shelter status tracking.

(5) Such other capabilities as determined appropriate by the Secretary.

SEC. 1107. EXPENDITURE REPORTS AS A CONDITION OF HOMELAND SECURITY GRANTS.

(a) In General.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"SEC. 890A. EXPENDITURE REPORTS AS A CONDITION OF HOMELAND SECURITY GRANTS.

"(a) Quarterly Reports Required as a Condition of Homeland Security Grants.—

"(1) Expenditure reports required.—As a condition of receiving a grant administered by the Secretary, the Secretary shall require the grant recipient to submit quarterly reports to the Secretary describing the nature and amount of each expenditure made by the recipient using grant funds.

"(2) Deadline for reports.—Each report required under paragraph (1) shall be submitted not later than 30 days after the last day of a fiscal quarter and shall cover expenditures made during that fiscal quarter.

"(b) Publication of Expenditures.—Not later than 30 days after receiving a report under subsection (a), the Secretary shall publish and make publicly available on the Internet website

of the Department a description of the nature and amount of each expenditure covered by the report.

"(c) Protection of Sensitive Information.—In meeting the requirements of this section, the Secretary shall take appropriate action to ensure that sensitive information is not disclosed.".

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following:

"Sec. 890A. Expenditure reports as a condition of homeland security grants.".

SEC. 1108. ENCOURAGING USE OF COMPUTERIZED TRAINING AIDS.

The Under Secretary for Science and Technology of the Department of Homeland Security shall use and make available to State and local agencies computer simulations to help strengthen the ability of municipalities to prepare for and respond to a chemical, biological, or other terrorist attack, and to standardize response training.

SEC. 1109. PROTECTION OF NAME, INITIALS, INSIGNIA, AND DEPARTMENTAL SEAL.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following new subsection:

"(d) Protection of Name, Initials, Insignia, and Seal.—

"(1) In general.—Except with the written permission of the Secretary, no person may knowingly use, in connection with any advertisement, commercial activity, audiovisual production (including film or television production), impersonation, Internet domain name, Internet e-mail address, or Internet Web site, merchandise, retail product, or solicitation in a manner reasonably calculated to convey the impression that the Department or any organizational element of the Department has approved, endorsed, or authorized such use, any of the following (or any colorable imitation thereof):

"(A) The words 'Department of Homeland Security', the initials 'DHS', the insignia or seal of the Department, or the title 'Secretary of Homeland Security'.

"(B) The name, initials, insignia, or seal of any organizational element (including any former such element) of the Department, or the title of any other officer or employee of the Department, notice of which has been published by the Secretary in accordance with paragraph (3).

"(2) Civil action.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice that constitutes or will constitute conduct prohibited by paragraph (1) the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

"(3) Notice and publication.—The notice and publication to which paragraph (1)(B) refers is a notice published in the Federal Register including the name, initials, seal, or class of titles protected under paragraph (1)(B) and a statement that they are protected under that provision. The Secretary may amend such notice from time to time as the Secretary determines appropriate in the public interest and shall publish such amendments in the Federal Register.

"(4) Audiovisual production.—For the purpose of this subsection, the term 'audiovisual production' means the production of a work that consists of a series of related images that are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the work is embodied.".

SEC. 1110. REPORT ON UNITED STATES SECRET SERVICE APPROACH TO SHARING UNCLASSIFIED, LAW ENFORCEMENT SENSITIVE INFORMATION WITH FEDERAL, STATE, AND LOCAL PARTNERS.

(a) Report by Director of United States Secret Service.—Not later than 240 days after the date of the enactment of this Act, the Director of the United States Secret Service shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Inspector General of the Department of Homeland Security a report describing the approach of the Secret Service to sharing unclassified, law enforcement sensitive information with Federal, State, and local law enforcement agencies for homeland security and other purposes.

(b) Report by Inspector General.—The Inspector General of the Department of Homeland Security shall conduct a review of the report submitted by the Director of the United States Secret Service under subsection (a), and submit a report with recommendations on whether and how such approach could be incorporated throughout the Department to Congress within 240 days after receiving the report of the Director of the United States Secret Service under subsection (a).

SEC. 1111. REPORT ON UNITED STATES SECRET SERVICE JAMES J. ROWLEY TRAINING CENTER.

Within 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall provide to the appropriate congressional committees, including the Committees on Homeland Security and Appropriations of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Appropriations of the Senate, a report describing the following:

(1) The mission and training capabilities of the United States Secret Service James J. Rowley Training Center.

(2) Current Secret Service personnel throughput capacity of the James J. Rowley Training Center.

(3) Maximum Secret Service personnel throughput capacity of the James J. Rowley Training Center.

(4) An assessment of what departmental components engage in similar training activities as those conducted at the James J. Rowley Training Center.

(5) An assessment of the infrastructure enhancements needed to support the mission and training capabilities of the James J. Rowley Training Center.

(6) An assessment of the actual and expected total throughput capacity at the James J. Rowley Training Center, including outside entity participants.

SEC. 1112. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

(a) In General.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 522. METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM.

"(a) In General.—There is a Metropolitan Medical Response System Program (in this section referred to as the 'program').

"(b) Purpose.—The purpose of the program shall be to support local jurisdictions in enhancing and maintaining all-hazards response capabilities to manage mass casualty incidents (including terrorist acts using chemical, biological, radiological, nuclear agents, or explosives, large-scale hazardous materials incidents, epidemic disease outbreaks, and natural disasters) by systematically enhancing and integrating first responders, public health personnel, emergency management personnel, business representatives, and volunteers.

"(c) Program Administration.—The Assistant Secretary for Health Affairs shall develop the programmatic and policy guidance for the program in coordination with the Administrator of the Federal Emergency Management Agency.

"(d) Personnel Costs.—The program shall not be subject to an administrative cap on the hiring of personnel to conduct program activities.

"(e) Financial Assistance.—

"(1) Administration.—The Administrator of the Federal Emergency Management Agency shall administer financial assistance provided to State and local jurisdictions under the program.

"(2) Assistance to local jurisdictions.—In providing financial assistance to a State under the program, the Administrator shall ensure that 100 percent of the amount of such assistance is allocated by the State to local jurisdictions, except that a State may retain up to 20 percent of the amount of such assistance to facilitate integration between the State and the local jurisdiction pursuant to a written agreement between the State and the chair of the Metropolitan Medical Response System steering committee.

"(3) Mutual aid.—

"(A) Agreements.—Local jurisdictions receiving assistance under the program are encouraged to develop and maintain memoranda of understanding and agreement with neighboring jurisdictions to support a system of mutual aid among the jurisdictions.

"(B) Contents.—A memorandum referred to in subparagraph (A) shall include, at a minimum, policies and procedures to—

"(i) enable the timely deployment of program personnel and equipment across jurisdictions and, if relevant, across State boundaries;

"(ii) share information in a consistent and timely manner; and

"(iii) notify State authorities of the deployment of program resources in a manner that ensures coordination with State agencies without impeding the ability of program personnel and equipment to respond rapidly to emergencies in other jurisdictions.

"(f) Authorization of Appropriations.—Of the amounts authorized by section 101 there is authorized to be appropriated to carry out the program $63,000,000 for each of the fiscal years 2008 through 2011.".

(b) Program Review.—

(1) In general.—The Assistant Secretary for Health Affairs shall conduct a review of the Metropolitan Medical Response System Program.

(2) Content of review.—In conducting the review of the program, the Assistant Secretary shall examine—

(A) strategic goals;

(B) objectives;

(C) operational capabilities;

(D) resource requirements;

(E) performance metrics;

(F) administration;

(G) whether the program would be more effective if it were managed as a contractual agreement;

(H) the degree to which the program's strategic goals, objectives, and capabilities are incorporated in State and local homeland security plans; and

(I) challenges in the coordination among public health, public safety, and other stakeholder groups to prepare for and respond to mass casualty incidents.

(3) Report.—Not later than 9 months after the date of enactment of this subsection, the Assistant Secretary shall submit to the Committee

on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the review.

(c) Conforming Amendments.—

(1) Repeal.—Section 635 of the Post-Katrina Management Reform Act of 2006 (6 U.S.C. 723) is repealed.

(2) Table of contents.—The table of contents contained in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 521 the following:

"Sec. 522. Metropolitan Medical Response System Program.".

SEC. 1113. IDENTITY FRAUD PREVENTION GRANT PROGRAM.

(a) Findings.—Congress finds the following:

(1) The National Commission on Terrorist Attacks Upon the United States found that the 19 hijackers had been issued 16 State driver's licenses (from Arizona, California, Florida, and Virginia) and 14 State identification cards (from Florida, Maryland and Virginia).

(2) The Commission concluded that "[s]ecure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

(b) Grant Program.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 447. DOCUMENT FRAUD PREVENTION GRANT PROGRAM.

"(a) In General.—The Secretary shall establish a program to make grants available to States to be used to prevent terrorists and other individuals from fraudulently obtaining and using State-issued identification cards and to develop more secure State-issued documents to be used for official Federal purposes.

"(b) Use of Funds.—A recipient of a grant under this section may use the grant for any of the following purposes:

"(1) To develop machine readable technology, encryption methods, or other means of protecting against unauthorized access of information appearing on licenses or identification.

"(2) To establish a system for a State-to-State data exchange that allows electronic access to States to information contained in a State department of motor vehicles database.

"(3) To develop or implement a security plan designed to safeguard the privacy of personal information collected, maintained, and used by State motor vehicles offices from unauthorized access, misuse, fraud, and identity theft.

"(4) To develop a querying service that allows access to Federal databases in a timely, secure, and cost-effective manner, in order to verify the issuance, validity, content, and completeness of source documents provided by applicants for identity documents issued by State agencies, including departments of motor vehicles.

"(5) To develop a system for States to capture and store digital images of identity source documents and photographs of applicants in electronic format.

"(6) To design systems or establish procedures that would reduce the number of in-person visits required to State departments of motor vehicles to obtain State-issued identity documents used for Federal official purposes.

"(c) Priority in Awarding Grants.—In awarding grants under this section the Secretary shall give priority to a State that demonstrates that—

"(1) the grant will assist the State in complying with any regulation issued by the Department to prevent the fraudulent issuance of identification documents to be used for official Federal purposes; and

"(2) such compliance will facilitate the ability of other States to comply with such regulations.

"(d) Limitation on Source of Funding.—The Secretary may not use amounts made available under this section for any other grant program of the Department to provide funding for expenses related to the REAL ID Act of 2005 (Public Law 109–13).

"(e) Authorization of Appropriations.—Of the amounts authorized by section 101 there are authorized to be appropriated to the Secretary for making grants under this section—

"(1) $120,000,000 for fiscal year 2008;

"(2) $100,000,000 for fiscal year 2009; and

"(3) $80,000,000 for fiscal year 2010.".

(c) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by inserting after the items relating to such subtitle the following:

"Sec. 447. Document fraud prevention grant program.".

SEC. 1114. TECHNICAL CORRECTIONS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by striking the items relating to the second title XVIII, as added by section 501(b)(3) of Public Law 109–347, and inserting the following:

"TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

"Sec. 1901. Domestic Nuclear Detection Office.
"Sec. 1902. Mission of Office.
"Sec. 1903. Hiring authority.
"Sec. 1904. Testing authority.
"Sec. 1905. Relationship to other Department entities and Federal agencies.
"Sec. 1906. Contracting and grant making authorities.".

(2) by redesignating the second title XVIII, as added by section 501(a) of Public Law 109–347, as title XIX;

(3) in title XIX (as so redesignated)—

(A) by redesignating sections 1801 through 1806 as sections 1901 through 1906, respectively;

(B) in section 1904(a) (6 U.S.C. 594(a)), as so redesignated, by striking "section 1802" and inserting "section 1902"; and

(C) in section 1906 (6 U.S.C. 596), as so redesignated, by striking "section 1802(a)" each place it appears and inserting "section 1902(a)".

SEC. 1115. CITIZEN CORPS.

Of the amount authorized to be appropriated under section 101, such sums as may be necessary shall be available to the Secretary of Homeland Security to encourage the use of Citizen Corps funding and local Citizen Corps Councils to provide education and training for populations located around critical infrastructure on preparing for and responding to terrorist attacks, major disasters, and other emergencies.

SEC. 1116. REPORT REGARDING DEPARTMENT OF HOMELAND SECURITY IMPLEMENTATION OF COMPTROLLER GENERAL AND INSPECTOR GENERAL RECOMMENDATIONS REGARDING PROTECTION OF AGRICULTURE.

(a) Report Required.—The Secretary of Homeland Security shall prepare a report describing how the Department of Homeland Security will implement the applicable recommendations of the following reports:

(1) Comptroller General report entitled "Homeland Security: How Much is Being Done to Protect Agriculture from a Terrorist Attack, but Important Challenges Remain" (GAO–05–214).

(2) Department of Homeland Security Office of Inspector General report entitled "The Department of Homeland Security's Role in Food Defense and Critical Infrastructure Protection" (OIG–07–33).

(b) Submission of Report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. If the Secretary determines that a specific recommendation will not be implemented or will not be fully implemented, the Secretary shall include in the report a description of the reasoning or justification for the determination.

SEC. 1117. REPORT REGARDING LEVEE SYSTEM.

(a) In General.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report analyzing the threat, vulnerability, and consequence of a terrorist attack on the levee system of the United States.

(b) Existing Reports.—In implementing this section, the Secretary may build upon existing reports as necessary.

SEC. 1118. REPORT ON FORCE MULTIPLIER PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the progress of the Secretary—

(1) in establishing procedures to ensure compliance with section 44917(a)(7) of title 49, United States Code; and

(2) in accomplishing the operational aspects of the Force Multiplier Program, as required pursuant to the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

SEC. 1119. ELIGIBILITY OF STATE JUDICIAL FACILITIES FOR STATE HOMELAND SECURITY GRANTS.

(a) In General.—States may utilize covered grants for the purpose of providing funds to State and local judicial facilities for security at those facilities.

(b) Covered Grants.—For the purposes of this section, the term "covered grant" means a grant under any of the following programs of the Department of Homeland Security:

(1) The State Homeland Security Grant Program.

(2) The Urban Area Security Initiative.

SEC. 1120. AUTHORIZATION OF HOMELAND SECURITY FUNCTIONS OF THE UNITED STATES SECRET SERVICE.

(a) Authorized Funding.—Of the amounts authorized by section 101, there is authorized to be appropriated for fiscal year 2008 for necessary expenses of the United States Secret Service, $1,641,432,000.

(b) Authorized Personnel Strength.—The United States Secret Service is authorized to provide 6,822 full-time equivalent positions.

SEC. 1121. DATA SHARING.

The Secretary of Homeland Security shall provide information relating to assistance requested or provided in response to a terrorist attack, major disaster, or other emergency, to Federal, State, or local law enforcement entities to assist in the location of a missing child or registered sex offender. In providing such information, the Secretary shall take reasonable steps to protect the privacy of individuals.

TITLE XII—MARITIME ALIEN SMUGGLING

SEC. 1201. SHORT TITLE.

This title may be cited as the "Maritime Alien Smuggling Law Enforcement Act".

SEC. 1202. CONGRESSIONAL DECLARATION OF FINDINGS.

The Congress finds and declares that maritime alien smuggling violates the national sovereignty of the United States, places the country at risk of terrorist activity, compromises the *country's border security, contravenes the rule of law, and compels an unnecessary risk to life among those who enforce the Nation's laws. Moreover, such maritime alien smuggling creates a condition of human suffering among those who seek to enter the United States without official permission or lawful authority that is to be universally condemned and vigorously opposed.*

SEC. 1203. DEFINITIONS.

In this title:

(1) The term "alien" has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) The term "lawful authority" means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.

(3) The term "serious bodily injury" has the same meaning given that term in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of such title, if the conduct occurred in the special maritime and territorial jurisdiction of the United States.

(4) The term "State" has the same meaning given that term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) The term "terrorist activity" has the same meaning given that term in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)).

(6) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(7) The term "vessel of the United States" and "vessel subject to the jurisdiction of the United States" have the same meanings given those terms in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

SEC. 1204. MARITIME ALIEN SMUGGLING.

(a) OFFENSE.—For purposes of enforcing Federal laws, including those that pertain to port, maritime, or land border security, no person on board a vessel of the United States or a vessel subject to the jurisdiction of the United States, or who is a citizen or national of the United States or an alien who is paroled into or is a resident of the United States on board any vessel, shall assist, encourage, direct, induce, transport, move, harbor, conceal, or shield from detection an individual in transit from one country to another on the high seas, knowing or in reckless disregard of the fact that such individual is an alien, known, or suspected terrorist, or an individual seeking to commit terrorist activity, seeking to enter the United States without official permission or lawful authority.

(b) ATTEMPT OR CONSPIRACY.—Any person who attempts or conspires to commit a violation of this title shall be subject to the same penalties as those prescribed for the violation, the commission of which was the object of the attempt or conspiracy.

(c) JURISDICTION AND SCOPE.—

(1) IN GENERAL.—Jurisdiction of the United States with respect to vessels and persons subject to this section is not an element of any offense. All jurisdictional issues arising under this section are preliminary questions of law to be determined solely by the trial judge.

(2) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this section.

(3) NONAPPLICABILITY TO LAWFUL ACTIVITIES.—Nothing in this title shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

(d) CLAIM OF FAILURE TO COMPLY WITH INTERNATIONAL LAW; JURISDICTION OF COURT.—Any person charged with a violation of this title shall not have standing to raise the claim of failure to comply with international law as a basis for a defense. A claim of failure to comply with international law in the enforcement of this title may be invoked solely by a foreign nation, and a failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this title.

(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of this section, as to which the defendant has the burden of proof by a preponderance of the evidence, that prior to the alleged violation the defendant rescued the alien at sea, if the defendant—

(1) immediately reported to the Coast Guard the circumstances of the rescue, and the name, description, registry number, and location of the rescuing vessel; and

(2) did not bring or attempt to bring the alien into the land territory of the United States without official permission or lawful authority, unless exigent circumstances existed that placed the life of the alien in danger, in which case the defendant must have reported to the Coast Guard the information required by paragraph (1) of this subsection immediately upon delivering that alien to emergency medical personnel ashore.

(f) ADMISSIBILITY OF EVIDENCE.—Notwithstanding any provision of the Federal Rules of Evidence, the testimony of Coast Guard personnel and official records of the Coast Guard, offered to show either that the defendant did not report immediately the information required by subsection (e) or the absence of any such report by the defendant, shall be admissible, and the jury shall be instructed, upon request of the United States, that it may draw an inference from such records or testimony in deciding whether the defendant reported as required by subsection (e).

(g) ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually or electronically preserved) deposition of a witness to any alleged violation of subsection (a) of this section who has been repatriated, removed, extradited, or otherwise expelled from or denied admission to the United States or who is otherwise unable to testify may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

(h) PENALTIES.—A person who commits any violation under this section shall—

(1) be imprisoned for not less than 3 years and not more than 20 years, fined not more than $100,000, or both;

(2) in a case in which the violation furthers or aids the commission of any other criminal offense against the United States or any State for which the offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 years and not more than 20 years, fined not more than $100,000, or both;

(3) in a case in which any participant in the violation created a substantial risk of death or serious bodily injury to another person (including, but not limited to, transporting a person in a shipping container, storage compartment, or other confined space or at a speed in excess of the rated capacity of the vessel), be imprisoned for not less than 5 years and not more than 20 years, fined not more than $100,000, or both;

(4) in a case in which the violation caused serious bodily injury to any person, regardless of where the injury occurred, be imprisoned for not less than 7 years and not more than 30 years, fined not more than $500,000, or both;

(5) in a case in which the violation involved an alien who the offender knew or had reason to believe was an alien engaged in terrorist activity or intending to engage in terrorist activity, be imprisoned for not less than 10 years and not more than 30 years, fined not more than $500,000, or both; and

(6) in the case where the violation caused or resulted in the death of any person regardless of where the death occurred, be punished by death or imprisoned for not less than 10 years and up to a life sentence, fined not more than $1,000,000, or both.

SEC. 1205. SEIZURE OR FORFEITURE OF PROPERTY.

(a) IN GENERAL.—Any conveyance (including any vessel, vehicle, or aircraft) that has been or is being used in the commission of any violation of this title), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds shall be seized and subject to forfeiture in the same manner as property seized or forfeited under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

(b) PRIMA FACIE EVIDENCE OF VIOLATIONS OF THE TITLE.—Practices commonly recognized as alien smuggling tactics may provide prima facie evidence of intent to use a vessel to commit, or to facilitate the commission of, a violation of this title and may support seizure and forfeiture of the vessel, even in the absence aboard the vessel of an alien in unlawful transit. The following indicia may be considered, in the totality of the circumstances, to be prima facie evidence that a vessel is intended to be used to commit, or to facilitate the commission of, a violation of this title:

(1) The construction or adaptation of the vessel in a manner that facilitates smuggling, including—

(A) the configuration of the vessel to avoid being detected visually or by radar;

(B) the presence of any compartment or equipment that is built or fitted out for smuggling (excluding items reasonably used for the storage of personal valuables);

(C) the presence of an auxiliary fuel, oil, or water tank not installed in accordance with applicable law or installed in such a manner as to enhance the vessel's smuggling capability;

(D) the presence of engines, the power of which exceeds the design specifications or size of the vessel;

(E) the presence of materials used to reduce or alter the heat or radar signature of the vessel or avoid detection;

(F) the presence of a camouflaging paint scheme or materials used to camouflage the vessel; and

(G) the display of false vessel registration numbers, false indicia of vessel nationality, false vessel name, or false vessel homeport.

(2) The presence or absence of equipment, personnel, or cargo inconsistent with the type or declared purpose of the vessel.

(3) The presence of fuel, lube oil, food, water, or spare parts inconsistent with legitimate operation of the vessel, the construction or equipment of the vessel, or the character of the vessel.

(4) The operation of the vessel without lights during times lights are required to be displayed under applicable law or regulation or in a manner of navigation.

(5) The failure of the vessel to stop, respond, or heave to when hailed by an official of the Federal Government, including conducting evasive maneuvers.

(6) The declaration to the Federal Government of apparently false information about the vessel, crew, or voyage or the failure to identify the vessel by name or country of registration when requested to do so by a Government official.

(c) PRIMA FACIE EVIDENCE OF THE ABSENCE OF LAWFUL AUTHORITY TO ENTER.—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of this title has occurred, any of the following shall be prima facie evidence in an action for seizure or forfeiture pursuant to this section that an alien involved in the alleged offense had not received prior official permission or legal authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(1) Any order, finding, or determination concerning the alien's status or lack thereof made by a Federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

(2) Official records of the Department of Homeland Security, the Department of Justice, or the Department of State concerning the alien's status or lack thereof.

(3) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–136. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–136.

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", excluding each agency that is a distinct entity within the Department".

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", consistent with this section".

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

"(b) COORDINATION.—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer's respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing.".

In the proposed section 707(c), strike "reporting to" and insert "coordinating with".

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after "submit to the Committee on Homeland Security" the following: "and the Committee on Transportation and Infrastructure".

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

"(d) AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary's respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.".

In section 301(c), after "submit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after "congressional homeland security committees" the following: "and other appropriate congressional committees".

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after "require the contractor to submit" insert the following: "past performance".

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike "the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))" and insert "the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))".

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike "the Department of Homeland Security shall consider" and insert "The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,".

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike "The Secretary" and insert "Consistent with any applicable law, the Secretary".

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.

(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) An detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be

made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after "transmit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In section 504, strike subsection (b) and insert the following:

(b) Appointment Authority.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) Termination of Authority.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after "statutes" the following: " and Office of Personnel Management Regulations and Guidelines".

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

"(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;".

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike "to monitor critical information infrastructure" and insert "for ongoing activities to identify threats to critical information infrastructure".

In section 702(c)(2), insert after "Standards and Technology," the following: "the Department of Commerce,".

Insert after section 702 the following (and conform the table of contents accordingly):

SEC. 703. COLLABORATION.

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike "maximum".

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after "the project may" insert the following: ", subject to the availability of appropriations for such purpose,".

Insert at the end of title VIII the following (and conform the table of contents accordingly):

SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) Authority.—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security owned and operated center, or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) Interference With Federal Programs.—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) Confidentiality of Test Results.—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552b(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) Fees.—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) Use of Fees.—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) Operational Plan.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate feel, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) Report to Congress.—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) GAO.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student and Exchange Visitor Program (referred to in this section as "SEVP") and specifically the Student and Exchange Visitor Information System (referred to in this section as "SEVIS"). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a nonimmigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) Appointment Authority.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike "and immigration status databases".

In the heading for section 1103, as so redesignated, strike "**AND IMMIGRATION REVIEW**".

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

"(3) EXCLUDED PROGRAMS.—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).".

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) CONSULTATION.—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) REPORT.—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) DEFINITIONS.—As used in this section—

(1) each of the terms "architectural", "engineering", "surveying", and "mapping"—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or manmade physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term "critical infrastructure"—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.

(a) MERGING REQUIREMENTS OF NEXUS AND FAST.—

(1) IN GENERAL.—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) SPECIFIC REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as "NEXUS Highway", "NEXUS Marine", and "NEXUS Air" are integrated into such a single procedure.

(b) INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to a participant to operate in all locations where a program described in such subsection is operating.

(c) CREATION OF NEXUS CONVERTIBLE LANES.—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) ON-LINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) PROMOTING ENROLLMENT.—

(1) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) CUSTOMER SERVICE PHONE NUMBER.—In order to provide potential applicants with timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) PROGRAMS.—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

SEC. 1119. TRAVEL DOCUMENTS.

(a) TRAVEL TO CANADA AND MEXICO.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

"(3) PASS CARD INFRASTRUCTURE.—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

"(4) FLEXIBLE IMPLEMENTATION PERIOD.—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

"(5) SPECIAL RULE FOR CERTAIN MINORS.—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States from Canada, Mexico, Bermuda, or the Carribean at any port of entry along the international land or maritime border of the United States.

"(6) SPECIAL RULE FOR CERTAIN STUDENT MINORS TRAVELING AS PART OF AN AUTHORIZED AND SUPERVISED SCHOOL TRIP.—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

"(7) PUBLIC OUTREACH.—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

"(8) COST-BENEFIT ANALYSIS.—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866 and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.".

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my manager's amendment strengthens H.R. 1684 by adding some things and taking out some others. Ninety-two percent of the provisions that I am seeking to have removed were items offered for the first time in the committee's mark-up. They were good ideas, but we haven't had the benefit of giving these novel ideas the full consideration they deserve.

After the mark-up, I had the opportunity to speak with a number of chairs who had a shared interest in these items. Collaboration is a wonderful thing, Mr. Chairman. In some cases, they offered suggestions to make the bill better. Those changes are contained in this amendment. In other cases, they offered to work together on these issues and other legislative vehicles. So, as a testament to the collaborative spirit of this majority, I offer this amendment.

I am well aware that some of my Republican colleagues are complaining about what my amendment does. I am reminded of what LBJ once told an audience: "Perhaps you can help. Don't just complain, develop a better doctrine." This Congress, we're developing a better doctrine.

It is important to look at this milestone in context. Let me provide a little lesson on the Committee of Homeland Security's history.

In 2003, the year the committee was created, then Chairman Chris Cox failed to put forth an authorization bill.

In 2004, Chairman Cox scheduled his first markup of an authorization bill but barely got half the committee Republicans to show up. Outnumbered by Democrats, the markup was cancelled after opening statements. Even if the markup had proceeded, it was still 2 months late, as the appropriations bill had passed a month earlier.

In 2005, Mr. Cox was still a day late and a dollar short in getting the bill passed through the House. The appropriation bill still came first.

In 2006, the committee took two steps back. My colleague from New York didn't even mark up an authorization bill until late July, a month and a half after the appropriation bill passed the House. His bill never even went to the floor for a vote. Come on, now. We've all learned Legislation 101, that Congress first authorizes, then appropriates.

Today, under Democratic leadership, we are considering a timely, thorough and thoughtful authorization bill that has the input of numerous committees.

This is the earliest a Homeland Security authorization bill has ever appeared on the floor. It also bears mention that it is on the floor before the appropriations bill. America is not interested in congressional infighting but in getting the job done. We are doing just that.

I urge my colleagues on both sides of the aisle to support my manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim time in opposition to the manager's amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. I recognize myself for as much time as I may consume.

Mr. Chairman, I understand the chairman's dilemma. The bottom line is we did pass a very strong bill out of committee. And let's just again delineate some of those provisions which were unanimously agreed to and have been agreed to: Language on maritime alien smuggling; language which would have monitored the activities of foreign students and visitors; biometric identification of illegal aliens; expanding the use of interoperability grants, which is so much needed by our local law enforcement and first responders; authorizing the Secret Service and its functions; increasing the authorizations of the Secret Service to provide security to Presidential candidates; prohibiting grants to universities which bar Coast Guard recruiters. It eliminated a report on Secret Service training facilities. And, as Mr. MCCAUL said before, it eliminated the provision providing for a National Bio and Agro Defense facility.

Also, more significantly, if we go to the heart of the 9/11 Commission, it eliminated the language calling for a sense of Congress that the homeland security be in fact the focal point and the central point when it comes to legislation on homeland security and also when it comes to overseeing the Department of Homeland Security.

Now the chairman has gone back in history to talk about what happened in the past. The fact is, this is a growing committee, and we all have to make decisions. We have to make value-based decisions. We have to make prudent decisions.

I was the chairman last year; and I did not go for an authorization bill early on in the year because I thought it was important, in establishing the jurisdiction of the committee, that we go forward and adopt the most far-reaching port security bill ever enacted and, in doing so, confronting jurisdictional impediments thrown at us by other committees.

We did that. It was a long, hard fight. It began early spring and wasn't concluded until September, but we did conclude it. And not only did we enact solid legislation, but, as importantly, we were able to establish our jurisdiction at the expense of competing committees. And I say that not as part of a turf battle, but if we are going to have real homeland security, we have to have a real Homeland Security Committee.

Similarly, when it came to restructuring FEMA, which was a mammoth fight here in the Congress last year, we stood strong through May and June and July and into September; and when the final product came out, it again enhanced the jurisdiction of the Homeland Security Committee.

Also, on the issue of chemical plant security, we fought hard on that. We fought hard for our language, and we got it in. It was part of the omnibus appropriation, and that language again established the Committee on Homeland Security as the primary committee on that issue.

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So these were all solid steps forward made by the committee.

Now, I understand the chairman's dilemma. I am not here to take cheap shots. I realize how tough this can be. But my point is, when we had such a solid vote, a unanimous vote coming out of committee, I think more should have been done in resisting the efforts of the other chairmen and of the Democratic leadership to strip so many of the provisions. Almost half of the provisions have been stripped out altogether or dramatically modified. So I do see this, unfortunately, as a step backwards. Certainly not a step forward.

I realize the significance of getting the authorization bill done. I am not trying to minimize that. But the fact is, considering the progress we made last year in such significant areas as port security, chemical plant security and the restructuring of FEMA, we could have done better on this authorization bill this year.

Again, I will have to urge a "no" vote on this manager's amendment because of the damage which I believe it does to the Committee on Homeland Security. And also, Mr. Chairman, to send a signal, not to Chairman THOMPSON but to the leadership of the House, that we did come forward on our side. We were willing to stand up to the administration and increase spending by over $2 billion more than the administration requests and wants. We did that unanimously on the Republican side. We also again worked with Chairman THOMPSON on the language that he wanted. He worked with us. So we did make that effort at the committee level.

I just wish the same level of bipartisan cooperation was shown at the leadership level of the House of Representatives rather than having the minority excluded altogether, which was never done at the committee level, either under myself or now under Chairman THOMPSON.

Mr. Chairman, with that, I will rest on the eloquence of my previous remarks and yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I insert for the RECORD a letter from the chairman and ranking minority member of the Judiciary Committee in support of our legislation but reserving, under rule X, the jurisdiction of their committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 2007.

Hon. BENNIE G. THOMPSON,
Chairman,
Hon. PETER T. KING,
Ranking Minority Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. THOMPSON AND MR. KING: We are writing regarding the bill H.R. 1684, the "Department of Homeland Security authorization act for Fiscal Year 2008." We understand that the Committee on Homeland Security intends to report this bill in the next few days, and that it may come to the House floor as early as next week.

H.R. 1684 is an ambitious bill that contains a number of provisions that fall within the Rule X jurisdiction of the Committee on the Judiciary rather than the Committee on Homeland Security. Our Committee was not furnished the text of the bill as it will be reported until almost a month after your Committee approved it, and was not consulted regarding any of the provisions in question. As there is not adequate time now for our Committee to take a referral of this bill and appropriately consider these provisions, we would request that they be removed from the bill before its consideration on the floor.

The provisions in question include: section 305; section 507; section 901; section 904; section 906; section 1104; new subsection (d)(2) of 6 U.S.C. 455 as it would be added by section 1109; section 1110; section 1111; section 1120; section 1121; and all of title XII.

Thank you for your attention to our request.

Sincerely,

JOHN CONYERS, JR.
Chairman.
LAMAR SMITH,
Ranking Minority Member.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KING of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–136.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TOM DAVIS of Virginia:

Strike section 407.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Virginia (Mr. TOM DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment will remove from this legislation a very dangerous and costly restriction on the government's ability to obtain protective gear, apparel and other materials that are critical to those charged with protecting our Nation.

Is 9/11 already such a distant memory that we are willing to sacrifice the safety of those protecting our country in order to delude ourselves into believing we are saving jobs? Are there Members of this House who believe we should not be doing everything we can to make sure that our Customs Officers, our Border Patrol agents, our Air Marshals have the best protective gear, the best bulletproof vest, the best body armor available in the world when we go out and purchase this for them? Wherever it is made, we want them to have the best.

Make no mistake about it, a vote against my amendment is a vote to jeopardize the safety and security of the agents and officers protecting our country by restricting the sourcing and our ability to buy the best available around the globe.

What is more, section 407 limits competition, which ends up driving up taxpayer costs, and it limits the Homeland Security Department's ability to obtain the best products to protect our homeland.

Members should not be conned into thinking that domestic source restrictions, "Buy America," save jobs. Time and time again, these shortsighted restrictions have ended up costing us more American jobs than they save, as our trading partners then take retaliatory action against American-made goods and services that we sell abroad. We should remember that we are only 4 percent of the world's consumers here in the United States. Pretty soon, with these kind of source restrictions on what America can buy and sell, we are going to be selling only to ourselves.

Restrictions such as these jeopardize national security; do not make available to us the most modern technologies, the best body armor, the best bulletproof vests in the world. The highest technology available in the world for ID cards could be eliminated under this amendment. It hamstrings market competition by eliminating who can bid on these contracts, it leads to higher prices and lower quality goods and services, and it wastes precious taxpayer dollars.

I think by supporting homeland security, you should support our amendment to strike section 407.

Mr. Chairman, I reserve the balance of my time.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment because section 407 that my colleague wants to strike has one purpose, to strengthen our national security. It is a commonsense provision that says that sensitive materials, uniforms, protective gear, badges and identification cards should be produced and shipped only within the United States of America. It has a flexible provision that contains an exception for when materials are not available domestically of an acceptable quality or at market value. As long as the Secretary certifies that national security will be protected, he may do it. So if one of our allies makes an item of protective gear that is not available domestically, it will still be available to the Department.

Additionally, it does not apply to purchases made outside the United States for use outside the United States. So if an agent or officer is overseas and needs a bulletproof vest or other piece of protective gear quickly, he or she can get it.

Our national security could be compromised if terrorists, smugglers or other would-be counterfeiters had ready access to the Department of Homeland Security's uniforms, protective gear or ID cards.

This amendment would remove or reduce the opportunity for terrorists or others with bad intentions to pose as Homeland Security officials or officers. It is not uncommon for cargo to be hijacked or lost, particularly in the staging areas at our Nation's ports-of-entry.

The potential theft of uniforms, badges or ID cards, by the truckload it could be, poses a clear threat. In years past, there have been several reports on the overseas manufacture of uniforms for the Department of Homeland Security's operational components. Indeed, most Americans would be shocked to learn that Border Patrol uniforms have been manufactured in Mexico and other countries. This ongoing practice raises legitimate security concerns, not only at the border but all across this country, which is what this provision addresses.

For that reason, I oppose this amendment, and I urge my colleagues to join me in rejecting it.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the difficulties in our procurement system today in government is that we try to reach too many competing policy goals in the way that we buy goods and services. When we use taxpayer dollars, when we take hard-earned money from our taxpayers and the government needs a good or a service, our purpose ought to be to buy the best good and the best service and get the best value for our tax dollars, period. That is what we do when we buy our cars. That is what we do when we add additions to our home. The government should be subject to the same rules and regulations.

In this particular case, there is no safety issue over where these materials may be made. That is a subterfuge. What this is is an attempt to try to protect American jobs in some ways, and of course, the end result is you lose them in others.

But by reaching these competing goals in procurement through set-asides, where we exclude parts of the economic system from bidding, this "Buy America" language is another effort another effort to restrict competition. We end up driving up costs for the taxpayers. We don't make use, many times, of the best technology. Although there is catch-all language in this and other "Buy America" language that allows the Secretary to certify certain things, in point of fact, they don't work. They are reluctant to do that, and you end up many times with higher-costing goods of the same order. That reduces our ability to use taxpayer dollars wisely.

In a global economy, American taxpayers should get the benefit of the best value when we go out and use our dollars to buy goods and services. Restrictions on competition like this means that tax dollars are limited in their choices. Fewer choices means inferior products. It means greater costs. It means less competition. Section 407 of this legislation restricts competition, and it should be restricted.

My amendment is endorsed by the U.S. Chamber of Commerce, by the Information Technology Association of America as well. I think every taxpayer ought to be concerned about how their tax dollars are spent.

Mr. Chairman, I appreciate the gentleman from North Carolina and his position in the area that he represents, but I just don't think these restrictive source provisions over the long term are in the American taxpayers' interests.

Mr. Chairman, I yield back the balance of my time.

Mr. ETHERIDGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I admire the gentleman, but I think, in this case, we are talking about an issue that transcends the issues we are talking about. We are talking about the safety and security of American people.

I believe in trade. I have supported it. But there are issues that are paramount to the security and protection of the American people. I think this is one where it goes to the badges and the uniforms that our men and women use to protect Americans' interests.

So, with that, I would urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ETHERIDGE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. LANGEVIN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–136.

Mr. LANGEVIN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. LANGEVIN:

At the end of title XI add the following:

SEC. ___. COOPERATIVE AGREEMENT WITH NATIONAL ORGANIZATION ON DISABILITY TO CARRY OUT EMERGENCY PREPAREDNESS INITIATIVE.

The Administrator of the Federal Emergency Management Agency, in coordination with the Disability Coordinator of the Department of Homeland Security and the Office for Civil Rights and Civil Liberties of the Department, shall use amounts authorized under section 101 to enter into a cooperative agreement with the National Organization on Disability to carry out the Emergency Preparedness Initiative of such organization.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am certainly grateful for the opportunity to offer this amendment, which would simply direct officials at the Department of Homeland Security to work with the National Organization on Disability on their Emergency Preparedness Initiative.

We all know that people with disabilities face unique challenges in their daily lives. They range from mobility impairment to communications barriers, and they can become substantial obstacles in an emergency.

As we take steps to make our Nation a safer place, it is critical to keep in mind that if we neglect issues of accessibility and inclusion in our planning, the problems that surface later will be more complicated, more expensive and, in some cases, could cost people their lives.

After September 11, the National Organization on Disability, or NOD, as it is known, showed tremendous leadership by launching the Emergency Preparedness Initiative, or EPI, to ensure that emergency managers address disability concerns and that people with disabilities are included at all levels of emergency preparedness, planning, response and recovery. Indeed, this time of planning serves all those with special needs, not just individuals with disabilities but also the elderly and other vulnerable populations.

Now, with support from Congress and many in the disability community, EPI has become firmly established within the emergency management industry and among disability advocate organizations.

In my capacity as cochair of the Bipartisan Disabilities Caucus, I have worked closely with representatives from EPI to highlight these issues here on Capitol Hill and throughout the Nation. The work they are doing is a critical component to our national security, and I am proud to support their efforts.

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As we work to keep all Americans safe and secure, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I urge its adoption, and I yield back the balance of my time.

Mr. LANGEVIN. Mr. Chairman, I thank the ranking member for his sensitivity and his foresight.

Again, I urge my colleagues to look seriously at this amendment. Again, it is vital that we think ahead of time at what people with special needs may need in an emergency situation. So many people who lost their lives, both on 9/11 and as a result of Hurricane Katrina, were people with disabilities in particular. The tragic loss of life across the board was incredibly sad.

We want to make sure where we can prevent loss of life we do so and made sure that those with special needs are not forgotten and their needs are a forethought rather than an afterthought. That is what EPI is all about. I commend them for their hard work in putting together their emergency preparedness plans and working with emergency management officials to include the needs of people with disabilities. I urge adoption of the amendment.

Having no further speakers, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–136.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ANDREWS:

Insert after section 513 the following new section:

SEC. 514. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) TERMINATION PROHIBITED.—

(1) IN GENERAL.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(2) DEPLOYMENT.—The prohibition in paragraph (1) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(A) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(B) is a volunteer firefighter who—

(i) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(ii) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(iii) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(3) LIMITATIONS.—The prohibition in paragraph (1) shall not apply to an employee who—

(A) is absent from the employee's employment for the purpose described in paragraph (1) for more than 14 days per calendar year;

(B) responds to the emergency or major disaster without being officially deployed as described in paragraph (2); or

(C) fails to provide the written verification described in paragraph (5) within a reasonable period of time.

(4) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in paragraph (1).

(5) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(A) the employee responded to the emergency or major disaster in an official capacity; and

(B) the schedule and dates of the employee's participation in such response.

(6) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in paragraph (1) shall—

(A) make a reasonable effort to notify the employee's employer of such absence; and

(B) continue to provide reasonable notifications over the course of such absence.

(b) RIGHT OF ACTION.—

(1) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in subsection (a) may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(A) reinstatement of the individual's former employment;

(B) payment of back wages;

(C) reinstatement of benefits; and

(D) if the employment granted seniority rights, reinstatement of seniority rights.

(2) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in subsection (a).

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary of Labor shall conduct a study on the impact that the requirements of this section could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit a report of the study conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

(d) DEFINITIONS.—In this section—

(1) the term "emergency" has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(2) the term "major disaster" has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the term "qualified volunteer fire department" has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986;

(4) the term "volunteer emergency medical services" means emergency medical services performed on a voluntary basis for a fire department or other emergency organization; and

(5) the term "volunteer firefighter" means an individual who is a member in good standing of a qualified volunteer fire department.

Amend the table of contents by adding, after the item relating to section 513, the following new item:

Sec. 514. Termination of employment of volunteer firefighters and emergency medical personnel prohibited.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would like to thank those involved in this bipartisan effort for a commonsense idea. I would especially like to thank my new colleague, Ms. SHEA-PORTER from New Hampshire, who has shown great interest in the volunteer fire service; Mr. PASCRELL from New Jersey, who wrote the FIRE Act; the gentleman from Delaware (Mr. CASTLE); and the gentleman from New York (Mr. KUHL), who has long been interested in this issue. I would also like to thank Mr. Matthew Riggins of my office for his participation on this matter.

Here is what the bill says. If a volunteer firefighter or EMT is called to a national emergency as declared under the relevant statutes and that volunteer responds to a call, not self-volunteers but responds to a call, that person should have protection when they go back to his or her job. They shouldn't be fired, they shouldn't be disciplined, they shouldn't have their pay docked for up to 14 days in each calendar year.

The service that is performed by our volunteer firefighters and EMTs across this country is enormous and enormously important. We believe that none of those individuals should have the burden of suffering problems at work because of their voluntary spirit. Again, one cannot self-volunteer. Again, the emergency must be sufficient in scope for a Presidential declaration.

We believe this makes good sense, and it is a good bipartisan issue, and I urge Members of the House to vote "yes."

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the ranking member from New York for yielding me this time.

I rise in strong support of this amendment. I believe its passage is important to ensure that our local first responders are prepared for major disasters.

Over the years, volunteer firefighters and EMS personnel have repeatedly answered the call of duty. In fact, my home State of Delaware, which is served almost entirely by volunteer firefighters, sent 37 ambulances to New York City on September 11. In the wake of Hurricane Katrina, as fires spread throughout New Orleans and survivors struggled to find dry land, volunteer firefighters and EMS personnel rose to the occasion and proved to be crucial in the massive rescue operation.

Unfortunately, under current law, volunteer firefighters and EMS personnel are not protected from termination or demotion by their employer when they respond to national disasters.

As a result, just a few weeks after Hurricane Katrina destroyed the gulf coast, a group of us got together here on Capitol Hill to craft this legislation which will make certain that our volunteer responders are more readily available to assist local authorities in major disasters.

This proposal is similar to the job protections given to members of the National Guard who serve their country on the battlefield, and it will go a long way in enhancing our ability to respond to catastrophic events and save lives.

Mr. Chairman, last Congress, we collected over 70 bipartisan co-sponsors on this legislation. I appreciate the support of the gentleman from New Jersey and his introduction of this and all the others who have been involved. I urge Members to support this amendment.

Mr. ANDREWS. Mr. Chairman, I now yield to a new Member who has shown a real affinity for and commitment to these issues in her short time here, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for 2 minutes.

Ms. SHEA-PORTER. Mr. Chairman, I rise as a proud sponsor of this amendment, the Volunteer Firefighter and EMS Personnel Protection Act. The bill will provide job protection to the brave men and women who volunteer their time as firefighters and EMTs during national disasters.

Some volunteers put their lives on hold to help others. Others literally put their lives on the line.

When Hurricane Katrina hit in 2005, our Nation's emergency services were overcome by the immensity of the disaster. Almost 400,000 people were displaced from their homes. The images of this tragedy will be seared in our minds forever.

In the aftermath of the hurricane, I went down to do a very small part to help those, and I saw the devastation. But in a disaster of the magnitude of Hurricane Katrina or the recent tragedy in Kansas, we need more than an extra pair of hands. When our Nation's emergency services are overwhelmed, we need highly skilled professionals who can step in to provide such help.

More than 800,000 skilled first responders volunteer for such emergencies each year. Volunteer firefighters and emergency medical technicians, EMTs, are a critical part of this effort. They are fighting fires and providing essential medical care. They are saving lives.

But, under current law, when volunteer firefighters and EMTs return to their homes, there is no guarantee that they will still have their jobs. They can do the right thing for America and find out they are left out in the cold. In effect, when disaster strikes, these first responders are forced sometimes to decide between helping others and having the security of knowing they still have their jobs when they go home.

This amendment would change all that. It would guarantee volunteer firefighters and EMT the right to keep their job when they respond in a national emergency and allow them to volunteer 14 days per calendar year when they act in an official capacity.

Our Nation absolutely needs highly skilled professionals who are willing to leave their homes and their jobs to help save lives. Congress can help support our volunteer firefighters and EMTs. I urge my colleagues to vote "yes."

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. PASCRELL), the author of the FIRE Act.

Mr. KING of New York. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank Mr. ANDREWS and the ranking member, my good friend from New York.

In the book of Isaiah, chapter 6, the question is very specific: Who shall I send?

Volunteers come forward all the time. They come through for us every time. They come through. Three thousand of them came through after 9/11. Thousands and thousands came through after Hurricane Katrina. As we go to the very heart and soul of this great Nation, let us serve these volunteers. Let us serve.

I have spoken with these volunteers not only in New Jersey but throughout this great Nation. They always respond after these tragedies, and I said "thank you." We are saying thank you, and we mean it. We are willing to put it in a law, a law of this Nation.

I am honored to co-sponsor this and join with ROB ANDREWS, who has been a tremendous leader in public safety issues throughout the United States, and CAROL SHEA-PORTER and Mr. CASTLE, real friends of the fire service.

How we respond to catastrophes shows the character of our Nation. How we treat our emergency responders shows who we are as people. We take them for granted. Let's be honest. Congress must do everything in its power to help those who help others.

We have heard about the 14 days a year as they carry out their duties. But, simply put, volunteers should not be penalized when they are off protecting lives of their fellow citizens. No volunteer should be terminated or demoted or discriminated against in their regular job when they are dealing with emergencies and providing vital assistance to the American family.

This amendment ensures that the major contributions of volunteers can and will continue. It ensures that those who have the calling to help will not have to worry about the ramifications of their nobility. It is a wise amendment. It is a bipartisan amendment. I ask for the full support of everyone on this floor

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I did want to thank personally thank the ranking member of the full committee, who is co-Chair of the Congressional Fire Service Caucus, for his support and the chairman of the full committee, Mr. THOMPSON, for his enthusiastic support for this amendment.

Mr. KING of New York. Mr. Chairman, I thank the gentleman from New Jersey (Mr. ANDREWS), Mr. PASCRELL, Mr. CASTLE, and all of the others in the House who support this amendment. Because 9/11 changed our lives in many ways, but one of the most dramatic ways is that it made our first responders and our volunteer firefighters front-line warriors in the war against Islamic terrorism. That is why it is essential that they receive the same protections as our warriors fighting overseas. They are at the front line and deserve our support. I am proud to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. CORRINE BROWN OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–136.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. CORRINE BROWN of Florida:

Insert at the end of title XI the following:

SEC. 1122. CONSIDERATION OF TOURISM IN AWARDING URBAN AREA SECURITY INITIATIVE GRANTS.

In awarding grants under the Urban Area Security Initiative, the Secretary of Homeland Security shall take into consideration the number of tourists that have visited an urban area in the two years preceding the year during which the Secretary awards the grant.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise today to urge my colleagues to support my amendment.

This amendment would direct the Secretary of Homeland Security to consider the number of tourists who have visited an urban area in the 2 years preceding the year the Secretary awards Urban Area Security Initiative Grants.

Urban Area Security Initiative Grants are designed to fund activities to prevent, protect against, and respond to terrorist attacks and catastrophic events in designated high-threat, high-risk urban areas.

☐ 1515

The Department of Homeland Security uses a number of factors to allocate funds and assess risks, including special events, theme parks and population. However, a critical element is missing from their list of factors. Homeland Security has yet to explicitly account for tourists as a risk factor when allocating Urban Area Security Initiative Grants.

A recent Congressional Research Service report says due to the potential for mass casualty incidents and economic damage from terrorist attacks, tourist locations are at risk. In addition to the location of tourist destinations, the tourist population could possibly be at risk, too.

Heavy tourist areas present a twofold incentive for terrorists: a high probability of a sizeable number of casualties and damage to the economy. A 2005 study by the Rand Corporation found that terrorists have an increased concentration on civilian targets and an ongoing emphasis on economic attacks.

Most experts agree the evidence shows that terrorists are seeking to kill as many people as possible. The high number of tourists who are staying at any given time in tourist magnets such as Orlando or Miami significantly increases the potential consequence of an attack in those cities. Congress cannot let terrorists exploit this gap in our grant funding.

In addition, the economic danger resulting from a terrorist attack on a tourist location is another incentive. Terrorist attacks depress consumer confidence and spending that hurts businesses, undermines investment and our overall economic condition. Congress must ensure that the Department of Homeland Security considers this incentive for terrorists when distributing Urban Area Security Initiative Grants.

In past years, concerns were raised that the Department did not adequately account for the large tourist population in cities such as Las Vegas, Orlando and San Diego when they calculated the risk for our Nation's urban areas. In fact, in fiscal year 2006, Las Vegas and San Diego were left off the list of the top 35 cities that were eligible to receive grants under the UASI program.

The Department of Homeland Security has been very secretive regarding how Urban Area Security Initiative Grants are allocated. A recent General Accountability Office report stated, "DHS has not provided us documentation on what analyses were conducted, how they were conducted, how they were used and how they affected the final risk assessment scores and relative rankings."

The Department of Homeland Security has made claims that they consider tourist populations, but the problem is Homeland Security has not been specific regarding risk assessment methods or providing Congress adequate information to prove that they have done so. Although the Department of Homeland Security made administrative changes to the fiscal year 2007 grant process to account for tourist populations, my amendment would clearly codify this change.

I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I yield myself as much time as I may consume, and I would say at the outset that my understanding is that this is already factored in by the Department of Homeland Security, the whole issue of tourism. Also, similar language is included in H.R. 1 and S. 4 which currently are ready to go to conference.

Having said that, no harm, no foul. I have no objection to the language. I think it is unnecessary, but having said that, I will not oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Chairman, how much time do I have?

The Acting CHAIRMAN. The gentlewoman from Florida has 1 minute remaining.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield the remaining time to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I thank the gentlewoman, and I commend her for bringing this amendment to the floor.

This amendment is going to accord the kind of protection that tourists deserve and should receive in high-density areas. It is odd that Las Vegas, Orlando and San Diego were not adequately considered. We are talking about $746.9 million that will be allocated to 46 urban areas.

I strongly support the amendment. It will provide the protection that tourists richly deserve.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I am asking that the ranking member on the other side yield 1 minute to Ms. BERKLEY because I think I am out of time.

The Acting CHAIRMAN. The gentleman from New York (Mr. KING) has already yielded back the balance of his time. The gentlewoman from Florida (Ms. CORRINE BROWN) does have 28 seconds remaining.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield 28 seconds to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank Ms. BROWN for introducing this.

This is essential that we provide the necessary resources for those areas in our country that have a high number of tourists. Las Vegas is home to 1.9 million residents, but at any given time, we have over 300,000 visitors.

Now, God forbid anything should happen, they are not in the formula, but they are the ones that are going to be most needy because they are away from home. They do not know how to access facilities. We need to provide for these people, and I suspect that that is the case at all tourist destinations.

I rise in support of this amendment, which ensures that we take tourism into account when calculating a city's homeland security risk level. The Urban Area Security Initiative (UASI) addresses the homeland security needs of high-threat, high-density Urban Areas, and assists them in preventing, and recovering from acts of terrorism.

Las Vegas, my district, is a rapidly growing city, but it is even bigger when you add the 40 million tourists who visit our city every year. These tourists are particularly vulnerable because they are far from home and aren't familiar with our city. Al Qaeda and other terrorist groups have made it clear they intend to attack our most vulnerable populations, where they can do the most harm to our economy and our confidence.

The areas Mrs. BROWN and I represent are dependent on tourism and the dollars they bring in. It is therefore essential that tourists be included in any risk assessments for homeland security.

And yet, last year, Las Vegas was left off the list entirely due to various data errors and thoughtless criteria. Over 100,000 tourists per day were completely overlooked. I worked with the Department of Homeland Security to ensure that Las Vegas was ultimately included, but there is no guarantee it couldn't happen again.

Thankfully, this amendment would make sure that—by law—tourism would be taken into account when calculating risk. It's the right thing to do, it's the smart thing to do and it's the safe thing to do. I urge support for this amendment and thank the gentlewoman from Florida.

The Acting CHAIRMAN. All time for debate has expired on this amendment.

The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–136.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CASTLE

At the end of title XI, insert the following:

SEC. . STUDY OF FOREIGN RAIL SECURITY PRACTICES.

The Secretary shall—

(1) study select foreign rail security practices, and the cost and feasibility of implementing selected best practices that are not currently used in the United States, including—

(A) implementing covert testing processes to evaluate the effectiveness of rail system security personnel;

(B) implementing practices used by foreign rail operators that integrate security into infrastructure design;

(C) implementing random searches or screening of passengers and their baggage; and

(D) establishing and maintaining an information clearinghouse on existing and emergency security technologies and security best practices used in the passenger rail industry both in the United States and abroad; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing covert testing, practices for integrating security in infrastructure design, random searches or screenings, and an information clearinghouse to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 year after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

I rise to offer a critical amendment to this legislation before us today.

Yesterday, it was revealed that several individuals operating out of the Philadelphia area had plotted to attack key installations in the Northeast, including Fort Dix, New Jersey, and Dover Air Force Base in my home State of Delaware. While the tremendous work of our law enforcement community prevented these attacks from taking place, this case serves as a clear reminder that terrorists are intent on attacking us wherever we are vulnerable.

One of our greatest vulnerabilities remains our mass transit systems, which move millions of people every year. In fact, terrorists are increasingly targeting rail and transit systems throughout the world, and the recent bombings in India, London and Madrid are clear evidence of this dangerous trend.

While the concept of rail security is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks, and I have long believed in the importance of leveraging this experience to improve our own system.

In 2003, I asked the General Accountability Office to undertake an in-depth study of foreign rail security practices. Over the course of several months, the GAO team visited 13 different foreign rail systems, and its subsequent report identified several innovative measures to secure rail systems, many of which are currently being used in the United States.

Most significantly, however, the GAO report identified four important foreign rail security practices that are not currently being used to any great extent in the United States.

First, the report found that other nations had improved the vigilance of their security staff by performing daily unannounced events, known as covert testing, to gauge responsiveness to incidents such as suspicious packages or open emergency doors.

Similarly, two of the 13 foreign operators interviewed by GAO also reported success using some form of random screening to search passengers and baggage for bombs and other suspicious materials. This practice has been used sporadically in the U.S., including in New York City following the 2005 London bombings, but it has never been implemented for any continuous period of time.

The GAO also noted that many foreign governments maintain a national clearinghouse on security technologies and best practices. Such a government-sponsored database would allow rail operators to have one central source of information on the merits of rail security technology, like chemical sensors and surveillance equipment.

Finally, while GAO noted that the Department of Transportation has taken steps to encourage rail operators to consider security when renovating or constructing facilities, many foreign operators are still far more advanced when it comes to incorporating aspects of security into infrastructure design.

For example, this photograph of the London Underground demonstrates several security upgrades, such as vending machines with sloped tops to reduce the likelihood of a bomb being placed there, clear trash bins and netting throughout the station to prevent objects from being left in recessed areas. As you can see, the London stations are also designed to provide security staff with clear lines of sight to all areas of the station, including underneath benches and ticket machines.

The British Government has praised these measures for deterring terrorist attacks, and in one incident, their security cameras recorded IRA terrorists attempting to place an explosive device inside a station. According to London officials, due to infrastructure design improvements, the terrorists were deterred when they could not find a suitable location to hide the device inside the station.

While the GAO acknowledged that deploying these four practices in this country may be difficult, in fact random screening may pose many challenges, it is clear that these foreign security techniques deserve greater consideration.

Therefore, the amendment I am offering today would take steps to improve rail and transit security by requiring the Secretary of Homeland Security to study the cost and feasibility of implementing these practices and submit a report making recommendations to the Homeland Security and Transportation Committees within 1 year of enactment.

Mr. Chairman, recent attacks on rail and transit throughout the world underscore the importance of acting now to upgrade security here at home. My amendment will make certain that we are knowledgable and consider all available options when it comes to ensuring the safety and security of our rail system.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I rise to claim the time in opposition to the amendment. However, I do not oppose the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the amendment.

As chair of the Rail Subcommittee, we have done initial studies, and we have found that we are celebrating the anniversary of the bombing in Madrid, the bombing in London, the bombing in India, and yet the administration has not come forward with recommendations as to how to secure our rail system, how to implement a program to safeguard that we do not have this kind of attack on homeland security here in the United States.

So I strongly support the amendment

March 11th marked the third anniversary of the train bombings in Madrid, and we have seen terrorist attacks in London and India in each year since. Yet the Bush Administration and past Republican leadership has done little to protect our Nation's freight rail or the millions of passengers that use public transportation every day.

The anniversary of this terrible tragedy again raises the serious question of whether we are prepared in this country for a similar attack. Sadly, that answer is a resounding NO. But with the passage of this legislation, we will start investing the money that is needed to safeguard our rail and transit infrastructure from those who wish us harm.

The Federal Government has focused most of its attention on enhancing security in the airline industry and has largely ignored the needs of public transit agencies and railroads. Yet, worldwide, more terrorist attacks have occurred on transit and rail systems since 9/11 than on airlines.

In 2006, we dedicated $4.7 billion to the airline industry for security, while 6,000 public transit agencies and one national passenger railroad, Amtrak, had to share a meager $136 million total for security upgrades. Nothing was provided to the 532 freight railroads for security upgrades.

Fortunately for the traveling public, the legislation on the floor today will address the security challenges facing our Nation's transit and rail systems.

This bill requires comprehensive security plans; strengthens whistleblower protections for workers; mandates security training; improves communication and intelligence sharing; authorizes a higher-level of grant funding for Amtrak, the freight railroads, and public transportation providers; and provides funding for life-safety improvements to the tunnels in New York, Boston, and Washington, DC.

Most importantly, it helps make sure our communities, our First Responders, and our transit and rail workers are safe and secure. And it does all of this through a coordinated effort between the Department of Homeland Security and the Department of Transportation, the agency that has the expertise to deal with transportation safety issues.

We are way behind many other countries in protecting our transit and rail systems, but with the new leadership in Congress and this comprehensive legislation, we have a plan that will protect millions of transit and rail passengers and the communities through which freight railroads operate from harm, while keeping the trains running on time.

I encourage all my colleagues to do the right thing for your constituents and support this long overdue rail and transit security legislation.

Mr. CASTLE. How much time do I have left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Delaware has 1 minute remaining.

Mr. CASTLE. Mr. Chairman, let me just close by thanking those on the other side who have spoken in favor of the amendment and for their support of it. I truly believe that this is a small but a very significant step perhaps in preventing terrorism in mass transit in the United States. It is the reason I hope we all can support it.

Mr. Chairman, I yield back the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to, if I may, extend, my greatest appreciation to Mr. CASTLE for bringing this amendment to the floor. It is very thoughtful, and it is very timely.

Mr. Speaker, we must learn from the experiences of others. This amendment will provide us an opportunity to study the best practices available and to benefit from these practices by implementing policies and procedures within our country that will help to secure our rail system.

This is a good amendment, and I strongly urge my colleagues to support it. And again, I commend the gentleman for bringing it to the floor.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate on the amendment having expired, the question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

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AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–136.

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HASTINGS of Florida:

At the end of title XI, insert the following:

SEC. 2211. FEMA RECOVERY OFFICE IN FLORIDA.

(a) ESTABLISHMENT.—To provide eligible Federal assistance to individuals and State, local, and tribal governments affected by Hurricanes Charley, Frances, Ivan, Jeanne, Wilma, Tropical Storm Bonnie, and other future declared emergencies and major disasters, in a customer-focused, expeditious, effective, and consistent manner, the Administrator of the Federal Emergency Management Administration shall maintain a recovery office in the State of Florida for a period of not less than three years after the date of enactment of this Act.

(b) STRUCTURE.—The recovery office shall have an executive director, appointed by the Administrator, who possesses a demonstrated ability and knowledge of emergency management and homeland security, and a senior management team.

(c) RESPONSIBILITIES.—The executive director, in coordination with State, local, and tribal governments, non-profit organizations, including disaster relief organizations, shall—

(1) work cooperatively with local governments to mitigate the impact of a declared emergency or major disaster; and

(2) provide assistance in a timely and effective manner to residents of Florida and other States as determined appropriate by the Administrator for recovery from previous and future declared emergencies and major disasters.

(d) STAFFING.—Staffing levels of the recovery office shall be commensurate with the current and projected workload as determined by the Administrator.

(e) PERFORMANCE MEASURES.—To ensure that the recovery office is meeting its objectives, the Administrator shall identify performance measures that are specific, measurable, achievable, relevant, and timed, including—

(1) public assistance program project worksheet completion rates; and

(2) the length of time taken to reimburse recipients for public assistance.

(f) EVALUATION.—The Administrator shall evaluate the effectiveness and efficiency of the recovery office in the State of Florida in meeting the requirements of this section. Not later than three years after the date of enactment of this Act, the Administrator shall report to the Committee on Transportation and Infrastructure of the House of Representatives on whether continuing to operate such office is necessary.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to the Department of Homeland Security bill which would establish in statute, a FEMA Office of Long-Term Recovery in Florida for a period of no less than 3 years.

FEMA initially opened an Office of Long-Term Recovery in Florida following the devastating 2004 hurricane season, which left my home State in peril following the landfall of four Category 3 or greater hurricanes. The results have been incredible, and it hasn't only been residents of my State who benefited from the work that FEMA is doing in Florida and elsewhere.

Since it was created, the office has reduced response times to disasters and helped to mitigate the impact of future storms.

In the first months of the office's existence, FEMA officials were successful in more than doubling public assistance reimbursements from $1 billion to $2 billion. Moreover, the full-time recovery staff, well versed in State and Federal and local policies, was able to rectify the mistakes made by previous emergency management teams.

The permanencies of the staff and the relationships they have cultivated with local governments, nonprofits, communities and Federal officials have reduced FEMA's response time to disasters, saving taxpayers' dollars and lives, while reducing confusion.

From this office, more mitigation funds have gone out to recipients than ever before in FEMA's history. The office also closed down two large-scale housing missions, something never accomplished in all of FEMA's history. Florida's Office of Long-Term Recovery has made FEMA more of a customer-oriented business, where citizens and government alike are better served by more responsive managing.

Congress has already established long-term recovery offices in Mississippi, Louisiana, Alabama and Texas, and rightly so. It would be appropriate that we officially establish a similar one in Florida to serve the State and region. Footnote there, there is a storm off the east coast that has now been named, which is indicative of the fact that we can expect not only Florida but the areas mentioned to continue to have this problem. It is the eve of hurricane season; and the House, acting today, could not be more timely.

Before I conclude, I want to thank the chairman and ranking member of the Homeland Security Committee and the Transportation and Infrastructure Subcommittee. I would like to especially thank, personally, Mr. THOMPSON of Mississippi and Mr. OBERSTAR and my good friend from New York (Mr. KING) and Mr. MICA for their help on this amendment. They all know the great benefit that this office provides for the State of Florida and the entire region, and I ask for my colleagues' support.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I commend the gentleman from Florida. I support his amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–136.

AMENDMENT NO. 9 OFFERED BY MR. STUPAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–136.

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. STUPAK:

At the end of title IX, add the following:

SEC. 908. REPORT ON INTEGRATED BORDER ENFORCEMENT TEAM INITIATIVE.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress on the status of the Integrated Border Enforcement Team (IBET) initiative. The report should include an analysis of current resources allocated to IBETs, an evaluation of progress made since the inception of the program, and recommendations as to the level of resources that would be required to improve the program's effectiveness in the future.

In the table of contents, insert after the item relating to section 907 the following:

Sec. 908. Report on Integrated Border Enforcement Team initiative.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. I want to thank Chairman THOMPSON and the Homeland Security Committee for their work on this bill. I think it's an excellent piece of legislation and will go a long way towards making the Department of Homeland Security more accountable and effective.

Mr. Chairman, I rise to ask my colleagues to support my amendment to H.R. 1684, which would require the Secretary to conduct a study on ways to improve the effectiveness of the Integrated Border Enforcement Team, or IBET program. IBETs are already one of the border's great security success stories of the post-9/11 era. The program grew out of a history of informal cooperation between American and Canadian border protection officers.

In December 2001, the IBET concept was made official as part of the Smart Border Declaration signed by the United States and Canada. As a former law enforcement officer, I know that access to timely, reliable information is one of the most effective, important tools an officer can have. IBETs allow law enforcement officers from along our northern border to collaborate in real time and share information and expertise with their Canadian counterparts.

This strategy has paid off along our northern border. In the past year alone, IBETs helped to break up several organized criminal operations that were smuggling drugs and people into the United States, leading to dozens of arrests and confiscation of millions of dollars in drug and cash.

I have seen firsthand how important this program is to local border protection officers. One of the 15 current IBET sites is in my district in Sault Ste. Marie, Michigan.

The IBET consists of area law enforcement officers from the United States and Canada, including cooperation with county and local police officers, Customs and Border Protection agents, the Coast Guard and Canadian border officers and police officers. The officers involved in this IBET have been unanimous in telling me how much IBET has improved their ability to police the border and make our homeland more safe and secure.

I am concerned, however, that the potential of the IBET has not been fully realized at Sault Ste. Marie and other sites. The Department of Homeland Security has not assigned a full-time officer to monitor and lead the IBET, instead defining IBET as "collateral duty" for an officer who already has a full-time job. The previous IBET chairperson was transferred to a post in Miami, leading to a loss of valuable institutional knowledge.

Finally, there is no specific funding line for IBET activities; and direct funding has been minimal, in fact, only $5,000 for 15 IBETs for 2006.

My amendment would require the Secretary to report to Congress on the resources currently being devoted to the IBET program. In addition, the amendment asks the Secretary to make recommendations to Congress on how to make the IBET program even more effective in the future. It is clear that when the IBET program is fully funded and staffed it can be a powerful tool for law enforcement. My amendment is intended to improve accountability and oversight for the IBET program and ensure that all IBETs, not just some, receive the resources they need to be truly effective.

Once again, I would like to thank the chairman and the ranking member for their outstanding work on this bill and for their willingness to support this amendment. I urge support of the Stupak amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I recognize myself for as much time as I may consume.

Mr. Chairman, I want to commend the gentleman from Michigan for this amendment and for bringing his law enforcement expertise to the Congress in so many ways for so many years. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. STUPAK. I appreciate the comments from Mr. KING, and I yield the remaining time to Mr. GREEN, my friend from Texas.

Mr. AL GREEN of Texas. How much time do I have, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Texas is recognized for 1½ minutes.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to commend Mr. STUPAK for this outstanding amendment. This amendment is one of our best bets; and, hence, I think IBET is a great way to style the team that will be working.

This amendment will accord us an opportunity to have Customs enforcement, the Coast Guard, the immigration authority, Border Patrol, the Royal Canadian Mounted Police all work together to help thwart and hopefully end any human trafficking, drug trafficking, and cross-border terrorist activities that may take place.

This is a very thoughtful amendment. It provides an opportunity for our countries, Canada and the United States, to work together in the best effort possible to secure the northern border

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–136.

Mr. HASTINGS of Washington. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HASTINGS of Washington

In section 801, amend paragraph (7) to read as follows:

(7) a plan for leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories, and a plan for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and meet mission needs; and

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, this amendment would require the Department of Homeland Security, or DHS, to report on a plan for fulfilling its infrastructure commitments at our national laboratories.

I want to thank my two Washington State colleagues, Mr. NORMAN DICKS and Mr. DAVE REICHERT, a member of the committee, for their co-sponsorship of this amendment.

This amendment ensures that national laboratory infrastructure changes will not interrupt security programs needed by DHS.

When DHS was established, it inherited facilities around the Nation and from other agencies, some of which were aging and in need of repair. These capital facilities include critical components involving radiological and nuclear countermeasures, threat vulnerabilities and threat assessments, as well as work on biological and chemical countermeasures. In order for DHS to carry out its mission to protect our Nation, it is critical that the Department have the facilities that it needs.

At the Pacific Northwest National Laboratory, PNNL, in Washington State, critical DHS research and development will be transferred to new facilities as existing labs are torn down for environmental cleanup activities at the 300 Area of the Hanford Federal nuclear site in my district.

In 2006, the DHS Under Secretary for Science and Technology signed an MOU with the Department of Energy and National Nuclear Security Administration that established funding commitments for the agencies involved in the transition of PNNL's facilities from the 300 Area to new lab space. This MOU underscores DHS's critical role in making sure national security related work at PNNL will not be interrupted by this transition.

This amendment I have introduced is not only important to the State of Washington and my constituents but also to our overall national security. I understand that this has been accepted on both sides, and I want to thank Chairman THOMPSON and Ranking Member KING for agreeing to agree with that.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to claim time in opposition to the amendment. However, I do not oppose it and, in fact, would like to say a word, if I might, in support of it.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. I think this is an appropriate amendment that Mr. HASTINGS has brought to the attention of the House. It is most appropriate that we have a strategic plan that would provide some leverage such that the expertise of the national lab can be properly utilized.

This is a national plan. It is one that is most appropriate, and we support it. We commend the gentleman for bringing it to the attention of the House.

Mr. HASTINGS of Washington. Mr. Chairman, I yield to the ranking member from New York.

Mr. KING of New York. I thank the gentleman from Washington for yielding. I commend him for this amendment, and I strongly urge its adoption

Mr. DICKS. Mr. Chairman, I am pleased to join the gentleman from Washington, Mr. HASTINGS, in amending H.R. 1684 to emphasize what we believe is an important connection between our national research laboratories and the Department of Homeland Security, DHS.

Our amendment would simply insert in the bill a requirement of the Department to report to Congress about its plan for "leveraging the expertise of the National Laboratories, the process for allocating funding to the National Laboratories and . . . for fulfilling existing National Laboratory infrastructure commitments to maintain current capabilities and mission needs."

I believe the national labs represent a tremendously valuable resource that can and should be used by the Department of Homeland Security to protect our population. With expertise it biological, chemical, radiological and nuclear science and technology and computer and information science the national laboratories—those controlled by the Homeland Security Department as well as the laboratories under the jurisdiction ofl the Department of Energy—can play a vital role in the prevention, deterrence, detection, mitigation and attribution of the use of weapons of mass destruction. DHS has already initiated a series of cooperative arrangements with several of the labs recognizing the great synergy that is possible through combined research efforts.

Congressman HASTINGS and I have been working on one such cooperative program with the Pacific Northwest National Laboratory, PNNL, in the State of Washington. Under a Memorandum of Understanding, the Department of Homeland Security, the Energy Department's National Nuclear Security Administration and DOE's. Office of Science are contributing to PNNL's Capability Replacement Laboratory, CRL, to replace mission critical RDT&E capabilities that will be otherwise lost as a result of the Department of Energy Environmental Management Office's accelerated cleanup of Hanford's 300 Area. Among the capabilities of the CRL that should and will be utilized by DHS are radiation detection and analysis, information analytics, and the testing, evaluation and certification of new methods and technologies.

According to the interagency MOU signed by all parties, DHS was expected to provide $25 million for the project in FY 2008; however, the President's budget does not include the funds. With construction scheduled to begin this year, we are now worried about the future of this project due to the lack of attention to this issue at DHS.

Although Congressman HASTINGS and I are working to correct this situation in the FY 2008 budget, I believe this situation highlights the need to examine more closely the relationship of the labs to the Department's R&D effort. Thus, our amendment calls for a report to Congress on the Homeland Security Department's strategic plan for its research efforts to include a plan for fulfilling existing national laboratory infrastructure commitments in order to maintain current capabilities and mission needs.

Our hope is that such a public clarification of the role of the labs can help the Department to make a stronger case to Congress for the importance of the work at PNNL as well as the other important national research laboratories.

Mr. HASTINGS of Washington. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

□ 1545

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–136.

PARLIAMENTARY INQUIRY

Mr. KING of New York. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman from New York is recognized for his parliamentary inquiry.

Mr. KING of New York. Mr. Chairman, can you tell us the current status of the Committee of the Whole, what is being considered at this time?

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–136.

It is now in order to consider amendment No. 13 printed in House Report 110–136.

It is now in order to consider amendment No. 14 printed in House Report 110–136.

AMENDMENT NO. 15 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–136.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. TERRY

At the end of title XI add the following:

SEC. ___. REQUIREMENT TO CONSULT STATES REGARDING GRANT AWARDS.

Before the release by the Department of Homeland Security of any information regarding the award of any grant to a State with amounts authorized under section 101, including before submitting to Congress any list of such grant awards, the Secretary of Homeland Security shall consult with States.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I appreciate the recognition.

This is a rather simple and focused amendment that recognizes that our Homeland Security Department has had difficulties communicating to its partners. My Governor called me last year when the press showed up in his office and wanted an answer about a grant and no one had notified the Governor's office. We contacted the National Governor's Association, NGA, and found out that this is a very deep and epidemic problem with our Department of Homeland Security.

So all that we are asking in this amendment is that in regard to grants that affect the State, that the State be put into the communication loop so when reporters show up at their office asking for comment, they actually know what the reporters are talking about.

I think it is egregious that reporters get to be notified sooner than the grant recipient or the State that was denied the grant.

Mr. Chairman, I reserve the balance of my time.

Mr. AL GREEN of Texas. Mr. Chairman, I rise in opposition to the amendment; however, I do not oppose the amendment and would support it.

The Acting CHAIRMAN. The Member from Texas is recognized for 5 minutes.

Mr. AL GREEN of Texas. Mr. Chairman, let me say simply that I thank the Member for bringing this amendment to the attention of the floor of the House and would encourage my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

Mr. TERRY. Mr. Chairman, with that very articulately stated and persuasive argument, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. KING OF NEW YORK

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–136.

Mr. KING of New York. Mr. Chairman, can you just tell me what amendments have gone by and what amendments are coming up now?

The Acting CHAIRMAN. We are on amendment No. 16.

Mr. KING of New York. Mr. Chairman, I will ask to be the designee of Mr. MICA.

The Acting CHAIRMAN. The gentleman is recognized as the designee of Mr. MICA.

It is now in order to consider amendment No. 16 printed in House Report 110–136.

Mr. KING of New York. Mr. Chairman, I am introducing the Mica amendment as his designee.

The Acting CHAIRMAN. Without objection, the Clerk will designate the amendment.

There was no objection.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. KING of New York

In section 1102(a) of the bill, after "The Secretary of Homeland Security" insert "and the Secretary of Transportation".

In section 1102(a) of the bill, strike "the Department of homeland security" and insert "the Department of Homeland Security, the Department of Transportation,"

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from New York (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment adds the Secretary of Transportation to a study to increase incentives for the sharing of critical infrastructure information with the Department of Homeland Security.

The Homeland Security Act of 2002 included the Critical Infrastructure Act in title II. All agencies will benefit from this study. I know that Congressman MICA has put effort into it. It has, my understanding, bipartisan support.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition, and I am opposed to the amendment.

The Acting CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the gentleman's amendment. And might I indicate, because I know Members are in their offices working and committees, and deliberations on the floor are instructive to the Members and their staff, make it very clear of the cooperative and collaborative relationship that the Homeland Security Committee has had with the Transportation and Infrastructure Committee, along with many other committees. Let me reemphasize the very strong working relationship of the chairman of the Homeland Security Committee and the chairperson of the Transportation Committee.

So this amendment is unnecessary. We have worked closely together on this bill and on many issues. I specifically remember the close relationship that we had in working on the rail security bill, where we are jointly responsible for securing the Nation's transportation system or rail transportation system.

This amendment, though possibly well-intended, unnecessarily creates a bureaucratic and burdensome process to what should be a simple study.

Let us be reminded of the 9/11 Commission. The 9/11 Commission wanted to emphasize the ending of bureaucratic red tape. That is why we have the Homeland Security Department and the Homeland Security Committee.

Specifically, this amendment seeks to add the Secretary of Transportation to a study on incentives to secure critical infrastructure information for private stakeholders. Mr. Chairman, we all know what happens when we have too many cooks in the kitchen. We also know that we have a working relationship between our committees and between the Members of this Congress, and also a duty and responsibility to Homeland Security Committee to ensure the securing of this Nation through the securing and the responsibilities of the Homeland Security Department. Adding more layers to a project like this only assures that the project will not get done in a timely manner.

The Secretary of Homeland Security is charged with working to identify and help with other agencies and protect critical infrastructure. That is a component of our committee and the subcommittee that was set up by the chairman of this committee and the subcommittee that I serve to ensure efficiency. The Secretary of Homeland Security by himself is more than capable of working to complete a study of incentives, infrastructure, stakeholders, to share information with the government.

For these reasons, I oppose this amendment. And I would simply say to my colleagues, what did the 9/11 Commission dictate or ask us to do? Thoughtfully streamline the process of securing America and make sure that we are attentive, we are efficient, and we get the job done. Lives are at stake.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield the balance of my time to the author of the amendment, Mr. MICA.

Mr. MICA. Mr. Chairman, I thank the ranking member for yielding me time and also for presenting my amendment.

My amendment would have required that the Department of Transportation participate in the infrastructure study that is required by this legislation. My amendment ensures that the government transportation experts are fully utilized to identify cost-effective measures for protecting critical infrastructure. Right now, as the bill is drafted, it is just limited to Homeland Security leading that effort.

Because our highest risk in this center is involved in addressing risks, terrorist risks, our highest risks are transportation and infrastructure under the jurisdiction of the Department of Transportation, it would only be logical to include them in this effort. I believe the bill as drafted was a mistake, and why the Congress would require a critical infrastructure study like this and not include the Federal agency that has the expertise and the private sector relationships necessary to get the job done. So, again, I have concerns about doing this further directive by the bill.

If you stop to look at what the risks are as far as terrorist risks: Look at the 1993 bombing of the World Trade Center; look at the 1995 Tokyo subway sarin gas attack; look at the Oklahoma City bombing against an infrastructure facility; look at the 9/11 attack using aviation transportation equipment on the World Trade Center and on the Pentagon; look at the Madrid train bombings; look at the London underground train and bus bombings.

What do they all have in common? They have in common transportation. What does the provision that they have included in this bill have in it? Homeland Security, with no participation with the Department of Transportation. The Department of Transportation also handles these transportation and infrastructure issues and really should be a part of this study if it in fact goes forward.

Now, consider some of our greatest concerns, attacks on hazardous materials, pipelines, chlorine gas, tank cars and transit systems. These are all areas regulated by DOT. And they want to leave them out of this study. The DOT has a long working relationship with all of these transportation and infrastructure issues, and I believe DOT would be a vital partner in assessing the risks and economic analysis associated with the terrorist attacks on our critical infrastructure.

And part of the study here is to find out how to get the private sector to participate in this. Who else would be better equipped, a bureaucracy of 177,000 or whatever it is up to, 200,000, in Homeland Security that doesn't have a clue or people who actually work with people in transportation, on transportation projects and with those projects and systems that may be at risk?

Including DOT will help us avoid problems like throwing billions of dollars at transit systems without understanding its impact on our economy and mobility.

I should point out finally that DOT is already involved in some of the critical infrastructure planning, and my amendment is simply an extension of that effort. It is a reasonable amendment. It doesn't replace or duplicate the Department of Homeland Security or diminish their role over these critical infrastructure protection efforts. And if other appropriate agencies or sectors are being left out, I think they should also be included in the effort. But to leave out DOT is to leave out the success that we need to make any kind of study or future partnership of working together to address terrorist risks and threats.

□ 1600

So I thank also Ms. CASTOR from my State of Florida for offering an amendment today.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman.

Let me just simply say to my good friend, nothing precludes the engaging by the Homeland Security Department of those who have a stakeholder's role. Remember, this is an assessment of critical infrastructure on the issue of security.

The rules of the House designate the Homeland Security Committee as the committee that deals with the question of security. In addition, none of us work in a vacuum; and we would expect this center of excellence to engage those necessary parties.

This amendment is opposed by the committee. This amendment will create another layer of bureaucracy. This amendment goes against the 9/11 Commission, which has asked us to be efficient and to be definitive on our questions of security issues. And what we are attempting to do is to allow the Homeland Security Department to do its job, which creates a center of excellence to focus on the security protection measures for critical infrastructure, a defined responsibility of the Homeland Security Department. And we simply expect that there will be a collaborative working on that such that no Department, Mr. Chairman and my colleagues, will be left out, including the very important Department of Transportation. And we would look forward to collaborating with them.

And, in that regard, I rise to vigorously oppose the amendment and ask for a "no" vote.

Ms. JACKSON-LEE of Texas. I rise in opposition to the gentleman's amendment. This amendment—while well-intented—unnecessarily creates a bureaucratic and burdensome process to what should be a simple study.

Specifically, this amendment seeks to add the Secretary of Transportation to a study on incentives to secure critical infrastructure information from private stakeholders.

Mr. Chairman, we all know what happens when we have too many cooks in the kitchen.

Adding more layers to a project like this only assures that the project will not get done in a timely manner.

The Secretary of Homeland Security is charged with working to identify and help, with other agencies, protect critical infrastructure.

The Secretary of Homeland Security by himself is more than capable of working with CREATE to complete a study of incentives for infrastructure stake holders to share information with the government.

For these reasons, I oppose this amendment.

The Acting CHAIRMAN. All time on the amendment having expired, the question is on the amendment offered by the gentleman from New York (Mr. KING).

The amendment was rejected.

AMENDMENT NO. 17 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. It is now in order to consider amendment No. 17 printed in House Report 110–136.

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. CARDOZA:

At the end of title XI add the following:

SEC. ___. SENSE OF THE CONGRESS ON INTEROPERABILITY.

It is the sense of the Congress that efforts to achieve local, regional, and national interoperable emergency communications in the near term should be supported and are critical in assisting communities with their local and regional efforts to properly coordinate and execute their interoperability plans.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from California (Mr. CARDOZA) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, my amendment is a simple sense of Congress stressing the importance of interoperability in emergency communications.

We all know the importance of overcoming interoperability problems, which have been prevalent for years but only brought to light due to the 9/11 tragedy.

In this day and age, Mr. Chairman, it is critical that our first responders be able to communicate with each other in the field. The reality, however, is that firefighters, police and other emergency responders simply cannot communicate during times of emergency.

For example, police chiefs in my district have informed me that officers are forced to communicate on their cell phones literally from across the street because their radios cannot operate on the same frequency; and, recently, radio communications were ineffective and created an extremely dangerous situation in the 2006 canyon fire that devastated 34,000 acres in the western portion of Stanislaus County.

The need for improved emergency communications is not new. Whether we are talking about wilderness, wildfires, hurricanes or other disaster, or even day-to-day events, the same interoperability problems exist for the large communities as they do for the smallest.

Large cities are receiving the bulk of homeland security funding for interoperable communications. In many instances, that is rightly the case. But interoperability is a problem that permeates across the country and also affects our smaller communities. Smaller communities face the exact same problems, yet only receive a fraction of the funding and the attention that they need. As a result, smaller communities are left behind and are forced to do the best they can with what they've got.

In Stanislaus County, for example, the county was able to build the architecture for one channel through which all responders in the field can communicate. However, only one person can talk at a time. We can and need, Mr. Chairman, to do better.

The point of this amendment is simply to stress the importance of achieving local, regional and national interoperability plans and the impacts they have on the ongoing efforts in communities across the country.

Simply stated, localities and smaller communities matter as well, and their efforts to address interoperability should not be ignored by the Department of Homeland Security.

I want to make one other statement, Mr. Chairman. In the year 2000, FEMA issued a report that outlined the three greatest disaster scenarios that might befall the United States: a terror attack in New York, a hurricane that would hit New Orleans, and an earthquake on the Hayward fault in the east bay of California that would affect the California delta and flood massive lands near my area.

Well, the first two scenarios have, in fact, taken place, as we all know, and the third is still a very grave possibility. If, in fact, we have an earthquake on the Hayward fault in Northern California, the evacuation area would very likely be my area. Another area affected would be the San Joaquin delta in San Joaquin County.

All of this needs to be addressed, Mr. Chairman, and interoperability is the third awaiting disaster that could hit us anytime with an earthquake.

Mr. Chairman, I ask that we adopt this amendment and that Homeland Security help prepare California for the third disaster that FEMA's already noted could befall the United States at any time.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise to claim the time in opposition.

Mr. Chairman, I yield myself such time as I may consume.

I don't intend to oppose the amendment. My only concern is, as I understand it, this is an amendment expressing the sense of Congress. The language, which is actually my language in the bill which passed the full committee, actually would have called for the implementation and not just the sense of Congress; and this, to me, is another deficiency in the bill and that we are taking, at best, a half step forward. We could have taken the full step.

Having said that, I certainly agree in spirit with the amendment. Certainly this is better than nothing. And with that, I will urge the adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for, again, his outstanding spirit of bipartisanship.

I think the importance of Mr. CARDOZA's amendment is that he agrees with the Homeland Security Committee and the message and the mission of yourself and Mr. THOMPSON and all of the Members that, in addition to just handing out equipment, you want to make sure there's a continuing of training, professional development, understanding of the system. And it really impacts firefighters, police, other emergency responders who cannot communicate during times of emergency. We know what happened in 9/11.

Let me just finish by saying, one of the other elements of helping us work through this question of interoperability is, as your amendment suggests, focusing on local and regional interoperability communications efforts and, particularly, and I raise this point for a city like Houston, that simply says, let us use the dollars, let us directly use the dollars so that we can follow the pathway of Mr. CARDOZA's amendment, which is to improve our interoperable communication efforts. Let us get the monies directly, as opposed to the layering that goes on through the State system.

But, in any event, let me thank the gentleman for his amendment.

The need for improved emergency communications is not new. Whether we are talking about the Oklahoma City bomb detonated by homegrown terrorist Timothy McVeigh, September 11, or Hurricanes Katrina and Rita—the same story emerged.

Firefighters, police, and other emergency responders cannot communicate during times of emergency.

Five and one-half years after the 9/11 attacks, and 1½ years after Hurricanes Katrina and Rita, the Department still does not have a dedicated interoperability grant program.

Subsequently, states and localities are forced to rob Peter to pay Paul by using large chunks of homeland security grant funding—in some instances 80 percent—to purchase communications equipment instead of securing bridges, ports, buildings.

The FY 2006 Budget Reconciliation Act created a $1 billion interoperability grant program to be administered by the Department of Commerce based on the proceeds from the sales of the 700 Mhz spectrum.

While that is a good start, the 9/11 Commission has called on Congress to prioritize and improve interoperable emergency communication.

Buying equipment is not enough!

Congress must support State, local and regional interoperable communication plans that recognize all of the critical factors for a successful interoperability solution.

Those factors are part of the SAFECOM Interoperability Continuum. They are: governance, standard operating procedures, training and exercises, and usage, in addition to technology.

We cannot just throw money at interoperability—we have to develop a strategic, national plan to improve interoperable communications.

The Administration and DHS officials have testified that the cost of achieving interoperability will cost in the tens of billions to $100 billion.

More than 90 percent of the public safety communication infrastructure in the United States is owned and operated at the local and state level. Therefore, we must have improved coordination, training, and planning across many jurisdictions to achieve interoperability.

According to Project SAFECOM at DHS, interoperability directly impacts the first responder community which consists of over 61,000 public safety agencies including 960,000 Firefighters, 830,000 EMS personnel, and 710,000 Law Enforcement Officers.

The Federal government must show leadership on this issue if it is going to tell state and local governments that they need to enhance and improve their emergency communications capability.

Funding is only one-half the solution for the interoperability crisis. There must be leadership by all the key stakeholders to sit down and develop the plans necessary to create effective nationwide interoperable communication standards.

This amendment provides support to the local governments and regions that are developing plans and systems that will better enable multi-jurisdictions to communicate during times of emergency.

The Cardozo amendment will encourage jurisdictions to move toward a truly "national" emergency communications capability.

This is an excellent amendment, and we rise to support it.

I yield back to the distinguished gentleman.

Mr. KING of New York. Reclaiming my time from the gentlelady from Texas, I always admire her eloquence and her kind words.

And, as I said, I appreciate what the gentleman is doing. I support it. I just wish we could have had the stronger language that was in the initial legislation.

But, having said that, I commend the gentleman from California and urge the adoption of his amendment.

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to my colleague from Michigan, Mr. STUPAK.

Mr. STUPAK. Mr. Chairman, the key words to this whole amendment are "in the near term." Unfortunately, it's been 25 years since the Air Florida accident. We've been talking about interoperability, and nothing ever gets done.

The time for studies and promises are over. If you listen to the program that DHS has, according to them, it will take us 20 years and $100 billion to achieve interoperability. That is not the case at all. We don't need 20 years. We don't have 20 years to wait in this country to have interoperability.

Last Congress, we passed the National Telecommunications Information Agency, which is advancing technologies that are available today to solve the interoperability problem, technologies that don't cost $100 billion and 20 years.

And what has happened, though, the $1 billion we put in the NTIA grant program, the administration used it to make further cuts in the Department of Homeland Security. So $1 billion that should have gone to interoperability has cut off other DHS programs.

This administration has ignored congressional intent on interoperability. It's time for the excuses to stop. The administration has to put forth a reasonable plan to achieve interoperability in this country, and that's what the Cardoza amendment does, and I fully support it.

Mr. Chairman, I ask unanimous consent that I am able to revise and extend my remarks.

I rise today in support of the Cardoza Amendment, which expresses the Sense of the Congress that efforts to achieve interoperable emergency communications in the near term should be supported and are critical in assisting communities properly execute their interoperability plans.

The key words in this amendment are "in the near term." It's been 25 years since the Air Florida crash on the Potomac. It's been over 5 years since September 11th, when over 120 firefighters and hundreds of civilians lost their lives due to a lack of interoperability.

Terrorist attacks, man made disasters, and natural disasters are a certainty. Yet, we still do not have nationwide interoperability in this country.

This problem has been studied and studied.

In its final report, the 9/11 Commission concluded:

> The inability to communicate was a critical element of the World Trade Center, Pentagon, Somerset County, Pennsylvania, crash sites . . . The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state and federal levels remains an important problem . . . Federal funding of such (interagency communication) units should be given high priority . . .

After September 11th, President Bush said, "we want to spend money to make sure equipment is there, strategies are there, communications are there to make sure that you have whatever it takes to respond."

Yet, under the President and the Republican-led Congress, the money was not allocated, the equipment was not there, strategies were incomplete, and first responders still cannot communicate across agencies and jurisdictions.

DHS has testified it will take an $18 billion to $100 billion investment to make our first responder communications fully interoperable.

DHS's plan to achieve full interoperability is 20 years. We do not have another 20 years.

The time for study and excuses is over. This bill and this amendment represent action by the Democratic Congress.

This bill reverses the draconian cuts to first responder grant programs made by this administration. And this amendment tells DHS to advance solutions that help first responders in the near term.

The Energy and Commerce Committee created, and Congress enacted, a $1 billion interoperability grant program at the National Telecommunications Information Agency (NTIA), in 2006.

Our intent was to advance new approaches to solve the interoperability problem; approaches that don't cost $100 billion and take 20 years to implement.

Yet, the administration seems to be missing the point. The administration's budget proposal justified the DHS grant cuts by "offsetting" those cuts with the $1 billion NTIA grant program.

Our committee has heard testimony from experts, industry, and first responders that there are new technologies today that can help our first responders at a fraction of the cost.

Again, this amendment tells DHS that Congress has lost its patience with excuses. It says invest in near term solutions that are available today. I urge my colleagues to support this amendment.

Mr. KING of New York. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, with the Cardoza amendment, the Congress expresses its support for efforts like the $1 billion interoperability program to be implemented by NTIA.

The House Energy and Commerce Committee is deeply concerned about the ongoing inability of our first responders to communicate with each other in times of emergency. This public safety interoperability problem has gone on for far too long, which is why the Energy and Commerce Committee is playing a stronger leadership role in setting the policy direction through its communications jurisdiction.

I will put the rest of my statement in the RECORD, Mr. Chairman. But we do support the Cardoza amendment, and I thank the gentleman from New York for yielding some time.

Mr. Chairman, with the Cardoza amendment, the Congress expresses its support for efforts like the $1 billion interoperability program to be implemented by the NTIA. The House Energy and Commerce Committee is deeply concerned about the ongoing inability of our first responders to communicate with each other in times of emergency. This public safety interoperability problem has gone on far too long, which is why the Energy and Commerce Committee is playing a stronger leadership role in setting the policy direction through its communications jurisdiction.

Our Committee authored a section in the Deficit Reduction Act of 2005 that set a final date for the DTV transition that will transfer 24 MHz of spectrum to public safety. To help first responders communicate on this spectrum efficiently, the DTV legislation also established the $1 billion Public Safety Interoperable Communications grant program to leverage NTIA's extensive telecommunications and spectrum policy expertise.

To improve interoperability throughout the Nation, Congress directed the NTIA to identify and fund forward-looking, spectrum-efficient, cost-effective and timely solutions. That program was designed to be separate from other programs, with its own criteria, and its own metrics for success. Until our existing, disparate public safety networks can communicate together, we will not truly be equipped to respond to a natural or man-made disaster.

Mr. KING of New York. Mr. Chairman, I yield myself the balance of my time.

I would just say to the gentleman from Michigan, my good friend, that I agree that the time for study is over and the time for delay is over.

I believe the original legislation that passed our committee would have moved it forward much more quickly. This is a sense of Congress. We actually were going to demand action.

But, having said that, this is a significant step, and I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I thank the gentleman from New York and also the gentleman from Texas for their support.

This is an important amendment. It needs to state clearly, this bill needs to state clearly that the Congress supports finding a resolution to interoperability conflicts that we have been besieged with. This is a very specific problem, as outlined in the FEMA report.

I thank Chairman DINGELL and Chairman THOMPSON for both appearing before my constituents and hearing this problem and also agreeing to shepherd this resolution through the House.

I encourage adoption of my amendment.

Mr. DOYLE, Madam Chairman, My colleagues who were with us last year, and frankly, I'm glad we have so many new faces, but my colleagues who were with us last year will recall my commitment to protecting local telecommunications resources and making sure decisions are made where they are best made.

That's why I'm glad to talk about this important issue. Spectrum itself is nearly infinite. But in terms of what's usable, what's worth investing in is much more limited.

Which is why we must challenge everyone who uses our airwaves to do so in the most efficient way possible. And that's why efforts to make public safety's communications interoperable, redundant and more effective are so critical to our Nation's first responders, and ultimately the American public. The days when government hands money over to people who don't understand technology to make choices between inefficient and expensive dead-end radios should be long gone.

My time is short, but we must take the best of what we have learned from the commercial space like interoperability and cost-effective technology and merge it with the best of public safety's communications legacy such as rock-solid dependability.

By passing this amendment today, Congress will be saying that we support innovative, forward-looking, technologically-neutral solutions, including IP-Based solutions.

And I believe we are saying that the Department of Homeland Security should follow all of the recommendations that the Government Accountability Office made earlier this year, and especially the one that the administration rejected—that first responders need to have the flexibility to take advantage of technological innovations that could advance the state of interoperability.

We need accountability and measurable goals from any and all programs that fund interoperability so that we can ensure that the money is being spent wisely. The Department of Homeland Security has told us we need to wait 15 years to get interoperability—it's clear to me that we need to get interoperable communications by any means necessary, even if it means relying on expertise outside Homeland Security and within other agencies like the National Telecommunications and Information Administration.

The Acting CHAIRMAN. All time for the amendment having expired, the question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

The Acting CHAIRMAN (Mrs. JONES of Ohio). Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. THOMPSON of Mississippi.

Amendment No. 2 by Mr. TOM DAVIS of Virginia.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 209, not voting 12, as follows:

[Roll No. 314]

AYES—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Faleomavaega
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—209

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bordallo
Brady (PA)
Doolittle
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Renzi
Souder
Tiahrt

□ 1639

Messrs. BARROW, EHLERS, FLAKE, ALTMIRE, CRAMER and GOHMERT changed their vote from "aye" to "no."

Messrs. PAUL, HOYER and McNERNEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 36, noes 390, not voting 11, as follows:

[Roll No. 315]

AYES—36

Bachmann
Bachus
Barton (TX)
Berman
Biggert
Brady (TX)
Cannon
Cantor
Chabot
Davis, Tom
Dreier
Feeney
Flake
Fossella
Franks (AZ)
Hall (TX)
Hensarling
Hoekstra
Kingston
Kline (MN)
Lewis (CA)
Lungren, Daniel E.
Matheson
McKeon
Moran (VA)
Neugebauer
Paul
Ramstad
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Thornberry
Waxman

NOES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg

Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Brady (PA)
Doolittle
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Renzi
Souder
Tiahrt

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1649

Mr. COHEN changed his vote from "aye" to "no."

Mr. FEENEY and Mr. DANIEL E. LUNGREN of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 18 printed in House Report 110–136.

Mr. VAN HOLLEN. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. VAN HOLLEN:

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. TRAVELERS REDRESS INQUIRY PROGRAM.

Of the amount authorized to be appropriated under section 101, such sums as may be necessary shall be available to the Secretary of Homeland Security to take all necessary actions to protect the security of personal information submitted electronically to the Internet website of the Department of Homeland Security established for the Travelers Redress Inquiry Program and other websites of the Department related to that program.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me start by commending Chairman THOMPSON, Ranking Member KING and the Homeland Security Committee on a bipartisan basis for their good work on this piece of legislation. I have an amendment that I hope will be agreeable to all sides.

In January of this year, the TSA launched a Web site. Some of you may have seen it. It was called the Traveler Verification Identification Program, and it was designed to allow those passengers who were wrongfully identified on the no-fly lists or the selectee lists the opportunity to start the process of getting their names removed from that list.

The way you did that was you go and you log on to the TSA Web site and submit sensitive security information and personal information, like your Social Security number, the place and date of birth, your drivers license number and other personal identification numbers in order to demonstrate and prove to TSA that you were not a "person of concern" on their list. That was an important step forward, a positive list. I think we have all heard the stories about individuals who were wrongfully placed on that list or whose identifications were mistaken for somebody else. So that was a good way to start to get people off the list.

But right after the launch of that program, they had to shut it down. The TSA had to shut down the site because, as was reported in The Washington Post and the high-tech magazine Wired, it was determined that the information that individuals were entering onto the TSA Web site was not secure, very personal types of information. Security experts found that the site lacked many of the basic measures necessary to protect personal information, no encryption devices, no other safeguards, and that the data being transferred to TSA was essentially vulnerable to being taken and used for identity theft and other purposes.

After these concerns were brought to the attention of TSA, they had to bring down the Web site. They put up another Web site and program in February called the Travelers Redress Inquiry Program.

Now, the TSA has said that it has made the necessary adjustments to protect this very personal and confidential information from exposure and theft, but it is not clear that they have taken all the measures that are necessary, especially in light of the fact that only last week we found out that a hard drive containing the personal data of almost 100,000 TSA employees disappeared.

Data security does not seem to have been taken seriously enough by the TSA. This amendment is designed to focus greater attention on that issue.

This amendment is very simple. It requires TSA to take the necessary steps required to protect the personal information submitted online by passengers, by our constituents, when they are seeking to remove their names from the no-fly list, the selectee list or other related lists. It is designed to get at a very specific problem that has arisen in recent months, and I urge its adoption.

Ms. JACKSON-LEE of Texas. Madam Chairman, will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentleman for a very thoughtful amendment. We have addressed this question in the Homeland Security Committee, but also in the subcommittee that I chair, and I think the important point is that when people are trying to clarify their name and they submit personal data, we should be responsible for protecting it. In light of what happened last week, and by the way, we will be having a briefing on that very issue dealing with the TSA's loss of the computer and all that data, this is a very instructive amendment.

It would be great to think that we would never lose material, but we do, and also to protect those that have been subjected to a lot of scrutiny, some of them coming from different ethnic groups. This is very thoughtful, and I rise to support the amendment.

Madam Chairman, this amendment should be supported as it seeks to require the Department of Homeland Security (the Department) to use funds to protect the security of personal information submitted electronically to the Department's Web site for the Department of Homeland Security Traveler Redress

Inquiry Program, otherwise known as DHS–TRIP, and any other Web site associated with that program.

It would be great if we only had to theorize about the possible security, or lack thereof, of the information sent to the Department via redress Web sites.

However, the past has shown that this problem is very real.

In February of this year, the Department's Transportation Security Administration (TSA) learned that the website they were using to collect personal information to aid in traveler redress contained a link that was not secure.

This insecure link caused hundreds of individuals to transmit information through cyberspace that was not encrypted and subject to being captured by identity thieves, at best, and terrorists, at worst.

The Web site was established to provide a remedy for passengers that had been delayed at airports and therefore believed that they had been incorrectly identified as someone on an aviation watch list.

What causes even greater concern is that for 4 months and 8 days TSA did not detect the problem through their own internal procedures. In fact, they became aware of the situation through an independent internet blog.

The fact that the redress Web site lacked the necessary security measures to protect users' personal information is proof in the pudding that more needs to be done to protect personally identifiable information sent to TSA.

The American public needs to know that the "S" in TSA stands for something.

Individuals that may have already been wrongfully identified—which can cause airport delays for hours or even days—should not have to experience a second round of mistreatment by having their personal information, including their name, gender, date of birth, social security numbers and addresses vulnerable to being hacked.

A few weeks after this discovery TSA launched the Department of Homeland Security Traveler Redress Inquiry Program, otherwise known as DHS–TRIP.

We have not yet determined whether the internal controls that should have been in place during the first mishap have been put in place with respect to DHS–TRIP.

The recent revelation that a TSA hard drive containing the personal, payroll and bank information of over 100,000 former and current TSA employees was reported stolen, does nothing to alleviate our concerns.

For these reasons, this amendment is a good idea, and should be supported.

Mr. KING of New York. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. KING of New York. I yield myself such time as I may consume.

Madam Chairman, I do not intend to oppose the amendment. I just would say to the gentleman, he is addressing a legitimate concern. One question I would have, and ask this be resolved as the process goes forward, it just says all funds that are necessary from the $39.8 billion. Since Homeland Security funding is stretched as it is, since every dollar is essential to be spent for the right purpose, I would ask, as the process goes forward, we try to find a way to specify the amount necessary. I am just raising that as a point with the gentleman. I would certainly work with the gentleman as we go forward and with the chairman.

Mr. VAN HOLLEN. Madam Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Madam Chairman, I thank the gentleman, and I appreciate the point you are raising. As it says, such sums as may be necessary to address this issue. I wouldn't expect it to be a very large sum. TSA is telling us they have addressed this issue. I am not sure we are totally convinced. If we could get this amendment passed, obviously as we go through the process, if there is some claim that this is going to cost billions of dollars, I wouldn't expect it would, but I would be happy to work with the gentleman.

Mr. KING of New York. Madam Chairman, reclaiming my time, I will not oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. VAN HOLLEN. Madam Chairman, I thank the gentleman, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment No. 18 offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

Mr. THOMPSON of Mississippi. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CLEAVER) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, had come to no resolution thereon.

☐ 1700

PERMISSION TO OFFER SHERMAN AMENDMENT NO. 14 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Sherman amendment No. 14.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER KUCINICH AMENDMENT NO. 11 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Kucinich amendment No. 11.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER ROTHMAN AMENDMENT NO. 12 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Rothman amendment No. 12.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO OFFER ROTHMAN AMENDMENT NO. 13 OUT OF ORDER DURING FURTHER CONSIDERATION OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1684 in the Committee of the Whole, pursuant to House Resolution 382, the following amendment be permitted to be offered at any time: Rothman amendment No. 13.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mrs. BLACKBURN. I object.

The SPEAKER pro tempore. Objection is heard.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 382 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1684.

□ 1702

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, with Mrs. JONES of Ohio (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 18 printed in House Report 110–136 by the gentleman from Maryland (Mr. VAN HOLLEN) had been disposed of.

AMENDMENT NO. 19 OFFERED BY MS. CASTOR

The Acting CHAIRMAN. It is now in order to consider amendment No. 19 printed in House Report 110–136.

Ms. CASTOR. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. CASTOR:

At the end of title XI of the bill, add the following (and conform the table of contents accordingly):

SEC. 1122. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROGRAM.

The Secretary of Homeland Security shall work with the State of Florida and other States, as appropriate, to resolve the differences between the Transportation Worker Identification Credential and existing access control credentials.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR. Madam Chair, I rise today in support of this amendment. My amendment requires the Department of Homeland Security to work with the State of Florida and other States, if necessary, to resolve the differences between the Federal Transportation Worker Identification Credential, known as the TWIC, and Florida's existing access control card.

You see, shortly after 9/11, the State of Florida enacted a law requiring a centralized biometric credential for workers in deepwater ports in the State of Florida, including the three ports in my district in the Tampa Bay area.

This credential is known as the Florida Uniform Port Access Credential, or FUPAC. At the port of Tampa, we have credentialed over 39,000 port workers and the State of Florida has credentialed over 100,000 port workers throughout the State. This means that the FBI and the Florida Department of Law Enforcement have conducted extensive background checks.

Meanwhile, the Federal TWIC, which was first mandated in the Maritime Transportation Security Act, was not finalized by the Department of Homeland Security until just a few months ago.

The criteria in the FUPAC and the TWIC greatly duplicate each other. The Federal Government and the State of Florida must reconcile these credentials to ensure that our resources go to make our neighbors and our ports safe rather than satisfy bureaucratic red tape.

The Florida Ports Council says that this issue and its resolution will have a profound effect on both the viability of our maritime businesses and the security of Florida's ports.

As long as proper security requirements are being met, as they are with Florida's port credential, we need to spare the working folks who keep our ports moving from having to bear the burden and expense of undergoing unnecessarily duplicative background checks.

The amendment offered today requires that the Department of Homeland Security work with the State of Florida to resolve inconsistencies and avoid unnecessary duplication between the TWIC and the FUPAC.

I urge my colleagues to support this amendment which will aid Florida's strong maritime economy and ensure that valuable resources go to keeping our neighbors and our ports safe rather than to unnecessary bureaucratic red tape.

Madam Chair, I reserve the balance of my time.

Mr. KING of New York. Madam Chair, I claim time in opposition to the amendment, even though I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Chair, I thank the gentleman.

I rise in strong support of the Castor amendment to the Homeland Security authorization bill.

I have worked long and hard to coordinate the agreement between TSA and Florida on their respective worker ID cards for screening port workers. TSA has been dragging their feet, unwilling to compromise so that Florida does not have to discontinue its own card. It wasn't until Senator Paula Dockery, who shares some of my constituents, reached out to me that the TSA finally began to respond and started negotiations. Senator Dockery is now chairman of the committee that I chaired when I was in the Florida Senate, so I am very familiar with the biometric ID program. That is why she reached out to me.

Right now, congressional intervention has made sure that they are talking. There is still only one remaining sticking point. I am cautiously optimistic that we can work this out so Florida can be confident that TSA's Transportation Worker ID card is secure enough for our precious ports.

Florida has a great system, and TSA needs to recognize that and know that, if anything, Florida's system is above and beyond what TSA is looking at.

This amendment commits TSA to continuing the work my colleagues and I have already accomplished, getting TSA to sit down and talk to Florida. Most of the issues have been worked out. I am pleased to support this amendment.

Ms. CASTOR. Madam Chair, I reserve my time to close.

Mr. KING of New York. Madam Chair, I yield 2½ minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Chair, I rise in support of the Castor amendment to H.R. 1684. This amendment directs the Department of Homeland Security to work with my State of Florida to resolve differences between its ports access control credential and its Federal counterpart, the Transportation Worker Identification Credential, or the TWIC card.

Florida has been a national leader in developing its own credential, entering into an agreement with TSA in 2003 to implement this TWIC prototype. Florida's card is largely interchangeable with the TWIC. However, there are questions about the ability to integrate Federal requirements with Florida's standards.

I cannot stress enough the importance of resolving this issue so that maritime workers in my State do not have to obtain multiple cards and separate card readers for the same purposes.

I met with TWIC program officials on this matter and, during a hearing of my Transportation Security and Infrastructure Protection Subcommittee last month, asked them to delay implementation of the TWIC card in Florida until this issue can be satisfactorily resolved.

Although I am optimistic that we are moving in the right direction toward a resolution on this matter, I commend the gentlewoman from Florida for offering this amendment which will reinforce our State's bipartisan resolve to fix this problem.

I urge my colleagues to support this amendment.

Mr. KING of New York. Madam Chair, I want to thank the gentlewoman from Florida for her amendment and urge its adoption, and I yield back the balance of my time.

Ms. CASTOR. Madam Chair, in closing, I would like to thank Chairman THOMPSON and all of the hard-working members and staff of the Homeland Security Committee, and thank my colleagues from Florida, Ms. GINNY BROWN-WAITE and Mr. BILIRAKIS, for their bipartisan efforts to solve this problem. I urge adoption of the amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

The amendment was agreed to.

AMENDMENT NO. 20 OFFERED BY MR. LAMPSON

The Acting CHAIRMAN. It is now in order to consider amendment No. 20 printed in House Report 110–136.

Mr. LAMPSON. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. LAMPSON

In section 303, before the first sentence insert "(a) AUTHORIZATION OF APPROPRIATIONS.—", and add at the end the following:

(b) ASSISTING THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

(1) IN GENERAL.—An Inspector General of the Department of Homeland Security appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.) may authorize staff to use funds authorized under subsection (a) to assist the National Center for Missing and Exploited Children, upon request by the Center—

(A) by conducting reviews of inactive case files that the Inspector General has reason to believe involve a child or possible offender located outside the United States, and to develop recommendations for further investigations; and

(B) by engaging in similar activities.

(2) LIMITATIONS.—

(A) PRIORITY.—An Inspector General may not permit staff to engage in activities described in paragraph (1) if such activities will interfere with the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).

(B) FUNDING.—No additional funds are authorized to be appropriated to carry out this paragraph.

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. LAMPSON. Madam Chair, I yield myself such time as I may consume.

I thank Chairman THOMPSON for the opportunity to offer an amendment to the DHS authorization bill.

My amendment would authorize the Department of Homeland Security Inspector General to assist the National Center for Missing and Exploited Children in conducting reviews of inactive case files. Upon the Center's request, the Inspector General may assist in resolving cases involving a child or an alleged offender located outside of the United States.

Federal Inspectors General have recognized that they could help the National Center in a very unique way not covered under present partnerships. They envision using the talent and expertise of the IG community's cadre of special agent criminal investigators to review old, unresolved cases in the hope of identifying new leads.

Passage of this amendment would allow IGs, when they are not otherwise engaged in meeting their obligations under the Inspector General Act, to assist in bringing closure to many suffering families. Allowing the Inspector General the authority to provide this limited service could aid in identifying perpetrators and ultimately to the recovery of missing children.

This proposal requires no additional funding since it would only authorize Inspectors General to provide assistance to the National Center, as resources are available. I hope this amendment will lay the groundwork for future legislation authorizing IGs from other agencies to assist the National Center in resolving cold cases domestically.

Again, I thank you for the opportunity to offer my amendment. I encourage my colleagues to support this effort to bring our children home.

Ms. JACKSON-LEE of Texas. Madam Chair, will the gentleman yield?

Mr. LAMPSON. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman for his ongoing leadership on this issue. Since he started in the United States Congress many years ago, he has led out on this issue.

I want to simply refer my colleagues to the idea of imagining the horror of your child being missing, and imagine your child has been missing for so long that his case is declared inactive. Now think about where you would turn if you thought your missing child was in a foreign country. The only parents who do not fear that scenario are those who already live it.

So this idea of using the Department of Homeland Security, which should be certainly interested in securing our children, is an important step and certainly an important responsibility for the Inspector General.

I would suggest that when we think of security we think of children lost overseas or taken overseas. There is no better agency that could utilize its Inspector General facilities and resources to be able to help those families who are deeply suffering.

I want to thank the gentleman for yielding to me. I don't imagine any of us could imagine the need for the resources of DHS checking passengers, checking passports, interacting with the international law enforcement, could not imagine a better use of our time than supporting the gentleman's amendment and allowing the Inspector General to participate in this very important project.

I support this amendment.

This amendment will allow the Inspector General of the Department of Homeland Security to conduct reviews of "cold cases" stored at the National Center for Missing and Exploited Children when the children or the offenders are located outside of the U.S.

This amendment would permit the Inspector General to provide assistance and develop recommendations for further investigation of these hard to solve cases.

A missing child is the anguish of every parent and a concern to every caring adult.

Imagine the horror of your child being missing. Imagine that the child has been missing for so long, that its case is declared "inactive." Now think about where you would turn if you thought your missing child was in a foreign country.

The only parents who would not fear this scenario are those who already live it.

In the creation of the Department of Homeland Security, DHS assumed responsibility for border protection.

Many people may not understand how border protection intersects with missing children.

I can tell you that as our inspectors check passengers entering and leaving the United States, they have the opportunity to identify missing children and their abductors.

Those employees of homeland security who are responsible for protecting our borders and assuring that terrorists do not enter this country also play a role in assuring that children who are leaving this country are in the company of a parent or legal guardian.

But when efforts to intercept and detain a child abductor fail, more is lost than just one child.

According to the National Center for Missing and Exploited Children (NCMEC) thousands of American children are illegally transported from the United States every year.

Through this amendment, we will add one more weapon in our arsenal to safeguard America's children.

By bringing to bear the investigative abilities and fresh insights of the Inspector General to these cases we can help resolve these cases that others have given up on.

I urge my colleagues to support this amendment.

☐ 1715

Mr. LAMPSON. Reclaiming my time, I thank the gentlewoman for her comments. There are some astounding statistics associated with this. More than 1,000 children a year taken out of the country, and over time, many of them grow cold. This is a perfect opportunity to allow a good agency who wants to help to be able to do so.

Madam Chairman, I reserve the balance of my time.

Mr. KING of New York. Madam Chair, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Madam Chair, I yield myself the balance of the time just to say that we have no objection to the gentleman's amendment. I commend him on it, and I yield back the balance of my time.

Mr. LAMPSON. Madam Chair, this is an excellent piece of legislation that will help many children be brought back home and families reunited.

I thank everyone, all of our colleagues, for consideration of this and urge support.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. ROYCE

The Acting CHAIRMAN. It is now in order to consider amendment No. 21 printed in House Report 110–136.

Mr. ROYCE. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. ROYCE:

At the end of title IX, add the following new section:

SEC. 9___. STOLEN AND LOST TRAVEL DOCUMENT DATABASE.

(a) IN GENERAL.—The Secretary of Homeland Security, acting through the Commissioner of United States Customs and Border Protection, shall, as expeditiously as possible, implement at primary inspection points at United States ports of entry the Stolen and Lost Travel Document database managed by Interpol.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation required under subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 382, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROYCE. Madam Chair, I yield myself such time as I may consume.

What I wanted to share with this body is that Ramzi Yousef used a stolen passport to carry out the murderous attack that was conducted on the World Trade Center back in 1993. He used that stolen passport to enter the United States and claim asylum and then carry out that attack.

Three years after the 9/11 Commission recommended that our border officers have access to Interpol's lost and stolen passport data as an automatic check at our ports of entry, we still do not have a situation where we are utilizing that data, and this amendment would change that.

Now, there are many, many examples in Europe where these stolen passports have created a crisis. Fraudulent passports were used in the 2004 Madrid bombing. In the 2005 London subway attacks, again, stolen passports were used, and as argued recently in congressional testimony by the Secretary General of Interpol, and I will quote from that testimony before the Senate, "Terrorist use of fraudulent travel documents was one of the most dangerous gaps in global security back around the time of September 2001. Unfortunately, it still is today."

I can share with you as the ranking member of the Foreign Affairs Subcommittee on Terrorism Non-Proliferation and Trade, this remains a concern.

It has been a concern for Interpol since 2002. They started their stolen and lost travel document database at that time. There were several thousand passports that were stolen in blank form. This was a particular problem. They posed a severe threat, given that these can be easily made into bogus passports that are very, very easy to use and difficult for law enforcement to detect. A stolen blank passport from a visa waiver country raises the stakes, of course, because the holder is subject to considerably less scrutiny because it is a visa waiver country. So, if you look at the number of hits last year, 2,543, generated by Interpol's database, 62 percent were from visa waiver countries.

So the United States, we have some access to stolen passport information through our own systems and through bilateral agreements, but there is a gaping hole here. We need access to this system. There are 2½ million stolen passports that are not on our radar screen.

This amendment then would ensure that DHS implement the Interpol stolen passport database at primary inspection points at U.S. ports of entry. The system developed by Interpol would enable U.S. border security officials to check the passport database at the port of entry. The same swipe of the passport would check the Interpol database with a simultaneous check of the appropriate U.S. database. That is going to enhance our security.

I will just share with the members of this body that the Swiss now use this; 20,000 Swiss officers conduct between 300,000 and 400,000 database searches every month, and every month they detect over 100 people attempting to enter their country with stolen passports. The French have the same experience.

It is very important that the U.S. access this database, and that is what this amendment will do.

Madam Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. For the purpose of support only, I am in support of Mr. ROYCE's amendment. The database created by Interpol has proven to be very, very successful. The Swiss presently use the database provided by Interpol. They stop some 100 persons entering into that country per month. For the life of me, I cannot understand why CBP will not use it.

It is a commonsense amendment. I trust the Department, once we approve it and ultimately pass the legislation, will follow the directions of Congress.

So I support the Royce amendment in its present form.

Imposters who would do us harm prize fraudulent passports as a way to gain entry into our country under false identities in order to carry out criminal or terrorist activities.

INTERPOL has created a "Stolen and Lost Travel Document" (SLTD) database to provide valuable and timely information about passports reported lost or stolen to database users in order to intercept imposters and assist law enforcement.

In the last couple of years, INTERPOL has populated its SLTD database with millions of passport numbers that were reported lost or stolen.

Receiving real-time reporting of lost and stolen passports would allow us to detect these imposters and prevent their entry into the U.S.

Other countries that use INTERPOL's SLTD database have been successful in intercepting imposters.

For example, the Swiss, have been stopping over 100 attempted entries per month using fraudulent passports since December 2005 on the basis of the real-time information INTERPOL has provided.

Yet, at U.S. Ports of Entry, Customs and Border Protection inspectors do not yet have access to INTERPOL's database at primary inspection, so this valuable anti-terrorism tool remains unavailable for screening persons trying to enter the U. S.

This amendment would require CBP to provide its inspectors access to INTERPOL's SLTD database at primary inspection within one year.

CBP has already declared that that it intends to implement use of INTERPOL's SLTD database as soon as possible; this amendment will ensure this takes place.

Support the Royce Amendment.

Mr. ROYCE. Madam Chairman, if I could just sum up on my time, again, the 9/11 Commission recognized the importance of Interpol's database. Janice Kephart, who was a counsel to the 9/11 Commission, testified recently that U.S. support and engagement with Interpol is key to fully implementing the 9/11 Commission recommendations on terrorist travel.

I would just also share with the body that yesterday we dodged a bullet. It is significant that there have been no terrorist attacks against our country since 9/11, but yesterday's disrupted plot shows there is much work left to be done.

Adoption of this database will help combat the threat of terrorists and criminals crossing our borders. I urge its adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The amendment was agreed to.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RAHALL) having assumed the chair, Mrs. JONES of Ohio, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1684) to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes, pursuant to House Resolution 382, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Thompson amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

In the proposed section 401(b)(3)(B), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", excluding each agency that is a distinct entity within the Department".

In the proposed section 401(b)(3)(E), as proposed to be added by section 201 of the bill, insert before the period at the end the following: ", consistent with this section".

Strike subsection (b) of the proposed section 707, as proposed to be added by section 202 of the bill, and insert the following:

"(b) COORDINATION.—The Secretary shall direct the Chief Operating Officer of each component agency to coordinate with that Officer's respective Chief Operating Officer of the Department to ensure that the component agency adheres to Government-wide laws, rules, regulations, and policies to which the Department is subject and which the Chief Operating Officer is responsible for implementing.".

In the proposed section 707(c), strike "reporting to" and insert "coordinating with".

In the proposed section 402(d), as proposed to be added by section 203 of the bill, insert after "submit to the Committee on Homeland Security" the following: "and the Committee on Transportation and Infrastructure".

Strike the proposed subsection (d), as proposed to be added by section 208 of the bill, and insert the following:

"(d) AUTHORITY OF ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS OVER DEPARTMENTAL COUNTERPARTS.—The Secretary for the Department shall ensure that the Assistant Secretary for Legislative Affairs has adequate authority or the Assistant Secretary's respective counterparts in component agencies of the Department to ensure that such component agencies adhere to the laws, rules, and regulations to which the Department is subject and the departmental policies that the Assistant Secretary for Legislative Affairs is responsible for implementing.".

In section 301(c), after "submit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In the proposed subsection (d)(1), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed subsection (d)(2), as proposed to be added by section 302 of the bill, strike "and the Committee on Homeland Security and Governmental Affairs of the Senate" and insert ", the Committee on Homeland Security and Governmental Affairs of the Senate, and other appropriate congressional committees".

In the proposed section 104(a), as proposed to be added by section 304 of the bill, insert after "congressional homeland security committees" the following: "and other appropriate congressional committees".

Strike section 305 and conform the table of contents accordingly.

In section 402, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Chief Procurement Officer) may, for the purpose of supporting the Department's acquisition capabilities and enhancing contract management throughout the Department, appoint annuitants to positions in procurement offices in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in procurement offices;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 402, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In the proposed section 837(b), as proposed to be added by section 403 of the bill, after "require the contractor to submit" insert the following: "past performance".

In section 406, strike subsection (c) and redesignate subsection (d) as subsection (c).

In the proposed section 839(b), as proposed to be added by section 407 of the bill, strike paragraph (4).

In the proposed section 839(d), strike "the micro-purchase threshold (as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428))" and insert "the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403))".

In the proposed section 839, as proposed to be added by section 407 of the bill, strike subsection (f).

In section 408(c), strike "the Department of Homeland Security shall consider" and insert "The Secretary of Homeland Security shall consider, among the other factors the Secretary deems relevant,".

Strike section 409, redesignate section 410 as section 409, and conform the table of contents accordingly.

In section 409, as so redesignated, strike "The Secretary" and insert "Consistent with any applicable law, the Secretary".

In section 501, redesignate subsections (g) and (h) as subsections (h) and (i), respectively, and insert after subsection (f), the following new subsection (g):

(g) COMPTROLLER GENERAL REPORT.—The Comptroller General shall conduct a comprehensive review of the retirement system for law enforcement officers employed by the Federal Government. The review shall include all employees categorized as law enforcement officers for purposes of retirement and any other Federal employee performing law enforcement officer duties not so categorized. In carrying out the review, the Comptroller General shall review legislative proposals introduced over the 10 years preceding the date of the enactment of this Act that are relevant to the issue law enforcement retirement and consult with law enforcement agencies and law enforcement employee representatives. Not later than August 1, 2007, the Comptroller General shall submit to Congress a report on the findings of such review. The report shall include each of the following:

(1) An assessment of the reasons and goals for the establishment of the separate retirement system for law enforcement officers, as defined in section 8331 of title 5, United States Code, including the need for young and vigorous law enforcement officers, and whether such reasons and goals are currently appropriate.

(2) An assessment of the more recent reasons given for including additional groups of employees in such system, including recruitment and retention, and whether such reasons and goals are currently appropriate.

(3) A determination as to whether the system is achieving the goals in (1) and (2).

(4) A summary of potential alternatives to the system, including increased use of bonuses, increased pay, and raising the mandatory retirement age, and a recommendation as to which alternatives would best meet each goal defined in (1) and (2), including legislative recommendations if necessary.

(5) A recommendation for the definition of law enforcement officer.

(6) An detailed review of the current system including its mandatory retirement age and benefit accrual.

(7) A recommendation as to whether the law enforcement officer category should be made at the employee, function and duty, job classification, agency or other level, and by whom.

(8) Any other relevant information.

In section 502(a) by inserting after "transmit to the Committee on Homeland Security" the following: "and the Committee on Oversight and Government Reform".

In section 504, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Commissioner of the United States Customs and Border Protection) may, for the purpose of accelerating the ability of the CBP to secure the borders of the United States, appoint annuitants to positions in the CBP in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(l) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the CBP;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 504, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

In section 505(a), insert after "statutes" the following: " and Office of Personnel Management Regulations and Guidelines".

Strike section 507, redesignate sections 508 through 513 as sections 507 through 512, respectively, and conform the table of contents accordingly.

In the proposed section 708, as proposed to be added by section 508 of the bill, as so redesignated, strike subsection (b)(1) and insert the following:

"(1) have responsibility for overall Department-wide security activities, including issuing and confiscating credentials, controlling access to and disposing of classified and sensitive but unclassified materials, controlling access to sensitive areas and Secured Compartmentalized Intelligence Facilities, and communicating with other government agencies on the status of security clearances and security clearance applications;".

Strike section 606 and conform the table of contents accordingly.

In the proposed section 226(c)(1)(A), as proposed to be added by section 701 of the bill, strike "to monitor critical information infrastructure" and insert "for ongoing activities to identify threats to critical information infrastructure".

In section 702(c)(2), insert after "Standards and Technology," the following: "the Department of Commerce,".

Insert after section 702 the following (and conform the table of contents accordingly):

SEC. 703. COLLABORATION.

In carrying out this title, the Assistant Secretary of Homeland Security for Cybersecurity and Communications shall collaborate with any Federal entity that, under law, has authority over the activities set forth in this title.

In section 804(b)(1), strike "maximum".

In the proposed section 319(e), as proposed to be added by section 805 of the bill, after "the project may" insert the following: ", subject to the availability of appropriations for such purpose,".

Insert at the end of title VIII the following (and conform the table of contents accordingly):

SEC. 806. AVAILABILITY OF TESTING FACILITIES AND EQUIPMENT.

(a) AUTHORITY.—The Under Secretary for Science and Technology or his designee may make available to any person or entity, for an appropriate fee, the services of any Department of Homeland Security owned and operated center, or other testing facility for the testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission.

(b) INTERFERENCE WITH FEDERAL PROGRAMS.—The Under Secretary for Science and Technology shall ensure that the testing of materiel and other items not owned by the Government shall not cause government personnel or other government resources to be diverted from scheduled tests of Government materiel or otherwise interfere with Government mission requirements.

(c) CONFIDENTIALITY OF TEST RESULTS.—The results of tests performed with services made available under subsection (a) and any associated data provided by the person or entity for the conduct of such tests are trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552b(4) of title 5, United States Code, and may not be disclosed outside the Federal Government without the consent of the person or entity for whom the tests are performed.

(d) FEES.—The fees for exercising the authorities under subsection (a) may not exceed the amount necessary to recoup the direct and indirect costs involved, such as direct costs of utilities, contractor support, and salaries of personnel that are incurred by the United States to provide for the testing.

(e) USE OF FEES.—The fees for exercising the authorities under subsection (a) shall be credited to the appropriations or other funds of the Directorate of Science and Technology.

(f) OPERATIONAL PLAN.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary for Science and Technology shall submit to Congress a report detailing a plan for operating a program that would allow any person or entity, for an appropriate feel, to use any center or testing facility owned and operated by the Department of Homeland Security for testing of materials, equipment, models, computer software, and other items designed to advance the homeland security mission. The plan shall include—

(1) a list of the facilities and equipment that could be made available to such persons or entities;

(2) a five-year budget plan, including the costs for facility construction, staff training, contract and legal fees, equipment maintenance and operation, and any incidental costs associated with the program;

(3) A five-year estimate of the number of users and fees to be collected;

(4) a list of criteria for selecting private-sector users from a pool of applicants, including any special requirements for foreign applicants; and

(5) an assessment of the effect the program would have on the ability of a center or testing facility to meet its obligations under other Federal programs.

(g) REPORT TO CONGRESS.—The Under Secretary for Science and Technology shall submit to Congress an annual report containing a list of the centers and testing facilities that have collected fees under this section, the amount of fees collected, a brief description of each partnership formed under this section, and the purpose for which the testing was conducted.

(h) GAO.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an assessment of the implementation of this section.

Strike section 904 and insert the following (and conform the table of contents accordingly):

SEC. 904. REPORT ON IMPLEMENTATION OF THE STUDENT AND EXCHANGE VISITOR PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report to update the Government Accountability Office report of June 18, 2004, GAO-04-690, on the Student and Exchange Visitor Program (referred to in this section as "SEVP") and specifically the Student and Exchange Visitor Information System (referred to in this section as "SEVIS"). The report shall include the following information:

(1) The rate of compliance with the current SEVIS requirements by program sponsors and educational institutions, including non-academic institutions authorized to admit students under SEVIS.

(2) Whether there are differences in compliance rates among different types and sizes of institutions participating in SEVIS.

(3) Whether SEVIS adequately ensures that each covered foreign student or exchange visitor in nonimmigrant status is, in fact, actively participating in the program for which admission to the United States was granted.

(4) Whether SEVIS includes data fields to ensure that each covered foreign student or exchange visitor in nonimmigrant status is meeting minimum academic or program standards and that major courses of study are recorded, especially those that may be of national security concern.

(5) Whether the Secretary of Homeland Security provides adequate access, training, and technical support to authorized users from the sponsoring programs and educational institutions in which covered foreign students and exchange visitors in a nonimmigrant status are enrolled.

(6) Whether each sponsoring program or educational institution participating in SEVP has designated enough authorized users to comply with SEVIS requirements.

(7) Whether authorized users at program sponsors or educational institutions are adequately vetted and trained.

(8) Whether the fees collected are adequate to support SEVIS.

(9) Whether there any new authorities, capabilities, or resources needed for SEVP and SEVIS to fully perform.

Strike section 906, redesignate section 907 as section 906, and conform the table of contents accordingly.

In section 1003, strike subsection (b) and insert the following:

(b) APPOINTMENT AUTHORITY.—The Secretary (acting through the Assistant Secretary for Information Analysis) may, for the purpose of accelerating the ability of the IA to perform its statutory duties under the Homeland Security Act of 2002, appoint annuitants to positions in the IA in accordance with succeeding provisions of this section, except that no authority under this subsection shall be available unless the Secretary provides to Congress a certification that—

(1) the Secretary has submitted a request under section 8344(i) or 8468(f) of title 5, United States Code, on or after the date of the enactment of this Act, with respect to positions in the IA;

(2) the request described in paragraph (1) was properly filed; and

(3) the Office of Personnel Management has not responded to the request described in paragraph (1), by either approving, denying, or seeking more information regarding such request, within 90 days after the date on which such request was filed.

In section 1003, strike subsection (f) and insert the following:

(f) TERMINATION OF AUTHORITY.—Effective 2 years after the date of the enactment of this Act—

(1) all authority to make appointments under subsection (b) shall cease to be available; and

(2) all exemptions under subsection (c) shall cease to be effective.

Strike section 1101, redesignate sections 1102 through 1108 as sections 1101 through 1107, respectively, and conform the table of contents accordingly.

Strike sections 1109, 1110, 1111, redesignate sections 1112 through 1119 as sections 1108 through 1115, respectively, and amend the table of contents accordingly.

Strike section 1120, redesignate section 1121 as section 1116, and amend the table of contents accordingly.

Strike section 1102, as so redesignated, and insert the following:

SEC. 1102. CRITICAL INFRASTRUCTURE STUDY.

The Secretary of Homeland Security shall work with the Center for Risk and Economic Analysis of Terrorism Events (CREATE), led by the University of Southern California, to evaluate the feasibility and practicality of creating further incentives for private sector stakeholders to share protected critical infrastructure information with the Department for homeland security and other purposes.

In section 1103, as so redesignated, strike "and immigration status databases".

In the heading for section 1103, as so redesignated, strike "and immigration review".

In the proposed section 890A(a), as proposed to be added by section 1106 of the bill, as so redesignated, insert after paragraph (2) the following:

"(3) EXCLUDED PROGRAMS.—This section shall not apply to or otherwise affect any grant issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).".

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1117. COMPTROLLER GENERAL REPORT ON CRITICAL INFRASTRUCTURE.

(a) REQUIREMENT.—The Comptroller General of the United States shall conduct a study to—

(1) determine the extent to which architecture, engineering, surveying, and mapping activities related to the critical infrastructure of the United States are being sent to offshore locations;

(2) assess whether any vulnerabilities or threats exist with respect to terrorism; and

(3) recommend policies, regulations, or legislation, as appropriate, that may be necessary to protect the national and homeland security interests of the United States.

(b) CONSULTATION.—In carrying out the study authorized by this section, the Comptroller General shall consult with—

(1) such other agencies of the Government of the United States as are appropriate; and

(2) national organizations representing the architecture, engineering, surveying, and mapping professions.

(c) REPORT.—The Comptroller General shall submit to the Committees on Transportation and Infrastructure, Energy and Commerce, and Homeland Security of the House of Representatives, and to the Senate, by not later than 6 months after the date of the enactment of this Act a report on the findings, conclusions, and recommendations of the study under this section.

(d) DEFINITIONS.—As used in this section—

(1) each of the terms "architectural", "engineering", "surveying", and "mapping"—

(A) subject to subparagraph (B), has the same meaning such term has under section 1102 of title 40, United States Code; and

(B) includes services performed by professionals such as surveyors, photogrammetrists, hydrographers, geodesists, or cartographers in the collection, storage, retrieval, or dissemination of graphical or digital data to depict natural or manmade physical features, phenomena, or boundaries of the earth and any information related to such data, including any such data that comprises the processing of a survey, map, chart, geographic information system, remotely sensed image or data, or aerial photograph; and

(2) the term "critical infrastructure"—

(A) means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters; and

(B) includes the basic facilities, structures, and installations needed for the functioning of a community or society, including transportation and communications systems, water and power lines, power plants, and the built environment of private and public institutions of the United States.

Add at the end of title XI the following (and conform the table of contents accordingly):

SEC. 1118. IMPROVING THE NEXUS AND FAST REGISTERED TRAVELER PROGRAMS.

(a) MERGING REQUIREMENTS OF NEXUS AND FAST.—

(1) IN GENERAL.—The Secretary of Homeland Security shall merge the procedures for the programs described in subsection (j) into a single procedure, with common eligibility and security screening requirements, enrollment processes, and sanctions regimes.

(2) SPECIFIC REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall ensure that the procedures for the programs known as "NEXUS Highway", "NEXUS Marine", and "NEXUS Air" are integrated into such a single procedure.

(b) INTEGRATING NEXUS AND FAST INFORMATION SYSTEMS.—The Secretary of Homeland Security shall integrate all databases and information systems for the programs described in subsection (j) in a manner that will permit any identification card issued to a participant to operate in all locations where a program described in such subsection is operating.

(c) CREATION OF NEXUS CONVERTIBLE LANES.—In order to expand the NEXUS program described in subsection (j)(2) to major northern border crossings, the Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall equip not fewer than six new northern border crossings with NEXUS technology.

(d) CREATION OF REMOTE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two remote enrollment centers for the programs described in subsection (j). Such a remote enrollment center shall be established at each of the border crossings described in subsection (c).

(e) CREATION OF MOBILE ENROLLMENT CENTERS.—The Secretary of Homeland Security, in consultation with appropriate representatives of the Government of Canada, shall create a minimum of two mobile enrollment centers for the programs described in subsection (j). Such mobile enrollment centers shall be used to accept and process applications in areas currently underserved by such programs. The Secretary shall work with State and local authorities in determining the locations of such mobile enrollment centers.

(f) ON-LINE APPLICATION PROCESS.—The Secretary of Homeland Security shall design an on-line application process for the programs described in subsection (j). Such process shall permit individuals to securely submit their applications on-line and schedule a security interview at the nearest enrollment center.

(g) PROMOTING ENROLLMENT.—

(1) CREATING INCENTIVES FOR ENROLLMENT.—In order to encourage applications for the programs described in subsection (j), the Secretary of Homeland Security shall develop a plan to admit participants in an amount that is as inexpensive as possible per card issued for each of such programs.

(2) CUSTOMER SERVICE PHONE NUMBER.—In order to provide potential applicants with timely information for the programs described in subsection (j), the Secretary of Homeland Security shall create a customer service telephone number for such programs.

(3) PUBLICITY CAMPAIGN.—The Secretary shall carry out a program to educate the public regarding the benefits of the programs described in subsection (j).

(h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED STATES.—For purposes of the plan required under section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004, an identification card issued to a participant in a program described in subsection (j) shall be considered a document sufficient on its own when produced to denote identity and citizenship for travel into the United States by United States citizens and by categories of individuals for whom documentation requirements have previously been waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

(i) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of subsections (a) through (g).

(j) PROGRAMS.—The programs described in this subsection are the following:

(1) The FAST program authorized under subpart B of title IV of the Tariff Act of 1930 (19 U.S.C. 1411 et seq.).

(2) The NEXUS program authorized under section 286(q) of the Immigration and Nationality Act (U.S.C. 1356(q)).

SEC. 1119. TRAVEL DOCUMENTS.

(a) Travel to Canada and Mexico.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding at the end the following new paragraphs:

"(3) Pass card infrastructure.—The Secretary of Homeland Security shall conduct not less than one trial on the usability, reliability, and effectiveness of the technology that the Secretary determines appropriate to implement the documentary requirements of this subsection. The Secretary may not issue a final rule implementing the requirements of this subsection until such time as the Secretary has submitted to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the results and outcome of such trial or trials. The report shall include data and evidence that demonstrates that the technology utilized in such trial or trials is operationally superior to other alternative technology infrastructures.

"(4) Flexible implementation period.—In order to provide flexibility upon implementation of the plan developed under paragraph (1), the Secretary of Homeland Security shall establish a special procedure to permit an individual who does not possess a passport or other document, or combination of documents, as required under paragraph (1), but who the Secretary determines to be a citizen of the United States, to re-enter the United States at an international land or maritime border of the United States. The special procedure referred to in this paragraph shall terminate on the date that is 180 days after the date of the implementation of the plan described in paragraph (1)(A).

"(5) Special rule for certain minors.—Except as provided in paragraph (6), citizens of the United States or Canada who are less than 16 years of age shall not be required to present to an immigration officer a passport or other document, or combination of documents, as required under paragraph (1), when returning or traveling to the United States from Canada, Mexico, Bermuda, or the Carribean at any port of entry along the international land or maritime border of the United States.

"(6) Special rule for certain student minors traveling as part of an authorized and supervised school trip.—Notwithstanding the special rule described in paragraph (5), the Secretary of Homeland Security is authorized to consider expanding the special rule for certain minors described in such paragraph to a citizen of the United States or Canada who is less than 19 years of age but is 16 years of age or older and who is traveling between the United States and Canada at any port of entry along the international or maritime border between the two countries if such citizen is so traveling as a student as part of an authorized and supervised school trip.

"(7) Public outreach.—To promote travel and trade across the United States border, the Secretary of Homeland Security shall develop a public communications plan to promote to United States citizens, representatives of the travel and trade industries, and local government officials information relating to the implementation of this subsection. The Secretary of Homeland Security shall coordinate with representatives of the travel and trade industries in the development of such public communications plan.

"(8) Cost-benefit analysis.—The Secretary of Homeland Security shall prepare an extensive regulatory impact analysis that is fully compliant with Executive Order 12866 and Office of Management and Budget Circular A-4 for an economically significant regulatory action before publishing a rule with respect to the implementation of the requirements of this subsection.".

(b) Report.—Not later than 120 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a report on the implementation of paragraphs (3) through (8) of section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Strike title XII and conform the table of contents accordingly.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 209, not voting 12, as follows:

[Roll No. 316]

YEAS—212

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Eshoo
Etheridge
Farr
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—209

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Space
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Brady (PA)
Engel
Fattah
Filner
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Moran (KS)
Renzi
Souder
Tiahrt
Waxman

☐ 1751

Mr. WALDEN of Oregon and Mr. JONES of North Carolina changed their vote from "yea" to "nay."

Mr. HODES, Mrs. GILLIBRAND, and Mr. HILL changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, isn't it true that, under the rules of the House, rule XX, clause 2 states that the vote shall not be held open for the sole purpose of changing the outcome of the vote?

The SPEAKER pro tempore. It is true that, under clause 2(a) of rule XX, a vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.

Mr. PRICE of Georgia. Further inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. PRICE of Georgia. Isn't it true that, on the vote that was just taken, that at a point after the expiration of the time, that in fact the noes had prevailed and that individuals then changed their votes?

The SPEAKER pro tempore. In conducting a vote by electronic device, the Chair is constrained to differentiate between activity toward the establishment of an outcome, on one hand, and activity that might have as its purpose the reversal of an already established outcome, on the other. The Chair will state that this was an ongoing vote.

Mr. PRICE of Georgia. Final inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Is the Speaker able to inform the House as to the length of time that that vote was kept open?

The SPEAKER pro tempore. The Chair does not have that information.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DENT

Mr. DENT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DENT. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS OFFERED BY MR. DENT OF PENNSYLVANIA

Mr. Dent of Pennsylvania moves to recommit the bill H.R. 1684 to the Committee on Homeland Security with instructions that the committee report the same back to the House forthwith with the following instructions:

At the appropriate place in the bill, insert the following:

SEC. . AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) "The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.";

(2) "Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.";

(3) "The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.";

(4) "A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations."; and

(5) "Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.".

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the "system").

(c) ADMINISTRATIVE PROCESS TO CORRECT INFORMATION.—The Secretary, acting through the Commissioner, shall ensure than an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action for any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, if this Congress is serious, truly serious about implementing the recommendations of the 9/11 Commission, Members should vote in favor of this motion to recommit.

The 9/11 Commission told us that we needed to develop a better border security system. And, let me repeat. This amendment implements a key 9/11 Commission recommendation.

Specifically, the 9/11 Commission advised the President to direct the Department of Homeland Security to design a comprehensive screening system that would target particular identifiable suspects or indicators of risk and give border officials the resources to establish that people are who they say they are, intercept identifiable suspects and disrupt terrorist operations. They went on to say and conclude that targeting travel is at least as powerful a weapon against terrorists as targeting their money, and that is the 9/11 Commission Report, recommendation 14, page 385, and recommended that a terrorist travel intelligence collection and analysis program which had produced disproportionately useful results should be expanded.

The Automated Targeting System for Passengers is such a system, and this motion would reinforce our intention to see ATS-P utilized at all of our Nation's international border crossing points.

ATS-P is nothing new. It is already being utilized by U.S. Customs and Border Protection, or CBP. It has been authorized in several appropriations bills, and the Department of Homeland Security has testified before Congress about the program several times.

ATS-P does not violate anyone's constitutional rights. It is deployed only at the border. And Federal courts have said time and time again that screening people who are trying to enter our country at a port of entry is perfectly permissible under the fourth amendment.

All ATS-P does is collect information from available sources, the Treasury Enforcement Communications System, or TECS, and the Passenger Name Record databases, so that CBP can perform risk assessments of people trying to enter the United States.

ATS-P addresses a major software issue that had previously hampered border control efforts. TECS has existed since the 1970s but was written in a cumbersome programming language that was difficult for Border Patrol agents to access. ATS-P just makes it easier for CBP to make inquiries into this database.

The bottom line here is that ATS-P, after factoring in the available information, indicates to the Customs and Border Protection officer whether an international traveler should be flagged for additional screening or questioning. That CBP officer retains the discretion to do with that information as he or she pleases. But by giving advance notice of an investigatory lead, ATS-P allows the officer and the agency to operate more effectively, to engage in screening that is risk-based. It is not surprising, then, that CBP considers ATS-P to be the cornerstone of its targeting efforts at the border.

ATS-P has had notable successes. It has been credited with identifying persons of interest to border security officials in Atlanta, Minneapolis and Boston.

For all of us here in the Congress who are serious about border security, this motion, which supports the already existing ATS-P program, is an absolute no-brainer: It follows the recommendations of the 9/11 Commission. It provides needed information to CBP officers. It does not violate anyone's civil or constitutional rights. And, most importantly, it works. For all the reasons I have just stated, I ask respectfully that you vote in favor of the motion to recommit.

At this time, I yield to the ranking member of the Homeland Security Committee, Mr. KING of New York.

□ 1800

Mr. KING of New York. I thank the gentleman for yielding. I urge adoption of the motion to recommit.

The time has come for the majority party to follow through on its commitment to carry out the recommendations of the 9/11 Commission. This is a basic recommendation of the 9/11 Commission. They have said it again and again. This an essential component.

Just as many provisions of the base bill were stripped out, now the majority, apparently, is opposing this, again, basic component of the 9/11 Commission.

The time has come. You stand with the Civil Liberties Union or you stand with the 9/11 Commission. We stand with the 9/11 Commission and urge the adoption of the motion to recommit.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 1 minute to the gentlelady from California (Ms. ZOE LOFGREN).

The SPEAKER pro tempore. The gentleman may yield, but he may reclaim time as he sees fit.

Ms. ZOE LOFGREN of California. Mr. Speaker, this amendment is a bad idea.

In 1996, I think it was Congressman SENSENBRENNER who proposed the US-VISIT system. That was 11 years ago, and the US-VISIT is not yet fully implemented. That system is to biometrically check aliens who are entering the United States. I believe that to divert Homeland Security from that mission at this point would put our government at further risk.

We are promised by Homeland that US-VISIT will be completely implemented at airports by the end of this year. Land ports, they're not implementing. So I think it would be a huge mistake to start some new system when we haven't even implemented the Sensenbrenner plan from 1996.

I'd like to note further that in the body of the motion to recommit it suggests that it is true that the 9/11 hijackers were not admissible to the United States when they were admitted. But the inspectors at the airport didn't know that, not because of the biometric system. It was because the reasons for their inadmissibility lay in paper files on microfiche in a box in Florida.

We are about to receive a technology upgrade plan from USCIS. In fact, we have been told it is sitting at OMB today. What we need to do is to implement US-VISIT, integrate it with the new technology plan that is about to be brought online. It will be a dreadful mistake for the Congress to defer a Department that is not terrifically functional as is from this vital mission by creating still another program that will not actually do its job.

Mr. DENT. Will the gentlelady yield?

Ms. ZOE LOFGREN of California. No, I will not. That will not actually do its job because we have failed to do the screening of aliens.

I would thank the chairman of the committee for yielding this brief time, and I would urge my colleagues not to divert the Department from the vital mission of implementing US-VISIT.

Mr. THOMPSON of Mississippi. Reclaiming my time, Mr. Speaker, for the record, CBP filed a privacy notice act informing the public that they had been utilizing the Automated Targeting System, otherwise known as ATS, for 5 years without public notice. When I learned of the problems associated with ATS, I immediately joined hundreds of others by filing a comment.

Mr. DENT. Would the gentleman yield?

Mr. THOMPSON of Mississippi. I will not.

Filing a comment requesting that CBP take a second look at this program.

CBP has not re-issued a new notice, and the questions that I and many others have about ATS have not yet been answered. Until a new notice is released, I consider this program and this motion to recommit premature and the program itself highly questionable.

The amount of information collected by ATS and the fact that the information remains in the system for up to 40 years is reason enough to warrant a closer look.

The motion to recommit ignores the privacy act notice process that is under way, and I urge my colleagues to oppose it

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GOHMERT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage of the bill.

The vote was taken by electronic device, and there were—yeas 264, nays 160, not voting 8, as follows

[Roll No. 317]

YEAS—264

Aderholt
Akin
Alexander
Altmire
Andrews
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NAYS—160

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boucher
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Ellison
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOT VOTING—8

Brady (PA)
Engel
Fattah
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Renzi
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINCOLN DAVIS of Tennessee) (during the vote). Members are advised there are 2 minutes left in this vote.

□ 1825

Mr. GENE GREEN of Texas and Mr. LEVIN changed their vote from "yea" to "nay."

Messrs. HARE, SESTAK, SIRES, ROSS, COURTNEY, COHEN, YARMUTH, HOLDEN, PERLMUTTER, MILLER of North Carolina, UDALL of Colorado, EMANUEL, SPRATT, ANDREWS, VAN HOLLEN, GORDON of Tennessee, DICKS, COSTA, UDALL of New Mexico, and Ms. HOOLEY changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report H.R. 1684 back to the House with an amendment.

I ask unanimous consent that title XII, the Maritime Alien Smuggling provision of the bill, as reported, be restored to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. KING of New York. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. KING of New York. Mr. Speaker, can the gentleman from Mississippi explain the nature of his unanimous consent request?

Mr. THOMPSON of Mississippi. Absolutely. Some Members have raised the issue about the Maritime Alien Smuggling provision of the bill, and we have decided if we can get unanimous consent, we will put it back in the bill, as originally approved by our committee. And we are asking unanimous consent to do it.

Mr. KING of New York. Mr. Speaker, regrettably, not being told in advance, I would have to object to the unanimous consent request.

Mr. THOMPSON of Mississippi. Mr. Ranking Member, there is somebody on your side who received notice of this.

Mr. KING of New York. No one I am aware of has received notice. I am not trying to be disagreeable. This is the first I have heard of it.

Mr. HOYER. If the gentleman will yield, I believe we did give notice. My staff gave notice to the leader's staff, I believe. This came out of committee, as you know, unanimously. I think we are all for this provision. There was a jurisdictional issue raised. I think we have resolved that jurisdictional issue. I know that all your Members voted for it. I think most of our Members would want to vote for it, and we are certainly hopeful that we can move ahead and have this in the bill at this time.

I thank my friend for yielding.

Mr. KING of New York. Mr. Speaker, this is the first I have heard. All I heard from leadership staff several minutes ago was that there might be a unanimous consent request. We were not told any of the details of it whatsoever. I have not seen the language that is proposed to be put back in. And, again, regrettably, at this time, I would have to continue reserving the right to object.

Again, we had almost 20 minutes in the motion to recommit, and if someone would have shown it to us, we could have looked at it. We have not seen it. I have no idea what the language is.

Mr. HOYER. Will my friend yield?

Mr. KING of New York. I will yield, yes.

Mr. HOYER. I don't want to be cute about this, but this was the amendment that was offered by you, I don't mean you personally necessarily, but this was the amendment you just offered. It was not approved, not because we didn't favor it but because we had a jurisdictional issue on our side. And in light of the fact that it is your amendment that you offered and it is an amendment which I think will pass the House handily, I would hope that the gentleman would reconsider or perhaps if we could give him maybe 5 minutes for the purposes of reviewing his amendment to determine whether he is still for his amendment.

Mr. KING of New York. Mr. Speaker, I reserve the right to object. This is the first time we have seen a copy.

Mr. HOYER. This is your amendment we are asking unanimous consent to adopt.

Mr. KING of New York. Again, I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment

At the appropriate place in the bill, insert the following:

SEC. ___. AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) Findings of the 9/11 Commission.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) "The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.";

(2) "Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.";

(3) "The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.";

(4) "A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations."; and

(5) "Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.".

(b) Automated Targeting System for Persons Entering or Departing the United States.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the "system").

(c) Administrative Process to Correct Information.—The Secretary, acting through the Commissioner, shall ensure than an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action for any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) Rule of Construction.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

□ 1830

Mr. PRICE of Georgia (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore (Mr. Lincoln Davis of Tennessee). Is there objection to the request of the gentleman from Georgia?

Mr. PASCRELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

Mr. PRICE of Georgia. Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. WATT. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk continued to read.

The SPEAKER pro tempore. The question is on the amendment.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state a parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Speaker, the gentleman asked for a unanimous consent request. The minority rejected it, and now I understand that the Clerk continued the reading, and I get the impression that we are moving to a vote.

My inquiry is, because the unanimous consent request was brought up under unanimous consent and there was an objection, isn't that the end of it?

That is my parliamentary inquiry.

The SPEAKER pro tempore. The unanimous consent request actually addressed a separate amendment from the one reported back forthwith by the gentleman from Mississippi.

Mr. JACKSON of Illinois. So we're moving to a vote now on the amendment that was objected to brought up under unanimous consent. I'm asking for an inquiry. If the Speaker would kindly just explain to me what process we're in.

The SPEAKER pro tempore. The question is on the amendment that was proposed in the motion to recommit. That amendment has been reported forthwith and is the issue before the House.

Mr. JACKSON of Illinois. I thank the Speaker.

So we're voting on the Thompson amendment.

The SPEAKER pro tempore. No. The question before the House is the amendment reported by the chairman of the Committee on Homeland Security as ordered by the House's adoption of the motion to recommit.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for a parliamentary inquiry.

Mr. PRICE of Georgia. How did the Speaker call the voice vote?

The SPEAKER pro tempore. The noes prevailed.

Does the gentleman from Georgia ask for a recorded vote?

Mr. PRICE of Georgia. I ask for a recorded vote.

The SPEAKER pro tempore. A recorded vote is requested.

Those in favor of a recorded vote will rise.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

How much time has to pass before you get to stand up and ask for a vote after you've already ruled? You can't stand there forever and do that. Now let's run this thing right. The vote's over.

The SPEAKER pro tempore. The gentleman from Georgia was on his feet and seeking recognition in a timely manner.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

Isn't it true that the motion to recommit was passed by a recorded vote?

The SPEAKER pro tempore. Yes.

Mr. LINDER. Isn't it further true that the motion to recommit was brought back with the bill for final passage and that last motion was on final passage and you called the vote a "no"?

The SPEAKER pro tempore. No. The last vote was on the amendment reported back forthwith.

Mr. LINDER. Actually, the amendment was already agreed to and it came back with the final bill. There was no call for a separate vote on the amendment again.

The SPEAKER pro tempore. That is not correct. The adoption of the motion to recommit caused a report forthwith that placed an amendment before the House, which separately bears adoption by the House.

Mr. LINDER. By vote about 20 minutes ago.

The SPEAKER pro tempore. The Chairman of the Committee reported the bill back to the House with an amendment, which amendment still must be disposed of.

Mr. LINDER. With instructions, with the amendment included in it. So the only vote left for you to put before the House is the vote on final passage, and you called it a "no" vote.

The SPEAKER pro tempore. That is not correct. The question must be taken on the amendment reported forthwith.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, as I understand it, the parliamentary situation in which we find ourselves is that we adopted a motion to recommit forthwith to be reported back with an amendment. That amendment was adopted favorably. When the vote was called, you indicated that amendment was defeated.

My parliamentary inquiry: Would at this point in time a motion to reconsider that vote be in order?

The SPEAKER pro tempore. Yes . . . the request for a recorded vote aside.

Mr. HOYER. I would suggest that a motion to reconsider might solve the problem.

Mr. Speaker, I ask unanimous consent that the last voice vote be vacated and that the question be put de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

PARLIAMENTARY INQUIRIES

Mr. BAKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana.

Mr. BAKER. I believe the gentleman, in order to offer the motion to reconsider, would have to be on the prevailing side, and I would question the gentleman's vote on the matter.

Mr. HOYER. By the way, I'm trying to help the gentleman. You may have missed that, but I'm trying to help your side. But we can do it by unanimous consent that it be done de novo.

Parliamentary inquiry. And just so that the gentleman from Louisiana knows, on a voice vote, of course, because there is not a recorded vote, anybody can ask for a motion to reconsider because there is no record as to who voted on the prevailing side or who voted on the opposing side.

But, notwithstanding that, I press my motion de novo; that, in other words, the question be placed, once again, de novo.

The SPEAKER pro tempore. Is there objection to vacating the voice vote and taking the question de novo?

Without objection, so ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. THOMPSON of Mississippi. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 296, noes 126, not voting 10, as follows:

[Roll No. 318]

AYES—296

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Fallin
Farr
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—126

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hensarling
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Stark
Stearns
Sullivan
Tancredo
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—10

Brady (PA)
Engel
Fattah
Herger
Johnson, E. B.
Larson (CT)
McMorris Rodgers
Renzi
Souder
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain in this vote.

☐ 1851

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Wednesday, May 9, 2007 to vote on rollcall vote Nos. 310, 311, 312, 313, 314, 315, 316, 317 and 318 due to a family medical situation. Had I been present, I would have voted:

"Yea" on rollcall vote No. 310 on ordering the previous question on H. Res. 382;

"Yea" on rollcall vote No. 311 on agreeing to H. Res. 382, the rule providing for consideration of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act;

"Yea" on rollcall vote No. 312 on agreeing to H. Res. 383, the rule providing for consideration of H.R. 1873, the Small Business Fairness in Contracting Act;

"Yea" on rollcall vote No. 313 on the motion to suspend the rules and pass H.R. 890, the Student Loan Sunshine Act that establishes requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans;

"Aye" on rollcall vote No. 314 on the amendment H.R. 1684 that would strike some provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

"Aye" on rollcall vote No. 315 on the amendment to H.R. 1684 that would remove section 407 of the bill, which requires that identification cards, uniforms, protective gear, and badges of Homeland Security personnel be manufactured in the United States;

"Yea" on rollcall vote No. 316 on the amendment H.R. 1684 that would strike some provisions of the bill, add reporting requirements, revises annuitant provisions, and require a GAO report on law enforcement retirement systems;

"Nay" on rollcall vote No. 317 on the motion to recommit H.R. 1684 with instructions;

"Aye" on rollcall vote No. 318 on final passage of H.R. 1684, the Fiscal Year 2008 Department of Homeland Security Authorization Act.

PERMISSION FOR AMENDMENT NO. 4 TO BE OFFERED AT ANY TIME DURING CONSIDERATION OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1873 in the Committee of the Whole, pursuant to House Resolution 383, amendment No. 4 by Mr. SESTAK be permitted to be offered at any time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, would you mind explaining exactly what that amendment pertains to and whether or not this has been discussed with our side?

Ms. VELÁZQUEZ. I thought that the ranking member was agreeable. Mr. SESTAK is in a markup on the Committee on Armed Services. We cleared this with your staff.

Mr. CHABOT. Mr. Speaker, if the gentlelady will yield, the amendment has been discussed with our side, and we are satisfied with it. It was a mistake made essentially between Rules and here.

Mr. PRICE of Georgia. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and enter into the RECORD extraneous material on the bill under consideration and that the CBO cost estimates for H.R. 1873 as reported by the Small Business Committee be entered into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the Congressional Budget Office Cost Estimate is as follows

MAY 7, 2007.

Hon. NYDIA M. VELÁZQUEZ,
Chairwoman, Committee on Small Business, House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed estimate for H.R. 1873, the Small Business Fairness in Contracting Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 1873—Small Business Fairness in Contracting Act

Summary: H.R. 1873 would make several changes to the laws that promote and encourage federal agencies to contract for goods and services with small businesses. The legislation would amend the definition of "bundled contracts" (the practice of combining two or more contracts into a single agreement) for the procurement of goods and services and require agencies to better justify the need for such larger contracts rather than smaller ones that could be available to small businesses. The federal government currently has a goal of acquiring 23 percent of most goods and services from small business. The bill would increase that goal to 30 percent and apply it to each agency individually, as well as to all agencies collectively. H.R. 1873 also would require the Small Business Administration (SBA) to develop new regulations and new databases and to conduct other efforts to encourage and promote the use of small businesses in government contracting.

CBO estimates that implementing H.R. 1873 would cost $83 million in fiscal year 2008 and $945 million over the 2008–2012 period, subject to the availability of appropriated funds. We expect that most of those costs would fall on the largest agencies the Department of Defense, the Department of Energy, and the National Aeronautics and Space Administration—that have not met the current goal for contracting with small businesses. Enacting the bill would have no effect on direct spending or revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1873 is shown in the following table. The costs of this legislation fall within budget function 370 (commerce and housing credit) and all other budget functions that include spending to procure goods and services.

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Administration of Governmentwide Procurement:					
Estimated Authorization Level	100	175	200	240	260
Estimated Outlays	80	150	200	240	260
Small Business Administration:					
Estimated Authorization Level	3	3	3	3	3
Estimated Outlays	3	3	3	3	3
Total Changes:					
Estimated Authorization Level	103	178	203	243	263
Estimated Outlays	83	153	200	243	263

Basis of estimate: For this estimate, CBO assumes that H.R. 1873 will be enacted near the end of fiscal year 2007, that the necessary amounts will be appropriated over the 2008–2012 period, and that outlays will follow historical spending patterns for contract administration spending. CBO estimates that implementing H.R. 1873 would cost $83 million in 2008 and $945 million over the 2008–2012 period, assuming appropriation of the necessary funds.

Administration of governmentwide procurement

H.R. 1873 would change the definition of bundled contracts to include the procurement of new and existing goods or services with a value of at least $1.5 million and construction projects worth more than $65 million. Under the bill, agencies would have to justify the use of bundled contracts by evaluating whether or not such work could be performed by small businesses. The SBA could appeal to the Office of Federal Procurement Policy to determine whether the use of bundled contracts by an agency is justified. In addition, H.R. 1873 would amend current law to increase the goal of using contracts with small businesses from the current governmentwide goal of 23 percent of the value of all contracts to 30 percent. In addition, the goal would apply to each agency individually, as to well as all agencies collectively.

Based on information from agencies with the most procurement spending and an analysis of SBA reports on governmentwide and small business contracts, CBO expects that implementing the bill would have a significant discretionary cost to review and analyze the need for bundled contracts, prepare additional market research to identify small business concerns able to perform government contracts and provide necessary products, and expand existing mentoring and developmental programs to prepare small business to obtain government procurement opportunities. Based on current contract administration costs and the size and characteristics of those contracts, CBO estimates that complying with H.R. 1873 would increase costs by about $200 million annually—or about 7 percent of the roughly $2.5 billion that CBO estimates is spent each year to administer the government's procurement contracting efforts. We expect that this increase would occur over a 3-year period. Thus, the estimated costs are phased in between 2008 and 2010. Most of this cost would be incurred to administer additional smaller contracts.

Governmentwide procurement

CBO expects that agencies would continue to encourage the use of small business for the procurement of goods and services and seek to meet the goal for such contracts in this legislation. CBO expects, however, that agencies would continue to purchase goods and services at the lowest price available and that small business contracting goals would be met to the extent that doing so would not significantly increase the cost of procuring needed goods and services.

Small Business Administration

Several provisions of H.R. 1873 would increase the responsibilities of the SBA to monitor and support small business preferences in government contracting and procurement. Such responsibilities would include reviewing bundled contracts and auditing contractor databases. Based on information from SBA, CBO estimates that implementing those provisions would cost about $3 million per year, subject to the availability of appropriated funds.

Intergovernmental and Private-Sector Impact: H.R. 1873 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Previous CBO estimate: On May 7, 2007, CBO also transmitted a cost estimate for H.R. 1873 as ordered reported by the House Committee on Oversight and Government Reform on May 3, 2007. The version of the bill ordered reported by the Committee on Oversight and Government Reform would not significantly change the current governmentwide goal for contracting with small businesses, and thus, CBO expects it would be less costly to implement.

Estimate prepared by: Federal Costs: Matthew Pickford and Susan Willie; Impact on State, Local, and Tribal Governments: Elizabeth Cove; Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 383 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1873.

□ 1852

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, with Mr. LINCOLN DAVIS of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no question that the Federal marketplace continues to grow at record rates. Just last year, the Federal Government spent $417 billion on goods and services. While the government's buying power is increasing, small businesses' opportunities and access to this market is decreasing. With unfair competition and the combining of government projects, entrepreneurs are being shut out of the Federal market. Currently, the state of procurement for small businesses is one that does more to create barriers than it does to encourage participation.

What we have heard time and time again is that access to government projects is out of the reach of small firms. The barriers in the way of accessing this work is clear, among them, the bundling of contracts, the lack of a strongly enforced small business contracting goal and large firms receiving contracts intended for small firms.

For the past 6 years, the government has failed to meet its 23 percent small business contracting goal, costing entrepreneurs last year alone as much as $4.5 billion in lost contracting opportunities. With small businesses creating three out of every four new jobs in this country, they deserve to compete on a level playing field for government work. Small firms do not deserve to be left out of the Federal marketplace but, instead, to be given every tool needed to continue to spur economic growth.

The number one reason the small business contracting goal is not being met is because of the bundling of contracts. Individual contracts being combined works to exclude small firms from bidding on them and often results in higher costs to taxpayers and decreased value for the government. For every $1,800 awarded in a bundled contract, there is a $33 decrease to small businesses. When contracts are bundled together creating "super-contracts," they become too large for entrepreneurs to compete.

In 2002, the President pledged during the administration's announcement of their small business agenda that, "We're going to insist we break down large Federal contracts so that small business owners have got a fair shot at Federal contracting." This legislation finally puts his words into action.

To create the illusion that the goal is being met, agencies are using contracts awarded to large companies and including them toward their small business contracting goal. In 2005, approximately $12 billion in contracts were falsely counted. This gives the impression that agencies are doing more work with small firms than they actually are.

Access to the Federal marketplace is an important mechanism for growth for small businesses. If competition for government projects is not fair, there is no way we can expect entrepreneurs to grow and expand their ventures. This not only benefits entrepreneurs, but also puts taxpayers' dollars to good use. For every dollar in contracts, $7 in revenue is generated for the Federal Government.

Clearly, large businesses have more resources than small firms. Oftentimes they have access to more capital, can hire more staff and have fewer barriers in the way of marketing and expanding their companies. The last thing they need to be doing is taking contracts intended for small businesses.

H.R. 1873 is a bipartisan effort introduced by Mr. BRALEY. I want to commend Mr. BRALEY for his work on addressing small business procurement issues and bringing this bill up for consideration.

This legislation will help open the marketplace for small business contracts. It ensures that fair competition is enforced and that small firms are given the opportunities they deserve to work with the Federal Government.

With the government being the largest buyer of services and goods and small businesses being the largest job creators, increased partnership between these two is the best value for the taxpayer dollar, and not only benefits entrepreneurs, but communities all across the country.

I strongly urge my colleagues to vote for the Small Business Fairness in Contracting Act.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, tonight I rise in support of H.R. 1873, the Small Business Fairness in Contracting Act. As an original cosponsor of this legislation, we worked closely with Chairwoman VELÁZQUEZ and Representative BRALEY to draft a good, bipartisan bill that passed the Small Business Committee by voice vote and was cosponsored by nearly all the members of the committee.

Our legislation was intended to reform the contracting process, increase competition and provide a better value to the taxpayer. The legislation also takes steps to provide greater opportunities to small businesses and addresses problems with the Federal procurement database.

Promoting competition and increasing suppliers depends on the active participation of small businesses, the fastest growing segment of the American economy.

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Without small business's participation, the government is forced to rely on fewer and fewer businesses to satisfy its need for goods and services. This concentration is bad for the government and worse for the tax-paying public. For that reason, utilization of small businesses to fulfill government contracts has been a long-standing policy, a policy that is neither Republican nor Democrat.

Unfortunately, the bill we are considering today, while making many important reforms, is watered down from the original version we introduced.

I commend Chairman VELÁZQUEZ and her staff for working tirelessly to try and protect the sound work done by the Committee on Small Business.

I also want to thank the Rules Committee, and especially Chairwoman SLAUGHTER and Ranking Member DREIER, for allowing me to offer three important amendments, along with three of my Democratic colleagues, to restore significant provisions of the original bill.

One amendment that I proposed with Mr. SESTAK, however, was not ruled in order. This amendment would have restored a provision of our original Small Business Committee bill related to contract bundling. Contract bundling is a procurement strategy that represents a potential obstacle to small business participation in the Federal marketplace. Contract bundling allows Federal procurement officials to manage the procurement process using fewer contracts. At times, contract bundling may be appropriate. At other times, it may reduce competition by combining multiple contracts for goods or services that could be provided separately into a single contract that small businesses are incapable of performing.

Nothing in our original bill as reported by the Committee on Small Business would have completely prevented the Federal Government from bundling contracts, nor is there anything in the bill that we are debating today that prevents contracts from being bundled. Instead, we take the view that bundling can be beneficial if the government gets substantial, measurable benefits in terms of better prices or higher quality or critical delivery terms.

However, our original bill would have required that Federal contracting officers examine their contracting strategies to ensure that the government was receiving real benefits through bundled contracts and also consider the potential loss of competition from small businesses being excluded. Or as President Reagan might have put it, trust but verify.

The bill we are debating now reduces the amount of contracts subject to the trust but verify standard as compared to our original bill. It does, however, represent an increase from current law in the number of contracts that will be scrutinized. With that in mind and with the amendments made in order, including a separate amendment by Mr. SESTAK, the bill moves us modestly in the right direction.

I would hope that as we proceed, and especially in conference, we continue to strengthen the trust but verify standards relative to bundled contracts.

While this may create more work for Federal contracting officers, it also ensures that the Federal procurement process protects competition in the long run while ensuring that the government benefits in the short run from necessary bundled contracts.

As we work through the legislative process with the Senate, it is important that a sensible mechanism exist for an independent arbiter to resolve disputes between the SBA and the agency issuing a bundled contract. It seems unfair that the SBA's only avenue of appeal is to the agency that is doing the procurement. Would anybody be surprised to learn that the administrator has never won an appeal on an agency head on a disputed bundled contract? Not once.

Nor should the legislation as it works its way to final passage substitute an appeals process by affected small businesses for that of the Small Business Administrator. Requiring a small business to challenge an agency's decision pits a David against a Goliath. But, unlike the biblical account, Goliath usually win these battles.

In addition to the provisions on bundling, the bill we are considering today increases the goals for prime Federal contracts to small businesses. But in my estimation and why I offered amendments is that the increase in the bill does not recognize the 10 percent growth in the number of small businesses since 1997, the last time the goals were raised. Nor does the modest increase from 23 to 25 percent recognize substantial technological changes and the capacity of small businesses to perform contracts overseas. Amendments we will be considering will raise those standards to appropriate levels and recognize the capacity of small businesses to perform work overseas.

In addition, I would ask the chairwoman that we work together to remove a provision included in the bill by the Committee on Oversight and Government Reform that treads on the sole jurisdiction of the Committee on Small Business. I believe that sets a bad precedent for future legislation in the House.

I also find that the provisions in title III of the bill are worthy of support. I congratulate the Committee on Oversight and Government Reform as well as members of the Committee on Small Business on working to eradicate errors in critical Federal procurement databases. These changes, although seemingly arcane, will ensure that contracting officers award contracts intended to small businesses to actual small businesses.

While this bill is not as strong as the version adopted by the Small Business Committee, it nevertheless represents an improvement over existing law. I will continue to work to further strengthen this bill and to ensure that small businesses have their fair opportunity to participate in the Federal procurement process

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentleman from California (Mr. WAXMAN), chairman of the Committee on Oversight and Government Reform, such time as he may consume; and I want to take this opportunity to thank him for his work on this legislation.

Mr. WAXMAN. Mr. Chairman, H.R. 1873, the Small Business Fairness in Contracting Act, would make a number of improvements to the preferences given small businesses in Federal contracts.

The bill is the product of much hard work by both the Small Business Committee and the Oversight Committee and reflects our consensus view on many important issues, and I would like to thank Chairwoman VELÁZQUEZ and the Small Business Committee for working with us to address their legitimate concerns and to reach the correct balance in this bill.

I would also like to commend Congressman BRALEY, a member of both the Small Business and Oversight Committees, for his leadership on this issue. I also thank the ranking member of the Oversight Committee, Congressman TOM DAVIS.

The bill represents a delicate balance between appropriate assistance for small businesses through the Federal acquisition system and the overriding purpose of the system, which must always be to ensure that taxpayers get the best value for their money.

The bill also starts us on the path of addressing the current contracting preference enjoyed by Alaska Native Corporations. These groups can be awarded Federal contracts of any size without competition.

To address these concerns about ANC contracts and promote competition in contracting, the bill includes a provision which would give Congress until the end of the year to adopt legislation addressing sole-source contracting by Alaska Native Corporations and economically disadvantaged Indian tribes. If we fail to act during this "placeholder" period, the bill would then require the administration to consult with Alaska Natives and Indian tribes to establish an appropriate limit on the size of the sole-source awards to these groups.

In crafting this provision, I have worked closely with the gentleman from Michigan (Mr. KILDEE), who is Democratic Chair of the Congressional Native American Caucus; and at this time I yield to the gentleman from Michigan (Mr. KILDEE) for the purpose of engaging in a colloquy.

Mr. KILDEE. I want to thank my chairman for yielding to engage in a colloquy on a matter of great importance to Native Americans.

Congress has long been concerned about addressing the social ills that plague our Native American communities which stem from the policies of the United States that were designed to terminate tribal nations and their culture.

While we cannot erase the deplorable history of Indian policy in the United States, Congress has sought to honor the political status of tribal governments by enacting a wide range of laws designed to promote Indian self-determination and economic self-sufficiency. The entirety of title 25 of the United States Code is a compilation of all Federal laws relating to Indians that seek to achieve those goals.

Congress has established the Native 8(a) program in furtherance of those Federal policies to foster strong economies in Native communities. The program is an important tool which has significant benefits to Native communities.

I understand that the authorizing committees have concerns relating to the Native 8(a) program, and I thank Chairman WAXMAN for agreeing to placeholder language at section 211 so we may continue our dialogue with the participants of that program to find a permanent solution to the committee's concern.

In addressing the committee's concerns, however, it is my strong desire that we balance the interest of all parties and that any change to that program take into account our trust relationship with tribal nations and the communities they serve.

I thank the gentleman for yielding.

Mr. WAXMAN. I think the gentleman makes a number of excellent points about the sorry history of Indian policy in the United States. I agree with him that the intent of this provision is to start a dialogue which can recognize the legitimate concerns of Alaska Natives and American Indians, while at the same time preserving the integrity of the Federal contracting process.

I congratulate the chairwoman of the Small Business Committee and thank her for her willingness to work with us

Mr. CHABOT. Mr. Chairman, I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. BRALEY), the sponsor of the bill and the chairman of the Contracting and Technology Subcommittee of the Small Business Committee.

Mr. BRALEY of Iowa. I thank the gentlewoman for yielding me this time.

Last month, I introduced H.R. 1873, the Small Business Fairness in Contracting Act. Today, I rise as a voice for small business owners everywhere who want a fighting chance to compete for Federal contracts.

I would like to take a moment to thank Chairwoman NYDIA VELÁZQUEZ and Ranking Member STEVE CHABOT. I am pleased H.R. 1873 has such strong bipartisan support and is co-sponsored by nearly the entire Small Business Committee.

Additionally, I would like to thank Oversight and Government Reform Chairman HENRY WAXMAN and Ranking Member TOM DAVIS for their prompt consideration of this bill.

Finally, I would like to thank Rules Committee Chairwoman LOUISE SLAUGHTER and Ranking Member DAVID DREIER for acting on this bill. It is clear to me that members of all these committees understand the important role small businesses play in our communities.

Over the past 5 years, government agencies have greatly increased the practice known as contract bundling, oftentimes combining work that small businesses could perform into giant packages that exceed small firms' ability to compete for this work. During this same time, total government contracting has increased by 60 percent, while the number of small business contracts has decreased by 55 percent.

This is unacceptable; and that is why it is so important that today we are considering the Small Business Fairness in Contracting Act, sending a message to small businesses that this Congress is serious about leveling the playing field for them by improving their opportunities to compete for Federal contracts.

H.R. 1873 also increases competition in the contracting process, which can lead to lower prices for the government.

As we know, small businesses are the number one job creators in this country, and we must ensure that this engine remains not only healthy but also has the support it needs to grow. It is essential to remove the barriers blocking small businesses from entering the nearly $400 billion per year Federal marketplace.

Public support for this bill is broad and bipartisan. The Small Business Fairness in Contracting Act was cosponsored by 29 Representatives, 17 Democrats and 12 Republicans. H.R. 1873 has been endorsed by the National Federation of Independent Business, the Associated General Contractors, the National Small Business Association, Women in Public Policy, the U.S. Women's Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce.

My State of Iowa ranks near the bottom in terms of government contracting dollars awarded to small businesses. Even though 477 small businesses in my district are registered with the Small Business Administration, the dollar value of contracts awarded to those businesses is a tiny fraction of the Federal contract pie. Everyone in this House understands the important role that small businesses play in each of our districts. Allowing them a fair opportunity to bid on Federal contracts will bring economic vitality to our towns and cities.

I thank all of my colleagues who join me today in standing up for the interests of small businesses in this country.

Mr. CHABOT. Mr. Chairman, we have no further speakers, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to close by saying that it has been over a decade since a small business contracting bill has come to the floor. Clearly, addressing the concerns of entrepreneurs in regards to procurement is long overdue and much needed.

I just want to take this opportunity to thank Ranking Member CHABOT for all of his hard work and his collaboration in working on this legislation. I also want to thank Mr. BRALEY and to take this opportunity to thank the staff that worked on this bill.

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From the minority staff, Barry Pineles; from Mr. BRALEY's staff, Tom Wolf and Mike Goodman; from Mr. WAXMAN's staff, Mark Stevens and Phil Barnett; and from the majority staff, LeAnn Delaney and Melody Reis and Russ Orban.

I strongly urge my colleagues to vote for the Small Business Fairness in Contracting Act

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 1873, the Small Business Fairness in Contracting Act.

Small businesses are a big part of the U.S. economy. In fact, small businesses employ more than half of all private sector employees and pay 45 percent of the total U.S. private payroll. New jobs come disproportionately from small businesses, which generated 60 to 80 percent of new jobs in the past 10 years.

Although federal government contracting practices are required by law to be supportive of small businesses, the bundling of contracts has prevented many small businesses from being able to compete fairly. This is a significant loss to small businesses, as federal contracts pay a total of $400 billion annually to contractors. H.R. 1873 gives small businesses a fair chance at competing for these contracts by preventing the contract bundling that has excluded them from being considered. In doing this, the Act also insures that taxpayer money is spent more efficiently, as more competition for government contracts will necessarily result in better use of public funds.

The Act further improves small business contracting practices by creating a system by which small businesses and opportunities for small businesses can be better catalogued and tracked. If a business has grown and should no longer be considered small, we will know, and well give priority to true small businesses. If a large business has not subcontracted enough to small businesses, we will know, and we will assist small businesses in finding these subcontracting opportunities.

When small businesses can compete fairly and are made aware of the opportunities provided them, jobs are created, entrepreneurship thrives, and the overall economy prospers. I therefore encourage my colleagues to support this resolution.

Ms. HIRONO. Mr. Chairman, I rise in support of H.R. 1873, the Small Business Fairness in Contracting Act.

This bill creates a competitive bid process in the federal marketplace by restricting the ability of federal agencies to generate contracts that are too large for small businesses to compete effectively. Within the last 7 years, larger firms have benefited from the bundling of contracts while the total number of contracts received by small businesses has declined nationwide by 55 percent. H.R. 1873 increases the goal for small-business participation in federal contracts to at least 25 percent and requires the Small Business Administration to work with government agencies each fiscal year to establish and meet contracting goals that benefit small businesses.

Small businesses represent the overwhelming majority of businesses in Hawaii and play a vital role in economic growth for the state. H.R. 1873 will provide increased opportunities for Hawaii's small business community to compete for federal contracts that formerly were bundled and ended up going to larger out-of-state corporations.

Of course, this bill will help small businesses throughout the country compete for their fair share of federally funded projects.

I urge my colleagues to support this measure.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 1873, the Small Business Fairness in Contracting Act. From the bodegas of the Bronx to your favorite family owned restaurant scattered across the plains of small town America, small businesses are the backbone of the American economy. These entities epitomize the spirit of the American dream, and they speak to everything that is wonderful about our society. Small businesses represent an opportunity for those individuals who dare to dream, who take a chance, and who wish to fulfill that entrepreneurial spirit that built this mighty Nation. I find it interesting that we are giving this bill consideration in the midst of a heated immigration debate, because one will find that a significant number of immigrants start small businesses as a means to realizing the American dream. They enrich the local community while bringing in much needed tax revenue, the same revenue that helped build New York City, Chicago, and Boston back at the turn of the 20th century. Turning our focus back to H.R. 1873, the Small Business Fairness in Contracting Act, I rise in strong support of this legislation as it ensures that the federal government maintains a strong commitment to small businesses, as they try to remain competitive in a growing global economy.

This legislation increases the government-wide goal for participation by small-business concerns in all contracts awarded in a fiscal year to no less than 25 percent, from the current 23 percent. This legislation also increases the government-wide goal for procurement for small disadvantaged and women-owned businesses to 8 percent from 5 percent. The bill also requires each federal agency to submit to the SBA and Congress a detailed plan outlining how the agency plans to meet its small-business goals each fiscal year.

As a body, we the members of this 110th Congress have a duty to protect the needs of the average American. By passing this legislation we ensure the owners of small businesses across the country that the 110th Congress eagerly performed their duties.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical situation and I would like to submit this statement for the record in support of H.R. 1873, the Small Business Fairness in Contracting Act.

All too often mega contracts are too large for small business to compete for in the federal marketplace. Last year, the federal government spent more than $417 billion on goods and services in over 8 million contracts in 2006, of which small businesses won about $80 billion (22 percent). Of the $80 billion for small business contracts, $12 billion was actually awarded to large businesses, not small businesses.

For the past six years, the federal government has failed to meet its 23 percent small business contracting goal. The bill before the House today would create a fair and open federal contracting system, that would ensure all small businesses have an equal opportunity to secure government contracts. This bill would increase the government-wide goal for small-business participation in federal contracts, limit the ability of federal agencies to bundle small projects into large contracts, and require the Small Business Administration to take steps to reduce erroneous entries in the government's contractor registry. The Small Businesses Fairness in Contracting Act would require no less than 25 percent, an increase from 23 percent, of all contracts be awarded to small-business in a fiscal year. It would also increase the government-wide goal for procurement for small disadvantaged and women-owned businesses to 8 percent from 5 percent.

This bill is a vital step for America's 26 million small businesses, including Connecticut's 341,000 small businesses. It is an investment in our nation's small businesses. For every $1 invested, small businesses will contribute $7 to the economy. I call upon my colleagues to join me in supporting a bill that supports a vital national interest—America's small businesses and economy.

Mr. CONYERS. Mr. Chairman, today I rise in support for H.R. 1873, the Small Business Fairness in Contracting Act and join my colleagues in efforts to ensure that small businesses are given a fair opportunity to compete for Federal contracts. I recognize that government agencies have recently been bundling hundreds of small contracts into single mega-contracts, which are awarded to only the largest contractors.

H.R. 1873, the Small Business Fairness in Contracting Act, will un-bundle many of these contracts and level the playing field for small businesses. The bill addresses the major problems that have resulted in limited opportunities for small businesses in the Federal marketplace. The bill ensures that more contracting opportunities are available to small firms, fights fraud in the contracting process and raises the Federal small business government-wide contracting goal. H.R. 1873 implements changes that will remove a number of the barriers facing entrepreneurs in accessing Federal contracts, creating a more level playing field for this Nation's 26 million small businesses.

I want to thank Chairwoman NYDIA VELÁZQUEZ for bringing this legislation to the committee and to the floor. The Detroit region's 420,000 small businesses account for 99.2 percent of all firms; this includes almost 300,000 sole proprietors. Small businesses with employees other than themselves employ 915,000 people or 47 percent of the region's employees. While big businesses have consolidated a large portion of their services and number of employees they hire, small business has helped mitigate the pain with modest but steady employment gains. The continued growth in the small business sector, especially in the formation of fair contracting for the diverse population not only in Detroit, but throughout Michigan, will create much-needed jobs and assist in the diversification of our region's economy.

By law, Federal organizations are required to support small businesses. However, contract bundling has resulted in less small business participation in Federal contracts. It is essential to help remove the barriers blocking small businesses from entering the nearly $400 billion per year Federal marketplace.

I believe in the value of small businesses as the number one job creators in this country and strongly support this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform, printed in the bill, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Fairness in Contracting Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulations.

TITLE I—CONTRACT BUNDLING

Sec. 101. Definitions of bundling of contract requirements and related terms.
Sec. 102. Justification.
Sec. 103. Appeals.
Sec. 104. Third-party review.

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

Sec. 201. Small business goal.
Sec. 202. Include overseas contracts in small business goal.
Sec. 203. Annual goal negotiation.
Sec. 204. Goal reasonableness.
Sec. 205. Usage of small companies in goal achievement.
Sec. 206. Annual plan for each agency explaining how agency will meet small business goals.

Sec. 207. Making small businesses the first choice.
Sec. 208. Uniform metric for subcontracting achievements.
Sec. 209. Subcontracting database.
Sec. 210. National database.
Sec. 211. Review of subcontracting plans.
Sec. 212. Agency obligation for fulfilling contracting goals.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

Sec. 301. Small business size protest notification.
Sec. 302. Review of national registry.
Sec. 303. Recertification of compliance with size standards and registration with Central Contractor Registry.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act—

(1) the Administrator of the Small Business Administration shall promulgate regulations to implement this Act and the amendments made by this Act; and

(2) the Federal Acquisition Regulation shall be revised to implement this Act and the amendments made by this Act.

(b) NOTICE AND COMMENT.—The regulations required by subsection (a) shall be promulgated after opportunity for notice and comment as required by section 553(b) of title 5, United States Code.

TITLE I—CONTRACT BUNDLING

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

"(1) BUNDLED CONTRACT.—

"(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

"(B) EXCEPTIONS.—The term does not include—

"(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

"(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

"(2) BUNDLING OF CONTRACT REQUIREMENTS.—

"(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for new or existing goods or services, including any construction services, that is likely to be unsuitable for award to a small business concern due to—

"(i) the diversity, size, or specialized nature of the elements of the performance specified;

"(ii) the aggregate dollar value of the anticipated award;

"(iii) the geographical dispersion of the contract or order performance sites; or

"(iv) any combination of the factors described in clauses (i), (ii), and (iii).

"(B) EXCEPTIONS.—The term does not include—

"(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

"(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (5).

"(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

"(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order;

"(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order; or

"(C) the creation of any new procurement requirement that permits a consolidation of contract or order requirements.

"(4) DOLLAR THRESHOLD.—The term 'dollar threshold' means—

"(A) $65,000,000, if solely for construction services; and

"(B) $1,500,000, in all other cases.

"(5) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means one or more of the following:

"(A) A procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).

"(B) A procurement requirement with respect to which a determination that it is unsuitable for award to a small business concern has previously been made by the agency. However, the Administrator shall have authority to review and reverse such a determination for purposes of this paragraph and, if the Administrator does reverse that determination, the term 'exempted requirement' shall not apply to that procurement requirement.

"(6) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.".

SEC. 102. JUSTIFICATION.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) by striking "is in a quantity or estimated dollar value the magnitude of which renders small business prime contract participation unlikely" and inserting "would now be combined with other requirements for goods and services";

(2) by striking "(2) why delivery schedules" and inserting "(2) the names, addresses and size of the incumbent contract holders; (3) a description of the industries that might be interested in bidding on the contract requirements; (4) the number of small businesses listed in the industry categories that could be excluded from future bidding if the contract is combined or packaged; (5) why delivery schedules";

(3) by striking "(3) why the proposed acquisition" and inserting "(6) why the proposed acquisition";

(4) by striking "(4) why construction" and inserting "(7) why construction";

(5) by striking "(5) why the agency" and inserting "(8) why the agency";

(6) by striking "justified." and inserting "justified. The statement shall also set forth the proposed procurement strategy required by subsection (e) and, if applicable, the specifications required by subsection (e)(3). Concurrently, the statement shall be made available to the public, including through dissemination in the Federal contracting opportunities database."; and

(7) by inserting after "prime contracting opportunities." the following: "If no notification of the procurement and accompanying statement is received, but the Administrator determines that there is cause to believe the contract combines requirements or a contract (single or multiple award) or task or delivery order for construction services or includes unjustified bundling, then the Administrator can demand that such a statement of work goods or services be completed by the procurement qctivity and sent to the Procurement Center Representative and the solicitation process postponed for at least 10 days to allow the Administrator to review the statement and make recommendations as described in this section before the procurement is continued.".

SEC. 103. APPEALS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) by striking "If a proposed procurement includes in its statement" and inserting "If a proposed procurement would negatively affect one or more small business concerns, or if a proposed procurement includes in its statement"; and

(2) by inserting before "Whenever the Administration and the contracting procurement agency fail to agree," the following: "If a small business concern would be adversely affected, directly or indirectly, by the procurement as proposed, and that small business concern or a trade association on behalf of that small business concern so requests, the Administrator may, in the Administrator's discretion, take action to further the interests of that small business concern.".

SEC. 104. THIRD-PARTY REVIEW.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by striking the sentence beginning "Whenever the Administration and the contracting procurement agency fail to agree," and inserting the following: "Whenever the Administrator and the contracting procurement agency fail to agree, the Administrator shall submit the matter to the Administrator of the Office of Federal Procurement Policy within the Office of Management and Budget, who shall render his decision regarding the matter not later than 10 days after receiving the matter.".

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

SEC. 201. SMALL BUSINESS GOAL.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking "23 percent" and inserting "30 percent".

SEC. 202. INCLUDE OVERSEAS CONTRACTS IN SMALL BUSINESS GOAL.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(3) The procurement goals required by this subsection apply to all procurement contracts, without regard to whether the contract is for work within or outside the United States.".

SEC. 203. ANNUAL GOAL NEGOTIATION.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking "The President shall annually establish Government-wide goals for procurement contracts" and inserting "The President shall before the close of each fiscal year establish new Government-wide procurement goals for the following fiscal year for procurement contracts".

SEC. 204. GOAL REASONABLENESS.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking "Notwithstanding the Government-wide goal, each agency shall have an annual goal" and inserting "Each agency shall have an annual goal, not lower than the Government-wide goal,".

SEC. 205. USAGE OF SMALL COMPANIES IN GOAL ACHIEVEMENT.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(4) For purposes of this subsection and subsection (h), a small business concern shall be counted toward one additional category goal only, even if that small business concern otherwise qualifies under more than one category goal. In this paragraph, the term 'category goal' means a goal described in paragraph (2).".

SEC. 206. ANNUAL PLAN FOR EACH AGENCY EXPLAINING HOW AGENCY WILL MEET SMALL BUSINESS GOALS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(5) Before the beginning of each fiscal year, the head of each Federal agency shall submit to the Administrator of the Small Business Administration and to Congress a detailed plan explaining how the agency intends to meet the small business goals under this subsection that apply to that agency for that fiscal year.".

SEC. 207. MAKING SMALL BUSINESSES THE FIRST CHOICE.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (1)—

(A) by inserting "or order" after "Each contract"; and

(B) by striking "$100,000" and insert "the Simplified Acquisition Threshold"; and

(2) in paragraph (3), by striking "subsection (a) of section 8" and inserting "section 8, 31, or 36".

SEC. 208. UNIFORM METRIC FOR SUBCONTRACTING ACHIEVEMENTS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:.

"(12) In carrying out this subsection, the Administrator shall require each prime contractor to report small business subcontract usage at all tiers based on the percentage of the total dollar amount of the contract award.".

SEC. 209. SUBCONTRACTING DATABASE.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

"(13) In carrying out this subsection, the Administrator shall develop and maintain a password-protected database that will enable the Administration to assist small businesses in marketing to large corporations that have not achieved their small business goals.".

SEC. 210. NATIONAL DATABASE.

The Administrator of the Small Business Administration shall ensure that whenever a small business enters its information in the Central Contractor Registry, or any successor to that registry, the Administrator contacts that business within 30 days regarding the likelihood of Federal contracting opportunities. The Administrator shall ensure that each small business that so registers is, for each industry code entered by that small business, provided with the total dollar value of government contract awards to small businesses for that industry.

SEC. 211. REVIEW OF SUBCONTRACTING PLANS.

Not later than 120 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall, after an opportunity for notice and comment, prescribe regulations to govern the Administrator's review of subcontracting plans, including standards for determining good faith effort in compliance with the subcontracting plans.

SEC. 212. AGENCY OBLIGATION FOR FULFILLING CONTRACTING GOALS.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following:

"(4) At the conclusion of each fiscal year, the head of each Federal agency shall submit to Congress a report specifying the percentage of contracts awarded by that agency for that fiscal year that were awarded to small business concerns. If the percentage is less than 30 percent, the head of the agency shall, in the report, explain why the percentage is less than 30 percent and what will be done to ensure that the percentage for the following fiscal year will not be less than 30 percent.".

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

SEC. 301. SMALL BUSINESS SIZE PROTEST NOTIFICATION.

(a) In General.—The Administrator of the Small Business Administration shall work with appropriate Federal agencies to ensure that whenever a business concern is awarded a contract on the basis that it qualifies as small and then is determined not to qualify as small, a notification of those facts (that an award was made on such a basis, and that such a determination was made) shall be placed adjacent to that concern's listing in the Central Contractor Registry (or any successor to that registry).

(b) Comptroller General Certification.—The Administrator shall, in making any report of small business goal accomplishments, qualify the accomplishments as "estimated", until the Administrator obtains from the Comptroller General the Comptroller General's certification that there are no data integrity issues with respect to the national repository of contract award information known as Federal Procurement Data System-Next Generation (FPDS–NG), or any successor to that repository.

(c) Awards to Large Businesses.—For each Federal agency, the Inspector General of that agency shall, on an annual basis, submit to Congress a report on the number and dollar value of contract awards that were coded as awards to small business concerns but in fact were made to businesses that did not qualify as small business concerns.

SEC. 302. REVIEW OF NATIONAL REGISTRY.

The Administrator of the Small Business Administration shall ensure, on a biannual basis, that an independent audit is performed of the Central Contractor Registry, or any successor to that registry, and that the Dynamic Small Business Search portion of the registry, or any successor to that portion of the registry, is purged of any businesses that are not in fact small businesses. If a business that has been so purged attempts, while not in fact a small business, to reregister, that business is subject to debarment as a Federal contractor and is further subject to penalties outlined in section 16 of the Small Business Act (15 U.S.C. 645).

SEC. 303. RECERTIFICATION OF COMPLIANCE WITH SIZE STANDARDS AND REGISTRATION WITH CENTRAL CONTRACTOR REGISTRY.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(5) Recertification.—

"(A) In general.—If a business concern is awarded a contract because of a standard by which it is determined to be a small business concern, and the business concern is close to exceeding that standard at the time the award is made, then the business concern must, annually after the date of the award, recertify to the agency awarding the contract whether it meets that standard.

"(B) 'Close to exceeding'.—For purposes of subparagraph (A), a business concern is close to exceeding—

"(i) a number-of-employees standard if the number of employees of the business concern is 95 percent or more of the maximum number of employees allowed under the standard; and

"(ii) a dollar-volume-of-business standard if the dollar volume of business is 80 percent or more of the maximum dollar volume allowed under the standard.

"(6) Registry.—For a business concern to be awarded a contract because of a standard by which it is determined to be a small business concern, the business concern must, annually after the end of the fiscal year used by the business concern, update its listing in the Central Contractor Registry.".

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Small Business Fairness in Contracting Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulations.

TITLE I—CONTRACT BUNDLING

Sec. 101. Definitions of bundling of contract requirements and related terms.
Sec. 102. Justification.
Sec. 103. Appeals.
Sec. 104. Review.

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

Sec. 201. Small business goal.
Sec. 202. Annual goal negotiation.
Sec. 203. Usage of small companies in goal achievement.
Sec. 204. Annual plan for each agency explaining how agency will meet small business goals.
Sec. 205. Making small businesses the first choice.
Sec. 206. Uniform metric for subcontracting achievements.
Sec. 207. Subcontracting database.
Sec. 208. National database.
Sec. 209. Review of subcontracting plans.
Sec. 210. Agency obligation for fulfilling contracting goals.
Sec. 211. Appropriate limits on value of sole source contracts.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

Sec. 301. Small business size protest notification.
Sec. 302. Review of national registry.
Sec. 303. Recertification of compliance with size standards and registration with Central Contractor Registry.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. REGULATIONS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act—

(1) the Administrator of the Small Business Administration shall promulgate regulations to implement this Act and the amendments made by this Act; and

(2) the Federal Acquisition Regulation shall be revised to implement this Act and the amendments made by this Act.

(b) Notice and Comment.—The regulations required by subsection (a) shall be promulgated after opportunity for notice and comment as required by section 553(b) of title 5, United States Code.

TITLE I—CONTRACT BUNDLING

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

"(o) Definitions of Bundling of Contract Requirements and Related Terms.—For purposes of this Act:

"(1) Bundled contract.—

"(A) In general.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

"(B) EXCEPTIONS.—The term does not include—

"(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

"(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

"(2) BUNDLING OF CONTRACT REQUIREMENTS.—

"(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services, including any construction services, previously supplied or performed under separate smaller contracts or orders that is likely to be unsuitable for award to a small business concern due to—

"(i) the diversity, size, or specialized nature of the elements of the performance specified;

"(ii) the aggregate dollar value of the anticipated award;

"(iii) the geographical dispersion of the contract or order performance sites; or

"(iv) any combination of the factors described in clauses (i), (ii), and (iii).

"(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services previously performed.

"(C) EXCEPTIONS.—The term does not include—

"(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

"(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

"(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

"(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

"(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

"(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

"(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means—

"(A) $65,000,000, if solely for construction services; and

"(B) $5,000,000, in all other cases.

"(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

"(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.".

SEC. 102. JUSTIFICATION.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended—

(1) by striking "(2) why delivery schedules" and inserting "(2) the names, addresses and size of the incumbent contract holders; (3) a description of the industries that might be interested in bidding on the contract requirements; (4) the number of small businesses listed in the industry categories that could be excluded from future bidding if the contract is combined or packaged; (5) why delivery schedules";

(2) by striking "(3) why the proposed acquisition" and inserting "(6) why the proposed acquisition";

(3) by striking "(4) why construction" and inserting "(7) why construction";

(4) by striking "(5) why the agency" and inserting "(8) why the agency";

(5) by striking "justified." and inserting "justified. The statement shall also set forth the proposed procurement strategy required by subsection (e) and, if applicable, the specifications required by subsection (e)(3). The statement shall be made available to the public, including through dissemination in the Federal contracting opportunities database, concurrently with the issuance of the solicitation."; and

(6) by inserting after "prime contracting opportunities." the following: "If no notification of the procurement and accompanying statement is received, but the Administrator determines that there is cause to believe the contract combines requirements or a contract (single or multiple award) or task or delivery order for construction services or includes unjustified bundling, then the Administrator may request that such a statement of work goods or services be completed by the procurement activity and sent to the Procurement Center Representative and the solicitation process postponed for 10 days to allow the Administrator to review the statement and make recommendations as described in this section before the procurement is continued.".

SEC. 103. APPEALS.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by inserting before "Whenever the Administration and the contracting procurement agency fail to agree," the following: "If a small business concern would be adversely affected, directly or indirectly, by the procurement as proposed, and that small business concern or a trade association on behalf of that small business concern so requests, the Administrator may, in the Administrator's discretion, take action to further the interests of that small business concern.".

SEC. 104. REVIEW.

Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended by striking the sentence beginning "Whenever the Administration and the contracting procurement agency fail to agree," and inserting the following: "Whenever the Administration and the contracting procurement agency fail to agree, the Administrator shall submit the matter to the head of the agency for a determination. The head of the agency shall provide a written response to the Administrator. A copy of such response shall also be provided to the Committees on Small Business of the House of Representatives and Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.".

TITLE II—INCREASING THE NUMBER OF SMALL BUSINESS CONTRACTS AND SUBCONTRACTS

SEC. 201. SMALL BUSINESS GOAL.

(a) GOVERNMENT-WIDE GOAL.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking "23 percent" and inserting "25 percent".

(b) GOALS FOR SMALL DISADVANTAGED BUSINESSES AND WOMEN-OWNED BUSINESSES.—Section 15(g)(1) of such Act is further amended by striking "5 percent" both places it appears and inserting "8 percent".

SEC. 202. ANNUAL GOAL NEGOTIATION.

Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended by striking "The President shall annually establish Government-wide goals for procurement contracts" and inserting "The President shall before the close of each fiscal year establish new Government-wide procurement goals for the following fiscal year for procurement contracts".

SEC. 203. USAGE OF SMALL COMPANIES IN GOAL ACHIEVEMENT.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(4) For purposes of this subsection and subsection (h), a small business concern shall be counted toward one additional category goal only, even if that small business concern otherwise qualifies under more than one category goal. In this paragraph, the term 'category goal' means a goal described in paragraph (2).".

SEC. 204. ANNUAL PLAN FOR EACH AGENCY EXPLAINING HOW AGENCY WILL MEET SMALL BUSINESS GOALS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(5) Before the beginning of each fiscal year, the head of each Federal agency shall submit to the Administrator of the Small Business Administration and to Congress a detailed plan explaining how the agency intends to meet the small business goals under this subsection that apply to that agency for that fiscal year.".

SEC. 205. MAKING SMALL BUSINESSES THE FIRST CHOICE.

Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (1), by striking "$100,000" and inserting "the Simplified Acquisition Threshold"; and

(2) in paragraph (3), by striking "subsection (a) of section 8" and inserting "section 8, 31, or 36".

SEC. 206. UNIFORM METRIC FOR SUBCONTRACTING ACHIEVEMENTS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

"(12) In carrying out this subsection, the Administrator shall require each prime contractor to report small business subcontract usage at all tiers based on the percentage of the total dollar amount of the contract award.".

SEC. 207. SUBCONTRACTING DATABASE.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

"(13) In carrying out this subsection, the Administrator shall develop and maintain a password-protected database that will enable the Administration to assist small businesses in marketing to large corporations that have not achieved their small business goals.".

SEC. 208. NATIONAL DATABASE.

The Administrator of the Small Business Administration shall ensure that whenever a small business enters its information in the Central Contractor Registry, or any successor to that registry, the Administrator contacts that business within 30 days regarding the likelihood of Federal contracting opportunities. The Administrator shall ensure that each small business that so registers is, for each industry code entered by that small business, provided with the total dollar value of government contract awards to small businesses for that industry.

SEC. 209. REVIEW OF SUBCONTRACTING PLANS.

Not later than 120 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall, after an opportunity for notice and comment, prescribe regulations to govern the Administrator's review of subcontracting plans, including standards for determining good faith effort in compliance with the subcontracting plans.

SEC. 210. AGENCY OBLIGATION FOR FULFILLING CONTRACTING GOALS.

Section 15(h) of the Small Business Act (15 U.S.C. 644(h)) is amended by adding at the end the following:

"(4) At the conclusion of each fiscal year, the head of each Federal agency shall submit to Congress a report specifying the percentage of contracts awarded by that agency for that fiscal year that were awarded to small business concerns. If the percentage is less than 25 percent, the head of the agency shall, in the report, explain why the percentage is less than 25 percent and what will be done to ensure that the percentage for the following fiscal year will not be less than 25 percent.".

SEC. 211. APPROPRIATE LIMITS ON VALUE OF SOLE SOURCE CONTRACTS.

(a) APPROPRIATE LIMITS.—If a law is not enacted by December 31, 2007, revising the limits referred to in this subsection, the Administrator for Federal Procurement Policy, in consultation with the Administrator for Small Business, shall establish appropriate limits on the value of contracts awarded without the use of competitive procedures to participants in the program established by section 8(a) of the Small Business Act (15 USC 637(a)) that are not subject to the limits on the value of such contracts established by paragraph (1)(D) of section 8(a) of such Act.

(b) CONSULTATION.—In establishing any limit described in subsection (a), the Administrator for Federal Procurement Policy shall consult with representatives of the affected program participants. The Administrator shall also take into account—

(1) any special circumstances and needs of the affected program participants; and

(2) the advantages of promoting competition in Federal contracting.

TITLE III—PROTECTION OF TAXPAYERS FROM FRAUD

SEC. 301. SMALL BUSINESS SIZE PROTEST NOTIFICATION.

(a) IN GENERAL.—The Administrator of the Small Business Administration shall work with appropriate Federal agencies to ensure that whenever a business concern is awarded a contract on the basis that it qualifies as small and then is determined not to qualify as small, a notification of those facts (that an award was made on such a basis, and that such a determination was made) shall be placed adjacent to that concern's listing in the Central Contractor Registry (or any successor to that registry).

(b) COMPTROLLER GENERAL CERTIFICATION.—The Administrator shall, in making any report of small business goal accomplishments, qualify the accomplishments as "estimated", until the Administrator obtains from the Comptroller General the Comptroller General's certification that there are no data integrity issues with respect to the national repository of contract award information known as Federal Procurement Data System-Next Generation (FPDS–NG), or any successor to that repository.

(c) AWARDS TO LARGE BUSINESSES.—For each Federal agency, the Inspector General of that agency shall, on an annual basis, submit to Congress a report on the number and dollar value of contract awards that were coded as awards to small business concerns but in fact were made to businesses that did not qualify as small business concerns.

SEC. 302. REVIEW OF NATIONAL REGISTRY.

The Administrator of the Small Business Administration shall ensure, on a biannual basis, that an independent audit is performed of the Central Contractor Registry, or any successor to that registry, and that the Dynamic Small Business Search portion of the registry, or any successor to that portion of the registry, is purged of any businesses that are not in fact small businesses. If a business that has been so purged attempts, while not in fact a small business, to re-register, that business is subject to debarment as a Federal contractor and is further subject to penalties outlined in section 16 of the Small Business Act (15 U.S.C. 645).

SEC. 303. RECERTIFICATION OF COMPLIANCE WITH SIZE STANDARDS AND REGISTRATION WITH CENTRAL CONTRACTOR REGISTRY.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(5) RECERTIFICATION.—

"(A) IN GENERAL.—If a business concern is awarded a contract because of a standard by which it is determined to be a small business concern, and the business concern is close to exceeding that standard at the time the award is made, then the business concern must, annually after the date of the award, recertify to the agency awarding the contract whether it meets that standard.

"(B) 'CLOSE TO EXCEEDING'.—For purposes of subparagraph (A), a business concern is close to exceeding—

"(i) a number-of-employees standard if the number of employees of the business concern is 95 percent or more of the maximum number of employees allowed under the standard; and

"(ii) a dollar-volume-of-business standard if the dollar volume of business is 80 percent or more of the maximum dollar volume allowed under the standard.

"(6) REGISTRY.—For a business concern to be awarded a contract because of a standard by which it is determined to be a small business concern, the business concern must, annually after the end of the fiscal year used by the business concern, update its listing in the Central Contractor Registry.".

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–137. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the order of the House of today, amendment No. 4 may be offered out of order.

AMENDMENT NO. 4 OFFERED BY MR. SESTAK

Mr. SESTAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SESTAK

Strike section 101 and insert the following:

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

"(1) BUNDLED CONTRACT.—

"(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

"(B) EXCEPTIONS.—The term does not include—

"(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

"(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

"(2) BUNDLING OF CONTRACT REQUIREMENTS.—

"(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services previously supplied or performed under separate smaller contracts or orders, or to satisfy 2 or more procurement requirements for construction services of a type historically performed under separate smaller contracts or orders, that is likely to be unsuitable for award to a small business concern due to—

"(i) the diversity, size, or specialized nature of the elements of the performance specified;

"(ii) the aggregate dollar value of the anticipated award;

"(iii) the geographical dispersion of the contract or order performance sites; or

"(iv) any combination of the factors described in clauses (i), (ii), and (iii).

"(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services and for which measurably substantial benefits to the government in terms of quality or price are identified.

"(C) EXCEPTIONS.—The term does not include—

"(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

"(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

"(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

"(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

"(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

"(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

"(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means $65,000,000, if solely for construction services.

"(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

"(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.".

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. SESTAK

Mr. SESTAK. Mr. Chairman, I ask unanimous consent that the amendment be modified by the form I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. SESTAK

Strike section 101 and insert the following:

SEC. 101. DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by amending subsection (o) to read as follows:

"(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—For purposes of this Act:

"(1) BUNDLED CONTRACT.—

"(A) IN GENERAL.—The term 'bundled contract' means a contract or order that is entered into to meet procurement requirements that are consolidated in a bundling of contract requirements, without regard to its designation by the procuring agency or whether a study of the effects of the solicitation on civilian or military personnel has been made.

"(B) EXCEPTIONS.—The term does not include—

"(i) a contract or order with an aggregate dollar value below the dollar threshold specified in paragraph (4); or

"(ii) a contract or order that is entered into to meet procurement requirements, all of which are exempted requirements under paragraph (5).

"(2) BUNDLING OF CONTRACT REQUIREMENTS.—

"(A) IN GENERAL.—The term 'bundling of contract requirements' means the use of any bundling methodology to satisfy 2 or more procurement requirements for goods or services previously supplied or performed under separate smaller contracts or orders, or to satisfy 2 or more procurement requirements for construction services of a type historically performed under separate smaller contracts or orders, that is likely to be unsuitable for award to a small business concern due to—

"(i) the diversity, size, or specialized nature of the elements of the performance specified;

"(ii) the aggregate dollar value of the anticipated award;

"(iii) the geographical dispersion of the contract or order performance sites; or

"(iv) any combination of the factors described in clauses (i), (ii), and (iii).

"(B) INCLUSION OF NEW FEATURES OR FUNCTIONS.—A combination of contract requirements that would meet the definition of a bundling of contract requirements but for the addition of a procurement requirement with at least one new good or service shall be considered to be a bundling of contract requirements unless the new features or functions substantially transform the goods or services and will provide measurably substantial benefits to the government in terms of quality, performance, or price.

"(C) EXCEPTIONS.—The term does not include—

"(i) the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold specified in paragraph (5); or

"(ii) the use of a bundling methodology to meet procurement requirements, all of which are exempted requirements under paragraph (6).

"(3) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

"(A) a solicitation to obtain offers for a single contract or order, or a multiple award contract or order; or

"(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract or order.

"(4) SEPARATE SMALLER CONTRACT.—The term 'separate smaller contract', with respect to bundling of contract requirements, means a contract or order that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.

"(5) DOLLAR THRESHOLD.—The term 'dollar threshold' means $65,000,000, if solely for construction services.

"(6) EXEMPTED REQUIREMENTS.—The term 'exempted requirement' means a procurement requirement solely for items that are not commercial items (as the term 'commercial item' is defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

"(7) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that a specified good or service is needed to satisfy the mission of the agency.".

Mr. SESTAK (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to speak in support of this amendment to increase the number of Federal contracts granted to small businesses by addressing a practice known as contract bundling, which has allowed Federal agencies to award mega-contracts, contracts so large they cannot possibly be performed by a small business. This amendment will ensure that more large contracts will be reviewed as to their appropriateness to be bundled and potentially broken into smaller pieces more suitable for small business.

The goal: enhancing taxpayer savings by a more efficient and effective use of our resources by helping the Federal Government meet its statutory goal of small business contracts, which it presently does not.

Presently, the bill's current definition would prevent too many large contracts to be exempted from a bundling analysis as to their appropriateness for access to small business. This amendment will help reduce these exemptions by eliminating the monetary threshold for nonconstruction Federal contracts to be reviewed. Additionally, bundled contracts that "substantially transform a good or service," referring to contracts that use a new, innovative contract process, are currently exempted from bundling analysis.

This amendment would mandate that in such cases measurable, substantial benefits must be demonstrated to the government in terms of quality, performance or price. If that cannot be shown, a bundling analysis must be completed.

This amendment, by also explicitly requiring that a bundling analysis be performed for new work and construction contracts, as opposed to just previously performed work, will also close the loophole that has been used by agencies to avoid unbundling contracts.

Let me give you an example of why addressing contract bundling is important to not just small businesses but also to efficient and effective use of our Nation's resources, particularly in new or transformational requirements that our Federal agencies increasingly contract for.

Gestalt, a small business located in my district, recently competed in an Army contract, which they competed for against a very large defense corporation, to fix the Defense Readiness Reporting System.

Right now, we have in the military a fairly arcane system, where obtaining detailed, up-to-date, instantaneous information on the readiness of our military and its units is challenging at best. What was required was a much more dynamic system that could present in real-time the readiness of our forces, in this case, the 5,000-plus Army units we have, which can greatly impact a commander's decision in what has become a fast-paced, battle space environment where speed of decision is so highly valued.

The large defense corporation said it would take 3 years to complete the project, while the smaller firm then did it in only 7 months. From my time as a vice admiral responsible for executing the Navy's annual $67 billion worth of warfare requirements and programs, I know there is a tendency, because of ease of execution, to want to go to a large corporation and have them subcontract their bundled program to other vendors.

The result, unfortunately, is particularly worrisome at a moment when we need to transform not just our military but many of our other federally funded efforts. The speed and agility that more entrepreneurial small businesses often can provide in a fast-paced, globalized and continuously changing world are key to rapidly meeting new, evolving requirements of our Nation, particularly in such transformational areas as software and information technology.

It is, therefore, inefficient and ineffective to our competitive edge to deny entrepreneurial small businesses direct access to the real requirements of the customer, the U.S. government, and it is also harmful to our interests to have large corporations bundle certain contracts so that only derived requirements are available to the subcontractors, these derived requirements having to be interpreted by sub-vendors or be interpreted to them by the large corporation, a middleman, adding complexity, time and misinterpretation, rather than streamlining, to the Federal contracting process.

In short, undue bundling of contracts cost the taxpayers money. More, this inefficiency leads to less effectiveness. By unbundling work requirements, this amendment will create new opportunities for small firms, expanding the government's access to more qualified contractors. Increased competition because of more fair access will lead to lower prices and to the improvement of the quality of goods and services procured by the Federal Government.

I urge all my colleagues to support this critical amendment, not only for the Nation's entrepreneurial small businesses but for a more efficient and effective application of our Nation's resources

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I claim the 5 minutes in opposition to the amendment, although I do not oppose the amendment. I am in favor of it.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, I yield such time as she might consume to the gentlewoman from New York (Ms. VELÁZQUEZ), if she would like to speak at this time.

Ms. VELÁZQUEZ. Mr. Chairman, contract bundling has been a major issue for years, and it is increasing. When contracts are combined together into mega-contracts, small businesses are unable to compete. In fact, some contracts are so large that only a handful of companies would be able to perform them. This can create a virtual monopoly, which is problematic for taxpayers concerned with getting the best value for their money.

This amendment would save taxpayers money and benefit the economy. It will increase competition, providing the government with more options to purchase goods and services from. This will ultimately lower prices for Federal agencies. Unbundling contracts will create new opportunities for entrepreneurs, leading to new jobs and more local tax revenue.

The amendment closes a loophole in current law. This amendment adds new work and construction, which previously were not subject to bundling analyses. Current law only required contracts that have been previously performed to be reviewed for bundling. This amendment closes this gap and gives Federal agencies the tools it needs to save the taxpayers money.

The expanded bundling definition will not be overly burdensome. Contracts that are not suitable for small businesses will not require a bundling analysis. Bundled construction contracts under $65 million will not require an analysis. By creating more competition in the Federal marketplace, this amendment will save taxpayers money.

Expanding the definition of bundling will require more contracts to be reviewed, and possibly unbundled, than the current statute permits. This will create more opportunities for small firms, give the government more options and lower costs and increase quality for taxpayers.

I thank both the gentleman from Pennsylvania for his work on this issue and Mr. CHABOT for all the work that he has done on the underlying bill and on this amendment.

Mr. CHABOT. Mr. Chairman, I yield myself as much time as I may consume. I will be brief.

The amendment offered by Mr. SESTAK will increase the protections against inappropriate contract bundling. It represents a compromise between the Small Business Committee's version and the Committee on Government Reform's version of H.R. 1873. I believe it represents an adequate resolution of the issue and pledge to work to make the protections in the Sestak amendment even stronger as we work through the legislative process.

Mr. Chairman, I reserve the balance of my time.

Mr. SESTAK. Mr. Chairman, I yield back the balance of my time.

Mr. CHABOT. I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. SESTAK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-137.

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES

SEC. 209. REVIEW OF SUBCONTRACTING PLANS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the General Services Administration shall, after an opportunity for notice and comment, begin to make modifications, if necessary, to the Electronic Subcontracting Reporting System (ESRS) for the purpose of tracking companies' compliance with small business subcontracting plans included in successful contract bids. ESRS shall be further developed, if necessary, in such a way that it allows agencies to track whether or not the prime contractor actually subcontracted work out to the subcontracting firms described in the Small Business Subcontracting Plan. Further, ESRS shall be modified, if necessary, so that it facilitates review of a company's record of compliance with small business subcontracting plans.

(b) PERIODIC REPORTS.—Prime contractors shall be required to submit Small Business Subcontracting Plans to ESRS and submit subsequent periodic reports to ESRS describing the extent to which the prime contractor complied with small business subcontracting plans submitted as part of the company's successful contract proposal. Each such report shall include a specific accounting of compliance with subcontracting goals described in the prime contractor's Small Business Subcontracting Plans related to Small Disadvantaged Businesses Concerns, Women-Owned Small Business Concerns, Historically Black Colleges and Universities and Minority Institutions, Service-Disabled Veteran-Owned Small Business Concerns, and HUBZone Small Business Concerns. Each such accounting of compliance shall also be included in ESRS.

(c) INCLUSION IN ESRS.—The "percentage of the total dollar amount of the contract award" that is paid to small business, as referred to in paragraph (12) of section 8(d) of the Small Business Act (as added by section 206 of this Act) shall also be included in ESRS.

(d) AVAILABILITY OF ESRS.—ESRS and the information therein shall be made available to agency officials and Source Selection Evaluation Boards (as referred to in Federal Acquisition Regulations 3.104-1) that are charged with evaluating contract proposals, and, when evaluating contract proposals, agencies shall take into consideration the compliance with small business subcontracting plans of companies competing for Federal contracts, and within one year after the date of the enactment of this Act such consideration shall be reflected in the Federal Acquisition Regulations.

(e) FURTHER MODIFICATIONS REQUIRED.—ESRS shall be modified in such a way that it can generate comparable reports on individual companies' compliance records to be used in the contract proposal evaluation processes of agencies.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. It uses existing procedures and an existing resource to promote fairness in subcontracting. It makes a great bill, the Small Business Fairness in Contracting Act of 2007, I believe even better. Let me describe the problem as it currently exists.

For large government contracts, applicants are required to submit small business subcontracting plans during the bidding process detailing their intentions to include small businesses in the work. However, too often prime contractors disregard small business subcontracting plans submitted as part of winning government bids.

This is simply, in our eyes, not fair. Small business gets left behind, and prime contractors who keep their word, who are doing the right thing, end up at a competitive disadvantage with the bad actors.

This unfortunate practice has particularly adverse effects on the small businesses that are included in small business subcontracting plans but do not actually receive the contract work. When small businesses are included in the small business plans of prime contractors, the small businesses will often make investments on the front end to prepare themselves to do the subcontract work. If the prime does not ultimately subcontract the work to the small business in question, however, that small business will often find itself overextended. Often, the operating margins of small businesses are very small, and unmet subcontract obligations in small business subcontracting plans can force these small firms out of business.

Prime contractors receive bids based on their commitment to include small business in the contract, in part, and it is only fair that the primes fulfill their end of the deal.

My amendment provides much-needed accountability over small business subcontracting plans by doing two things. One, this amendment takes advantage of an existing online tool, the Electronic Subcontracting Reporting System, and existing procedures for reporting on contracts to accumulate and organize information about prime contractors' compliance records with small business subcontracting plans. ESRS will be developed to prepare easily comparable reports for tracking prime contractors and their compliance through their records.

We are not reinventing the wheel. This is a commonsense, efficient way to allow information to be organized in such a way as to provide the necessary accountability over these small business plans.

Second, this amendment brings fairness to subcontracting by requiring that agencies, even when evaluating subcontract or contract proposals, take into consideration compliance with small business subcontracting plans of companies competing for Federal contracts, and requiring that within 1 year after the date of the enactment such consideration be reflected in the Federal acquisition regulations.

□ 1930

This is simply a matter of making sure that prime contractors are playing by the rules. This is an issue for us and, for small businesses, an issue of fairness. The amendment is fair to small businesses who are included in small business subcontracting plans and who have, in essence, helped prime contractors receive contract awards. The amendment is fair to prime contractors who do play by the rules by making sure that their records of helping small businesses are taken into account.

My amendment has the support of the U.S. Hispanic Chamber of Commerce and the National Black Chamber of Commerce. With that, I urge my colleagues to support it as well.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, we accept the amendment. We have no objection.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept this amendment.

One of the areas in which small businesses could participate much more than they currently are is in the area of subcontracting. Subcontracting provides a great entry point to the Federal marketplace for small businesses.

The gentleman's amendment would expand the amount of information collected on subcontracting in the government-wide database. It also reinforces the notion that when prime contractors don't achieve their small business goals these should be reflected in their evaluation for subsequent contracts.

I am pleased to support the gentleman's amendment, and I thank the gentleman from Texas for his work on this legislation.

I ask adoption of this amendment.

Mr. Chairman, I yield back the balance of my time

The CHAIRMAN. The gentleman from Texas has 1 minute remaining.

Mr. REYES. Mr. Chairman, I want to thank the chairwoman for her tireless work on behalf of small business and her support of small business, as well as my good friend, the ranking member. Thank you.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SHULER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–137.

Mr. SHULER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SHULER:

After section 201 insert the following (and redesignate succeeding sections accordingly):

SEC. 202. INCLUDE OVERSEAS CONTRACTS IN SMALL BUSINESS GOAL.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

"(3) The procurement goals required by this subsection apply to all procurement contracts, without regard to whether the contract is for work within or outside the United States.".

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. SHULER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, American small businesses supply goods and services throughout the world. These businesses have led the way in providing innovative solutions to private and public sector challenges.

When Federal agencies spend taxpayers' funds, they should look to American small businesses first before outsourcing to foreign companies. In this age of high-speed communication and global transportation, American workers can contribute to American projects anywhere on earth.

This amendment does not require Federal agencies to use American small businesses for every project. It simply sets expectations that these agencies look first to American small businesses to meet their needs.

I urge passage of this amendment.

Mr. Chairman, I yield to the cosponsor of this amendment, Mr. CHABOT.

Mr. CHABOT. I want to thank the gentleman for his hard work on this particular amendment. I think it's a good amendment. I would urge its passage.

The amendment expands the pool of contracts included in the Federal governmentwide goal for participation of small business concerns and procurement contracts to include United States small business concern contracts performed overseas. Current law and regulations apply the small business concern Federal governmentwide goal only to contracts performed in the United States.

The bill as currently written would continue to apply the small business concern Federal governmentwide goal to contracts performed only in the United States. This methodology clearly does not address small business concerns involvement in today's global economy. When small business policy was first developed in the 1940 to 1950 timeframe, small business concern participation in the overseas markets was fairly limited.

In today's global economy, adding contracts where United States small business concerns perform overseas work is reasonable because the availability of the Internet and advances in technology allows contracting officers to acquire information on such activities.

Therefore, United States small business concerns global activity should be recognized and, thus, included as a part of the overall Federal governmentwide small business concern goal.

Again, I want to thank the chairwoman and I want to thank Mr. SHULER for their work on this particular amendment.

Mr. SHULER. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, it is important that the small business goals apply to contracts performed overseas. For too long there has been an exclusive club of contractors for overseas work. This needs to change. Extending the small business goals to apply to these contracts will expand the pool of contractors available to the government. This amendment will help bring overseas opportunity to small businesses.

A recent study of $6 billion in overseas contracts showed only $122 million was awarded to small businesses, just 2 percent. This amendment gives agencies an incentive to award overseas contracts to small businesses. Agencies that do use small businesses for overseas contracts will now be able to get credit.

The Federal Government should be looking to small businesses for overseas work. Ninety-seven percent of all exporters are small businesses; 30 percent of all goods made for export are made by small businesses. Technological improvements give small businesses much greater access to worldwide markets than in the past.

It is important to help small businesses gain access to overseas contracting opportunities they have been locked out of. This amendment will accomplish this by helping encourage agencies to look to American small businesses for this work.

I thank both gentlemen, Mr. SHULER and Mr. CHABOT, for their work on this legislation. I urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SHULER. Mr. Chairman, I want to commend Ranking Member CHABOT and Chairwoman VELÁZQUEZ for her hard work and dedication on this amendment, along with this bill, an outstanding job.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. BEAN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–137.

Ms. BEAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. BEAN:

Section 201(a), strike "25 percent" and insert "30 percent".

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from Illinois (Ms. BEAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. BEAN. Mr. Chairman, I rise today to offer an amendment to the Small Business Fairness in Contracting Act. I would like to thank Ranking Member CHABOT for cosponsoring and Chairman VELÁZQUEZ for her support. This amendment would increase the Federal Government's small business contracting goal from 23 to 30 percent.

Small businesses are the stimulative engine to our Nation's economy and drive our domestic job growth. They make up 97 percent of all businesses, provide 50 percent of our gross domestic product and 50 percent of our nonfarm employment. Clearly, small businesses have the capacity to compete for Federal contracts.

The government's small business prime contract goal has not been increased since 1997. Since that time, the Nation has added over 3 million net new small businesses. At the same time, the Federal marketplace has doubled and now accounts for over $400 billion in goods and services. My amendment reflects that new reality that the number and capabilities of small businesses have grown to such an extent that an adjustment to our national goal is in the best interests of our country.

The increase would also address a discouraging development that, after some early successes in achieving the contracting goal, Federal agencies have become complacent in their efforts to provide opportunities to small business. Over the last 5 years, they have begun to use contract bundling and contract streamlining practices, which reduced opportunities for competition. Without competition, we cannot ensure that taxpayer dollars are being used most effectively.

In addition, Federal agencies have become careless in their reporting of contract awards, leading them to believe they have exceeded small business goals they were, in fact, failing to achieve. As a result, small businesses access to prime contracts have suffered. In 2005, the Federal marketplace rose by 7 percent, but prime small business contracts only rose by 2 percent.

Last year alone, we found that the Federal Government fell about $12 billion below their goal level, even though the SBA originally reported that they had exceeded their goal.

By raising our small business prime contracting goal and increasing competitive bids, we get a greater return on our tax dollars. At the same time, we provide economic stimulus for the small businesses in our communities. I urge your support of this amendment.

I yield to cosponsor CHABOT.

Mr. CHABOT. I thank the gentlewoman for yielding, and I thank her for her leadership on this amendment and her hard work, as well as the chairwoman's.

This is a simple amendment. The amendment increases the Federal government-wide goal for participation of small business concerns in procurement contracts from 23 percent to 30 percent. The bill, as currently written, would increase the Federal government-wide goal from 23 percent to 25 percent, which is only a 2 percent increase, which is really pretty miserable when one considers it. It ought to be, I think, significantly more than that, especially when you consider that the Federal market for goods and services has doubled in the past 10 years, and the number of small businesses has increased by 10 percent during that period of time.

So to maintain the congressional standard in the Small Business Act that a fair share Federal government procurement contracts are awarded the small business concerns, this amendment increases the goal a modest 8 percent, which is, quite frankly, long overdue.

Finally, the goal increase recognizes small business concern's role in the economy. Small businesses employ more than 50 percent of all employees in the United States, and this would cause increased competition, resulting in a downward pressure on pricing, which ultimately benefits the taxpayer. Small businesses are the main contributors to major technological paradigm breakthroughs, as opposed to simply advancing the current knowledge in a specific technological field.

I think this is a very good amendment. I, again, want to thank the gentlelady for offering it.

Ms. BEAN. Mr. Chairman, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELAZQUEZ. Mr. Chairman, since 1977, the minimum goal for small businesses in the Federal marketplace has been 23 percent of the total value of goods and services acquired. Each year, the administration boasts of how it almost made its target. Unfortunately, in 2005 alone, at least $12 billion, almost 15 percent of the small business accomplishments, as reported by the Small Business Administration, were actually awarded to large businesses. Agencies have become so single-minded about achieving the minimum goal that they have lost sight of the intent.

The goal is a measurement of commitment to small businesses; and when the goal isn't achieved, small businesses pay the price. Because the minimum has not been met over the past 6 years, small businesses have lost almost $10 billion in contracting opportunities. This represents nearly 200,000 jobs that could have been created across the country.

Many people have asked me, if the small business contracting goal hasn't been met, why do you support increasing it? As I said, the goal is simply a measurement. There are no penalties to an agency for not achieving it.

It is already the policy of the United States, as set forth in the statute, that small firms shall have the maximum practical opportunity to participate in the performance of contracts let by any Federal agency.

□ 1945

It doesn't say minimum; it says maximum. This is why the Bean-Chabot amendment is so important. It gets us away from the small business goal as ceiling mentality. It ensures that small business participation is maximized, not minimized.

I congratulate Ms. BEAN and Mr. CHABOT for this amendment. It was included when the Committee on Small Business unanimously reported this legislation, and I was disheartened to see that it was diluted as the bill progressed. I am pleased to support this amendment, and I look forward to working with my colleagues to ensure that this amendment creates new opportunity for small businesses in the Federal marketplace. I thank Ms. BEAN and Mr. CHABOT on their work on this amendment, and I urge adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. BEAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mr. BEAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Ms. VELAZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Illinois will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. WELCH OF VERMONT

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–137.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WELCH of Vermont:

At the end of title II, insert the following:

SEC. 212. SMALL BUSINESS GOALS FOR GREEN SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended—

(1) in paragraph (1)—

(A) by striking "and small business concerns owned and controlled by women" both places such term appears and inserting "small business concerns owned and controlled by women, and green small business concerns"; and

(B) by inserting before "Notwithstanding the Government-wide goal" the following: "The Government-wide goal for participation by green small business concerns shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year."; and

(2) in paragraph (2)—

(A) by striking "and by small business concerns owned and controlled by women" both places such term appears and inserting "by small business concerns owned and controlled by women, and by green small business concerns"; and

(B) by striking "and small business concerns owned and controlled by women" and inserting "small business concerns owned and controlled by women, and green small business concerns".

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION.—Section 3 of that Act (15 U.S.C. 632) is amended by adding at the end the following:

"(s) DEFINITIONS RELATING TO GREEN SMALL BUSINESS CONCERNS.—In this Act, the term 'green small business concern' means a small business concern that carries out its activities in an environmentally sound manner. The Administrator shall, in consultation with the Environmental Protection Agency, the General Services Administration, and other appropriate agencies, specify detailed definitions or standards by which a small business concern may be determined to be a green small business concern for the purposes of this Act.".

(2) POLICY.—Section 8(d) of that Act (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1) (in both places such term appears), paragraph (3)(A) (in both places such term appears), paragraph (4)(D), paragraph (6)(A), paragraph (6)(C), paragraph (6)(F), and paragraph (10)(B) by striking "and small business concerns owned and controlled by women" and inserting "small business concerns owned and controlled by women, and green small business concerns";

(B) in paragraph (3)(F) by striking "or a small business concern owned and controlled by women" and inserting "a small business concern owned and controlled by women, or a green small business concern"; and

(C) in paragraph (4)(E) by striking "and for small business concerns owned and controlled by women" and inserting "for small business concerns owned and controlled by women, and for green small business concerns".

(3) REPORTS ON GOALS.—Section 15(h) of that Act (15 U.S.C. 644(h)) is amended, in each of paragraphs (1), (2)(A), (2)(D), and (2)(E) by striking "and small business concerns owned and controlled by women" and inserting "small business concerns owned and controlled by women, and green small business concerns".

(4) PENALTIES.—Section 16 of that Act (15 U.S.C. 645) is amended in each of subsections (d)(1) and (e) by striking "or a 'small business concern owned and controlled by women'" and inserting "a 'small business concern owned and controlled by women', or a 'green small business concern'".

The Acting CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, I yield myself such time as I may consume.

I first congratulate the gentlelady from New York and the gentleman from Ohio on the incredible hardworking committee that is producing more legislation that is good for the American people, and I think just about everybody else in Congress, so all of us appreciate your good work. And it is all about the fact that they recognize, as I think we all do, that small businesses are the backbone of our Nation's economy. They must have the opportunity to compete for Federal contracts.

This underlying legislation establishes broad parameters and goals to make small business opportunities available to folks in this country who have not had access to that opportunity. The purpose of this amendment is to establish a goal that will give an opportunity for businesses that are green to have access to these contracts.

Small businesses in my State of Vermont create two out of every three jobs, and it is critical that small businesses be encouraged to develop and supply products and services in an environmentally sound way. My amendment would take a step towards encouraging green businesses by recognizing that those practices of companies can be considered in Federal Government contracts. This isn't just because it is the right thing to do for the environment, it is because there is a growing recognition that if we take on the challenge of cleaning up our environment, it can be pro-high-tech, pro-growth policies that will accomplish that, and I urge favorable consideration.

Mr. Chairman, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy, and it is a pleasure to work with him in cosponsoring this amendment.

Mr. Chairman, the Federal Government is the largest consumer of energy in the world. If we harness the ability of our Federal agencies in terms of what they do with energy, what they do with procurement, we have an opportunity to revolutionize the business practices in this country in a way that doesn't require a lot of new rules and regulations and fees. It is simply leading by example.

It has been my privilege early in my career to do work dealing with minority enterprises, with women-owned enterprises, with small business; because, as the gentleman from Vermont mentions, these are areas that are tremendously underserved, but there is a great deal of energy and vitality and it has made our economy stronger. This is the next logical addition to that portfolio of activities.

By giving a preference to procurement with small businesses that are environmentally sound, it is going to help nurture an explosion of new technology, of new business opportunities, and, most important, most important, it is going to help to bring these activities to scale. It is going to make best green practices more cost effective. It is going to be a better value for the taxpayer. It is the cheapest way to improve the environment. And, ultimately, it is going to strengthen our economy, because areas in the European Union, in Canada and, dare I say, even in Asia dealing with China and Japan, progress is being made. This is going to help us. It is going to give a better value to the taxpayers. It is going to jump start these.

I look in Portland at TerraClean, Ecos Consulting, Rejuvenation House Parts, ecological small businesses. If this is enacted, they will be able to do a better job in the future.

Mr. Chairman, I appreciate the gentleman's courtesy and leadership.

Mr. WELCH of Vermont. Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, we accept this amendment by Mr. WELCH, which proposes a 5 percent goal for Federal contracting with green small businesses. I look forward to working with my colleague on this amendment, which encourages the government to reward small businesses that meet higher environmental standards.

I thank the gentleman from Vermont for his work on this legislation, and I urge adoption of the amendment.

Mr. Chairman, I yield to the ranking member, Mr. CHABOT, for any comments that he might have.

Mr. CHABOT. I thank the gentlelady. We have no objection and support the amendment, and thank the gentleman for offering it.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Chairman, I thank the gentlelady and the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. WYNN

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-137.

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. WYNN:

At the end of title II, add the following:

SEC. 2___. STUDY ON PROVIDING FINANCIAL INCENTIVES TO CONTRACTORS THAT MEET MINORITY AND DISADVANTAGED BUSINESS ENTERPRISE GOALS.

The Administrator of the Small Business Administration shall carry out a study on the feasibility and desirability of providing financial incentives to contractors operating under contracts from a federal agency that achieve the percentage goals set forth in said contracts' subcontracting plans for the utilization of small business concerns owned and controlled by socially and economically disadvantaged individuals. The Administrator shall submit to Congress a report on the results of the study, together with any findings, conclusions, and recommendations that the Administrator considers appropriate.

The CHAIRMAN. Pursuant to House Resolution 383, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, let me begin by thanking the gentlelady, the chairman of the Committee on Small Business, for her leadership over the years on this very important issue.

The amendment I am introducing this evening would require that the Small Business Administration study the feasibility and desirability of providing financial incentives to encourage prime contractors to meet their goals for subcontracting with socially and economically disadvantaged businesses.

Specifically, the amendment would commission the SBA to study different types of financial incentives that could help or encourage prime contractors to meet their goals set forth in their subcontracting claims for the utilization of small business companies owned and controlled by socially and economically disadvantaged individuals.

Ironically, you heard earlier this evening about the problem of prime contractors failing to utilize small minority and economically disadvantaged businesses. Given the constitutional constraints that we as legislators have in legislating mandates for achieving these goals for minority and disadvantaged businesses, I believe that we must come up with creative and viable alternatives that can help encourage greater participation in the Federal contracting process by these businesses.

One such method to encourage greater participation by small minority and economically disadvantaged businesses would be to devise a means of rewarding prime contractors who meet their small business contracting goals rather than penalizing them. This is similar to the incentives placed in contracts for meeting deadlines and staying within budget.

My amendment would simply require that SBA study and report to Congress about different types of financial incentives that could be implemented that would encourage prime contractors to meet their goals for increasing opportunity for socially and economically disadvantaged businesses. This would allow us to encourage DB participation rather than attempting to penalize contractors who fail to meet their goals. This is an approach that offers more carrot and less stick.

Mr. Chairman, I yield to the gentlelady, the chairwoman of the committee.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding.

We are prepared to accept this amendment. Many times the proposed solution to a problem, particularly in the Federal procurement environment, is the assessment of penalties. Sometimes this works. Sometimes it doesn't. I have found that when it works best, it is also accompanied by incentives for good performance.

The gentleman from Maryland begins this process. It is a worthy endeavor, and I am pleased to support the gentleman's amendment. I want to thank him for the work that he is doing on this legislation, and I urge adoption of the amendment.

Mr. CHABOT. Mr. Chairman, we accept the amendment, and we thank the gentleman from Maryland for his leadership on this as he has shown such great leadership on so many other issues as well.

Mr. WYNN. I thank the gentleman for his kind comments and for his support of the amendment, and, of course, I thank the gentlelady for supporting the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110-137.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. JACKSON-LEE of Texas:

Section 103, strike "concern." and insert "concern, and shall make available to the public on the website of the Administration the action taken and the result achieved.".

The CHAIRMAN. Pursuant to House Resolution 383, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished Chair for yielding and let me also thank the distinguished chairwoman and ranking member for their leadership on this very important issue of small business, and thank them for the series of bills that have come to the floor that are like building blocks in helping small businesses across America. I would like to thank the majority committee staff for working with my staff. I would like to thank Mr. Tsehai for working on I think an important issue.

Let me quickly say that this amendment comes from experience of some of the frustration that small businesses will express coming to your office. The Federal Government is big, and the refuge for small businesses is the SBA. They look for incentives. They look for instruction. They look for guidance. And so my amendment simply says that when there is a dispute and there is a response by the FDA and an action is taken, any action with regard to any disagreement between the SBA and contract procurement agency, this resolve should be put on the Web site.

This is an important part of educating small businesses about their action and gives them an empowerment. And I say that in the backdrop of so many businesses that were housed in Houston who fled New Orleans after Hurricane Katrina. Many businesses were there. They were looking to get restarted back in New Orleans. And the confusion of not being able to access what happened in their request or what happened in a dispute led me to believe that more information on the Web site of the SBA would be extremely helpful.

So I ask my colleagues to support this amendment. It simply provides an opportunity for the Small Business Administration to post on their Web site any action taken and the result achieved with regards to any disagreement between the SBA and any contract procurement agency.

I yield to the chairwoman of the full committee, Congresswoman VELÁZQUEZ.

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Ms. VELÁZQUEZ. I thank the gentlelady for yielding.

We accept this amendment which will require the Administrator of SBA to make public the actions taken on behalf of small businesses or trade associations with regard to bundled contracts. More importantly, it will publicize the results of their actions.

I look forward to working with my colleague on this amendment which will add transparency to the bundling appeals process.

I, again, want to thank the gentlewoman from Texas for her work. I urge adoption of the amendment, and I yield to Ranking Member CHABOT.

Mr. CHABOT. I thank the chairwoman for yielding.

I want to thank the gentlelady from Texas for offering this very helpful amendment. We've looked over it, and we think it's a very good amendment. I've had the pleasure to serve on the Judiciary Committee with the gentlelady for the past 13 years. I've agreed with some amendments. Unfortunately, oftentimes, I've disagreed with her amendments. But it's very nice to be able to agree with one that the gentlelady has offered. So we thank the gentlelady for offering it.

Ms. JACKSON-LEE of Texas. Thank you very much. I thank the chairwoman and the ranking member. And, Mr. Chairman, it's always good when light comes into this place and we have consensus; and I'd ask my colleagues to support this amendment.

I thank the Chairman and Ranking Member for allowing me to explain my amendment to H.R. 1873, the "Small Business Fairness in Contracting Act."

My amendment, which enjoys full support from Chairwoman VELÁZQUEZ, brings transparency, accountability and responsiveness to the process of procuring federal contracts. By mandating that the Small Business Administration (SBA) post on their Web site any action taken and the result achieved, with regards to any disagreement between the SBA and the contract procurement agency, individuals can be assured that their government is open and honest. The purpose of this amendment is to ensure transparency and accountability of the SBA to the small businesses it was designed to protect and assist.

My amendment is straightforward. My amendment is vital. My amendment is essential. And my amendment is bipartisan.

We may not realize the impact that small businesses have on our lives, but they represent the sole diner that is open on a late night trip, the catering service that turns a family gathering into a lifetime of memories, or the mechanic that will not allow your first car to die.

In conclusion, we the members of the 110th Congress are sending the right message to the American people and small business owners that we are committed to eliminating waste, fraud, and abuse.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-137.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. JACKSON-LEE of Texas:

Section 104, strike "Senate." and insert "Senate, and any other committee of the House and Senate that has jurisdiction over the agency concerned.".

The SPEAKER pro tempore. Pursuant to House Resolution 383, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his yielding to me and appreciate his leadership in the Speaker's chair this evening.

Let me again express my appreciation to the chairwoman of the full Committee on Small Business and, as well, the ranking member for their assistance in this amendment and their staff and my staff as well.

This amendment is one that reflects, again, that small businesses are small businesses, and they need our assistance. They also work with a number of agencies, and those agencies have contracting procurement offices. Those, of course, are challenges for many small businesses, one, to have a road map of how to get a procurement from a large, if you will, government agency. Many times, there may be disputes.

This amendment simply says that any disagreement between the SBA and the contracting procurement agency, the appropriate House and Senate committees with jurisdiction over the matter should be informed. This includes the Committees on Small Business and Oversight and Government Reform. This, of course, is designed to ensure that both the SBA and the procuring agency are accountable and forthcoming to the committees which have jurisdiction over the procuring agency as it relates to small businesses and meeting SBA and congressionally mandated goals. Of course, this emphasizes the fact to make sure that we do have the widespread of small businesses, women-owned businesses, minority-owned businesses.

My amendment is simple; my amendment is, I think, helpful; and my amendment is necessary and bipartisan. Small businesses are the backbone of our society, and they represent an American dream for numerous families and provide much-needed revenue to the local municipalities they live in. So I therefore ask that that amendment be accepted.

I thank the Chairman and Ranking Member for allowing me to explain my amendment to H.R. 1873, the "Small Business Fairness in Contracting Act."

My amendment has the full support of Chairwoman Velázquez and mandates that whenever there is a disagreement between the SBA and the contracting procurement agency, the appropriate House and Senate committees with jurisdiction over the matter are informed. This includes the Committees on Small Business and Oversight & Government Reform. This amendment is designed to ensure that both the SBA and the procuring agency are accountable and forthcoming to the committees which have jurisdiction over the procuring agency, (as it relates to small businesses and meeting SBA and congressionally mandated goals.)

My amendment is simple. My amendment is important. My amendment is necessary. And my amendment is bi-partisan.

Small businesses are the backbone of our society. They represent the American dream for numerous families, and provide much needed revenue to the local municipalities they serve. The very nature of small businesses tend to create a bond between customer and shop owner that can not be duplicated within the confines of our super-malls, or on the never ending maze we call the internet. Small business owners value the relationship they share with their customers, and tend to go above and beyond the normal call of duty to meet their clients' needs.

Mr. Chairman, I would yield to the distinguished gentlelady from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the gentlelady for yielding.

We are prepared to accept this amendment. The gentlelady's amendment provides a measure of enforcement. It requires agencies to send copies of letters in which they have disagreed with the SBA's attempts to maximize the usage of small businesses on bundled contracts to the relevant authorizing committee.

The committees will soon become familiar with the extent to which agencies within their jurisdiction are bundling contracts and will have a better handle on the extent of this problem.

I urge adoption of this amendment, and I yield to the ranking member, Mr. CHABOT.

Mr. CHABOT. I thank the gentlelady for yielding, and I want to again commend the gentlewoman for offering a helpful amendment. And we accept this amendment as well.

Ms. JACKSON-LEE of Texas. I thank both the chairwoman and the ranking member. I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

Ms. VELÁZQUEZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. SUTTON) having assumed the chair, Mr. LINCOLN DAVIS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1873) to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes, had come to no resolution thereon.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1873, SMALL BUSINESS FAIRNESS IN CONTRACTING ACT

Ms. VELÁZQUEZ. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1873, including corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, authorizing the blocking of property of certain persons and prohibiting the exportation and reexportation of certain goods to Syria, is to continue in effect beyond May 11, 2007.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 8, 2007.*

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1684, DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R.

1684, including corrections to the spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

WE ARE AT A CROSSROADS AGAIN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, we are at a crossroads again. The legislation that we worked so meticulously on to ensure the funding of our troops just about a week ago saw the veto pen of the White House without consideration of the failed mission that Iraq has become.

I did not say military operations because I believe that our soldiers are valiant, and they have achieved the success that we've asked them to achieve. That is why I went to the Rules Committee today to ask for the consideration that the resolution in the fall of 2002 should expire. In fact, it has expired, because we have shown there is no nexus or was no nexus between Saddam Hussein and terrorism. There were no weapons of mass destruction; and, of course, we know that Saddam Hussein is no longer in power.

Unfortunately, our President has expanded the resolution, building on it, surging troops, and the great loss of life has harmed the United States.

There's been no diplomacy, there's no reconstruction, and the government of Iraq is weak. I hope that when we debate this question tomorrow that we will recognize that the best solution is a diplomatic, a political and social solution that requires a reconstruction, if you will, of Iraq, the inclusion of the allies surrounding the region, the engagement with Syria and Jordan and Saudi Arabia, working with NATO. But, more importantly, it requires that we redeploy out of Iraq; and I hope we will consider at some point the idea of the resolution expiring.

It is time to save lives, those of our soldiers, and to bring them home in dignity.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UP OR DOWN VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDermott) is recognized for 5 minutes.

Mr. McDERMOTT. Madam Speaker, I rise to call for an up or down vote on a timetable for getting U.S. soldiers out of Iraq. Simple, straightforward and to the point.

Do we stay or do we redeploy?

All this talk about benchmarks is a diversionary tactic by the administration to keep making war. Last November, the American people elected Democrats for one reason above all others, to get U.S. soldiers out of Iraq and get Americans out of the Iraq war.

The American people have given up on the credibility of the President. Every week another poll confirms another vote of no confidence by the American people against this President. In a new poll, the Americans disapprove of the President's handling of the Iraq war by a two to one margin.

Newsweek magazine has the President's approval ratings even lower. Nearly 7 in 10 Americans believe the President's actions in Iraq show he is stubborn and unwilling to admit his mistakes.

In USA Today, nearly 80 percent don't believe the President's assertion that a U.S. presence in Iraq is preventing terror attacks here at home.

The American people get it. Nothing good comes from being in Iraq, and nothing worse will happen by leaving Iraq.

The American people have issued orders, but the President refuses to redeploy his thinking. More U.S. soldiers and more Iraqi civilians are dying every day. Iraqi children are being traumatized every day by the sight of dead bodies in the street. Over a million Iraqi civilians have fled to Jordan and Syria, where the refugee crisis grows by the hour.

And the President's plan to address this reality is spending more money building concrete walls in Baghdad. Walling in the Iraqi people isn't going to solve anything and may, in fact, worsen the ethnic cleansing that is essentially a part of a civil war raging throughout the country.

How ironic that a Republican President authorizes building concrete walls to contain and separate Iraqi people. The Soviets tried it in Berlin, and it wasn't many years later that Ronald Reagan, a Republican President, told Gorbachev, "Tear down this wall."

Iraqi leaders are demanding that the U.S. stop building walls that are in effect concrete jail cells, locking up innocent Iraqi citizens and making them easy prey for more attacks. It may be their country, but that doesn't matter to this White House.

By yesterday, 144 Iraqi lawmakers out of 275 signed a petition calling for the U.S. to set a timetable to withdraw. That is a majority. The story broke this morning on Alternet.com, and one of the reporters, Joshua Holland, has broken other significant news stories concerning Iraq. This is the first time that over half of the duly elected members of the Iraqi Parliament have gone on the record demanding a date for U.S. withdrawal.

Iraqi leaders want their country back, but this President isn't going to honor that request. The President's veto of the supplemental Iraq spending bill was his de facto military escalation of the war, a declaration that he intends to keep making declarations of war, not peace, and the President's veto was his rejection of working with the Congress to end the Iraq war.

A war with benchmarks is still a war. A war with benchmarks in this administration is a war without end. The only benchmark this administration will understand is an up-or-down vote on the Iraq war. And we have been promised an up-or-down vote on Iran, and we need to take that as well.

Members deserve the opportunity to say with their vote what they think and what we are hearing back home from our constituents. Unless we do the job the American people elected us to do, the President won't be the only one getting a vote of no confidence.

The people have spoken and spoken. In the People's House, it is time we accept the will of the American people. Schedule an up-or-down vote on setting a timetable for getting U.S. soldiers out of Iraq.

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LIVABLE PITTSBURGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Altmire) is recognized for 5 minutes.

Mr. ALTMIRE. Madam Speaker, it is a true pleasure for me to stand here tonight to talk about my favorite city, the city of Pittsburgh, which was once again named by Rand McNally as America's "most livable" city.

Now, Rand McNally has been designating cities as livable for 26 years, and Pittsburgh is the first city to ever repeat. We also won it in 1985. They do it every 4 years. And I can't tell you how happy I am to have this designation because this shows for the rest of the country and the rest of the world what we already know in Southwestern Pennsylvania, that Pittsburgh is a great place to live and work. And Rand McNally has done this through formula. And 379 cities are rated on nine categories: housing, transportation, jobs, education, climate, crime, health care, recreation and ambiance, which covers its being a great place to live and work and things to do.

Pittsburgh was in the top 30 percent in the housing category. It is 93 percent of the national average in the cost of living with regard to housing. In transportation, Pittsburgh's commute is 25 minutes to work one way. And I challenge the rest of my colleagues in some other areas of the country to match that. I know that it is frustrating during rush hour to find your way into work, and in Pittsburgh generally on most days you can get in relatively quickly.

The average house in Pittsburgh is 49 percent below the national average in cost at $112,000. So that is why we rank so high in housing. In jobs, Pittsburgh is in the top quarter there. For 100 years, it still is one of the Nation's top corporate centers as home to Fortune 500 companies: Alcoa, Heinz, Mellon, PNS, PPG, U.S. Steel, and WESCO International. We have more than 90 multi-billion dollar, global corporations that call the city of Pittsburgh home.

We have more than 2,000 acres of ready-to-go sites near our airport. We have the Nation's second busiest inland port with our three rivers and the waterways. And importantly, for the environmentally conscious, Pittsburgh has the most certified "green" buildings in the entire country.

In education, we are home to 34 colleges and universities, including Carnegie Mellon University, which always is ranked as one of the best in the entire Nation. We have four distinct seasons with 7 months that see sunshine 50 percent of the time. And I will admit that our winters can be tough, and that was probably not our strong suit, but we still were number one overall.

Pittsburgh in crime has the lowest crime rate of any of the top 25 cities in the entire country, and this is a consistent rating that Pittsburgh has finished strongly.

In health care, we are an international leader in medical research and innovation. We have a world class health care system. We are ranked 14th overall in the country and our children's hospital is ranked 11th in the entire country.

In recreation, we have five cities. We have three rivers that provide 38 miles of shoreline for recreational purposes such as fishing. And we have PNC Park for our baseball team, which has been rated consistently as the top baseball park in the country. We have a new Penguins arena scheduled to be built and a great young hockey team. And we have a football team that has now won five Super Bowls. So we have a lot of sports and recreation to do.

And in the performing arts, we have more performing arts concentrated in one area than any city in the country outside of New York City. It has been voted the second best cityscape in America, the view from the top of Mt. Washington in Pittsburgh. We have whitewater rafting and downhill skiing within 90 minutes. And we have a bike passage that goes all the way from the city of Pittsburgh to right here in Washington, D.C.

So, again, the fact that we were number one in Rand McNally for the second time did not surprise me, and it did not surprise the rest of the people in western Pennsylvania. But it might have come as a surprise to some other people around the country.

And I stand here tonight to tell my colleagues and anyone else that may be viewing tonight that Pittsburgh is a fantastic place to live and work, especially for young people. And we are doing a much better job now attracting and retaining a younger workforce, and we have shown through a variety of ways that we have young and dynamic leadership.

THE 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Madam Speaker, I would like to welcome my colleagues to another addition of the 30-Something's hour. I would like to thank the Speaker of the House, NANCY PELOSI, for allowing us the opportunity to get together and talk not only about some of the most important issues that face this hall this week and at this moment but also talk a little bit about how these issues are of particular concern to people of younger generations in this country.

We are going to be joined today, I know, by Mr. ALTMIRE, who just gave a very compelling 5-minute address to the House and, hopefully very soon, by Ms. WASSERMAN SCHULTZ, one of our favorite members of the 30-Something Group.

Madam Speaker, hopefully we will get to touch on a few different topics, but I think we need to touch on at the beginning of this hour the subject that really dominates the debate in Washington, D.C., right now, that dominates most of the discussion out in the coffeehouses and pancake breakfasts and pasta dinners happening across this land, and that is, what is happening in this town? What is happening in Washington, D.C., inside the beltway? And that is, why can't government figure out what everyone else has figured out across the country, that we need to set a new direction when it comes to this country's policy in Iraq.

Now, I am certainly starting to feel that frustration. People thought when they weighed in on the national elections in the beginning of November of last year that they were actually saying something; that when they stood up in record numbers in some parts of this country and made courageous decisions district by district to replace long-time incumbent Members this Congress with relatively new Members, such as myself, such as Mr. ALTMIRE and some 40-odd number of our friends on this side of the aisle that became new Members this January, they thought that it meant something. They thought that that voice that they spoke with in the beginning of November was going to be heard down here. And I can tell when I go back to my district, and I just came back this last weekend and I have been back every weekend since we have been down, that the patience of the American people is starting to wear thin. Now, it is not necessarily directed here. I think some people are still in some sort of sense of euphoria that we finally have a Congress that is listening to the American people again. Their anger is directed at the President of the United States. Their anger is directed at an administration that just doesn't seem to get it, that refuses every step of the way to step up to the plate and have some type of accountability for what is happening here, refuses to listen to the American people.

And the American people have spoken in the election, and they continue to speak today. A CNN poll that came out just a short while ago said a majority of Americans, 65 percent, oppose the Iraq war, and a full 54 percent disapprove of the President's decision to veto the Iraq accountability bill last week. Nearly six in ten Americans, in a recent Gallup poll, support setting a firm timetable for withdrawing U.S. troops out of Iraq; 61 percent of Americans, in another CNN poll, favor a bill that sets benchmarks that the Iraq government must meet to show progress that is being made in Iraq; 55 percent of Americans think it was the wrong thing for the United States to go to war in the first place. That is an amazing number, Madam Speaker; 55 percent of Americans, the majority of the Americans, now today believe that it was the wrong decision to go into Iraq in the first place.

Before the time of Mr. ALTMIRE and me, the 30-Something Democrats, Mr. RYAN and Mr. MEEK and Ms. WASSERMAN SCHULTZ, liked to point out third-party verifiers. It is not just our saying it. Things that we stand here and say have actually been said time and time again by people who know what they are talking about and the American people.

Here is third-party verification: The American people by large numbers support not only the actions of this Congress when it comes to setting firm benchmarks for the Iraqis to stand up for themselves but also to set firm timetables by which we would start to redeploy our troops. Now, the American people join a growing hegemony of opinion within our foreign policy community. There are very few times when Republicans and Democrats outside this hall decide to agree on a course forward on something as weighty as the foreign policy issues that confront us in the Middle East. But the Iraq Study Group, five Democrats, five Republicans, Mr. ALTMIRE, came together and told us, it is time to set a new course. It is time to start bringing our troops home, start redeploying them to fights that matter. Record numbers of retired generals.

Now, it has become kind of de rigueur to see on a daily basis retired generals from across America to come out and start to criticize the President's policy. This didn't happen before in these numbers. This is not the normal course of business for the men and women who have spent their lives fighting and leading American troops to then turn around after they have left their military service and criticize the very government that they have worked for, fought for and bled for all of those years. But that is what is happening today because the stakes are so high. The American public, bipartisan leaders on foreign policy issues and former military leaders are standing up and saying enough is enough.

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We need to set a new course.

Now, there seems to be a very powerful sound barrier that has been built around the White House. Because for as many voices, the multitudes of American people, the multitudes of foreign policy experts, of retired generals, many of which ended their careers on the ground in Iraq, for all of those people throwing the might of their collective voices at the White House, a deafening silence.

Madam Speaker, I got the chance to go over and visit our troops in Iraq and Afghanistan; and the first thing you're struck by is the unbelievable and unconditional bravery that they show this Nation. The capability of these forces is almost beyond explanation, and I got the chance to come back and talk to the President very briefly about it in a visit to the White House.

Those troops know that the situation on the ground has changed dramatically, that the fight that began as a battle against the autocrat that was Saddam Hussein now has become a civil war. The troops know it because they're right in the middle of it.

We asked our military leaders, how much of the fire that is being directed at American troops is the result of insurgent forces and al Qaeda forces firing at Americans and how much of it is simply a sectarian war that we find ourselves in the middle of? And the answer was the same no matter who you asked. Ninety percent of the fire directed at American forces are Sunni and Shia fighting each other, sometimes Shia and Shia fighting each other, that we are caught in the middle of.

This President, for some reason, refuses to understand how things have changed on the ground in Iraq and how things have changed when it comes to the opinion of foreign policy leaders, military leaders and the American public.

I think many of us were very proud to stand together, certainly the freshman class and as a caucus, to support our leadership's position to set a new course; and we were dismayed to see a President who is unwilling to work with this Congress. We will take another shot at that this week by presenting the President with another alternative on his desk once again to set that new direction. And from what we hear today, it will be met with the same resounding deafening silence and indifference to the will of the American people.

I am so glad to be joined here by one of my great freshman colleagues, Mr. ALTMIRE from Pennsylvania, who I think shares with me, as new Members, as two young guys who have only spent about 4 or 5 months down here, that sort of growing sense of frustration when we go back to our districts and we hear people who wanted that change feeling like they're not getting it here because there is an administration that simply won't join that growing unanimity of opinion to set a new course.

I would like to yield to my friend from Pennsylvania.

Mr. ALTMIRE. I appreciate the gentleman from Connecticut, and I admire his leadership. I know that you did make that trip to Iraq and you came back and you can speak with some authority and some expertise, and I appreciate hearing from you. And I especially appreciate the opportunity to speak tonight on what is definitely the most important issue I think everyone would agree that we face.

I was struck by the fact that the gentleman mentioned third-party verification for different options and different opinions in Iraq. And what strikes me is the fact that the President of the United States has declined to listen to any third-party verification. He has delivered a loud and clear message last November that the American people called for change, not only domestically here in America but especially in Iraq. He has been told by his generals on the ground that he is not moving in the correct direction. He has been told by his advisers, before they're replaced, that he's not going in the right way. The Iraq Study Group, as we all know, recommended the course of action that we have advocated; and the bill that he vetoed was verified by the Iraq Study Group.

The fact that he fails to listen to the American people, he fails to listen to his military advisers, he fails to listen to his White House advisers and he fails to listen to the Iraq Study Group, that demonstrates a clear decision on his part that he is going to ignore all of those opinions and continue down the same failed course.

I was dismayed today when I heard the news that 35,000 American troops have been told that they can expect to be sent to Iraq this fall and that their tour is going to last at least through the spring of 2008. Now, this is additional troops after the surge that we had been told in January was only going to last a few months and only going to be 21,000 troops. Now we're hearing an additional 35,000 troops and the surge is going to be at least 18 months instead of the 2 or 3 or 4 months that were we were initially led to believe.

But, thankfully, this Congress took clear and decisive action by sending the President a bill, which we have talked about before, that gives the troops the money that they need. It actually contains more money in funding for our troops on the ground in Iraq and Afghanistan than the President requested, and that bill was met with a veto, as we know.

I had someone come up to me over the weekend and say, well, when are you going to get our troops the money that they need? And I said, we sent the President a bill that does exactly that. It was the President's decision to veto that bill and delay this process and, most importantly, delay the funding for our troops.

So the fact that he now came out and made a statement today that if we sent him a bill, that is, we took out all the things that he talked about that he doesn't like, it is not going to have the timelines and the things that he used as his reason for vetoing it the first time, we are going to send him a bill that gives the troops the funding that they need to get them through the next several months, and it is actually going to again be more funding than he asked for for the period of time that we are going to send him the money for, and we were told today that is going to be met with a veto.

So I am exasperated to hear this, because I want the troops to get the money and the funding and all the equipment and resources that they need to continue the brave fight that Mr. MURPHY from Connecticut was talking about and that he witnessed firsthand. But we can't do that alone. We need the President to sign the bill that we sent him.

Tomorrow, we are going to vote on our second bill after the veto; and we are going to send it to the White House. I hope that the President will reconsider his decision to delay the funding that our troops in the field need, because these are the bravest and brightest Americans. These are people who are putting their lives on the line. They are giving every sacrifice. They are leaving their families back home for extended periods of time, multiple tours. And we are giving them the money that is required, but the President is delaying the process. So I share the frustrations of the gentleman from Connecticut.

At this time, I will yield to the gentlewoman from Florida, our fearless leader with the 30-Something Working Group, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you so much, Mr. ALTMIRE.

I have to tell you what a pleasure it is to have the reinforcements in you and Mr. MURPHY and a number of other Members, you, Madam Speaker, to have been elected on November 7 to bolster the efforts of the 30-Something Working Group. Because we hung in there for the last couple of cycles and took to the floor every night to talk to the American people and to our colleagues on this floor about the issues that we believed were important to them that were not being addressed by our colleagues and good friends on the other side of the aisle when they were in charge.

I want to follow up on what you and Mr. MURPHY have just been discussing relating to the President and his attitude. The conclusion that I have reached is that it must be that the President has contempt for the democratic process. I can't really reach any other conclusion besides that.

Because we are not a monarchy. He hopefully realizes that he was not elected king. He is not self-appointed. He is one of three branches of government that are coequal, coequal meaning we have as much say and as much right to weigh in on something as significant as whether to, A, commit our troops to war, and, B, we control the appropriations, we control the purse.

And what we believe, as Democrats, is that it is irresponsible for us to give this President a blank check and an open-ended commitment to the Iraqi government with absolutely no accountability and no requirement that there be progress forward or benchmarks met. I mean, the President must believe that we aren't listening to our constituents, or maybe he's not listening. He says he is listening. In fact, on April 24 of this year the President said this, "Last November, the American people said they were frustrated and wanted change in our strategy in Iraq. I listened."

Really? I have yet to see any evidence of him listening. What I have seen evidence of, and, you know, I know that I often go back to the analogy of my interaction with my own children when talking about this President, but my frustration and observation about the insolence on occasion of my own children is similar to what we have been observing from the reaction from this White House.

I really can analogize it that when I am talking to, for us as the Democratic majority in Congress, we sent him legislation in the supplemental appropriations bill that he vetoed. And I have the privilege of serving on the Appropriations Committee and served on the conference committee. We sent him the legislation with a timeline for withdrawal, with his own benchmarks as he outlined on January 10, with accountability and with protection for our troops, A, ensuring that they not have a tour of duty without a 365-day separation in between those tours, the Army's own rules. We made sure that there was $1.7 billion in funding for veterans' health care. We made sure that there was $1.7 billion in there for military health care, something that you have been incredibly concerned about, veteran and military health care, Mr. ALTMIRE. And on and on. The issues that were, according to the President, very important to him and clearly important to the American people.

And so he vetoed that and said that there were other concerns that he had, that he didn't want his hands tied, that he wanted to have the flexibility, that he just wanted a blank check and open-ended commitment. We, being a coequal branch of government, have gone back to the drawing board. And the Democratic majority believing in compromise and a need to negotiate in good faith, we have now put forward another proposal, a proposal that is designed to address the concerns that he outlines.

And normally when you're going through a good-faith negotiation there is what's called "back and forth," for example, the analogy that I began a minute ago, when my children don't like what I'm telling them, when I'm talking to my kids and I explain to them that I want them to do A and they don't want to do A, and we kind of go back and forth. And being a parent of small children, sometimes it's a dictatorship, but sometimes there's negotiation. And it always works better when you can work things out with your kids and teach them that compromise is going to get you further. But when they don't like that compromise, my kids, just like all kids, stamp their foot and whine a little bit and tell me that they don't want to do that.

That really feels like how this President has reacted to Congress' clear ability to weigh in on the direction that this war should be taking. The American people certainly have weighed in. And what I don't understand is why the President isn't willing to come to the table and negotiate in good faith. The my-way-or-the-highway attitude that he has taken is irresponsible.

What we are doing in this next proposal is we are making sure that we fully fund over the next 3 months the funding that the troops need. We provide the President and the Army with the funding that they need, but we tie it to benchmarks, we tie it to progress. The Iraqi government cannot believe that we will be there forever.

And then we have a second vote where we would come back; and if the President can certify to us that those benchmarks are being met, then the rest of the funding would be released. If he can't certify that to us, then the funding that we would appropriate would be used to go through a redeployment process.

Because at some point the madness has to end. That is what the American people have told us when we've gone home to our districts in town halls, in e-mails, in phone calls. The President appears to have ear plugs in his ears, and it's wrong. And that's why the Founding Fathers established coequal branches of government, so that one person in the executive office, in the Oval Office could not unilaterally decide to commit our troops, to keep them there and to engage us in military action indefinitely. It's irresponsible.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you, Ms. WASSERMAN SCHULTZ.

Your question is a perfect one: When will this madness end? When will we recognize that we need to set a new course, that we need to start paying attention to not just what's happening within the borders of Iraq but what's happening in Afghanistan, what's happening on our own shores, where we still haven't appropriated the amount of money to devote to the resources that we should in order to secure our own borders and our own ports?

And here is what it comes down to: If the Democrats weren't in control, the madness would never end; it would go on forever. There is absolutely no commitment, no willingness, no one on the other side of the aisle, very few at least on the other side of the aisle and certainly very few in the administration have woken up to the new reality here.

And to me, I won't say who it was, but a member of the Republican leadership the other day was quoted in the paper as saying this. This person said, you know what? The President, we are going to give him some time to put forth this plan to escalate the war in and around Baghdad.

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But if it doesn't work, he is going to have to tell us what plan B is. Guess what. We are not on plan B we are on plan like double R. We have tried everything. We have been in there for longer than we were involved in World War II, and we still haven't found out what works.

Well, at some point, we are going to have to wake up to the notion that nothing that our military may try is going to work.

Now, if anyone can do this job, I think our military can do it. The problem is that we have gotten ourselves into a political quagmire, and the sooner we realize that plan A and plan B and plan C and D and E and F all didn't work, in large part because we have gotten ourselves into a mess that has probably, we hope, a political and diplomatic solution but may not have a military solution.

Ms. WASSERMAN SCHULTZ, I just want to talk for a minute, I know we really want to talk about some domestic issues here, but I want to talk about some of the stress we have put on our forces here at home. Because I have to tell you, as we watched some of the tragedies unfold in the Midwest, in Kansas, and we saw the inability of our National Guard in that State to respond, unfortunately, it took that incident for a lot people to finally wake up to the notion that our Reserve units and our National Guard units, the very troops that we relied on for years, decades, to provide us with security when tragedy befell our compatriots here at home, aren't there any longer. We heard it from Governors in Iowa, Minnesota and, of course, now in Kansas.

The administration, as usual, seems to be more interested in throwing around blame than they seem to be interested in actually solving the problem. When the Governor of Kansas came out and said, listen, here you see it; we don't have the resources to respond to this devastating crisis because our National Guard units have been deployed over and over again overseas in a way that we never asked our National Guard and Reserve units to be deployed in the past, the White House came back and said, well, you know what? That is not our fault. That is the Governor's fault for not telling us that she had problems. If she had just told us she had problems, we would have done something about it.

Well, guess what? She did. Last year, quoted in the New York times, the Governor of Kansas said, we are not only missing National Guard personnel, we are also missing a lot of the equipment that is used to deal with situations at home, day in and day out.

Well, you know, we have heard a lot about how folks in the White House don't read newspapers with the rigor that some of us do. They certainly did not read The New York Times that day when the Governor of Kansas almost a year ago sounded the bell and said, if we don't start replenishing our units here at home, we are going to be in big trouble. And we are.

Ms. WASSERMAN SCHULTZ. I am really glad that you touched on that, because you read my mind. I am obviously from a State where the National Guard and its readiness is imperative. We are approaching June 1st, which is the beginning of hurricane season. It runs all the way through to the end of November. I know from conversations that I have had with our Guard leadership in Florida that a good amount of our equipment is over in Iraq still. And to make matters worse is that the equipment that has come back is in such horrendous shape that it is almost unusable.

When I had a meeting in my district office with the head of our National Guard, with the commander, this was over a year ago, he expressed that concern to me over a year ago. We can't deal with the lack of readiness in Kansas but certainly not in a State like Florida where we are in the middle of hurricane alley. And we have already had the first main storm today, three weeks before the hurricane season even begins.

So we are not just talking about the foreign policy impact, the perception of our Nation across the world or the impact on our troops. There is a domestic impact, a significant detrimental domestic impact to our inability to address where we are in this war and when it is going to end.

We have got to make sure that the Iraqi government and the Iraqi troops are in a position to stand on their own so that we can bring our troops home and deal with the domestic needs that we have in this country.

Mr. ALTMIRE. Mr. Speaker, I think the gentlelady has touched on that issue in a way that makes sense to most onlookers. She comes from a State that has seen problems. But we saw as a nation what happened in New Orleans in 2005 and the lack of response that took place in large part because of these issues that we are talking about, because the Guard and the Reserve that would usually be called upon to address those issues and come to the aid of the victims of that hurricane were deployed or otherwise engaged.

We have a National Guard and Reserve that has been the subject of multiple deployments now, often three, four deployments. And when we have a situation like unfortunately happened in Kansas recently, we see the result. The Guard and Reserve is over deployed, and we are not able to respond in the fashion we need to respond when we have a national emergency, such as we saw in Kansas.

I wanted, if it is okay with the gentleman from Connecticut, to switch the topic to gas prices, because I realized as I was looking at the gentlewoman from Florida, there may be some viewers who are wondering what that apparatus is that is next to her. It is a gas pump. I will let her talk about that momentarily.

But I just wanted to start the ball rolling on that discussion and read you a quote from the President of the United States from July of 2001. So we are going back 6 years now. This is what the President said: "My administration has proposed a plan that will reduce America's reliance on foreign oil." Six years ago.

For those who are interested in the success or lack thereof of that statement: In 2002, this Nation got 58 percent of its oil from foreign sources. That was our dependence. In the year 2006, last year, that number had risen to 66 percent.

Here you have a President who says that it is one of his priorities to reduce our dependence on foreign oil. We went from 58 percent in his first full year in office to 66 percent last year, and it is exponential growth, just a chart that goes straight up. So I would say that his philosophy has not worked as well as perhaps he would have hoped.

What is most disappointing to me is I sat here for my first State of the Union address as a Member of Congress, and I listened to the President go on for quite some time about energy independence and the need to reduce our dependence and reliance on foreign oil. I was encouraged by that. This was still my first month in office, and I thought, this is a President that has finally seen the light and was going to move in that direction.

But, unfortunately, I went back and I reread some of his previous State of the Union addresses, and I realized that he has made that claim multiple times over the years of his administration. And instead of seeing a diminishment of our reliance on foreign oil source, it is growing exponentially.

So it is frustrating to me to see the lack of attention to what is the first issue domestically that I hear about when I go back to my district, and I am sure the gentlelady from Florida and the gentleman from Connecticut have the same questions bestowed upon them when they go back to their districts, why are gas prices so high, and what are you doing about it?

Well, this Congress is taking steps to do something about it. After years of coddling the big oil companies and giving them taxpayer subsidies in the billions of dollars at a time when they are making all-time record profits for any industry in the history of the country, we have finally decided we are going to pull back on those subsidies and redirect them to alternative sources of energy, to research and development of a myriad of sources of energy, to get us off of our dependence on foreign oil, something the President said was his priority 6 years ago, but nothing was done about it.

So this Congress is going to use that money for research and development to grow us out of this problem through research and development.

I yield back to the gentleman from Connecticut, who has a chart that illustrates what has happened to gas prices since this President first took office.

Mr. MURPHY of Connecticut. Mr. Speaker, let me set the stage to kick it over to Ms. WASSERMAN SCHULTZ.

Here it is. The President took office January 22, 2001, $1.47; $1.47, that is like sort of a mystical number now. I can't even fathom when we were paying $1.47

for gas. Today, the average price for a gallon in the United States, $3.05.

Now, I am going to admit that in my part of the world, in northwestern Connecticut, probably like everybody's district, we have a couple of conspiracy theorists up there. We have a couple of people that are not actually willing to believe that the best of intentions are always at the root of decisions made in our political and economic system.

I have to tell you, the cynic in me and the conspiracy theorist in me, and there is a little bit of it, wonders a little bit why gas prices dipped down, curiously, right about the time when we were all up for election and reelection. Just when there was this sort of wave of economic discontent swinging across the country and all of the people were talking about finally taking our economy back from the oil companies. Just as this country was poised to make a decision to finally end, as Mr. ALTMIRE said, our firm decades-long dependence on oil and foreign oil in large part, why did gas prices just dip right then? And then as soon as January, February came around, creeping up and up, a little bit more and a little bit more. Now as we head into the summer, into the prime driving months of the year, we are at $3.05 a gallon.

Now, I am not willing to say that is just politics, but the cynic in me has to wonder sometimes whether or not our gas and oil companies were just hoping, hoping that they could stem the tide and that they wouldn't have a Democratic majority here who would make a difference.

Mr. ALTMIRE. I don't mean to interrupt the gentleman, but I did want to remind anyone who is observing this discussion tonight that the "Six for '06" was the Democratic mantra moving forward and going into the election. Ms. WASSERMAN SCHULTZ was here for that discussion, and Mr. MURPHY and I were out on the campaign trail. And we talked a lot about gas prices and taking on big oil for the first time in many years and revoking some of these subsidies and redirecting them. That was a key staple of this six policy issues that the Democrats made as their top priority for that election cycle and for the first 100 hours in Congress after we were able to retake the Congress.

The gentleman talks about the sequence of events that, as that discussion was brought out, it became pretty clear to everybody that this was going to be a change. This was going to be a new direction for the country.

Again, I am just saying that, as the gentleman is, it is an amazing coincidence that just as that proposal comes forward and just as the momentum starts to shift and look like the Democrats have a chance to promote this agenda in the majority for the first time in 12 years, we do see an incredible drop in gas prices. I think it went down something like 80 cents over a several week period leading up to the election. Now, as you said, it is back up to record levels here shortly thereafter.

I did not mean to interrupt.

Mr. MURPHY of Connecticut. I would like to think that miracles do happen when it comes to energy policy, but unfortunately, I think that may be a little naive.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MURPHY.

You know, I really became enraged this weekend because you both have heard me refer to myself as what I am, and that is a "minivan mom." I am a minivan mom, one of the millions of minivan moms that drive around my district with the kids in the back seat. And I can tell you that we, ideally, if you are a mom with little kids, would drive a smaller vehicle so that you could save gas, so that you could save money, so that you could be more energy efficient and environmentally conscious.

However, when you are traveling from soccer to baseball to dance class to school and all the things that minivan moms have to do, you need a vehicle the size of a minivan. And they are expensive to fill up. Believe me.

This weekend, we were back up, just for 87 octane, when I filled my gas tank, 87 octane in my hometown of Weston was $3.06 a gallon. The 93 octane was about $3.88. I stood there, and it had been a while since we felt the rage and actually a while since I have gotten feedback from constituents about their frustration, because, like you said, I am actually an idealist. I am not a cynic. I am not someone that believes in conspiracy theories.

There is just no question in my mind that that drop in gas prices was absolutely tied to the potential fortunes of the Republican candidates for Congress and this administration. So I am just going to say it straight out.

The only explanation other than that and the only explanation for the insensitivity on the part of the President and this White House must be that they are not filling their own tanks. Maybe their drivers are doing it for them.

I would like to take the opportunity to introduce our colleagues and the President to a gas tank. This is what they look like. And when you insert the pump into your vehicle, the indicator on the gas pump shows you how much you are paying and shows you the total at the end after you are done filling your tank.

☐ 2100

They are not filling their own tank. That must be the only explanation why the President hasn't taken any steps to address our dependence on foreign oil, to deal with the record profits, obscene profits that the oil industry is making.

I don't understand how he could look himself in the mirror after the 2006 State of the Union which I was here for and you guys were running to join us here. I heard President Bush stand at that lectern and tell us that we must end America's addiction to foreign oil. It clearly was just words. That is what they are good at. They are good at the words. They just are not good at backing up the words with action. But we are. Here we are talking about what we need to do. I want us to share with our colleagues and other folks that might be listening what our plans are, because we are going to take some action.

We represent the folks that drive minivans around their district and drive pickup trucks and who run small businesses who need to make sure that gas prices don't cut their legs out from under their business and prevent them from being able to function. That is the reality on the ground every day.

Your gas prices go up, you have a harder time choosing to provide your employees with health insurance, you have a harder time being able to buy that piece of equipment your business needs. There is a direct result on small businesses from gas prices going up.

We are taking several significant steps. The Speaker has created a Select Committee on Global Warming and Energy Independence. That was a controversial move but something that she felt was important because it is so critical that we address the issue of global warming and energy independence that we needed to highlight it and put it up on a pedestal and get Members to travel the world and talk about how we can move the ball down the field and address this issue.

In addition to the hearings and oversight that select committee will be doing, and that select committee will meet for a year time period because there needs to be action taken within a very short time span so we can get some results for the American people.

Also, in the Energy and Commerce Committee, we will be hearing Mr. STUPAK's legislation called the Energy Price Gouging Prevention Act to immediately provide relief to consumers and prevent the oil companies from price gouging like what is clearly going on here. I mean, we cannot allow the oil industry to put our constituents on the roller coaster ride that they are clearly on right now.

We have to do a number of things. We have to set an example in this institution. Speaker PELOSI has moved forward with the Greening the Capitol Initiative. I am privileged to chair the subcommittee which will be working on a lot of the initiatives for the Greening the Capitol project.

What we will be doing is within the next 2 years, by the end of the 110th Congress, we will establish policies that will make our Capitol complex carbon neutral; and we will make sure that we set an example for businesses across the country. We have to take several major steps to provide relief and balance and focus on alternative energy research so we can truly wean ourselves off dependence from foreign oil and not just talk about it.

I am a little hot about that. I see the Speaker is standing on her feet, which means we are probably getting close to the end of our time.

Mr. MURPHY of Connecticut. On the heels of introducing some of our colleagues and members of the administration to a gas pump, and I think you are right, it is hard to understand how people can be so indifferent to the rising costs. Maybe they haven't seen a gas pump I want to introduce them to something else.

This is a wallet. If you are an oil company executive, your wallet is busting at the seams. So your wallet is going to look different. This is a thin wallet. This is what the American people, working-class individuals throughout this country are dealing with. They are dealing with wages that have been pretty much flat for the last 5 years.

Oil company profits over the last 5 years have gone from $6.5 billion in 2002 to $30.2 billion in 2007. I want to make sure that while we are introducing some of our colleagues and some people in the administration to a gas pump, let's also introduce them to the thin wallet. If the average worker's income doubled from 2001 to 2007, I would say no problem, you can handle gas prices that doubled over that time. But the fact is that wages for average Americans have remained flat. Why? Because we have set up an economy that is designed to fail for regular, working-class individuals in this country, the folks that we represent, the people working in small businesses, who are living from paycheck to paycheck and can't take these increases at the pump.

As much as we have to introduce people to the notion that we have to start redirecting our energy policy, we also have to reintroduce people to the fact that there are millions of Americans out there playing by the rules who simply don't have the means to deal with these increased prices.

Mr. ALTMIRE. The gentlewoman from Florida listed off a number of initiatives that this Democratic Congress has taken at long last to address the gas price crisis that we are facing in this country. We are going to move with great speed to address these issues. We are going to address the price-gouging situation. We are going to address alternative sources of energy. We are going to address the environmental impact of the choices and the long-term consequences. We will address the price of gas that we see at pumps every day, similar to the one that the gentlewoman was holding up.

But I want to remind everybody, which is obvious because we are having this Iraq debate now and the President has sent one bill back with a veto and may send a second bill back with a veto, that we, because of the Constitution, can't do it ourselves. This is a divided government that we have, and we need the assistance of the people on the other end of Pennsylvania Avenue down at the White House to join us in this effort to make a national priority of lowering the gas prices and addressing this issue for the first time since this President took office.

I don't see any indication that he is willing to do that. We can pass legislation, we can have committee hearings and oversight and talk all that we want, but if we are not joined in this effort by our colleagues on the other side of the aisle, and especially the President, we are going to be unable to address this issue in a way that is satisfactory to the American people.

I would urge my colleagues to voice their opinion that this is a priority. It is important to their constituents, and we do need to have a bipartisan effort moving forward to do this because this is an important issue. These are big topics that we are trying to pursue, and we need a unified American people and a unified body to take the initiative to the President and hopefully work with him on a positive solution.

Ms. WASSERMAN SCHULTZ. I think what is important for us to emphasize in the 30-Something Working Group here is we are about action. Our Democratic leadership under Speaker PELOSI and Majority Leader HOYER and Mr. CLYBURN, our whip, and Mr. EMANUEL, our caucus Chair, we spend a lot of time on this floor. The people who are watching see us doing a lot of talking. I mean, talk i nice, but I want us to make sure that we are getting across what we are going to be doing about this problem.

The Speaker has made a commitment that has directed the committees that are chaired by Democratic Members that, by July 4, that we will expand and extend renewable energy and energy efficiency initiatives, that we will make efforts to make our Nation's farmers leaders in reducing our independence on foreign oil by promoting clean, domestically produced alternative fuels.

They do that in Brazil. Brazil has become completely independent of foreign oil. In fact, our own auto industry, our American automobile industry manufactures vehicles to be driven in Brazil because they use an ethanol-based gasoline so they can be self-sufficient. It is entirely doable.

We need to refocus, and our policies and committee hearings and legislation that will be moving through by Independence Day will move us in the direction of changing our dependence from the Middle East to the Midwest in our country.

We will also provide incentives for an energy-innovation economy that will create new jobs and efficiency measures to help consumers and small businesses reduce energy costs. And we are going to make sure that we strengthen our national commitment to energy research and development for the next generation of high-risk, high-reward energy technology.

We have an innovation agenda that was part of the New Direction for America agenda that we ran on and talked about in race after race in district after district. People want to know that it is not just words, that it is not just lips flapping up here. We are going to actually move legislation and use our congressional oversight capability and leadership on this issue so they don't hear one more quarter go by where they see record profits from the oil industry, one more quarter go by where they are on a roller coaster ride for gas prices.

We need to make sure that we help our colleagues on the other side of the aisle and the President of this country knows what a gas tank is. Because Mr. ALTMIRE did make reference that this is a gas tank, but this is a pretty ancient gas tank. This is a representation of a gas tank that probably dates back to the 1950s. Perhaps that is the last time that our colleagues on the other side of the aisle or the President actually used one of these. That really is, I think, the only explanation for their insensitivity.

It is our job to make sure that we move this innovation agenda forward so we can make it a priority. That is why rolling back those subsidies were part of our 6 in '06 agenda.

One of the first bills that we passed in the first 100 hours in the majority was a repeal of the subsidies that were given away to the oil industry that they literally said they did not need. How could they need them? They are sitting on piles of money, billions of dollars, and we gave them subsidies. We gave them back money that they owed us, that were royalties that we should have earned because we give them the right to drill on government-owned land.

It is just unbelievable that the priorities of the administration would be closer to the oil industry than it would be to the people. It is immoral. It really is. It is nothing short of immoral.

We have to start thinking about how the decisions we make here impact real people. We stand in this Chamber every day. And you know what happens? I was in the legislature in Florida. My district is 450 miles from the capitol in Tallahassee, and it is a lot further from Washington. It becomes really easy, I think, for a lot of the Members to forget the impact of the decisions that we make in this room on real people. You can easily become desensitized. Maybe that is what it is.

I know the President goes around the country and talks to people. But the way they set those events up for the President, as I understand it, he is isolated. They screen a lot of the people that get an opportunity to be in the room with him, if not all of them. I just don't think he hears from enough people about the true impact of his policies. It is the only explanation.

If he was really hearing what people were saying and if he was really sympathetic to the plight of people who are struggling, and not just poor people, but we are talking about middle-class people who have a job and who are, like you said, living paycheck to paycheck, and even people not living paycheck to paycheck.

Just because you can afford to pay $55 to fill up your gas tank doesn't mean it is okay. It shouldn't cost that much. It doesn't have to, and we need to make sure that our actions become reality and that we put pressure on the President to sign what we send him when we send it by Independence Day.

Mr. MURPHY of Connecticut. I always think there is this pyramid of political influence out there. For a very long time, the only people that really mattered in this system were the people gathered at the tip of the pyramid, the people with the big political action committees and who could afford to hire 10 lobbyists to patrol the halls of Congress. And all of us, you know, that exist down at the bottom of that pyramid, and when we come here we get to be closer to the top than the bottom, but the regular folks who sit wondering, and even if they don't wonder if they can afford to fill their tank, they wonder whether increasing gas prices means they can save less, whether this will have some impact on their retirement savings. All of those folks that exist at the base of that pyramid didn't matter any longer.

As much as for me and Mr. ALTMIRE, as much as we care about setting a different course in Iraq and taking on the hegemony of the oil companies and setting a new course for health care policy, I think for us this election was as much about sort of flipping that pyramid on its head and saying we have got to start taking the time to form consensus back at the base of that pyramid and having those decisions be the ones that matter here in Washington.

I have to tell you, standing here as a member of the 30-Something Working Group, nobody knows more than we do about how many Americans now stand on a precipice of jumping off a cliff to having faith in their government. Young people, whether in their 20s or 30s, but people now in their 40s, 50s and 60s have just lost any faith that what they care about will actually be reflected in what happens in Washington.

□ 2115

Guess what, in January, when a new Congress got sworn in, it all changed. Now, it may not change so much that things happen here with the alacrity that people may like. This government is still designed not exactly to respond overnight, but you would not be seeing the policy proposals that you are outlining, whether it is taking on the royalties and the tax breaks, whether it is taking a look at antitrust provisions, whether it is passing a strong price-gouging bill. You just would not see that.

You would hear a lot of bluster, but you would not be seeing action if we did not flip government on its head in January and start once again listening to people out in communities rather than just listening to the conversations that happen perpetually within the halls of government. All those conversations are focused on one thing, the status quo.

Ms. WASSERMAN SCHULTZ. Just what all this boils down to for me is just one word, and that is insensitivity. I mean, there is a disconnect, which is almost a word that has almost become cliche, but a disconnect between what is really going on in the lives of the average American person and the policies that the White House and the President advance.

And that insensitivity, it is not isolated just to the price of oil. It is not isolated just to the President's believing that he is the only one that is right, and he was elected to be the decision-maker, as he said, and to heck with anyone else's opinion. The insensitivity is reflective, and it permeates every decision they make.

Let me just give you an example. I sit on the House Judiciary Committee as well, and tomorrow we have Attorney General Gonzales coming in front of our committee for our regular oversight of the Department of Justice. So the insensitivity and the tone deafness extends to even an issue like that.

The White House has defended their firings of the U.S. attorneys, essentially saying they had the right to do it, and they told us whatever reasons that they decided to release those U.S. attorneys, but they got caught in a fabrication. They got caught in a whole series of different stories that have come back to bite them.

Now we have a situation where we have an Attorney General who has completely undermined our ability and the American people's ability to have any confidence and trust in what he says. That is a pattern that exists. I mean, we talked during the campaign and during the 109th and the 108th about the culture of corruption. I mean, that is what has been hanging over this Capitol, which finally we have been able to lift it.

There are still remnants of it. We still have, sadly, a number of even our colleagues who have been accused of things and are going through investigations, but the Department of Justice and the Attorney General could have handled this U.S. attorney issue in a very simple way, a way that I do not think I could have or you could have questioned.

They had the right to decide to change who was sitting in those offices, who was serving as a U.S. attorney, and all they had to say was, we wanted to change the leadership in those eight offices. Instead, they got so caught up in telling a story that they thought was legitimate enough, that now it is not the firings, it is the coverup that is the problem. And that is what the White House does not seem to get.

We are almost talking apples and oranges. They are defending their right to have fired them. We are not disagreeing with them over their right to have fired the U.S. attorneys. We do have a serious problem, and we should have a serious problem not being able to trust that the information the administration and the Department of Justice provides to us when we ask them questions is accurate and that it is factual.

It is the trust and the violation of that trust that has been undermined for so long, and that was another result on November 7. Part of the result of the election is that the American people's confidence in their government was so badly undermined that they wanted us to help them move in a new direction.

So it is just not isolated just to the issues we have been talking about tonight. We could go through a laundry list.

Mr. ALTMIRE. We only have about a minute and a half left, and Mr. MURPHY is going to do the wrap-up.

I just wanted to say that I see this prop that we have here, and it reminds me of, Mr. MURPHY and I were watching you and Mr. MEEK and Mr. RYAN last year with that big oil rubber stamp that you kept bringing around. Thankfully, we were able to retire that rubber stamp because the American people voted for a change in direction. I hope it is not going to take 18 months for us to retire that prop, that we are going to take clear and decisive action here in Congress, as I know we will under the Speaker's a leadership, and we are going to be able to do something about the gas prices in a way that is going to allow us to retire your prop there. But we are going to do our part, and I am going to send it over now to Mr. MURPHY.

Mr. MURPHY of Connecticut. Speaking of props, I think by displaying that rather thin wallet before, I inadvertently started to make a case for an increase in congressional pay, for staff members here.

So, we are on honored to be able to have this opportunity that the Speaker has given us, Mr. ALTMIRE and I, certainly to be able to join our colleagues who have been up here for the last few years beating the drum.

You can e-mail us at 30somethingdems@mail.house.gov or you can visit us on the web at www.speaker.gov/30something. We hope that people will share their thoughts with us

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DUST AND TOXINS FROM 9/11

The SPEAKER pro tempore (Ms. SUTTON). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes.

Mrs. MALONEY of New York. Madam Speaker, today on the House floor, we passed a very important bill to reauthorize the Department of Homeland Security. Tonight, we must take time to remember the horrific event that made our Nation realize that we needed a Department of Homeland Security to begin with, the attacks of September 11, 2001.

We will never forget that fateful day and the thousands of people who lost their lives, and now we know that thousands more lost their health.

We must not forget the firefighters, police officers, EMTs and other first responders who bravely rushed to save the lives of others, even as everyone else was running in the opposite direction.

Within hours of the collapse of the World Trade Center, those first responders labored alongside hard hats and average New Yorkers without regard for their own health or safety. They spent countless hours working the pit, sifting through the rubble, hoping against hope that they would be able to rescue someone trapped deep below.

Unfortunately, as the days went on and the mission turned from a rescue-and-recovery mission to a cleanup site, these brave men and women stayed. While they labored, most were not given the proper respiratory equipment, and all were given inaccurate information about the quality of the air they were breathing. They were told that the "air was safe to breathe." They were told that it was not a health hazard to be there.

Let us take a closer look: This air, the air enveloped by this massive toxic dust cloud, they said was safe to breathe. Unfortunately, we now know better. We know more about what was in that cloud, a poisonous cocktail of thousands of tons of coarse and fine particulate matter, pulverized cement and glass and other toxic pollutants.

To the mix were added 24,000 gallons of burning jet fuel and plastics, which created a dense plume of black smoke containing cancer-causing volatile organic compounds, dioxins and hydrocarbons, a specific combination of toxins probably never seen before and hopefully that we will never see again.

And all of this went into the mouths, throats and lungs of tens of thousands of workers while they tirelessly worked long shifts, not thinking first of their health but of serving this great Nation.

Later in this hour, I am going to share with you the stories of the individual brave men and women who worked at ground zero, but now let me just share one about the dust.

This is a story from Denise Bellingham of Long Island, New York. In her own words, as reported in the New York Daily News, she said, "The air was indescribable," as you can see. "You couldn't eat anything that wasn't covered with dust. We had paper masks, but they were no good. Condensation from breathing turned the mask into mud. It was worse to breathe with it on. We got respirators about a week into it, but they were not fit-tested. They just came in boxes, and we grabbed one that might fit.

"I worked more than 300 hours at ground zero. I considered it a thank you to America, a chance to do something for my country and for my fellow New Yorkers and for my co-workers who were buried in the rubble.

"We never expected anything to go wrong. Every day we were told the air was safe to breathe. Working down there as a team gave us healing. We could feel all the angels, all the people who had died there."

Again, that was one of the personal accounts of work at ground zero, as reported in the Pulitzer Prize-winning Daily News series on the Forgotten Heroes of 9/11.

Now, well over 5 years after 9/11, we are seeing the potentially deadly effects on the thousands who worked around ground zero. This is in addition to the untold numbers of residents, area office workers and school children also exposed to the toxins of ground zero but have never received any medical monitoring or assistance from the Federal Government.

We have numerous peer-reviewed, scientific studies linking people's sicknesses to the toxins of ground zero.

Last year we learned from Mount Sinai, an important hospital in my district, and the World Trade Center Medical Monitoring Program that 70 percent of 9/11 responders suffered respiratory problems and 60 percent are still sick as a direct result of their work at ground zero. Making matters worse, nearly 40 percent of those screened have no health insurance, and for those who do have insurance, work-related illnesses are most often not covered.

We also learned from the fire department that the average New York City firefighter has lost 12 years of lung capacity following their service at ground zero, and many have been forced to retire or be reassigned due to their 9/11 illnesses.

And just 2 days ago, a new report from the fire department and Einstein College of Medicine in New York clearly linked World Trade Center dust to a rare type of lung-scarring disease, sarcoidosis, which involves an inflammation that produces tiny lumps of cells in the lungs. In some cases, the illness gets progressively worse and can be fatal.

Let there be no doubt. We now have scientific proof that the 9/11 health crisis is real, and that it is truly a matter of life and death.

□ 2130

Tonight I want everyone listening to understand this. The 9/11 health crisis is not only a New York City problem. The attacks on 9/11 were attacks against our Nation, not just New York. The whole country was touched; and, in the aftermath, people from every State in the Nation were exposed to these toxins while they assisted in the massive rescue recovery and cleanup efforts. Whether you came from California, Florida, Michigan, Pennsylvania, Hawaii, Alaska, you breathed in the same toxic air.

Last month, Congressman VITO FOSSELLA and I released a report showing that Americans from all 50 States were exposed to the aftermath of 9/11 and have serious concerns about their health.

This map shows how many people from each State enrolled in the World Trade Center Health Registry, which is a comprehensive health survey of those most heavily exposed to the toxins of Ground Zero. Those who enrolled answered a 30-minute telephone survey about where they were and what they did on 9/11, and they were asked to report the status of their health. This will allow health professionals to compare the health of those most exposed to the events of 9/11 with the health of the general population.

Over 71,000 people who met the eligibility requirements of direct exposure decided to enroll in the registry. We know that there are an estimated 410,000 people who would have been eligible, meaning that 410,000 people were likely directly exposed to the deadly toxins of 9/11.

Of the 71,000 people who were concerned enough about their health to enroll, over 8,000 live in New Jersey, over 1,200 live in California, another 1,200 live in Florida, 156 live in Arizona, 350 live in Georgia, 238 in Maryland, and 341 live in Texas. At least 28 people came from as far away as Hawaii.

The list goes on and on, but the message of this map is clear: This is a national emergency, and it deserves a strong Federal response.

Over 1,000 people are from Pennsylvania, including Ryan McCormick, who came to Ground Zero from Representative DENT's district in Pennsylvania. His father, David McCormick, sent me an e-mail explaining that Ryan was a paramedic for University Hospital in Newark, New Jersey, who came to the aid of New York in our country in our time of need.

In his 5 days at Ground Zero, he served in many capacities. A year and a half later, he came down with Hodgkin's Disease, a cancer of the lymphatic system. He has undergone a great deal of chemotherapy and radiation, but nothing has worked. We sincerely thank Ryan for his service to our country, and we pledge that we will not forget his service or his health needs.

I also thank him for his hard work in getting the message out to country and Congress that we cannot forget the heroes of 9/11, and I am told that he is with us tonight in the gallery. We want to personally thank you for your service and your courage.

With a problem of this scope, what we need right now is a plan from the current administration on how they intend to medically monitor everyone who was exposed to the deadly toxins at Ground Zero, and we need a plan to treat everyone who is sick. That is the least that we can do for these heroes and heroines.

Along with my colleagues in New York and our entire delegation, I have been calling for a plan for years now. We don't have a plan yet, but we have made some important progress.

After a long fight with the administration, in May, 2003, we were successful in securing $90 million for medical monitoring for responders.

Then, with the leadership of Representative SHAYS, the Government Reform Committee started a series of important congressional hearings bringing this topic to light.

Then, after the President actually rescinded, they took out of the budget $125 million meant for New York recovery efforts, the New York delegation fought to have the $125 million restored in October of 2005. Of that, $50 million was set aside for workers' compensation, and $75 million was for medical monitoring and treatment. This was the first-ever Federal funding for treatment of sick 9/11 responders.

Unfortunately, then we had to fight just as hard to get that $75 million out of the hands of the Department of Health and Human Services and to the doctors and patients that need to be monitored and treated.

Finally, in late fall of this year, the $75 million was finally released to help the men and women who helped so many on 9/11.

While we were fighting to get that funding released, we took a step closer to having a coordinated Federal response when the Director of the National Institute of Occupational Safety and Health, Dr. John Howard, was appointed at the request of the New York congressional delegation as the Federal coordinator for 9/11 health issues in February of 2006.

Since his appointment, we have seen the release of the first clinical guidelines on the physical health effects many have suffered from the World Trade Center attacks and a draft of autopsy guidelines.

We have also seen Assistant Secretary John Agwunobi appointed as leader of a task force on 9/11 health within the Department of Health and Human Services. While we were promised a plan from this new task force between February of this year, Congress has yet to see one. We still do not have a plan from the administration to medically monitor everyone exposed to those deadly toxins and treat those who are sick as a result of exposure in their hard work at Ground Zero.

That is why, along with Congressman FOSSELLA, I have introduced a resolution which calls on the administration to create a comprehensive long-term plan to medically monitor everyone exposed and treat those who have become sick.

Along with many Members of Congress, I have also introduced the first comprehensive authorizing legislation to care for both the health and economic well-being of all those affected. Named after New York City Police Detective James Zadroga, one of the first 9/11 responders to have his death directly attributed to his exposure to the toxins of Ground Zero, this legislation combines and builds upon two pieces of legislation that we have previously introduced in the 108th and 109th Congress, the Remember 9/11 Health Act and the James Zadroga Act to reopen the Victims' Compensation Fund.

H.R. 1638, the James Zadroga Act, the 9/11 Health and Compensation Act, has four main components. It provides, first, for medical monitoring and treatment; secondly, compensation; thirdly, research; and, fourthly, coordination.

To provide medical monitoring and treatment, the James Zadroga Health and Compensation Act continues and expands the current programs at three Centers for Excellence dedicated to 9/11 health issues to all people exposed to the toxins of 9/11, including first responders, rescue, recovery and cleanup workers, area residents, office workers and students. It would ensure that everyone exposed is monitored, and everyone who is sick is treated.

With regard to compensation, the legislation reopens the September 11 Victims' Compensation Fund to provide individuals who have become sick with 9/11 compensation for their loss. We can't make a person whole by helping them with their health but not addressing their economic needs.

For research, H.R. 1638 directs the Department of Health and Human Services to conduct or support diagnostic and treatment research for health conditions that are associated with the exposure to the terrorist attacks of September 11, 2001.

To ensure coordination, the bill establishes the 9/11 Health Emergency Coordinating Council for the purpose of discussing, examining and formulating recommendations to improve coordination between the Federal, State and local problems and getting those governments on all three levels to work together.

Passing long-term comprehensive legislation like this, and securing funding in the meantime, has proven to be a long, hard fight. Those who are sick from 9/11 are fighting for their lives, and we cannot forget them.

I stand here tonight to promise that I will not rest until we have a system in place that medically monitors everyone exposed to the deadly toxins and treats who is sick. On 9/11, we had many, many people rush to save the lives of others, and many worked for days to help others.

One of my colleagues has a constituent who is suffering from his exposure. He has been treated with chemotherapy. He, I understand, is here in the gallery tonight, up here. We applaud him and thank him for his service. Our prayers, our thoughts, our hope, our work to pass this legislation is for you and for other workers like you who went to help others after the deadly attacks.

I now yield to my good friend and colleague from the great State of Pennsylvania that had over 1,000 of their residents now registered in the official registry of those who worked at Ground Zero and whom we need to monitor for the next 20 or 30 years.

Mr. DENT. I would like to thank the gentlelady from New York (Mrs. MALONEY) for arranging this opportunity to come to the floor to raise awareness of the ongoing effects of 9/11.

I am proud to say that so many from Pennsylvania answered the first call very, very quickly, among some of the first there after the New Yorkers, who helped deal with the aftermath of those horrible attacks.

As we all know, September 11, 2001, was one of the darkest days in American history. Nearly 3,000 innocent people were killed in separate incidents in New York, Pennsylvania and Virginia. These attacks were intended to instill fear in our hearts and minds and to shake our American spirit.

They did not have that desired effect. Instead, they unified a Nation and strengthened the resolve of the American people. I neglected to mention that one of my own relatives was in the North Tower and, thankfully, made it out. He was on the 91st floor, made it out. All of his colleagues did, too, but nobody above them did. So this issue has touched us all in many ways.

September 11, and the long days that followed, bore witness to inspiring acts of heroism and self-sacrifice. As rescue and recovery efforts unfolded, we saw Americans reaching out to one another, united in a determination to make the country whole again.

Whether it was neighbor helping neighbor or stranger helping stranger, Americans from across the country simply gave of themselves, and operating at the front lines of this effort were local first responders. I would like to take this opportunity to talk about one of those first responders, a selfless and heroic individual by the name of Ryan McCormick.

Ryan, a native of Bethlehem Township in my district, has led a life of service that we should all try to emulate. An Eagle Scout of the Minsi Trails Council, Ryan committed himself to public service at a very young age. Whether he was volunteering at the Bethlehem Township Volunteer Fire Company, performing search and rescue operations with the Civil Air Patrol, or defending our Nation as an 8-year veteran of the United States Army Reserve, Ryan has always been concerned about the well-being of others.

Taking the Boy Scout motto of "Be Prepared" to heart, Ryan was, indeed, prepared and acted without hesitation on that fateful Tuesday, Tuesday morning of September 11. Ryan was working as a paramedic in Newark, New Jersey, when his unit was dispatched to the terrorist attacks. Relying on his years of preparation and experience and firmly committed to helping others, Ryan worked tirelessly from September 11 to September 13. The work was hard, dirty and dangerous and heartbreaking. But Ryan persisted. For him, duty came first.

□ 2145

But Ryan McCormick paid a terrible price for his determination and resolve. In late 2002, Ryan started to become sick. In the spring of 2003, he was diagnosed with Hodgkin's disease, a cancer of the lymphatic system. He has undergone consistent treatment for over 4 years, including a stem cell transplant. He is still fighting valiantly against his cancer and soon hopes to be well enough for another stem cell transplant.

But Ryan is not alone. Many of the first responders who worked to ease the suffering of the innocent are now suffering life-threatening illnesses. Fortunately, Ryan, like the rest of his first responder colleagues, is a fighter. And I am proud to let you know that Ryan has joined us tonight and is seated in the Gallery.

Ryan continues to battle this cancer while continuing his service to others. Ryan is the director of emergency management for New Jersey's largest health care system, serves as the Essex County emergency management deputy EMS coordinator and is a lieutenant for the Verona, New Jersey, rescue squad.

In addition, Ryan has started a nonprofit corporation that raises money to buy iPods for cancer patients undergoing cancer treatment. This organization is named Project Turtle Pods, and more information about this endeavor can be found at www.projectturtlepods.com.

Ryan, the House of Representatives welcomes you and thanks you for your courageous service on September 11th. You exemplify all that is great about the American spirit.

As ranking member of the Homeland Security Committee's Subcommittee on Emergency Communications, Preparedness and Response, I am very well aware of the sacrifices our country's first responders make to ensure the safety of others. In turn, we in Congress must take on the responsibility of protecting those who sacrifice to protect us. That is why I have agreed to cosponsor Representative MALONEY's bill, House Resolution 128, which urges the Department of Health and Human Services to prepare a long-term, comprehensive plan to medically monitor all individuals who were exposed to the toxins of Ground Zero.

Of all the lessons we learned from the terrorist attacks of 9/11, there is one first and foremost that stands out: We must not forget those individuals who continue to suffer in the aftermath of these events. The spirit found in Ryan McCormick is fundamentally American. It is this can-do attitude that assures us that we as a Nation can rise to meet any challenge that we encounter. Let us follow the example that Ryan has set for us and help those who are suffering from afflictions precipitated by their involvement in the 9/11 rescue, recovery and cleanup efforts. The people who gave so much to us at that site deserve nothing less.

Again, I want to thank the gentlelady from New York (Mrs. MALONEY) for tonight's opportunity to speak on this important issue and her commitment to our Nation's first responders. I want to thank her for her friendship and her leadership on this issue.

Mr. Speaker, I yield back the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement. I thank him for working so hard not only for Ryan McCormick, his constituent, but all the men and women who came from every State in this Nation, including Alaska and Hawaii, to work at Ground Zero and to try to help save lives and to try to clean up the debris that was there.

As I mentioned earlier, the New York Daily News Editorial Board won the Pulitzer Prize for its groundbreaking series of editorials entitled, "9/11, The Forgotten Victims."

Now, I would like to share with you an excerpt from this award-winning series. It is called, "Abandoned Heroes."

"They cough. They wheeze. Their heads and faces pound with the pressure of swollen sinuses. They lose their breath with minor exertion. They suffer the suffocation of asthma and diseases that attack the very tissues of their lungs. They endure acid reflux, a painful indigestion that never goes away. They are haunted by the mental and emotional traumas of having witnessed horror. Many are too disabled to work, and some have died."

Like Ryan McCormick, who is with us tonight in the Gallery, there were many other heroes. Another hero was Christopher Hynes, and I would like to discuss him, from this award-winning series:

"For Christopher Hynes, life as a forgotten victim of 9/11 is a battle of breath. Five years ago, Hynes was a 30-year-old, healthy, nonsmoking New York City police officer. Then, in September and October 2001, he was assigned to Ground Zero duty, spending more than 100 hours patrolling the area of the smoldering rubble of the Twin Towers. The air was thick with dust and smoky particles.

"Today, Hynes, married and the father of a 4-year-old son, has sarcoidosis, a disease that scars lung tissues, and asthma, a disease that inflames and obstructs the airways of the lungs. He coughs constantly and cannot exert himself without losing breath. He survives with the help of steroids and performs restricted duties for the police department.

"'I will probably have this for the rest of my life,' he says."

We must not forget him. We must provide him with health care and monitoring and treatment for the rest of his life.

Mr. Speaker, I now would like to recognize my good friend and colleague, GERALD NADLER, who represents the Ground Zero area and has worked tirelessly on this issue. I grant the gentleman 7 minutes.

Mr. NADLER. I thank the gentlelady.

Mr. Speaker, when the World Trade Center collapsed on September 11, 2001, the towers sent up a plume of poisonous dust that blanketed Lower Manhattan, Brooklyn, and parts of Queens and into New Jersey. A toxic mixture of lead, dioxin, asbestos, mercury, benzene and other hazardous contaminants swirled around the site of the disaster and far afield as rescue workers labored furiously in the wreckage, many without adequate protective gear. Thousands of first responders inhaled this poisonous dust before it settled onto and into countless homes, shops and office buildings.

Immediately after the collapse, and for the weeks after that, the Environmental Protection Agency had the responsibility of being the lead agency responsible for ensuring the safety of the hundreds and thousands of people who live and work and attend school in Lower Manhattan, Brooklyn and Jersey City, and of the first responders.

Instead, the EPA and the Federal Government betrayed the people who live in New York and betrayed all the first responders, the police officers and the fire officers, and the volunteers from all over who came to help us clean up. It betrayed them in two ways.

First, the EPA assured all that the environmental conditions in New York were not hazardous and that the health of those near the plume was not in danger. Former EPA administrator Christine Todd Whitman irresponsibly declared within a few days after 9/11 that the air was safe to breathe and the water was safe to drink, and EPA continued saying that when they had plenty of data to say it wasn't true. The EPA and the Federal Government lied, and because of these lies, people are sick and dying today. The air was not safe. There is no doubt the EPA initiated two separate cover-ups that go on to this day.

For years, the Federal Government, the State government, the city government insisted that there was no evidence, no proof that people who were getting sick, that fire officers and police officers who had annual exams and had been healthy all the time and who suddenly could not breathe and could not work, this had nothing to do with the World Trade Center. You couldn't prove it was because they were poisoned by the atmosphere.

It was only last September, in September 2006, 5 years after the World Trade Center collapsed, that this cover-up unraveled.

A study released last September by Mount Sinai Hospital found that of the more than 9,000 first responders examined in that study, 70 percent suffered health problems related to their work at Ground Zero.

The evidence continues to pile up. Yesterday, the New York Times reported a clear link between World Trade Center dust and life-threatening disease. And yet, until very recently, the Health Department and the City of New York continued to deny that this was the case.

The City of New York continues to contest every workers comp case filed because, obviously, these are all malingerers; nothing was true.

The article in yesterday's Time cites reports by doctors from the fire department of New York and the Albert Einstein Medical College which again confirm what we have known, that all honest people have known for years: That we are facing a major health crisis as a result of September 11th. And we know that these conditions are very often long-lasting, life-lasting and that they go on and on.

In the days and weeks after 9/11, New York City firefighters and police officers joined with workers and volunteers from all 50 States to aid in the colossal rescue and recovery effort. But more than 5 years later, the Federal Government has not begun to do its part.

To this day, there has been no comprehensive program by the Federal Government to monitor, as Mrs. MALONEY said, to monitor the health of all the victims, the firefighters, the cleanup workers. There has been no provision of medical services.

The President finally, in this year's budget that we are now debating, proposes supplying $25 million. And yet we know that the cost of caring for these people will be probably in the neighborhood of $300 million per year for the indefinite future.

For every day that goes by, more and more people become sick and are diagnosed with illnesses that their doctors attribute to the contamination of the World Trade Center. That is why a number of pieces of legislation have been introduced. For instance, Senators CLINTON, MENENDEZ, SCHUMER and KENNEDY, and in this House, Congressman TOWNS, ENGEL, WEINER, and I have introduced the 9/11 Heroes Health Improvement Act of 2007, which would provide more than $1.9 billion in Federal funding for medical and mental health screening, testing, monitoring and treatment grants for institutions that provide care to those whose health was affected in the 9/11 attacks, for the next 6 years, this would cover.

And that is just the first cover-up. The second cover-up is that we know that the World Trade Center contamination settled in Lower Manhattan, in Brooklyn, in Queens, probably in Jersey City, in many neighborhoods, buildings and onto streets. Nature cleans up the outdoor air, but it doesn't clean up the indoor air. The rain washes away dust in the outdoors; the wind blows it away. But nothing removes the indoors. People were told, don't worry, it is safe to move back to Lower Manhattan. In high school, students were told to go back after a week. And yet, we know that the indoor contamination was not dealt with properly. We know that, unless properly cleaned up, professionally cleaned up, indoor spaces are still contaminated; that even if you went in, as the New York City Department of Health urged, and said, "If you see World Trade Center dust in your apartment, clean it up with a wet mop and a wet rag," and the EPA echoed this advice. This, too, was a betrayal, because not only is that advice illegal because we know that much of that dust had asbestos in it, and it is illegal to remove asbestos-laden material, to move it, to touch it, to deal with it unless you are properly licensed to, certified to do so and wearing equipment. But EPA and the City of New York Health Department told people to remove it with a wet mop and a wet rag.

We also know that, if you did that, besides being illegal, you probably inhaled some of it. And the very often immigrant workers hired by fly-by-night firms, who, not professionally, did this probably inhaled a lot of it. And we also know that, if you did it, you didn't thoroughly do it; that the dust settled into the porous wood surfaces and into the carpets and the drapes and behind the refrigerator and into the HVAC systems. And where the toddler crawls on the rug today and loosens that dust into the air, that toddler is being poisoned today. We probably have thousands or tens of thousands of people all over Manhattan and Brooklyn and Queens and Jersey City who are being poisoned today and who we will see come down with asbestosis and mesothelioma and lung cancer 15 years from now, because it has never been properly cleaned up because the EPA continues to deny its responsibility.

The EPA ombudsman's office was called in at my request in February and March of 2002, and held hearings to see what could be done about this. What happened? The EPA abolished the ombudsman's office.

The EPA set up, at Senator CLINTON's request, a scientific advisory body to look into this. They started saying, "Hey, wait a minute. We have got a major problem here." What happened? They were disbanded by the EPA.

The EPA inspector general's office looked into this, and came out with a report in August of 2003, saying that thousands of people are endangered by this; that what we have to do is randomly inspect indoor spaces, apartments and work spaces in concentric circles going out from the World Trade Center so that we can find out where the contamination still exists, maybe 3 blocks in one direction, maybe 3 miles in another direction. But, wherever it is, map it, delineate it, and wherever it is, go in on a building-by-building basis, clean it up so that people are not continually poisoned indefinitely.

☐ 2200

Clean it up, so that people are not continually poisoned indefinitely. What happened to that report? It was ignored by the EPA, and the people in the Inspector General's Office are no longer there.

And again, at Senator CLINTON's insistence and because CAROLYN MALONEY and I and others insisted, the EPA set up another scientific advisory body in 2005. What happened? They started saying, you know, the Inspector General is right and what the EPA has done is inadequate. What happened? They were disbanded before they could make official recommendations.

To this day, we know that we are poisoning large numbers of people continually and piling up unnecessary cases of fatal diseases that will come out in 10 and 15 years because the Federal

Government and the city government of New York has ignored this problem and covered it up.

So, in summary, we have two separate cover-ups, one of which unraveled only within the last year. We are trying to deal with it. We still don't have the funds to deal with it. The Federal Government, the Bush administration has ignored it, basically. They have not come out with proper recommendations.

Some of us, Congresswoman MALONEY, Congressman SHAYS, myself, Senator CLINTON, have made legislative proposals for long-term care and monitoring of the medical conditions caused that will be with us for the next 50 years. We don't have administration support. We haven't enacted that legislation. We must.

But at least, because that cover-up unraveled last year, we're talking about it. But that second cover-up, they're still denying it. The City of New York is still denying it. The Federal Government is still denying it. And until they admit it, until we do the proper investigation in the way that the Inspector General recommended and look at all the areas and find out where the contamination is and go in and clean it up, and it may cost a couple of billion dollars to do that, but until we do that we will continue poisoning people, we will continue making sure that 10 and 15 and 20 years from now we will have thousands perhaps of unnecessary cases of fatal diseases.

So I say to you, Mr. Speaker, I thank Ms. MALONEY for calling this special order tonight. But I say to you, we must enact a legislation such as CAROLYN has talked about, such as I have talked about, such as others have, to put into place systematic means of monitoring and providing medical services for the victims, the first responders. But we must also make sure that the EPA and the Federal Government step up to the plate, unravel that second cover-up, peel it away, see what the problem is, inspect the areas, find out where the contamination still is. And where it still is, go in and on a building by building basis clean it up so that we can know that people can live and work in areas without being poisoned and without coming down with additional diseases.

Without doing this, we are adding to the work of the terrorists. The Federal and city governments are becoming complicit in adding to the victims. It was bad enough the terrorists cost us 3,000 dead that day. The Federal and city government should not be adding to the victims as they still are.

Mrs. MALONEY of New York. I thank the gentleman for his hard work and for his statement and for being here tonight. I know that he has many constituents such as Congressman DENT, and we thank Ryan McCormick for being with us in the Chamber tonight.

I want to talk about another victim of 9/11, Winston Lodge. He was written about in "The Making of a Health Disaster" which was originally published July 25, 2006; and I quote from the Daily News.

"For Winston Lodge, life as a forgotten victim of 9/11 is the torment of chronically inflamed and bleeding sinuses.

"5 years ago, Lodge was a 44-year old iron worker who helped build things. Then, called on to help dismantle the pile, he pitched in at Ground Zero for 12 hours a day, 7 days a week for a month.

"Today, Lodge's nose runs constantly and often bleeds. He suffers headaches from sinus pressure, has shortness of breath from chronic bronchitis, and has acid reflux, a painful heartburn. He has undergone surgery to relieve sinus difficulties and is waiting for a second operation.

"Since 2004, Lodge, a divorced father of four, has not been able to work; and he says, and I quote, "I am sick to my bones, and I need help."

A number of people have worked very hard on this and held hearings to focus on this issue, including Mrs. CLINTON and, very recently, ED TOWNS had one in Brooklyn, New York, about the health impacts on his constituents in Brooklyn. He held another one here in Washington.

But the first person to call a series of hearings on the health impacts of 9/11 was my colleague from Connecticut, CHRISTOPHER SHAYS. Under the Government Reform and Oversight Committee, he held hearings in New York, many here in Washington, that helped focus the light on the need for everyone to be monitored who was exposed to those deadly toxins and everyone who is sick to be treated. We thank you for holding those hearings and for joining us tonight in this special order. Thank you, Mr. SHAYS.

Mr. SHAYS. Thank you, Representative MALONEY; and it is really a privilege to be with you and both JERRY NADLER. I know that both of you have been at the forefront of this issue and clearly have been championing it, both of you.

But I particularly want to thank Mrs. MALONEY. Because you were the one who, serving on my subcommittee at the time, said we needed to get at this issue. And you're the reason why we ended up having these hearings.

During the last 2 years, as chairman of the Subcommittee on National Security, Emerging Threats and International Relations, we held four oversight hearings on the federally funded medical monitoring and registry programs that were established following the September 11 terrorist attacks. And you, obviously, and Mr. NADLER, were major participants. The witnesses' testimony at the subcommittee clearly demonstrated the significant health challenges faced by the Ground Zero responders, as well as the need for their continued health monitoring.

You know, nearly 6 years after the cataclysmic attacks on the World Trade Centers, shock waves still emanate from Ground Zero. Diverse and delayed health problems continue to emerge in those exposed to the contaminants and psychological stressors unleashed on September 11, 2001.

Firefighters, police, emergency medical personnel, transit workers, construction crews and other first responders, as well as volunteers, came to Ground Zero knowing there would be risks but confident their community would sustain them. These individuals did not just go to work on that day. They went to war.

However, as we know, Federal, State and local health support has not provided the care and comfort they need and rightfully deserve.

After the 1991 war in the Persian Gulf, veterans suffering a variety of unfamiliar syndromes faced daunting official resistance to evidence linking multiple low-level toxic exposure to subsequent chronic ill health. In part due to our subcommittee, long-term registrants were improved and an aggressive research agenda was pursued and sick veterans now have some of the benefits, in law, of presumption that wartime exposures cause certain illnesses.

When the front line is not Baghdad but now lower Manhattan, occupational medicine and public health practitioners still have much to learn from that distant Middle East battlefield. Proper diagnosis, effective treatment and fair compensation for the delayed casualties of toxic attacks require vigilance, persistence and a willingness to admit what we do not yet know and might never know about toxic synergies and syndromes. Health surveillance has to be focused and sustained and new treatment approaches have to be tried to restore damaged lives before it is too late. And I fear it really is becoming almost too late.

Still today, it appears the public health approach to lingering environmental hazards remains unfocused and halting. The unquestionable need for long-term monitoring has been met with only short-term commitments. Screening and monitoring results have not been translated into timely protocols that could be used by a broader range of treating physicians. Valuable data sets compiled by competing programs may atrophy as money and vigilance wane.

Both the executive and legislative branches of our Federal Government are failing those who were on the front lines nearly 6 years ago. Many responders, workers, residents and schoolchildren are getting sick from the toxins that they were exposed to in the area around Ground Zero. We are not providing those affected with satisfactory treatments and care.

We need to know how many people are sick or how many become sick or how they may become sick and if they are receiving proper medical care. We also need to talk to the doctors who are treating them to determine if they are aware of how best to care for these victims.

I just have two more points I want to make. We have spent billions of dollars improving our method to defend the United States against another terrorist attack, and we are certainly safer than we were in 2001. But we are still not completely safe. I believe we need to use oversight hearings to help prepare for a similar attack in another city, to determine how large an area the government should be monitoring for health effects, and what some of these of the best practices are to minimize the impact and treat future victims in these catastrophic situations.

It is our duty to care for the victims who continue to live with illnesses caused by the events of that fateful day, to monitor, track and treat their symptoms and to ensure they have knowledge of and access to services available to them. Congress and the administration also have a duty to make sure we as a Nation have learned from their experiences so we can effectively and expeditiously respond to a similar horrendous event in the future, and I think that's what both of you are trying to do and trying to highlight.

My constituents don't live in New York City. But I had a number who came and spent every day at Ground Zero, and I just know what they're dealing with. And we know so many others. There are thousands of others of individuals, and they need our attention.

I thank our colleague, and I hope we have a chance to have a little bit of a dialogue about this.

Mrs. MALONEY of New York. Well, I thank my colleague and good friend from Connecticut; and I thank him particularly for the public hearings that really focused the need and, I think, helped us achieve partial funding, the $25 million that we got in the President's budget. As we know, JERRY and the New York delegation, along with Senators CLINTON and SCHUMER, we have worked very hard to have $50 million added to the supplemental budget for the health needs of the 9/11 workers. This has been a delegation-wide priority on both sides of the aisle led by our two Senators and by the entire delegation.

I remember your hearings very vividly, the men and woman who came and testified who were sick. They came with their pills. They came with their coughs. Some could hardly breathe. They could hardly talk.

I want to share another story with my colleagues of Jeffrey Endean, who was highlighted in the Daily News articles as life as a forgotten victim of 9/11. And he says, 5 years ago, he was a 51-year old Division Commander for Morris County New Jersey's Sheriff Office. He was healthy, able to run several miles.

Then he was pressed into Ground Zero service because he had experience helping first responders cope at horrific scenes. He worked 12 hours a day, from September 11 to November 22, 2001.

Today, he has reactive airways dysfunction syndrome, RADS, a rare irritant-induced form of asthma. His sinuses often bleed. He is prone to headaches and upper respiratory infections.

Married, the father of three and grandfather of three, he retired in 2003; and he says, "I start the day with four to five inhalers and a pill. Will I have cancer at 66? Will I live my life as long as I should?"

That is the question, and that is why JERRY and CHRIS and I have worked so hard to have monitoring. And we need to continue this monitoring treatment not just for the next 5 years but doctors say for the next 20 or 30 years. New diseases are coming up. Pulmonary fibrosis, where the fibers in the lungs, they can hardly breathe. It's like an iron lung.

And, JERRY, you were at those hearings. Can you comment and add to what CHRIS said about the hearings? And JERRY and I and CHRIS really represent many people who work there, the residents. We need to get the residents into the registry, too.

Mr. NADLER. Thank you, CAROLYN.

What struck me about the hearings was several things. We've had hearings for a number of years, and I remember the first hearing I attended was presided over by Senator LIEBERMAN, a U.S. Senate hearing back in February of 2002. But none of this has changed. It's 5 years later, and it hasn't changed.

Number one, you see the victims, the first responders, the people who dropped everything they were doing to help, to help victims that we thought people might be still alive under the debris. They weren't. Who then helped with the cleanup to get, who worked on the pile for 40 and 50 days. And we heard story after story of how healthy people were no longer healthy and they could no longer work and they could no longer breathe, how they now had to take 20 and 30 and 40 different pills and medications a day, how they couldn't pay for the medications, how they had lost their jobs, and because they lost their jobs they lost their health coverage and how the workers comp system didn't work for them.

☐ 2215

How a hero who was given an award for heroism at the World Trade Center, when he went for workers' comp, they said, Prove you were there.

Mrs. MALONEY of New York. JERRY, I have his picture in my office. He found the flag, the flag that was flown around the world from Ground Zero, and they will not acknowledge that he worked there. He got awards. And what struck me about him and many others, JERRY and CHRIS, if you will remember, at that hearing they testified they would do it again even though they know they had lost their health.

Mr. NADLER. So the first thing we saw at those hearings were these people testifying about how they selflessly worked, and we know that they did, and how they had been betrayed by every level of government in treating them, by the workers' comp and the State, by the Federal Government.

The second thing was it was clear from the heroic work done by the people at Mount Sinai and the Fire Department of the City of New York, in trying to deal with these sick people and who had to put the funding together for private philanthropic sources, that until last year there was no government funding for any of this whatsoever. Finally we got a few million dollars.

Mrs. MALONEY of New York. It is a scandal. An absolute scandal. And at the hearing remember the Health Commissioner testified that Zadroga did not die from 9/11? I couldn't believe it.

Mr. NADLER. The Health Commissioner testified that. There has been a denial, a straightforward denial, by City and State people because they don't want to admit liability.

The third thing was that even now, even now, when Dr. Agwunobi testified, he said we will have a plan. Well, we haven't seen the plan. We know now that it is going to cost about $300 million a year just to deal with the health conditions of the people we know about. Never mind the cleaning up of the contaminated areas, but just for the first responders, it is going to cost about $300 million a year. The President proposed $25 million, but it was made very clear at the hearing, the last hearing, that the plan that the Federal Government was going to come up with, if they actually come up with a plan, would not deal with residents, would not deal with the health problems of people who are living there, who were beseeched by the City and Federal Government to come back and live and work in lower Manhattan and are suffering because they listened to that.

Mrs. MALONEY of New York. Our legislation calls for that all the residents should be covered. But remember, at the last hearing that Congressman TOWNS had, Agwunobi testified that we no longer needed a plan, that he wasn't going to give us a plan.

They said they would give us a plan in February. Where is it? That is why we have a resolution calling for a plan on how we are going to monitor and treat these heroes and heroines.

Mr. NADLER. And that is a scandal also. The other thing that was very clear, and it has been clear from the EPA right up to date, is that the registry has dealt with people who live or who work in lower Manhattan, below Canal Street, as if there was a 30,000-foot high wall along Canal Street or a Star Trek-type force field along Canal Street and across the East River because, after all, anyone who lives north of Canal Street has no problem. And anybody who lives in Brooklyn, where we saw the satellite photos showed the plume went and where Congressman WEINER testified that at his office 10 miles away, debris was falling on the terrace at his office, and we know it was falling across all these neighborhoods across Brooklyn; we don't have to deal with that. We are going to be studiously ignorant of all the people in these other places outside of lower Manhattan. That was brought out very clearly in Congressman TOWNS' hearing. And the fact is, we have to look at all these hearings areas and do the job properly.

Mr. SHAYS. I would add to that but also make the point that this won't be the first city that will have to deal with this kind of issue. I mean, we want to be able to protect and prevent a terrorist attack, but there may be some other event. And what we also need is a protocol that makes sure that future first responders are never put in this condition and that residents around wherever an event takes place are notified and given good information. The bottom line is, no one was ever given good information from day one.

Mr. NADLER. That is a very good point.

Mrs. MALONEY of New York. That is very true. But I also want to build on what he said, that people are going to be watching how we treat these first responders. God forbid that we have another 9/11 attack or another terrorist attack, they are going to know that we weren't there to provide, at the very least, the health care and the monitoring that the heroes and heroines need, and that is a very important precedent. It is not only, do we need to take care of these men and women, Mr. McCormick, who is with us tonight in the Gallery, but we have to send a message that we are going to be there for our first responders.

Mr. NADLER. There are a couple of lessons that really should be learned here. One, Abraham Lincoln said, at the end of the Civil War, that you have to care for him who shall have borne the battle and for his widow and his orphan. We are failing in doing that, when he who shall have borne the battle here are heroes who came in to help, and we are abandoning them.

Second, the EPA had a duty to do the job here. They failed in that duty. And that is a danger for the future. The law provides that the EPA must come in and classify the area and make sure and protect people, and the OSHA laws were enforced in Washington so no one got sick. They weren't enforced in New York, and 50,000 people are sick.

Mrs. MALONEY of New York. I know. There were lots of terrible mistakes that are causing people their health now.

And in closing in this final minute, I just want to underscore that we as a Nation must not forget the firefighters, police officers, emergency medical technicians and all the other responders, volunteers and residents who bravely rushed down to save lives even as everyone else was running in the opposite direction. We must not forget the rescue, recovery and cleanup workers who stayed on for months at Ground Zero in service to our country. And we must not forget the residents, area workers and school children who lived, worked and studied through the toxins and have now become sick.

Once again, I stand on this floor of Congress and note that this was an attack against our Nation, and we know that the Nation responded. Every State has workers that were affected by the deadly toxins at Ground Zero. Every State had residents who rushed to our State and rushed down to Ground Zero to help. We will never forget them, and we will not stop. Both sides of the aisle, we are committed to making sure that everyone who was exposed to the deadly toxins is treated and everyone who is sick is going to get medical care. That is the least that we can do for these brave men and women.

I thank my colleagues and especially Ryan McCormick, who is here with us tonight, for coming. And I thank you for your work not only tonight on this Special Order tonight but throughout your year in Congress. Since 9/11, it has been a priority of yours. And my constituents, the thousands that were affected thank you for your efforts, and I thank you for having this opportunity of joining me in this Special Order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLISON). The Chair would remind all Members that the rules prohibit referring to guests in the gallery.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 24 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2308

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ARCURI) at 11 o'clock and 8 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2237, PROVIDING FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES AND DEFENSE CONTRACTORS FROM IRAQ; PROVIDING FOR CONSIDERATION OF H.R. 2206, U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007; AND PROVIDING FOR CONSIDERATION OF H.R. 2207, AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–143) on the resolution (H. Res. 387) providing for consideration of the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq; providing for consideration of the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; and providing for consideration of the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–144) on the resolution (H. Res. 388) providing for consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Mr. HOYER) for today.

Mr. MORAN of Kansas (at the request of Mr. BOEHNER) for today on account of inspecting tornado damage.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of George) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 15 and 16.

Mr. JONES of North Carolina, for 5 minutes, May 14, 15, and 16.

Mr. SHAYS, for 5 minutes, today.

ADJOURNMENT

Mr. McGOVERN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 10, 2007, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1600. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Walnut Crop Insurance Provisions; Almond Crop Insurance Provisions (RIN: 0563-AC08) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1601. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mushroom Promotion, Research, and Consumer Information Order; Reallocation of Mushroom Council Membership [Docket No.: AMS-FV-07-0019; FV-06-704 IFR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1602. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2007-2008 Marketing Year [Docket Nos. AMS-FV-06-0188; FV07-985-1 FR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1603. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2006-2007 Crop Year for Tart Cherries [Docket No. AMS-FV-06-0187; FV07-930-1 FR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1604. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate [Docket No. AMS-FV-06-0174; FV06-929-1 FR] received March 30, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1605. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Prohibition on Acquisition from Communist Chinese Military Companies (DFARS Case 2006-D007) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1606. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; New Designated Countries (DFARS Case 2006-D062) (RIN: 0750-AF57) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1607. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Guatemala and Bahrain (DFARS Case 2006-D028) (RIN: 0750-AF49) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1608. A letter from the Director, Child Nutrition Programs, Department of Agriculture, transmitting the Department's final rule — Disclosure of Children's Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs (RIN: 0584-AC95) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1609. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays [Docket No. 2005N-0471] received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1610. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Exemption of Chemical Mixtures [Docket No. DEA-137F3] (RIN: 1117-AA31) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1611. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2006 Missile Technology Control Regime Plenary Agreements [Docket No. 070411084-7087-02] (RIN: 0694-AD96) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1612. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Office Names, Office Addresses, Statements of Legal Authority and Statute Name and Citation [Docket No. [070411085-7088-01]] (RIN: 0694-AE01) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1613. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting pursuant to the Accountability of Tax Dollars Act, the Foundation's Form and Content Reports for the second quarter of FY 2007 as prepared by the U.S. General Services Administration; to the Committee on Oversight and Government Reform.

1614. A letter from the Deputy CHCO/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1615. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1616. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's annual reports for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1617. A letter from the Equal Employment Opportunity Coordinator, Farm Credit Administration, transmitting the Administration's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for Fiscal Year 2006; to the Committee on Oversight and Government Reform.

1618. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for Fiscal Year 2006 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1619. A letter from the Administrator, General Services Administration, transmitting the Administration's intent to adjust the dollar thresholds for submission of construction, alteration, lease, and lease alteration prospectuses, pursuant to 40 U.S.C. 3307(g); to the Committee on Oversight and Government Reform.

1620. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

1621. A letter from the Acting Co-Executive Director, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2006, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Oversight and Government Reform.

1622. A letter from the Chairman, National Endowment for the Arts, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Endowment's report on competitive sourcing efforts for Fiscal Years 2003 through 2006; to the Committee on Oversight and Government Reform.

1623. A letter from the Director, National Science Foundation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Foundation's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

1624. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report on competitive sourcing activities for FY 2006, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year 2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

1625. A letter from the Director, Office of Personnel Management, transmitting the Office's Fiscal Year 2006 annual report on statistical data relating to Federal sector equal employment opportunity complaints filed with the Office; to the Committee on Oversight and Government Reform.

1626. A letter from the Chairman, Postal Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 2006, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

1627. A letter from the Deputy Director, U.S. Trade and Development Agency, transmitting the Agency's Fiscal Year 2007 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1628. A letter from the Executive Director, United States Access Board, transmitting the Board's FY 2006 report, pursuant the requirements of section 203(a) of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act); to the Committee on Oversight and Government Reform.

1629. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Pennsylvania Regulatory Program [PA-147-F0R] received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1630. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination [Docket No. PTO-P-2005-0016] (RIN: 0651-AB77) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1631. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Belle Chasse, LA [CGD08-06-036] (RIN: 1625-AA09) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1632. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Mississippi River Below Baton Rouge, LA, Including South and Southwest Passes [CGD08-05-016] (RIN: 1625-AA01) received April 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1633. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — General Rule for Taxable Year of Inclusion (Rev. Rul. 2007-32) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1634. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Alternative Fuel Vehicle Refueling Property [Notice 2007-43] received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1635. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Certain exchanges of insurance policies. (Rev. Rul. [XXXX-XX]) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1636. A letter from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting the Department's final rule — Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted through ACE Truck Manifest at Ports in the States of Vermont, North Dakota and New Hampshire — received April 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANTOS: Committee on Foreign Affairs. H.R. 1469. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (Rept. 110–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 692. A bill to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty; with an amendment (Rept. 110–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1593. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes (Rept. 110–140). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 401. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; with an amendment (Rept. 110–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 1427. A bill to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes; with an amendment (Rept. 110–142). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 387. A resolution providing for consideration of the bill (H.R. 2237) to provide for the redeployment of United States Armed Forces and defense contractors from Iraq, providing for consideration of the bill (H.R. 2206) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, and providing for consideration of the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes (Rept. 110–143). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 388. A resolution providing for the consideration of the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 110–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. ROHRABACHER):

H.R. 2228. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on Foreign Affairs.

By Mr. GORDON:

H.R. 2229. A bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes; to the Committee on Science and Technology.

By Mr. CANNON (for himself, Mr. GENE GREEN of Texas, and Mr. GOHMERT):

H.R. 2230. A bill to prevent certain discriminatory taxation of natural gas pipeline property; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. LEWIS of Kentucky):

H.R. 2231. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. SHAYS, Mr. VAN HOLLEN, Ms. NORTON, Ms. BALDWIN, Mr. BERMAN, Mr. ENGEL, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. MCDERMOTT, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, and Mr. WU):

H.R. 2232. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT:

H.R. 2233. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Ways and Means.

By Mr. FARR (for himself and Mr. FILNER):

H.R. 2234. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 2235. A bill to amend the Agriculture and Food Act of 1981 to revise the Resource Conservation and Development Program of the Department of Agriculture to require a planning process under the program that is locally led, to guarantee funds for the program for fiscal years 2008 through 2012, and for other purposes; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. RUSH, Mrs. McCARTHY of New York, Mr. OLVER, Mr. ELLISON, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio):

H.R. 2236. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to provide for a performance standard for breast pumps; and to provide tax incentives to encourage breastfeeding; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. WELCH of Vermont, and Ms. SUTTON):

H.R. 2237. A bill to provide for the redeployment of United States Armed Forces and defense contractors from Iraq; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. WELLER, Mr. CROWLEY, and Mr. FORTUÑO):

H.R. 2238. A bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 2239. A bill to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WYNN, Mr. MORAN of Virginia, Mr. WOLF, and Mr. VAN HOLLEN):

H.R. 2240. A bill to amend the Homeland Security Act of 2002 to restore the Office for National Capital Region Coordination to the administrative jurisdiction of the Office of the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. ENGEL (for himself, Mr. FOSSELLA, Mr. GENE GREEN of Texas, and Ms. DEGETTE):

H.R. 2241. A bill to amend the Public Health Service Act with respect to prevention and treatment of diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 2242. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 2243. A bill to better provide for compensation for certain persons injured in the course of employment at the Santa Susana Field Laboratory in California; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 2244. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 2245. A bill to designate the Department of Veterans Affairs outpatient clinic in Wenatchee, Washington, as the Elwood "Bud" Link Department of Veterans Affairs Outpatient Clinic; to the Committee on Veterans' Affairs.

By Mr. HELLER:

H.R. 2246. A bill to validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, that were originally conveyed by the United States to facilitate construction of transcontinental railroads, and for other purposes; to the Committee on Natural Resources.

By Mr. LARSEN of Washington:

H.R. 2247. A bill to amend titles 10 and 38, United States Code, to repeal the 10-year limit on use of Montgomery GI Bill educational assistance benefits, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mrs. CAPPS, Mr. COSTA, Mr. CARDOZA, Ms. ESHOO, Mr. FARR, Mr. FILNER, Ms. HARMAN, Mr. LANTOS, Mr. McNERNEY, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. WAXMAN, Mr. HONDA, and Ms. McCOLLUM of Minnesota):

H.R. 2248. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAUL of Texas (for himself, Mr. BRADY of Texas, and Mr. POE):

H.R. 2249. A bill to amend title 28, United States Code, to prevent administrative action with respect to, and the filing of, certain tort claims against the United States; to the Committee on the Judiciary.

By Mr. McCAUL of Texas (for himself, Mr. BRADY of Texas, Mr. GOHMERT, and Mr. POE):

H.R. 2250. A bill to prevent inappropriate litigation against the United States; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. ALLEN):

H.R. 2251. A bill to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Natural Resources.

By Mr. ROYCE:

H.R. 2252. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Oversight and Government Reform.

By Mr. ROYCE (for himself and Mr. CANTOR):

H.R. 2253. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the tentative minimum tax for noncorporate taxpayers to 24 percent; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. THORNBERRY, and Mr. COHEN):

H.R. 2254. A bill to amend title 18, United States Code, to establish the transfer of any nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. UDALL of Colorado, Ms. SLAUGHTER, Mr. WAMP, Mr. WHITFIELD, and Mr. HASTINGS of Washington):

H.R. 2255. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to extend and increase the authority for the ombudsman under the Energy Employees Occupational Illness Compensation Program; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG:

H.R. 2256. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Mr. WELCH of Vermont:

H.R. 2257. A bill to direct the Secretary of Veterans Affairs to increase the number of benefits claims representatives employed by the Department of Veterans Affairs, and to ensure that there are not fewer than two such claims representatives located at each center for the provision of readjustment counseling and related mental health services established under section 1712A of title 38, United States Code (commonly referred to as a "vet center"), to help reduce the backlog of claims pending with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WELCH of Vermont:

H.R. 2258. A bill to direct the Secretary of Defense to ensure that every member of the Armed Forces undergoes a medical examination prior to separation or discharge, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH of Vermont:

H.R. 2259. A bill to ensure that members of the National Guard and Reserves are able to fully participate in the benefits delivery at discharge program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. Jones of North Carolina):

H. Con. Res. 146. Concurrent resolution expressing the sense of Congress that the Secretary of Transportation may not grant authority to Mexico-domiciled motor carriers to operate beyond the commercial zones of the United States-Mexico border; to the Committee on Transportation and Infrastructure.

By Mr. YARMUTH (for himself, Ms. Matsui, Mrs. McCarthy of New York, Mr. Shays, Mr. Platts, and Mr. Price of North Carolina):

H. Res. 385. A resolution recognizing National AmeriCorps Week; to the Committee on Education and Labor.

By Mrs. DRAKE (for herself, Mr. Mica, Mr. LaTourette, and Mr. LoBiondo):

H. Res. 386. A resolution recognizing the Coast Guard, the Coast Guard Auxiliary, and the National Safe Boating Council for their efforts to promote National Safe Boating Week; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Mr. Smith of New Jersey, and Ms. Watson):

H. Res. 389. A resolution supporting the goals and ideals of Malaria Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself, Mr. Berry, Mr. Snyder, and Mr. Boozman):

H. Res. 390. A resolution recognizing the importance of the Ouachita National Forest on its 100th anniversary; to the Committee on Natural Resources.

By Mr. SESSIONS (for himself, Mr. Sam Johnson of Texas, Mr. Hensarling, Mr. Marchant, Mr. Brady of Texas, Ms. Granger, Ms. Eddie Bernice Johnson of Texas, Mr. Conaway, Mr. Poe, and Mr. Barton of Texas):

H. Res. 391. A resolution recognizing the employees of Dallas-Fort Worth International Airport, the North Texas Commission, USO, and the people and businesses of North Texas for their dedication to the "Welcome Home a Hero" program; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

30. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 2 supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization; to the Committee on Foreign Affairs.

31. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 5 urging the Congress of the United States to use all efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America, or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of the North American Union; to the Committee on Foreign Affairs.

32. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 4 urging the legislatures to consider adoption of resolution working toward the development of a federal bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments, which help support roads and schools, to forest communities throughout the western states; to the Committee on Natural Resources.

33. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 3 affirming the states support of the United States campaign to secure our country and urging member's of Idaho's congressional delegation to support measures to repeal the federal REAL ID Act of 2005; to the Committee on Homeland Security.

34. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 20 urging the Department of Homeland Security to complete an economic analysis of the costs of compliance with the requirements of the federal Real ID Act and the Western Hemisphere Travel Initiative; jointly to the Committees on the Judiciary and Homeland Security.

35. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the United States Department of State and the Department of Homeland Security to develop a pilot program in Michigan for a dual purpose state drivers license/personal identification card to comply with the provisions of the Real ID Act and the Western Hemisphere Travel Initiative; jointly to the Committees on the Judiciary and Homeland Security.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Boozman.

H.R. 67: Mr. Delahunt, Mr. Scott of Virginia, Mr. Burton of Indiana, Ms. Shea-Porter, Mr. Peterson of Minnesota, and Mr. Etheridge.

H.R. 154: Mr. Farr, Mr. McDermott, and Mr. Kennedy.

H.R. 223: Mr. Smith of New Jersey.

H.R. 237: Ms. Hirono, Mr. Johnson of Illinois, Mr. Lewis of Kentucky, and Mr. Pomeroy.

H.R. 241: Mr. Lewis of Kentucky.

H.R. 253: Mrs. Christensen and Mr. Davis of Illinois.

H.R. 260: Mr. Dingell, and Mr. Abercrombie.

H.R. 281: Mr. Kagen.

H.R. 289: Ms. Foxx.

H.R. 321: Mr. Graves.

H.R. 358: Mr. Kagen, Mr. Murtha, Mr. Doyle, and Ms. Sutton.

H.R. 383: Mr. Bartlett of Maryland.

H.R. 436: Mr. Hastert.

H.R. 507: Mr. Pickering, Mr. Alexander, Mr. Gerlach, Mr. Bishop of Georgia, Mr. McNulty, Mr. Skelton, and Ms. Kaptur.

H.R. 548: Mr. Space.

H.R. 551: Ms. Lee, Ms. Solis, and Mr. Daniel E. Lungren of California.

H.R. 562: Mr. Boustany.

H.R. 566: Mr. Rangel and Mr. Gonzalez.

H.R. 579: Mr. Honda, Mr. Smith of New Jersey, Mr. Pearce, and Mr. Ruppersberger.

H.R. 583: Mr. Bishop of New York, Mr. Welch of Vermont, Mr. McNerney, Mr. Engel, Mr. King of New York, Mr. Miller of North Carolina, Mr. Kind, Ms. Shea-Porter, and Mr. Tim Murphy of Pennsylvania.

H.R. 610: Mr. Platts.

H.R. 615: Mr. English of Pennsylvania.

H.R. 616: Mr. English of Pennsylvania.

H.R. 634: Mr. Tim Murphy of Pennsylvania and Mr. Blunt.

H.R. 642: Mr. Hastings of Florida.

H.R. 643: Mr. Coble, Mr. Souder, Mr. Putnam, Mr. Alexander, and Mr. Gillmor.

H.R. 645: Mr. Inslee.

H.R. 690: Mr. Braley of Iowa and Mr. Butterfield.

H.R. 698: Mr. Hoekstra.

H.R. 729: Ms. McCollum of Minnesota.

H.R. 768: Mr. Shays.

H.R. 782: Mr. Murphy of Connecticut.

H.R. 784: Mr. Porter.

H.R. 819: Mr. Smith of Washington, Mr. Sarbanes, and Mr. McNerney.

H.R. 821: Mr. Frank of Massachusetts, Mr. Matheson, and Mr. Cardoza.

H.R. 861: Mr. Rahall, Ms. Ginny Brown-Waite of Florida, and Mr. Hunter.

H.R. 882: Mrs. Bono, Mr. Gerlach, and Mr. Kuhl of New York.

H.R. 890: Mr. Payne, Mr. Holt, Mr. Altmire, Mr. Scott of Virginia, Ms. Shea-Porter, Mr. Sarbanes, Mr. Kildee, and Ms. Clarke.

H.R. 891: Mr. Murtha.

H.R. 957: Mr. Bilirakis, Mr. Bishop of Utah, Mrs. Cubin, Mr. Mario Diaz-Balart of Florida, Mr. Fortenberry, Mr. Garrett of New Jersey, Mr. Rogers of Alabama, Mrs. Jo Ann Davis of Virginia, and Mr. King of New York.

H.R. 970: Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Mr. Gene Green of Texas, and Mr. Al Green of Texas.

H.R. 989: Mr. Goode and Mr. Roskam.

H.R. 1014: Mr. Welch of Vermont, Mr. Payne, Mr. Frank of Massachusetts, and Mr. Johnson of Georgia.

H.R. 1023: Mr. Boren, Mr. Carnahan, Mr. Tiberi, Mr. Pallone, Ms. Herseth Sandlin, Mr. Wexler, and Ms. Berkley.

H.R. 1029: Mr. Latham and Mr. Walsh of New York.

H.R. 1032: Mr. Payne and Ms. Carson.

H.R. 1088: Mr. Ferguson.

H.R. 1093: Mr. Stearns.

H.R. 1098: Mr. Hall of New York, Mr. LoBiondo, and Mr. Platts.

H.R. 1103: Mr. Pallone, Ms. Sutton, Mr. Rush, and Mr. Berman.

H.R. 1108: Mrs. Lowey, Mr. Gerlach, Ms. Hooley, and Mr. Walsh of New York.

H.R. 1117: Mr. Grijalva and Mr. Gonzalez.

H.R. 1147: Mr. Herger.

H.R. 1157: Mr. Crowley, Mr. Al Green of Texas, Ms. Carson, Ms. DeLauro, Ms. Lee, Mr. Klein of Florida, Mrs. Biggert, Mr. Gordon, Mr. Wexler, Mr. Andrews, Mr. Kildee, Ms. Herseth Sandlin, Mr. Walsh of New York, Mr. Visclosky, Mr. Shuler, Mr. Alexander, Mr. Wynn, Mr. Weldon of Florida, Mr. George Miller of California, Mr. Boustany, Ms. Castor, and Ms. Wasserman Schultz.

H.R. 1165: Ms. ESHOO.

H.R. 1187: Mr. SCHIFF, Mr. HINCHEY, Mr. LANTOS, Mr. McDERMOTT, Mr. OLVER, and Mr. HONDA.

H.R. 1201: Mr. DeFAZIO.

H.R. 1222: Mr. ISRAEL, Mr. FATTAH, and Mr. CARDOZA.

H.R. 1223: Mr. FATTAH.

H.R. 1237: Mr. TIM MURPHY of Pennsylvania.

H.R. 1252: Mr. WELCH of Vermont, Mr. LARSON of Connecticut, Ms. CARSON, Ms. SOLIS, Mr. KLEIN of Florida, Mr. PALLONE, and Ms. ESHOO.

H.R. 1261: Mr. DREIER and Mr. WICKER.

H.R. 1264: Mr. GOODE.

H.R. 1279: Mr. ARCURI, Mr. BISHOP of New York, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1282: Mr. HIGGINS.

H.R. 1303: Mrs. MALONEY of New York.

H.R. 1343: Mr. MANZULLO, Mr. TIM MURPHY of Pennsylvania, Mr. ALEXANDER, Mr. McHUGH, Mr. LARSON of Connecticut, Mr. PAYNE, Mr. WAMP, Mr. HARE, Mr. HERGER, Mr. MARSHALL, Mr. WU, and Mr. KANJORSKI.

H.R. 1357: Mr. BILIRAKIS, Mrs. CUBIN, Mr. MARIO DIAZ-BALART of Florida, Mr. GARRETT of New Jersey, and Mr. KING of New York.

H.R. 1363: Mr. WAMP, Mr. LEWIS of Georgia, Mr. COHEN, and Ms. JACKSON-LEE of Texas.

H.R. 1365: Mr. ROYCE.

H.R. 1366: Mr. McCOTTER, Mr. GOODE, Mr. ROSKAM, Mr. CAMPBELL of California, and Mr. ROYCE.

H.R. 1381: Ms. KAPTUR.

H.R. 1399: Mr. TIBERI, Mr. BARRETT of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. LATHAM, and Mr. REHBERG.

H.R. 1407: Mr. WALBERG.

H.R. 1414: Mr. HARE.

H.R. 1415: Mr. KENNEDY.

H.R. 1416: Mr. PERLMUTTER and Mr. KENNEDY.

H.R. 1435: Mr. DOOLITTLE, Mr. ROHRABACHER, and Mr. McINTYRE.

H.R. 1475: Mr. ROSKAM.

H.R. 1483: Mrs. JONES of Ohio.

H.R. 1497: Ms. SUTTON.

H.R. 1506: Mr. PATRICK MURPHY of Pennsylvania, Mr. SERRANO, Mr. COURTNEY, Mr. KAGEN, Ms. VELÁZQUEZ and Mr. WELCH of Vermont.

H.R. 1532: Mr. ALLEN and Mr. GEORGE MILLER of California.

H.R. 1534: Mr. WYNN.

H.R. 1535: Mr. JOHNSON of Georgia.

H.R. 1536: Ms. SHEA-PORTER and Mr. MARSHALL.

H.R. 1541: Mr. GONZALEZ.

H.R. 1551: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1560: Mr. WELDON of Florida.

H.R. 1561: Ms. ESHOO.

H.R. 1567: Mr. BAIRD and Ms. HERSETH SANDLIN.

H.R. 1588: Ms. KAPTUR, and Mr. ALEXANDER.

H.R. 1589: Mr. PORTER and Mr. McCOTTER.

H.R. 1600: Mr. HONDA, Mr. LARSON of Connecticut, Ms. WATSON, Ms. SOLIS, Mr. BECERRA, and Mr. SCHIFF.

H.R. 1606: Mr. CLAY.

H.R. 1628: Mr. GONZALEZ.

H.R. 1640: Mr. SMITH of New Jersey.

H.R. 1644: Mrs. McCARTHY of New York, Mr. PALLONE, Mrs. NAPOLITANO, Mr. McDERMOTT, Mr. RYAN of Wisconsin, and Mr. MURPHY of Connecticut.

H.R. 1650: Mr. WAMP, Mr. BOREN, Mr. SNYDER, Mr. ROSS, and Mr. RENZI.

H.R. 1670: Mr. GEORGE MILLER of California.

H.R. 1693: Mr. BISHOP of Georgia.

H.R. 1700: Mr. KLEIN of Florida, Mr. PERLMUTTER, and Mrs. BOYDA of Kansas.

H.R. 1702: Mr. CONYERS.

H.R. 1707: Mr. INSLEE, Ms. DeGETTE, and Mr. KENNEDY.

H.R. 1709: Ms. CARSON.

H.R. 1718: Mr. CHANDLER.

H.R. 1730: Ms. BALDWIN.

H.R. 1731: Mr. GERLACH.

H.R. 1738: Mr. PAYNE, Mr. WALSH of New York, and Mr. MARSHALL.

H.R. 1740: Mr. MURPHY of Connecticut.

H.R. 1745: Mr. FATTAH.

H.R. 1747: Mr. HASTINGS of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. HARMAN, Mr. GRIJALVA, Mr. LANTOS, Mr. HONDA, Mr. SCHIFF, and Mr. BERMAN.

H.R. 1754: Mr. KAGEN, Mr. HARE, Mr. SHULER, Mr. BERRY, Mr. COOPER, Mr. PETERSON of Minnesota, Mr. TANNER, and Mr. THOMPSON of California.

H.R. 1781: Mr. THOMPSON of Mississippi, Ms. KILPATRICK, Mr. ORTIZ, Ms. BALDWIN, Mr. KENNEDY, and Mr. BLUMENAUER.

H.R. 1783: Mr. RUSH.

H.R. 1794: Ms. ROS-LEHTINEN.

H.R. 1796: Ms. McCOLLUM of Minnesota.

H.R. 1801: Ms. HERSETH SANDLIN.

H.R. 1809: Mr. WAXMAN and Mr. PAYNE.

H.R. 1818: Mr. TOWNS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, and Ms. ESHOO.

H.R. 1823: Mr. POE and Ms. ROS-LEHTINEN.

H.R. 1881: Mr. ALTMIRE, Ms. ZOE LOFGREN of California, and Mr. FILNER.

H.R. 1884: Mr. ALEXANDER and Mr. ABERCROMBIE.

H.R. 1892: Mr. INGLIS of South Carolina and Mr. MANZULLO.

H.R. 1902: Ms. DeGETTE and Mr. STUPAK.

H.R. 1924: Mr. PORTER and Mr. BLUMENAUER.

H.R. 1926: Mr. BOUCHER, Mr. KAGEN, Mr. GERLACH, Mr. TERRY, Ms. GRANGER, Mr. HINOJOSA, Mr. RAHALL, Mr. PLATTS, Mr. MEEKS of New York, Mr. LEVIN, Mr. CUELLÀR, Mr. ALEXANDER, Mr. GILLMOR, and Mr. WEXLER.

H.R. 1927: Mr. KAGEN.

H.R. 1940: Mr. SOUDER, Mr. COBLE, Mr. McCOTTER, Mr. AKIN, Mr. LINDER, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. BOOZMAN, Mr. FORBES, and Mr. ALEXANDER.

H.R. 1956: Mr. BUTTERFIELD.

H.R. 1965: Mr. HARE, Mrs. MUSGRAVE, Ms. KAPTUR, Mr. LaTOURETTE, Mr. MILLER of Florida, Mr. CLAY, and Mr. GOODE.

H.R. 1968: Ms. LEE and Mr. GRIJALVA.

H.R. 1971: Mr. GENE GREEN of Texas.

H.R. 1980: Mr. ABERCROMBIE.

H.R. 1982: Mr. ABERCROMBIE.

H.R. 1992: Mr. ALLEN, Mr. SALAZAR, and Ms. SOLIS.

H.R. 2001: Mr. VAN HOLLEN.

H.R. 2005: Mr. HARE and Mr. SMITH of Nebraska.

H.R. 2015: Ms. MATSUI, Ms. CLARKE, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. JACKSON of Illinois, and Mrs. TAUSCHER.

H.R. 2019: Ms. SCHAKOWSKY.

H.R. 2030: Mr. CUMMINGS and Mr. TOWNS.

H.R. 2038: Mr. VAN HOLLEN and Mrs. EMERSON.

H.R. 2054: Mr. LATHAM and Mr. SMITH of Nebraska.

H.R. 2060: Mr. SMITH of Nebraska, Mr. WOLF, Mr. SPACE, Ms. LEE, Mr. MATHESON, Mr. McNERNEY, Mr. McNULTY, Mr. JOHNSON of Illinois, Mr. KAGEN, Mr. SHAYS, Mr. ABERCROMBIE, and Mr. PALLONE.

H.R. 2063: Mr. ANDREWS, Mr. KAGEN, and Mr. WALSH of New York.

H.R. 2064: Mr. LANGEVIN, Mr. VAN HOLLEN, Mr. ABERCROMBIE, and Mr. CROWLEY.

H.R. 2065: Ms. SUTTON.

H.R. 2066: Mr. BISHOP of Georgia, Mr. GRIJALVA, and Mr. PLATTS.

H.R. 2075: Mr. EMANUEL.

H.R. 2086: Mr. PERLMUTTER.

H.R. 2102: Mr. FLAKE, Mr. FORTUÑO, Mr. SHAYS, Mr. UDALL of New Mexico, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. POE, Ms. BERKLEY, Mr. EMANUEL, and Mr. MACK.

H.R. 2104: Mr. DOOLITTLE, Mr. McCOTTER, Mr. NEUGEBAUER, Mr. FEENEY, Mr. McHENRY, and Mr. HENSARLING.

H.R. 2108: Mr. FRANK of Massachusetts and Mr. LARSON of Connecticut.

H.R. 2111: Mr. ETHERIDGE.

H.R. 2125: Mrs. CUBIN, Mr. UDALL of Colorado, Mr. MELANCON, Mr. RENZI, Mr. GRIJALVA, Ms. McCOLLUM of Minnesota, Mr. HOLDEN, Ms. BALDWIN, Mr. JINDAL, Mr. BOREN, Mr. SNYDER, Mr. HARE, Mrs. MUSGRAVE, Mr. ROSS, and Mr. JEFFERSON.

H.R. 2144: Mr. WALSH of New York.

H.R. 2147: Mr. POE, Mr. McGOVERN, Mr. HOLT, and Mr. ARCURI.

H.R. 2167: Mr. LIPINSKI.

H.R. 2183: Mr. GINGREY.

H.R. 2214: Ms. ROYBAL-ALLARD, Mr. BACA, Mr. RODRIGUEZ, Ms. Velázquez, Mr. SIRES, Mr. GENE GREEN of Texas, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, and Mr. EDWARDS.

H.R. 2215: Mr. SHAYS.

H.R. 2221: Mr. HASTINGS of Florida, Mr. TOWNS, and Mr. HOLT.

H. J. Res. 12: Mr. PICKERING.

H. Con. Res. 4: Mr. SPACE.

H. Con. Res. 21: Mr. RENZI, Mr. BOSWELL, Mr. CULBERSON, Mrs. JONES of Ohio, and Mr. DENT.

H. Con. Res. 39: Ms. BALDWIN.

H. Con. Res. 40: Mr. GINGREY.

H. Con. Res. 48: Mr. BOREN.

H. Con. Res. 85: Mr. GOODLATTE, Mr. McGOVERN, Mr. UPTON, and Mr. GRIJALVA.

H. Con. Res. 130: Mr. RUSH, Mr. ORTIZ, Mrs. MALONEY of New York, Mr. BERMAN, Mrs. McCARTHY of New York, Mr. McNULTY, Mr. RODRIGUEZ, Mr. SERRANO, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. WAXMAN, Mr. WALSH of New York, Mr. MITCHELL, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. TIERNEY, Mr. LANTOS, Ms. CARSON, Mr. REYES, Ms. NORTON, and Mr. BAIRD.

H. Con. Res. 133: Mrs. CUBIN and Mr. HALL of Texas.

H. Con. Res. 142: Mr. CASTLE and Mr. FARR.

H. Con. Res. 144: Mrs. McCARTHY of New York, Mrs. MALONEY of New York, Ms. NORTON, Ms. WASSERMAN SCHULTZ, and Ms. BALDWIN.

H. Res. 95: Mr. PAYNE.

H. Res. 106: Mr. HODES.

H. Res. 137: Mr. SMITH of New Jersey.

H. Res. 146: Mr. BRALEY of Iowa and Ms. BORDALLO.

H. Res. 185: Ms. ESHOO.

H. Res. 194: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. NORTON.

H. Res. 209: Mr. LEWIS of Georgia.

H. Res. 226: Mr. GONZALEZ.

H. Res. 232: Mr. ROSKAM, Mrs. McMORRIS RODGERS, Mr. PAUL, Mr. SMITH of New Jersey, and Mr. BOOZMAN.

H. Res. 235: Mr. LINDER.

H. Res. 241: Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Ms. CARSON, Mr. RANGEL, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. WATT, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. BERMAN, Mr. SERRANO, Ms. CLARKE, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. BLUMENAUER, Mr. OBERSTAR, Mr. WEXLER, and Mr. CLAY.

H. Res. 287: Mr. THOMPSON of California.

H. Res. 295: Mr. WOLF and Mr. ISSA.

H. Res. 296: Mr. ENGEL, Mrs. TAUSCHER, Mr. SAXTON, Mr. YOUNG of Florida, Mr. DAVIS of Illinois, Mr. FRANK of Massachusetts, Mr. LANTOS, and Mr. HELLER.

H. Res. 345: Mr. ACKERMAN.

H. Res. 351: Mr. CAMPBELL of California and Mr. ALEXANDER.

H. Res. 374: Mr. MCCOTTER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 2206, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

H.R. 2207, making supplemental appropriations for agricultural and other emergency assistance for fiscal year ending September 30, 2007, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO WENDY ADAMS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Wendy Adams who has distinguished herself as an outstanding and devoted professional in her field as a Registered Nurse.

Wendy began her nursing career in Salt Lake City, Utah in 1967 as a nurse's aide at Holy Cross Hospital while completing her education. In 1971, Wendy completed her studies and began her tenure as a staff nurse at Sunrise Hospital Medical Center. Wendy was hired by Valley Hospital Medical Center as a staff nurse in 1974 and was subsequently named a Charge Nurse. In 1980, she returned to Sunrise Hospital Medical Center and worked as a Head Nurse until 1983. Wendy was asked to return to Valley Hospital in 1983 and has worked continuously as a Head Nurse, Manager, and Director.

Wendy's entire nursing career has been defined by a commitment to excellence and dedication to serving the patients first. Wendy balances good patient care with fiscal responsibility and ensure that all her patients are satisfied.

Madam Speaker, I am proud to honor Wendy Adams. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Wendy for her efforts and commitment to her patients and to our community.

IN SPECIAL RECOGNITION OF KURT J. DOYLE ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Kurt J. Doyle of Defiance, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Kurt's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2011. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Kurt brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Defiance High School in Defiance, Ohio, Kurt attained a grade point average which placed him near the top of his class. While a gifted athlete, Kurt has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Kurt has been a member of the National Honor Society, Honor Roll, High School Marching Band and has earned numerous awards and accolades as a scholar and an athlete.

Outside the classroom, Kurt has distinguished himself as an excellent student-athlete. On the fields of competition, he has earned varsity letters in swimming and soccer where he served as the captain of the varsity team. He also remained involved in his community by serving as a camp counselor for middle school students and as a tutor for elementary students. Kurt's dedication and service to the community and his peers have proven his ability to excel among the leaders at West Point. I have no doubt that Kurt will take the lessons of his student leadership with him to West Point.

Madam Speaker, I ask my colleagues to join me in congratulating Kurt J. Doyle on his appointment to the United States Military Academy at West Point. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Kurt will do very well during his career at West Point and I ask my colleagues to join me in wishing him well as he begins his service to the Nation.

RECOGNIZING DR. PAT TAYLOR FOR HIS 34 YEARS OF SERVICE TO THE STUDENTS AT ST. PAUL'S EPISCOPAL SCHOOL IN MOBILE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor Dr. Pat Taylor for his many years of service to the students of St. Paul's Episcopal School in Mobile.

Pat has dedicated the past 34 years of his life to the students and community of St. Paul's, serving as a teacher, division director and assistant headmaster, and his presence will certainly be missed as he leaves St. Paul's to be the new headmaster of Jackson Academy in Mississippi.

Pat's contributions to education are numerous, but perhaps he will be remembered most for his role in founding Mobile's Underage Drinking Task Force—a citizens group that has publicized the problem of underage drinking and works to educate students about the dangers of alcohol.

Mobile's Press-Register even editorialized about Pat saying he "will leave in Mobile a legacy of caring about teens that will be a guide for others in the future."

Madam Speaker, it is my great honor to recognize Dr. Pat Taylor and to commend him for his hard work and dedication to the students of Mobile. He is an outstanding example of the quality individuals who have devoted their lives to education, and I ask my colleagues to join with me in congratulating him on the occasion of his new position as headmaster. I know Pat's family and many friends join me in praising his accomplishments and extending heartfelt thanks for his efforts on behalf of the citizens of Mobile and Alabama's First Congressional District.

HONORING THE MEMORY OF JANEE ARMSTRONG FRIEDMANN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. NEAL of Massachusetts. Madam Speaker, it is my honor today to pay my respects to my friend Janee Armstrong Friedmann, who passed away on March 21. Janee was an outstanding and generous woman whose dedication to the Greater Springfield community will continue to be felt for years to come.

I submit for the CONGRESSIONAL RECORD today a biography of Janee Armstrong Friedmann to honor her memory and to preserve her many accomplishments and contributions in the annals of our Nation's history. She is sorely missed by all who knew her.

JANEE ARMSTRONG FRIEDMANN, JANUARY 11, 1937–MARCH 21, 2007

Arts and social service organizations in Greater Springfield owe a tremendous debt of gratitude to Janee Armstrong Friedmann.

Not only was Janee a generous supporter in her own right, she inspired others to give as well. Janee's reputation as a fundraiser was such that, when she called a potential donor, they answered with their checkbook in hand.

During her many years as a volunteer and trustee with the Springfield Library & Museums Association, Janee always took a leadership role in fundraising efforts. It was during her tenure as Chairman of the Board of Trustees that the Association launched the most ambitious fundraising effort in its history—the $11 million Quadrangle Capital Campaign for improvements to Springfield's four museums and nine libraries. She was part of the team that brought in the successful campaign nearly $3 million over its goal. She served on and chaired the Association's Development Committee, inspiring other volunteers to actively participate in fundraising. She chaired the Society of William

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Rice, the Association's highest category of private donors, and has solicited most of its 123 members personally, raising more than $160,000 annually for more than a decade.

Janee was born in Wilkes-Barre, Pennsylvania, on January 11, 1937, the daughter of the late F. Thoburn and Sara Northrup Armstrong. She was educated at Wyoming Seminary in Kingston, Pennsylvania, and furthered her education at Bryn Mawr College, where she received her Bachelor of Arts Degree in History, with Magna Cum Laude distinction. Janee later obtained her Master's Degree in Education at Temple University and another Master's Degree in International Relations from the University of Pennsylvania.

Janee is survived by her devoted husband of 45 years, Dr. Paul Friedmann, of Longmeadow, her two daughters, Pamela Erica Armstrong Friedmann, of Washington, DC, and Cynthia Armstrong Friedmann Campbell and her husband Robert, of Columbia, South Carolina. Janee is also survived by her adored grandson, Fitzwilliam Colin Campbell.

Larry A. McDermott, publisher of The Republican, said that with Friedmann's passing, the region has lost a devoted and impassioned voice for the arts and education.

"Janee, the epitome of grace and intellect, had a strength matched only by her wisdom and compassion. We are grateful for her efforts to make Western Massachusetts a better place in which to live."

Joseph Carvalho III, President and Chief Executive Officer of the Springfield Museums, said Friedmann had touched every aspect of the Museums from fundraising for Capital Campaigns to assisting with gallery collection upgrades. "She was probably one of the most incredible life forces that we had here at the museum. Her energy, enthusiasm and tireless work in trying to help the community and help the museum was unparalleled."

David Starr, president of The Republican, recalled working with Friedmann on assorted civic and community boards over a span of 30 years. "Janee and I worked together on so many campaigns, raising money to refurbish the Springfield Museums, to build new libraries, to buy new high-definition equipment for WGBY, to help the Springfield Symphony stay alive and well. She did it all with such verve and grace and elegance. She was a stunning woman who was always ready to roll up her sleeves and pitch in and work for the good causes she believed in."

Janee was very active in the community, serving as the President of the Junior League of Greater Springfield, the Richard Salter Storrs Library of Longmeadow, the Early Childhood Center of Springfield, the Springfield Symphony Orchestra, the Springfield Public Forum, the Longmeadow Gardeners, and Vice-President of the Maple Hill Cemetery Association of Wilkes-Barre, Pennsylvania. She also served as the Chairman of the Board of the Springfield Museums Association.

Mrs. Friedmann received numerous awards for her work, including the Mary Alice Rogers Award for Volunteerism from public television station WGBY-TV, Channel 57, in 2006, and the YWCA Women of Achievement Award in 1998. In 2001, Janee received the William Pynchon Award, Western Massachusetts' highest civic honor.

PAYING TRIBUTE TO ELLIE POWELL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Ellie Powell who has distinguished herself as an outstanding and devoted professional in her field as a Registered Nurse.

Ellie has a long and distinguished career as a nursing professional. Her career in nursing started in 1959 as an Operating Room Nurse at Fitzgerald Mercy Hospital in Darby, Pennsylvania. In 1960, Ellie became an Operating Room Heart Scrub Nurse at Geisinger Medical Center in Danville, Pennsylvania. Following a short time at Geiringer, Ellie became a United States Air Force Nurse, serving at both Cannon Air Force Base and Royal Air Force Weathersfield until 1963. In 1964, she moved to Sumter, South Carolina and began working as a Medical/Surgical Staff Nurse at Toomey Medical Center. Ellie again relocated to Liberal, Kansas in 1966, where she became a Medical/Surgical Charge Nurse at Southwest Medical Center and subsequently became a staff nurse then a nursing supervisor. In 1977, Ellie moved to Colorado Springs, Colorado where she began her tenure as a staff nurse and eventually became a nursing supervisor at Penrose Community Hospital. While at Penrose, Ellie taught the first Nursing Diagnosis Class in Colorado Springs. She also served as Chairperson of the Policy and Procedures Committee. Ellie moved to Valley Hospital Medical Center in 1989 to become a Medical Surgical Staff Nurse and is presently still serving in a number of different capacities at Valley Hospital. Over the course of her tenure at Valley Hospital, Ellie has served as Clinical Director of Ancillary Services, Clinical Director of Medical/Surgical Services, and Nursing Supervisor. Ellie has also served on a number of committees during her time with Valley Hospital Medical Center including the Performance Improvement Clinical Committee, the Performance Improvement Operational Committee, the Ethics Committee and the Patient Safety Council.

Over the course of her distinguished nursing career Ellie has received a number of accolades. In 1995, she was a Nurse of the Year Runner-up, in October 2004 she received the Service Excellence Silver Star from Valley Hospital Medical Center and the Service Employee of the Quarter Award. Ellie was also named the March of Dimes "Distinguished Nurse of Southern Nevada" in 2006. In addition to her numerous professional awards and honors, Ellie has been published twice and is very active in a number of professional associations.

Madam Speaker, I am proud to honor Ellie Powell. Her professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Ellie for her efforts and commitment to her patients and to our community.

RECOGNIZING CHARLOTTE KATHRYN WOODWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to celebrate the birth of Charlotte Kathryn Woodward. Charlotte was born on Thursday, January 11, 2007, to her proud parents, Travis and Sarah Woodward of Bowie, Maryland. Charlotte entered the world at 6:33 a.m. at Anne Arundel Medical Center in Annapolis, Maryland, weighing a healthy 8 lbs. 11½ oz. and 20.8 inches long.

Charlotte also has proud grandparents, Lewis and Kathy Rice, of Maryville, Missouri, and Cheryl and Duane Farmer of Sidney, Nebraska, as well as Bruce Woodward of Maryville, Missouri, to spoil her. Charlotte is also the niece of Ryan and Kristin Woodward of Stafford, Virginia; Nathan Woodward of Maryville, Missouri; Robert and Sarah Rice of Chillicothe, Missouri; and Nathaniel Rice, of Maryville, Missouri.

Madam Speaker, I proudly ask you to join me in celebrating the birth of Charlotte Kathryn Woodward. I see great things in Charlotte's future considering her parents' and grandparents' great emphasis on family values, public service and patriotism. I wish Charlotte the best life has to offer.

IN SPECIAL RECOGNITION OF DOUG A. DETTER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Doug A. Detter of Defiance, Ohio has been offered an appointment to attend the United States Air Force Academy at Colorado Springs, Colorado.

Doug's offer of appointment poises him to attend the United States Air Force Academy this summer with the incoming cadet class of 2011. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. It is one of the most challenging and rewarding undertakings of their lives.

Doug brings an enormous amount of leadership, service, and dedication to the incoming class of Air Force cadets. While attending Defiance High School in Defiance, Ohio, Doug attained a grade point average which placed him at the top of his class. While an accomplished athlete, Doug has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Doug has been a member of the National

Honor Society, the Quiz Team, Honor Roll and has earned awards and accolades as a scholar.

Outside the classroom, Doug has distinguished himself as an excellent student-athlete by earning varsity letters in golf and track. Doug's dedication and service to the community and his peers have proven his ability to excel among the leaders at the Air Force Academy. I have no doubt that Doug will employ the lessons of his student leadership as he excels among the leaders at the United States Air Force Academy.

Madam Speaker, I ask my colleagues to join me in congratulating Doug A. Detter on his appointment to the United States Air Force Academy at Colorado Springs. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Doug will do very well during his career at the United States Air Force Academy and I ask my colleagues to join me in wishing him well as he begins his service to the Nation.

RECOGNIZES THE ACADEMY AT THE FARM SCHOOL FOR EDUCATIONAL SUCCESS

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the Academy at the Farm School, a Pasco County, Florida charter school that is being recognized for academic achievement at the National Press Club in Washington, D.C. The Center for Education Reform has selected the School as an Exemplary Charter School for the past year. The Academy at the Farm School is one of six from Florida, 53 nationwide, and was chosen from over 4 thousand eligible charter schools.

Founded in 2002 as an inclusion school for exceptional student education students, the School is designed to place these gifted students in a regular classroom setting. In addition to its focus on academic success, the School also focuses on learning about the environment.

One of the most successful institutions in Florida, the School has a grade of A and has met 100 percent of the criteria required for adequate yearly progress. Additionally, it was one of only four schools in Pasco County to have achieved adequate yearly progress. With a student to faculty ratio of only six to one, there is a strong focus on individual teaching and learning. All the teachers at the School are certified, with 30 percent of them having advanced degrees and a total of over 225 years experience.

The Academy received a letter from former Florida Governor Jeb Bush recognizing the fourth graders as one of the top 100 elementary schools in the State for improvements in writing. They also received a letter from Governor Bush for being named one of the top 50 combination schools in the State that made the most year-to-year progress.

As is the case with many successful educational institutions, the Academy at the Farm School is headed up by strong leaders and administrators. Dr. Michael Rom, the School Administrator, is the former Provost at Pasco Hernando Community College and is highly respected in the education and professional world. He and the seven teachers attending the event in Washington were original staff members of the Academy and have continued their commitment to Pasco County children and families.

Madam Speaker, educational leaders like Dr. Rom and the teachers at the Academy at the Farm School should be recognized for their outstanding accomplishments. Their record of success has proven them worthy of being named an Exemplary Charter School by the Center for Education Reform. I congratulate them on the award and know that they will continue to focus on educational achievement into the future.

HONORING THE MEMORY OF CHESTER ALEXANDER HUNT, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. BONNER. Madam Speaker, the city of Fairhope and indeed the entire State of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Chester Alexander Hunt, Sr., was an institution at Fairhope's Grand Hotel, serving as a waiter, concierge, official greeter, and historian for more than 60 years.

A native of Jackson, Mississippi, Mr. Hunt spent most of his life in Fairhope with his wife of 65 years, Mary Lewis Hunt, who passed away in February of this year.

On April 18, 1941, Mr. Hunt began his career at the Grand Hotel. He left the hotel to serve in the Army during World War II and returned after the war ended. During his time at the Grand Hotel, Chester welcomed countless guests to the 160-year-old hotel, including former President George H.W. Bush, Secretary of State Colin Powell, former British Prime Minister Margaret Thatcher, Dolly Parton, and Bo Jackson.

It goes without saying that Mr. Hunt was well known throughout southwest Alabama. He conducted regular history tours for the guests and special tours for groups. In 1998, Chester was awarded the hotel chain's J.W. Marriott Award of Excellence.

In addition to his service at the Grand Hotel, Mr. Hunt owned an insurance company in Fairhope for more than 20 years and served on the Eastern Shore Chamber of Commerce Board of Directors.

Madam Speaker, I ask my colleagues to join me in remembering a truly wonderful man, a dedicated community leader and friend to many throughout south Alabama. Chester Alexander Hunt will be deeply missed by his family—his children, Jan Marie Coleman, Julius Hunt, Chester A. Hunt, Jr., Tyrone Hunt, and Kerry Hunt; his brother, Cecil Hunt; 8 grandchildren; and 10 great grandchildren—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

IN CELEBRATION OF THE 60-YEAR ANNIVERSARY OF THE 16 ACRE LIONS CLUB

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I wish to celebrate the accomplishments of the 16 Acre Lions Club as well as their 60 years of service to the great city of Springfield, Massachusetts. Below is a brief history of the Club as well as their many accomplishments.

The Springfield 16 Acres Lions Club began on April 25, 1947. The Club's charter night occurred on June 18, 1947. In the beginning, the meetings were held in various buildings, including Belle's, the Old School House, and the Foster Memorial Church. During the 1950s, the Club presented movies for the community in the School House for the price of a dime. All children were welcomed and no child was ever refused for lack of a dime.

Another hallmark of the Club during the 1950s, was the establishment of the Lions Orthopetic Clinic, established by Russell Koch (a past President of the Club) in 1951. The patients of the Clinic were referred by local ophthalmologists and were charged a fee according to their ability to pay. Today the facility remains open and is currently located on Maple Street in downtown Springfield.

Fred Hoare, a past District Governor, formed the sports program. The program included events for soccer, basketball, softball, as well as baseball. The Club held a soccer tournament every year on Memorial Day weekend, with teams from as far away as Virginia participating.

For the past 37 years, the Club has provided food baskets for needy families during the Christmas season. This is coordinated through the local churches. Along with food, presents for children are also included. Money to support this effort has been raised through a raffle ticket sale during the month of November.

The Club has also provided glaucoma and diabetic testing for the community. Eyeglasses as well as eye exams for those in need were provided free of charge through authorized facilities. Other charitable events included an annual Easter egg hunt held the Saturday before Easter at Greenleaf Park. Six local elementary schools participate in the Easer egg hunt every year. The Club also organizes a pancake breakfast at St. Catherine's on Park Street. The proceeds are used for scholarships for graduating high school seniors.

The Club also raises money for funding of the 33Y Lions District Eye Mobile. The mobile will be a fully equipped Winnebago for the testing of diabetes, high blood pressure, and glaucoma. The mobile will be equipped with a special camera to take photos of the retina. The camera will also be equipped with a fax machine that will send the photos to the Massachusetts Eye and Ear in Boston for analysis. This project has taken over eight years to complete and I am happy to report that it will be available this summer for use in any Lions Club in Western Massachusetts.

Fifteen years ago the Club began its participation of a beautification project in the center of 16 Acres. This project was headed by Lion Richard Messier and is now run by Mr. Richard Pond. The Club formed a committee in order to have a Lions Park at the corner of Wilbraham Road and Park Street. Members of the Club contribute by cutting grass, cleaning up the leaves, and planting flowers every spring for the Veterans on Memorial Day. They also place Christmas decorations including a lighted train. The Club has so far spent $3,500 dollars in order to keep the park beautiful.

Our Club has produced four District Governors. The late Robert Scott, Richard Leary, and Fred Hoare have served in this capacity. PDG John Ingalls is still active in the 16 Acres Club. These four men are held in high regard and are well respected for their accomplishments.

Lastly, it is important to note that the success of the many projects that this Club has undertaken is due to the dedication of its members. Lions truly demonstrate their motto, "We Serve."

PAYING TRIBUTE TO RYAN PECKHAM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Ryan Peckham, who has distinguished himself as an outstanding and devoted professional in his field as a Registered Nurse.

Ryan Peckham has been a Registered Nurse at Summerlin Hospital for three years. Since arriving at Summerlin Hospital as a New Grad RN, Ryan has excelled both as an outstanding nurse and patient advocate. In his three years, he has worked on several committees to help improve patient care and employee life in Southern Nevada including acting as the lead for a committee that overhauled the Triage process in the Emergency Department. Ryan's actions as a key member of this committee were instrumental to implementing new procedures that have helped save countless lives in the Southern Nevada community. He has also worked diligently to make Summerlin Hospital an employer of choice, not only by increasing the desire for Registered Nurses to work at Summerlin Hospital, but by also helping patients receive the highest quality care. Due to his demonstrated proficiency as a Registered Nurse, Ryan has recently been named a Charge Nurse.

Ryan is the epitome of professionalism and dedication. He has contributed to nursing as a whole in many different aspects. He maintains the belief that nursing is an attitude rather than a job.

Madam Speaker, I am honored to recognize Ryan Peckham. His professional expertise and caring nature have greatly enriched the lives of those in the Las Vegas community. I commend Ryan for his efforts and commitment to his patients and to our community.

IN SPECIAL RECOGNITION OF MICHAEL W. HAMPTON ON HIS APPOINTMENT TO ATTEND THE UNITED STATES NAVAL ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Michael W. Hampton of Waterville, Ohio has been offered an appointment to attend the United States Naval Academy in Annapolis, Maryland.

Michael's offer of appointment poises him to attend the United States Naval Academy this summer with the incoming midshipmen class of 2011. Attending one of our Nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer.

Michael brings an enormous amount of leadership, service, and dedication to the incoming class at the Naval Academy. While attending Anthony Wayne High School in Whitehouse, Ohio, Michael attained a grade point average which placed him at the top of his class. While a gifted athlete, Michael has maintained the highest standards of excellence in his academics, choosing to enroll and excel in Advanced Placement classes throughout high school. Michael has been a member for the National Honor Society, Honor Roll and has earned awards and accolades as a scholar and an athlete.

Outside the classroom, Michael has distinguished himself as an excellent student-athlete. On the fields of competition, Michael has earned varsity letters in track, swimming and cross country. He was named Captain of the Varsity Cross Country team and served as President of the German Club. Michael's dedication and service to the community and his peers have proven his ability to excel among the leaders at the Naval Academy. I have no doubt that Michael will take the lessons of his student leadership with him to Annapolis.

Madam Speaker, I ask my colleagues to join me in congratulating Michael W. Hampton on his appointment to the United States Naval Academy. Our service academies offer the finest military training and education available anywhere in the world. I am sure that Michael will do very well during his career at the Naval Academy and I ask my colleagues to join me in wishing him well as he begins his service to the Nation.

RECOGNIZING SHAWN GRAYBILL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Shawn Graybill, a very dedicated and enthusiastic member of my Congressional staff. My office and I greatly value Shawn's hard work and commitment. Constituents have grown to recognize his attention to detail, knowledge of many issues and personal touch. His dedication to the Sixth District of Missouri has shown through over the years, which is evident by the appreciation of all with whom he works.

A native of Tarkio, Shawn began his career within my office as an intern in June of 2002 while completing his undergraduate degree from Park University. He has served admirably whether it was working on constituent casework or as a field representative for Clay County.

Shawn also worked on my re-election campaign as my campaign manager. As anyone in politics knows, these types of jobs involve long hours and time away from your family. I appreciate his wife, Laura, for sharing her husband with me over the last 5 years.

Shawn will be leaving my office to serve as an Assistant Director for the American Truck Historical Society. In addition, Shawn and Laura are about to become first-time parents. It is my understanding that their daughter will share the name of my favorite President, Ronald Reagan.

Madam Speaker, I proudly ask you to join me in congratulating Shawn Graybill for his many important contributions to myself, my staff, all those he has worked with and for all those he has served. It is truly an honor to represent Shawn in the United States Congress.

RECOGNIZES THE 75TH ANNIVERSARY OF THE DEPARTMENT OF AGRICULTURE'S AGRICULTURAL RESEARCH SERVICE AND SUBTROPICAL AGRICULTURAL RESEARCH STATION'S PRESENCE IN THE STATE OF FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the United States Department of Agriculture's Agricultural Research Service and Subtropical Agricultural Research Station (STARS) in Brooksville, FL. for the past seventy-five years, STARS has worked in cooperation with the University of Florida to improve animal production. Their hard work to develop superior animal production systems for the subtropical regions of the United States has established them as leaders in beef cattle and water quality research.

STARS began in 1932 with nearly 2,100 acres as a gift to the Federal Government by Colonel and Mrs. Raymond Robins. The STARS program would eventually grow to its current size of 3,800 acres and produce significant research for the categorization and conservation of tropically adapted beef cattle. Their current projects include environmentally focused analysis that will help determine the impact of the cattle on the waters of Florida and their sustainability.

Given its status as the only station located in the South, the STARS program remains a

High School where he also coached and advised numerous student sports and activities. Mr. Johnston also served as a school counselor and dean of students. He then worked at various middle schools as Vice-Principle and two district high schools as Principle. Mr. Johnston then had the privilege of opening Green Valley High School, where he worked as principal until retirement.

Mr. Johnston currently serves on the Gaming Policy Committee for the State of Nevada and has been very active in several Boys and Girls Club functions over the years.

Madam Speaker, I am proud to honor Mr. Carroll Johnston and his distinguished career in service to Clark County School district and the State of Nevada. I wish him the best in his retirement and thank him for his dedicated service.

PERSONAL EXPLANATION

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mrs. GILLIBRAND. Madam Speaker, I was not present to vote on Wednesday, May 2, 2007, because I was in my upstate New York district, attending the funeral of State Trooper David Brinkerhoff, a State trooper killed in the line of duty.

Had I been present, I would have voted in the following way:

(1) Democratic Motion on Ordering the Previous Question on the Head Start Rule—"yea."

(2) H. Res. 348—Rule providing for consideration of the Head Start bill—"yea."

(3) H. Res. 350—Rule providing for consideration of the NIST bill—"yea."

(4) Will the House, on reconsideration, pass the Iraq Supplemental, the objections of the President to the contrary notwithstanding?—"yea."

(5) Price (GA) Amendment. Establishes an 8-state Block Grant demonstration of Head Start program which would eliminate Head Start program standards, weaken oversight and accountability, remove local control, and end Head Start as we know it.—"nay."

(6) Sestak/Tierney/Courtney Amendment. Authorizes a loan forgiveness program for Head Start teachers to support better teacher quality in Head Start programs.—"yea."

(7) Hirono Amendment. Improves the Early Head Start program by making needed improvements to the training and technical assistance system in Early Head Start.—"yea."

(8) Mica Amendment. Moves the deadline up by 2 years for when Head Start teachers must have B.A.'s, without providing additional resources to ensure programs would not have to reduce other core services.—"nay."

(9) Putnam Amendment. Removes the bill's improved accountability measures that include a system of program quality review by requiring all Head Start programs to be re-competed every 5 years regardless oftheir quality; draws funding away from the classroom for greater federal bureaucracy.—"nay."

(10) Carnahan Amendment. Ensures programs can maintain quality services by allowing grantees to negotiate enrollment levels when appropriations are insufficient to cover COLA.—"yea."

(11) Shuler/Ellsworth/Loebsack Amendment. Affirms eligibility of faith-based organizations as Head Start grantees and applauds role of community and faith based organizations in the Head Start program.—"yea."

TRIBUTE TO DR. GRETCHEN SCHUETTE

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Ms. HOOLEY. Madam Speaker, I rise today to recognize and commend Dr. Gretchen Schuette for her distinguished service as the eighth president of Chemeketa Community College in Salem, Oregon. The name Chemeketa is a Kalapuya word meaning "place of peace." Willamette Valley Native Americans would gather at a place they called Chemeketa, today known as Salem. There, they conducted their councils, renewed friendships, and shared old ideas and cultivated new ones.

Dr. Schuette embodies the spirit of Chemeketa and throughout her tenure has brought the institution to new levels of academic achievement and excellence in technical training, workforce development, and business support.

Dr. Schuette has overseen an enterprise that is one of the largest—public or private—in Oregon's Mid-Willamette Valley. Last year more than 57,000 students attended classes at the college that has campuses and centers in Salem, Woodburn, McMinnville, Dallas and the Santiam Canyon. After serving the college as one of its deans until 1992, Gretchen returned as president in July 2001, and she steered Chemeketa through difficult financial times as state resources fell and student populations continued their increase of 31 percent in the last 10 years.

Dr. Schuette has been an education leader at all levels in Oregon, having served as superintendent of the Gresham-Barlow School District and dean of distance education for Oregon State University in addition to her work for three Oregon community colleges.

She has earned degrees in English literature, botany and geological oceanography from Smith College, Central Michigan University and Oregon State University. She remains a dedicated Beaver fan.

In addition to receiving awards from the Oregon Diversity Institute and the American Association for Women in Community Colleges, Dr. Schuette has served on the Marion County Families and Children Commission, the Public Commission of the Oregon Legislature, and the Oregon State Board of Higher Education.

I hope Members will join me in extending my heartfelt gratitude to Dr. Schuette for her leadership of Chemeketa Community College and offer our well wishes as she retires to pursue her next great adventures.

HONORING FRANCIS MIKO FOR HIS SERVICE TO THE U.S. CONGRESS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. DREIER. Madam Speaker, today I would like to recognize and commend Francis Miko for more than three decades of service to the U.S. Congress at the Congressional Research Service. On April 27, 2007, Francis retired as a Specialist in International Relations with the Foreign Affairs, Defense, and Trade Division of CRS, bringing to an end a distinguished career as an expert on both foreign policy issues and our institution.

I have had the pleasure of working with Francis on a number of occasions, particularly in association with two different endeavors that I value among my greatest privileges as a Member of Congress. The first was the Frost-Solomon Task Force, which was established by the U.S. House of Representatives following the collapse of the Soviet Union in order to assist the legislatures in former Soviet-bloc countries. These institutions, which had previously been rubber stamps for a totalitarian regime, were suddenly thrust upon the democratic stage with the responsibility of representing the will of the people. Francis Miko led CRS' efforts on the Task Force, and proved to be a key asset and invaluable expert. In twelve post-Communist countries in Central and Eastern Europe, he coordinated the establishment of parliamentary libraries and research facilities, lent a tremendous amount of technical expertise in legislative functioning and helped to implement the use of information technology.

Nearly 10 years after the Frost-Solomon Task Force concluded its work, its mission was reborn with a global focus in the House Democracy Assistance Commission. Once again, this body has relied enormously on the experience and institutional knowledge that Francis has provided. Since its establishment in 2004, HDAC has embarked upon partnerships with 12 developing and re-emerging democracies around the globe. Francis Miko's work in developing these programs and providing the technical assistance necessary to strengthen these vital institutions has been indispensable.

We will miss his expertise, his dedication, his professionalism and his depth of institutional knowledge. I commend him for his commitment to public service and to the U.S. Congress, and I congratulate him on his well-earned and much-deserved retirement.

TRIBUTE TO KEVIN D. LYONS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Kevin D. Lyons the Illustrious Potentate of the Oman Temple Number 72 Ancient Egyptian Arabic Order Nobles of the

Mystic Shrine Prince Hall Affiliated. The Temple membership is honoring him at the Potentate's Ball on May 19th in my hometown of Flint, Michigan.

A native of New Jersey, Kevin attended East Orange High School with an emphasis in College Preparatory Music. He graduated from Delaware State University with a major in Music Education and obtained his masters degree at Howard University in Performance and Jazz Studies.

Bringing his love of music to Michigan, Kevin works for the Beecher Community School District as the district-wide assistant director of bands. He also provides private lessons in drum and percussion instruments and is a professional drummer with the music group "Deep Blue." He is a life member of the Kappa Kappa Psi National Honorary Band Fraternity and the Phi Mu Alpha Sinfonia Fraternity of America. He belongs to the Music Educators National Conference, National Association of Rudimental Drummers, the Percussive Art Society International Conference, the Omega Psi Phi Fraternity, and all Prince Hall Masonic Houses.

In addition to being a committed music teacher, Kevin also uses his talent for the worship of Our Lord Jesus Christ. He is a member of Vermont Christian Church and is the Chairman of the Media Ministry. He is the former president of the Christian Men's Fellowship, a former co-sponsor of the Youth Ushers, and a participant on the Finance Team.

Madam Speaker, I ask the House of Representatives to join me in applauding Kevin D. Lyons's devotion to his community, his students, his church, and to congratulate him for his service to the Oman Temple Number 72.

PERSONAL EXPLANATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. SCHIFF. Madam Speaker, I was in my Congressional District and unable to be present for votes on May 7, 2007. Had I been present, I would have voted "aye" on each of rollcalls Nos. 302, 303, and 304.

PAYING TRIBUTE TO BEVERLY COURNOYER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Ms. Beverly Cournoyer, a Registered Nurse, who is a distinguished and devoted professional in her field.

Beverly earned her Bachelor of Science in Nursing from the University of Kansas and her Master's in Business Administration from University of Nevada Las Vegas. She has been a Registered Nurse for over 30 years. Beverly's career in public health care began with work on a Native American Indian Reservation, where she used her expertise to address the specific health care requirements of the population she served. When Beverly moved to Las Vegas, she committed herself to changing the way in which the Las Vegas community is served in regards to understanding the importance of public health care and home health care. Beverly developed and established a program to evaluate the long-term health care needs of extremely ill elderly patients in order to minimize their need for admissions to hospitals or to nursing homes. Her home health care program proved to be not only cost effective, but also dramatically improved the patients' quality of life.

Madam Speaker, I am proud to honor Beverly Cournoyer. Her passion and her love of nursing have improved the lives of countless of patients in Las Vegas. I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I was absent from the House of Representatives last week due to the birth of my son. If I had been able to be present, I would have voted as follows:

H.R. 1868—Technology Innovation and Manufacturing Stimulation Act: rollcall No. 301—"yea"; rollcall No. 300—"yea."

H.R. 1592—To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes: rollcall No. 299—"nay"; rollcall No. 298—"yea"; rollcall No. 297—"nay"; rollcall No. 296—"nay."

H.R. 1867—To authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes: rollcall No. 295—"yea"; rollcall No. 294—"yea"; rollcall No. 293—"nay"; rollcall No. 292—"yea"; rollcall No. 291—"yea"; rollcall No. 290—"yea"; rollcall No. 289—"yea"; rollcall No. 288—"nay"; rollcall No. 287—"yea."

H.R. 1429—To reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes: rollcall No. 285—"yea";

Improving Head Start Act—On Motion to Recommit with Instructions:

Rollcall No. 284—"yea."

Amendment No. 11: rollcall No. 283—"nay."

Amendment No. 9: rollcall No. 282—"nay."

Amendment No. 7: rollcall No. 281—"yea."

Amendment No. 5: rollcall No. 280—"yea."

Amendment No. 4: rollcall No. 279—"yea."

Amendment No. 3: rollcall No. 278—"yea."

Amendment No. 2: rollcall No. 277—"yea."

H.R. 1591 Emergency Supplemental Appropriations: rollcall No. 276—"nay"; rollcall No. 275—"nay."

HONORING MARK HOWE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. MARCHANT. Madam Speaker, I rise today to honor Mr. Mark Howe for receiving the 2007 Distinguished Friend Award from the Grapevine-Colleyville Education Foundation. This nonprofit foundation was created to help support the educational programs and activities for students and staff of the GCISD. Programs to assist students in skill and achievement development, acknowledge staff accomplishments and develop broader involvement within the community are all funded by the Grapevine-Colleyville Education Foundation.

Mr. Howe has served on numerous GCISD advisory committees and for more than 6 years he has been the director for the Education Foundation serving as the Foundation's President for 2½ years. Mr. and Mrs. Howe donated a $25,000 endowment to the foundation in honor of Mr. Howe's mother, Inez Cannon Howe, a retired teacher. The Howe's children have all graduated from the Grapevine-Colleyville Independent School District.

Madam Speaker, I congratulate Mr. Mark Howe on being recognized with the 2007 Distinguished Friend Award and thank him for his service, support and guidance to the Grapevine-Colleyville ISD and Education Foundation. His numerous contributions to the GCISD have no doubt benefited many and it is an honor to represent him in the 24th District of Texas.

TRIBUTE TO COUNCILMAN JIM SPEHAR OF GRAND JUNCTION, COLORADO

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. SALAZAR. Madam Speaker, I stand today to pay tribute to Jim Spehar, an outstanding community leader from Grand Junction, Colorado. For eight years he has served the City of Grand Junction as a distinguished and valued member of the City Council. Prior to that, Mr. Spehar served as a Mesa County Commissioner from 1991 to 1995.

Leadership and candor have been a hallmark of his legacy and he has employed both of these qualities in his city and county roles, as well as having served as president of the Colorado Municipal League. In addition, he excelled as the western Colorado representative for the Colorado Water Congress Board of Directors. He currently serves as the director of the Central Rockies office of the Sonoran Institute, where he assists cities in assessing the impact of growth on their communities.

Jim Spehar has always been about the betterment of communities and his decisions have always reflected that thought. Popularity was not his concern—reaching for the good of the populace has been at the heart of his actions. Never one to back down from controversy, Jim has led by example through thoughtful decision making with integrity and fairness. His leadership will be difficult to emulate, and the bar he has set will take extraordinary efforts by those who follow him.

It is my pleasure to acknowledge his contributions to the city of Grand Junction and Mesa County, as well as the entirety of the State of Colorado.

HONORING BOB HUDEK

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Ms. BALDWIN. Madam Speaker, I rise today to pay tribute to the work of a remarkable activist from Wisconsin—Bob Hudek of Citizen Action of Wisconsin.

Bob Hudek is retiring from Citizen Action of Wisconsin after serving 12 years at the helm of an organization that has become a national model for how to engage people in progressive politics. During that time he displayed the strong leadership skills necessary to build Citizen Action of Wisconsin into an effective, statewide organization. It is known throughout the State for its fabulous issue work and serves as one of the best organizing models in Milwaukee.

Bob Hudek's passion for fairness and compassionate public policy spans a broad range of serious issues facing the people of Wisconsin. From education to health care to consumer protection, Bob's commitment to the community and promoting the principles of social justice is truly unbounded.

Bob Hudek served to continue Wisconsin's long history of progressive politics. He worked undauntedly to elect progressive legislators who shared his commitment to the Wisconsin ideal. His leadership furthered the progressive movement at the State and national levels and will have an impact that will reverberate for years to come.

With an unmatched generosity of spirit, Bob Hudek is able to bring together people and organizations with an array of viewpoints and help them to find common ground. This dedication to the issues he holds dear fostered the development of not only Citizen Action of Wisconsin but other organizations as well.

Thank you, Bob, for the years of service you have provided Citizen Action of Wisconsin, the progressive movement, and the people of Wisconsin.

DART CELEBRATES 50,000

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. BURGESS. Madam Speaker, I rise today to celebrate the 50,000th passenger to use the Commuter Express. This is a remarkable milestone for the city of Denton.

On Monday, May 7, 2007, the Denton County Transportation Authority transported its 50,000th Commuter Express passenger. The Commuter Express was launched in May of 2006 and works in conjunction with Dallas Area Rapid Transit (DART) to connect Denton, Lewisville, the DART North Carrollton Transit Center and the Dallas Central Business District.

The Denton County Transportation Authority (DCTA) was signed into law by the governor in 2001. On June 6, 2003, the North Central Texas Council of Governments presented the Regional Cooperation Award to the DCTA. The award is presented to local governments which promote cooperation to solve regional problems; which do not allow jurisdictional boundaries to the be barriers to solutions; and which demonstrate that joint projects can provide better use of resources as well as quality service.

I would like to congratulate the Denton County Transportation Authority and the entire community of Denton County. I am proud to celebrate this occasion with them, and I look forward to working with them in the future as we make our transportation system even more efficient. The people of the 26th Congressional District of Texas are already benefiting from this service, and I know I can expect great things in the future from DART.

ON THE CINCO DE MAYO HOLIDAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. AL GREEN of Texas. Madam Speaker, I am proud to honor the historic holiday of Cinco de Mayo.

On May 5, 1862, Mexican forces led by General Ignacio Zaragoza Seguin defeated French occupying forces in the Battle of Puebla, just 100 miles from Mexico City. General Seguin led his brave troops to a spirited victory in spite of the fact that his forces had neither the manpower nor the equipment of their opponents. The Battle of Puebla was instrumental in preserving the right of the Mexican people to self-determination, as it helped prevent the French military from taking long-term control of sovereign Mexican territory.

The heroic actions of General Seguin and his courageous forces not only helped preserve the Mexican government, they also helped preserve the unity of the United States. Had France been able to extend its control over Mexican territory at the Battle of Puebla, France likely would have had sufficient resources and manpower to aid the Confederate States of America in their war against the United States. The tremendous fight put up by the Mexican troops at the Battle of Puebla ensured that such a worrisome scenario did not come to pass and provided President Lincoln with crucial support as the Civil War descended into chaos.

There can certainly be no questioning of the bravery, spirit and patriotism of the thousands of Mexican troops who fought and, all too frequently, gave their lives at the Battle of Puebla. I believe that, as we recognize the efforts and sacrifices of those troops, Cinco de Mayo provides us with a perfect opportunity to recognize the sacrifice for sovereignty, the importance of courage and, above all, the universal yearning for freedom.

The Mexican forces who won the Battle of Puebla should not and will not ever be forgotten. I commend those forces for their spirit and courage and I wish all those celebrating the holiday across Mexico and the United States a happy Cinco de Mayo.

TEACHER APPRECIATION WEEK

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. ORTIZ. Madam Speaker, I rise today to pay tribute to America's teachers and commemorate them for the infinite number of ways they make us a better nation by inspiring our children to think beyond the bounds of home, school and community.

Today is National Teacher Day and this is Teacher Appreciation Week. National Teacher Day, sponsored by the National Education Association, is a time for honoring teachers and recognizing the lasting contributions they make to our lives and to our communities.

While this year's theme for National Teacher Day is "Great Teachers Make Great Public Schools," all of us must also remember that great teachers make a better tomorrow for all of us. Teacher Appreciation Week is sponsored by the National PTA and is a time to strengthen support and respect for teachers.

One of the top priorities of the fiscally responsible budget recently passed by the House of Representatives was to put our children and families first by increasing investments in education and expanding access to a high-quality education for all of America's children.

Unfortunately, the President's fiscal year 2008 budget cut education funding by $1.5 billion below this year's level—at a time of record school enrollments and the challenging academic requirements of No Child Left Behind.

In sharp contrast, the budget passed by the House reverses the administration's policy of under-investing in education for our children. It rejects the President's proposal to cut funding for the Department of Education by $1.5 billion below the 2007 enacted level and eliminate 44 different programs, instead providing for new investments in vital programs such as Head Start, special education (IDEA), Title I and other programs under the No Child Left Behind Act.

Overall, the House budget provides for investments of nearly $8 billion more for 2008 and 11 percent more over the next 5 years for education and training than the President deemed necessary.

To see the future, we must stand on the shoulders of giants, and giants in our local communities are our school teachers who—despite the many challenges they face in classrooms each day—get up every day to teach and inspire our children.

On this day, let us remember why the House—in our recent budget—invested in our schools to ensure that our teachers have the tools and resources they need. Only when teachers have all they need to teach, can they give our children the high-quality education necessary to succeed in this increasingly competitive global economy.

INTRODUCTION OF THE DIABETES TREATMENT AND PREVENTION ACT OF 2007

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. ENGEL. Madam Speaker, I rise to introduce the Diabetes Treatment and Prevention Act of 2007 with my good friend, VITO FOSSELLA.

There is no question that diabetes is a mounting challenge for our nation's health care system. According to the Centers for Disease Control and Prevention (CDC), the number of Americans with diagnosed diabetes has doubled over the past 15 years. Over 20 million Americans are currently living with this disease, but 6 million of them have not yet been diagnosed. Another 54 million are classified as "pre-diabetic," with a high-risk of developing this condition. The statistics are simply staggering.

Beyond being a public health threat, Diabetes accounts for over $92 billion in direct medical costs every year, and these numbers are only likely to increase. The Diabetes Treatment and Prevention Act would increase our ability to prevent new cases of diabetes and improve disease management.

Our bill would codify the Centers for Disease Control and Prevention's Division of Diabetes Translation and set up demonstration grants to allow for further research on how to translate effective diet and exercise interventions for us in the general populations. It would also increase the ability of state and local health departments to engage in surveillance and education activities, and set up demonstration projects to examine the best ways to treat diabetes when it occurs in conjunction with other chronic health conditions.

I am proud that we have taken a multipronged approach in this legislation to attack our mounting diabetes epidemic on two fronts; it will promote research at the Centers for Disease Control so that we may better understand this disease while also funding innovative treatment and education efforts at the state and local level.

This legislation, combined with the Engel/Fossella Gestational Diabetes (GEDI) Act (H.R. 1544), which combats growing rates of Diabetes in pregnant women across the nation will go a long way towards managing and preventing the onset of Diabetes.

I urge my colleagues to co-sponsor this legislation today.

TRIBUTE TO PARTICIPANTS IN 2007 WE THE PEOPLE NATIONAL FINALS MARCH 8, 2007

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. MOORE of Kansas. Madam Speaker, from April 28–30, 2007, more than 1,200 students from across the country visited Washington, D.C., to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that a class from St. Thomas Aquinas High School of Overland Park, Kansas won the Unit Three: Constitution Shapes Institutions Award at this prestigious national event. 6 unit awards were presented to the schools achieving the highest scores, based on the first 2 days of competition in each of the 6 units of the We the People: The Citizen and the Constitution text. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's Capital and compete at the national level.

While in Washington, the students participated in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that independent studies of the We the People program indicate that alumni of this nationally acclaimed program display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With various reports and surveys that reveal the lack of civic knowledge and engagement, I am pleased to support such an outstanding program that continues to produce an enlightened and responsible citizenry.

Madam Speaker, the names of these outstanding students from St. Thomas Aquinas High School are:

Elizabeth Berra, Andrew Billam, Hannah Cisper, John Clark, Greg Correia, Lindsey Drilling, John Drouhard, Shanna Gast, Whitney Gremillion, Kyle Hauesser, Brigid Halling, Michael Hare, Thomas Hartung, Jordan Herbert, Kaitlyn Hirt, Kelly Jefferson, Ryan Johnson, Andrea Lickteig, Joseph McGroder, Mason Miller, Helen Mubarak, Andrew Peck, Derek Peterson, Erin Peterson, Andrew Robison, Christopher Sevedge, Dylan Slaven, and Melissa Smith.

I also wish to commend the teacher of the class, Spencer Clark, who is responsible for preparing these young constitutional experts for the national finals. Also worthy of special recognition is Lynn Stanley, the State coordinator, and Ken Thomas, the district coordinator, who are among those responsible for implementing the We the People program in my State.

I congratulate these students on their exceptional achievement at the We the People national finals.

CELEBRATING THE FIFTH ANNIVERSARY OF LA LUZ

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. KIRK. Madam Speaker, I rise to honor La Luz, a weekly bilingual newspaper that serves the English- and Spanish-speaking communities of Lake County, Illinois. This Wednesday, May 9, La Luz will celebrate its fifth anniversary.

The newspaper and its editor, Mr. Ryan Pagelow, provide an invaluable public service to the Latino community of northern Illinois. I have had the pleasure of working with Mr. Pagelow and La Luz since the newspaper's inception on a variety of issues, and I know firsthand the professionalism that the staff displays on a daily basis.

One issue in particular that deserves special recognition is La Luz's coverage of my office's Abuelitas program. Through this initiative, we work with local community members and our embassy in Mexico to bring grandparents of 10th Congressional District residents to the United States. Many of these families have not seen each other for more than 20 years. The Mexican visitors spend 1 month with their loved ones, reconnecting and catching up on years of missed memories.

I credit La Luz with spreading the word about this heart-warming program. By publicizing the issue, we have expanded the Abuelitas program to multiple visits each year. In groups of 20 to 30 people at a time, we are bringing families together.

It is focusing on this and many other issues of importance to Lake County that makes La Luz an indispensable part of the 10th Congressional District. I ask that my colleagues join me in celebrating their fifth anniversary, in hopes of many more years of continued success.

NATIONAL CHILDREN'S MENTAL HEALTH AWARENESS DAY

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. CULBERSON. Madam Speaker, I rise in support of National Children's Mental Health Awareness Day. According to the U.S. Surgeon General's Report on Mental Health, approximately 1 in 5 of the children and adolescents in this country will experience the signs and symptoms of a mental health problem this year.

Today, local children's mental health initiatives across the nation will celebrate the strides they have made with children who are experiencing serious emotional and behavioral problems. I congratulate the Harris County Systems of Hope in Houston, Texas, which has been successful in using a family-driven approach to help emotionally disturbed youth become productive, responsible citizens and thrive in their communities, rather than getting caught in the juvenile justice system.

I urge my colleagues to join in celebrating National Children's Mental Health Awareness Day and supporting their local children's mental health initiatives.

CONGRATULATING ROBERT WAPLES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. TANCREDO. Madam Speaker, dedicated and well-prepared first responders are one of the greatest assets to a community during an emergency. Today, I am honored to recognize Mr. Robert Waples of Rural/Metro Ambulance in Aurora, Colorado. Mr. Waples has been named as a Star of Life Award recipient by the American Ambulance Association for his exceptional service and commitment to the Colorado community.

Mr. Waples has been a member of EMS for the past 30 years, over which time he has sought to improve the standard of medical transportation for the Aurora region. His hard work and efforts are shining examples of leadership and vision, helping the ambulance community better respond to the public.

The Star of Life Award is given to outstanding individuals nationwide within the ambulance service field who have shown above-and-beyond dedication to their profession and society. Recipients are medics, dispatchers, and EMS personnel who have promoted the success of pre-hospital care and the effectiveness of medical transportation. This May, the American Ambulance Association will honor these men and women in Washington D.C., recognizing their heroic, life-saving achievements and contributions to their local communities.

Madam Speaker, please join me in congratulating Mr. Waples for this honor. May he continue to be an inspiration to his organization as well as to the medical transportation community as a whole.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mrs. WILSON of New Mexico. Madam Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2007

Daniel Lerma, Robert F. Kennedy Charter High School; Jennifer Roberts, Mountainair High School; Jennifer Johnston, Del Norte High School; James H. Caughren, Sandia Preparatory School; Arthur Chacon, Manzano High School; Siobhan Degnan, Southwest Secondary Learning Center; Abigail Martinez, South Valley Academy; Molly Nelson, Albuquerque Academy; Ashley Marie Maturino, Evangel Christian Academy; Ruby Trujillo, Rio Grande High School; Nicholas A. Maestas, Highland High School; David Aaron Parks, Cibola High School; Kelsey Byrne, Moriarty High School; Mathew Garcia, West Mesa High School; Eric Layer, Sandia High School; and Austin Baker, Temple Baptist Academy.

Angelica Aguilar, Los Puentes Charter School; Amanda Fernandez May, St. Pius X High School; Ashley Hope Darnell, Bernalillo High School; Sara Beth Dunham, Victory Christian School; Geri Lucia Lia, Menaul School; Corina Franco, New Futures School; Kelly Walker, Bosque School; Kelly D. Clingenpeel, Sierra Alternative High School; Audrey Wofford, Hope Christian School; Desiree J. Sandoval, Cesar Chavez Community School; Katie Gilliam, La Cueva High School; James C. Bohnhoff, El Dorado High School; Elizabeth McConaghy, Los Lunas High School; Charles Andres Padilla, East Mountain High School; and Stacy Daniels, Valley High School.

TRIBUTE TO VAL McCOMIE, FORMER AMBASSADOR OF BARBADOS AND FORMER ASSISTANT SECRETARY GENERAL OF THE ORGANISATION OF AMERICAN STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. RANGEL. Madam Speaker, I rise today to pay tribute to Ambassador Val McComie, of Barbados, a consummate professional and diplomat who established a high bar for his nation in the achievements of his illustrious career. I place in the CONGRESSIONAL RECORD a tribute by Ambassador Michael King to Val McComie.

Today, I had the honor and privilege to speak at the funeral service for Ambassador Val McComie. My heart was warmed to see the outpouring of love by his family members and friends who attended the service to pay their final respects to a great man. It was obvious that he touched the lives of many with his wisdom, knowledge, and commitment to public service. He will be missed by many, but he leaves a legacy that will continue to inspire all those who knew him.

I was very encouraged by the tribute to Ambassador Val McComie by Ambassador Michael King, which was read at the funeral service today. I will reflect on the tribute when I think of my friend and his contribution to my life, democracy, and the people of the Caribbean.

TRIBUTE TO THE HONOURABLE VALERIE T. McCOMIE, C.H.B.

The Honourable Valerie Theodore McComie, C.H.B. was a quintessential Caribbean man. His whole life was spent teaching his students, his colleagues and interlocutors—and anybody with a keen ear—about the dynamics of Caribbean politics and society.

His strong love and appreciation for the Inter-American System played a major role in convincing the Government of Barbados to join the Organisation of American States in 1967 and to service the Permanent Mission with quality staff with the necessary professional and linguistic skills to interact effectively with their colleagues from the rest of the Hemisphere.

Val mentored anyone who was willing to listen to his wise advice and to benefit from his institutional memory. His knowledge of Latin America and the key decision-makers was incredible and one could only marvel at his ability to keep abreast of the rapid changes of government during a period when the word "democracy" was not often part of the lexicon of the Region.

He was a stickler for detail and thorough preparation and he always felt that all diplomats should not take the floor to speak unless they had full access to facts and knowledge about the subject. He demanded and expected a certain level of excellence in the area of diplomatic representation.

As Assistant Secretary General from 1980-1990 Val was a major source of advice to several CARICOM leaders on matters related to the Inter-American System. He relished the role like a kid in a candy store. Sometimes his frankness was not appreciated but he never wavered from his strong views.

I had the privilege to be in La Paz in October 1979 when he created history by winning a very close election to the post of Assistant Secretary General. It was not an easy task for him and the delegation of Barbados but there was no doubt that the esteem with which he was held in the Hemisphere was the primary reason for his success. His re-election by acclamation in Brazilia in 1984 brought similar joy to us.

Val loved sports, especially cricket and football. He always reminded me that he was close to selection for the Barbados Cricket Team. I can also recall the joy he felt when he returned from the 1982 Football World Cup in Spain and the attention he paid to subsequent events.

He followed in death by 100 days, his good friend, the Honourable Oliver Jackman, C.H.B., who also had the great honour of serving as Ambassador of Barbados to the United States of America and the Organisation of American States. They were among the first persons selected to represent Barbados immediately following the granting of Independence in November 1966. All of you will agree that Barbados, the Caribbean and the Inter-American System are better off from their leadership and commitment to improving the quality of life and the promotion of justice for all citizens of the Hemisphere.

On behalf of the Government and people of Barbados I wish to express our sincerest expression of sympathy to his wife, Elia and daughter, Gail and the rest of the family.

I wish to end by reading the first verse of the poem "Los Heraldos Negros" (Black Messengers) by the great Peruvian, Ceasar Vallejo:

"Hay golpes en la vida, tan fuertes . . . Yo no sé!
Golpes como del odio de Dios; como si ante ellos, la resaca de todo lo sufrido se empozaro en el alma . . . Yo no sé!

In English:

There are in life such hard blows . . . I don't know!

Blows seemingly from God's wrath; as if before them
The undertow of all our sufferings is embedded in our souls . . .
I don't know!
May he rest in peace!

RECOGNIZING THE NUCLEAR REGULATORY COMMISSION AS THE "2007 BEST PLACE TO WORK IN THE FEDERAL GOVERNMENT" AND AS THE "BEST DIVERSITY COMPANY"

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize recent achievements of the Nuclear Regulatory Commission (NRC). The NRC recently captured the top ranking among large Federal agencies in the "2007 Best Places To Work in the Federal Government" rankings announced Thursday, April 19, 2007 by the Partnership for Public Service and the American University Institute for the Study of Public Policy Implementation.

This recognition is a great honor for all of the men and women at the NRC. Agency employees are clearly committed to the mission of licensing and regulating the Nation's civilian use of byproduct, source, and special nuclear materials to ensure adequate protection of public health and safety, promoting the common defense and security, and protecting the environment. As evidenced by this award, the NRC staff has the dedication and commitment that make the NRC a great place to work.

The NRC was also recently recognized as a "Best Diversity Company" by the readers of Diversity/Careers in Engineering and Information Technology. Reader survey results highlighted the NRC for the agency's strong support of women and minorities, attention to work/life balance, and commitment to supplier diversity.

These two awards highlight what we in the National Capital Region have known for a long time—the NRC is a top-notch employer. With its headquarters offices located in my district in Rockville, Maryland, I commend the NRC for its recent achievements and I applaud the agency's dedication to its employees while enabling the Nation to safely use radioactive materials for beneficial civilian purposes and ensuring that people and the environment are protected.

HONORING HARRY BELAFONTE FOR A LIFETIME OF HUMAN RIGHTS ACTIVISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. RANGEL. Madam Speaker, today I rise to praise Harry Belafonte, legendary musician and world renowned entertainer, for a lifetime of activism for equality and human rights for people across the globe. His passion, sincerity, and empathy for those who are overlooked and underprivileged have inspired many to act and have brought about significant change in our society.

Harry Belafonte's courage to speak out against the war in Iraq, to support the victims of Hurricane Katrina, and to fight for an end of the AIDS epidemic is a mirror to his integrity and undying commitment to improving society Amy Goodman reflects on his endless service in her article "Harry Belafonte, The Lion at 80" published by Carib News. Harry Belafonte is a true humanitarian for his lifetime of endless work for all.

[From the Carib News, Apr. 3, 2007]

HARRY BELAFONTE, THE LION AT 80

(By Amy Goodman)

Harry Belafonte just turned 80. The "King of Calypso" was the first person to have a million-selling album and the first African-American to win an Emmy, and is perhaps the most recognizable entertainer in the world. On Saturday, March 3, I attended his birthday party at a restaurant adjoining the New York Public Library.

The setting seemed very appropriate, as Belafonte himself is a living library of not only the civil rights movement but of liberation struggles around the world. In 1944, just before shipping out as a U.S. Navy sailor in World War II, he was banned from the Copacabana nightclub in New York. Ten years later, he headlined there. He knew Rosa Parks, Paul Robeson and Eleanor Roosevelt. He corresponded with the imprisoned Nelson Mandela when the U.S. government considered the South African leader a terrorist.

Belafonte was a close confidant of the Rev. Martin Luther King Jr. He spoke daily with King. The FBI was listening. Taylor Branch, the award-winning author of a trilogy of books on King, was at Harry's party. Belafonte describes how Bunch's final book in the trilogy, "At Canaan's Edge," uncovered extensive FBI wiretaps of their conversations.

For fighting for the right to vote and to end segregation, Belafonte says: "We were looked upon as people who were insurgents, that we were doing things to betray our nation and the tranquility of our citizens. That engaged the FBI. Everything we talked about was tapped." The FBI even went to his house when he was away and frightened his wife and children. He tells me: "The essential difference between then and now is that no previous regime tried to subvert the Constitution. They may have done illegal acts. They may have gone outside the law to do these, but they did them clandestinely. No one stepped to the table as arrogantly as George W. Bush and his friends have done and said, 'We legally want to suspend the rights of citizens, the right to surveil, the right to read your mail, the right to arrest you without charge.'" His criticism is not limited to President Bush (whom he called, while visiting President Hugo Chavez in Venezuela, "the greatest terrorist in the world").

President Bill Clinton crashed Belafonte's birthday party, which was taking place as the Democratic presidential contenders battled for the African-American vote. Sens. HILLARY CLINTON and BARACK OBAMA were in Selma, Ala., for the 42nd anniversary of the famous voting rights march from Selma to Montgomery. [Bill Clinton went to Selma to join his wife for the commemoration.]

In his remarks, Clinton toasted Harry: "I was inspired by your politics more than you can ever know. Every time I ever saw you after I became president, I thought that my conscience was being graded, and I was getting less than an A. And every president should feel that way about somebody as good as you."

I asked Harry how he felt about Clinton showing up. "I'm very flattered, OK, but I'm mindful of all the things that need to be done." In his succinct reply, a lifetime of struggle remembered, a keen edged skepticism, "He knows what I think. He said I didn't give him an A." I then asked him about both the Clintons and OBAMA going to Selma.

"We are hearing platitudes, not platforms. What do they plan to do for people of color, Mexicans, for people who are imprisoned, black youth? What are their plans for the Katrinas of America?"

In 1965, Belafonte was on the original Selma march with Dr. King before they reached Montgomery. Jude's Catholic Church offered its grounds to the thousands of marchers. Belafonte called in artists from around the country. Tony Bennett came, as did Pete Seeger (both were at Harris birthday party), Sammy Davis Jr., Mike Nichols, the conductor Leonard Bernstein, Odetta and Joan Baez. In the rain, they built their stage in the mud with donated caskets from local mortuaries.

The stakes were incredibly high. People were shot and killed, people were beaten. Viola Liuzzo, a white Detroit homemaker, was fatally shot by Klansmen while driving marchers back to Selma. Weeks before, police shot a man named Jimmie Lee Jackson, who later died. Despite all that, Belafonte says that the stakes are higher today.

Like the two stone lions that guard the New York City Public Library, Harry Belafonte-fierce, fearless, and focused—protects the soul of struggle. Even as he enters his ninth decade, this lion does not sleep tonight.

THE INNOVATION AGENDA, H.R. 362, H.R. 363, H.R. 1867, H.R. 1868

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Ms. SHEA-PORTER. Madam Speaker, I am pleased to have voted in support of several important and necessary bills on science and technology that will safeguard our nation's prosperity and security in the 21st century. As global competition continues to grow, we must meet these competitiveness challenges by encouraging science and technology research and education, as well as investing in business and industry applications. We need to position ourselves to best meet the demands of the 21st-century world, which will be driven by a knowledge economy.

Currently, less than one third of 4th and 8th Grade students perform at a "proficient" level in mathematics, and 12th Grade students perform below the international average of 21 other countries in math and science knowledge. Only 15 percent of our undergraduates major in science or engineering, while for China, our major economic competitor, that figure is 50 percent, an unhealthy balance with a potential major impact on outsourcing. That is no doubt why Intel Corporation predicted that it would shift another third of its business operations overseas (leaving only one third in the U.S.), as the company follows the most highly trained and educated work force. The decline in math and science performance has led Bill Gates, chairman of Microsoft Corporation, to remark that he is "terrified for our workforce of tomorrow."

The 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act (H.R. 362) implements the National Academies of Science report, Rising above the Gathering Storm, which recommended increasing "America's talent pool by vastly improving K–12 science and mathematics education." The bill invests in 10,000 new math and science teachers by increasing scholarships available for them, and will strengthen the skills of current teachers by offering them more training and educational opportunities. This bill puts teachers and children at the center of our renewal strategy.

It worries me that, since 1976, our investment in research has slipped by 45 percent (as a percentage of the gross domestic product). To counteract this decline, the National Academies of Science report recommended an increased and sustained commitment to long-term, basic research.

This commitment is further implemented in the Sowing the Seeds through Science and Engineering Research Act (H.R. 363). This bill provides grants for research scientists early in their careers, when researchers do their most innovative and ground-breaking work, and funds a much-needed national coordination effort for research infrastructure needs. The National Science Foundation Authorization Act of 2007 (H.R. 1867) also addresses this problem by doubling National Science Foundation funding over the next ten years, increasing our commitment to math, engineering, and science research and education.

These bills will put an end to our neglect of science and math research and education and enable us to keep our competitive and innovative edge, which has been eroding in recent years. Our future prosperity depends on reversing this trend. Studies have shown that 85 percent of growth in U.S. income before 1950 was due to technological innovation and that in the last 60 years, technological innovation has been responsible for half of U.S. economic growth. But in the fall of 2005, scientists polled by Rep. FRANK WOLF said that we were losing ground in science and innovation, with 60 percent saying that we were "in decline" and 40 percent that we were "in a stall." Decline and stall will not ensure job growth and economic prosperity in the coming century.

But we must also apply the results of these research and education initiatives to our business and manufacturing industry, and the Technology Innovation and Manufacturing Stimulation Act (H. R. 1868) begins this process. The bill reauthorizes the National Institutes of Standards and Technology (NIST), which is responsible for many breakthrough technologies of the last century, setting us on course to double its funding over 10 years. It also creates the Technology Innovation Program to allocate funds to small high-tech companies and enable them to continue their research and development until they can bring their products to the marketplace.

Our investment in science and technology research and education can reverse the bleeding away of our manufacturing base, which creates national, security as well as economic risks. In recent years almost half of our new jobs have been created by lowwage employers, which lower our standard of living. If we haven't yet noticed, others have, and Canada and Australia won a Pew Research Center international poll in 2005 about the best country to go to lead a good life. Superiority in science and technology and a positive environment for new or renewed industries will result in good, high-paying jobs, and allow us to overcome the competitive advantage of countries, like China, with low-wage structures.

There is every reason to expect that we can, given sufficient investment, create new industries with good jobs to respond to our need for clean energy and energy independence, among many possibilities. I am proud to have voted to address this crisis and invest in our future prosperity, industrial strength, and national security.

HONORING THE CAREER OF MTSU'S TENNIS COACH DALE SHORT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to congratulate Dale Short, Middle Tennessee State University's tennis coach, upon the occasion of his retirement after 20 years with the university.

During Dale's time as head coach of MTSU's tennis program, the teams moved fom competing in the Ohio Valley Conference to the Sun Belt Conference. Coach Short has coached the Blue Raiders to 383 victories, 11 regular season championships and nine conference tournament titles. Dale and his teams have also participated in eight of the last 12 NCAA Team Championships, and several athletes have made the NCAA Singles or Doubles Championships in 10 of the last 13 seasons.

Before coaching tennis, Dale racked up an impressive record as a player. He was named OVC Player of the Year twice as a student at MTSU and All-State performer as an Oakland High School student.

Director of Athletics Chris Massaro calls Dale "Mr. Tennis," and says while Dale will be missed by MTSU, he will always be a Blue Raider. In his retirement, Dale says he and his wife, Ava, are looking forward to enjoying Blue Raider athletics—especially football, basketball and baseball, the sports they couldn't watch as fans due to his busy coaching schedule.

Coach Short, I wish you the best in your retirement. As an MTSU alumnus, I'll be watching the Blue Raiders right along with you.

COMMENDING STUDENTS FROM HAMILTON SOUTHEASTERN HIGH SCHOOL

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. BURTON of Indiana. Madam. Speaker, I rise today to congratulate a group of twenty outstanding Hoosier students, Ben Anderson, Lauren Bowser, Austin Brady, Kristin Buckingham, Jesse Hawkins, Kirk Higgins, Chris Hill, Tiernan Kane, Nika Kim, Ryan Landry, Julie Lux, Rachel Morris, Jeff Neufer, David Ostendorf, Ryan Puckett, Taylor Schueth, Matt Stein, Amy Thomas, Aleks Vitolins, and Edward Wolenty and their teacher Jill Baisinger.

These students participated in the We the People: The Citizen and the Constitution competition here in Washington, DC April 28–30, 2007. After winning both the state and district competitions the group competed against 50 other schools and achieved honorable mention and placement in the top ten. These students competed against a class from every state in the country and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

We the People: The Citizen and the Constitution is an annual competition in Washington, DC in which students participate in a mock-congressional hearing. Every team has six units of three or more students and each is responsible for one particular area of Congressional expertise. The students arrive prepared to give speeches in response to formal prompts and then testify as constitutional experts before a panel of judges. More than 1,200 students participate each year in the national competition.

The program is administered by the Center for Civic Education and is the most extensive of its kind, reaching more than 28 million students in elementary, middle and high schools. The Students from Hamilton Southeastern High School have made their fellow Hoosiers very proud and I wish them all the best in their future pursuits.

100TH ANNIVERSARY OF MEMORIAL HERMANN

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. BRADY of Texas. Madam Speaker, I rise today to bring the House of Representatives' attention to the many accomplishments of the Memorial Hermann Healthcare System. This year marks the system's 100th year of providing the most advanced healthcare to the people of Texas. Though the Memorial Hermann name has only been in use since 1997, the hospitals that form this great healthcare system have been a cornerstone of the Houston medical community for over a century.

Their story began in 1907 when Rev. Dennis Pevoto led an effort to purchase an 18-bed sanitarium in downtown Houston, and converted it into what would eventually become known as the Memorial Hospital System. Under its new leadership, the hospital would treat all patients, regardless of religion, race or their ability to pay—a mission that has not changed in the hospital's 100 year history.

Seven years later, prominent Houstonian George H. Hermann bequeathed nearly $2.6 million for the construction of a hospital dedicated to treating the poor and sick of Houston. By 1925 the Hermann Hospital was accepting patients and opening a school of nursing. Eventually, the two hospitals would merge to form what is now known as Memorial Hermann.

Throughout its first 100 years, the hospitals that now form the Memorial Hermann system have been at the leading edge of medicine and technology. Their many firsts include being the first general hospital in Texas to receive penicillin (1943), performing the first cardiac catheterization in Texas (1946), being the first hospital in the nation to be air conditioned (1949), establishing the first general practice residency in Texas (1957), establishing the first hospital-based speech clinic in the South (1965), being the first community hospital in the nation to offer routine hearing tests for newborns (1969), and performing the first ever hand transplant (1992). These accomplishments and many more have brought the medical professionals of Memorial Hermann national and international recognition as one of the best in the business. In fact, Memorial was first voted a "Top 100" hospital in the nation beginning in 1996.

Today, the Memorial Hermann Healthcare System encompasses 16 hospitals employing nearly 19,000 throughout Texas. Its state-of-the-art facilities treat patients and train the nation's next generation of physicians across the state, including in my hometown of The Woodlands.

Madam Speaker, the lives this wonderful hospital has touched are countless. I congratulate them on reaching this magnificent milestone and wish them the best for their next 100 years.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on May 3, 2007, I requested and received a leave of absence from May 3 to May 9, 2007, due to my presence at previous commitments in my district. Had I been present, I would have voted as follows:

Improving Head Start Act of 2007 (H.R. 1429): Rollcall No. 277, the Price of Georgia Amendment, "no"; rollcall No. 278, the Sestak of Pennsylvania Amendment, "aye"; rollcall No. 279, the Hirono of Hawaii Amendment, "aye"; rollcall No. 280, the Mica of Florida Amendment, "no"; rollcall No. 281, the Putnam of Florida Amendment, "no"; rollcall No. 282, the Carnahan of Missouri Amendment, "aye"; and rollcall No. 283, the Shuler of North Carolina Amendment, "aye".

Rollcall No. 284, on Motion to Recommit with Instructions, "no"; rollcall No. 285, on Passage, Improving Head Start Act, H.R. 1429, "aye"; rollcall No. 286, on Motion to Suspend the Rules and Agree, H. Res. 243, "aye"; rollcall No. 287, the Sullivan (OK) Amendment to Honda (CA) Amendment, "no"; rollcall No. 288, the Honda of California Amendment, "aye"; rollcall No. 289, the Campbell of California Amendment No. 5, "no"; rollcall No. 290, the Campbell of California Amendment No. 4, "no"; and rollcall No. 291, the Garrett of New Jersey Amendment No. 11, "no."

Rollcall No. 292, the Flake of Arizona Amendment, "no"; rollcall No. 293, the Matsui of California Amendment, "aye"; rollcall No. 294, the Price of Georgia Amendment, "no"; rollcall No. 295, on Passage, National Science Foundation Authorization Act, H.R. 1867, "aye"; rollcall No. 296, on Ordering the Previous Question, H. Res. 364, "aye"; rollcall No. 297, on Agreeing to the Resolution, H. Res. 364, "aye"; and rollcall No. 298, on Motion to Recommit with Instructions, "no."

Rollcall No. 299, on Passage, To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, H.R. 1592, "aye"; rollcall No. 300, on Motion to Recommit with Instructions, H.R. 1868, "no"; rollcall No. 301, on Passage, Technology Innovation and Manufacturing Stimulation Act, H.R. 1868, "aye"; rollcall No. 302, on Motion to Suspend the Rules and Pass, as Amended, H.R. 407, "aye"; rollcall No. 303, on Motion to Suspend the Rules and Pass, H.R. 1025, "aye"; rollcall No. 304, on Motion to Suspend the Rules and Agree, H. Res. 371, "aye"; rollcall No. 305, on Agreeing to the Resolution, H.R. 1294, "aye"; and rollcall No. 306, on Agreeing to the Resolution, H. Res. 370, "aye".

Rollcall No. 307, on Agreeing to the Resolution, S. Con. Res. 1, "aye"; rollcall No. 308, on Motion to Instruct Conferees, S. Con. Res. 1, "no"; rollcall No. 309, on Motion to Suspend the Rules and Pass, as Amended, H.R. 1595, "aye"; rollcall No. 310, on Ordering the Previous Question, H. Res. 382, "aye"; rollcall No. 311, on Agreeing to the Resolution, H. Res. 382, "aye"; rollcall No. 312, on Agreeing to the Resolution, H. Res. 383, "aye"; rollcall No. 313, on Agreeing to the Resolution, H. Res. 383, "aye"; and rollcall No. 314, on Motion to Suspend the Rules and Pass, as Amended, Student Loan, H.R. 890, "aye".

EEOICPA OMBUDSMAN ENHANCEMENT AND EXTENSION ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. UDALL of New Mexico. Madam Speaker, I am pleased to rise today to introduce the EEOICPA Ombudsman Enhancement and Extension Act of 2007. I am also pleased to be joined in doing so by Representatives UDALL of Colorado, SLAUGHTER, WAMP, WHITFIELD, and HASTINGS.

This important legislation is needed to extend the authorization of the EEOICPA Ombudsman, which is set to expire on October 28th of this year. The office of the EEOICPA Ombudsman was created in 2004 to help individuals making claims under Part E of the program navigate the complex and cumbersome claims process. The EEOICPA Ombudsman has proven to be an effective ally for these Cold War heroes who have contracted serious illnesses as a result of their work for the United States Government.

Since the implementation of EEOICPA, it has become tragically apparent that the program is not working as intended. Claimants face overwhelming obstacles on their road to compensation. From a complex bureaucracy, to a highly technical burden of proof, to intimidating health physics discussions—all the while dealing with the physical and emotional strains of their illnesses—obtaining compensation for many claimants has proven to be a particularly difficult process.

With that in mind, Congress created the Office of the EEOICPA Ombudsman, an independent office tasked with providing information to claimants and advising the Department of Labor concerning additional Resource Centers. However, due to objections from the Administration, language originally included in the FY05 Senate Defense Authorization that provided broader authority for the office was scaled back in favor of the language that ultimately became law. As a result, the Ombudsman was not only scheduled for sunset, but was also prohibited from serving as an advocate for claimants. It was instead restricted to a role in which its powers are limited to making inquiries on behalf of claimants. There is no question the Ombudsman has proven to be extremely valuable even in its limited capacity, but with broader authority, the Ombudsman will be that much more effective as an advocate, helping claimants receive the compensation they deserve, which, after all, is the intention of the EEOICPA program in the first place.

Today, my colleagues and I seek to provide broader authority for the EEOICPA Ombudsman by introducing this legislation. This bill extends the life of the EEOICPA Ombudsman indefinitely, expands its authority from Part E of the program to Part B, and provides contracting authority for services necessary to fulfill their duties. Also, this legislation expands the powers of the EEOICPA Ombudsman to act as an advocate for the claimants when the Ombudsman determines it is appropriate. One other expansion of power in this legislation is to give the Office of the Ombudsman the authority to provide recommendations to Congress about legislative changes needed to make EEOICPA work more effectively. These are all expansions that are greatly needed to help the Ombudsman build on its already valuable role, which, in turn, helps EEOICPA claimants obtain their compensation.

I urge my colleagues to join us in support of this legislation and help improve and expand efforts to provide some measure of justice to our Cold War heroes.

CELEBRATING THE LIFE OF MR. ELISHA GRAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 9, 2007

Mr. CONYERS. Madam. Speaker, I rise today in recognition of a man who may be little known to the Nation, but one who is a treasure to the City of Detroit. Elisha Z. Gray, born on May 1, 1917 in Arlington, TN, right outside of Memphis, celebrated his 90th birthday last week.

At the age of 18, Mr. Gray left Arlington in search of a new life in bustling Detroit. For the next 9 years, he worked on the automobile assembly lines of the famous Packard Plant on East Grand Boulevard. On many occasions during those years, he served as a butcher in Detroit's historic Eastern Market.

It was not until 1944 when Elisha received his barbers' license from Michigan Barber College, that he evolved into his true calling. Since black subjects were not allowed at his school, his first opportunity to cut a black man's hair came in 1945 when he opened the Family Barber Shop on the corner of Hazelett and Milford. In fact, I remember my father John Conyers, Sr. being one of his loyal customers when we lived around the corner from his shop on Colfax.

The Family Barber attracted some of Detroit's most powerful and influential citizens, most of whom came from the west side of Detroit. Mr. Gray not only served his more distinguished clientele, but he was equally inviting to his everyday customers from the neighborhood. The Family Barber was the centerpiece that allowed the two worlds to intersect. His shop was also used as a training ground for other young black African-American barbers who would have their first experience cutting hair for blacks. In addition, he sponsored various athletic teams which enabled the neighborhood youth to get involved in constructive recreational activities, and encouraged them to stay off the streets and out of trouble.

I was sad to hear that Elisha sold the Family Barber in 1972, but it came as no surprise that he was already pursuing a new venture. Soon, he became a real estate agent, then a broker and soon after, he established E.Z. Gray & Sons Realtors on Puritan in Detroit. Although he has long retired from the real estate business, he still continues to work in the field even today.

He has been instrumental in inspiring and encouraging youth, and especially the young men of Detroit to follow their dreams and overcome life's challenges. He is still engaged in a lifelong passion of getting all citizens registered and voting in all elections, both local and national.

Elisha Gray is married to Mrs. Labada Elizabeth Gray with whom he celebrated 65 years of marriage with on May 5, 2007. They have three children, seven grandchildren, and seven great-grandchildren. He also currently serves as Chair of the Deacon Board at the Northwest Church of God in Detroit.

So, Madam Speaker, I am deeply honored to celebrate the 90th birthday of a friend, a brother, and a living Detroit legend, Mr. Elisha Z. Gray.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Wednesday, May 9, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 10

9 a.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a status report on reform efforts by the Under Secretary of Homeland Security for Management.

SD-342

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the nominations of Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary for Fish and Wildlife.

SD-366

Indian Affairs

Business meeting to consider S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act, S. 310, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, H.R. 835, to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians, and S.J. Res. 4, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

SR-485

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine the Federal Aviation Administration's budget performance and treatment.

SD-138

10 a.m.

Finance

To hold hearings to examine economic issues for America's working families and middle class.

SD-215

Judiciary

To hold hearings to examine the nominations of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Janet T. Neff, to be United States District Judge for the Western District of Michigan, and Liam O'Grady, to be United States District Judge for the Eastern District of Virginia.

SD-226

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the effects of climate change and ocean acidification on living marine resoucres.

SR-253

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of State and foreign operations.

SD-106

2:30 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine violent Islamist extremism, focusing on government efforts to defeat it.

SD-342

3 p.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of David George Nason, of Rhode Island, to be an Assistant Secretary of the Treasury, Mario Mancuso, of New York, to be Under Secretary of Commerce for Export Administration, Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank, Scott A. Keller, of Florida, to be an Assistant Secretary of Housing and Urban Development, Robert M. Couch, of Alabama, to be General Counsel of the Department of Housing and Urban Development, and Janis Herschkowitz, of Pennsylvania, David George Nason, of Rhode Island, and Nguyen Van Hanh, of California, each to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

SD-538

MAY 15

10 a.m.

Energy and Natural Resources

To hold hearings to examine the short-term energy outlook for summer 2007, focusing on oil and gasoline.

SD-366

Environment and Public Works

To hold hearings to examine green buildings, focusing on benefits to health, the environment, and the bottom line.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine equal representation in Congress, focusing on providing voting rights to the District of Columbia.

SD-342

Judiciary

To hold hearings to examine the Department of Justice politicizing the hiring

and firing of United States Attorneys, focusing on preserving prosecutorial independence.
SD–226

Health, Education, Labor, and Pensions
Retirement and Aging Subcommittee
To hold hearings to examine Alzheimer's disease, focusing on current and future breakthrough research.
SD–628

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 553, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, S. 916, to modify the boundary of the Minidoka Internment National Monument, to establish the Minidoka National Historic Site, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho, S. 1057, to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the States of North Carolina and Virginia as a component of the National Wild and Scenic Rivers System, S. 1209, to provide for the continued administration of Santa Rosa Island, Channel Islands National Park, in accordance with the laws (including regulations) and policies of the National Park Service, S. 1281, to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic River System, H.R. 161, to adjust the boundary of the Minidoka Internment National Monument to include the Nidoto Nai Yoni Memorial in Bainbridge Island, Washington, H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives, and H.R. 376, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the battlefields and related sites of the First and Second Battles of Newtonia, Missouri, during the Civil War as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a separate unit of the National Park System.
SD–366

MAY 16

10 a.m.
Environment and Public Works
Clean Air and Nuclear Safety Subcommittee
To hold hearings to examine the state of mercury regulation, science, and technology.
SD–406

Finance
To hold hearings to examine the efficacy of United States preference programs.
SD–215

Judiciary
To hold hearings to examine rogue online pharmacies, focusing on the growing problem of internet drug trafficking.
SD–226

Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Small Business and Entrepreneurship
Business meeting to markup S. 1256, to amend the Small Business Act to reauthorize loan programs under that Act.
SR–428A

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the United States Securities and Exchange Commission.
SD–192

MAY 17

9:30 a.m.
Armed Services
To hold hearings to examine the United States European Command in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine violence in the media.
SR–253

MAY 22

9 a.m.
Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

10 a.m.
Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–232A

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold hearings to examine rail safety reauthorization.
SR–253

12:30 p.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

4 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

5:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–232A

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine health legislation.
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications, taxation and federalism.
SR–253

11:30 a.m.
Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

MAY 24

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for Fiscal Year 2008.
SR–222

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Michael E. Baroody, of Virginia, to be Chairman and Commissioner of the Consumer Product Safety Commission, and Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority.
SR–253

CANCELLATIONS

MAY 10

2[illegible] m.
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To hold closed hearings to examine certain intelligence matters.
SH–219

POSTPONEMENTS

2 p.m.
Judiciary
To hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.
SD–226